

REGULAR MEETING

The Common Council of the City of Indianapolis, met in the Council Chamber, Monday evening, October 16, 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 seven members, viz.: Messrs. Bramblett, Buchanan, Claycombe, King, Ray, Thompson and Wise.

Absent: Mr. Clauer.

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

COMMUNICATION FROM THE MAYOR

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, the following ordinances:

GENERAL ORDINANCE NO. 79, 1922. An Ordinance creating and authorizing certain positions in the department of building under the Department of Public Safety of the City of Indianapolis. Fixing the salaries thereof and declaring a time when the same shall take effect.

GENERAL ORDINANCE No. 81, 1922. An Ordinance fixing the salaries of certain positions in the Department of Building under the Department of Public Safety of the City of Indianapolis, and declaring a time when the same shall take effect.

GENERAL ORDINANCE No. 84, 1922. An Ordinance fixing the salary of the Assistant City Attorney known as the City Court Deputy under the Department of Law of the City of Indianapolis appropriating the sum of Seventy-five (\$75.00) Dollars to the salaries fund of the Department of Law repealing all Ordinances or parts of Ordinances in conflict therewith, and declaring a time when the same shall take effect.

GENERAL ORDINANCE No. 88, 1922. An Ordinance transferring the sum of One Thousand Five Hundred Dollars (\$1,500.00), from the Road Oil Fund of the Street Commissioner's Department, and re-appropriating the same to the City Yards' Salary Fund of the Street Commissioner's Department, which Department is under the Board of Public Works, and declaring a time when the same shall take effect.

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.

GENERAL ORDINANCE No. 94, 1922. An Ordinance transferring 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.

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 revenue 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.

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 license fee for the maintenance thereof and the time for payment of the same, providing for a numbered license 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.

GENERAL ORDINANCE No. 98, 1922. An Ordinance amending Section 751 of General Ordinance No. 12, 1917, pertaining to fixing license fees to be charged 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.

SPECIAL ORDINANCE No. 16. An Ordinance accepting, subject to all terms, conditions and provisions therein, the devise of that part of Lot seven (7) in Square Twenty-one (21) in the City of Indianapolis, Marion County, Indiana.

SPECIAL ORDINANCE No. 17, 1922. An Ordinance authorizing the sale, alienation and conveyance of Real Estate, by the Board of Park Commissioners.

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.

APPROPRIATION ORDINANCE No. 28, 1922. An Ordinance appropriating the sum of Four Hundred Thirty-six Dollars and Twenty-two cents (\$436.22), 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.

APPROPRIATION ORDINANCE No. 29, 1922. An Ordinance appropriating the sum of Four Hundred Fourteen Dollars and Seventy three cents (\$414.73), 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.

APPROPRIATION ORDINANCE No. 30, 1922. An Ordinance appropriating the sum of Thirty Dollars and Sixty-four cents (\$30.64), to the Rental of City Yards Fund of the Street Commissioner's Department in the Department of Public Works, and declaring a time when the same shall take effect.

Appropriation Ordinance No. 32, 1922. An Ordinance appropriating the sum of Three Thousand, Two Hundred and Fifty (\$3,250.00) 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.

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.

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.

APPROPRIATION ORDINANCE NO. 35, 1922. An Ordinance appropriating the sum of Two Hundred and Twenty-five (\$225.00) to the Department of Finance for the purpose of paying certain appraisers of personal property belonging to the City of Indianapolis, and declaring a time when the same shall take effect.

Very truly yours,

S. L. SHANK,
Mayor.

REPORTS FROM CITY OFFICERS

From the City Controller:

October 14, 1922.

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

Gentlemen—I am handing you herewith twelve copies of an Ordinance appropriating the sum of Twenty-two Hundred Dollars, to pay the City's part of the expenses of conducting a Free Employment Bureau from date until January 1, 1924, as provided in a contract entered into on the 6th day of June, 1921, by and through its Board of Public Works and the Industrial Board of Indiana,

which contract was ratified, confirmed and approved by General Ordinance No. 38, 1921, and recommend the passage of this Ordinance.

Very truly yours,

JOS L. HOGUE.

City Controller.

October 14, 1922.

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

Gentlemen—I am handing you herewith twelve copies of an Ordinance, appropriating the sum of One Thousand Dollars, to the Miscellaneous Expenses City Offices Fund, in the Department of Finance, and respectfully recommend the passage of this Ordinance.

Very truly yours,

JOS L. HOGUE.

City Controller.

October 14, 1922.

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

Gentlemen—I am handing you twelve copies of an Ordinance asking for the Appropriation of One Thousand (\$1,000.00) Dollars to the Blank Books, Printing and Incidentals Fund, in the Department of Finance, and respectfully ask the passage of this Ordinance.

Very truly yours,

JOS L. HOGUE.

City Controller.

October 14, 1922.

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

Gentlemen—I am handing you herewith twelve (12) copies of an Ordinance asking for the Appropriation of Five Thousand Dollars (\$5,000.00) to the Sewer Department Salary and Wage Fund under the Department of Public Works, and respectfully recommend the passage of this Ordinance.

Very truly yours,

JOS L. HOGUE.

City Controller.

October 16, 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 Department of Public Safety asking for the passage of an Ordinance appropriating the sum of Seventy-five (\$75.00) Dollars to the Department of Finance for the purpose of paying Frank J. Noll, Albert J. Hueber and Harold H. Hunter, for appraising personal property belonging to the City of Indianapolis, and in the department of Public Safety, said appraisers appointed by the Marion Circuit Court in Cause No. 2204, said property including automobiles, trucks, wire and junk.

I respectfully recommend the passage of this Ordinance.

Very truly yours,

JOS L. HOGUE.

City Controller.

October 16, 1922.

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

Gentlemen—We are sending you herewith Appropriation Ordinance No. —, 1922, calling for an appropriation of Seventy-five (\$75.00) Dollars for the purpose of paying Frank J. Noll, Albert J. Hueber and Harold H. Hunter \$25.00 each for service as appraisers appointed by the Marion Circuit Court in cause No. 2204, said amount having been allowed by the Court for services in appraising certain personal property in the care and custody of the Department of Public Safety on the 30th day of December, 1921, said appraisal having been made on that date during the last administration. You will also find therewith a communication from the City Controller recommending the passage of said Ordinance.

Very truly yours,

BOARD OF PUBLIC SAFETY,

By Oscar O. Wise,
Executive Secretary.

October 16, 1922.

To the President and Members of the Common Council of the City of Indianapolis, Ind.

Gentlemen—I hand you herewith General Ordinance No. 103, transferring One Thousand Five Hundred (\$1,500.00) Dollars from the Asphalt Plant Department Salaries and Wages Fund to the Asphalt Plant Material and Supplies Fund.

I respectfully recommend the passage of the above mentioned Ordinance.

Respectfully yours,

JOS L. HOGUE.

City Controller.

October 16, 1922.

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

Gentlemen—I hand you herewith General Ordinance No. 104, transferring Five Hundred (\$500.00) Dollars from the Walk and Curb Salaries and Wages Fund to the Asphalt Plant Material and Supplies Fund.

I respectfully recommend the passage of the above mentioned Ordinance.

Respectfully yours,

JOS L. HOGUE.

City Controller.

October 16, 1922.

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

Gentlemen—I hand you herewith General Ordinance No. 105, transferring Five Thousand (\$5,000.00) Dollars from the Brick and Block Material and Supplies Fund to the Asphalt Plant Material and Supplies Fund.

I respectfully recommend the passage of the above mentioned Ordinance.

Respectfully yours,

JOS L. HOGUE.

City Controller.

October 16, 1922.

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

Gentlemen—I hand you herewith General Ordinance No. 106, transferring Three Thousand (\$3,000.00) Dollars from the Asphalt Repair Salaries and Wages Fund to the Asphalt Material and Supplies Fund.

I respectfully recommend the above mentioned Ordinance.

Respectfully yours,

JOS L. HOGUE.

City Controller.

October 16, 1922.

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

Gentlemen—I hand you herewith General Ordinance No. 107, transferring Three Hundred (\$300.00) Dollars from the Walk and Curb Material and Supplies Fund to the Asphalt Repair Material and Supplies Fund.

I respectfully recommend the above mentioned Ordinance.

Respectfully yours,

JOS L. HOGUE.

City Controller.

From the Board of Public Works:

October 16, 1922.

Mr. John W. Rhodehamel,
City Clerk.

Dear Sir—I hand you herewith for transmission to the Common Council twelve (12) copies of an Ordinance pertaining to the permanent improvement of the first alley south of Elm street from the east property line of Cedar street to the west walk line of Grove street by grading and paving the roadway with wooden block, asphalt, asphaltic concrete or brick as provided for under Improvement Resolution No. 10571 adopted by the Board of Public Works on the 6th day of September, 1922.

Yours truly,

GEO. O. HUTSELL,

Clerk Board of Public Works.

October 16, 1922.

Mr. John W. Rhodehamel,
City Clerk.

Dear Sir—I hand you herewith for transmission to the Common Council twelve (12) copies of an Ordinance pertaining to the permanent improvement of the first alley south of Woodlawn avenue from the east property line of Spruce street to the west property line of State avenue, be grading and paving the roadway with wooden block, asphalt, asphaltic concrete, concrete or brick, as provided for under Improvement Resolution No. 10524, adopted by the Board of Public Works on the 23rd day of August, 1922.

Yours truly,

GEO. O. HUTSELL,

Clerk Board of Public Works.

From the Board of Public Safety:

October 16, 1922.

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

Gentlemen—Pursuant to property sale Resolution No. 1, passed by this Board September 19, 1922, we are causing to be sent to the City Clerk for transmission to your body an Ordinance authorizing the sale of certain personal property of the City of Indianapolis, now in the care and custody of the Department of Public Safety, which property is unfit for use by the City, and therefore no longer needed.

We feel that this property should be disposed of as quickly as possible to save the expense of further upkeep of the same, and recommend the immediate passage of this Ordinance.

Very truly yours,

BOARD OF PUBLIC SAFETY,

By Oscar O. Wise,

Executive Secretary.

From the City Plan Commission:

October 12, 1922.

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

Gentlemen—Pursuant to your resolution directing the City Plan Commission to submit to your body its final report with recommendations concerning a Zoning Ordinance for the City of Indianapolis, the City Plan Commission hereby submits this, its final report, together with an Ordinance, which it is believed will fulfill all requirements of the City of Indianapolis for the purposes outlined in your resolution.

The members of the City Plan Commission, its Executive Secretary, Mr. Lawrence V. Sheridan, and its attorney, Mr. J. Clyde Hoffman, have for approximately one year, made a study of the City of Indianapolis, together with its needs and requirements along the line of restricting the use of property for the welfare of the entire community. In this study a staff of draftsmen and investigators have been continually at work, ascertaining detailed information about every portion of the city and in making a map upon which this data has been noted.

In the outset, the Commission secured the services of Mr. Robert H. Whitten of Cleveland, Ohio, formerly Secretary of the Zoning Commission of the City of New York and later consultant on City Planning for the City of Cleveland, Ohio, Atlanta, Ga., and other prominent cities. Mr. Whitten has worked with this Commission for the greater part of a year and with it has gone over the great mass of details necessary to wisely draft the provisions of a comprehensive Ordinance.

We, therefore, take great pride in submitting herewith an Ordinance which we believe embodies most, if not all, of the requirements necessary to secure for the City of Indianapolis, a future development which will make for its ultimate beauty, health and general

welfare, and we earnestly recommend to your body that said Ordinance be passed at the earliest time consistent with the provisions of the enabling act and your due consideration of the same.

Respectfully,
 EDW. B. RAUB, Pres.
 E. W. CHAILLE, V-pres.
 LOUIS W. BRUCK,
 THOS C. HOWE,
 H. F. CLIPPINGER,
 C. A. BOOKWALTER,
 C. E. COFFIN,
 L. D. CLAYCOMBE,
 JOHN L. ELLIOTT,
 LAWRENCE V. SHERIDAN,
Executive Secretary.

REPORTS FROM STANDING COMMITTEES

From the Committee on Finance;

October 16, 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. 39, 1922, entitled "An Ordinance appropriating the sum of Six Hundred (\$600) Dollars to the Special City Judges' Fund, of the Department of Finance, and declaring a time when the same shall take effect," beg leave to report that we have had said Ordinance under consideration, and recommend that the same be passed.

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

October 16, 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. 99, 1922, entitled, "An Ordinance, amending General Ordinance No. 76, 1920, fixing the salary of the City Clerk and Assistant City Clerks, appropriating the sum of Seventy Dollars (\$70.00) to the Salary Fund of the City Clerk under the Department of Finance and fixing a time when the same shall take effect," beg leave to report that we have had said Ordinance under consideration, and recommend that the same be passed.

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

October 16, 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. 38, 1922, entitled, "An Ordinance appropriating the sum of Two Thousand Five Hundred and Sixty-three and 68/100 (\$2,563.68) 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," beg leave to report that we have had said Ordinance under consideration, and recommend that the same be passed.

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

October 16, 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. 36, 1922, entitled "An Ordinance appropriating the sum of Four Hundred Eighty-four and Eighty Hundredths Dollars (\$484.80) to and for the use of the Department of Public Works in 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 an assessment for the permanent improvement of Rookwood avenue from Maple Road to Forty-third street, and declaring a time when the same shall take effect," beg leave to report that we have had said Ordinance under consideration, and recommend that the same be passed.

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

October 16, 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. 37, 1922, entitled, "An Ordinance appropriating the sum of Two Hundred Thirty-six and 4/100 (\$236.04) 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 an assessment allowed by the Board of Public Works against the City of Indianapolis for curb, grading and gutters in Rookwood Avenue from Maple Road to Forty-third Street and declaring a time when the same shall take effect." beg leave to report that we have had said Ordinance under consideration, and recommend that the same be passed.

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

From the Committee on Public Works:

October 16, 1922.

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

Gentlemen—We, your Committee on Public Works to whom was referred General Ordinance No. 92, 1922, entitled, "An Ordinance amending Clause C of Section 4 of General Ordinance No. 70, 1921; an Ordinance amending Section 294 of General Ordinance No. 12, 1917," beg leave to report that we have had said Ordinance under consideration, and recommend that the same be passed.

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

October 16, 1922.

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

Gentlemen—We, your Committee on Public Works to whom was referred General Ordinance No. 102, 1922, entitled, "An Ordinance approving a certain contract granting The Cleveland, Cincinnati, Chicago and St. Louis Ry. Co., the right to lay and maintain a sidetrack or switch from C. C. C. & St. L. Ry. tracks over and across Walnut and St. Clair streets, 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 passed.

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

From the Committee on Public Safety:

October 16, 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. 91, 1922, entitled "An Ordinance approving a certain contract granting Goldsmith Iron & Supply Co., the right to lay and maintain a sidetrack or switch," beg leave to report that we have had said Ordinance under consideration, and recommend that the same be passed.

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

INTRODUCTION OF APPROPRIATION ORDINANCES

By the City Controller:

APPROPRIATION ORDINANCE NO. 40, 1922

AN ORDINANCE, appropriating the sum of One Thousand (\$1,000) Dollars from any unappropriated funds, to the Miscellaneous Expenses City Offices Fund, in the Department of Finance, and declaring 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 the sum of One Thousand (\$1,000.00) Dollars from any unappropriated Funds to the Miscellaneous Expenses City Offices Fund in the Department of Finance.

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. 41, 1922

AN ORDINANCE, appropriating the sum of One Thousand (\$1,000) Dollars from any un-appropriated funds, to the Blank Books, Printing and Incidentals Fund, and declaring 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, the sum of One Thousand (\$1,000.00) Dollars from any un-appropriated funds, to the Blank Books, Printing and Incidentals Fund, in the Department of Finance.

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. 42, 1922

AN ORDINANCE, appropriating the sum of Five Thousand (\$5,000) Dollars, from any un-appropriated funds, to the Sewer Department, Salary and Wage Fund, under 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 appropriated the sum of Five Thousand (\$5,000.00) Dollars from any un-appropriated funds, to the Sewer Department Salary and Wage Fund, in the Street Commissioner's Department, under 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:

APPROPRIATION ORDINANCE NO. 43, 1922

AN ORDINANCE, appropriating the sum of Seventy-five (\$75.00) Dollars to the Department of Finance for the purpose of paying certain appraisers of personal property belonging to the City of Indianapolis, and in the Department of Public Safety, 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 from any un-appropriated funds the sum of Seventy-five (\$75.00) Dollars for the purpose of paying Frank J. Noll, Albert J. Hueber and Harold H. Hunter Twenty-five (\$25.00) each, appraisers appointed by the Marion Circuit Court in Cause No. 2204 involving the appraisalment and sale of personal property, said property including automobiles, trucks, wire and junk belonging to the City of Indianapolis, and in the care and custody of the Board of Public Safety, which said amount to be paid said appraisers was fixed by the Marion Circuit Court. The said appraisalment was made during the last administration, that is on the 30th day of December, 1921.

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. 44, 1922

AN ORDINANCE, appropriating the sum of Twenty-two Hundred (\$2,200.00) Dollars, from any unappropriated funds, to the Department of Public Works, of the City of Indianapolis, Indiana, for the purpose of paying the city's portion of the expenses of conducting a Free Employment Bureau from date until January 1, 1924, as provided in a contract entered into on the 6th day of June, 1921, by and between the City of Indianapolis, by and through its Board of Public Works and the Industrial Board of Indiana, which contract was ratified, confirmed and approved by General Ordinance No. 38, 1921, 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 appropriated, from any unappropriated funds, to the Department of Public Works of the City of Indianapolis, the sum of Twenty-two Hundred (\$2,200.00) Dollars, to pay the city's portion of the expenses during the balance of the year 1922, and for the entire year of 1923 (the said sum being apportioned at Four Hundred Dollars for the remainder of the year 1922, and Eighteen Hundred Dollars for the year 1923), for conducting the Free Employment Bureau as provided in the contract approved by the Common Council of the City of Indianapolis in General Ordinance No. 38, 1921.

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. 103, 1922

AN ORDINANCE transferring and reappropriating certain funds under 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 "Asphalt Plant Department Salaries and Wages Fund" under the Department of Public Works, the sum of Fifteen Hundred (\$1,500.00) Dollars and that the same be and is hereby reappropriated to the "Asphalt Plant Material and Supplies Fund" of the Board of Public Works.

Section 2. THAT WHEREAS, an emergency exists for the transfer and reappropriation herein made, 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. 104, 1922

AN ORDINANCE transferring and reappropriating certain funds under 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 "Walk and Curb Salaries and Wages Fund" under the Department of Public Works, the sum of Five Hundred (\$500.00) Dollars and

that the same be and is hereby reappropriated to the "Asphalt Plant Material and Supplies Fund" of the Board of Public Works.

Section 2. THAT WHEREAS, an emergency exists for the transfer and reappropriation herein made, 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. 105, 1922

AN ORDINANCE transferring and reappropriating certain funds under 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 "Brick and Block Material and Supplies Fund" under the Department of Public Works, the sum of Five Thousand (\$5,000.00) Dollars and that the same be and is hereby reappropriated to the "Asphalt Plant Material and Supplies Fund" of the Board of Public Works.

Section 2. THAT WHEREAS, an emergency exists for the transfer and reappropriation herein made, 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. 106, 1922

AN ORDINANCE, transferring and reappropriating certain funds under 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 "Asphalt Repairs Salaries and Wages Fund" under the Department of Public Works, the sum of Three Thousand (\$3,000.00) Dollars and that the same be and is hereby reappropriated to the "Asphalt Plant Material and Supplies Fund" of the Board of Public Works.

Section 2. THAT WHEREAS, an emergency exists for the transfer and reappropriation herein made, 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. 107, 1922

AN ORDINANCE, transferring and reappropriating certain funds under 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 "Walk and Curb Material and Supplies Fund" under the Department of Public Works, and the sum of Three Hundred (\$300.00) Dollars and that the same be and is hereby reappropriated to the "Asphalt Repairs Material and Supplies Fund" of the Board of Public Works.

Section 2. THAT WHEREAS, an emergency exists for the transfer and reappropriation herein made, 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 Works:

GENERAL ORDINANCE NO. 108, 1922

AN ORDINANCE, ordering the Board of Public Works of the City of Indianapolis, Indiana, to improve the first alley south of Elm street from the east property line of Cedar street to the west walk line of Grove street by grading and paving the roadway with wooden block, asphalt, asphaltic concrete or brick as provided for under Improvement Resolution No. 10571, adopted by the Board of Public Works on the 6th day of September, 1922, 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, WHEREAS, the Board of Public Works of the City of Indianapolis, Indiana, in the manner prescribed by law, did, on the 6th day of September, 1922, adopt Improvement Resolution No. 10571, for the improvement of the first alley south of Elm street from the east property line of Cedar street to the west walk line of Grove street by grading and paving the roadway with wooden block, asphalt, asphaltic concrete or brick, and

WHEREAS, said Board of Public Works did at the same time fix September 27, 1922, at 2 o'clock p. m., as the time to hear all persons interested or whose property is effected by said improvement, and the notice of said Resolution and the time of hearing was published on the 8th day of September, 1922, and the 15th day of September, 1922, in the Indianapolis Commercial, a daily newspaper of general circulation, printed and published in the City of Indianapolis, and notices by mail were duly forwarded as required by law, and

WHEREAS, the Board of Public Works pursuant to said notice met on the 27th day of September, 1922, and, after said hearing in regular session on the said 27th day of September, 1922, postponed further action on said Resolution until October 4, 1922, and on said

October 4, 1922, after said hearing in regular session, took action on said Resolution, the same being confirmed without modification, and

WHEREAS, on the 8th day of September, 1922, a written remonstrance signed by more than a majority of the resident freeholders abutting on said alley was filed with the Board of Public Works against said improvement, and

WHEREAS, the Board of Public Works has submitted to this Common Council for its consideration this Ordinance ordering the Board of Public Works to proceed with the improvement of said alley under said Resolution.

NOW, THEREFORE, BE IT FURTHER ORDERED BY THE COMMON COUNCIL OF THE CITY OF INDIANAPOLIS, INDIANA, that the Board of Public Works of the City of Indianapolis, Indiana, do and it is hereby ordered to improve the first alley south of Elm street from the east property line of Cedar street to the west walk line of Grove street by grading and paving the roadway with wooden block, asphalt, asphaltic concrete or brick under said Improvement Resolution No. 10571, 1922.

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 Public Works.

By the Board of Public Works:

GENERAL ORDINANCE NO. 109, 1922

AN ORDINANCE, ordering the Board of Public Works of the City of Indianapolis, Indiana, to improve the first alley south of Woodlawn avenue from the east property line of Spruce street to the west property line of State avenue by grading and paving with wooden block, asphalt, asphaltic concrete, concrete or brick as provided for under Improvement Resolution No. 10524 adopted by the Board of Public Works on the 23rd day of August, 1922, 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, WHEREAS, the Board of Public Works of the City of Indianapolis, Indiana, in the manner prescribed by law, did, on the 23rd day of August, 1922, adopt Improvement Resolution No. 10524 for the improvement of the first alley south of Woodlawn avenue from the east property line of Spruce street to the west property line of State avenue by grading and paving the roadway with wooden block, asphalt, asphaltic, concrete, concrete or brick, and

WHEREAS, said Board of Public Works did at the same time fix September 13, 1922, at 2 o'clock p. m. as the time to hear all persons interested, or whose property is effected by said improvement, and the notice of said Resolution and the time of hearing was published on the 25th day of August, 1922, and the first day of September, 1922, in the Indianapolis Commercial, a daily newspaper of general circulation printed and published in the City of Indianapolis, and notices by mail were duly forwarded as required by law, and

WHEREAS, the Board of Public Works, pursuant to said no-

tice, met on the 13th day of September, 1922, and after said hearing in regular session on the said 13th day of September, 1922, postponed further action on said Resolution until September 20, 1922, and on said September 20, 1922, after said hearing in regular session took action on said Resolution, the same being confirmed without modification, and

WHEREAS, on the 11th day of September, 1922, a written remonstrance signed by more than a majority of the resident freeholders abutting on said alley was filed with the Board of Public Works against said improvement, and

WHEREAS, the Board of Public Works has submitted to the Common Council for its consideration this Ordinance ordering the Board of Public Works to proceed with the improvement of said alley under said Resolution.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF INDIANAPOLIS, INDIANA. THAT the Board of Public Works of the City of Indianapolis, Indiana, do, and it is hereby ordered to improve the first alley south of Woodlawn avenue from the east property line of Spruce street to the west property line of State avenue by grading and paving the roadway with wooden block, asphalt, asphaltic concrete, concrete or brick, under said Improvement Resolution No. 10524, 1922.

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 Public Works.

By the Board of Public Works:

SWITCH CONTRACT.

GENERAL ORDINANCE NO. 110, 1922

AN ORDINANCE approving a certain contract granting the right to lay and maintain a sidetrack or switch according to blue print attached, in the City of Indianapolis, Indiana.

WHEREAS, heretofore, to-wit: on the 13th day of October, 1922 Allen A. Wilkinson Lumber Company filed his petition before the Board of Public Works of the City of Indianapolis, as follows:

PETITION

To Board of Public Works,
City of Indianapolis.

Gentlemen—The Allen A. Wilkinson Lumber Company respectfully petitions the Board of Public Works of the City of Indianapolis for permission to lay a switch across the first alley east of Pine street between Michigan and Vermont streets so that the same will parallel a distance of ten feet south of the present switch of your petitioner crossing this same alley and connecting with the C. C. C. & St. L. Railway, as the same is shown on the blue print attached hereto marked "Exhibit A," the proposed switch crossing said alley being shown by the yellow lines on said blue print.

NOW, THEREFORE, this agreement made and entered into this 13th day of October, 1922, by and between Allen A. Wilkinson Lumber Company, of the City of Indianapolis, County of Marion,

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

WITNESSETH: That the party of the first part, being desirous of securing a right of way for a sidetrack or switch crossing the first alley east of Pine street between Michigan and Vermont streets, in the City of Indianapolis, which is more specifically described as follows:

Crossing the first alley east of Pine street between Michigan and Vermont streets in the City of Indianapolis, Marion County, Indiana, parallel and ten feet south of the present switch of the Allen A. Wilkinson Lumber Company crossing said alley.

Hereby covenants and fully binds himself, his successors, legal representatives and assigns, that, in consideration of the grant of the privileges and authority herein given, he will lay, construct and maintain said track upon the terms and conditions hereinafter set forth, to-wit:

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

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

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

(4) Said party of the first part agrees, upon the written order of said Board, made for any good cause affecting the interest of the City or the public welfare, to take up and remove said track, and upon said party's failure so to do, upon such notification in writing, of ten (10) days, to promptly pay the cost of having the same done, and the party of the first part hereby releases all claims for damages whatsoever that may arise by reason of such removal; and in removing said track or causing the same to be done, said Board shall in no wise become a trespasser.

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

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

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

Said party of the second part by virtue of the provisions of an act of the General Assembly of the State of Indiana, entitled "An act concerning municipal corporations," approved March 6, 1905, and in consideration of the things hereinbefore set forth and upon the terms and provisions stipulated, hereby gives, grants and duly vests said party of the first part the right, privilege and authority to lay and maintain an additional sidetrack or switch across in the City of Indianapolis, all as shown by the drawing attached hereto, filed herewith and for greater certainty marked "Exhibit A." This contract is to be void unless party of first part constructs said switch across said alley within one year from the date of this contract.

IN WITNESS WHEREOF, we have hereunto set our hands this 13th day of October, 1922.

ALLEN A. WILKINSON LUMBER CO.,

By Allen A. Wilkinson, *Secy., Treas., Gen. Mgr.*

Attest:

Witness:

W. R. FALTZ, Cashier.

CITY OF INDIANAPOLIS

W. H. FREEMAN,

M. J. SPENCER.

Board of Public Works, Party of the Second Part.

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

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

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 Public Safety.

By Mr. Claycombe:

GENERAL ORDINANCE NO. 111, 1922.

AN ORDINANCE dividing the City of Indianapolis into districts for the purpose of regulating and restricting the location of trades, calling, industries, commercial enterprises and the location of buildings designed for specified uses; of classifying, regulat-

ing 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 designing 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 accordance 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:

DISTRICTS AND ZONE MAP

Section 1. 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 of 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, calling, industries, commercial enterprises and the location of buildings designed 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. The use, height and area districts designed on said zone map are 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 conformation with the regulations herein prescribed for the use, height and area districts in which such building or premises is located.

CLASSIFICATION OF USES

Sec. 2. For the purpose of this ordinance the various uses of buildings and premises are divided into groups, classes and subdivisions as set fourth 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. 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. Theatre. Moving picture show. Any use not included in any other class, provided such use is not noxious or offensive by reason of the emission or 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, lumber, 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 sales room. 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.
- (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 (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. Creosote manu-

facture 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. Hair 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.

DWELLING HOUSE DISTRICT

Sec. 3. (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.

APARTMENT HOUSE DISTRICT

Sec. 4. (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 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 said board, substantially serve the public convenience and welfare and will not substantially and permanently injure the appropriate use of neighboring property.

ACCESSORY USES IN RESIDENCE DISTRICTS

Sec. 5. An accessory use customarily 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 accessory use. A store, trade or business shall not be permitted as an accessory use except that the office 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.

BUSINESS DISTRICT

Sec. 6. (a) In a class U5 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.

FIRST INDUSTRIAL DISTRICT

Sec. 7. (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.

SECOND INDUSTRIAL DISTRICT

Sec. 8. (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 a 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.

PROHIBITED AND SPECIAL PERMIT USES

Sec. 9. 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.

NONCONFORMING USES

Sec. 10. 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 preceding 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 or 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, if changed to a conforming use, may not thereafter be changed back to any nonconforming use. A nonconforming use shall not be changed unless changed to a higher 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.

HEIGHT DISTRICTS

Sec. 11. (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 further, 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 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 180 feet, provided that back of the street or lot lines any portion of a building may be erected to a height in excess of 180 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 that when a building fronts on a street 100 feet or more in width the height limit shall be 200 feet instead of 180 feet as above provided. In the case of a corner building such greater height may extend back not to exceed 200 feet along a narrower street.

HEIGHT DISTRICT EXCEPTIONS

Sec. 12. (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 addition is essential to the completion of the existing building as originally 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 a construction of additional stories above the height limit herein provided, provided, that such building was actually designed and constructed to carry 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, provided that in the judgment of the said board such additional height is essential to the normal operation of such industry.

AREA DISTRICTS

Sec. 13. (a) In a class A1 district no building shall be erected or altered to accommodate or make provision for more than one family for each 7,500 square 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. And provided that the board of zoning appeals may permit the erection of a dwelling for two families on any corner lot having an area of not less than 10,000 square feet and a width of not less than 65 feet.

(b) In a class A2 district no building shall be erected or altered to accommodate or make provision for more than one family for each 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 recorder subdivision that was on record in the office of the county recorder at the time of the passage of this ordinance. And provided that the board of zoning appeals may permit the erection of a dwelling for two families on any corner lot having an area of not less than 6,400 square feet and a width of not less than 50 feet.

(c) In a class A3 district no building shall be erected or altered to accommodate 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 the 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 accommodate 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 accommodate 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 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 this 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.

ZONE MAP DESIGNATIONS

Sec. 14. 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 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, each 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.

SIDE YARDS IN RESIDENCE DISTRICTS

Sec. 15. 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 percent 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 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 stories in height, such least dimension shall not be less than one-sixth of the height of the building.

REAR YARDS IN RESIDENCE DISTRICTS

Sec. 16. 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 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 15 feet in height, except that in the rear of a building housing two or more families the distance between the building and the accessory building be 25 feet on an interior lot 15 feet on a corner lot, and provided that 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 20 feet to any street line or nearer than 10 feet to any apartment house.

SIDE AND REAR YARD EXCEPTIONS

Sec. 17. (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 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 purpose of side and rear yard requirements, be considered as a single building.

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

FRONT YARDS IN RESIDENCE DISTRICTS

Sec. 18. Between a front yard line as herein established and the street line no building or portion of a building other than a one-story unenclosed porch or 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) On 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 percent 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 or 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.

FRONT YARDS IN BUSINESS DISTRICTS

Sec. 19. 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.

FRONT YARDS EXCEPTIONS

Sec. 30. 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 cannot 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 or 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 of 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. Whenever a plat of a land subdivision approved by the city plan commission 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:

REAR HOUSES

Sec. 21. 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 with no immediate street frontage, an easement for access 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 required by this ordinance.

ENFORCEMENT: BOARD OF ZONING APPEALS

Sec. 22. This ordinance shall be enforced by the commissioner of building 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.

DISTRICT EXCEPTIONS

Sec. 23. 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;

(5) Permit the location of a telephone exchange, electric substation or similar public utility, or 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 appropriate use of neighboring property;

(7) Permit the erection of a two-story accessory building covering not to exceed 40 per cent of the required rear yard area; or

(8) Where a lot is immediately adjoined on at least two sides by buildings that do not conform to the use or area district regulations of the districts in which such lot is located, permit a modification of such use or area district regulations to the extent deemed necessary to admit of an appropriate improvement on such lot due regard being given to the avoidance of serious injury to neighboring property.

APPROVAL OF DEVELOPMENT PLAN

Sec. 24. 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 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 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.

INTERPRETATION; PURPOSE

Sec. 25. In interpreting 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 or buildings existing 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 hereinafter erected. This ordinance shall not repeal, abrogate, annul or in any way impair or interfere with any 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.

AMENDMENTS

Sec. 26. 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 or buildings for which permits have been issued at the time of the passage of this ordinance shall apply to buildings or premises existing or buildings for which permits have been issued in such transferred area at the time of the passage of such amendment.

COMPLETION AND RESTORATION OF EXISTING BUILDINGS

Sec. 27. Nothing herein contained shall require any change in the plans, construction or designed 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 building.

PENALTY FOR VIOLATION

Sec. 28. Any person or corporation who shall violate any of the provisions of this ordinance 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 not more than five hundred (\$500.00), 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 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.

DEFINITIONS

Sec. 29. 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 "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, of 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 dimension" 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 dimension 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 were customarily incident to it, including such open spaces as are required by this ordinance and such open spaces as are arranged and designed 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 designed 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 dwelling arranged, intended or designed 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 circulation 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.

WHEN EFFECTIVE

Sec. 31. This ordinance shall go into immediate effect upon its passage and publication according to law.

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

By the Board of Public Safety:

SPECIAL ORDINANCE NO. 20, 1922

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

WHEREAS, on the 19th day of September, 1922, under and pursuant to Property Sale Resolution No. 1, of the year 1922, of the Board of Public Safety 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 of Public Safety, filed in the Marion Circuit Court on the 30th day of September, 1922, its petition for the appointment of said appraisers to appraise said property, and

WHEREAS, said Court on the 30th 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, the Mayor of the City of Indianapolis did on the 16th day of October, 1922, approve in writing said sworn valuation 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,

City of 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 appraisement and sworn valuation of certain personal properties inventoried by the City of Indianapolis, by and through its Board of Public Safety, under and by virtue of Property Sale Resolution, No. 1, passed by said Board on the 19th day of September, 1922, 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:

IN FIRE DEPARTMENT ON 3RD FLOOR
FIRE HEADQUARTERS

1 lot of brass and copper	\$20.00
1 lot of iron and miscellaneous	10.00
1 lot of aluminum	2.00
1 lot of rubber	1.00
1 lot of old hose	5.00
1 lot of old hose and tires (Pneu)	10.00
1 lot of old tires (solid with rims)	32.00
1 pair of truck wheels	2.00

AT FIRE STATION NO. 10

1 brown chassis No. 13	25.00
1 brown chassis No. 17	35.00
1 brown chassis No. 22	20.00

AT FIRE STATION NO. 13

1 Stutz Bob Cat Roadster	25.00
1 old Police Patrol No. 3	75.00

AT SHELBY STREET CITY YARDS

1 old ladder truck running gear	5.00
1 old ladder truck running gear	5.00

HORSES—PROPERTY OF POLICE DEPT.

AT POLICE HORSE BARN

- No. 1. Named "Blight"—Chesnut Sorrell—15 1/2 hands high..\$30.00
- No.2 . Named "Dick"—Light Bay—15 3/4 hands high..... 30.00
- No. 3. Named "George"—Seal Brown—15 3/4 hands high..... 50.00
- No. 4. Named "Bcb"—Bay—15 hands high 35.00

IN THE DEPARTMENT OF WEIGHTS AND MEASURES

1 lot of junk consisting of mutilated confiscated scales, weights and measures\$ 2.00

W. W. BAKER
McCUTCHEON GREGORY
WALTER R. SPENCER

STATE OF INDIANA, COUNTY OF MARION, SS:

Subscribed and sworn to before me, a Notary Public in and for the above County and State, this 14th day of October, 1922.

WILLIAM T. BAILEY,
Notary Public.

My commission expires December 30th, 1924.

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 foregoing proceedings and contemplated sale of the properties herein inventoried, and also approve the appraisement and sworn valuation made by said appraisers.

Dated this 15th day of October, 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 Safety is hereby authorized to sell said property hereinbefore set out in said appraiser's sworn valuation and appraisement for cash at public sale for not less than its full said appraised value. Such sale shall be upon such notice, if 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.

Mr. Buchanan moved that the rules be suspended and Special Ordinance No. 20, 1922, be placed upon its passage.

The roll was called and the rules were suspended by the following vote:

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

Mr. Buchanan called for Special Ordinance No. 20, 1922, for second reading. It was read a second time.

Mr. Claycombe moved that Special Ordinance No. 20, 1922, be ordered engrossed, read a third time and placed upon its passage. Carried.

Special Ordinance No. 20, 1922, was read a third time and passed by the following vote:

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

INTRODUCTION OF MISCELLANEOUS BUSINESS

Mr. Wise moved that a public hearing be held by the Common Council, Wednesday, November 1, 1922, at 7:30 P. M. for consideration of General Ordinance No. 111, 1922. (Zoning Ordinance). Carried.

Mr. King moved that the Public Works Committee be granted permission to withhold action on General Ordinances Nos. 69, 100 and 101, 1922, until the first regular meeting in February, 1923. Carried.

ORDINANCES ON SECOND READING

Mr. Claycombe called for Appropriation Ordinance No. 36, 1922, for second reading. It was read a second time.

Mr. Claycombe moved that Appropriation Ordinance No. 36, 1922, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 36, 1922, was read a third time and passed by the following vote:

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

Mr. Claycombe called for Appropriation Ordinance No. 37, 1922, for second reading. It was read a second time.

Mr. Claycombe moved that Appropriation Ordinance No. 37, 1922, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 37, 1922, was read a third time and passed by the following vote:

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

Mr. Claycombe called for Appropriation Ordinance No. 38, 1922, for second reading. It was read a second time.

Mr. Claycombe moved that Appropriation Ordinance No. 38, 1922, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 38, 1922, was read a third time and passed by the following vote:

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

Mr. Claycombe called for Appropriation Ordinance No. 39, 1922, for second reading. It was read a second time.

Mr. Claycombe moved that Appropriation Ordinance No. 39, 1922, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 39, 1922, was read a third time and passed by the following vote:

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

Noes, 1, viz.: Mr. Buchanan.

Mr. Claycombe called for General Ordinance No. 99, 1922, for second reading. It was read a second time.

Mr. Claycombe moved that General Ordinance No. 99, 1922, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 99, 1922, was read a third time and passed by the following vote:

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

Mr. King called for General Ordinance No. 92, 1922, for second reading. It was read a second time.

Mr. King moved that General Ordinance No. 92, 1922, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 92, 1922, was read a third time and passed by the following vote:

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

Mr. King called for General Ordinance No. 102, 1922, for second reading. It was read a second time.

Mr. King moved that General Ordinance No. 102, 1922, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 102, 1922, was read a third time and passed by the following vote:

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

Mr. Thompson called for General Ordinance No. 91, 1922, second reading. It was read a second time.

Mr. Thompson moved that General Ordinance No. 91, 1922, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 91, 1922, was read a third time and passed by the following vote:

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

Mr. Buchanan called for General Ordinance No. 89, 1922, for second reading. It was read a second time.

By Messrs. Wise, Ray, King, Claycombe and Thompson.

RESOLUTION.

October 16, 1922.

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

Gentlemen—Resolved: That General Ordinance No. 89, 1922, an ordinance declaring what shall constitute a nuisance be laid on the table for a period of six months from date, to give the firm, firms or corporation who would become affected by said ordinance if it were passed, an opportunity to abate the said nuisance.

If at the end of the six months period it is shown that the said firm, firms or corporations that would become affected by said ordinance have not complied with said resolution by making an effort to abate the said nuisance then the said ordinance or a similar ordinance shall be called out for passage.

A competent and well known Engineer shall be employed by a committee consisting of nine members, three from the Council, three from the Enterprise Civic League and three from the interested industries. Expense of the same to be borne by the interested industries.

WALTER W. WISE,
OTTO RAY,
JOHN E. KING,
L. D. CLAYCOMBE,
BEN. H. THOMPSON.

Mr. Claycombe moved that the resolution be adopted. Carried.

On motion of Mr. Buchanan, the Common Council, at 9:25 o'clock p. m., adjourned.

Geo. J. Bernd
President.

Attest:

John N. Rhodehamel
City Clerk.