

## REGULAR MEETING

The Common Council of the City of Indianapolis, met in the Council Chamber, Monday evening, August 20, 1923, at 7:30 o'clock in regular session, President John E. King in the chair.

Absent: Mr. Clauer.

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

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

## COMMUNICATIONS FROM THE MAYOR.

August, 7, 1923.

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

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

GENERAL ORDINANCE No. 60, 1923, an ordinance to amend 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 and 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. 75, 1923, an ordinance to amend 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, commercial enterprises and the location of buildings designed for specified uses; of classifying and 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. 76, 1923, an ordinance to amend 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, commercial enterprises and the location of buildings designed for specified uses; of classifying-

ing and 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 said 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. 79, 1923, an ordinance transferring the sum of Five Thousand (\$5,000.00) Dollars from the Interest and Exchange Fund under the Department of Finance and transferring and re-appropriating said Five Thousand (\$5,000.00) Dollars of said Fund "Interest and Exchange" in the Department of Finance to the Blank Books Printing and Incidentals Fund in the Department of Finance transferring the sum of Five Thousand (\$5,000.00) Dollars from the Interest and Exchange Fund under the Department of Finance and transferring and re-appropriating said Five Thousand (\$5,000.00) Dollars of said fund "Interest and Exchange" in the Department of Finance to the Miscellaneous Expense of City Offices in the Department of Finance and declaring a time when the same shall take effect.

GENERAL ORDINANCE No. 78, 1923, an ordinance authorizing the City Controller to make a temporary loan, or loans of Three Hundred Thousand (\$300,000) Dollars in anticipation of current revenues appropriating the sum of Three Hundred Six Thousand (\$306,000) Dollars for the payment of same, and fixing a time when the same shall take effect.

GENERAL ORDINANCE No. 80, 1923, an ordinance transferring the sum of Twenty-seven Hundred and Eighty-five (\$2785.00) Dollars from the "New Motorcycle Fund" of the Department of Public Safety known as the "Bicycles and Autos for Bicycle Squad" and declaring a time when the same shall take effect.

GENERAL ORDINANCE No. 81, 1923, an ordinance prohibiting the digging, excavating or cutting into a newly paved street within a period of five (5) years after the acceptance of the improvement unless an emergency permit secured, setting out the method of obtaining such permit, prescribing the penalty for the violation thereof and declaring a time when the same shall take effect.

APPROPRIATION ORDINANCE No. 34, 1923, an ordinance appropriating the sum of Sixty-five Hundred (\$6500.00) Dollars, to the Park District Bond Fund, for Sinking Fund purposes, and declaring a time when the same shall take effect.

GENERAL ORDINANCE No. 84, 1923, an ordinance transferring the sum of Seven Hundred (\$700.00) Dollars from the Ammunition and Supplies for Target Practice Fund, in the Police Department under the Department of Public Safety, transferring and re-appropriating said sum to a fund to be created and known as the fund for the purchase of furniture equipment and supplies, for the Division of Accident Prevention of the Traffic Department of the Police Department, and declaring a time when the same shall take effect.

Very truly yours, LEW SHANK,

Mayor.

August 16, 1923.

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

Gentlemen—I have approved, signed and delivered to John W. Rhodehamel, City Clerk, General Ordinance No. 93, 1923, an ordin-

ance, compelling the Terre Haute, Indianapolis and Eastern Traction Company, and the Peoria and Eastern Railroad Company to provide and maintain crossing flagmen at the intersection of their respective tracks at Tibbs Avenue in the City of Indianapolis, providing a penalty for the violation thereof and declaring a time when the same shall take effect.

Very truly yours,  
LEW SHANK,  
*Mayor.*

#### REPORTS FROM CITY OFFICERS.

##### From the City Controller:

August 20, 1923.

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

Gentlemen—I submit herewith copies of an ordinance providing for a bond issue of Three Hundred Thousand (\$300,000) Dollars, for money to be used in the resurfacing and widening of streets and respectfully recommend the passage of the same.

Yours truly,  
JOSEPH L. HOGUE,  
City Controller.

August 20, 1923.

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

Gentlemen—I am sending you herewith an ordinance which calls for the appropriation of One Thousand (\$1,000.00) Dollars to the fund in the Department of Law known and designated as "Attorney's Fees and Expenses Incidental to Public Utility Cases, Special Fund." You will also find attached hereto communication from the Corporation Counsel requesting the passage of the same.

I respectfully recommend that the same be passed at the earliest possible opportunity.

Yours truly,  
JOSEPH L. HOGUE,  
City Controller.

Indianapolis, Indiana, August 20, 1923.

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

Gentlemen—Herewith please find Appropriation Ordinance No. 40, 1923.

We are asking for this appropriation in order that we may join with other Indiana Cities in employing expert assistance to aid the Public Service Commission of Indiana in resisting the ever increasing demands of the Indiana Bell Telephone Company.

The Public Service Commission of Indiana in its recent order was more than fair with the Telephone Company, but this order did not satisfy the avaricious demands of the A. T. & T. The people must fight this powerful organization and teach it that the public has some rights in utility rates which even the A. T. & T. must regard.

Thanking you for your past co-operation, I am

Very respectfully yours,  
TAYLOR E. GRONINGER,  
Corporation Counsel.

August 20, 1923.

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

Gentlemen—I submit to you the attached letter and ordinance accompanying same asking for a Fifty-five Thousand (\$55,000.00) Dollar Temporary Loan for the Department of Public Parks and recommend the passage of said Ordinance.

Respectfully yours,

JOSEPH L. HOGUE,

City Controller.

August 20, 1923.

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

Gentlemen—I am enclosing herewith fourteen copies of an ordinance, providing for a Temporary Loan of Fifty-five Thousand (\$55,000.00) Dollars, for the use of the Department of Public Parks which I have been instructed to submit for introduction and passage at the next meeting of the Common Council.

In explanation of this ordinance, I wish to state that this is a matter that we inherited. Two years ago a temporary loan of Eighty-five Thousand (\$85,000.00) Dollars was authorized by ordinance, and pursuant thereto such loan was made and has been paid.

In 1922 a temporary loan of Fifty-five Thousand (\$55,000.00) Dollars, was authorized by ordinance and such loan was made and has since been paid.

The loss of the annual payment of Thirty Thousand (\$30,000.00) Dollars, which was payable to the Park Department under the terms of the franchise of the Indianapolis Street Railway Company, due to the fact that said company has surrendered its charter has materially crippled the Department. This amount has not been paid, for the last three years, and there has been nothing to offset the loss occasioned thereby and the Department is going along on the same tax levy.

Trusting that this ordinance may receive favorable consideration, and in view of the fact that we will have to have this loan to take care of the September and October pay roll and expense, I urge the necessity of passing the same at your earliest convenience.

Respectfully submitted,

NEWTON J. McGUIRE,

Attorney, Department of Public Parks, City of Indianapolis.

### From the Board of Public Works:

August 20, 1923.

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

Gentlemen—At the request of the Board of Public Works I am handing you herewith for passage an ordinance ratifying, confirming and approving a certain contract made and entered into on the 15th day of August, 1923, between the City of Indianapolis by and through its Board of Public Works with the approval of its Mayor, and the North Electric Manufacturing Co. of Galion, Ohio, whereby the City of Indianapolis is authorized to purchase from the North Electric Manufacturing Co. a private automatic exchange of the Standard

All Relay type for the sum of \$3,962.31, which price includes installation.

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

From the City Plan Commission:

August 15, 1923.

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

Gentlemen—The City Plan Commission after consideration, voted to recommend to your Honorable Body that General Ordinances No. 94 and No. 95 be passed as originally submitted, and that General Ordinance No. 96 be passed as amended, and that General Ordinance No. 100 be not passed.

Respectfully yours,  
EDWARD G. RAUB,  
President, City Plan Commission.

#### REPORTS FROM STANDING COMMITTEES

From the Committee on Finance:

Indianapolis, Ind., August 20, 1923.

*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, 1923, entitled, "An ordinance appropriating the sum of Thirty Thousand (\$30,000.00) Dollars from any unexpended funds to a fund to be created and known as the New Equipment Fund in the Street Commissioner's Department under the Department of Public Works, for the purpose of purchasing new trucks, graders, tractors and other equipment for the Street Commissioner's Department 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.

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

Indianapolis, Ind., August 20, 1923.

*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. 90, 1923, entitled, "An ordinance transferring the sum of Four Thousand Eight Hundred (\$4,800.00) Dollars from the Printing, Stationery, Postage, Supplies and Miscellaneous 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  
I. L. BRAMBLETT  
THEO. J. BERND  
WALTER W. WISE

Indianapolis, Ind., August 20, 1923.

*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. 87, 1923, entitled, "An ordinance transferring the sum of Twenty-five Hundred (\$2,500.00) Dollars from the Carpenter Department Fund in the Street Commissioner's Department in the Department of Public Works to the Carpenters' Department Salaries Fund in the Street Commissioner's Department in the Department of Public Works and re-appropriating the same to said 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.

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

Indianapolis, Ind., August 20, 1923.

*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. 86, 1923, entitled, "An ordinance transferring and re-appropriating certain funds under the Department of Public Works 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.

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

Indianapolis, Ind., August 20, 1923.

*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. 85, 1923, entitled, "An ordinance transferring the sum of Twenty-five Hundred (\$2,500.00) Dollars from the Sewer Department Fund in the Street Commissioner's Department, in the Department of Public Works, to the Sewer Department Maintenance and Supplies Fund in the Street Commissioner's Department in the Department of Public Works, and re-appropriating the same to said 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.

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

Indianapolis, Ind., August 20, 1923.

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. 83, 1923, entitled, "An ordinance transferring the sum of Six Hundred (\$600.00) Dollars from the fund in the Department of Buildings under the Department of Public Safety of the City of Indianapolis, known as the Gasoline, Oil, Auto Supplies and Repair Fund, transferring and re-appropriating the same to a fund to be hereby created and known as the Transportation Fund in the same department under the Department of Public Safety 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.

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

From the Committee on Parks:

Indianapolis, Ind., August 20, 1923.

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

Gentlemen—

We your committee on Parks, to whom was referred Special Ordinance No. 17, 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  
H. W. BUCHANAN  
WALTER W. WISE  
I. L. BRAMBLETT  
THEO. J. BERND

INTRODUCTION OF APPROPRIATION ORDINANCES

By the City Controller:

APPROPRIATION ORDINANCE NO. 40, 1923.

AN ORDINANCE, appropriating the sum of One Thousand (\$1,000) Dollars out of any unappropriated funds of the City of Indianapolis to the fund in the Department of Law, known and designated as "Attorney's Fees and Expenses Incidental to Public Utility Cases, Special Fund," 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 out of any unappropriated funds of the City of Indianapolis the sum of One

Thousand (\$1,000.00) Dollars, to the fund in the Department of Law known and designated as "Attorneys' Fees and Expenses Incidental to Public Utility Cases, Special Fund."

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

Which was read a first time.

Mr. Claycombe moved that the rules be suspended and Appropriation Ordinance No. 40, 1923, be placed upon its passage.

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

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

Mr. Claycombe called for Appropriation Ordinance No. 40, 1923, for second reading. It was read a second time.

Mr. Claycombe moved that Appropriation Ordinance No. 40, 1923, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 40, 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.

#### INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES

By the City Controller:

GENERAL ORDINANCE No. 102, 1923.  
AN ORDINANCE, authorizing the City Controller to make a Temporary Loan in the name of the City of Indianapolis, for the use of the Department of Public Parks of the City of Indianapolis, in anticipation of 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.

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

Section 1. That the City Controller of the City of Indianapolis, is hereby authorized to negotiate a Temporary Loan in the sum of Fifty-five Thousand (\$55,000.00) Dollars in the name of the City of Indianapolis, in anticipation from revenues to be derived from taxes, as provided by law, which said loan shall be payable from the revenues of said Department of Public Parks, to be derived from taxes, as provided by law, shall bear interest at a rate not exceeding six (6) per cent per annum, and shall mature not later than December 31, 1923, with the privilege of the payment of the same or any part thereof at any time after sixty (60) days from date. The City Controller is authorized and empowered to negotiate such loan in such amounts and at such times as the Board of Park Commissioners shall request, provided, however, that no part of said Loan shall be made to extend beyond December 31, 1923, bidding on the annual rate of interest and under the conditions

Said loan shall be awarded to the lowest bidder at competitive prescribed in a notice of the same which the Controller shall cause to be published by at least one insertion in two (2) daily newspapers of general circulation published in the City of Indianapolis, Indiana, at least three days previous to the sale thereof.

Section 2. The form of obligation to be executed on behalf of the City of Indianapolis for such loan as well as the terms and tenor thereof not otherwise in this ordinance specified shall be such as may be determined by the City Controller to be most expedient, and the Mayor and the City Controller are hereby authorized between the City of Indianapolis, by and through its Board of the City of Indianapolis, which shall also be countersigned by the President of the Board of Park Commissioners, for the use of the Department of Public Parks of the City of Indianapolis; and when so executed, to the payment thereof, the faith of the City of Indianapolis, is hereby irrevocably pledged.

Section 3. This Ordinance shall be in full force and effect from and after its passage.

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

By the Board of Public Works:

#### GENERAL ORDINANCE NO. 103, 1923

AN ORDINANCE ratifying, confirming and approving a certain contract made and entered into on the 15th day of August, 1923, between the City of Indianapolis, by and through its Board of Public Works, with the approval of its Mayor, and The North Electric Manufacturing Company of Galion, Ohio, whereby the City of Indianapolis is authorized to purchase from The North Electric Manufacturing Company a private automatic exchange of the Standard All Relay Type for the sum of Three Thousand Nine Hundred Sixty-two, and 31-100 (\$3,962.31) Dollars, including installation, and declaring a time when the same shall

take effect.

WHEREAS, heretofore on the 15th day of August, 1923, the City of Indianapolis, Indiana, by and through its Board of Public Works, with the approval of its Mayor, entered into a certain contract and agreement with The North Electric Manufacturing Company, of Galion, Ohio, for the purchase of a Private Automatic Exchange of Standard Relay Type to be installed in the City Hall, which contract is in the words and figures as follows, to-wit:

PROPOSAL OF THE NORTH ELECTRIC MFG. CO.  
TO  
CITY OF INDIANAPOLIS  
FOR NORTH P. A. X. PRIVATE AUTOMATIC EXCHANGE

Date, August 13, 1923.

Reference Board of Works.

We, The North Electric Manufacturing Company, of Galion, Ohio, propose to furnish a Private Automatic Exchange, of our Standard All Relay Type, having a present equipment of 50 lines and an ultimate capacity of.....lines, 5 links. This system is guaranteed by The North Electric Manufacturing Company for a period of one year against all mechanical and electrical defects.

This exchange will be equipped with the following auxiliary service features:

- Code Call x
- Conference Service x
- Executive Lines x
- Annunciator Service x
- Watchman's Service x
- Fire Alarm x
- Pick-Up Service x

This proposal includes telephones as follows:

Desk phones, 45 wall phones x, 8 phones mica and also a complete power plant, sufficiently large for the ultimate equipment of the exchange, comprising:

- Batteries 1
- Power Panel x
- Charging Rheostat 1
- Tungar Rectifier x
- Ringing Dynamotor 1
- Ringing Transformer x

Motor Generator x to be connected with a continuous source of commercial power of.....volts.....cycle.....phase.

Price F. O. B., Indianapolis, Indiana, \$3,962.31, including installation in the City Hall.

The above price to include complete installation of system. Prices subject to acceptance within.....days from date.

NOTE: Installation shall mean complete erection of the automatic exchange, batteries, power equipment, fully testing out and putting into service. It will not include cutting holes in floors or walls, laying conduit, house wiring, nor the installation of telephones.

TERMS: 15th prox. installation.

This equipment will be shipped.....192.....  
Submitted in duplicate this 13th day of August, 1923.

By John M. Bunting....., representative of  
The North Electric Mfg. Co., subject to approval by an officer of said company.

The above proposal is hereby accepted by the purchaser this 15th day of August, 1923, subject to the approval of the Common Council. It is understood and agreed that the purchaser shall not be bound by this acceptance until it has been ratified and approved by ordinance duly passed by the Common Council.

CITY OF INDIANAPOLIS,  
Purchaser.

By Charles E. Coffin  
W. H. Freeman  
M. J. Spencer  
Board of Public Works.

Approved by  
S. L. SHANK, Mayor  
Approved this 15th day of August, 1923,  
THE NORTH ELECTRIC MFG. COMPANY,  
By J. M. Bunting.

Executed in duplicate.

WHEREAS, said contract and agreement has been submitted by said Board of Public Works of the City of Indianapolis to the Common Council of said City for its action thereon, now 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 15th day of August, 1923, by the City of Indianapolis, by and through its Board of Public Works, with the approval of its mayor, and The North Electric Manufacturing Company, of Galion, Ohio, 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 Mr. Bernd:

GENERAL ORDINANCE NO. 104, 1923.

AN ORDINANCE, concerning the regulation and adjustments of lights on motor vehicles within the City of Indianapolis, providing a penalty for the violation thereof, and declaring a time when the same shall take effect.

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

Section 1. That every motor vehicle, or other vehicle, equipped with and using head lights or front lights within the City of Indianapolis, shall be equipped with some efficient device or devices, whereby the rays of light projected forward by said head lights or front lights are broken up and diffused to such an extent that the said projected rays will not interfere with, nor temporarily obscure or bewilder the vision of the driver of an approaching vehicle; or shall be equipped with an efficient device whereby the projected rays of light from said front lights or head lights may be dimmed or lessened, at the will of the driver of every such motor vehicle or other vehicle, so that said head lights or front lights, when so dimmed or lessened, will not, by reason of rays of light being projected forward therefrom, interfere with the sight of, nor temporarily obscure or bewilder the vision of the driver of an approaching vehicle. And it shall be the duty of every person driving any motor vehicle or other vehicle, as herein contemplated, when approaching any vehicle driving in an opposite direction to cause the rays of light projected forward from said head lights or front lights to be

broken up and diffused as herein provided, or to effectually apply such dimming device to such head lights or front lights of such motor vehicle, or other vehicle, so that the rays of light projected forward therefrom will not interfere with the sight of, nor temporarily obscure or bewilder the vision of the driver of any such approaching vehicle.

Section 2. No spot light shall be used on any motor vehicle, or other vehicle, upon the public highways, streets, or alleys within the City of Indianapolis while approaching or passing another vehicle going in the opposite direction unless the said spot light shall be carried and used at such an angle on such motor vehicle, or other vehicle, as will project the rays of light therefrom on the ground in front of such motor vehicle, or other vehicle, and at a distance not exceeding fifty (50) feet in front of same.

Section 3. When two motor vehicles, or other vehicles, equipped with and using headlights or front lights, are approaching each other on the public highway, street or alley, within the City of Indianapolis, during the hours when lights are required by law to be lighted on such vehicles, and the driver of one of such vehicles turns off his bright lights or diffuses the same, the driver of the other of said vehicles shall turn off his bright lights or diffuse the same, and said bright lights on both of said vehicles shall remain so turned off or diffused until the said vehicles have passed each other.

Section 4. Any person, firm, or corporation who shall violate any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than Five (\$5.00) Dollars, nor more than Twenty (\$20.00) Dollars; and for any second or subsequent offense may be fined in any sum not less than Fifty (\$50.00) Dollars.

Section 5. If any of the provisions or sections of this ordinance shall be held void or unconstitutional, all other provisions and all other sections of this Ordinance, which are not expressly held to be void or unconstitutional, shall continue in full force and effect.

Section 6. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

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

By Mr. King:

GENERAL ORDINANCE No. 105, 1923.

AN ORDINANCE, amending sub-section 8, of Section 2 of General Ordinance No. 23, 1921,—an Ordinance amending Sections One (1) and Two (2) of General Ordinance No. Nine (9), 1921, 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 Sub-section H of Section 2 of General Ordinance No. 23, 1921, be and the same is hereby amended by leaving out the last line of said sub-section which reads as follows: "Each substitute—One Thousand Five Hundred and Fifty (\$1,550.00) Dollars," and that as so amended said sub-section H. of General Ordinance No. 23, 1921, shall read as follows: H. For the Fire

Force. Chief of Fire Force—Four Thousand (\$4,000.00) Dollars; Two First Assistant Chiefs at Three Thousand (\$3,000.00) Dollars; Second Assistant Chief—Two Thousand Eight Hundred Eighty (\$2,880.00) Dollars; each Battalion Chief—Two Thousand Four Hundred (\$2,400.00) Dollars; Clerk—One Thousand Three Hundred Twenty (1,320.00) Dollars; Each Captain—Two Thousand Two Hundred (\$2,200.00) Dollars; each Lieutenant—Two Thousand (\$2,000.00) Dollars; each Chauffeur—One Thousand Eight Hundred (\$1,800.00) Dollars; each Fireman—(first year) One Thousand Five Hundred Fifty-one (\$1,551.00) Dollars; each Fireman (after first year) One Thousand Seven Hundred Thirty-three and Seventy-five (\$1,733.75) Dollars.

Section 2. That after the taking effect of this ordinance the member of the fire force now and heretofore known and designated as "substitute" shall, if he has served continuously prior thereto one year, be known and designated as "First Grade" and receive the salary provided therefor.

Section 3. This ordinance shall be in full force and effect from and after the first day of January, 1923.

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

By Mr. Wise:

#### GENERAL ORDINANCE No. 106, 1923.

##### AN ORDINANCE TO REGULATE SMOKE

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

That Section 1. SMOKE A NUISANCE. Any dark, dense or black smoke as defined by paragraphs 3, 4 or 5 of Section 3 of this Ordinance, discharged from any flue, stack or chimney in the City of Indianapolis, Indiana, is hereby declared to be a nuisance. If necessary in order to avoid creating such a nuisance, upon written notice from the Chief Smoke Abatement Inspector, the owners or persons in charge of the operation and in control of any hoisting engine, steam roller, concrete mixer, traction engine, tar kettle or other combustion engine or device used in the City of Indianapolis, shall provide and use smoke preventing devices or smokeless fuel.

Section 2. SMOKE UNLAWFUL. It shall be unlawful for the owner, or the person in charge of the operation and in control of any such heating or power equipment, hot air furnace, oil furnace, cooking equipment or any appurtenance thereto, any hoisting engine, steam roller, concrete mixer, traction engine, tar kettle or other combustion engine or device, in the City of Indianapolis, Indiana, to permit the same to emit smoke defined as a nuisance in Section 1 of this Ordinance, except for a period of not more than six minutes in any one hour, and for not more than thirty minutes in any one day when starting a new fire.

Section 3. SMOKE DENSITY. The density of smoke shall be defined as follows, to-wit:

(0) White Smoke, containing substantially zero percentage of black particles issuing from the stack, chimney or flue.

- (1) GRAY SMOKE, consisting of substantially 20% black particles and 80% white particles.
- (2) LIGHT SMOKE, consisting of substantially 40% black particles and 60% white particles.
- (3) DARK SMOKE, consisting of substantially 60% black particles and 40% white particles.
- (4) DENSE SMOKE, consisting of substantially 80% black particles and 20% white particles.
- (5) BLACK SMOKE, consisting of substantially 100% black particles.

Section 4. Smoke Abatement Inspectors. The administration and enforcement of this ordinance shall be under the charge of one Chief Smoke Abatement Inspector and two (2) Assistant Smoke Abatement Inspectors, and shall be a branch of the office of the Commissioner of Buildings of the City of Indianapolis, under the direction and control of the Department of Public Safety. The Smoke Abatement Inspectors, in the execution of their duties shall have the right to enter upon any premises in the City of Indianapolis, Indiana, and to inspect heating or power equipment, hot air furnaces, oil furnaces or cooking equipment or any of the appurtenances thereto, at all reasonable hours, except that in private residences and in single family units, they shall not have such right to enter between the hours of 6 o'clock p. m. and 8 o'clock a. m.

Section 5. Duties of Smoke Abatement Inspectors. It shall be the duty of the Chief Smoke Abatement Inspector and of his assistants to use all reasonable and proper methods to enforce this ordinance, and to that end he shall cooperate with architects, engineers, contractors, builders owners and operators of smoke producing equipment to secure the abatement of smoke and the most efficient consumption of fuel; it shall be the their duty to examine all plans presented to them by the Commissioner of Buildings, and to make recommendations regarding new installations and alterations to old installations of heating, cooking, baking and power equipment designed with apparatus for combustion, including all flues and stacks in any building or structure, grates, hot air furnaces, hot air pipes, steam radiation systems, hot water radiation systems and oil furnaces, and to return such plans and specifications with his approval or recommendations to the Commissioner of Buildings. The Commissioner of Buildings shall not issue a permit for any new building or structure until the Chief Smoke Abatement Inspector has examined the plans and specifications, which shall describe the apparatus for combustion, and the space and location in the building or structure designed to receive such apparatus, and has approved the same in writing. After such permit is approved and issued by the Commissioner of Buildings, the inspection of the installation of the equipment for combustion, or the alteration of old equipment, shall be carried on by the Chief Smoke Abatement Inspector, or by his authorized Assistants, and in the event the work of the installation of the combustion equipment does not comply with the approved plans and specifications, the Chief Smoke Abatement Inspector or his authorized Assistants shall have the power to stop the work of such installation, and to require any work done, which is not in accordance with the approved plans and specifications or any installation which is not properly installed to prevent smoke, to be changed so as to comply with the approved plans and specifications of the Chief Smoke Abatement Inspector and the requirements of this ordinance.

Section 6. **ADVISORY BOARD and TECHNICAL COMMITTEE.** Upon the passage of this ordinance the Mayor of the City of Indianapolis shall nominate and appoint five residents of the city to serve as an Advisory Board to the Smoke Abatement Inspectors; one to serve for one year, one to serve for two years, one to serve for three years and two to serve for four years; their terms to expire on the last day of October of their respective years; thereafter the appointments shall be for the full term of four years. The Advisory Board shall meet in the City Hall at least once each month, to consider problems of Smoke Abatement, and shall fix the routine of its proceedings. Upon recommendation of the Advisory Board, the Board of Safety shall select and appoint three competent combustion engineers, who shall be registered professional engineers, who shall constitute a Technical Committee, to assist and advise with the Advisory Board and the Chief Smoke Abatement Inspector; they shall each serve for one year and until their successors are appointed and qualified. Before entering upon the discharge of their duties they shall each take an oath of office to support the constitution and laws of the United States and of the State of Indiana, and the ordinances of the City of Indianapolis, and to discharge their duties faithfully and impartially; their term or office shall end on the last day of October of each year, and their successors shall be named and shall take their office on the next day. The Technical Committee shall meet with the Advisory Board, and upon request of the Chief Smoke Abatement Inspector shall consider specific problems of new or old combustion equipment installations, and shall make recommendations to the Chief Smoke Abatement Inspector as to the proper installation of new equipment or the alteration or repair of old equipment.

Section 7. **EXAMINATION.** The Technical Committee shall also constitute a Board of Examiners for all applicants for the positions of Chief Smoke Abatement Inspector, and for the positions of Assistant Smoke Abatement Inspectors. All applicants for such positions shall pass an examination as to fitness and qualifications conducted by said Technical Committee and the result of the examinations shall be promptly reported to the Department of Public Safety. The Board of Public Safety shall select and employ the Smoke Abatement Inspectors from the list of applicants that have passed such examinations, or such Board of Safety may if it deems it necessary, request the Technical Committee to give further examination as to the fitness and qualifications of the applicants. No person shall be employed as Smoke Abatement Inspector who is not a professional engineer and who has not passed the required examination and who does not have the written approval of the majority of the members of the Advisory Board.

Section 8. **TERMS OF SERVICE AND SALARIES.** The Chief Smoke Abatement Inspector and his Assistants may be removed by the Board of Safety at any time for good cause shown. The Salary of the Chief Smoke Abatement Inspector shall be Four Thousand (\$4,000.00) Dollars per annum, and the salary of each of his Assistants shall be Two Thousand (\$2,000.00) Dollars per annum. The members of the Technical Committee shall each be paid a salary of Six Hundred (\$600.00) Dollars per annum, payable monthly in equal installments. The Advisory Board will serve without compensation.

Section 9. **PERMITS.** It shall be unlawful to install, or repair any flue, stack furnace, grate, oven, stove, water tube boiler,

fire tube boiler, fire pot, oil burner, or other apparatus for combustion designed for heating, cooking or power purposes, within the City of Indianapolis, Indiana, without first procuring from the Commissioner of Buildings a permit; such permits shall be applied for on appropriate blanks prepared and furnished by the Commissioner of Buildings, setting forth such information as may be required by the Commissioner of Buildings, and accompanied by complete plans and specifications of the work to be done; it shall be unlawful to make any such installation otherwise than as shown upon the plans and specifications approved by the Commissioner of Buildings and by the Chief Smoke Abatement Inspector. No permit shall be required for the installation of gas cooking appliances, or stoves for single family units.

Section 10. PLANS AND SPECIFICATIONS. When an application is made for a permit to install an oil burning furnace, a hot air furnace, a high pressure boiler, a low pressure boiler, a water heater, a baking equipment, cooking equipment, or any of the appurtenances thereto, or to build or erect any cupola, steel stack, flue or brick stack, complete plans and specifications of the same shall be filed with the Commissioner of Buildings, who shall at once refer to the Chief Smoke Abatement Inspector for examination and approval or recommendations for changes. If the Chief Smoke Abatement Inspector approves such plans and specifications he shall approve the same in writing and return to the Commissioner of Buildings who shall then issue the necessary permit if they comply with the other rules of his office. Such plans and specification shall be filed in duplicate and the Chief Smoke Abatement Inspector shall keep one complete set for his files. If the Chief Smoke Abatement Inspector does not approve the said plans and specifications he shall return them promptly to the Commissioner of Buildings with a written report of his objections and recommendations, who shall at once report the same to the applicant.

Section 11. REPAIRS TO APPROVED INSTALLATIONS. After a permit has been issued for any installation of heating, power, or cooking equipment, which has been installed in accordance with the complete plans and specifications on file with the Chief Smoke Abatement Inspector, any repairs to such installation or equipment may be made without further permit provided such repairs are made in conformity with the said plans and specifications on file.

Section 12. INSPECTION. Wherever any flue or stack shall emit smoke in violation of this ordinance, the Chief Smoke Abatement Inspector shall mail a notice to the owners and to the person in charge or control of the equipment from which such smoke shall so be emitted. Such notice shall state the time and place and duration and extent of such smoke nuisance. If within three days from the time such notice is mailed, the smoke nuisance is not abated, the Chief Smoke Abatement Inspector shall send a second notice. If the smoke nuisance is not abated within the next three days the Chief Smoke Abatement Inspector shall re-inspect the entire equipment from which such smoke comes, for the purpose of determining the cause of such violation. If changes are necessary in equipment or operation to comply with this ordinance, the Chief Smoke Abatement Inspector shall give written notice, allowing a reasonable time in which such changes in equipment and operation shall be made. It is provided that no approval or inspection by the Chief Smoke Abatement Inspector shall by a defense to any violation of the provisions of this ordinance against smoke nuisance.



Section 13. EXCEPTIONS. The provisions of this ordinance shall not apply to mill heating, metallurgical furnaces, or such direct coal fired furnaces as cannot from the nature of the process involved be controlled as to the emission of smoke.

Section 14. For the examination of plans and specifications, for issuing permits and for reinspections the Commissioner of Buildings shall collect the following fees, to-wit: For inspecting plans and specifications for new work and for issuing permit, Two Dollars. For inspecting plans and specifications for repairs and alterations, and issuing permit, One Dollar. For examining plans after erection or reconstruction, Three Dollars.

Section 15. PENALTY. Any person, firm or corporation, including both owners and operators, who shall violate any of the provisions of this ordinance shall upon conviction thereof be fined not less than ONE Dollar, and not more than Five Hundred Dollars for each offense.

Section 16. REPEAL. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Section 17. PUBLICATION. This ordinance shall be in force from and after its passage and publication once each week for two consecutive weeks in the Indianapolis Commercial, a newspaper of general circulation, printed and published in the City of Indianapolis, Indiana.

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

By the City Controller:

GENERAL ORDINANCE NO. 107, 1923.

AN ORDINANCE authorizing the sale of Three Hundred (300) Bonds of One Thousand (\$1,000.00) Dollars each of the City of Indianapolis, Indiana, payable from the general revenue and funds of said city, or from the sinking fund of said city, or as may be required by law for the purpose of procuring money to be used in the resurfacing and widening of streets and providing for the time and manner of advertising, sale of bonds and receipt of bids for the same, together with the mode and terms of sale, and appropriating the proceeds from the sale of said bonds to a fund to be created and known as the "Street Resurfacing Fund of 1923," of said city for use by the Department of Public Works of said city, and fixing a time when the same shall take effect.

WHEREAS, the General Assembly of the State of Indiana by Chapter 25 of the acts, passed at its regular session in 1923, passed an act entitled "An Act concerning the resurfacing and widening of permanently improved roadways in cities of the first class, providing for the levying of a special tax for the payment of the same, providing for the creation of a special fund and the collecting and disbursement of the same, and for the issuance of certain bonds of such cities for the payment of such resurfacing and widening during the year of 1923 and declaring an emergency." And

WHEREAS, by Section 6 of said Chapter 25 of the Acts of 1923, it is provided as follows:

"For the purpose of raising the money to pay the part or share of any city of the first class for the resurfacing of the roadway of any such street or streets under this act during the year 1923, such city shall have power and the Common Council is hereby authorized by ordinance approved by the Mayor for that purpose to make a permanent loan or loans not in excess of Three Hundred Thousand (\$300,000.00) Dollars at a rate of interest not exceeding six (6%) per cent per annum, payable semi-annually. The bonds of such city issued for such loan or loans shall be payable in equal series annually thereafter a period of not exceeding five years, which loan or loans shall be made and the bonds issued and sold therefor, under the law as other permanent loans are made and as bonds are issued and sold therefor by cities of the first class. In order to provide for the payment of such bonds when they mature, it shall be the duty of the Common Council upon the recommendation of the Mayor and City Controller to levy in addition to all other taxes provided to be levied by cities of the first class for sinking fund purposes, such additional rates each year as will produce a sufficient amount to pay the principal of the bonds that may be issued under this act at the maturity thereof." And

WHEREAS, the Board of Public Works of the City of Indianapolis has adopted a resolution requesting the Common Council of the City of Indianapolis to authorize a bond issue of Three Hundred Thousand (\$300,000.00) Dollars to provide for a Street Resurfacing Fund for the year 1923 to be used in resurfacing streets of the City of Indianapolis under and pursuant to improvement resolutions adopted by the Board of Public Works, which resolutions are as follows, to-wit:

No. 11046. Senate Avenue, 10th to 16th (widening, resurfacing), adopted June 18, 1923.

No. 11047. Boulevard Place, 16th to 21st (widening, resurfacing), adopted June 18, 1923.

No. 11048. Central Avenue, 23d to Fall Cr. Bridge (resurfacing), adopted June 18, 1923.

No. 11049. Central Avenue, 19th to 23d (resurfacing), adopted June 18, 1923.

No. 11050. Illinois Street, New York to St. Clair (widening and resurfacing), adopted June 18, 1923.

No. 11051. Illinois Street, St. Clair to 10th (resurfacing and widening), adopted June 18, 1923.

No. 11052. Illinois Street, 10th to 16th (widening and resurfacing), adopted June 18, 1923.

No. 11053. Illinois Street, Jackson Place to New York Street (resurfacing), adopted June 18, 1923.

No. 11054. 13th Street, Park Avenue to College Avenue (resurfacing), adopted June 18, 1923.

No. 11057. Shelby Street, Prospect to Pleasant Run (resurfacing), adopted June 18, 1923.

No. 11058. Shelby Street, Pleasant Run to Southern Avenue (resurfacing), adopted June 18, 1923.

No. 11059. Ohio Street, Alabama to East Street (resurfacing), adopted June 18, 1923.

Cornell Avenue, Massachusetts Avenue to 21st (resurfacing).  
 Fletcher Avenue, Virginia Avenue to Noble Street (resurfacing).  
 Prospect Street, Shelby Street to Madison Avenue (resurfacing).  
 Massachusetts, Cornell Avenue to 10th Street (resurfacing).  
 Tenth Street, Massachusetts to E. L. Dorman (resurfacing).

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

Section 1. That the City Controller of said city be and is hereby authorized for the purpose of procuring money to be used to pay said city's part under the law for resurfacing the said streets of said city, to prepare and sell Three Hundred (300) New Bonds of the City of Indianapolis, Marion County, of the sum of One Thousand (\$1,000.00) Dollars each, which bonds shall bear date of....., 1923, and be numbered from one to three hundred (1 to 300) both inclusive, shall be designated as "Street Resurfacing Bonds of 1923," and shall be issued in five (5) equal series of Sixty Thousand (\$60,000.00) Dollars each; first series shall mature on the first day of July, 1924, and one series on each first day of July thereafter to and including July 1, 1928, and shall bear interest at the rate of five (5%) per cent per annum, payable semi-annually, and said installments of interest shall be evidenced by interest coupons attached to said bonds, and the first coupon attached to each of said bonds for the interest on said bonds from date of issue until the first day of July, 1924. Said bonds and interest coupons shall be negotiable and payable at the City Trust Company of Indianapolis, Indiana. Said bonds shall be signed by the Mayor and City Controller of the City of Indianapolis and attested by the City Clerk, who shall affix the seal of said city to each of said bonds and the interest coupons attached to said bonds shall be authenticated by a lithographed facsimile of the signatures of the Mayor and City Controller of said city engraved thereon, which shall for all purposes be taken and deemed to be equivalent to a manual signing thereof. Said bonds shall be prepared by the City Controller in due form, irrevocably pledging the faith and credit of the City of Indianapolis to the payment of the principal and interest stipulated therein, respectively.

It shall be the duty of the City Controller at the time of the issue and negotiation of said bonds to register in the book kept for that purpose all of said bonds so issued and negotiated in serial number, beginning with bond No.1, entering the date of issue, the amount of bond, the rate of interest, the date of maturity, the time and plan for payment of interest and the place of payment of principal said bonds shall be prepared according to the following forms and all blanks therein shall be properly filled in before the issue thereof:

No..... \$1,000.00

UNITED STATES OF AMERICA,  
CITY OF INDIANAPOLIS,  
MARION COUNTY, STATE OF INDIANA  
STREET RESURFACING BONDS OF 1923.

For value received, the City of Indianapolis in Marion County, State of Indiana, hereby promises to pay to the bearer without any relief from valuation or appraisal laws on July 1, 19..... at the City Trust Company of Indianapolis, Indiana, One Thousand (\$1,000) Dollars in lawful money of the United States together with interest thereon at the rate of five (5%) per cent per annum from date until paid, the first interest payable on the first day of July, 1924, and interest thereafter payable semi-annually on the first day of January and July respectively, on the presentation and surrender of the proper interest coupons hereunto attached and which are made a part of this bond. This bond is one of an issue of Three Hundred (300) bonds of One Thousand (\$1,000) Dollars, each numbered from one (1) to three hundred (300) both inclusive of date of.....,

1923, issued by the City of Indianapolis pursuant to an ordinance passed by the Common Council of said city on the.....day of ....., 1923, and an act of the General Assembly of the State of Indiana entitled "An Act Concerning Municipal Corporations," approved March 6, 1905, and acts amendatory thereof and supplemental thereto, including an act of the General Assembly of the State of Indiana, entitled,

"An Act concerning the resurfacing and widening of permanently improved roadways in cities of the first class, providing for the levying of a special tax for the payment of the same, providing for the creation of a special fund and the collection and disbursement of the same, and for the issuance of certain bonds of such cities for the payment of such resurfacing and widening during the year 1923 and declaring an emergency.

(Approved February 26, 1923.)

It is hereby certified that all things and acts required by laws of the State of Indiana and by ordinances of the Common Council of the City of Indianapolis precedent to the issuance of this bond, have happened and have been done and performed in and about the authorization, appropriation, issuance, and complete execution of this bond, and it is further certified that this bond is within every limit of debt prescribed by the Constitution and Laws of the State of Indiana, and that the faith and credit of the City of Indianapolis, Indiana, is hereby irrevocably pledged to the punctual payment of the principal and interest of this bond according to its terms.

IN WITNESS WHEREOF the Common Council of the City of Indianapolis, Indiana, has caused this bond to be signed by the Mayor and City Controller, and attested by the City Clerk, and the corporate seal of said city to be hereunto affixed this as of the.....day of ....., 1923.

.....  
 Mayor.

.....  
 City Controller.

Attest:

.....  
 City Clerk.

Section 2. The City Controller shall, as soon as practicable after the passage of this ordinance advertise for bids or proposals for said bonds by at least one (1) insertion each week for two (2) weeks in two daily newspapers of general circulation, printed and published in the City of Indianapolis, and may otherwise advertise for such bids or proposals as he may deem advisable. Said advertisements shall describe said bonds with such minuteness and particularity as the City Controller may see fit, and shall set forth the amount of the bonds to be sold and the rate of interest they shall bear, that the bidder may bid for all or any part of said bonds, the date of opening bids or proposals therefor, the right of the City Controller to reject any or all bids, the amount of deposit each bidder will be required to make, and when and where the bonds shall be delivered and paid for.

Section 3. Each and every bid and proposal shall be presented to the City Controller sealed and shall be accompanied by a duly certified check upon some responsible bank in the City of Indianapolis, Indiana, payable to the order of the City Treasurer for a sum of money which shall equal two and one-half (2½%) per centum of the face or par value of the bonds bid for, or proposed to be purchased. The City Controller shall continue to receive all bids or proposals

therefor at the office of the City Controller until 12 o'clock noon on the day fixed by the Controller and designated in the advertisement for receiving bids or proposals, at which time and place and between the said hour and 2:00 p. m. of said day he shall open said bids or proposals. The City Controller shall award said bonds, or if he shall see fit, a part or any number thereof, to the highest and best bidder therefor, but said Controller shall have the full right to reject any and all bids or proposals, or any part thereof, and shall have the right to accept a part of any bid, and to award upon any bid the whole or less number of the bonds covered by such bid, he being the sole judge of the sufficiency or insufficiency of any bid. He may also in his judgment and discretion award a part of said bonds to one bidder and a part to another. These provisions shall apply in the case of re-offering and re-advertisement of said bonds as hereinafter provided.

Section 4. In case the City Controller shall reject all bids submitted, or if he shall award only a part of said bonds, he shall re-advertise the bonds remaining unsold in the manner as herein prescribed for the original advertisement, but in such re-advertisement he is authorized and directed to fix the date and the time both for receiving and opening bids or proposals and for purchasers to take up and pay for the bonds which may be awarded. And he shall continue from time to time, in like manner to re-advertise said bonds for sale until said bonds are sold.

Section 5. In case any bids or proposals shall not be accepted and there shall be no award of bonds thereon by the Controller he shall thereupon return to such unsuccessful bidder the certified check accompanying the same. If the Controller shall award the whole or any part of the bonds upon any bid or proposal, he shall thereupon deliver the certified check accompanying the same to the City Treasurer, who shall thereupon present the same for payment and shall be entitled to collect the same, and shall hold the proceeds collected thereon until the completion of the purchase and payment of the bonds so awarded. If, for any reason, said check shall not be paid upon presentation, such non-payment of said check upon the part of the purchaser shall be taken and deemed a breach of the contract for the purchase of said bonds, and the city, in that event, shall have the right to re-advertise said bonds for sale at once, and shall, in such event, retain said check and shall have the right to collect the same for its own use, and said check and proceeds thereof, when collected, shall be taken and deemed as agreed and liquidated damages for such breach of contract and as a payment thereof to the city. In case any successful bidder shall fail to complete the purchase of bonds so awarded, and to pay for the same within the time and manner herein required, or which may be prescribed by the City Controller, as herein provided, the proceeds of such certified check deposited by such bidder shall be taken, considered and deemed as agreed and liquidated damages for the breach of such bidder's contract of purchase, and shall be taken and deemed as a payment to the city for such damages, and shall be retained and held by such city for its use, but if such successful bidder shall complete the purchase of said bonds awarded to him pursuant to the provisions hereof and his bid and award thereon, said proceeds of said certified check shall thereupon be returned to such bidder: or, at the option of the City Controller, at the time of the completion of the sale and payment for bonds, said proceeds of said certified check may be applied and deemed a payment on account of the purchase of said bonds.

Section 6. Delivery of any bonds sold shall be made at the office of the City Treasurer of the City of Indianapolis, Indiana, upon such day or days as may be specified in the advertisement or re-advertisement for proposals, or within such time thereafter as may be fixed by the Controller, or at such time or times as may be agreed upon by the Controller and the purchaser or purchasers, and the Controller may extend the time for such delivery not more than ten (10) days after the day or days specified or agreed upon as above provided, and the successful bidder or bidders shall take the bonds awarded to him or them and pay for the same at such place and times, and his or her refusal, neglect or omission to do so, shall be a breach of the contract of his bid or proposal, on account of which damages shall be retained or recovered as liquidated as provided in this ordinance.

Section 7. There is hereby created a special fund to be known as the "Street Resurfacing Fund of 1923."

Section 8. The full amount of the proceeds of the sale of said bonds authorized to be issued and sold by this ordinance is hereby appropriated to the Street Resurfacing Fund of 1923 of said City for the use of the Department of Public Works of said City for such street resurfacing and widening purposes.

Section 9. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

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

#### ORDINANCES ON SECOND READING

Mr. Thompson called for General Ordinance No. 83, 1923, for second reading. It was read a second time.

Mr. Thompson moved that General Ordinance No. 83, 1923, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 83, 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.

Mr. Thompson called for General Ordinance No. 85, 1923, for second reading. It was read a second time.

Mr. Thompson moved that General Ordinance No. 85, 1923, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 85, 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.

Mr. Thompson called for General Ordinance No. 86, 1923, for second reading. It was read a second time.

Mr. Thompson moved that General Ordinance No. 86, 1923, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 86, 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.

Mr. Thompson called for General Ordinance No. 87, 1923, for second reading. It was read a second time.

Mr. Thompson moved that General Ordinance No. 87, 1923, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 87, 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.

Mr. Thompson called for General Ordinance No. 90, 1923, for second reading. It was read a second time.

Mr. Thompson moved that General Ordinance No. 90, 1923, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 90, 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.

Mr. Thompson called for Appropriation Ordinance No. 37, 1923, for second reading. It was read a second time.

Mr. Thompson moved that Appropriation Ordinance No. 37, 1923, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 37, 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.

Mr. Claycombe called for Special Ordinance No. 17, 1923, for second reading. It was read a second time.

Mr. Claycombe moved that Special Ordinance No. 17, 1923, be ordered engrossed, read a third time and placed upon its passage. Carried.

Special Ordinance No. 17, 1923, was read a third time and failed to pass by the following vote:

Ayes, 3, viz.: Messrs. Bernd, Bramblett and Wise.



Noes, 5, viz.: Messrs. Buchanan, Claycombe, Ray, Thompson and President John E. King.

By Mr. Claycombe:

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

I hereby serve notice of my intention to move the reconsideration of Special Ordinance No. 17, 1923, at the next meeting of the Council.

L. D. CLAYCOMBE.

Mr. Wise called for General Ordinance No. 92, 1923, for second reading. It was read a second time.

By Mr. Wise:

Mr. President:

I move that General Ordinance No. 92, 1923, be amended to read as follows:

GENERAL ORDINANCE NO. 92, 1923

AN ORDINANCE regulating the planting or maintaining of vines, hedge, trees or shrubbery upon lots located at street corners, street crossings and street intersections, providing a penalty for the violation thereof, and declaring a time when the same shall take effect.

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

Section 1. That it shall hereafter be unlawful for the owner or occupant of any lot situated at the corner of any street, avenue or boulevard where the same intersect another such street, avenue or boulevard, in the City of Indianapolis, to plant or maintain any vines, hedges, trees or shrubbery upon any such lot within twenty feet of the nearest point to any such intersection of curb lines which reach to a height of more than five feet above the grade of the public side walk adjoining said lot, provided, however, that trees may be planted or maintained thereon if the same are kept trimmed in a manner that the same shall not obstruct the view of approaching vehicles and conveyances at the street intersections. That where such corner lots are more than five feet above the grade of the public sidewalk no such vines, hedge, or shrubbery shall be planted or maintained within twenty feet of the intersections of the roadways.

Section 2. That it shall be the duty of the owner or occupant of the premises such as are described in the foregoing section to comply with the provisions of this ordinance to the end that there be no obstruction to the view of approaching vehicles and conveyances at such street corners and intersections in order that danger to life and limb may be eliminated so far as possible.

Section 3. Any person or persons violating any of the provisions of this ordinance shall upon conviction be fined in any sum not exceeding One Hundred (\$100.00) Dollars.

Section 4. This ordinance shall be in full force and effect from and after its passage and due publication as provided by law.

WALTER W. WISE.

Carried.

Mr. Buchanan called for General Ordinance No. 61, 1923, for second reading. It was read a second time.

Mr. Buchanan moved that General Ordinance No. 61, 1923, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 61, 1923, was read a third time and passed by the following vote:

Ayes, 7, viz.: Messrs. Bernd, Bramblett, Buchanan, Claycombe, Ray, Thompson and Wise.

Noes, 1, viz.: President John E. King.

Mr. Buchanan called for General Ordinance No. 67, 1923, for second reading. It was read a second time.

Mr. Ray moved that General Ordinance No. 67, 1923, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 67, 1923, was read a third time and passed by the following vote:

Ayes, 5, viz.: Messrs. Buchanan, Claycombe, Ray, Thompson and Wise.

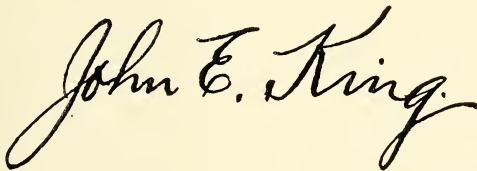
Noes, 3, viz.: Messrs. Bernd, Bramblett and President John E. King.

A public hearing was held on General Ordinances Nos. 94, 95, 96 and 100, 1923.

On motion of Mr. Bernd, September 3, 1923, at 7:30 p. m., was fixed as the time for a public hearing on Special Ordinance No. 17, 1923.

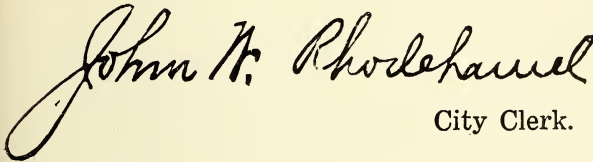
On motion of Mr. Claycombe the public hearing on General Ordinance No. 95, 1923, was continued until September 3, 1923, at 7:30 p. m.

On motion of Mr. Ray, the Common Council, at 9:55 o'clock p. m., adjourned.



Attest:

President.



City Clerk.