

REGULAR MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.

Monday, August 1, 1921.

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, August 1, 1921, at 7:30 o'clock in regular session, President Pro Tem Jacob P. Brown in the chair.

Present: The Hon. Jacob P. Brown, President Pro Tem of the Common Council, and seven (7) members, viz.: Messrs. Carnefix, Furniss, Kirsch, Miller, Peake, Pettijohn and Schmidt.

Absent: President Willson.

Mr. Furniss moved that the reading of the Journal be dispensed with. Carried.

COMMUNICATIONS FROM THE MAYOR.

July 19, 1921.

To the President and Members of the Common Council, City of Indianapolis:

Gentlemen: I have this day signed and delivered to George O. Hutsell, City Clerk, General Ordinance No. 52, an ordinance authorizing the City of Indianapolis to make a temporary loan or loans for the use of the Board of Health of the City of Indianapolis, Indiana, in anticipation of its current revenues and payable out of the current revenues of said board for the year 1921, authorizing the rate of interest to be charged therefor, providing for legal notice and fixing a time when the same shall take effect.

Yours very truly,

CHARLES W. JEWETT,

Mayor.

July 23, 1921.

President and Members of the Common Council, City of Indianapolis:

Gentlemen: I have this day signed and delivered to George O. Hutsell, City Clerk, the following ordinances:

General Ordinance No. 53—An ordinance transferring the sum of \$1,500.00 from the Police Salary Fund of the Department of Public Safety, transferring and reappropriating the same to the Police Material and Supply for Regulating Traffic Fund of the Department of Public Safety.

General Ordinance No. 54—An ordinance approving a certain contract granting Klinestone Manufacturing Company the right to lay and maintain a switch track.

Appropriation Ordinance No. 16—An ordinance appropriating the sum of \$150.25 to the Department of Public Safety.

Appropriation Ordinance No. 17—An ordinance appropriating the sum of \$12,000.00 to the Department of Finance for the purpose of aiding and preparing for the Fifty-fifth National Encampment of the Grand Army of the Republic.

Appropriation Ordinance No. 18—An ordinance transferring and appropriating certain sums of money to certain funds of the Department of Public Works.

Yours very truly,

CHARLES W. JEWETT,

Mayor.

REPORTS FROM CITY OFFICERS.

From the City Controller:

July 30, 1921.

Hon. President and Members of the Common Council, Indianapolis, Indiana:

Gentlemen: Enclosed please find communication from the Board of Public Works requesting an appropriation of \$35,000 to the Water Rental Fund of the Department of Public Works. The necessity for this additional appropriation arises from the fact that the Public Service Commission granted the Water Company an increased rental on fire hydrants of 33½ per cent. It is therefore necessary to increase this fund in order to take care of the water rental for the balance of the year.

I am enclosing ordinance covering same, and recommend its passage.

Yours very truly,

ROBERT H. BRYSON,

City Controller.

July 22, 1921.

Mr. Robert H. Bryson, City Controller, City of Indianapolis:

Dear Sir: I am submitting herewith for your approval and transmission to the Common Council an ordinance appropriating the sum of Thirty-five Thousand Dollars for the Water Rental Fund of the Department of Public Works.

Yours truly,

W. F. CLEARY,

Clerk, Board of Public Works.

From the Board of Public Works:

July 20, 1921.

Mr. George O. Hutsell, City Clerk, City of Indianapolis:

Dear Sir: I am submitting herewith for transmission to the Common Council a switch contract granting permission to the Allen A. Wilkinson Lumber Company to lay and maintain a sidetrack or switch from the end of the present sidetrack or switch leading from the drill track of the C., C. & St. L. R. R. and crossing the first alley east of Pine Street at a point about 10 feet north of the north line of the first alley south of Michigan Street.

Yours truly,

W. F. CLEARY,

Clerk, Board of Public Works.

WFC:V.

REPORTS FROM STANDING COMMITTEES.

From the Committee on Finance:

Indianapolis, August 1, 1921.

To the President and Members of the Common Council of the City of Indianapolis, Indiana:

Gentlemen: We, your Committee on Finance, to whom was referred Appropriation Ordinance No. 19, 1921, entitled An ordinance appropriating the sum of \$291.67 to and for the use of the Department of Finance to the fund known as "Salaries, City Court," and appropriating the sum of \$75.00 to and for the use of the Department of Finance to the fund known as "Salaries, Mayor's Office," beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

J. E. MILLER,

S. A. FURNISS,

O. B. PETTIJOHN,

J. P. BROWN,

LEE J. KIRSCH.

Mr. Miller moved that the report of the Committee be concurred in. Carried.

From the Committee on Finance:

Indianapolis, Ind., August 1, 1921.

To the President and Members of the Common Council of the City of Indianapolis, Indiana:

Gentlemen: We, your Committee on Finance, to whom was referred General Ordinance No. 55, entitled An ordinance authorizing the City Controller to make a temporary loan in the name of the City of Indianapolis for the use of the Department of Public Parks of the City of Indianapolis in anticipation of revenues to be received from taxes as provided by law to enable said department to meet a deficit for the present fiscal year, authorizing the rate of interest to be paid thereon, beg leave to report that we have had said ordinance under consideration, and recommend that the same be stricken from the files.

J. E. MILLER,
S. A. FURNISS,
O. B. PETTIJOHN,
J. P. BROWN,
LEE J. KIRSCH.

Mr. Miller moved that the report of the Committee be concurred in. Carried.

From the Committee on Public Works:

Indianapolis, Ind., August 1, 1921.

To the President and Members of the Common Council of the City of Indianapolis, Indiana:

referred Ordinance No. 48, 1921, entitled An ordinance amending Sec-

Gentlemen: We, your Committee on Public Works, to whom was referred Ordinance No. 271 of General Ordinances, beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

S. A. FURNISS,
J. E. MILLER,
O. B. PETTIJOHN,
L. W. CARNEFIX.

Mr. Furniss moved that the report of the Committee be concurred in. Carried.

INTRODUCTION OF APPROPRIATION ORDINANCES.

By the City Controller :

APPROPRIATION ORDINANCE No. 20, 1921.

AN ORDINANCE appropriating the sum of Thirty-five Thousand (\$35,000.00) Dollars to the Water Rental Fund of the Department of Public Works, and declaring a time when the same shall take effect.

Be it Ordained by the Common Council of the City of Indianapolis:

Section 1. That there be and is hereby appropriated the sum of Thirty-five Thousand (\$35,000.00) Dollars to the Water Rental Fund of the Department of Public Works,

Sec. 2. This ordinance shall be in full force and effect from and after its passage.

Which was read a first time and referred to the Committee on Finance.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

By the City Controller :

GENERAL ORDINANCE No. 56, 1921.

AN ORDINANCE regulating the dumping of materials, fixing penalties and prescribing a time when the same shall take effect.

Be it Ordained by the Common Council of the City of Indianapolis, Indiana:

Section 1. That no person, firm or corporation shall cause or permit any waste or refuse matter whatever to be deposited in or to enter directly or indirectly into any stream or water course within the City of Indianapolis.

Sec. 2. That no person, firm or corporation shall cause or permit the contents of any privy vault, cesspool, septic tank or other device for reception of fecal or other refuse matter to enter directly or indirectly into any stream or watercourse within the limits of the City of Indianapolis.

Sec. 3. That the provisions of the foregoing sections hereof shall not apply to any instance in which any of the substances therein named is indirectly deposited in or permitted to enter any stream having first been caused to enter any public sewer.

Sec. 4. That no person, firm or corporation shall dump or deposit any waste or refuse matter at any place in the City of Indianapolis within five hundred (500) feet of any stream, water-course, park, parkway or park boulevard without first obtaining from the Board of Public Health and Charities of said city and, when the proposed place of dumping is within five hundred (500) feet of any park, parkway or park boulevard, from the Board of Park Commissioners a permit so to do.

Sec. 5. That when any application for a permit to dump is made as provided in Section Four (4) hereof if the matter to be dumped is offensive to the sense of smell or injurious to the public health or is reasonably calculated to become so, the Board of Public Health and Charities shall refuse such permit; and if any matter sought to be dumped within five hundred (500) feet of any park, parkway, or boulevard shall be or be reasonably calculated to become unsightly or obnoxious, the Board of Park Commissioners shall refuse to permit to dump the same; provided, that no fee shall be required for the issue of any permit hereunder.

Sec. 6. Any person violating any provision hereof shall be fined in any sum not more than One Hundred Dollars (\$100).

Sec. 7. This ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

Which was read a first time.

Mr. Furniss moved that the rules be suspended and General Ordinance No. 56, 1921, be placed upon its passage.

The roll was called and the motion to suspend the rules carried by the following vote:

Ayes, 8, viz.: Messrs. Carnefix, Furniss, Kirsch, Miller, Peake, Pettijohn, Schmidt and President Pro Tem Jacob P. Brown.

Mr. Furniss called for General Ordinance No. 56, 1921, for second reading. It was read a second time.

Mr. Furniss moved that General Ordinance No. 56, 1921, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 56, 1921, was read a third time and passed by the following vote:

Ayes, 8, viz.: Messrs. Carnefix, Furniss, Kirsch, Miller, Peake, Pettijohn, Schmidt and President Pro Tem Jacob P. Brown.

By the Board of Public Works:

SWITCH CONTRACT.

GENERAL ORDINANCE NO. 57, 1921.

AN ORDINANCE approving a certain contract granting to Allen A. Wilkinson Lumber Company the right to lay and maintain a side-track or switch from drill track of C., C., C. & St. L. Railroad Company and crossing first alley east of Pine Street at a point about ten feet north of the north line of the first alley south of Michigan Street, according to blue print attached, in the City of Indianapolis, Indiana.

WHEREAS, heretofore, to wit: on the 19th day of July, 1921, Allen A. Wilkinson Lumber Company of Indianapolis, Indiana, filed its petition before the Board of Public Works of the City of Indianapolis, as follows:

PETITION.

To Board of Public Works, City of Indianapolis:

Gentlemen: The undersigned, the owner of the following described real estate in Marion County, Indiana, to wit: Lots 21, 22, 23, 24, 25 and part of Lot 26 in John A. Bradshaw's Subdivision of a part of Out Lots 50 and 55 in the City of Indianapolis, Indiana, does hereby petition this Honorable Board for the right to lay and maintain a sidetrack or switch from the track of the C., C., C. & St. L. Railway Company across the first alley east of Pine Street in the City of Indianapolis, Indiana, about ten feet north of the first alley south of Michigan Street in said city.

NOW, THEREFORE, This agreement made and entered into this 20th day of July, 1921, by and between Allen A. Wilkinson Lumber Company, of the City of Indianapolis, County of Marion, State of

Indiana, party of the first part, and the City of Indianapolis, by and through its Board of Public Works, party of the second part.

WITNESSETH: That the party of the first part, being desirous of securing a right-of-way for a sidetrack or switch from the track of the C., C., C. & St. L. Railway Company across the first alley east of Pine Street, in the City of Indianapolis, Indiana, about ten feet north of the first alley south of Michigan Street, in the City of Indianapolis, which is more specifically described as follows:

An extension from the end of the present sidetrack or switch, said sidetrack or switch leading from the drill track of the C., C., C. & St. L. Railroad Company, as designated upon the drawing hereto attached and marked Exhibit A, said extension to cross the first alley east of Pine Street in the City of Indianapolis, Indiana, at a point about ten feet north of the north line of the first alley south of Michigan Street, hereby covenants and fully binds itself, its successors, legal representatives and assigns, that, in consideration of the grant of the privileges and authority herein given, it will lay, construct and maintain said track upon the terms and conditions hereinafter set forth, to wit:

(1) They shall be so laid, improved and kept in order as to be safe for persons on foot, in vehicles or otherwise, and shall, at all times, be subject to the orders of the Board of Public Works of the City of Indianapolis.

(2) Said track and switch shall be laid upon such grade as shall be established by said Board, and shall be put down under its supervision and to its satisfaction and approval. Said track shall be raised or lowered to conform to any grade which may, from time to time, be hereafter established, whenever so ordered, in writing, by said Board, and shall be made to conform in all respects with any ordinance passed by the Common Council or with any resolution or resolutions made by said Board, for the elevation or depression of said tracks.

(3) The crossing where said track intersects said alley shall, at all times, be kept improved and in repair and free from obstruction or defects of any kind. No car or cars shall be permitted to obstruct such crossing or to be thereon except for such time as may be absolutely necessary in moving them back and forth, and they shall be at no time stopped or detained thereon in such manner as to obstruct public travel.

(4) Said party of the first part agrees, upon the written order of said Board, made for any good cause affecting the interest of the City or the public welfare, to take up and remove said track, and upon said party's failure so to do, upon such notification in writing, of ten (10) days, to promptly pay the cost of having the same done, and the party of the first part hereby releases all claims for damages whatsoever

that may arise by reason of such removal; and in removing said track or causing the same to be done, said Board shall in no wise become a trespasser.

(5) The party of the first part agrees to pave between said track to the entire satisfaction of the second party, and in case said tracks shall be or become out of repair or in need of being reconstructed, or become in any way defective (of which fact the said Board shall be the exclusive judge), it shall be the duty of the said party of the first part to promptly repair or remove same, failing in which, after notification in writing of ten (10) days, said Board shall do or cause the same to be done at the expense of the said party of the first part, and for which expense and cost the said party of the first part shall be liable.

(6) The said party of the first part herein binds himself to hold said party of the second part and said city harmless from any and all claims for damages growing out of the existence, maintenance or use of said track, and to pay any judgment, with costs, that may on that account be rendered against the said party or said city, and also to pay all necessary expenses that may be incurred by said city in defending against any such claims.

(7) Any violations of any of the provisions of this instrument by said party of the first part, or by any one for it or at its instance or with its permission, shall operate as an immediate and absolute forfeiture of the privileges and authority given or granted by this contract, provided, however, that the same may be terminated by said Board as hereinbefore set forth.

Said party of the second part by virtue of the provisions of an act of the General Assembly of the State of Indiana, entitled "An act concerning municipal corporations," approved March 6, 1905, and in consideration of the things hereinbefore set forth and upon the terms and provisions stipulated, hereby gives, grants and duly vests said party of the first part the right, privilege and authority to lay and maintain an additional sidetrack or switch across the first alley east of Pine Street in the City of Indianapolis, Indiana, at a point about ten feet north of the north line of the first alley south of Michigan Street, in the City of Indianapolis, all as shown by the drawing attached hereto, filed herewith and for greater certainty marked "Exhibit A." This contract shall be null and void unless said switch or sidetrack is constructed within one year from the date of the approval thereof by the Council of the City of Indianapolis.

IN WITNESS WHEREOF, We have hereunto set our hands this 20th day of July, 1921.

ALLEN A. WILKINSON LUMBER COMPANY,
By A. A. Wilkinson,
Secretary-Treasurer and General Manager,
Party of the First Part.

Witness: Herman W. Kothe.

CITY OF INDIANAPOLIS,
By Mark H. Miller, President,
J. W. Lemaux,
R. Shirley,

(Seal.) Board of Public Works.

Approved:

F. C. Lingenfelter, C. C. E.

AND, WHEREAS, Said contract has been submitted by the Board of Public Works to the Common Council of the City of Indianapolis, for its consideration and action, now, therefore,

Section 1. *Be it ordained by the Common Council of the City of Indianapolis, Indiana*, that such contract above set forth be, and the same is hereby in all things confirmed and approved.

Sec. 2. This ordinance shall be in full force and effect from and after its passage.

Which was read a first time and referred to the Committee on Public Works.

By Mr. Brown:

GENERAL ORDINANCE No. 58, 1921.

AN ORDINANCE regulating the operation of "Jitneys" within the City of Indianapolis, Indiana, defining the term "Jitney", providing a penalty for the violation thereof and declaring a time when same shall take effect.

Be it Ordained by the Common Council of the City of Indianapolis, Indiana:

Section 1. That no person, firm or corporation shall drive, run, or operate any "Jitney" upon or along any street, avenue or roadway within the City of Indianapolis, Indiana, upon which there is located any street car track or tracks upon and over which street or interurban cars are regularly operated; providing, however, that nothing herein contained shall be construed as prohibiting any such "jitney" from crossing any such street, avenue or roadway.

Sec. 2. The term "Jitney" within the meaning of this ordinance shall be deemed to mean any vehicle operated within such city for the carriage or passengers for hire, except taxi cabs, street and interurban railway cars and steam railroad locomotive and cars.

Sec. 3. Any person, firm or corporation violating any of the provisions of this ordinance shall, upon conviction, be fined in any sum not exceeding \$300.00, to which may be added imprisonment not exceeding one hundred eighty days.

Sec. 4. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Which was read a first time and referred to the Committee on Public Works:

By Mr. Pettijohn:

GENERAL ORDINANCE No. 59, 1921.

AN ORDINANCE concerning the sale and inspection of meats in the City of Indianapolis, providing penalties for the violation thereof and declaring a time when the same shall take effect.

Be it Ordained by the Common Council of the City of Indianapolis:

Section 1. No meat of any kind or character shall be sold or delivered, offered for sale or held with the intention of being sold or otherwise disposed of for human food in the City of Indianapolis unless the animal furnishing the same shall have been examined by the City Sanitarian, meat inspector, or agent of the Board of Health of the City of Indianapolis, and the meat thereof stamped and labeled with the stamp or label of approval of the Board of Health of the City of Indianapolis, provided, however, that this ordinance shall not apply when such meat has been examined, inspected and approved by agents of the United States Government.

Sec. 2. Carcasses of animals killed for the purpose of being sold for human food in the City of Indianapolis shall be offered for inspection at a place designated by the Board of Health of the City of Indianapolis, and such carcasses presented for inspection must have the head, heart, liver and lungs held by their natural attachments. The city sanitarian or chief meat inspector of the City of Indianapolis shall be notified by the person or persons desiring said carcass or portion thereof inspected, and it shall be the duty of the city sanitarian, meat inspector or agent of the Board of Health to inspect the same by daylight. If found to be free from disease and otherwise sound and healthful, said carcass or portions thereof shall be passed

and approved and stamped and labeled, which stamp or label shall bear the words "Approved, Board of Health, Indianapolis", and such other identifying marks as such Board may choose to incorporate in such stamp or label. If said carcass or portion thereof shall be diseased, unsound, unwholesome, or otherwise unfit for human food, the same shall be condemned and destroyed for food purposes in such manner as the Board of Health may direct.

Sec. 3. No marks, stamp or label of the Board of Health as provided herein shall be placed upon or attached to any carcass or portion thereof of any animal to be offered as human food except by the city sanitarian, meat inspector, or agent of the Board of Health of the City of Indianapolis.

Sec. 4. No person, firm or corporation shall offer for sale within the City of Indianapolis any cattle, calves, swine, sheep, goats, fish, fowl, or poultry or meat thereof which has been condemned by the city sanitarian, meat inspector or agent of the Board of Health, or by agents of the United States Government, or which is unsound, diseased, unwholesome or otherwise unfit for human food.

Sec. 5. The Commissioners of the Department of Public Health and Charities may make such rules regarding the hours and method of killing as in their judgment may be necessary.

Sec. 6. Any person, firm or corporation violating any of the provisions of this ordinance shall be fined in any sum not more than Three Hundred Dollars (\$300.00) for each offense or six (6) months in the county jail, or both, for each offense and shall be committed to jail until such fine and costs are paid.

Sec. 7. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Which was read a first time and referred to the Committee on Health and Charities.

By the Board of Park Commissioners:

GENERAL ORDINANCE No. 60, 1921.

AN ORDINANCE authorizing the City Controller to make a temporary loan in the name of the City of Indianapolis for the use of the Department of Public Parks to the City of Indianapolis in anticipation of revenues to be received from taxes as provided by law to enable said department to meet a deficit for the present fiscal year, authorizing the rate of interest to be paid therefor, and fixing the time when the same shall take effect.

WHEREAS, the revenues of the Department of Public Parks of the City of Indianapolis, an executive department of said city, are insufficient and so impaired as not to enable it to complete its fiscal year without a deficit; now therefore,

Be it ordained by the Common Council of the City of Indianapolis, Indiana:

Section 1. That the City Controller of the City of Indianapolis is hereby authorized to negotiate a temporary loan in the sum of eighty-five thousand (\$85,000.00) dollars in the name of the City of Indianapolis, in anticipation of revenues to be derived from taxes, as provided by law, which said loan shall be payable from the revenues of said Department of Public Parks to be derived from taxes as provided by law, shall bear interest at a rate not exceeding six per cent (6%) per annum, and shall mature not later than December 31, 1921, with the privilege of payment of the same or any part thereof at any time after sixty (60) days from date. The City Controller is authorized and empowered to negotiate such loan in such amounts and at such times as the Board of Park Commissioners shall request, provided, however, that no part of said loan shall be made to extend beyond December 31, 1921.

Said loan shall be awarded to the lowest bidder at competitive bidding on the annual rate of interest and under the conditions prescribed in a notice of the same which the Controller shall cause to be published by at least two insertions one week apart in a daily newspaper of general circulation published in the City of Indianapolis, the last of which said publications shall be at least five days before the date set for awarding of said loan.

The form of obligation to be executed on behalf of the City of Indianapolis for such loan as well as the terms and tenor thereof not otherwise in this ordinance specified shall be such as may be determined by the City Controller to be most expedient, and the Mayor and the City Controller are hereby authorized to execute such evidence of indebtedness for and on behalf of the City of Indianapolis for the use of the Department of Public Parks of the City of Indianapolis; and when so executed, to the payment thereof the City of Indianapolis is hereby irrevocably pledged.

Sec. 2. This ordinance shall be in full force and effect from and after its passage.

Which was read a first time.

Mr. Schmidt moved that the rules be suspended and General Ordinance No. 60, 1921, be placed upon its passage.

The roll was called and the motion to suspend the rules carried by the following vote:

Ayes, 8, viz.: Messrs. Carnefix, Furniss, Kirsch, Miller, Peake, Pettijohn, Schmidt and President Pro Tem Jacob P. Brown.

Mr. Schmidt called for General Ordinance No. 60, 1921, for second reading. It was read a second time.

Mr. Schmidt moved that General Ordinance No. 60, 1921, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 60, 1921, was read a third time and passed by the following vote:

Ayes, 8, viz.: Messrs. Carnefix, Furniss, Kirsch, Miller, Peake, Pettijohn, Schmidt and President Pro Tem Jacob P. Brown.

ORDINANCES ON SECOND READING.

Mr. Miller called for Appropriation Ordinance No. 19, 1921, for second reading. It was read a second time.

Mr. Miller moved that Appropriation Ordinance No. 19, 1921, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 19, 1921, was read a third time and passed by the following vote:

Ayes, 8, viz.: Messrs. Carnefix, Furniss, Kirsch, Miller, Peake, Pettijohn, Schmidt and President Pro Tem Jacob P. Brown.

Mr. Miller called for General Ordinance No. 55, 1921, for second reading. It was read a second time.

Mr. Miller moved that General Ordinance No. 55, 1921, be stricken from the files.

The roll was called and General Ordinance No. 55, 1921, was stricken from the files by the following vote:

Ayes, 8, viz.: Messrs. Carnefix, Furniss, Kirsch, Miller, Peake, Pettijohn, Schmidt and President Pro Tem Jacob P. Brown.

Mr. Furniss called for General Ordinance No. 48, 1921, for second reading. It was read a second time.

Mr. Furniss moved that General Ordinance No. 48, 1921, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 48, 1921, was read a third time and passed by the following vote:

Ayes, 8, viz.: Messrs. Carnefix, Furniss, Kirsch, Miller, Peake, Pettijohn, Schmidt and President Pro Tem Jacob P. Brown.

On motion of Mr. Schmidt the Common Council at 9:25 o'clock P. M. adjourned.

President Pro Tem.

Attest:

A handwritten signature in cursive script, likely belonging to the City Clerk, written in dark ink. The signature is fluid and somewhat stylized, with a long horizontal flourish extending to the right.

City Clerk.