

GENERAL ORDINANCE NO. __3__, 2023

**BEING AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 4 AND CHAPTER 7
OF THE WABASH CITY CODE FOR THE CITY OF WABASH, INDIANA
MAKING CHANGES TO THE ADOPTION BY THE CITY OF CERTAIN PUBLIC
SAFETY AND BUILDING CODES**

WHEREAS, the City of Wabash heretofore adopted an ordinance incorporating certain public safety and building construction codes for the City; and

WHEREAS, these adopted codes have been amended and changed such that the codes to which the City ordinance are no longer in effect or applicable; and

WHEREAS the City desires to adopt certain current codes regarding public safety and building construction standards and to have the amendments and changes to such codes to be effective for the City as they occur;

NOW THEREFORE BE IT HEREBY ORDAINED that Chapter 6 Article 4, amended as follows:

SECTION 1. Sections 6-38 through 6-43 shall be deleted in their entirety.

SECTION 2. New Sections 6-38-43 shall be inserted into the Wabash City Code which sections shall read as follow:

- **Sec. 6-38. - Adoption of Indiana Fire Code.**

A certain document, copies of which are on file in both the Office of the Clerk-Treasurer and the Chief of the Wabash City Fire Department, being marked and designated as the Indiana Fire Code, including as now or hereafter amended, be and is hereby adopted as the Code of the City of Wabash for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials, and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the city and providing for the issuance of permits for hazardous uses or operations; and each and all of the regulations, provisions and terms of such Indiana Fire Code, as now or hereafter amended, on file in the offices of the city are hereby referred to, adopted and made a part hereof as if fully set out in this section except as otherwise modified herein.

- **Sec. 6-39. - Establishment and duties of bureau of fire prevention.**

- a. **The International Fire Code shall be enforced by the Chief of the Fire Department of the City of Wabash, Indiana.**

- b. The chief of the fire department may detail such members of the fire department as inspectors as shall from time to time be necessary.
 - c. A report of the bureau of fire prevention shall be made annually and transmitted to the chief executive officer of the municipality. It shall contain all proceedings under this code, with such statistics as the chief of the fire department may wish to include. The chief of the fire department shall also recommend any amendments to the code which, in his judgment, shall be desirable.
- **Sec. 6-40. - Definitions.**
 - a. Whenever the word "municipality" is used in the International Fire Code,, it shall be held to mean the City of Wabash, Indiana.
 - b. Whenever the term "corporation counsel" is used in the International Fire Code, it shall be held to mean the attorney for the City of Wabash, Indiana.
 - c. Whenever the term "zoning map" is used, the zoning map referred to is the current zoning map or maps as contained in the zoning ordinance of the City of Wabash, General Ordinance 1-1995, as amended from time to time, a copy of which is incorporated herein by reference.

Sec. 6-41. - Name of jurisdiction.

Any reference in the International Fire Code to "Name of Jurisdiction" shall be replaced with "the City of Wabash, Indiana."

- **Sec. 6-42. - Penalties.**
 - a. If any person, firm or corporation shall violate any of the provisions of the International Fire Code as adopted by the City of Wabash, Indiana, by reference, or shall do any act prohibited therein, or shall fail to perform any duty lawfully enjoined, within the time prescribed by the building commissioner, fire chief or fire inspector for the City of Wabash, Indiana or shall fail, neglect or refuse to obey any lawful order given by the building commissioner, fire chief or fire inspector of the City of Wabash, Indiana in connection with the provisions of this Article for each violation, failure or refusal, such person, firm or corporation shall be fined in any sum not less than ten dollars (\$10.00), nor more than two thousand dollars (\$2,000.00). Each day of such unlawful activity as is

prohibited by the first sentence of this section shall constitute a separate offense. The Code Official or anyone else acting on behalf of the City of Wabash, Indiana may also pursue any and all other remedies as they may now or hereafter exist in accordance with the terms of the International Fire Code, 2003 as adopted by the City of Wabash, Indiana by reference, state statutes or regulations, or federal statutes or regulations and a stop order shall not be a prerequisite for taking any other action against any person violating the terms of the International Fire Code, 2003 as adopted by the City of Wabash, Indiana by reference."

- b. The reference in section 114 of the Indiana Fire Code "to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars" shall be construed to refer to such penalties as set forth in this Section 42 of Chapter 6, Article 4 of the Wabash City Code.
- c. All of section 109.3 of the Indiana Fire Code shall be deleted and the provisions of this section shall apply in its place.
- **Sec. 6-43. - Location of hazardous substances, materials, and devices.** In Sections 3204.3.1.1, 3404.2.9.5.1, 3206.2.4.4, 3804.2 and any where else in the Indiana Fire Code adopted herein by reference by the City of Wabash, Indiana where restrictions, regulations and other provisions concerning the location of the use and storage of Hazardous Substances is covered by provisions using the language "within the limits established by law in the adopting ordinance as the limits of districts in which such storage is prohibited" such language shall be construed to refer to those regulations established by the zoning ordinance for the City of Wabash, Indiana, at **Chapter 10**, of this Code, as amended from time to time, and in the event there is no provision for such in the zoning ordinance, then such may be permitted as a special exception only in light industrial and heavy industrial districts within the jurisdiction of the Wabash City Plan Commission.

SECTION 3. Sections 7.7 shall be deleted in their entirety.

SECTION 4. New Sections 7.7 shall be inserted into the Wabash City Code which section shall read as follow:

SECTION 5. This ordinance shall take effect upon its passage by the Common Council

PASSED BY THE COMMON COUNCIL OF THE CITY OF WABASH, INDIANA THIS 27TH DAY OF JUNE, 2022.

By: _____
John Burnsworth, President of the Common Council

PRESENTED BY ME TO THE MAYOR OF THE CITY OF WABASH ON THE 27TH DAY OF JUNE, 2022 AT THE HOUR OF _____ O'CLOCK ____ M.

Wendy Frazier, Clerk-Treasurer

THIS ORDINANCE WAS APPROVED AND SIGNED ON THE 27TH DAY OF JUNE, 2022 AT THE HOUR OF _____ O'CLOCK ____ M.

Scott A. Long, Mayor

ATTEST:

Wendy Frazier, Clerk-Treasurer