REGULAR MEETING

The Common Council of the City of Indianapolis, met in the Council Chamber, Monday evening, September 18, 1922, at 7:30 o'clock in regular session, President Theodore J. Bernd in the chair.

Present: The Hon. Theodore J. Bernd, President of the Common Council, and eight members, viz: Messrs. Bramblett, Buchanan Clauer, Claycombe, King, Ray, Thompson and Wise.

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

COMMUNICATION FROM THE MAYOR.

September 5, 1922.

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

Gentlemen—I have approved, signed and delivered to John W. Rhodehamel, City Clerk, Appropriation Ordinance No. 25, 1922, an ordinance appropriating the sum of One Thousand Three Hundred Eighteen and Ninety-three hundredths ($1,318.93) Dollars to, and for the use of, the Department of Public Works to the fund known as the "Assessments Against the City of Indianapolis Fund," and declaring a time when the same shall take effect.

General Ordinance No. 68, 1922, an ordinance ordering the Board of Public Works of the City of Indianapolis, Indiana, to improve Ray Street from the west property line of Union Street to the East property line of Meridian Street by grading and paving the roadway with wooden blocks, asphalt, bituminous concrete or brick, as provided for under Improvement Resolution No. 10288, adopted on the 26th day of May, 1922, and declaring a time when the same shall take effect.

General Ordinance No. 74, 1922, an ordinance transferring the sum of Five Hundred ($500.00) Dollars from the Patriotic Gardener's Association fund and reappropriating the same to the City Hall Furniture and Fixture fund, in the Department of Public Works, of the City of Indianapolis, Indiana, and declaring a time when the same shall take effect.

General Ordinance No. 75, 1922, an ordinance transferring and reappropriating certain funds under the Department of Public Works, and declaring a time when the same shall take effect.

General Ordinance No. 76, 1922, an ordinance transferring and reappropriating certain funds under the Department of Public Works, and declaring a time when the same shall take effect.

General Ordinance No. 77, 1922, an ordinance transferring and reappropriating certain funds under the Department of Public Works, and declaring a time when the same shall take effect.

General Ordinance No. 80, 1922, an ordinance amending Section 278 of General Ordinance No. 12, 1917, and declaring a time when the same shall take effect.

Very truly yours,
S. L. SHANK,
Mayor.

September, 6, 1922.

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

Gentlemen—I have approved, signed and delivered to John W. Rhodehamel, City Clerk, General Ordinance No. 78, 1922, an ordinance approving a certain contract granting J. S. Holliday Realty Co. the right to lay and maintain a sidetrack or switch from the North property line of Maryland Street across Maryland Street into its property at the South-east corner of Maryland and Missouri Streets, according to blue print attached, in the City of Indianapolis, Indiana.

Very truly yours,
LEW SHANK,
Mayor.

September 13, 1922.

Gentlemen—I have this day approved, signed and delivered to John W. Rhodehamel, City Clerk, the following Ordinances:

General Ordinance No. 85, 1922, an ordinance transferring and reappropriating the sum of Eleven Hundred ($1,100.00) Dollars from the New Equipment Fund in the Electrical Department under the Department of Public Safety, to the New Equipment Fund in the Department of Weights and Measures under the Department of Public Safety.

General Ordinance No. 86, 1922, an ordinance transferring the sum of Two Trousand One Hundred and Sixty-five ($2,165.00) Dollars from the Maintenance of Equipment and Supplies, Street Cleaning Fund of the Department of Public Works to the Department of Finance and reappropriating said sum to said Department of Finance for the purpose of paying Horace G. Winings and Theodore M. Carriger, partners, doing business under the firm name and style of Winings and Carriger, for the mule hire during the last administration, that is, during the year 1921, an declaring a time when the same shall take effect.

General Ordinance No. 87, 1922, an ordinance transferring the sum of Five Thousand ($5,000.00) Dollars, from the Road Oil Fund of the Street Commissioner's Department, of the Board of Public Works, and reappropriating the same to the Salary and Wage Fund of the Street Commissioner's Department, of the Board of Public Works, and declaring a time when the same shall take effect.

General Ordinance No. 90, 1922, an ordinance fixing and establishing the annual rates of taxation and tax levies for the year 1922, for the City of Indianapolis, and for each fund for which a separate levy is authorized by law; to be collected and expended

in the year 1923, and fixing a time when this Ordinance shall take effect.

Very truly yours,
LEW SHANK,
Mayor.

September 16, 1922.

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

Gentlemen—I have this day approved, signed and delivered to John W. Rhodehamel, City Clerk, the following ordinances:

Appropriation Ordinance No. 31, 1922, an ordinance appropriating moneys for the purpose of defraying current expenses of the City Government of the City of Indianapolis, Indiana, and for the use of the several executive departments thereof, for the fiscal year beginning January 1, 1923, and ending December 31, 1923, including all outstanding claims and obligations and fixing a time when the same shall take effect.

General Ordinance No. 14, 1922, an ordinance creating the position of Court Matron or Probation Officer of the City Court of the City of Indianapolis, Indiana, placing said officer under the Department of Public Safety, fixing the salary thereof, abolishing the position of Court Matron of the City of Indianapolis, as created by General Ordinance No. 11, passed April 7, 1919, fixing a time when the same shall take effect.

Very truly yours,
LEW SHANK,
Mayor.

September 6, 1922.

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

Gentlemen—I am returning herewith without my approval, Appropriation Ordinance No. 26, 1922, an ordinance appropriating the sum of Two Hundred and Twenty-five ($225.00) Dollars to the Department of Finance for the purpose of paying certain appraisers of personal property belonging to the City of Indianapolis, and fixing a time when the same shall take effect.

I do not believe these men should be paid for the appraisal of this property because it was appraised at a much higher valuation than it could possibly be sold for, it will therefore have to be reappraised and I think they should be asked to make the reappraisement then there will be time to pass an ordinance for their pay. In my estimation they put a valuation on the property of four or five times more than it was worth or than could be realized from the sale of same.

I am also returning without my approval, General Ordinance No. 72, 1922, an ordinance fixing the salary of the stenographer to the Judge of the City Court. I feel that the increasing of salaries should be stopped now and for as long as we are running the City. We can get all the stenographers needed at the present salaries and I hope the City Council will not pass anymore increases. All kinds of business firms are decreasing their employees salaries and it seems to me like very poor business on the part of the City to do

what other firms are trying to undo. I am overrun with both men and women applying for every kind of work at the salaries now paid. I understand the Judge has just one man picked for this position and that he will not work for less than One Hundred and Fifty Dollars per month. I believe the Judge can find someone else just as competent who will do his work for the salary now paid, and if he cannot I can send him plenty who will.

Very truly yours,
LEW SHANK,
Mayor.

September 16, 1922.

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

Gentlemen—I return herewith without my approval, Special Ordinance No. 18, 1922, an ordinance to disannex and throw out territory forming a part of the corporate limits of the City of Indianapolis, Indiana.

Because of the growth of this part of the City, I believe that it should remain within the corporate limits of Indianapolis.

Very truly yours,
LEW SHANK,
Mayor.

REPORTS FROM CITY OFFICERS.

From the City Controller:

September 18, 1922.

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

Gentlemen—I hand you herewith a communication from the Board of Public Safety, asking for the passage of an ordinance, appropriating the sum of Seven Hundred and Fifty ($750.00) Dollars to the Department of Public Safety for the use of the Director of Fire Prevention under the Department of Public Safety for the purpose of aiding the work of a City-wide Fire Prevention Committee in an extensive campaign for the prevention of fires in the City of Indianapolis.

I submit you also an ordinance calling for the appropriation of said amount and recommend its passage.

Yours very truly,
JOS. L. HOGUE,
City Controller.

September 18, 1922.

Mr. Jos. L. Hogue,
City Controller,
City of Indianapolis, Indiana.

Dear Sir—At the request of the Board of Public Safety, I am sending you herewith an ordinance appropriating the sum of Seven

Hundred and Fifty ($750.00) Dollars to the Department of Public Safety for the use of the Director of Fire Prevention under said Department for the purpose of aiding the work of a City-wide Fire Prevention Committee in an extensive campaign for the prevention of fires in the City of Indianapolis, together with a communication from the Board of Public Safety addressed to the City Controller, also the recommendation of the City Controller for the passage of said ordinance, all of which you will please read to the Common Council at the next meeting of that body.

Yours very truly,
Wm. T. BAILEY,
Ass't. City Attorney.

September 18, 1922.

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

Gentlemen—I hand you herewith a communication from the Board of Public Works, asking for the passage of an ordinance pertaining to the appropriation of the sum of Nine Hundred and Fo··ty-seven and Thirty-three Hundredths ($947.33) Dollars, to and for the use of the Department of Public Works to the fund known as the Assessments, Erroneous Fund more commonly called the "Erroneous Assessments Fund," under the City Civil Engineer in the Department of Public Works for the purpose of paying the amount of a certain judgement and costs recovered on a certain reduced assessment in the Marion Circuit Court in an appeal from the assessment made by the Board of Public Works in Cause No. 35154 in the Marion Circuit Court.

I respectfully commend the passage of this ordinance.

Yours truly,
JOS. L. HOGUE,
City Controller.

September 18, 1922.

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

Gentlemen—Enclosed please find letter from the Legal Department requesting an appropriation of Two Hundred and Twenty-five ($225.00) Dollars for the purpose of paying Henry W. Kraemer, Timothy P. Sexton and Patrick J. Cahalane, Seventy-five ($75.00) Dollars each, appraisers appointed by the Marion Circuit Court in Causes numbered 2234 and 2280, cases involving the appraisment and sale of personal property including trucks, sweepers, magnetos, mules, wagons, harness, iron pipes, tires, junk and various materials belonging to the City of Indianapolis and in the care and custody of the Board of Public Works, which said amount to be paid said appraisers was fixed by the Marion Circuit Court, and I am enclosing an ordinance covering the same, and would recommend its passage.

Yours truly,
JOS. L. HOGUE,
City Controller.

September 18, 1922.

Mr. Joseph L. Hogue,
City Controller,
City of Indianapolis.

Dear Sir—I am handing you herewith an ordinance calling for the appropriation of Two Hundred and Twenty-five ($225.00) Dollars to the Department of Finance for the purpose of paying Henry W. Kraemer, Timothy P. Sexton and Patrick J. Cahalane, Seventy-five ($75.00) Dollars each appraisers appointed by the Marion Circuit Court in Causes Numbered 2234 and 2280, cases involving the appraisement and sale of personal property including trucks, sweepers, magnetos, mules, wagons, harness, iron pipes, tires, junk and various materials belonging to the City of Indianapolis and in the care and custody of the Board of Public Works which said amount to be paid said appraisers was fixed by the Marion Circuit Court, and this ordinance is for the purpose of paying same. I would recommend that the same be approved by you for passage by the Common Council.

Yours truly,
JAMES M. OGDEN,
City Attorney.

September 14, 1922.

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

Gentlemen—I herewith hand you a communication from the Board of Public Works asking for the passage of an ordinance, transferring the sum of Five Thousand ($5,000.00) Dollars from the Public Buildings and Repair Fund of the Department of Public Works, and reappropriating the same to the Blank Books, Printing and Advertising Fund of the Department of Public Works.

I respectfully recommend the passage of this ordinance.

Yours truly,
JOS. L. HOGUE,
City Controller.

September 15, 1922.

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

Gentlemen—I hand you herewith a communication from the Board of Public Safety asking for the passage of an ordinance, authorizing the transfer of Nine Hundred and Ninety-two ($992.00) Dollars from the Fund for Ammunition and Supplies for Target Practice in the Police Department under the Department of Public Safety, and the reappropriation and transfer of the same to the Fund for Meals for Prisoners in said Department.

Owing to the fact that the last named fund is about exhausted, and that it is necessary to replenish this fund in order to provide food for prisoners in the City Prison, I respectfully recommend the immediate passage of this ordinance.

Yours truly,
JOS. L. HOGUE,
City Controller.

September 15, 1922.

Mr. Joseph L. Hogue,
City Controller,
City of Indianapolis.

Dear Sir—At the request of the Board of Public Safety I have prepared an ordinance transferring and reappropriating the sum of Nine Hundred and Ninety-two ($992.00) Dollars from the Fund for Ammunition and Supplies for Target Practice, in the Police Department under the Department of Public Safety, to the Fund for Meals for Prisoners in the same Department.

You will please transmit said ordinance together with the communications from the Board of Public Safety and the City Controller, to the Common Council at the next meeting of that body.

Yours very truly,
Wm. T. BAILEY,
Ass't. City Attorney.

From the Board of Public Works:

September 18, 1922.

Mr. John W. Rhodehamel,
City Clerk,
City of Indianapolis.

Dear Sir—I am directed by the Board of Public Works to hand you for transmission to the Common Council, Twelve (12) copies of an ordinance and communications therewith pertaining to the sale of certain personal property belonging to the City of Indianapolis.

Yours truly,
GEO. O. HUTSELL,
Clerk Board of Public Works.

From the Board of Park Commissioners:

September 18, 1922.

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

Gentlemen—I am enclosing herein fourteen copies of an Ordinance, providing for a Temporary Loan of Fifty Thousand ($50,000.00) Dollars, for the use of the Department of Public Parks, which I have been instructed to submit for introduction at the next meeting of the Common Council.

In Explanation of this Ordinance, I wish to state that one year ago, a Temporary Loan of Eighty-five Thousand ($85,000.00) Dollars was authorized by ordinance, and pursuant thereto such loan was made and has been paid.

The early part of this year, a Temporary Loan of Fifty-five Thousand ($55,000.00) Dollars, was authorized by ordinance and such loan was made and has since been paid. The Park Board is gradually reducing the amounts of their Temporary Loans, and they held off making this request as long as possible.

The loss of the annual payment of Thirty Thousand ($30,000) Dollars, which was payable to the Park Department under the terms of the franchise of the Indianapolis Street Railway Company, has materially crippled the Department. This amount has not been paid, for the last two years, and there has been nothing to offset the loss occasioned thereby.

Trusting that this ordinance may receive favorable consideration, and in view of the fact that we will have to have this loan to take care of the October pay roll and expense, I urge the necessity of passing the same under a suspension of the rules.

Respectfully submitted,
NEWTON J. McGUIRE,
Attorney, Department of Public Parks,
City of Indianapolis.

From the Board of Public Safety:

September 18, 1922.

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

Gentlemen—We herewith submit to you a general ordinance which is the first installment of the revised building code. This ordinance is a rewritten ordinance from our several sign, signboard and billboard ordinances, revising the same and bringing them up to date. In addition this ordinance provides for the licensing of all electric street signs, which are licensed in all large cities, but have not been licensed in Indianapolis up to date. These licenses also provide for a tag which will appear on all signs and provides a means of detecting all illegal signs.

This ordinance has been approved by the Building Code Committee and is recommended for passage by the chairman of the Building Code Committee, Mr. Francis F. Hamilton. Therefore, we wish to recommend that this ordinance have your consideration and passage.

Very truly yours,
BOARD OF PUBLIC SAFETY,
By Oscar O. Wise.

REPORTS FROM STANDING COMMITTEES.

From the Committee on Finance:

Indianapolis, Ind., September 18, 1922.

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. 84, 1922, entitled an Ordinance fixing the salary of the Assistant City Attorney, known as the City Court

Deputy, beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

I. L. BRAMBLETT,
JOHN E. KING,
BEN H. THOMPSON,
L. D. CLAYCOMBE.

Indianapolis, Ind., September 18, 1922.

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. 30, 1922, entitled an Ordinance appropriating the sum of $30.64 to the Rental of City Yards Fund of the Street Commissioner's Department in the Department of Public Works, beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

H. W. BUCHANAN,
JOHN E. KING,
I. L. BRAMBLETT,
BEN H. THOMPSON,
L. D. CLAYCOMBE.

From the Committee on Public Safety:

Indianapolis, Ind., September 18, 1922.

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

Gentlemen—We, your Committee on Public Safety, to whom was referred General Ordinance No. 83, 1922 entitled an Ordinance approving a certain contract, granting John H. Larison Company the right to lay and maintain a sidetrack or switch from the east line of White River Boulevard Driveway, across said White River Boulevard Driveway, according to blue print attached, in the City of Indianapolis, Indiana, beg leave to report that we have had said ordinance under consideration, and recommend that the same be not passed.

BEN H. THOMPSON,
JOHN E. KING,
I. L. BRAMBLETT,
L. D. CLAYCOMBE,
H. W. BUCHANAN.

From the Committee on Parks:

Indianapolis, Ind., September 18, 1922.

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

Gentlemen—We, your Committee on Parks, to whom was referred Special Ordinance No. 16, 1922, entitled an Ordinance accepting the terms of the will of Phebe J. Hill, beg leave to report

that we have had said ordinance under consideration, and recommend that the same be passed.

OTTO RAY,
JOHN E. KING,
W. E. CLAUER,
I. L. BRAMBLETT,
L. D. CLAYCOMBE.

Indianapolis, Ind., September 18, 1922.

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

Gentlemen—We, your Committee on Parks, to whom was referred Special Ordinance No. 17, 1922, entitled an Ordinance authorizing the sale of certain real estate by the Board of Park Commissioners, beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

OTTO RAY,
W. E. CLAUER,
JOHN E. KING,
I. L. BRAMBLETT,
L. D. CLAYCOMBE.

INTRODUCTION OF APPROPRIATION ORDINANCES.

By the City Controller:

APPROPRIATION ORDINANCE NO. 33, 1922.

AN ORDINANCE appropriating the sum of Seven Hundred and Fifty ($750.00) Dollars to the Department of Public Safety out of the General Fund for use by the Director of Fire Prevention to aid the work of a City Wide Fire Prevention Committee to be appointed for the purpose of carrying on an extensive campaign for fire prevention in the City of Indianapolis, and providing the time when the same shall take effect.

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

Section 1. That there be, and is hereby appropriated, to the Department of Public Safety out of the General Fund of the City of Indianapolis, the sum of Seven Hundred and Fifty ($750.00) Dollars, for use by the Director of Fire Prevention to aid and assist the work of a City Wide Committee in an extensive campaign for the prevention of fires in the City of Indianapolis, said sum of money to be used for the printing of circulars, report cards and other printed matter, necessary postage for the mailing of the same, and other necessary expenditures to aid in the Fire Prevention Work, which in the opinion of the Director of Fire Prevention, will be helpful and beneficial to the public welfare in preventing fires in the City of Indianapolis.

Section 2. All money hereby appropriated shall be expended only for the purpose aforesaid, and shall be paid only upon vouchers of the Department of Public Safety, which vouchers shall also be signed and approved by the Director of Fire Prevention.

Section 3. 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.

By the City Controller:

APPROPRIATION ORDINANCE NO. 34, 1922.

AN ORDINANCE appropriating the sum of Nine Hundred and Forty-seven and Thirty-three Hundredths ($947.33) Dollars, to and for the use of the Department of Public Works to the fund known as the Assessments, Erroneous Fund, more commonly called the "Erroneous Assessments Fund," under the City Civil Engineer in the Department of Public Works for the purpose of paying the amount of a certain judgment and costs recovered on a certain reduced assessment in the Marion Circuit Court in an appeal from the assessment made by the Board 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, Indiana:

Section 1. That there be, and is hereby appropriated the sum of Nine Hundred and Forty-seven and Thirty-three Hundredths ($947.33) Dollars to and for the use of the Department of Public Works to the fund known as the Assessments, Erroneous Fund more commonly known as the "Erroneous Assessments Fund," under the City Civil Engineer in the Department of Public Works, for the purpose of paying the judgment recovered by Abraham R. Nicholas against the City of Indianapolis in Cause No. 35154 in the Marion Circuit Court on a reduced assessment for Nine Hundred and Forty-seven and Fifty-eight Hundredths ($947.58) Dollars, same being an appeal from an assessment made by the Board of Public Works, and also for paying the costs in said action assessed at Six and Seventy-five Hundredths ($6.75) Dollars, making the total of Nine Hundred and Forty-seven and Thirty-three Hundredths ($947.33) Dollars.

Section 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.

By the City Controller:

APPROPRIATION ORDINANCE NO. 35, 1922.

AN ORDINANCE appropriating the sum of Two Hundred and Twenty-five ($225.00) Dollars to the Department of Finance for the purpose of paying certain appraisers of personal prop-

erty belonging to the City of Indianapolis, and declaring a time when the same shall take effect.

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

Section 1. That there be, and is hereby, appropriated to the Department of Finance the sum of Two Hundred and Twenty-five ($225.00) Dollars for the purpose of paying Henry W. Kraemer, Timothy Sexton and Patrick J. Cahalane Seventy-five ($75.00) Dollars each, appraisers appointed by the Marion Circuit Court in Causes Numbered 2234 and 2280, cases involving the appraisement and sale of personal property including trucks, sweepers, magnetos, mules, wagons, harness, Iron pipe, tires, junk and various materials belonging to the City of Indianapolis and in the care and custody of the Board of Public Works, which said amount to be paid said appraisers was fixed by the Marion Circuit Court. Said sum is for payment in full for appraising the said personal property in Cause Numbered 2234 in the Marion Circuit Court, and for re-appraising that portion of said property which was appraised at too high a figure, and for appraising in addition thereto certain personal property which had not heretofore been appraised in said Cause No. 2234, but which was appraised in Cause No. 2280 in the Marion Circuit Court.

Section 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. 93, 1922.

AN ORDINANCE transferring the sum of Five Thousand ($5,000.00) Dollars from the Public Buildings and Repair Fund of the Department of Public Works and re-appropriating the same to the Blank Books, Printing and Advertising 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, Indiana:

Section 1. That there be, and is hereby, transferred from the Public Buildings and Repair Fund of the Department of Public Works the sum of Five Thousand ($5,000.00) Dollars, and said sum is hereby re-appropriated to the Blank Books, Printing and Advertising Fund of the Department of Public Works.

Section 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.

By the City Controller:

GENERAL ORDINANCE NO. 94, 1922.

AN ORDINANCE transferriing and re-appropriating the sum of Nine Hundred and Ninety-two ($992.00) Dollars from the fund in the Police Department under the Department of Public Safety of the City of Indianapolis known and designated as the Fund for Ammunition and Supplies for Target Practice, to the Fund for Meals for Prisoners in the Police Department under the Department of Public Safety, and fixing a time when the same shall take effect.

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

Section 1. That there be, and is hereby, transferred the sum of Nine Hundred and Ninety-two ($992.00) Dollars from the Fund for Ammunition and Supplies for Target Practice, in the Police Department under the Department of Public Safety of the City of Indianapolis, Indiana, and that the same be and is hereby re-appropriated and transferred to the Fund for Meals for Prisoners in the Police Department under the Department of Public Safety.

Section 2. That whereas an emergency now exists for the immediate taking effect of this ordinance, the same 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.

By Mr. Wise:

GENERAL ORDINANCE NO. 95, 1922.

AN ORDINANCE providing for the payment or a license fee to be paid to the City Controller of the City of Indianapolis, for operating or conducting a hotel, lodging or rooming house, restaurant, cafe or public eating place in the City of Indianapolis, defining the same, fixing the amount of said license fee, providing for the payment of an issuing fee therefor, fixing the term of said license, and time of payment of the same, providing for the transfer of said license, requiring the keeping of a daily register of the name of each guest in each hotel or lodging house, repealing any and all ordinances or parts of ordinances in conflict therewith, providing a penalty 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, Indiana:

Section 1. It shall be unlawful for any person, firm or corporation to engage in the business of operating or conducting, or to operate or conduct a hotel, lodging or rooming house, restaurant, cafe or public eating place in the City of Indianapolis without first procuring a license from the City Controller therefor as hereinafter provided.

Section 2. LICENSE FEES: For each hotel, lodging or rooming house containing from four (4) to ten (10) rooms Five ($5.00) Dollars per year; for each hotel, lodging or rooming house containing twenty-five (25) rooms and more than ten (10) rooms Twenty-five ($25.00) Dollars per year, for each hotel, lodging or rooming house containing more than twenty-five (25) rooms, Fifty ($50) Dollars per year; for each restaurant, cafe, or public eating place Ten ($10.00) Dollars per year. Each of the license fees herein stipulated shall be payable at the rate thereof per year.

Section 3. DEFINITION. The words "Hotel," "Lodging or Rooming House," "Cafe," "Restaurant" and "Public Eating Place," for the purpose of this ordinance shall be construed to mean and include all public places where the public is generally served with food and rooms, or with either food or room alone.

Sec. 4. ISSUING FEE. The City Controller shall charge and receive an issuing fee of One (1) Dollar in addition to the license fees provided in Section 2 of this ordinance for issuing said license.

Section 5. Each license fee, and the issuing fee therefor shall be paid in advance on the first day of January of each year.

Section 6. TRANSFER. The license provided for in this ordinance may be transferred or assigned by the holder thereof by said holder filing with the City Controller an affidavit setting out the name of the transferee or assignee and the character of the license, its date and number, no fee shall be charged by the City Controller for making such transfer.

Sec. 7. REGISTER. Any person, firm or corporation owning, operating, or managing any hotel or lodging house shall keep a daily register in which shall be written the name of each guest receiving lodging at such hotel or lodging house.

Section 8. All funds derived from licenses and fees required by this ordinance shall be paid into and become a part of the general fund.

Section 9. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 10. PENALTY. Any person, firm or corporation violating any of the provisions of this ordinance shall on conviction be fined in any sum not exceeding Fifty ($50.00) Dollars.

Section 11. This ordinance shall be in full force and effect from and after the first day of January, 1923, and after due publication as required by law.

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

By the Board of Park Commissioners:

GENERAL ORDINANCE NO. 96, 1922.

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 Fifty Thousand ($50,000.00) 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 (6%) per cent per annum, and shall mature not later than December 31, 1922, with the privilege of the 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, 1922.

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 (2) insertions, one (1) week apart in two (2) daily newspapers of general circulation published in the City of Indianapolis, Indiana.

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, which shall also be countersigned by the President of the Board of Park Commissioners, for the use of the Department of Public Parks of the City of Indianapolis; and when so executed, to the payment thereof, the faith of 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 and referred to the Committee on Finance.

By the Board of Public Safety:

GENERAL ORDINANCE NO. 97, 1922.

AN ORDINANCE, defining advertising displays, providing for the erection and maintenance thereof by the issuance of a permit, providing a licence fee for the maintenance thereof and the time

for payment of the same, providing for a numbered licence tag for each advertising display, providing a penalty for violation of the provisions thereof. Repealing any and all ordinances or parts of ordinances in conflict therewith and fixing a time when the same shall take effect.

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

Section 1. (a) DEFINITION, Billboards: That, any article, device, box, wall pole, building or structure which shall have attached thereto any temporary or permanent advertising display of over one hundred (100) sq. inches in area and attached thereto any such advertising display which is made of combustible material, except paint, shall under this ordinance be classed as, and be construed to mean, a billboard.

(b) DEFINITION, Signboards. That any article, device, box wall building or structure which shall have attached thereto an incombustible or painted advertising display of over twelve (12) sq. feet in area shall be classed as and be construed to mean, a signboard.

(c) DEFINITION, Signs: That, any article, device, box, wall, pole, building or structure which shall have any temporary or permanent incombustible or painted advertising display of less than twelve (12) sq. feet attached thereto in any manner whatsoever shall be classed as, and be construed to mean, a sign. Any electric illuminated incombustible electric advertising display in which the principle parts are electric lamp outlined or backed up by electric illumination beneath transparent or translucent advertising displays shall be classed, and construed to mean an electric sign of whatsoever their area.

Any wall which has an advertising display painted thereon which is less than twelve (12) sq. feet in area shall be classed as a sign and if the same wall shall have an advertising display painted thereon which is over twelve (12) sq. feet in area the same shall be construed to mean a signboard.

Any cardboard, bristleboard, muslin or paper advertising display which is attached to any article, device, box, pole, wall, building, structure or signboard shall be classed as a bill and that to which it is attached a billboard, providing it contains more than one hundred (100) sq. inches of area.

An incombustible advertising display such as an iron or steel coated display shall be classed as a sign.

Any electric illuminated, incombustible advertising display which shall have any part of it or all of it hung over the public highway, six (6) inches beyond the property line; erected upon or hung to any canopy over the public highway shall be classed as a street sign.

Any electric illuminated sign attached to the building with its face parallel to the building and maintained within six (6) inches of the property line shall be construed to mean an electric wall sign.

Any electric illuminated sign erected or maintained on the roof of any building and not extending over six (6) inches beyond the property line and over the public highway shall be construed to mean an electric roof sign.

Sec. 2. PERMITS. No structure, article, device, box, wall, pole, fence, building or shed is to be used as a sign, signboard or billboard

or any advertising of any sort, except as herein provided, nor shall any of the above be built, painted, erected, attached to or hung upon any advertising display, nor shall any lot or ground be used for the erection or maintenance of a sign, signboard or billboard without first obtaining a permit from the Commissioner of Buildings. No person or persons, firm or corporation shall maintain, erect, cause or permit to be erected or maintained any sign, signboard or billboard or display on any article, device, box, wall, pole, fence, building or shed for advertising purposes, except as herein provided, without first obtaining a permit from the Commissioner of Buildings.

Applications for such permits shall be made upon blanks provided by the Commissioner of Buildings, giving such information as he shall require sufficient to show a compliance with the provisions of this ordinance and all other laws and ordinances relating to the same now in force in the City of Indianapolis. If it shall appear to the Commissioner that the laws and ordinances in force have been complied with he shall within a reasonable time give the permit asked for upon the payment of the fee hereinafter prescribed. Each such application shall state the length, width, height and complete dimensions if it be a billboard and in addition, the weight and manner of support for signs or signboards; the name of the street and number of premises and exact location upon the premises where the same advertising display is to be maintained or erected; the owner thereof and the erector; the distance of the said advertising display from said display to the City's property line of the street. The application shall also state the exact nature of the sign and whether it is to be a street sign, wall sign, roof sign, billboard, signboard or electrically illuminated sign.

Sec. 3. WHEN PERMIT WILL NOT BE REQUIRED. Permits will not be required for any advertising display which shall be less than one hundred (100) sq. inches in area. Permits will not be required for the maintenance of any advertising display painted upon any wall which in the opinion of the Commissioner of Buildings the said advertising display is maintained upon the owners own premises and advertises the owners own business. Such displays shall include firm's names painted upon walls; or structural parts of the building or the advertisement of any article sold by the occupant of said building and painted upon any wall. Permits shall not be required for signboards less than twelve (12) sq. feet in area erected on a vacant lot for the purpose of advertising the lot. The same shall be maintained not over ten (10) feet from the ground and at least twenty (20) feet back from the City's property line.

Sec. 4 DRAWINGS AND SPECIFICATIONS. Permits for signs, signboards and billboards shall be granted only on the basis of representatinons made by proper structural drawings and specifications submitted to the Commissioner of Buildings, indicating the location, disposition, quality of material and workmanship, with full dimensions and the manner of fastening the same to the structure as hereinafter provided.

Sec. 5. BOND. Every person, firm or corporation engaged in the business of manufacturing, erecting, painting or hanging signs, shall annually file with the City Controller a good and sufficient

surety bond in a penal sum of five thousand (5,000) dollars to indemnify, save and keep harmless the City of Indianapolis from any and all causes, damages and expenses of any kind whatsoever which may be suffered by the City because of neglect on the part of such persons, firm or corporation constructing, hanging, painting or erecting such signs over the public highway.

Such bond shall be filed with the City Controller not later than March 1st of each calendar year and failure to furnish this bond shall carry with it a penalty of ten (10) to one hundred (100) dollars. Each day after March 1st, shall constitute a separate offence.

Sec. 6. STREET SIGNS. All street signs which project more than six (6) inches from any building or structure hereafter erected within the City of Indianapolis shall be of metal or other non-combustible material.

All projecting signs from any building or structure now or hereafter erected within the fire limits shall be electrically illuminated signs of metal or other non-combustibe material. No projecting sign shall project from the structural part of the building and over the public highway more than one-third (1/3) of the width of the sidewalk measuring from the City property line and no such sign shall be at a less distance than nine (9) feet above the grade of the sidewalk or public thoroughfare and no more than twelve (12) feet from the property line in any case.

Show-cases for the display of goods which project more than fifteen (15) inches from the property line will be classed as a sign under this code.

Fire-proof illuminated signs may be permitted on or hung to fire-proof canopies when in the opinion of the Commissioner of Building and the Board of Public Safety the same may prove necessary for the conducting of the owners business, but no such sign shall be at a less distance than nine (9) feet above the sidewalk or curb.

No street sign shall be permitted when the area of one face shall exceed eighty (80) sq. feet.

Any application for a perimt for the maintenance or creation of a sign with a single face area exceeding twenty (20) sq. feet, shall together with the specifications and complete drawings thereof be first submitted to the City Planning Commission for approval.

Sec. 7. CONSTRUCTION AND MATERIALS FOR SIGNS, SIGNBOARDS AND BILLBOARDS. (a) Wind Pressure. All signs, signboards or billboards now in existence or hereafter erected and maintained shall be made, constructed and maintained of sufficient strength to withstand a wind pressure of thirtv (30) pounds per sq. foot of surface without stressing the material beyond the safe limit of stress.

(b) Wiring of Signs. All wiring and apparatus in electric signs of whatever their character shall be installed in accordance with the rules and requirements as follows: Every such sign must be constructed so as to secure ample strength and rigidity; every such sign shall have the receptacles so designed as to afford permanent and reliable means to prevent possible turning. They shall be designed and placed so that terminals will be at least one-half (½) inch from each other and from the metal of the sign, except in open

work this distance shall be increased to one (1) inch. Every such sign must be constructed weather-proof in order to inclose all terminals and wiring except the supply leads. Transformers unless of the weather-proof type also cut-outs, flashers and other similar devices, if on or within the body structure of the sign must be placed in a separate completely enclosed accessable weather-proof box or cabinet made of metal not less than the thickness of the sign itself. If the above devices are otherwise located they must be enclosed in approved cut-out boxes or cabinets. Each compartment must have suitable provisions for drainage through one or more holes not less than one-quarter (¼) of an inch in diameter.

Minature receptacles will not be approved for use in outdoor signs. In every such sign the wiring must be neatly run and made mechanically secure. All connections must be thoroughly soldered and all exposed parts treated to prevent corrosion. Where sign wiring passes through walls or partitions within the sign itself, the same must be protected by standard bushings. In signs where receptacles maintain the wire one (1) inch from any surface, the receptacles may be placed as much as twelve (12) inches apart without any other support for the wire. Where the receptacles are more than one (1) foot and less than two (2) feet apart, one (1) additional non-combustible, non-absorbtive insulator shall be placed halfway between the receptacles to maintain the wire in position. Except as above specified, wires must be kept at least two and one-half (2½) inches apart for voltages up to three hundred (300), and four (4) inches apart for voltages over three hundred (300). Wires on the outside of the body of the sign must be in standard conduit with all fiittings of approved weather-proof type.

Signs constructed with separate letters on metal screens or other supported structer and all signs whose sections are widely separated from each other must be completely wired in conduit, except when in the opinion of the Commissioner of Buildings other methods may prove as safe. This applies to temporary as well as permanent signs. Standard wetherproof cut-out boxes and cabinets must be used when the same are exposed to the weather, such boxes may be of cast metal or hot galvanized sheet metal. Cabinets, cut-out boxes and fittings must be provided with threaded connections for the reception of the conduit which enters them. Junction boxes must be gasketed and made watertight with a conduit arranged for drainage, Lock nuts and bushings will not be approved for conduit work when they are exposed to the weather.

Leads from the sign must pass through the walls of the sign, through either standard metal conduit and armored cable or through one or more standard non-combustible non-absorbtive bushings. Mains feeding signs, must be calculated for a capacity of the total connected lead figuring at least ten (10) watts for each receptacle. Exterior signs may be connected to interior lighting circuits, when the total load does not exceed six hundred and sixty (660) watts and in no case, however, may a sign be connected to a show window circuit. Outside signs may be controlled by accessable switches which cut off entirely all wires to the sign. All metal electric signs must be thoroughly grounded.

(c) Supports. Signs weighing less than seventy-five (75) pounds must be provided with one main supporting chain or guy wire

and where the angle of the supporting chain or guy wire is greater than thirty (30) degrees with the horizontal, such chain or guy wire must have a breaking strength of not less than thirteen hundred (1,300) pounds.

The supporting chain or guy wire must be secured to a bolt not less than five-eights (⅝) of an inch in diameter secured by an expansion shield or other method approved by the Commissioner of Buildings.

Signs weighing between seventy-five (75) and one hundred and fifty (150) pounds must be provided with two (2) main supporting chains or guy wires and where the angle of the supporting chains is greater than thirty (30) degrees on the horizontal, the said chains or guy wires must each have a breaking strength of not less than fifteen (15) hundred pounds. The supporting chains or guy wires must be attached to bolts of not less than five-eights (⅝) of an inch in diameter secured by expansion shields or other approved supports.

Signs weighing between one hundred and fifty (150) and two hundred and fifty (250) pounds must be provided with two (2) supporting chains or guy wires and when the angle of the supporting chain is more than thirty (30) degrees on the horizontal, said chains or guy wires must each have breaking strength of not less than three thousand (3,000) pounds. The supporting chains or guy wires must be attached to bolts of not less than five-eights (⅝) of an inch in diameter and the same secured by expansion shield or other approved method.

No supporting chain shall be erected or maintained at an angle of less than thirty (30) degrees of the horizontal.

Signs having thirty (30) sq. feet or less of side surface and equipped with guys spread at an angle of more than forty-five (45) degrees must be supported by chains or guy wires of a breaking strength of not less than thirteen hundred (1,300) pounds each. Signs of this area that are supported by guys spread at an angle of less than forty-five (45) degrees must be supported by chains or guy wires of a breaking strength of not less than three thousand (3,000) pounds each. Signs having an area of more than thirty (30) sq. feet of side surface supported by guys spread at an angle of more than forty-five (45) degrees must be supported by two (2) chains or guy wires fastened to each side of the sign, the breaking strength of said chains to be not less than thirteen hundred (1,300) pounds each. Signs of this area and supported by guys spread at an angle of less than forty-five (45) degrees must be supported by two (2) chains or guys fastened on each side of said sign, the breaking strength of said chains to be not less than three thousand (3,000) pounds each.

Where the side guys can be attached to only one side of the sign, a stiff brace of iron or steel pipe not less than three fourths (¾) of an inch in diameter for signs of less than thirty (30) sq. feet side area and one (1) inch for signs over thirty (30) sq. feet side area.

Side guys used on street signs spread at an angle greater than forty-five (45) degrees may be fastened to masonry walls with expansion bolts or by machine screws in iron supports. Where supporting chains must be fastened to walls made of wood the support-

ing bolts must go clear through the wall and be fastened on the other side.

No staple shall be used for securing any sign to a building.

(d) Approved of Electrical Inspector. All electrically illuminated signs must be approved by the electrical inspector and a tag placed thereon to indicate approval.

Sec. 8. GLASS IN SIGNS. SIGNBOARDS AND BILLBOARDS WITHIN THE FIRE DISTRICT. All signs, signboards or billboards erected within the fire limits; except as hereafter provided for, shall be made entirly of incombustible material.

Exposed glass area in any sign may be permitted when the area between any one set of metal ribs is not greater than forty-eight (48) sq. inches. Plate glass one quarter (¼) of an inch thick or more, completely covered on the exposed side with sheet metal of at least twenty-eight (28) U. S. Gauge may be permitted where the distance between one set of metal ribs does not exceed eighteen (18) inches in its least dimension and thirty-six (36) inches in its major dimension and further be it provided that only two (2) such metal covered glass areas will be permitted in any one sign. Letters may be cut in the metal covering the glass when the area of any one letter does not expose more than forty-eight (48) sp. inches of glass and the stroke of the letter is in no case greater than one (1) inch in width. Metal supporting ribs shall be designed to cover at least one-half (½) inch of the glass. In case a picture face or fancy device is to be illuminated, one open space of eigth (8) by ten (10) sq. inches may be permitted when the same glass area is covered by a single sheet of mica at least six-thousands (6/1,000) of an inch in thickness and cemented to the glass in a thorough and permanent manner, such mica covering shall have a metal supporting rib which shall cover at least one-half (½) inch of the mica.

Ornamental or plain glass shall not be permitted to be hung from any canopy which extends over the public highway within the City of Indianapolis unless the glass is supported around the entire edge by a substantial metal supporting rib.

Signboards and billboards erected within the fire district shall be constructed of galvanized iron or other incombustible material except that any signboard or billboard which is not over fourteen (14) feet and six (6) inches above the established grade may have the stringers, uprights and braces made of wood.

Sec. 9. ROOF SIGNS. It shall be unlawful for any person, firm or corporation to construct, erect or maintain any solid face sign, signboard or billboard upon a roof of any building over two (2) stories in height.

No such solid face sign, signboard or billboard shall be more than ten (10) feet in its vertical height measured from the top of the sign to the roof on any building two (2) stories in height.

No such solid face sign, signboard or billboard shall be more than fourteen (14) feet in its vertical height measured from the top of the sign to the roof on any building one (1) story in height.

No such sign, signboard, or billboard erected as specified above shall be constructed so the base shall be less than one (1) foot or more than four (4) feet above the surface of the said roof and every such sign, signboard or billboard shall be constructed with steel skeleton construction.

There shall be not more than one (1) such sign, signboard or billboard on the roof of any one building on each street front.

It shall also be unlawful for any person, firm or corporation to construct, erect or maintain any signboard or billboard, except as specified above within the City of Indianapolis, at a greater height than fourteen (14) feet six (6) inches above the level of the ground upon which such signboard or billboard is erected. The face of every such signboard or billboard within the fire limits of Indianapolis shall be of incombustible material. In all cases every such signboard or billboard shall have its base at least two (2) feet six (6) inches above the level of the adjoining street; but if the level of the ground where the signboard or billboard is to be erected is above the level of the adjoining street, then the bottom of the face of the signboard or billboard must be at least two (2) feet six (6) inches above the level of the ground at the point where the board is to be erected. All such signboards or billboards erected outside of the fire limits may be of combustible material except in cases where the signboard or billboard is nearer than ten (10) feet of any building or structure, in which case the face of the same shall be constructed from incombustible material.

Sec. 10. SANITARY CONDITIONS. Any person, firm or corporation who shall maintain any sign, signboard or billboard or other such structures for advertising purposes shall keep the same in a sanitary condition and shall not allow waste or refuse from the said sign, signboard or billboard or other such structure to accumulate on or about the premises on which the same is located.

Sec. 11. OBSSENE ADVERTISING. No advertising of immoral or obsene character shall be posted, painted or displayed upon any sign, signboard or billboard or other such structure within the City of Indianapolis.

Ses. 12. SIGNS, SIGNBOARDS OR BILLBOARDS MUST NOT INTERFERE WITH THE OPERATION OF THE FIRE DEPARTMENT. No sign, signboard or billboard shall be constructed, maintained or erected in any way that the same will interfere with the proper and convenient protection of proprty by the Fire Department or in any way conflict with public safety or convenience, nor shall any windows or doors be obstructed or the openings thereof be interfered with, by any sign, signboard or billboard or any other advertising structure, nor shall any sign be attached in any form, shape or manner to a fire escape or in any such manner as will obstruct the use of the same, except temporary flat signs may be used over windows when in the opinion of the fire chief the came will not interfere with the Fire Department.

In no case may a fire escape be removed for the erection of a sign of whatever character without the written consent of the Board of Public Safety upon written proof that the same fire escape is no longer necessary for the public safety. Such written proof is to remain the property of the Board of Public Safety.

Sec. 13. TEMPORARY FLAT SIGNS. Temporary canvass or muslin flat signs of over twelve (12) sq. feet in area may be erected and maintained in front of any place of business for a period of sixty (60) days after written application to the Board of Public Safety and their written consent to the same, provided the same do not interefere with the operation of the Fire Department; and shall

advertise only wares or goods sold by the occupant of the building; and are not maintained over the public highway. The maintainence of such a sign, after the expiration of the sixty (60) days is prohibited and the illegal maintainance thereof shall carry with it a penalty on conviction of one (1) dollar a day for each day after the expiration of the sixty (60) day permit.

Sec. 14. TEMPORARY BANNERS. Temporary banners may be erected, maintained and suspended across streets or avenues when property attached to the building on either side of the street, for a period of not over (60) days, upon written application to the Board of Public Safety and their written consent to the same. In all such cases the consent of the owner of the Building to which the banner supports are attached must accompany the application to the Board of Public Safety. In no case shall the lower part of such banner be less than twenty-five (25) feet above the surface of the street or avenue. No such sign can be hung without a permit and inspection made by Department of Buildings. The Board of Public Safety may exempt Federal, State, Municiple or other forms of public advertising banner from the permit fee if they so see fit, when the same is hung over the public highway as stipulated above.

Sec. 15. ILLUMINATED ROOF SIGNS. Illuminated roof signs erected or maintained upon or over the roof of any building or canopy; which shall have all or any part of its letters constructed either in outline on incandescent lamps or which may have painted flush or raised letters; and whose face presents a service to be affected by wind pressure shall be constructed with steel skeleton construction.

The distance between the roof of the building or structure and the lower edge of an illuminated roof sign shall not be less than five (5) feet, and the height of any such sign measured from the roof or a building or structure, to which the same is anchored or attached, to the upper-most part of the sign shall not exceed forty (40) feet in any case.

No such roof sign shall be constructed or maintained on any building or structure when such sign presents more than forty (40) percent of solid surface to the wind.

Sec. 16. LOCATION OF SIGNBOARD AND BILLBOARDS. It shall be unlawful for any person, firm or corporation to erect, maintain or construct any signboard or billboard upon any lot or premises, or in any district of the city of Indianapolis in such a manner, that any portion of such a signboard or billboard is nearer to the line of any public sidewalk, the public highway or established building line than ten (10) feet back of the same and nearer than five (5) feet to the side property line of the lot on which said signboard or billboard is erected; except as hereinafter provided for real estate signs; and no such signboard or billboard facing the corner of intersecting streets shall be erected on an angle of more than forty-five (45) degrees or less than thirty (30) degrees with either of the streets; furthermore it shall be unlawful for any person, firm or corporation to erect, construct or maintain any signboard or billboard in any square on any public street on which one-half the buildings on both sides of said square within two hundred and fifty (250) feet of said display are used exclusively for residence purposes, without the Commissioner of Buildings having first given notice to the

resident property owners or the occupants of property fronting on both sides of the square of such street and within two hundred and fifty (250) feet of the same of the intention to erect or construct such a signboard or billboard. Said notice shall be a fifteen (15) days' notice and shall be by U. S. mail addressed to each of such owners and occupants informing them of the proposed erection or construction of a signboard or billboard on the proposed location. If a majority of the resident owners and occupants of the property within the said two hundred and fifty (250) feet do not protest in writing to the Commissioner of Buildings against the proposed erection or construction of such signboard or billboard before the expiration of said fifteen (15) days' notice, then a permit may be issued for the erection of the proposed signboard of billboard. If a majority of the residents or occupants as stated above do protest in writing and such written protest is filed with the Commissioner of Buildings within said fifteen (15) days the Commissioner of Buildings shall refuse the issuance of a permit for the proposed signboard or billboard.

Sec. 17. REMOVAL OF SIGNBOARD OR BILLBOARDS. Any signboard or billboard which has been erected for a period of one (1) year or more in any square or upon any lot in the City of Indianapolis shall be removed by the owner thereof within thirty (30) days from the time of receipt of a written notice from the Commissioner of Buildings that a majority of the occupants and resident property owners within one hundred and fifty (150) feet of the said signboard or billboard or the owners of real estate within the said one hundred and fifty (150) feet of the signboard or billboard have signed and filed in the office of the Commissioner of Buildings a written request for the removal of such signboard or billboard. If the owners of such signboard or billboard do not remove the same within thirty (30) days the Board of Public Safety shall cause the same to be wrecked or removed from the premises.

Sec. 18. GLARING AND FLASHING SIGNS. It shall be unlawful for any person, firm or corporation to construct, erect or maintain within the City of Indianapolis any flashing or glaring electric sign which in the opinion of the Board of Public Safety is a detriment to the Safety of the public or nuisance to the public health. Any sign which flashes any one light or any one set of lights oftener than three (3) seconds between maximum intensity light flashes shall be declared a nuisance to the public health.

Sec. 19. SIDEWALK SHEDS, TOOL HOUSES AND CONTRACTORS OFFICES. Wooden sidewalk sheds, tool houses or Contractors' offices erected as an adjunct to the construction of a building may be advertised upon by the construction companies; or may be advertised upon by any other firm, person or corporation expecting to occupy the new building, upon written application to and after written consent from the Board of Public Safety. Such advertising shall not be exempt from the permit or maintainence fees unless it is advertising of the names of the constructing companies or the name and purpose of the new building. Such advertising displays shall be limited in area to twelve (12) sq. ft. and shall be classed as small billboards.

Sec. 20. FEES FOR ERECTION PERMITS. The fee to be charged for a permit issued for the erection, attaching or con-

structing of any sign, signboard or billboard, except as hereinafter provided for small billboards, shall be three (3) dollars for the first two hundred and fifty (250) sq. feet or fraction thereof of the total surface of the said sign, signboard or exposed on the display side and an additional two (2) dollars for each and every additional two hundred and fifty (250) sq. feet of the total said surface of the said sign, signboard or billboard or fraction thereof. For skeleton constructed signs the above shall be construed to include the total surface of the display side of the sign. The area of two (2) or more signs, signboards or billboards when their combined area is less than two hundred and fifty (250) sq. feet shall not be added and included under one (1) permit but a separate permit shall be taken out for each.

Sec. 21. MAINTAINANCE FEES AND PERMITS FOR SMALL BILLBOARDS. Any person, firm or corporation who wishes to use any article, device, box, wall, building or structure for advertising display purposes which shall have a display area in each case greater than one hundred (100) sq. inches and less than twelve (12) sq. feet may obtain a written permit from the Commissioner of buildings for the maintainence of such billboards without having to attach the license tag hereinafter described; or having to take out a permit for each billboard less than (12) sq. feet in area. The written permit shall bear a number and this number shall be printed on every article or advertisement included under this permit. Such permit shall carry with it the payment of a yearly maintainence fee, payable in advance of two (2) cents per sq. foot per year of the total area of said space. The above advertising displays shall be construed to include any cardboard, muslin, metal or other small advertising display tacked or fastened to or upon any wall, pole, fence, box, device or other structure or any paper, cloth bill or display attached to any of the above, and maintained over the public highway in any manner whatsoever. Legal notices or election notices are exempt from any permit fee or maintainence fee whatsoever. Such maintainence fees are due on the first day of January and are delinquent after the tenth day of January of the same year; shall not be pro-rated; and shall be paid to the City Controller after application to the Commissioner of Buildings. The minimum maintainence fee for small billboards shall be one (1) dollar.

Sec. 22. REQUIREMENTS FOR THE LICENSE TAG AND OWNERS NAME. No permit shall be issued to any applicant for permission to erect, attach, maintain or construct any sign, signboard, billboard or small billboards unless such applicant shall agree to place and maintain on the top of such sign, signboard, billboard or small billboards the name of the person or corporation owning or in charge of the same or in possession or control thereof. And the applicant further agrees; except for small billboards, to maintain in the upper left hand corner of the said sign, signboard or billboard; unless the said sign, signboard or billboard shall be at a greater height than fourteen (14) feet and six (6) inches above the curb of the adjoining street in which case he shall maintain in the lower left hand corner instead of the upper left hand corner, a numbered license tag on a provided space at least six (6) by eight (8) inches. Such license tag shall be issued yearly by the

City Controller upon the payment of the maintainence fees by the said person, firm or corporation in control of the said display. If the sign be an electric roof sign the license tag shall be maintained in the lower left hand corner. If the sign be a street sign the license tag may be maintained anywhere on the structural part of the sign so that the license tag will be in full view of the public.

The latest date in each calendar year which shall be allowed for failure to post said license tag upon any of the aforesaid advertising displays shall be March the first, of the same year for maintainence fees paid for the entire year and shall not be over thirty (30) days from the date a permit is taken out covering any period less than a year and after March the first.

It shall be the duty of the Commissioner of Buildings to require the name of the person, firm or corporation, owning or in possession, in charge or control of such sign, signboard, billboard r small billbard to be placed upon such sign, signboard, billboard or small billboard, forthwith upon the erection or attaching thereof and to see that the said name is kept thereon at all times that such billboard, sign or signboard is maintained. In case the owner of said sign, signboard or billboard or the person in charge, possession or control thereof shall fail to place the license tag or their name on said advertising display they shall be subject to the penalty hereinafter provided for. Be it further provided that on all electrically illuminated signs of whatever their character, there shall be maintained upon their outer face the name of the sign company erecting said sign.

No license tag shall be transferred from one location to another without the consent of the Commissioners of Buildings.

Sec. 23. MAINTAINENCE FEES FOR SIGNS OVER THE PUBLIC HIGHWAY. The owner, person or persons, firm or corporation in charge or control of the maintainence of any electric street sign shall pay an annual maintainence and license tag fee to-wit as follows:

(a) Electric street signs having a total single or double face area measured from the outer edges of the sign of twenty (20) sq. feet or less, five (5) dollars per year.

(b) Electric street signs having a total single or double face area measured from the outer edges of the sign of over twenty (20) sq. feet in area and less than thirty (30) sq. feet in area, ten (10) dollars per year.

(c) Electric street signs having a total single or double face area measured from the outer edges of the sign of thirty (30) sq. feet in area and less than forty (40) sq. feet in area, fifteen (15) dollars per year.

(d) Electric street signs having a total single or double face area measured from the outer edges of the sign of forty (40) sq. feet in area and less than fifty (50) sq. feet in area, twenty (20) dollars per year.

(e) Electric street signs having a total single or double face area measured from the outer edges of the sign of fifty (50) sq. feet and over in area, twenty-five (25) dollars per year.

Such maintainence fees must be paid in advance and are due on the first day of January and are delinquent after the first day of March of the ensuing year. Permits taken out between January the first and July the first shall pay the annual fee and permits

taken out between July first and December the thirty-first shall pay one-half (½) of the annual fee, payable at the same time the permit fee is paid.

Such maintainence fees are payable to the City Controller after application to the Commissioner of Buildings and in no case shall a maintainence fee be less than two (2) dollars and fifty (50) cents.

Sec. 24. MAINTAINENCE FEES FOR ADVERTISING DISPLAYS OTHER THAN ELECTRICALLY ILLUMINATED SIGNS MAINTAINED OVER THE PUBLIC HIGHWAY AND SMALL BILLBOARDS. An annual maintainence and license tag fee shall be paid to the City Controller after application to the Commissioner of Buildings by every person, firm or corporation owning, controlling or in possession of any sign, signboard or billboard other than an electrically illuminated street sign or small billboard, equal to the sum of one (1) cent multiplied by the number of sq. feet of the total display surface of the said advertising display and further be it provided that such annual fee shall be charged when the erection permit and license tag are issued and the same shall be either for a term of not less than six (6) months and more than one (1) year and shall cover the period beginning the first day of January and running until the thirty-first of December of the same year. Maintainence fees for permits taken out between January the first and July the first shall be the full annual fee and maintainence fees for permits taken out between July the first and December the thirty-first shall be one-half of the annual fee or one-half (½) cent per sq. foot. In no case shall a maintainence fee be charged for a less sum than two (2) dollars and be it further provided that any permit under which no work has commenced within six (6) months of the time of its issuance shall expire by limitation and the City Controller shall not be required to refund any fees paid therefor. Separate application shall be made and a separate maintainence fee paid for each sign, signboard or billboard. All license tag and maintainence fees are payable in advance and are due the first day of January and delinquent after March the first.

Sec. 25. ILLEGAL ADVERTISING DISPLAYS. In case any sign, signboard or billboard shall be maintained thirty (30) days after the delinquent date without the owners, person, firm or corporation, in charge or control of the same, having applied to the Commissioner of Buildings for maintainence permit and the payment of the maintainence fees to the City Controller; the said display shall be construed to be an illegal display and the same caused to be removed or wrecked by the Board of Public Safety.

Any advertising display which shall come under the small billboard classification may be removed by any person in authority if the permit number of firm's name furnishing the advertising or attaching the same shall not appear thereon.

Sec. 26. EXEMPTION FROM MAINTAINENCE AND LICENSE TAG FEES. Any person, firm or corporation having a fixed place of business in the City of Indianapolis who shall maintain any illuminated electric sign on his, their or its premises or maintain any painted or incombustible sign of an area of less than twelve (12) square feet on his, their or its wall or premises, which display shall not extend over six (6) inches from the property line; shall be exempt from any yearly maintainence or license tag fee; pro-

vided further that the said display shall advertise only the goods, wares and merchandise for sale by him, them or it at said place of business on said premises where said sign or display shall be or is located. Any sign which advertises goods not sold within the building shall be licensed and tagged as set out in this Ordinance.

Sec. 27. EXEMPTION FROM ERECTION PERMIT FEE. The only signs of any character which shall be exempt from the erection permit and permit fee shall be signs of less than twelve (12) sq. feet in area except as hereinafter provided maintained within six (6) inches of the property line by any person, firm or corporation having a fixed place of business in the City of Indianapolis and who shall erect or maintain such advertising sign on the premises where his, their or its said business is carried on. Provided further that such advertising sign shall advertise only goods, wares and merchandise for sale by him, them or it at said place of business on said premises where said sign is located. Any sign which shall advertise only the name of the business or person, firm or corporation renting, selling or leasing the said premises and which shall be erected or maintained less than six (6) inches from the property line shall be exempt from any erection permit fee provided the same shall not exceed twelve (12) sq. feet in area.

Sec. 28. DUTIES OF THE COMMISSIONER OF BUILDINGS. It is hereby made the duty of the Commissioner of Buildings to exercise supervision over all signs, signboards and billboards erected or being maintained under the provisions of this Ordinance and to cause inspection, by inspectors in his department, of all signs, signboards and billboards; to be made once each year; and whenever it shall appear to the said Commissioner that any such sign, signboard or billboard has been erected in violation of this Ordinance or is in an unsafe condition or appears to be a menace to the safety or health of the public he shall thereupon issue or cause to be issued a notice in writing to the owner of such sign, signboard or billboard or person in charge, possession or control thereof informing such person, firm or corporation of the condition of the said sign, signboard or billboard and directing the owner thereof to make such alterations or repairs thereto as may be set out in the notice and stipulating a period of time for the owner to comply with the requirements. If the owner or person in charge, possession or control of such sign, signboard or billboard when so notified shall refuse, fail or neglect to comply with, and conform to the requirements of said notice, said Commissioner shall upon the expiration of the time therein mentioned, alter, change, tear down or cause to be torn down such part of such sign, signboard or billboard as is constructed and maintained in violation of this Ordinance and shall charge the expense to the owner or person in possession, charge or control of such sign, signboard or billboard, which shall be recovered from them by appropriate legal procedures. Of the owners or person in charge, possession or control of said sign, signboard or billboard cannot be found; or his or their whereabouts cannot be ascertained, the Commissioner shall attach or cause to be attached to such sign, signboard or billboard or the building or premises on which the same is located, a notice of the same import as that required to be sent to the owner, person, firm or corporation, in charge, possession or control thereof.

if such billboard, sign or signboard is not made to conform to the orders of the Commissioner of Buildings within thirty (30) days from the date of the posted notice, it shall be the duty of the said Commissioner of Buildings to thereupon cause such sign, signboard or billboard to either be repaired according to the requirements of this Ordinance or torn down. Nothing herein contained shall prevent the Commissioner of Buildings from adopting such precautionary measures as may be necessary or advisable to fasten, support or maintain the said sign, signboard or billboard in a safe condition, the expense of which shall be charged to and recovered from the owner of such sign, signboard or billboard or person in charge, possession or control thereof, by any appropriate legal proceedure.

Sec. 29. VALIDITY. This Ordinance shall apply to all persons, firms or corporations coming within the provisions and spirit hereof and portions of this Ordinance which may be declared invalid shall in no way affect the validity and enforcement of the valid sections thereof.

Sec. 30. PENALTY. Any person, firm or corporation owning, operating, maintaining or in charge, possession or control of any sign, signboard or billboard within the city who shall fail, neglect or refuse to comply with any of the provisions of this Ordinance or who erects or has erected, constructed any sign, signboard or billboard that does not comply with the provisions of this Ordinance shall be fined in any sum not less than ten (10) dollars nor more than one hundred (100) dollars for each offense except as provided for specific sections; and further be it provided that each day after which any person shall permit or allow any illegal sign, signboard or billboard to be operated or maintained by him or them shall constitute a separate offense under this Ordinance for the violation of any sections the penalty of which is not specified in the sections.

Sec. 31. That any or all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Sec. 32. This Ordinance shall be in full force and effect from and after passage and due publication as required by law.

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

By Mr. Wise:

GENERAL ORDINANCE NO. 98, 1922

AN ORDINANCE amending Section 751 of General Ordinance No. 12, 1917, pertaining to fixing license fees to be charged for vehicles used on the streets of the City of Indianapolis for carrying on certain business, and fixing a time when the same shall take effect.

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

Section 1. That Section 751 of General Ordinance No. 12, 1917, pertaining to fixing license fees to be charged for vehicles used on the streets of the City of Indianapolis for carrying on certain

business, be and the same is hereby amended to read as follows:

No license shall be required on any vehicle owned by any person living without the City of Indianapolis used for the purpose of bringing into or hauling out of said city any goods, wares, merchandise, live stock or materials or produce of the owner's own raising.

Sec. 2. This Ordinance shall not apply to or exempt the owners of vehicles from the payment of license who live outside the corporate limits of the City of Indianapolis and within four miles from said corporate limits whose vehicle is used for commercial purposes in a business established and conducted within the City of Indianapolis.

Sec. 3. This Ordinance shall be in full force and effect from and after Janury 1, 1923, and due publication.

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

By the Board of Public Works:

SPECIAL ORDINANCE NO 19, 1922

AN ORDINANCE authorizing the sale of certain personal property of the City of Indianapolis, by and through its Board of Public Works, and declaring a time when the same shall take effect.

WHEREAS, on the 13th day of September, 1922, under and pursuant to Property Sale Resolution No. 3, of the year 1922, of the Board of Public Works of the City of Indianapolis, Indiana, said Board resolved that certain personal property belonging to the City of Indianapolis, and under the care and custody of said Board was and is no longer needed and no longer fit for the purpose for which it was intended, and that a petition be filed in the Marion Circuit Court for the appointment of appraisers to appraise the same, and that such other proceedings be had toward the sale thereof, which said property is hereafter set out in said appraisers' report; and

WHEREAS, said City of Indianapolis, by and through its Board, filed in the Marion Circuit Court, on the 14th day of September, 1922, its petition for the appointment of said appraisers to appraise said property; and

WHEREAS, said Court on the 14th day of September, 1922, appointed three (3) disinterested freeholders of the City of Indianapolis, none of whom is an officer or employee of said City of Indianapolis, as appraisers, to make an appraisement and sworn valuation of said property and make a return thereof to the Mayor of the City of Indianapolis; and

WHEREAS, said appraisers did make a sworn valuation and appriasement of said property, and made return thereof to the Mayor of the City of Indianapolis; and

WHEREAS, the Mayor of the City of Indianapolis, did on the 15th day of September, 1922, approved in writing said sworn valutation and appraisement, which said sworn valuation and appraisement of said appraisers, and said approval thereof by the

Mayor of the City of Indianapolis is in the words and figures as follows, to-wit:

"To the Mayor of the City of Indianapolis,
Indianapolis, Indiana.

Dear Sir—The undersigned, being duly sworn on oath, depose and say:

That having been duly appointed by the Judge of the Marion Circuit Court in and for said County and State aforesaid, to make appraisements and sworn valuation of certain personal properties inventoried by the City of Indianapolis by and through its Board of Public Works, under and by virtue of Property Sale Resolution No. 3 of said Board for the purpose of making sale of the same, we do now hereby, honestly and truly, appraise such property as being of the fair and reasonable value herein indicated as follows:

AT ENGINE ROOM AT CITY HALL

(2)	6x4x6 Dean Bros. Durable Steam Pumps, $50 each	$100.00
(2)	8x8x12 Marsh Steam Pumps, $50 each	100.00
(1)	24x72 Webster Air Separating Tank	15.00
(1)	24x60 Storage Tank, with Steam Coil	15.00
(1)	8x4 Western Kiley Pressure Reducing Valve	
(1)	2" Borylston Pressure Reducing Valve	
(1)	2½" Davis Back Pressure Valve	
(1)	1¼" Webster Pump Governor	
(1)	¾" Model N. Anderson Steam Trap	
(2)	4" American Gauge Co. Pop Safety Valve	
(1)	Webster Pump Strainer	
(4)	Pump Lubricator	
(2)	Webster Oil Separator	
(6)	3" Crane Std. Stb. Gate Valves	
(2)	3" Crane Std. Stb. Angle Valves	
(1)	2½" Crane Std. Stb. Gate Valves	
(1)	5" Crane Ex. Hvy. Flange Angle Valves F-D	
(1)	4" Crane Ex. Hvy. Flange Globe Valves F-D	
(2)	2½" Crane Std. I. B. Screw Angle Valves F-D	
(2)	2½" Crane Std. Brass Gate Valves	
(3)	2" Crane Std. Brass Gate Valves	
(1)	2" Crane Std. Brass Angle Valves	
(7)	1½" Crane Std. Brass Gate Valves	
(2)	1½" Crane Std. Brass Globe Valves	
(3)	1½"Crane Std. Brass Globe Valves	
(4)	1" Crane Std. Brass Globe Valves	
(2)	¾" Crane Std. Brass Globe Valves	
(2)	¾" Crane Std. Brass Angle Valves	
(3)	¾" Crane Std. Brass Gate Valves	
(2)	½" Crane Std. Brass Angle Valves	
(1)	¼" Crane Std. Brass Angle Valves	
(2)	¼" Crane Std. Brass Gate Valves	
(2)	1½" Crane 250 lb. Vertical Check Valves	
(1)	1½" Crane Std. Swing Check Valve	
(1)	8x8x5x4 Ex. Hvy. Flange Cross F-D	
(1)	5x4x2 Ex. Hvy. Flange Tee F-D	
(2)	8x15 Ex. Hvy. Comp. Flanges F-D	
(4)	4x9 Std. Comp. Flanges F-D	
(25)	⅞x4¼ Machine Bolts	

(24) ¾x4 Machine Bolts
(85) ¾x3 Machine Bolts
(1) 8x2 Pipe Saddle
Small amount of pipe fittings 50.00

AT ASPHALT PLANT

(2) Two Iroquois Surface Burners, $3.00 each .....$ 6.00
(4) Four Iroquois Tar Kettles in use
(2) Two Tool Heaters in use
(1) One Plow-hand ..... .50

AT SHELBY STREET BARNS—IN CARE OF STREET COMMISSIONERS

(1) Overland Roadster No. 12 .....$ 5.00

AT CITY YARDS

Pile of Junk $10.00

AT MUNICIPAL GARAGE—HAS BEEN MOVED TO SHELBY STREET BARNS

106 Tires (junk); 184 Tubes (junk) .....$ 2.00
(1) One Ford Roadster, 1914, No. Number in use
(1) Maxwell Truck, No. 68 ..... 5.00
(1) Elgin Sweeper No. 76, Serial No. 5371 ..... 75.00
(1) Elgin Sweeper, No. 77, Serial No. 5366 ..... 75.00
(1) One Maxwell Truck No. 71, Serial No. 243067..... 10.00
(1) One Maxwell Truck, No. 69, Serial No. 230825..... 10.00
(1) One Maxwell Truck, No. 65, Plain 10.00
(1) One Maxwell Truck, No. 66, Serial No. 231917..... 10.00
(1) One Maxwell Truck, No. 70, Serial No. Plain 10.00
(1) One Maxwell Truck, No. 78, Serial No. 258792..... 10.00
(1) One Maxwell Truck, No. 67, Serial No. Plain 10.00
(1) One Dixie Magneto
(1) One Remy Magneto
(2) Two Coil Boxes
(2) Switch Boxes
(8) Eight Generators
(2) Two Armatures 5.00

CARS FROM RECREATION DEPARTMENT AS FOLLOWS:

(1) One Reo Truck $20.00
(1) One Lexington Touring Car 10.00

STREET CLEANING DEPARTMENT

(1) One Patrol Wagon—Two horse drawn .....$ 15.00
(1) One lot horse collars from fire department 2.00
(1) One 750 gallon water tank 30.00
(1) One Single Surrey. Not found
(2) Two Iron Dump Beds at $10.00 each 20.00
(3) Three sprinkling tanks at $25.00 each 75.00
(7) Seven Oil Tank Wagons at $200.00 each 1,400.00
(8) Eight squegees at $25.00 each 200.00
(5) Five large wagon wheels at $1.00 each 5.00
(2) Two good barrels 52 gallons each. Not found

AT CITY BARNS

(1) One Mule, "Goldie" $10.00
(1) One Mule, "Mike" 15.00
(1) One Mule, "Dick" 15.00
(1) One Mule, "John" 15.00
(1) One Mule, "Queen" 15.00

(1) One Mule, "Kate" 15.00
(1) One Mule, "Hawk" 15.00
(1) One Mule, "Pete" 15.00

PATRICK J. CAHALANE,
HENRY W. KRAEMER,
TIMOTHY P. SEXTON,
Appraisers.

STATE OF INDIANA
SS:
COUNTY OF MARION

Subscribed and sworn to before me a Notary Public in and for the above County and State this ..... day of September, 1922.

BESSE M. REID,
Notary Public.

My commission expires June 15, 1925.

I, Samuel Lewis Shank, Mayor of the City of Indianapolis, Indiana, do hereby approve the foregoing proceedings and contemplated sale of the properties herein inventoried, and also approve the appraisements and sworn valuation made by the said appraisers.

Dated this 15th day of September, 1922.

S. L. SHANK,
Mayor.

NOW THEREFORE,

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

Section 1. That the City of Indianapolis, by and through its said Board of Public Works' is hereby authorized to sell said property hereinbefore set out in said appraisers' sworn valuation and appraisement for cash at public or private sale for not less than its full said appraised value. Such sale shall be upon such notice, of any, as said Board shall determine, or may have determined, and said property may be sold separately or in one lot.

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.

INTRODUCTION OF MISCELLANEOUS BUSINESS

By the City Plan Commission:

Indianapolis, Ind., September 18, 1922.

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

Gentlemen—Pursuant to your request for the City Plan Commission to make a study and investigation of the classifications, regulations and limits of the height, area and use of buildings hereafter to be erected in the City of Indianapolis, the regulation and classification of the areas of front, rear, side yards and other open spaces about such buildings, the use and intensity of use

of land and lot areas and the regulations and restrictions of trades, callings, industries and commercial enterprises, and the location of buildings designed for specified uses, and to make a report to your body of its recommendations as to the boundaries of districts into which the City of Indianapolis may be divided in order to carry out such classifications, together with its recommendations as to the regulations and restrictions to be enforced or imposed in such districts, the City Plan Commission begs to report that it has made a careful study and investigation of all of the matters and things called for by your request and submits herewith a tentative draft of an Ordinance comprising its recommendations and classifications as seem to it to be best suited to the needs of the City of Indianapolis.

The tentative Ordinance, above referred to, divides the city into five classes of use districts, namely:

1. Dwelling house districts.
2. Apartment house districts.
3. Business District.
4. First industrial districts.
5. Second industrial districts.

DWELLING HOUSE DISTRICTS. In the dwelling house districts, apartment houses, stores and industries are prohibited and no residence building may be erected for more than two families.

The dwelling house districts are subdivided into 3 classes of area districts. (1) In the first class, 7,500 square feet of lot area is required for each family housed on the lot. The minimum width of the lot for a single family house in this class is 50 feet. In order to secure the required 7,500 square feet of area, a depth of 150 feet will be necessary for a lot having this minimum width of 50 feet. Only areas where single family houses are now located on large lots or where vacant lots are platted with a minimum area of 7,500 square feet, have been placed in this first class area district. (2) The second class area district required 4,800 square feet of lot area per family and the minimum lot width is 40 feet. A lot 40 feet by 120 feet is the minimum size for a single family house. The less developed sections encircling the city have in general been placed in this district providing for a single family detached house development on 4-foot lots. (3) In the third class, 2,400 square feet of lot area is required for each family. Most of the present dwelling house sections are placed in this class, thus permitting the erection of a house for two families on a 40-foot lot.

APARTMENT HOUSE DISTRICTS. In the apartment house districts, business and industry are prohibited, but all kinds of residence buildings are permitted. The apartment house districts include the areas not assigned to business or industry near the heart of the city.

The apartment house districts are also divided into 3 classes of area districts; the first requiring 1,200 square feet of lot area per family, thus permitting 4 families on the ordinary 40-foot lot; the second requiring 600 square feet of lot area per family, thus permitting 8 families on the ordinary 40-foot lot; and the third, designed for the elevator apartment or hotel building having no restriction as to the number of families that may be housed on a given lot area.

FRONT YARDS. Front yard lines are established in all dwelling house and apartment house districts. Where 50 per cent. of the frontage in a block is built up with buildings that set back from the street line, the alignment of the existing buildings is made the front yard line. No new building is permitted to project beyond the front of the adjacent buildings. In blocks that are not sufficiently built up to form existing building lines, a front yard line is fixed at 20 per cent. of the average or normal depth of the lots in the block. If, however, the lots are more than 200 feet in depth, the set back from the street line need not be greater than 40 feet. Along the side line of a corner lot the set back must be 10 per cent. of the width of the lot up to a maximum of 10 feet.

SIDE AND REAR YARDS. In dwelling house districts or apartment house districts side yards are required having a minimum width of 4 feet and at least 20 per cent. of the width of each interior lot must be devoted to side yards, provided not more than 16 feet need be so devoted. For an apartment house or for any building more than two and one-half stories in height the width of each side yard shall be not less than one-sixth of the height of the building. In a dwelling house district the rear yard shall be 15 per cent. of the depth of the lot but need not exceed 30 feet. In an apartment house district the rear yard shall be not less than one-half of the height of the building. Forty per cent. of the area of the rear yard may be occupied by a one-story garage or other accessory building.

BUSINESS DISTRICTS. In a business district the ordinary uses found in the central business section and in the local neighborhood business center, including the public garage and various storage uses, are permitted. In the central business section very light manufacturing, job printing and newspaper printing are also permitted. Any buildings or uses permitted in the dwelling house districts or apartment house districts are also permitted in the business districts. A large expansion of the central business section is provided for. Adequate areas are also provided to serve the needs for local stores in all the resident sections. Small local business centers are provided at approximately half-mile intervals throughout the residence sections except where a scattering of stores along a street car route has made it advisable to throw the entire street into a business district.

INDUSTRIAL DISTRICTS. The two classes of industrial districts include substantially all of the areas now devoted to industrial purposes and provide large areas for industrial expansion along the various railway routes and adjacent to the central business section. The distinction between the first industrial district and the second industrial district is that certain semi-nuisance industrial processes that are permitted in the second industrial district are excluded from the first industrial district. These uses, for which the second industrial district is especially designed, are certain chemical plants, boiler-making, structural iron works, packing houses, glue manufacture, fertilizer manufacture, etc. The following uses are entirely prohibited within the present city limits: Petroleum refining; cement, lime, gypsum or plaster of Paris manufacture; chlorine or hydrochloric, nitric, picric or sulphuric acid manufacture; smelting of copper, tin, zinc or iron ores; and the manufacture or storage of explosives.

HEIGHT DISTRICTS. The entire city is divided into four classes of height districts. The maximum limits in these districts are respectively 50 feet, 80 feet, 108 feet and 150 feet. The limit fixed is merely a limit at the property line and after reaching such height, buildings may go higher is set back 1 foot for each 3 feet of additional height in the 108-foot and 150-foot height districts and 1 foot for each 2 feet of additional height in the 50-foot and 80-foot districts. This set back must be from the side and rear lines of the lot as well as from the street line, and in residence districts the set back is from the required front, side and rear yard lines instead of from the street and lot lines. It is also provided that the board of zoning appeals may permit a tower covering not more than 25 per cent. of the area of the lot to be erected to any height.

The 150-foot height limit applies to the central business section with the exception of the frontage around the Circle and along the Plaza. The 108-foot limit applies to the Circle, the frontage along the Plaza and to the commercial, industrial and elevator apartment house sections adjacent to the central business district. The 80-foot height limit applies chiefly to industrial areas outside of the central section. It is provided, however, that grain elevators, gas holders and other industrial buildings requiring a greater height for the normal operation of the industry, may be erected to such greater height, with the approval of the board of zoning appeals. The 50-foot height limit is applied to all of the dwelling house districts and to most of the apartment house districts.

NONCONFORMING USES. The zoning ordinance does not affect existing uses of property. A use of building existing at the time of the passage of the zoning ordinance which does not comply with the regulations of the district in which it is located is called a nonconforming use. Such uses and buildings may be continued. The zoning ordinance is not retroactive. If, for example, there is a store in a block that under the zoning ordinance is included in a dwelling house district, the store may, nevertheless, be continued. A building housing a nonconforming use may not, however, be structurally altered to an extent exceeding during any 10-year period 60 per cent. of the assessed value of the building.

ENFORCEMENT; BOARD OF ZONING APPEALS. The zoning ordinance will be enforced by the Commissioner of Buildings. No building permit will be issued unless the building and its proposed use conform to the zoning regulations.

In the application of the zoning ordinance many cases will arise, especially near the dividing line between two use districts, where the strict letter of the zoning regulations may properly be modified. This can be done in specific cases without injury to the general public purpose of the Ordinance, while at the same time avoiding unnecessary injury to the individual owner. Strictly limited discretion is, therefore, lodged in a board of zoning appeals created by the Ordinance to make minor modifications and exceptions to the general rules and regulations established by the Ordinance.

AMENDMENT OF ZONING PLAN. Subsequent to the adoption of the zoning Ordinance, the Council will have full power to amend and supplement the plan from time to time. Minor changes will doubtless be necessary to correct imperfections in the plan. Other

amendments will be required from time to time to meet changing conditions of city growth. The plan as adopted should, however, be fairly permanent, and amendments should only be approved after careful consideration has shown them to be reasonable and necessary in the general interest.

The members of the City Plan Commission feel that the Ordinance which is submitted herewith will be found to require very little, if any, changing before its final passage. Such changes as may from time to time seem necessary may be accomplished by amendment or with the consent of the board of zoning appeals and the Ordinance can thus be made sufficiently elastic to prevent any serious hardships from being worked on property owners. Many conferences have been held by the members of the Commission in making the study necessary to prepare this Ordinance and the public has been given opportunity as provided by law to be heard concerning the same.

We trust our Ordinance will meet with your approval and that a permanent zoning Ordinance may be passed by your body at the earliest time consistent with your rules and the law making zoning passible.

Respectfully submitted,

EDW. B. RAUB, Pres.
EMERSON W. CHAILLE,
Vice-Pres.
LOUIS W. BRUCK,
THOS. C. HOWE,
H. F. CLIPPINGER,
C. A. BOOKWALTER,
C. E. COFFIN,
L. D. CLAYCOMBE,
J. L. ELLIOTT,
City Plan Commission.
LAWRENCE V. SHERIDAN,
Executive Secretary.

TENTATIVE ZONING ORDINANCE
Indianapolis City Plan Commission

AN ORDINANCE dividing the City of Indianapolis into districts for the purposes of regulating and restricting the location of trades, callings, industries, commercial enterprises and the location of buildings designed for specified uses; of classifying regulating and determining the area of front, rear and side yards and other open spaces about buildings; of regulating and determining the use and intensity of use of land and lot areas within such city; creating a board of zoning appeals; defining certain terms used in said Ordinance; providing a penalty for its violation and designated the time when the same shall take effect.

WHEREAS, The Common Council of the City of Indianapolis, Indiana, deems it necessary, in order to conserve the value of property in the city and to the end that adequate light, air, convenience of access and safety from fire and other dangers may be secured, that congestion of the public streets may be lessened or avoided, and that the public health, safety, comfort, convenience, morals and general welfare may otherwise be promoted in accord-

ance with a well considered plan for the use and development of all property throughout the city, NOW THEREFORE,

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

Section 1. DISTRICTS AND ZONE MAP. For the purpose of classifying, regulating and limiting the height, area and use of buildings hereafter to be erected and of regulating and determining the area or front, rear and side yards and other open spaces about buildings and of regulating and determining the use and intensity of use of land and lot areas and of classifying, regulating and restricting the location of trades, callings, industries, commercial enterprises and the location of buildings designed and for uses herein specified, the City of Indianapolis, Indiana, is hereby divided into five classes of use districts, termed respectively class U1 or dwelling house districts, class U2 or apartment house districts, class U3 or business districts, class U4 or first industrial districts and class U5 or second industrial districts; and into four classes of height districts, termed respectively class H1, H2, H3 and H4; and into six classes of area districts, termed respectively class A1, A2, A3, A4, A5 and A6; all as shown on the district or zone map which accompanies this ordinance and is hereby declared to be part hereof. hereby established. The map designations and the map designation rules which accompany said map are hereby declared to be part thereof. No building or premises shall be erected or used except in conformity with the regulations herein prescribed for the use, height and area districts in which such building or premises is located.

Sec. 2. CLASSIFICATION OF USES. For the purpose of this Ordinance, the various uses of buildings and premises are divided into groups, classes and subdivisions as set forth in the following classification of uses:

GROUP 1—RESIDENCE CLASSES

Class U1 uses: (Dwelling House)

(1) Dwelling.

(2) Church. School. Public library. Public museum.

(3) Community center building. Private club, excepting a club the chief activity of which is a service customarily carried on as a business. Philanthropic or eleemosynary use or institution other than a penal or correctional institution. Hospital or sanitarium other than for the insane or feeble-minded.

(4) Public park. Public playground. Public recreation building. Water supply reservoir, well, tower or filter bed.

(5) Railway passenger station. Railway right of way, not including railway yards.

(6) Farming. Green house. Nursery. Truck gardening.

Class U2 uses: (Apartment House)

(1) Apartment house.

(2) Hotel.

GROUP 2—BUSINESS AND INDUSTRIAL CLASSES

Class U3 uses: (Business)

(1) Bank. Office. Studio. Telephone exchange. Wholesale sales office or sample room. Oil filling station. Fire station. Ice delivery station.

(2) Retail trade or shop for custom work or the making of articles to be sold at retail on the premises. Restaurant. Theater. Moving picture show. Any use not included in any other class, provided such use is not noxious or offensive by reason of the emission of odor, dust, smoke, gas or noise.

(3) Billboard or advertising sign.

(4) Garage or repair shop for motor vehicles. Hand laundry. Electric sub-station.

(5) Storage in bulk of, or warehouse for, such material as building material, contractor's equipment, clothing, cotton, drugs, dry goods, feed, fertilizer, food, fuel, furniture, hardware, ice, machinery, metals, oil and petroleum in quantities less than tank car lots, paint, and paint materials, pipe, rubber, shop supplies, tobacco, or wool. Street car barn.

Class U4 uses. (First Industrial)

(1) Wholesale produce salesroom. Wholesale produce market.

(2) Manufacture or industrial operation of any kind, other than a class U3, U5, or U6 use, where not more than 3 H. P. is employed in the operation of any machine, provided such use is not noxious or offensive by reason of the emission of odor, dust, smoke, gas or noise.

(3) Job printing. Newspaper printing.

(4) Carpet cleaning. Steam laundry.

(5) Cold storage plant. Creamery. Bottling works. Milk bottling or central distributing station.

(6) Grain elevator. Blacksmith, horseshoeing or wagon shop. Stable or wagon shed for more than five horses or wagons. Veterinary hospital. Lumber yard.

(7) Street car repair shop. Freight terminal. Railroad yards.

(8) Scrap iron or junk storage. Scrap paper or rag storage or baling. Foundry.

(9) Manufacturing or industrial operation of any kind other than a class U3, U5 or U6 use or a use included in subdivision (2) above.

Class U5 uses: (Second Industrial)

(1) Paper manufacture. Plaster manufacture.

(2) Ammonia, bleaching powder or other chemical plants emitting corrosive or toxic fumes carrying beyond the limits of the premises, other than uses included in class U6. Asphalt manufacture or refining. Coal distillation including manufacture or derivation of the by-products. Coke ovens. Cresote manufacture or treatment. Gas manufacture from coal or petroleum or the storage thereof. Carbon or lamp black manufacture. Petroleum storage (in quantities greater than tank car lots). Tar distillation.

(3) Central station light or power plant.

(4) Boiler making. Locomotive manufacture. Railway car manufacture. Railroad roundhouse or shop. Reducing or refining aluminum, copper, tin or zinc. Steel furnace, blooming or rolling mill. Power forge. Structural iron or pipe works.

(5) Storage of live poultry or poultry killing or dressing except for sale at retail on the premises. Incineration of garbage,

offal, dead animals or refuse. Municipal garbage reduction plant. Raw hides or skins—storage, curing or tanning. Soap manufacture. Snuff manufacture.

(6) Distillation of bones. Fat rendering. Glue manufacture. Slaughter house. Fertilizer manufacture. Garbage, offal or dead animals reduction or dumping.

Class U6 uses: (Prohibited)

(1) Petroleum refining.

(2) Cement, lime, gypsum, or plaster of Paris manufacture.

(3) Chlorine or hydrochloric, nitric, picric, or sulphuric acid manufacture. Smelting of copper, tin, zinc or iron ores.

(4) Explosives, manufacture or storage.

GROUP 3—SPECIAL CLASSES

Class U7 uses: (Special Permit)

(1) Aviation field. Amusement park.

(2) Crematory. Cemetery.

(3) Pest house. Penal or correctional institution. Sanitarium or asylum for the insane or feeble-minded.

(4) Sewage disposal or treatment plant. Refuse dump.

Sec. 3. DWELLING HOUSE DISTRICT. (a) In a class U1 or dwelling house district no building or premises shall be used, and no building shall be erected, which is arranged, intended or designed to be used for other than a class U1 use.

(b) In a dwelling house district no building shall be erected which is arranged, intended or designed for a use enumerated in subdivision (3) of class U1 uses, unless such building is located:

(1) On a lot already devoted to a use enumerated in said subdivision;

(2) On a lot fronting on a portion of a street between two intersecting streets in which portion there exists a building of a kind enumerated in said subdivision;

(3) On a lot immediately adjoining or immediately opposite on the other side of the street from a business or industrial district; or

(4) On a lot determined by the board of zoning appeals after public notice and hearing to be so located that such building will in the judgment of the said board substantially serve the public convenience and welfare, and will not substantially and permanently injure the appropriate use of neighboring property.

Sec. 4. APARTMENT HOUSE DISTRICT. (a) In a class U2 or apartment house district no building or premises shall be used, and no building shall be erected which is arranged, intended or designed to be used, for other than a class U1 or U2 use.

(b) In an apartment house district no building shall be erected which is arranged, intended or designed for a use enumerated in subdivision (3) of class U1 uses, unless such building is located:

(1) On a lot already devoted to a use enumerated in said subdivision;

(2) On a lot fronting on a portion of a street between two intersectiong streets in which portion there exists a building of a kind enumerated in said subdivision;

(3) On a lot immediately adjoining or immediately opposite on the other side of the street from a business or industrial district; or

(4) On a lot determined by the board of zoning appeals after public notice and hearing to be so located that such building will

in the judgment of said board substantially serve the public convenience and welfare and will not substantially and permanently injure the appropriate use of neighboring property.

Sec. 5. ACCESSORY USES IN RESIDENCE DISTRICTS. An accessory use customary incident to a class U1 or U2 use shall be permitted in, respectively, a class U1 or U2 district. In a dwelling house district a private garage permitted as an accessory use shall not provide storage for more than one motor vehicle for each 2,000 square feet of the lot area. In an apartment house district a private garage permitted as an accessory use shall not provide storage for more than one motor vehicle for each 500 square feet of the lot area. A billboard, signboard or advertising sign shall in no case be permitted as an accessory use except that the placing of a "for sale" or "for rent" sign, shall, however, be permitted as an accesory use. A store, trade or bu iness shall not be permitted as an accessory use except that the off ce of a physician, dentist or surgeon may be located in the dwelling or apartment used by such physician, dentist or surgeon, as his private residence, and except that any person carrying on a customary home occupation, may do so in a dwelling or apartment used by him as his private residence. In a dwelling or apartment occupied as a private residence, one or more rooms may be rented or table board furnished. A restaurant or public dining room may be located in a hotel or apartment house as an accessory use. A news stand may be located in a railway passenger station as an accessory use.

Sec. 6. BUSINESS DISTRICT. (a) In a class U3 or business district no building or premises shall be used, and no building shall be erected which is arranged, intended or designed to be used, for other than a class U1, U2 or U3 use. Provided that in any portion of a business district that is within a class A6 area district any building or premises may be erected or used for any use enumerated in subdivision (1), (2) or (3) of class U4 uses.

(b) An accessory use customarily incident to a class U3 use shall be permitted in a business district. A class U6 use shall not be permitted as an accessory use.

Sec. 7. FIRST INDUSTRIAL DISTRICT. (a) In a class U4 or first industrial district no building or premises shall be used, and no building shall be erected which is arranged, intended or designed to be used, for other than a class U1, U2, U3 or U4 use.

(b) An accessory use customarily incident to a class U4 use shall be permitted in a first industrial district. A class U6 use shall not be permitted as an accessory use.

Sec. 8. SECOND INDUSTRIAL DISTRICT. (a) In a class U5 or second industrial district no building or premises shall be used, and no building shall be erected which is arranged, intended or designed to be used, for other than class U1, U2, U3, U4 or U5 use.

(b) In a second industrial district, no building shall be erected which is arranged, intended or designed for a use enumerated in subdivision (6) of class U5 uses, unless such building is located on a lot determined by the board of zoning appeals, after public notice and hearing, to be so located that said building will in the judgment of the said board substantially serve the public convenience and welfare and will not substantially or permanently injure the appropriate use of neighboring property .

(c) A class U6 use shall not be permitted as an accessory use in a second industrial district.

Sec. 9. PROHIBITED AND SPECIAL PERMIT USES. A class U6 use may not be located within the present limits of the City of Indianapolis. A class U7 use may be located only on special permit as provided in section 23. A class U7 use existing in any use district at the time of the passage of this ordinance shall be deemed an authorized use upon the plot devoted to such use at the time of the passage of this ordinance.

Sec. 10. NONCONFORMING USES. A nonconforming use existing at the time of the passage of this ordinance may be continued. A nonconforming use shall not be extended except as authorized by the proceeding section; but the extension of a use to any portion of a building, which portion was arranged or designed for such nonconforming use at the time of the passage of this ordinance, shall not be deemed the extension of a nonconforming use. A building arranged, designed or devoted to a nonconforming use at the time of the passage of this ordinance may not be reconstructed or structurally altered to an extent exceeding in aggregate cost, during any 10-year period, 60 per cent of the assessed value of the building unless the use of said building is changed to a conforming use. A nonconforming use shall not be changed unless changed to a higher use. A nonconforming use if changed to a conforming use may not thereafter be changed back to any nonconforming use. For the purpose of this ordinance a use shall be deemed to be changed if changed from a use included in a subdivision or a use class to a use not included in such subdivision. For the purpose of this ordinance a nonconforming use shall be deemed to be changed to a higher use if the use to which such nonconforming use is changed is a use included in a subdivision of a class that in the arrangement of classes and subdivisions in the classification of uses precedes the subdivision in which such nonconforming use is included.

Sec. 11. HEIGHT DISTRICTS. (a) In a class H1 district no building shall be erected to a height in excess of 50 feet, provided that back of the street or lot lines any portion of a building may be erected to a height in excess of 50 feet, provided such portion of such building is set back from all street and lot lines 1 foot for each 2 feet of such additional height and provided further that in a dwelling house or apartment house district such set back shall be from all required front, side and rear yard lines instead of from street and lot lines.

(b) In a class H2 district no building shall be erected to a height in excess of 80 feet, provided that back of the street or lot lines any portion of a building may be erected to a height in excess of 80 feet provided such portion of such building is set back from all street and lot lines 1 foot for each 2 feet of such additional height, and provided further, that in a dwelling house or apartment house district, such set back shall be from all required front, side and rear yard lines instead of from street and lot lines.

(c) In a class H3 district no building shall be erected to a height in excess of 108 feet, provided that back of the street or lot lines any portion of a building may be erected to a height in excess of 108 feet provided such portion of such building is set back from

all street and lot lines 1 foot for each 3 feet of such additional height, and provided further that in a dwelling house or apartment house district such set back shall be from all required front, side and rear yard lines instead of from street and lot lines. And provided further, that, if such building adjoins along its rear line area within a class H4 district, any portion of such building erected back of the street line may be erected to a height of 150 feet, provided such portion of such building is set back from the line of the street on which such building fronts 1 foot for each 3 feet of such height in excess of 108 feet.

(d) In a class H4 district no building shall be erected to a height in excess of 150 feet, provided that back of the street or lot lines any portion of a building may be erected to a height in excess of 150 feet, provided such portion of such building is set back from all street and lot lines 1 foot for each 3 feet of such additional height.

Sec. 12. HEIGHT DISTRICT EXCEPTIONS. (a) The provisions of the preceding section shall not apply to restrict the height of a church spire, flagpole, belfry, clock tower, wireless tower, chimney, water tank, elevator bulkhead or stage tower or scenery loft.

(b) The board of zoning appeals may, after public notice and hearing and subject to such conditions and safeguards as the board may prescribe to protect the appropriate use of neighboring property, permit the erection of a building or portion of a building covering not more than 25 per cent of the area of the lot to a height in excess of the limits prescribed in the preceding section.

(c) The board of zoning appeals may, after public notice and hearing, permit the erection of an addition to an existing building to the same height as such existing building where such additional is essential to the completion of the existing building as planned.

(d) The board of zoning appeals may, after public notice and hearing, permit the extension of a building existing at the time of the passage of this ordinance, by the construction of additional stories above the height limit herein provided, provided that the original plans approved by the building commissioner provided for such additional stories and such building was actually designed and constructed to carry such additional stories.

(e) The board of zoning appeals may, after public notice and hearing, permit in a first or second industrial district the erection of a grain elevator, gas holder or other industrial building to a height in excess of the limitations prescribed in the preceding section, probided that in the judgment of the said board such additional height is essential to the normal operation of such industry.

Sec. 13. LOT AREA PER FAMILY. (a) In a class A1 district no building shall be erected or altered to accomodate or make provision for more than one family for each 7,500 square feet of the area of a lot. Provided that one single family dwelling may be erected on any lot separately owned at the time of the passage of this ordinance or on any numbered lot in a recorded subdivision that was on record in the office of the county recorder at the time of the passage of this ordinance.

(b) In a class A2 district no building shall be erected or altered to accomodate or make provision for more than one family for eash

4,800 square feet of the area of the lot. Provided that one single family dwelling may be erected on any lot separately owned at the time of the passage of this ordinance or on any numbered lot in a recorded subdivision that was on record in the office of the county recorder at the time of the passage of this ordinance.

(c) In a class A3 district no building shall be erected or altered to accomodate or make provision for more than one family for each 2,400 square feet of the area of the lot if an interior lot or for each 2,000 square feet of a corner lot. Provided that one dwelling for two families may be erected on any lot separately owned at the time of the passage of this ordinance or on any numbered lot in a recorded subdivision that was on record in the office of the county recorder at the time of the passage of this ordinance, provided that in either case such lot has a width of not less than 35 feet and an area of not less than 3,500 square feet.

(d) In a class A4 district no building shall be erected or altered to accomodate or make provision for more than one family for each 1,200 square feet of the area of the lot if an interior lot or for each 1,000 square feet if a corner lot.

(e) In a class A5 district no building shall be erected or altered to accomodate or make provision for more than one family for each 600 square feet of the area of the lot if an interior lot or for each 500 square feet if a corner lot.

(f) In a class A6 district there shall be no requirement as to the number of square feet of lot area per family.

(g) In computing such area of the lot for the purpose of this section, any part of the area of any corner lot in excess of 7,500 square feet shall be considered an interior lot. In a class A1, A2, A3 or A4 district in computing the area of a lot for the purpose of this section, if the depth of the lot is more than three times the width of such lot, a depth of only three times such width shall be used.

Sec. 14. ONE ZONE MAP DESIGNATIONS. When definite distances in feet are not shown on the zone map, the district boundaries on the zone map are intended to be along existing street, alley or property lines or extensions of the same and if the exact location of such line is not clear it shall be determined by the board of zoning appeals, due consideration being given to the location as indicated by the scale of the zone map. Where the streets or alleys on the ground differ from the streets or alleys as shown on the zone map the board of zoning appeals may apply the district designations on the map to the streets or alleys on the ground in such manner as to conform to the intent and purpose of this ordinance. Land or premises within a street, alley, park, cemetery, or other undesignated area on the zone map shall be governed by the regulations of the use, height and area district adjoining such land or premises and if adjoined by more than one class of use, height or area district, such portion of such land or premises shall be governed by the regulations of the use. height and area district nearest to such portion of land or premises.

Sec.15. SIDE YARDS IN RESIDENCE DISTRICTS. In a dwelling house district or an apartment house district, for every building erected there shall be a side yard along each lot line other than a street line or a rear line. Each dwelling and each apartment house

shall be deemed a separate building and shall have side yards as above prescribed, except that in an apartment house district any number of dwellings may be built as a continuous structure and be considered as a single building for the purpose of this section. At least 20 per cent of the width of each interior lot shall be devoted to side yards, provided not more than 16 feet need be so devoted. The least dimension of a side yard shall not be less than 4 feet, provided that in the case of an apartment house or in the case of any building more than two and one-half (2½) stories in height, such least dimension shall not be less than one-sixth (1/6) of the height of the building.

Sec. 16. REAR YARDS IN RESIDENCE DISTRICTS. In a dwelling house district or an apartment house district every building erected shall have a rear yard. In a dwelling house district the least dimension of the rear yard shall be at least 15 per cent of the depth of the lot, but such least dimension need not be more than 30 feet. In an apartment house district the least dimension of the rear yard shall be not less than one-half (½) of the height of the building. Forty per cent of the area of the rear yard may be occupied by a one-story accessory building not more than fifteen (15) feet in height, but on a corner lot, the rear line of which is identical with the side line of an interior lot, no such accessory building, if detached from the main building, shall be erected nearer than twenty (20) feet to any street line or nearer than ten (10) feet to any apartment house.

Sec. 17. SIDE AND REAR YARD EXCEPTIONS. (a) The area required in a side or rear yard shall be open from the established grade or from the natural grade if higher than the established grade to the sky, unobstructed except for the ordinary projections of window sills, belt courses, cornices and other ornamental features to the extent of not more than 4 inches, except that within 5 feet of the street wall, a cornice may project not over 3 feet into such yard, and provided that if the building is not over two and one-half (2½) stories in height, the cornice or eaves may project not more than 2 feet into such yard.

(b) A building and any accessory building erected on the same lot shall, for the purposes of side and rear yard requirements, be constructed as a single building.

(c) Where a rear yard or side yard in a dwelling house or apartment house district abuts an alley, the yard shall be deemed to extend to the center of such alley.

Sec. 18. FRONT YARD IN RESIDENCE DISTRICTS. Between a front yard line as herein established and the street line on building or portion of a building other than a one-story unenclosed porch or a fence or wall not exceeding 3½ feet in height may be erected. In dwelling house districts and apartment house districts front yard lines are hereby established as follows:

(1) In a street frontage on either side of a street where 50 per cent or more of such frontage between two intersecting streets, but excluding the frontage along the side line of a corner lot, is improved with buildings that are set back from the street line or where all the buildings though occupying less than 50 per cent but more than 20 per cent of such frontage are set back from the street line, the alignment of the existing buildings shall be the front

yard line. Minor irregularities in such alignment of existing buildings may be disregarded by the board of zoning appeals in defining and applying this front yard line regulation or said board may, when in its opinion the general purpose and intent of this section will be better served thereby, determine that the average distance the existing buildings are back from the street line, either for such entire frontage or for any part thereof, shall be the front yard line.

(2) On a street frontage on either side of a street between two intersecting streets, but excluding the frontage along the side line of a corner lot, where not more than 20 per cent of such frontage is improved with buildings that are built at the street line and where the provisions of subdivision (1) of this section do not create a front yard line, the distance of the front yard line back from the street line shall be 20 per cent of the average or normal depth of the lots having their front lines along such street frontage but such distance back from the street line need not be more than 40 feet. Where in any portion of such street frontage there are lots of markedly less depth than the normal, the board of zoning appeals in defining and applying this front yard line regulation may, when in its opinion the general purpose and intent of this section will be better served thereby, divide such street frontage into sections for the application of the above 20 per cent front yard line requirement.

(3) Along the side line of a corner lot the distance of the front yard line back from the street line shall be 10 per cent of the width of such lot, but such distance back from the street line need not be more than 10 feet.

Sec. 19. FRONT YARDS IN BUSINESS DISTRICTS. Where a business district is entirely surrounded by residence districts and the greatest dimension of the area included in such business district does not exceed 1,200 feet the regulations above provided for front yards and front yard lines in residence districts shall apply to such business district.

Sec. 20. FRONT YARDS EXCEPTIONS. Whenever any parcel of land now separately owned and which was so owned prior to the passage of this ordinance is of such restricted area that it can not be appropriately improved without building beyond the front yard line established by the above sections the board of zoning appeals may, on application in a specific case, authorize the construction of a building beyond said front yard line to an extent necessary to secure an appropriate improvement of such parcel of land. On a lot adjoining a street frontage along which either no front yard line or a front yard line nearer to the street is provided, the board of zoning appeals may, on application in a specific case, permit a building or a portion thereof to be erected beyond the front yard line herein provided. Whenever the distance of the front yard line back from the street line as established by the alignment of the existing buildings as provided in subdivision (1) of section 18 is more than 40 feet or more than 20 per cent of the average or normal depth of the lots having their front lines along such street frontage, the board is zoning appeals may, on application, after public notice and hearing, permit the erection of buildings nearer to the street line but not nearer than would be allowed under the rule provided in subdivision (2) of section 18. When-

ever a plat of a land subdivision, approved by the City plan, is on record in the office of the county recorder which shows building lines along any frontage for the purpose of creating front yard areas the building lines thus shown shall along such frontage apply in place of any front yard lines herein established.

Sec. 21. REAR HOUSES. In a dwelling house district or apartment house district every dwelling or apartment house shall have access to a public street, and if located in the rear of other buildings fith no immediate street frontage, an easement for assecc shall be provided over an unoccupied strip of land at least 16 feet in width and such reserve strip may not form a part of any lot areas reguird by this ordinance

Sec. 22. ENFORCEMENT: BOARD OF ZONING APPEALS. This ordinance shall be enforced by the commissioner of buildings under the rules and regulations of the board of zoning appeals. The city plan commission is hereby constituted a board of zoning appeals for the purposes of this ordinance. The board of zoning appeals shall adopt from time to time such rules and regulations as they may deem necessary to carry into effect the provisions of this ordinance. Any decision of the commissioner of buildings made in the enforcement of this ordinance may be appealed to the board of zoning appeals by any person claiming to be adversely affected by such decision. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the provisions of this ordinance, the board of zoning appeals shall have the power in a specific case to vary any such provision in harmony with its general purpose and intent so that the public health, safety and general welfare may be secured and substantial justice done.

Sec. 23. DISTRICT EXCEPTIONS. The board of zoning appeals may in a specific case, after public notice and hearing and subject to appropriate conditions and safeguards, determine and vary the application of the district regulations herein established in harmony with their general purposes and intent as follows:

(1) Permit the extension of a building or use into a more restricted district immediately adjacent thereto but not more than 50 feet beyond the boundary line of the district in which such building or use is authorized.

(2) Permit the extension of a nonconforming use or building upon the lot occupied by such use or building at the time of the passage of this ordinance.

(3) Permit in a district any use or building deemed by the board to be in general keeping with and appropriate to the uses or buildings authorized in such district.

(4) Grant in undeveloped sections of the city temporary and conditional permits for not more than two-year periods for structures and uses that do not conform to the regulations herein prescribed for the district in which they are to be located; or

(5) Permit the location of a class U7 use in any use district, provided such use in such location will in the judgment of the board of zoning appeals substantially serve the public convenience and welfare and will not substantially and permanently injure the appropriate use of the neighboring property.

(6) Permit in a dwelling house or apartment house district the location on any lot having an area of not less than 5 acres or

bounded on at least three sides by streets not less than 40 feet in width, of any use authorized in a business district provided such use in such location is so conditioned as to adequately safeguard the appropria e use of neighboring property.

Sec. 24. APPROVAL OF DEVELOPMENT PLAT. The owner or owners of any tract of land not less than 20 acres in area may submit to the board of zoning appeals a plan for the use and development of such tract of land primarily for residential purposes and if such development plan is approved after public notice and hearing by the board of zoning appeals and by the city plan commission the application of the use, height, area and yard regulations established herein shall be modified as required by such development plan, provided that for the tract as a whole, excluding street area but including area but including area to be devoted to parks, parkways or other permanent open spaces, there will not be less than the required area per family for the area district in which such tract of land is located for each family which under such development plan may be housed on such tract.

And provided further that under such development plan the appropriate use of property adjacent to the area included in such development plan is fully safeguarded.

Sec. 25. INTERPRETATION; PURPOSE. In interpretating and applying the provisions of this ordinance, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. The lot or yard areas required by this ordinance for a particular building shall not be diminished and shall not be included as a part of the required lot or yard areas of any other building. The lot or yard areas of buildings txisting at the time of the passage of this ordinance shall not be diminished below the requirements herein provided for buildings hereafter erected and such required areas shall not be included as a part of the required areas of any building hereafter erected. This ordinance shall not repeal, abrogate, annul or in any way impair or interfere with anw existing provisions of law or ordinance or any rules or regulations previously adopted or issued or which shall be adopted or issued pursuant to law relating to the use of buildings or premises; nor shall this ordinance interfere with or abrogate or annul any easements, covenants; or other arrangements between parties; provided, that where this ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger lots or yards than are imposed or required by such existing provisions of law or ordinance or by such rules or regulations or by such easements, covenants or agreements, the provisions of this ordinance shall control.

Sec. 26. AMENDMENTS. The common council may from time to time on its own motion or on petition, after public notice and hearing, amend the regulations and districts, herein established. If any area is hereafter transferred to another district by a change in the district boundaries by amendment as provided in this section, the provisions of this ordinance with regard to buildings or premises existing at the time of the passage of this ordinance shall apply to buildings or premises existing in such transferred area at the time of the passage of such amendment.

Sec. 27. COMPLETION AND RESTORATION OF EXISTING BUILDINGS. Nothing herein contained shall require any change in the plans construction or designated use of a building for which a building permit has been heretofore issued and the construction of which shall have been diligently prosecuted within ninety days of the date of such permit, and the ground story framework of which, including the second tier of beams, shall have been completed within one year of the date of such permit, and which entire building shall be completed according to such plans, as filed, within three years from the date of the passage of this ordinance. Nothing in this ordinance shall prevent the restoration of a building wholly or partly destroyed by fire, explosion, act of God or act of the public enemy subsequent to the passage of this ordinance or prevent a change of such existing use under the limitations provided in Section 10. Nothing in this ordinance shall prevent the restoration of a wall declared unsafe by the commissioner of buildings.

Sec. 28. PENALTY FOR VIOLATION. Any person or corporation who shall violate any of the provisions of this odinance or fail to comply therewith or with any of the requirements thereof, or who shall build or alter any building in violation of any detailed statement or plan submitted and approved thereunder, shall for each and every violation or non-compliance be guilty of an offense, and upon conviction thereof shall be fined and not more than five hundred ($500.00) dollars, and each day such violation shall be permitted to exist shall constitute a separate offense. The owner or owners of any building or any premises or part thereof, where anything in violation of this ordinance shall be placed or shall exist, and any architect, builder, contractor, agent, person or corporation employed in connection therewith and who may have assisted in the commission of any such violation shall each be guilty of a separate offense and upon conviction thereof shall be fined as herein provided. And any building erected, raised, converted or land or premises used in violation of any provisions of this ordinance or the requirements thereof, is hereby declared to be a common nuisance and such common nuisance may be abated in such manner as nuisances are now, or may hereafter be abated under existing law.

Sec. 29. DEFINITIONS. Certain words in this ordinance are defined for the purpose hereof as follows:

(a) Words used in the present tense include the future; the singular number includes the plural and the plural the singular; the word "lot" includes the word "plot;" the word "building" includes the word "structure."

(b) The street line" is the dividing line between the street and the lot.

(c) The "established grade" is the elevation of the street curb as fixed by the city.

(d) The "natural grade" is the elevation of the undisturbed natural surface of the ground adjoining the building.

(e) The "height of a building" is the vertical distance measured at the center line of its principal front from the established grade or from the natural grade, if higher than the established grade, to the level point in the coping of flat roofs or to the deck line of a

mansard roof or to the mean height of a hipped roof. Where no roof beams exist or there are structures wholly or partly above the roof the height shall be measured to the level of the highest point of the building.

(f) A "rear yard" is an open unoccupied space on the same lot with a building between the rear line of the building and the rear line of the lot.

(g) A "front yard" is an open unoccupied space on the same lot with a building between the front line of the building and the front line of the lot.

(h) A "side yard" is an open unoccupied space on the same lot with a building situated between the building and the side line of the lot and extending through from the street or from the front yard to the rear yard or to the rear line of the lot. Any lot line not a rear line or a front line shall be deemed a side line.

(i) The "least dimensions" of a yard is the least of the horizontal dimensions of such yard. If two opposite sides of a yard are not parallel, such least dimensions shall be deemed to be the mean distance between them.

(j) A "lot" is a parcel of land occupied by one building and the accessory buildings or uses customarily incident to it, including such open spaces as are required by this ordinance and such open spaces as are arranged and designated to be used in connection with such building.

(k) A "family" is any number of individuals living and cooking together on the premises as a single housekeeping unit.

(l) A "dwelling" is a building arranged, intended or designated to be occupied by not more than two families living independently of each other and doing their own cooking upon the premises.

(m) An "apartment house" is a building arranged, intended or designated to be occupied by three or more families living independently of each other and doing their own cooking upon the premises, or by three or more individuals or groups of individuals living independently but having a common heating system and a general dining room.

(n) A "non-conforming use" is one that does not comply with the regulations of the use district in which it is situated.

(o) "Public notice" of a hearing or proceeding means 10 days' notice of the time and place thereof printed in a newspaper of general circulaiton in the City of Indianapolis.

(p) An "accessory" use or building is a use or building customarily incident to and located on the same lot with another use or building.

Sec. 30. INVALIDITY OF A PART. The sections, subsections, districts and front yard lines forming a part of or established by this ordinance and the several parts, provisions and regulations thereof, are hereby declared to be independent sections, subsections, districts, front yard lines, parts, provisions and regulations, and the holding of any such section, subsection, district, front yard line, part, provision or regulation thereof to be unconstitutional, void or ineffective for any cause shall not affect nor render invalid any other such section, subsection, district, front yard line, part, provision or regulation thereof.

Sec. 31. WHEN EFFECTIVE. This ordinance shall go into immediate effect upon its passage.

Mr. Claycombe moved that the communication be received and referred to a committee, and the chairman of the Committee be directed to confer with the City Plan Commission and make a report to the Common Council as soon as possible. Carried.

President Bernd referred the communication to the Committee on Parks.

ORDINANCES ON SECOND READING

Mr. Claycombe called for Appropriation Ordinance No. 30, 1922, for second reading. It was read a second time.

Mr. Claycombe moved that Appropriation Ordinance No. 30, 1922, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 30, 1922, was read a third time and passed by the following vote:

Ayes, 9, viz: Messrs. Bramblett, Buchanan, Clauer, Claycombe, King, Ray, Thompson, Wise and President Theodore J. Bernd.

Mr. Claycombe called for Appropriation Ordinance No. 28, 1922, for second reading. It was read a second time.

Mr. Claycombe moved that Appropriation Ordinance No. 28, 1922, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 28, 1922, was read a third time and passed by the following vote:

Ayes, 9, viz: Messrs. Bramblett, Buchanan, Clauer, Claycombe, King, Ray, Thompson, Wise and President Theodore J. Bernd.

Mr. Claycombe called for Appropriation Ordinance No. 29, 1922, for second reading. It was read a second time.

Mr. Claycombe moved that Appropriation Ordinance No. 29, 1922, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 29, 1922, was read a third time and passed by the following vote:

Ayes, 9, viz: Messrs. Bramblett, Buchanan, Clauer, Claycombe, King, Ray, Thompson, Wise and President Theodore J. Bernd.

Mr. Claycombe called for Appropriation Ordinance No. 32, 1922, for second reading. It was read a second time.

Mr. Claycombe moved that Appropriation Ordinance No. 32, 1922, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 32, 1922, was read a third time and passed by the following vote:

Ayes, 9, viz: Messrs. Bramblett, Buchanan, Clauer, Claycombe, King, Ray, Thompson, Wise and President Theodore J. Bernd.

Mr. Claycombe called for General Ordinance No. 84, 1922, for second reading. It was read a second time.

Mr. Claycombe moved that General Ordinance No. 84, 1922, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 84, 1922, was read a third time and passed by the following vote:

Ayes, 8, viz: Messrs. Bramblett, Clauer, Claycombe, King, Ray, Thompson, Wise and President Theodore J. Bernd.

Noes, 1, viz: Mr. Buchanan.

Mr. Claycombe called for General Ordinance No. 88, 1922, for second reading. It was read a second time.

Mr. Claycombe moved that General Ordinance No. 88, 1922, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 88, 1922, was read a third time and passed by the following vote:

Ayes, 9, viz: Messrs. Bramblett, Buchanan, Clauer, Claycombe, King, Ray, Thompson, Wise and President Theodore J. Bernd.

Mr. Thompson called for General Ordinance No. 83, 1922, for second reading. It was read a second time.

Mr. Thompson moved that General Ordinance No. 83, 1922, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 83, 1922, was read a third time and passed by the following vote:

Ayes, 9, viz: Messrs. Bramblett, Buchanan, Clauer, Claycombe, King, Ray, Thompson, Wise and President Theodore J. Bernd.

Mr. Wise called for General Ordinance No. 81, 1922, for second reading. It was read a second time.

Mr. Wise moved that General Ordinance No. 81, 1922, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 81, 1922, was read a third time and passed by the following vote:

Ayes, 9, viz: Messrs. Bramblett, Buchanan, King, Ray, Clauer, Claycombe, Thompson, Wise and President Theodore J. Bernd.

Mr. Bramblett called for Special Ordinance No. 16, 1922, for second reading. It was read a second time.

Mr. Bramblett moved that Special Ordinance No. 16, 1922, be ordered engrossed, read a third time and placed upon its passage. Carried.

Special Ordinance No. 16, 1922, was read a third time and passed by the following vote:

Ayes, 9, viz: Messrs. Bramblett, Buchanan, Clauer, Claycombe, King, Ray, Thompson, Wise and President Theodore J. Bernd.

Mr. Bramblett called for Special Ordinance No. 17, 1922, for second reading. It was read a second time.

Mr. Bramblett moved that Special Ordinance No. 17, 1922, be ordered engrossed, read a third time and placed upon its passage. Carried.

Ayes, 9, viz: Messrs. Bramblett, Buchanan, Clauer, Claycombe, King, Ray, Thompson, Wise and President Theodore J. Bernd.

By Mr. Ray:

Mr. President—I move you that Special Ordinance No. 18, 1922, be passed over the veto of the Mayor.

OTTO RAY.

The roll was called and Special Ordinance No. 18, 1922, was passed over the disapproval of the Mayor, by the following vote:

Ayes, 6, viz: Messrs. Bramblett, Buchanan, Clauer, King, Ray and Thompson.

Noes, 3, viz: Messrs. Claycombe, Wise and President Theodore J. Bernd.

By Mr. Wise:

Mr. President—I move that General Ordinance No. 72, 1922, be passed over the disapproval of the Mayor.

WALTER W. WISE.

The roll was called and General Ordinance No. 72, 1922, was passed over the disapproval of the Mayor, by the following vote:

Ayes, 7, viz: Messrs. Bramblett, Claycombe, King, Ray, Thompson, Wise and President Theodore J. Bernd.

Noes, 2, viz: Messrs. Buchanan and Clauer.

On motion of Mr. Claycombe, the Common Council, at 9:30 o'clock p. m., adjourned.

Theo. J. Bernd

President.

Attest:

John N. Rhodehamel

City Clerk.