

REGULAR MEETING

The Common Council of the City of Indianapolis, met in the Council Chamber, Monday evening, March 5, 1923, at 7:30 o'clock in regular session, President John E. King in the chair.

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

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

COMMUNICATIONS FROM THE MAYOR

February 20, 1923.

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

Gentlemen: I have today approved, signed and delivered to John W. Rhodehamel, City Clerk, Appropriation Ordinance No. 10, 1923, appropriating the sum of Five Thousand Dollars to the New Apparatus Fund of the Fire Department under the Department of Public Safety out of any unappropriated funds of the City of Indianapolis to be used for the purchase of two new automobiles, for the use of Battalion Chiefs in the Fire Department and providing a time when the same shall take effect.

Yours very truly,

S. L. SHANK,

Mayor.

February 20, 1923.

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

Gentlemen: I have today approved, signed and delivered to John W. Rhodehamel, City Clerk, General Ordinance No. 10, 1923, an Ordinance to amend Section 13 of General Ordinance No. 114, 1922, entitled, "An Ordinance dividing the City of Indianapolis into districts for the purpose of regulating and restricting the location of trades, callings, industries, commercial enterprises and the location of buildings designed for specified uses; of classifying, regulating and determining the area of front, rear and side yards and other open spaces about buildings; of regulating and determining the use and intensity of use of land and lot areas within such city; creating a Board of Zoning Appeals; defining certain terms used in said Ordinance providing a penalty for its violation and designating

the time when the same shall take effect" and fixing the time when the same shall take effect.

Yours very truly,

S. L. SHANK,
Mayor.

February 20, 1923.

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

Gentlemen: I have today approved, signed and delivered to John W. Rhodehamel the following Ordinances:

APPROPRIATION ORDINANCE No. 8, 1923: Appropriating the sum of fourteen and 64-100 dollars to the Department of Public Safety of the City of Indianapolis out of the General Fund for the purpose of paying certain unpaid bills, debts and obligations due and payable on the first day of January, 1923, on expense of conducting the City Dog Pond for the month prior to said date and fixing a time when the same shall take effect.

APPROPRIATION ORDINANCE No. 3, 1923: Appropriating the sum of Thirty-seven Hundred Dollars out of any unappropriated funds of the City of Indianapolis to a fund to be created and known as the Dog Pond Fund under the Department of Public Safety, said fund to be used for the maintenance of a dog pond for the year 1923, and fixing a time when the same shall take effect.

APPROPRIATION ORDINANCE No. 7, 1923: Appropriating the sum of One Thousand Twenty-two Dollars and Thirty-five Cents to the Department of Finances for the purpose of paying to the Lowry Nursery and Landscape Co., Inc., Indianapolis, Indiana, One Hundred Twenty-two Dollars and Thirty-five Cents for landscaping work done for the Town of Broad Ripple and pay to Mr. A. H. Moore civil engineer Broad Ripple Nine Hundred Dollars for services as engineer for the Town of Broad Ripple Nine Hundred Dollars for services as engineer for the Town of Broad Ripple, five (\$25.00) Dollars per month. These are unpaid bills for the Town of Broad Ripple which are for work done for the Town of Broad Ripple before it was annexed to the City of Indianapolis, Indiana.

SPECIAL ORDINANCE No. 1, 1923: Annexing certain territory to the City of Indianapolis and defining a part of the boundary line of said City and fixing a time when the same shall take effect.

GENERAL ORDINANCE No. 16, 1923: To amend, supplement and change the districts fixed by General Ordinance No. 114, 1922, entitled "An Ordinance dividing the City of Indianapolis into districts for the purpose of regulating and restricting the location of trades, callings, industries, commercial enterprises and the location of buildings designed for specified uses of classifying, regulating and determining the area of front, rear and side yards and other open spaces about buildings of regulating and determining the use and intensity of use of land and lot areas within such city, creating a board of zoning appeals defining certain terms used in said Ordinance, providing a penalty for its violation and designating the time when the same shall take effect," and fixing the time when the same shall take effect.

GENERAL ORDINANCE No. 113, 1922: An Ordinance fixing the salary and compensation of duly authorized positions in the City Controller's Office of the City of Indianapolis, repealing all Ordi-

nances in conflict therewith and fixing a time when the same shall take effect.

SPECIAL ORDINANCE No. 4, 1923: Authorizing the alienation and conveyance of the following described estate situated in Marion County, State of Indiana, to-wit:

The southwest part of Lot No. 9, in original square 65 of the City of Indianapolis more particularly described as follows: Beginning at the southwest corner of said Lot No. 9, thence running north along east line of alley eighty (80) feet thence east parallel with Maryland street thirty-three feet and nine inches (33 ft. 9 in.), thence south parallel with the east line of said alley eighty (80) feet thence west parallel with the north line of Maryland street thirty-three feet and nine inches to place of beginning. Said real estate belonging to City of Indianapolis for public and governmental purposes requesting Judge of the Circuit Court to appoint appraisers for such property and fixing a time when the same shall take effect.

APPROPRIATION ORDINANCE No. 6, 1923: Appropriating the sum of Two Thousand Dollars out of any unappropriated funds of the City of Indianapolis to the Department of Public Safety for use by the Director of Fire Prevention to aid the work of a City Wide Prevention Committee to be appointed for the purpose of carrying on an extensive campaign for fire prevention in the City of Indianapolis and providing a time when the same shall take effect.

Yours very truly,

S. L. SHANK,
Mayor.

February 20, 1923.

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

Gentlemen—I have today approved, signed and delivered to John W. Rhodehamel, City Clerk, General Ordinance No. 25, 1923, amending Section 2 and Section 3 of General Ordinance No. 95, 1922, entitled, "An Ordinance providing for the payment of a licence fee to be paid to the City Controller of the City of Indianapolis for the operating or conducting a hotel, lodging or rooming house, restaurant, cafe or public eating place in the City of Indianapolis, defining the same, fixing the amount of said license fee, providing for the payment of an issuing fee therefore, fixing the term of said license requiring the keeping of a daily register of the name of each guest in each hotel or lodging house, repealing any and all ordinances or parts or ordinances in conflict therewith, providing a penalty for the violation thereof and declaring a time when the same shall take effect."

Yours very truly,

S. L. SHANK.
Mayor.

February 20, 1923.

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

Gentlemen: I am returning you herewith General Ordinance No. 11, 1923, without my signature.

I am of the opinion that we now have adequate laws providing for inspection of electrical work and that the provisions of this Ordinance would make it unnecessarily difficult for the ordinary citi-

zen of small means to provide their homes with the advantages of the use of electricity.

Yours very truly,

S. L. SHANK,
Mayor.

REPORTS FROM CITY OFFICERS

From the City Controller:

March 2, 1923.

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

Gentlemen: I hand you herewith a communication from the Board of Public Works asking for the passage of an Ordinance transferring the sum of Three Hundred and Thirty (\$330.00) Dollars from the Fountain and Wells Department Material and Supplies Fund in the Street Commissioner's Office in the Department of Public Works, and re-appropriating the same to the Fountain and Wells Department Fund in the Street Commissioner's Office in the Department of Public Works.

I respectfully recommend the passage of this Ordinance.

Yours truly,

JOS. L. HOGUE,
City Controller.

March 2, 1923.

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

Dear Sir: I am directed by the Board of Public Works to submit for your approval and transmission to the Common Council an Ordinance transferring the sum of Three Hundred and Thirty (\$330.00) Dollars from the Fountain and Wells Department Material and Supplies Fund in the Street Commissioner's Office in the Department of Public Works, and re-appropriating the same to the Fountain and Wells Department Fund in the Street Commissioner's Office in the Department of Public Works.

Yours truly,

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

February 17, 1923.

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

Gentlemen: I hand you herewith a communication from the Board of Public Works asking for the passage of an Ordinance appropriating the sum of Four Thousand Five Hundred (\$4,500.00) Dollars to the City Civil Engineer's Laboratory Maintenance Fund, to be used for the purchase of a 200,000 pound Testing Machine with necessary equipment for use in testing concrete being used in streets and buildings.

I respectfully recommend the passage of this Ordinance.

JOS. L. HOGUE,
City Controller.

February 9, 1923.

Mr. James M. Ogden, City Attorney,
Indianapolis, Ind.

Dear Sir: The Building Commissioner and the City Engineer desire to have a two hundred thousand pound testing machine with necessary equipment purchased for use in testing concrete being used in streets and buildings.

Will you please have prepared an Ordinance appropriating to the City Civil Engineer's Laboratory Maintenance Account the sum of Forty-five Hundred (\$4,500.00) Dollars which will be needed for the purchase of the above equipment.

I am asking that this Ordinance appropriate this sum of money to the Laboratory Maintenance Account so that in event there is any portion of the above amount left after purchasing and equipping the machine, it may remain in the Laboratory account for use in operating the machine.

Yours truly,

J. L. ELLOTT,
City Civil Engineer.

February 17, 1923.

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

Dear Sir: I am directed by the Board of Public Works to submit for your approval and transmission to the Common Council, an Ordinance appropriating the sum of Four Thousand Five Hundred (\$4,500.00) Dollars to the City Civil Engineer's Laboratory Maintenance Fund, for the purpose of purchasing a 200,000 pound Testing Machine with necessary equipment, for use in testing concrete being used in streets and buildings, and in case a balance remains after the purchase of said machine, the same to be used in operating said machine.

I am also enclosing a communication from the City Civil Engineer.

Yours truly,

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

March 5, 1923.

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

Gentlemen: I am sending you herewith copies of Ordinance amending Section 5, Subdivision h of General Ordinance No. 76 for the year 1919, as amended by General Ordinance No. 47, 1920. The purpose of this Ordinance is to increase the salary of the Clerk and stock man in the Municipal Garage. The salary heretofore has been Twelve Hundred (\$1200.00) Dollars per year and was placed in the Budget at Fifteen Hundred (\$1500.00) Dollars per year and the money has been appropriated for said purpose.

I respectfully submit this Ordinance and recommend its passage.

Respectfully yours,

JOS. L. HOGUE,
City Controller.

February 23, 1923.

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

Gentlemen: I am directed by the Board of Public Works to transmit to you for passage an Ordinance amending Section 5, subdivision h of General Ordinance No. 76, for the year 1919, as amended by General Ordinance No. 47, 1920. The purpose of this Ordinance is to increase the salary of the Clerk and Stock Man in the Municipal Garage. The salary heretofore has been Twelve Hundred (\$1200.00) Dollars per year and was placed in the Budget at Fifteen Hundred (\$1500.00) Dollars per year and the money has been appropriated for said purpose.

I am also attaching hereto a letter from the Superintendent of the Garage concerning this matter.

Respectfully,
GEO. O. HUTSELL,
Clerk Board of Public Works.

February 23, 1923.

*To the Honorable Board of Public Works,
Indianapolis, Ind.*

Gentlemen: The salary of the Clerk and Stock Man in the Municipal Garage is now by Ordinance, Twelve Hundred (\$1200.00) Dollars per year. I desire that this salary be changed by Ordinance to Fifteen Hundred (\$1500.00) per year as set out in the budget. In the Department Estimate for the year 1922, budget this salary was placed at Fifteen Hundred (\$1500.00) Dollars per year as shown by the Journal of the Common Council for 1922, at page 398, and as shown on said page the total estimate for Salaries and Wages Municipal Garage Employees was \$25,880.00. This amount was recommended by me, passed upon favorably by this Honorable Board, and approved by the Mayor and City Controller, and submitted to the Common Council. The Common Council then passed Appropriation Ordinance No. 31, 1922, which is the Ordinance appropriating moneys for the purpose of defraying the current expenses of the City Government for the present fiscal year. This Ordinance appropriates the above sum of \$25,880.00 for Salaries and Wages Municipal Garage Employees as shown by the Journal of the Common Council for 1922, page 508, at Item 25.

So that the said salary of Fifteen Hundred (\$1500.00) Dollars per year for one Clerk and Stockman in the Municipal Garage is in the budget for the year 1923, and has already been appropriated.

I respectfully request that you instruct the City Attorney to draw an Ordinance for passage by the Common Council fixing the salary of the Clerk and Stock Man in the Municipal Garage at Fifteen Hundred (\$1500.00) Dollars per year.

Respectfully,
HARRY B. NEWBY,
Superintendent Municipal Garage.

March 1, 1923.

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

Gentlemen: I hand you herewith a communication from the Board of Public Safety requesting transfer of Six Hundred (\$600) Dollars from the Material and Supplies Fund of the Department of

March 5, 1923]

CITY OF INDIANAPOLIS, IND.

149

Weights and Measures under the Department of Public Safety to the salaries fund of the Department of Weights and Measures under the same Department.

I am submitting Ordinance covering same and recommend its passage.

Yours very truly,

JOS. L. HOGUE,
City Controller.

March 1, 1923.

Joseph L. Hogue, City Controller,
City.

Dear Sir: You are requested by the Board of Public Safety to recommend to the Common Council the passage of an Ordinance for the transfer of Six Hundred (\$600.00) Dollars from the Material and Supplies Fund of the Department of Weights and Measures to the Salaries Fund of the Department of Weights and Measures.

The transfer of this sum is necessary in order to pay the difference in the salaries of the Deputy Inspectors, as now being paid, and the salaries for the balance of the year 1923, as provided and fixed by General Ordinance No. 23, 1921., passed by the Common Council March 21, 1921, and approved by the Mayor March 23, 1921, such salaries so fixed not having been provided for in the Budget for the year 1923.

Trust that you will give this matter favorable consideration and recommend to the Common Council the passage of the transfer of the above sum, we remain .

Yours very truly,

BOARD OF PUBLIC WORKS,

By OSCAR O. WISE,
Executive Secretary.

March 5, 1923.

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

Gentlemen: I herewith hand you a communication from the Board of Public Works asking for the passage of an Ordinance transferring the sum of Five Thousand (\$5,000.00) Dollars from the Maintenance of Equipment and Supplies Street Cleaning Fund and re-appropriating the same to a fund herein created and known as "Team Employment Fund," all in the Department of Public Works in the City of Indianapolis, Indiana, and declaring a time when the same shall take effect.

I respectfully recommend the passage of this Ordinance.

Yours truly,

JOS. L. HOGUE,
City Controller.

March 5, 1923.

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

Dear Sir: I am directed by the Board of Public Works to submit for your approval and transmission to the Common Council, an Ordinance transferring the sum of Five Thousand (\$5,000.00) Dollars from the Maintenance of Equipment and Supplies Street Cleaning Fund and re-appropriating the same to a fund to be

created and known as "Team Employment Fund" all in the Department of Public Works in the City of Indianapolis, Indiana.

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

From the Board of Public Works:

March 5, 1923.

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

Gentlemen: I am directed by the Board of Public Works to submit to you for passage, an Ordinance ordering the Board of Public Works of the City of Indianapolis, Indiana, to improve the first alley south of Pleasant street from the east property line of Shelby Street to the west property line of State Avenue by grading and paving with wooden block, asphalt, asphaltic concrete, concrete or brick, as provided by the Board of Public Works on the 24th day of January, 1923.

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

March 2, 1923.

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

Dear Sir: I am submitting herewith for transmission to the Common Council, a contract between the Board of Public Works and the Indiana Smelting & Refining Corporation for the right to lay and maintain a switch from the L. E. & W. R. R. across East 16th Street to the petitioner's property.

Very truly yours,
GEO. O. HUTSELL,
Clerk Board of Public Works,

March 2, 1923.

To the Board of Public Works

Gentlemen: With return of the attached petition of the Indiana Smelting & Refining Corporation for a switch contract granting the right to lay and maintain a switch from the L. E. & W. R. R. across East 16th Street to the petitioner's property, would recommend that the said petition be granted, contract executed and forwarded to the Common Council for their action.

Yours truly,
J. L. ELLIOTT,
City Civil Engineer.
Approved March 2, 1923.
C. E. COFFIN,
W. H. FREEMAN,
M. J. SPENCER,
Board of Public Works.

February 5, 1923.

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

Gentlemen: I am directed by the Board of Public Works to transmit to you for passage an Ordinance ratifying, confirming and

approving the certain contract and agreement made and entered into on the 14th of February, 1923, between the Town of Woodruff Place by and through its Board of Trustees, and the City of Indianapolis by and through its Board of Public Works and its Board of Public Safety, with the approval of its Mayor, whereby the said Town of Woodruff Place is to pay the said City of Indianapolis the sum of Five Thousand (\$5,000.00) Dollars per year during the remainder of this administration for police and fire protection.

Respectfully,
 JAMES M. OGDEN,
 City Attorney.

From the Board of Public Safety:

March 5, 1923.

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

Gentlemen: Upon the recommendation of the Commissioner of Buildings, the Board is sending you herewith copies of an Ordinance regulating roof coverings and repairs to roofs in the City of Indianapolis.

The Board deems this measure important in that the same will tend to eliminate as far as possible the hazardous shingle roof fires, and recommends the passage of the same.

Yours very truly,
 BOARD OF PUBLIC SAFETY,
 By Oscar Wise,
 Executive Secretary.

From the City Civil Engineer:

February, 24, 1923.

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

Gentlemen: There is attached twelve copies of an Ordinance annexing the east half of the Monon right-of-way, from 38th Street to 56th Street. The corporation line at present between these points splits the Monon property and causes a confusion in freight shipments between Indianapolis and Broad Ripple.

In order to eliminate this confusion, the attached Ordinance is being forwarded with a request that it be passed.

Yours truly,
 J. L. ELLIOTT,
 City Civil Engineer.

From the City Plan Commission:

February 20, 1923.

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

Gentlemen: At a special meeting following the joint hearing before the Common Council and the City Plan Commission on Gen-

eral Ordinances No. 10, 16 and 19, 1923, the Commission voted as follows:

1. The City Plan Commission recommends to the Common Council that General Ordinance No. 10, 1923, be passed as originally submitted.

2. The City Plan Commission recommends to the Common Council that the fourth paragraph of Section 4 of General Ordinance No. 16, 1923, reading as follows: "Beginning at the intersection of 43rd Street and Sunset Avenue; thence north to 44th Street; thence west to Haughey Avenue; thence south to 43rd Street; thence each to the place of beginning," be stricken out and recommends that the Ordinance be passed with the change above stated.

3. The City Plan Commission recommends to the Common Council that General Ordinance No. 19, 1923 be not passed:

Respectfully yours,

CITY PLAN COMMISSION OF THE CITY OF INDIANAPOLIS,
By D. V. Sheridan,
Executive Secretary.

REPORTS FROM STANDING COMMITTEES

From the Committee on Finance:

Indianapolis, Indiana, March 5, 1923.

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

Gentlemen: We, your Committee on Finance to whom was referred Appropriation Ordinance No. 13, 1923, entitled, "An Ordinance, making an appropriation of Ten and 50-100 (\$10.50) Dollars to the Department of Finance, for the purpose of refunding to Max Ziegler, the sum of Ten and 50-100 (\$10.50) Dollars for a building permit issued 12-19-22, for a \$15,000.00 building at 4605 Broadway, City. Max Ziegler has decided not to build this building on account of the high cost of construction work and has asked for a refund on the building permit, our number 277," beg leave to report that we have had said Ordinance under consideration, and recommend that the same be not passed.

BEN H. THOMPSON,
WALTER W. WISE,
I. L. BRAMBLETT,
THEO. J. BERND,
L. D. CLAYCOMBE,

Indianapolis, Indiana, March 5, 1923.

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

Gentlemen: We, your Committee on Finance, to whom was referred Appropriation Ordinance No. 14, 1923, entitled, "An Ordinance making an appropriation of Eleven and 40-100 (\$11.40) Dollars to the Department of Finance for the purpose of refunding to Charles Dare, the sum of Eleven and 40-100 (\$11.40) Dollars for building permit issued 12-18-22, for a \$11,000.00 building at 4611 Broadway, City.. Charles Dare has decided not to build this building on account of the high cost of construction work and has

asked for a refund on the building permit, our number 250," beg leave to report that we have had said Ordinance under consideration, and recommend that the same be not passed.

BEN H. THOMPSON,
WALTER W. WISE,
I. L. BRAMBLETT,
THEO. J. BERND,

Indianapolis, Indiana, March 5, 1923.

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

Gentlemen: We, your Committee on Finance to whom was referred General Ordinance No. 20, 1923, entitled, "An Ordinance transferring the sum of Four Thousand Eight Hundred (\$4,800.00) Dollars from the P. S. & M. Fund to the Purchasing Department Salaries Fund," beg leave to report that we have had said Ordinance under consideration, and recommend that the same be passed.

BEN H. THOMPSON,
L. D. CLAYCOMBE,
WALTER W. WISE,
I. L. BRAMBLETT,
THEO. J. BERND,

Indianapolis, Indiana, March 5, 1923.

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

Gentlemen: We, your Committee on Finance to whom was referred General Ordinance No. 21, 1923, entitled, "An Ordinance establishing a Free Employment Bureau and a Citizen's Board to supervise its operations and naming its membership, fixing the duties of Said Board and appropriating money for its maintenance, and fixing the time of taking effect," beg leave to report that we have had said Ordinance under consideration, and recommend that the same be not passed.

BEN H. THOMPSON,
WALTER W. WISE,
I. L. BRAMBLETT,
THEO. J. BERND,

From the Committee on Public Works:

Indianapolis, Indiana, March 5, 1923.

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

Gentlemen: We, your Committee on Public Works, to whom was referred General Ordinance No. 24, 1923, entitled, "An Ordinance compelling the Cleveland, Cincinnati, Chicago & St. Louis Railway Company to maintain a crossing flagman at the Intersection of Golay Street and said Company's Railroad tracks in the City of Indianapolis, providing a penalty for the violation thereof; 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 amended to read as follows:

GENERAL ORDINANCE NO. 24, 1923

AN ORDINANCE compelling the Cleveland, Cincinnati, Chicago & St. Louis Railway Company to maintain a crossing flagman at the Intersection of Golay Street and said Company's Railroad tracks in the City of Indianapolis, providing a penalty for the violation thereof and declaring a time when the same shall take effect.

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

Section 1. That the Cleveland, Cincinnati, Chicago & St. Louis Railroad Company shall maintain a crossing flagman at the intersection of Golay Street and said company's railroad tracks in the City of Indianapolis, such crossing flagman to be on duty from 7:30 a. m. to 4:30 p. m. every day in the year.

Section 2. Any person or corporation violating any of the provisions of this Ordinance on conviction shall be fined in any sum not exceeding Two Hundred Dollars to which may be added imprisonment for any period not exceeding ten days.

Section 3. The provisions of this Ordinance are not intended to repeal any of the provisions of any Ordinance or parts of Ordinances now in effect, but shall be intended to be in addition thereto.

Section 4. This Ordinance shall be in full force and effect from and after its passage and due publication as provided by law," and that as so amended the same be passed.

THEO. J. BERND,
BEN H. THOMPSON,
I. L. BRAMBLETT,
WALTER W. WISE,

Indianapolis, Indiana, March 5, 1923.

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

Gentlemen: We, your Committee on Public Works to whom was referred General Ordinance No. 22, 1923, entitled, "An Ordinance approving a certain contract granting Ford Motor Company the right to lay and maintain a side track or switch from Pennsylvania R. R. across first alley west of Oriental street," beg leave to report that we have had said Ordinance under consideration, and recommend that the same be passed.

THEO. J. BERND,
I. L. BRAMBLETT,
BEN H. THOMPSON,
L. D. CLAYCOMBE,
WALTER W. WISE,
H. W. BUCHANAN,

From the Committee on Parks:

Indianapolis, Indiana, March 5, 1923.

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

Gentlemen: We, your Committee on Parks to whom was referred Special Ordinance No. 5, 1923, entitled, "An Ordinance annexing certain territory to the City of Indianapolis, Indiana, and defining a part of the boundary line of said City, 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,
I. L. BRAMBLETT,
THEO. J. BERND,
WALTER W. WISE,

From the Committee on Law and Judiciary:

Indianapolis, Indiana, March 5, 1923.

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

Gentlemen: We, your Committee on Law and Judiciary to whom was referred General Ordinance No. 14, 1923, entitled, "An Ordinance amending Section 1 of General Ordinance No. 47, 1922, the same being 'An Ordinance providing for a license fee to be paid to the City Controller of the City of Indianapolis, on each pump used and operated for the purpose of the sale of gasoline, gasoline-blend, or any substitute therefor, used for providing motive power for automobiles or other motor vehicles, to the public at public filling stations, garages, or any other place where the same is kept for sale to the public at retail, fixing a time when the same shall be paid, and the term thereof, providing for an issuing fee, declaring a time when the same shall take effect, and providing a penalty for the violation thereof,' Providing for publication of this Ordinance, 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.

H. W. BUCHANAN,
WALTER W. WISE,
OTTO RAY,
L. D. CLAYCOMBE,

INTRODUCTION OF APPROPRIATION ORDINANCES

By the City Controller:

APPROPRIATION ORDINANCE NO. 15, 1923

AN ORDINANCE appropriating the sum of Four Thousand Five Hundred (\$4,500.00) Dollars from any unexpended funds to the City Civil Engineer's Laboratory Maintenance Fund for the purpose of purchasing a Testing Machine and necessary equipment, 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 from any unexpended funds the sum of Four Thousand Five Hundred (\$4,500.00) Dollars to the City Civil Engineer's Laboratory Maintenance Fund to be used in the purchase of a 200,000 pound Testing Machine with necessary equipment for use in testing concrete being used in streets and buildings, and in case any portion of

said sum remains after purchasing and equipping said machine, the same to be used to pay for operating said machine.

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 Board of Public Works:

GENERAL ORDINANCE NO. 26, 1923

AN ORDINANCE, ordering the Board of Public Works of the City of Indianapolis, Indiana, to improve the first alley south of Pleasant Street from the east property line of Shelby 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. 10,704 adopted by the Board of Public Works on the 24th day of January, 1923, 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 24th day of January, 1923, adopt Improvement Resolution No. 10,704 for the improvement of the first alley south of Pleasant Street from the east property line of Shelby Street to the west property line of State Avenue by grading and paving with wooden block, asphalt, asphaltic concrete, concrete or brick, and

WHEREAS, said Board of Public Works did at the same time fix February 14th, 1923, at 2:00 o'clock p. m. at the time to hear all persons interested or whose property is effected by said improvement, and notice of said Resolution, and the time of hearing was published on the 26th day of January, 1923, and the 2nd day of February, 1923, 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 14th day of February, 1923, and after said hearing in legal session on said 14th day of February, 1923, took action on said resolution, the same being confirmed without modification, and

WHEREAS, on the 14th day of February, 1923, 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 improvement of said alley under said resolution.

NOW, THEREFORE, BE IT FURTHER 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 Pleasant Street from the east property line of Shelby Street to the west property line of State Avenue by grading and paving with wooden block, asphalt, asphaltic concrete, concrete or brick, under said Improvement resolution No. 10,704, 1923.

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. 27, 1923

AN ORDINANCE, ratifying, confirming and approving the certain contract and agreement made and entered into on the 14th day of February, 1923, by and between the City of Indianapolis by and through its Board of Public Works and its Board of Public Safety with the approval of its Mayor, and the Town of Woodruff Place by and through its Board of Trustees, whereby the Town of Woodruff Place is to pay the said City of Indianapolis the sum of Five Thousand (\$5000.00) Dollars per year during the remainder of this administration for police and fire protection, and fixing a time when the same shall take effect.

WHEREAS, heretofore, to-wit, on the 14th day of February, 1923, the City of Indianapolis by and through its Board of Public Works and its Board of Public Safety entered into the following contract and agreement with the Town of Woodruff by and through its Board of Trustees, to-wit:

CONTRACT BETWEEN THE CITY OF INDIANAPOLIS AND TOWN OF WOODRUFF PLACE

THIS AGREEMENT, made and entered into this 14th day of February, 1923, by and between the City of Indianapolis, Marion County, Indiana, by and through its Board of Public Works and its Board of Public Safety, with the approval of its Mayor, party of the first part, and the Town of Woodruff Place, Marion County, Indiana, by and through its Board of Trustees, party of the second part.

WITNESSETH: That the party of the first part does hereby agree to furnish the same police and fire protection to the party of the second part which the said party of the first part receives.

The party of the second part agrees to pay for said police and fire protection the sum of Five Thousand (\$5,000.00) Dollars per year in four equal quarterly payments as follows:

Twelve Hundred Fifty (\$1,250.00) on the first day of each of the following months: March, June, September and December.

The said party of the second part agrees to aid in the matter of fire protection by conforming to the building code of the party of the first part, in so far as the second party may lawfully do so.

It is agreed and understood by and between the parties hereto that this contract shall be in full force and effect for the period of three years, that is, from January 1, 1923, to January 1, 1926, Provided, however, this contract shall terminate in the event of the party of the second part becomes a part of the party of the first part by annexation or otherwise.

This contract on the part of the City of Indianapolis shall be of no force and effect unless specifically authorized by Ordinance of the Common Council of the City of Indianapolis.

IN WITNESS WHEREOF, the parties have hereunto set their hands in duplicate, this 14th day of February, 1923.

CITY OF INDIANAPOLIS,,
By C. E. COFFIN,
W. H. FREEMAN,
M. J. SPENCER,,
Board of Public Works.

Approved by
SAMUEL LEWIS SHANK, Mayor

E. L. KINGSTON,
ELMER F. GAY,
JESSE S. SISLOFF,
Board of Public Safety,
Party of the First Part.
TOWN OF WOODRUFF PLACE,
By JAC. LEIDER,
ALFRED V. WILSON,
T. E. REAM,
Trustees of the Town of
Woodruff Place,
Party of the Second Part.

ATTEST:
J. M. DILS,

Clerk of Town of Woodruff Place.

And, WHEREAS, said contract and agreement has been submitted by said Board of Public Works and said Board of Public Safety of the City of Indianapolis to the Common Council of said City for its action thereon, THEREFORE,

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

Section 1. That the foregoing contract and agreement made and entered into on the 14th day of February, 1923, by the City of Indianapolis,, by and through its Board of Public Works and its Board of Public Safety, and the Town of Woodruff Place by and through its Board of Trustees, be and the same is hereby in all things ratified, 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 Works.

By the City Controller:

GENERAL ORDINANCE NO. 28, 1923

AN ORDINANCE, transferring the sum of Five Thousand (\$5,000.00) Dollars from the Maintenance of Equipment and Supplies Street Cleaning Fund and re-appropriating the same to a fund herein created and known as the "Team Employment Fund," all in the Department of Public Works in the City of Indianapolis, Indiana, 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 the sum of Five Thousand (\$5,000.00) Dollars be and the same is hereby transferred from the Maintenance of Equipment and Supplies Street Cleaning Fund in the Department of Public Works, and that the same be and is hereby transferred and re-appropriated to a fund to be created and known as "Team Employment Fund," in 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 Board of Public Safety:

GENERAL ORDINANCE NO. 29, 1923

AN ORDINANCE, regulating roof coverings, providing for a penalty for the violation thereof, repealing all Ordinances in conflict therewith and fixing a time when the same shall take effect.

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

Section 1. All buildings and structures hereafter erected, re-roofed or repaired in the City of Indianapolis shall have roof coverings of approved standard material composed of brick concrete, tile, slate, tin, asbestos shingles, built up roofing felt with gravel or slag surface, built up water-proofed asphalt, built up asbestos, or any other form of roofing material which will stand the test set forth as Class A or B in Section 6 or any material which may be approved by the Commissioner of Buildings for the purpose; except any dwelling which does not house over four families, or any structure which does not house more than four families between fire walls, or any fourth class building outside of the fire district which is not used for residence purposes and whose roof area does not exceed twenty-five (25) hundred square feet and whose height does not exceed one (1) story, or any third or fourth class garage out side of the first fire district which does not house more than three (3) cars, or any such structure which does not house more than three (3) cars between fire walls, or any one (1) story business structure outside of the first fire district whose roof area does not exceed one (1) thousand sq. feet; shall be provided with approved roof covering which will stand the test of Class C, as set forth in Section

6, or which may be approved by the Commissioner of Buildings for the purpose. Be it further provided that no existing building or new structure shall have its roof covered or repaired, except a permit be issued thereto in advance of the application of the roof covering and a sample of the same submitted for approval to the Commissioner of Buildings by the applicant when a permit is applied for. Such sample shall be six (6) inches by eight (8) inches in area and shall remain the property of the Department of Buildings. Such sample shall bear the name of the roofer, manufacturer of the roofing material, brand, class of roof and the location of the building on which the same is to be placed.

Section 2. No existing roof shall be repaired or renewed without a permit issued by the Commissioner of Buildings, except repairs to existing roofs, for the purpose of stopping leaks, and may be done to the extent of twenty-five (\$25) dollars in value without permit.

No existing wood shingle roof within the City of Indianapolis shall be repaired more than twenty (20) per cent of its total area in any one year unless it be repaired with approved roofing as required by this ordinance.

Any porch roof or dormer window roofs which are separated from the main roof of the house shall be considered as separate roofs and the above rule for repairs shall apply to each of them separately.

All counter flashings shall be of metal or built up asbestos roofing material incorporated with the roofing.

Section 3. That any existing roof within the City of Indianapolis which shall be damaged by fire more than twenty (20) per cent of its entire area shall be repaired with the approved standard roofing material in the same manner as if it were a new building or structure as provided for in Section 1.

Section 4. The Commissioner of Buildings and his authorized assistants shall have the power to condemn any roof which in their opinion is a hazard and shall cause the same to be covered with approved roofing material as set forth in Section 1 for new buildings.

In any such case the Commissioner of Buildings or his authorized assistants may order the vacation of any premises upon recommendation of the Board of Public Safety until the roof of said building is properly covered with approved roofing material as required by the Commissioner of Buildings or set forth in Section 1 for new buildings and structures. The Commissioner of Buildings shall cause the application of additional roofing material or he may cause the existing roof to be removed and a proper roof covering applied as set forth in Section 1 for new buildings.

Section 5. The Commissioner of Buildings or his authorized assistants shall require from time to time or in any case a test to be made of any roofing material by the person or persons, firm or corporation selling such roofing material or applying the same to any structure in the City of Indianapolis whatsoever. Such tests shall be conducted under the direction of the Commissioner of Buildings as set forth in this ordinance or at some testing laboratory acceptable to the owner of the roofing material and the Commissioner of Buildings. Such tests shall be conducted at the expense of the owner of the roofing material.

Section 6. For the purpose of this ordinance, roofings are divided into three classes as follows:

Class A roofing must be so designed and constructed that it will withstand the Flame Exposure and Radiation Tests, provided for in Section 11 of this ordinance, at five and forty mile air currents and the Burning Brand Test at five mile air current for at least sixty minutes, and the Burning Brand Test at forty mile air currents for at least thirty minutes, without the spread of fire from the area directly exposed and without sustained ignition of the roof deck, to be so designed and constructed that it will withstand all of the fire tests throughout their duration without glowing or flaming part being carried off by the air currents.

Class B roofing must be so designed and constructed that it will withstand the Flame Exposure and Radiation Tests, provided for in Section 11 of this ordinance, at five and forty mile air currents and the Burning Brand Test at five mile air currents for at least thirty minutes and the Burning Brand Test at forty mile air currents for at least fifteen minutes, without spread of fire in excess of one-half square foot per minute from the area directly exposed and without sustained ignition of the roof deck. To be so designed and constructed that it will withstand all of the fire tests throughout their duration without glowing or flaming parts being carried off by their air currents.

Class C roofing must be so designed and constructed that it will withstand all of the fire tests provided for in Section 11 of this ordinance, for at least five minutes without the spread of fire in excess of five (5) sq. feet per minute from the area directly exposed, and without sustained ignition all of the fire tests throughout their duration without glowing or flaming of the roof deck. To be so designed and constructed that it will withstand parts of size being carried off by the air currents. Class C roofing must be so designed and constructed as to weigh not less than 55 pounds per one hundred (100) sq. feet, before slag surface is applied.

Section 7. A layer of deadening felt at least one-sixteenth (1-16) inch thick shall be placed between metal roofing and the supporting wood work.

Section 8. The wooden planking and sheathing shall not in any case be extended across the side or party walls.

Section 9. The top and sides of dormer windows shall be protected the same as the roof, or with other material having equivalent fire resistive properties. No wooden shingles may be used on the sides of any structure.

Section 10. The Commissioner of Buildings shall have the power to condemn and have removed any wood shingle roof that is in such deteriorated condition as to be excessively inflammable.

Section 11. All roofing material hereafter used in the City of Indianapolis, within the requirements of this ordinance, must withstand the following tests for approval under the requirements of this ordinance:

(a) For the purpose of making tests a standard deck must be made according to the following specifications: eight (8) feet long by seven (7) feet wide made of kiln-dried white pine boards eight (8) inches wide and seven-eighths (7-8) of an inch in thickness, free from large or loose knots, sap wood or dry rot. Boards must be dressed on one side and two edges and laid across a seven (7) foot

dimension of the deck with rough sides up and spaced one-fourth (1-4) of an inch and nailed to four 2x4-inch yellow pine battens on the under side of the deck. Two of the battens are located along the under side and two twenty-one (21) inches from these edges. The surface of the deck to be made as true and even as possible.

(b) **SAMPLES OF ROOF COVERNGS:** Test samples in which prepared roofing containing bituminous materials are used must be selected from stock between the thirtieth (30) and sixtieth (60) day after the roofing is manufactured. These samples must be stored for thirty (30) days in freely circulating dry air at temperatures not less than fifty (50) degrees nor more than eighty-five (85) degrees Fahrenheit before they are tested.

(c) **FLAME EXPOSURE TEST:** Two standard tests are subjected to the standard flame exposure tests in which the upper surface of the roof covering under investigation is subjected to the direct application of a gas flame over an area approximately six (6) sq. feet. One sample is tested which being subjected to air currents having temperatures between fifty (50) and sixty-five (65) degrees Fahrenheit and a velocity of approximately five (5) miles per hour. The other sample is tested under the same conditions except that the air currents are approximately forty (40) miles per hour.

(d) **RADIATION TEST:** The standard test samples are subjected to the standard radiation test in which the upper surface of the roof covering under investigation is subjected to a temperature of 1200 degrees Fahrenheit. One sample is tested which being subjected to air currents having temperatures between fifty (50) and sixty-five (65) degrees Fahrenheit and a velocity of approximately five (5) miles per hour. The other sample is tested under the same general conditions except that the air currents are approximately forty miles per hour.

(e) **BURNING BRAND TEST:** Samples are subjected to burning brand tests in which the upper surface of the roof covering under investigation is subjected to direct application of a glowing brand thirty-six (36) inches square; one sample being tested while subjected to air currents having temperatures between fifty (50) and sixty-five (65) degrees Fahrenheit, and a velocity of approximately five (5) miles per hour, and the other sample tested under the same conditions except that the air currents are approximately forty (40) miles per hour. The glowing brand shall be made of at least ten (10) strips of seasoned hard maple two (2) inches square by three (3) feet long formed into a frame or grid with a one-three-fourth (1- $\frac{3}{4}$) inch space between strips. The complete grid shall be thoroughly ignited and burning before application of the roof sample, which later shall extend on the side at least eighteen (18) inches beyond the edge of the grid.

Section 12. It shall be unlawful for any person, firm or corporation to store, handle or maintain any roof covering material in the City of Indianapolis, for the purpose of sale, to place same on the roof any building or structure in the City of Indianapolis which does not comply with the requirements of this ordinance.

Section 13. **PENALTIES:** Any person, firm or corporation who shall violate any provisions of this ordinance shall upon conviction thereof be fined in any sum not less than ten (\$10) dollars nor

more than one hundred (\$100) dollars for each offense, to which may be added imprisonment not exceeding ninety (90) days.

Section 14. This ordinance shall be in force and effect from and after its passage and publication as required by law.

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

By the City Controller:

GENERAL ORDINANCE NO. 30, 1923

AN ORDINANCE transferring and reappropriating the sum of Six Hundred (\$600.00) Dollars from the Material and Supplies Fund of the Department of Weights and Measures under the Department of Public Safety, and transferring and reappropriating the same to the salaries fund of the Department of Weights and Measures under 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 the sum of Six Hundred (\$600.00) Dollars be and the same is hereby transferred from the Material and Supplies Fund of the Department of Weights and Measures under the Department of Public Safety, and that the same be and hereby is transferred and reappropriated to the Salaries Fund of the Departments of Weights and Measures of the Department of Public Safety.

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 Board of Public Works:

SWITCH CONTRACT

GENERAL ORDINANCE NO. 31, 1923

AN ORDINANCE approving a certain contract granting the Indiana Smelting & Refining Corporation the right to lay and maintain a sidetrack or switch from L. E. & W. R. R. to petitioner's property across East Sixteenth street, according to blue print attached, in the City of Indianapolis, Indiana.

WHEREAS, heretofore, to-wit: on the 24th day of January, 1923, Indiana Smelting & Refining Corporation, filed its petition before the Board of Public Works of the City of Indianapolis, as follows:

PETITION

To Board of Public Works,
City of Indianapolis.

Gentlemen—Our business, that of smelting and refining metals, and manufacturing solder, babbitt, etc., is a new industry for Indianapolis, founded here by us about four years ago. We supply most

of the leading factories and jobbers of this city with some of their basis needs, which they could otherwise not secure from any point closer than Cincinnati, O.

Since our business is increasing steadily and being desirous of enlarging, which will be made possible by a private switch, which will enable us to handle materials on a basis to compete with out-of-town concerns; we beg to petition for a permit to install switch leading into our ground. With this facility we will increase our working force and become an even better and bigger asset to the city. We draw our labor from our local neighborhood, which is settled mostly by colored inhabitants.

Our location being so-called factory district and being lined with private switches from about 11th street for mile north of our place, we feel that there will be no neighborhood locality objections of any kind.

With all the above in view and knowing that we are all striving for a greater Indianapolis and the continuance of needful progressive enterprises, we trust that you can see your way clear to act on this matter favorably without avoidable delay.

NOW, THEREFORE, This agreement made and entered into this second day of March, 1923, by and between Indiana Smelting & Refining Corporation, of the City of Indianapolis, County of Marion, State of Indiana, party of the first part, and the City of Indianapolis, by and through its Board of Public Works, party of the second part.

WITNESSETH: That the party of the first part, being desirous of securing a right of way for a sidetrack or switch from the Lake Erie & Western Railroad Company, in the City of Indianapolis, which is more specifically described as follows:

Starting at a point approximately sixty feet south of 16th street, on the Lake Erie & Western Railroad Company's right of way, leading north across 16th street into the ground of the Indiana Smelting & Refining Corporation. The other margin of this private switch will extend only ten feet to the east of the present Lake Erie & Western tracks on the south side of 16th street. Same will cross the street at a fifteen degree angle and on the north side of the street the outer margin will extend twenty-four feet east of the present permanent track; leading into the ground diagonally as shown in attached blue print, 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 resolu-

tion or resolutions made by said Board, for the elevation or depression of said tracks.

(3) The crossing where said track intersects E. 16th street 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 the exclusive judge), it shall be the duty of the said party of the first part to promptly repair or remove same, failing in which, after notification in writing of ten (10) days, said Board shall do or cause the same to be done at the expense of the said party of the first part, and for which expense and cost the said party of the first part shall be liable.

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

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

Said party of the second part by virtue of the provisions of an act of the General Assembly of the State of Indiana, entitled "An act concerning municipal corporations," approved March 6, 1905, and in consideration of the things hereinbefore set forth and upon the terms and provisions stipulated, hereby gives, grants and duly vests said party of the first part the right, privilege and authority to lay and maintain an additional sidetrack or switch across East 16th street, in the City of Indianapolis, all as shown by the drawing attached hereto, filed herewith and for greater certainty marked "Exhibit A." This contract shall become null and void unless sidetrack or switch is built within one year from date.

IN WITNESS WHEREOF, We have hereunto set our hands thisday of....., 1923.

INDIANA SMELTING & REFINING CORP.

Max Robbins, Party of the First Part.

Witness: HARRY ZEIGLER

CITY OF INDIANAPOLIS,,

By Charles E. Coffin, President.

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 Works.

By the City Controller:

GENERAL ORDINANCE NO. 32, 1923

AN ORDINANCE amending Section 5, Subdivision h of General Ordinance No. 76 of the City of Indianapolis for the year 1919, as amended by General Ordinance No. 47, 1920, 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 Section 5, Subdivision h of General Ordinance No. 76 of the City of Indianapolis for the year 1919, as amended by General Ordinance No. 47, 1920, be and the same is hereby amended to read as follows:

Section 5. For the Department of Public Works.

h. For the Municipal Garage.

Superintendent, Twenty-three Hundred (\$2300.00) Dollars per year.

Foreman, Sixteen Hundred (\$1600.00) Dollars per year.

Each mechanic, Sixty-five cents per hour.

Each assistant mechanic, Fifty-nve cents per hour.

Each chauffeur, One Hundred Ten (\$110.00) Dollars per month.

Each washer, Ninety (\$90.00) Dollars per month.

One clerk and stock man, Fifteen Hundred (\$1500.00) Dollars per year.

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 City Controller:

GENERAL ORDINANCE NO. 33, 1923

AN ORDINANCE transferring a certain sum of money from a certain fund and reappropriating the same to another certain fund, all in the Street Commissioner's Office under the Department of Public Works of the City of Indianapolis, Indiana, 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 the sum of Three Hundred Thirty (\$330.00) Dollars be and the same is hereby transferred from the Fountain and Wells Department Material and Supplies Fund in the Street Commissioner's Office in the Department of Public Works, and that the same be and is hereby re-appropriated and transferred to the Fountain and Wells Department Fund in the Street Commissioner's Office in 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 Civil Engineer:

SPECIAL ORDINANCE NO. 6, 1923

AN ORDINANCE annexing certain territory to the City of Indianapolis, Indiana, and defining a part of the boundary line of said City, 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 the City of Indianapolis be and the same is hereby extended so as to include the following described territory, all of which is hereby annexed to and made a part of the territory constituting and forming the City of Indianapolis, in Marion County, Indiana.

Section 2. Beginning on the center line of Fifty-sixth (56th) street, at its intersection with the center line of the Chicago, Indianapolis and Louisville Railroad Co. (Monon) right of way; thence east with the center line of Fifty-sixth (56th) street, extended east to the east right-of-way line of the aforesaid railroad; thence south with the said right-of-way line to a point, said point being 250 feet north of the center line of Maple Road (also known as 38th street); thence west and parallel to and 250 feet distant from the center line of Maple Road to the center line of the Chicago, Indianapolis and Louisville Railroad Co. right-of-way; thence north, with said center line to the point or place of beginning.

Section 3. This ordinance shall go into full force and effect from and after its passage.

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

ORDINANCES ON SECOND READING

Mr. Thompson called for Appropriation Ordinance No. 13, 1923, for second reading. It was read a second time.

Mr. Thompson moved that Appropriation Ordinance No. 13, 1923, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 13, 1923, was read a third time and failed to pass by the following vote:

Ayes, none.

Noes, 9, viz.: Messrs. Bernd, Bramblett, Buchanan, Clauer, Claycombe, Ray, Thompson, Wise and President John E. King.

Mr. Thompson called for Appropriation Ordinance No. 14, 1923, for second reading. It was read a second time.

Mr. Thompson moved that Appropriation Ordinance No. 14, 1923, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 14, 1923, was read a third time and failed to pass by the following vote:

Ayes, none.

Noes, 9, viz.: Messrs. Bernd, Bramblett, Buchanan, Clauer, Claycombe, Ray, Thompson, Wise and President John E. King.

Mr. Thompson called for General Ordinance No. 21, 1923, for second reading. It was read a second time.

By Mr. Claycombe:

Mr. President:

I move that further consideration of General Ordinance No. 21, 1923, be made a special order of business for the first meeting in April, 1923.

L. D. CLAYCOMBE.

Which motion failed to carry.

Mr. Thompson moved that General Ordinance No. 21, 1923, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 21, 1923, was read a third time and failed to pass by the following vote:

Ayes. 1, viz.: Mr. Ray.

Noes, 8, viz.: Messrs. Bernd, Bramblett, Buchanan, Clauer, Claycombe, Thompson, Wise and President John E. King.

Mr. Bernd called for General Ordinance No. 22, 1923, for second reading. It was read a second time.

Mr. Bernd moved that General Ordinance No. 22, 1923, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 22, 1923, was read a third time and passed by the following vote:

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

Mr. Bernd called for General Ordinance No. 18, 1923, for second reading. It was read a second time.

By Mr. Buchanan:

Mr. President:

I move that General Ordinance No. 18, 1923, be amended by adding the following: "Section 2. This ordinance to become effective on and after being duly passed by the Common Council and published in a daily newspaper, as required by law."

H. W. BUCHANAN.

Carried.

Mr. Claycombe moved that General Ordinance No. 18, 1923, be ordered engrossed, as amended, read a third time and placed upon its passage. Carried.

General Ordinance No. 18, 1923 was read a third time and passed by the following vote:

Ayes, 5.: Messrs. Buchanan, Clauer, Ray, Thompson and President John E. King.

Noes, 4. viz.: Messrs Bernd, Bramblett, Claycombe and Wise.

Mr. Bernd called for General Ordinance No. 24, 1923, for second reading. It was read a second time.

Mr. Claycombe moved that Ordinance No. 24, 1923, be amended as recommended by the Committee. Carried.

Mr. Claycombe moved that General Ordinance No. 24, 1923, be ordered engrossed, as amended, read a third time and placed upon its passage. Carried.

General Ordinance No. 24, 1923, was read a third time and passed by the following vote:

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

Noes, 1, viz.: Mr. Clauer.

Mr. Buchanan called for General Ordinance No. 14, 1923, for second reading. It was read a second time.

Mr. Buchanan moved that General Ordinance No. 14, 1923, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 14, 1923, was read a third time and passed by the following vote:

Ayes, 9, viz.: Messrs. Bernd, Bramblett, Buchanan, Claycombe, Ray, Thompson, Wise and President John E. King.

Mr. Wise called for General Ordinance No. 15, 1923, for second reading. It was read a second time.

Mr. Claycombe moved that General Ordinance No. 15, 1923, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 15, 1923, was read a third time and passed by the following vote:

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

Mr. Claycombe called for Special Ordinance No. 5, 1923, for second reading. It was read a second time.

Mr. Claycombe moved that Special Ordinance No. 5, 1923, be ordered engrossed, read a third time and placed upon its passage. Carried.

Special Ordinance No. 5, 1923, was read a third time and passed by the following vote.

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

By Messrs. Bramblett, Ray and Buchanan.

Indianapolis, Indiana, March 5, 1923.

Mr. President:

We move that General Ordinance No. 11, 1923, be passed over the veto of the Mayor.

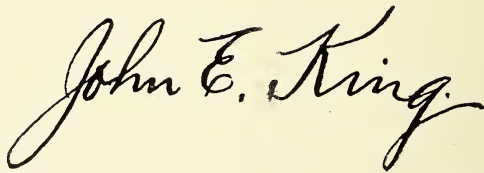
HEYDDON W. BUCHANAN
I. L. BRAMBLETT
OTTO RAY.

The roll was called and General Ordinance No. 11, 1923 was passed over the veto of the Mayor by the following vote:

Ayes, 6, viz.: Messrs. Bernd, Bramblett, Buchanan, Claycombe, Ray and Wise.

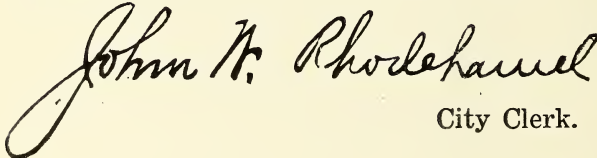
Noes, 3, viz.: Messrs. Clauer, Thompson and President John E. King.

On motion of Mr. Ray, the Common Council, at 9:20 o'clock p. m., adjourned.



President.

Attest:



City Clerk.