

REGULAR MEETING

The Common Council of the City of Indianapolis, met in the Council Chamber, Monday evening, December 17, 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 six members, viz.: Messrs. Bramblett, Clauer, Claycombe, Ray, Thompson and Wise.

Absent: Messrs. Bernd and Buchanan.

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

COMMUNICATIONS FROM THE MAYOR.

December 10, 1923.

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

Gentlemen:

I have today approved, signed and delivered to John W. Rhodehamel, City Clerk, the following ordinances:

GENERAL ORDINANCE NO. 150, 1923, an ordinance to amend Sections Two (2) and Four (4) 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 a time when the same shall take effect.

GENERAL ORDINANCE NO. 153, 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, 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 a time when the same shall take effect.

GENERAL ORDINANCE NO. 160, 1923, an ordinance approving a certain contract granting Vonnegut Hardware Company the right to lay and maintain a sidetrack or switch from the south side of Washington street, thence south in Missouri street and across Pearl street to West Maryland street, according to blue print attached, in the City of Indianapolis, Indiana.

GENERAL ORDINANCE NO. 162, 1923, an ordinance prescribing the penalty for the bond of the City Treasurer of the City of Indianapolis, approving the bond of the City Treasurer-elect for the two-year term, beginning January 1st, 1924, and declaring a time when the same shall take effect.

Very truly yours,
LEW SHANK,
Mayor.

December 10, 1923.

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

Gentlemen:

I have today approved, signed and delivered to John W. Rhodhamel, City Clerk, General Ordinance No. 151, 1923, an ordinance authorizing the alienation and conveyance of the following described real estate situated in Marion County, State of Indiana, to-wit: Lots 14, 15 and 16 in Yandes Sub-division of Outlot No. 130, in the City of Indianapolis, said real estate belonging to the City of Indianapolis, for public and governmental purposes and no longer needed for said purpose, requesting the Judge of the Circuit Court to appoint appraisers for such property, and fixing a time when the same shall take effect.

Very truly yours,
LEW SHANK,
Mayor.

REPORTS FROM CITY OFFICERS.

From the City Controller:

December 17, 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 herewith transmit to you for passage an ordinance transferring the sum of \$195.28 from the Furniture and Fixtures Tomlinson Hall Fund in the Department of Public Works to the Salaries Assessment Bureau Fund in the

Department of Public Works, and re-appropriating the same to the latter fund.

I respectfully recommend the passage of this ordinance.

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

December 17, 1923.

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

Dear Sir:

At the request of the Board of Public Works, I hand you herewith for passage by the Common Council, an ordinance transferring the sum of \$195.28 from the Furniture and Fixtures Tomlinson Hall Fund in the Department of Public Works to the Salaries Assessment Bureau Fund in the Department of Public Works, and re-appropriating the same to the latter fund.

The Board of Public Works desires that you recommend this transfer and transmit this to the Common Council for passage.

Yours truly,
ELMER WILLIAMS,
Clerk Board of Public Works.

December 17, 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 herewith transmit to you for passage, an ordinance transferring the sum of \$98.65 from the Furniture and Fixtures Tomlinson Hall Fund in the Department of Public Works to the Salaries Tomlinson Hall Custodian and Employees Fund in the Department of Public Works, and re-appropriating the same to the latter fund.

I respectfully recommend the passage of this ordinance.

JOS. L. HOGUE,
City Controller.

December 17, 1923.

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

Dear Sir:

At the request of the Board of Public Works, I hand you herewith for passage by the Common Council, an ordinance transferring the sum of \$98.65 from the Furniture and Fixtures Tomlinson Hall Fund in the Department of Public Works to the Salaries Tomlinson Hall Custodian and Employees Fund in the Department of Public Works, and re-appropriating the same to the latter fund.

The Board of Public Works desires that you recommend this transfer and transmit this to the Common Council for passage.

Yours truly,
ELMER WILLIAMS,
Clerk Board of Public Works.

December 17, 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 herewith transmit to you for passage, an ordinance transferring the sum of Eight and 80/100 (\$80.80) Dollars from the Furniture and Fixtures Tomlinson Hall Fund in the Department of Public Works to the Street Openings and Vacations Fund in the City Civil Engineer's Department in the Department of Public Works, and re-appropriating the same to the latter fund.

I respectfully recommend the passage of this ordinance.

Yours truly,

JOS. L. HOGUE,

City Controller.

December 17, 1923.

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

Dear Sir:

At the request of the Board of Public Works, I hand you herewith for passage by the Common Council, an ordinance transferring the sum of \$80.00 from the Furniture and Fixtures Tomlinson Hall Fund in the Department of Public Works to the Street Openings and Vacations Fund in the City Civil Engineer's Department in the Department of Public Works, and re-appropriating the same to the latter fund.

The Board of Public Works desires that you recommend this transfer and transmit this to the Common Council for passage.

Yours truly,

ELMER WILLIAMS,

Clerk Board of Public Works.

December 17, 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 herewith transmit to you for passage, an ordinance transferring the sum of \$125.27 from the Furniture and Fixtures Tomlinson Hall Fund in the Department of Public Works, and also transferring the sum of \$247.43 from the Salaries Board of Public Works and Office Force Fund, in the Department of Public Works, that is, a sum total of \$372.70 from both of said funds, to the Salaries Custodian of City Hall and Employees Fund in the Department of Public Works, and re-appropriating the same to the latter fund.

I respectfully recommend the passage of this ordinance.

Yours truly,

JOS. L. HOGUE,

City Controller.

Joseph L. Hogue, City Controller,
City.

December 17, 1923.

Dear Sir:

At the request of the Board of Public Works, I hand you herewith for passage by the Common Council, an ordinance trans-

ferring the sum of \$125.27 from the Furniture and Fixtures Tomlinson Hall Fund in the Department of Public Works, and also transferring the sum of \$247.43 from the Salaries Board of Public Works and Office Force Fund, in the Department of Public Works, that is, a total sum of \$372.70 from both of said funds, to the Salaries Custodian of City Hall and Employees Fund in the Department of Public Works, and re-appropriating the same to the latter fund.

The Board of Public Works desires that you recommend this transfer and transmit this to the Common Council for passage.

Yours truly,

ELMER WILLIAMS,
Clerk Board of Public Works.
December 15, 1923.

From the Board of Public Works:

Mr. John W. Rhodehamel,
City Clerk,
City.
Dear Sir:

I am submitting herewith for transmission to the Common Council, a contract between the Board of Public Works and the Polar Ice & Fuel Company for the right to lay and maintain a sidetrack or switch from the north line of West 21st street, across said West 21st street in a southwesterly direction, then southwesterly 60 feet all projecting from the old main track of the Chicago Division of the C. C. C. & St. L. Ry Co.

Very truly yours,
ELMER WILLIAMS,
Clerk Board of Public Works.

December 17, 1923.

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

Gentlemen:

I am directed by the Board of Public Works to transmit to you for passage an ordinance fixing the compensation of certain officers and employees of the City of Indianapolis, creating a certain position, and abolishing certain positions, all in the Street Cleaning Department in the City of Indianapolis.

One reason for the passage of this ordinance is to correct some mistakes made in General Ordinance No. 158, 1923. This new ordinance gives the employees named the same salary per hour as in General Ordinance No. 77, 1923, which it was intended to change by the latter ordinance.

Another reason for the passage of this ordinance is that General Ordinance No. 158, 1923, provided for two clerks, one at \$1,200 per year and one at \$300 per year, and by the new ordinance the office of timekeeper and clerk is created at a salary of \$1820 per year to take the place of these two offices. The position of Assistant Barn Foreman at \$1,200 per year is also abolished by this new ordinance.

This new ordinance requires no additional funds.

ELMER WILLIAMS,
Clerk Board of Public Work.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES

By the City Controller:

GENERAL ORDINANCE NO. 170, 1923.

AN ORDINANCE transferring the sum of One Hundred Ninety-five and 28/100 (\$195.28) Dollars from the Furniture and Fixtures Tomlinson Hall Fund in the Department of Public Works to the Salaries Assessment Bureau Fund in the Department of Public Works, and re-appropriating the same to the latter 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 the sum of One Hundred Ninety-five and 28/100 (\$195.28) Dollars from the Furniture and Fixtures Tomlinson Hall Fund in the Department of Public Works be and the same is hereby transferred to and re-appropriated to the Salaries Assessment Bureau 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 City Controller:

GENERAL ORDINANCE NO. 171, 1923

AN ORDINANCE transferring the sum of Ninety-eight and 65/100 (\$98.65) Dollars from the Furniture and Fixtures Tomlinson Hall Fund in the Department of Public Works to the Salaries Tomlinson Hall Custodian and Employes Fund in the Department of Public Works and re-appropriating the same to the latter 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 the sum of Ninety-eight and 65/100 (\$98.65) Dollars from the Furniture and Fixtures Tomlinson Hall Fund in the Department of Public Works, be and the same is hereby transferred to and re-appropriated to the Salaries Tomlinson Hall Custodian and Employes 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 City Controller:

GENERAL ORDINANCE NO. 172, 1923

AN ORDINANCE transferring the sum of Eighty and 80/100 (\$80.80) Dollars from the Furniture and Fixtures Tomlinson

Hall Fund in the Department of Public Works to the Street Openings and Vacations Fund in the City Civil Engineer's Department in the Department of Public Works and re-appropriating the same to the latter 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 the sum of Eighty and 80/100 (\$80.80) Dollars from the Furniture and Fixtures Tomlinson Hall Fund in the Department of Public Works be and the same is hereby transferred to and re-appropriated to the Street Openings and Vacations Fund in the City Civil Engineer's Department 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 Controller:

GENERAL ORDINANCE NO. 173, 1923

AN ORDINANCE transferring the sum of One Hundred Twenty-five and 27/100 (\$125.27) Dollars from the Furniture and Fixtures Tomlinson Hall Fund in the Department of Public Works, and also transferring the sum of Two Hundred Forty-seven and 43/100 (\$247.43) Dollars from the Salaries Board of Public Works and Office Force Fund in the Department of Public Works, that is a total of Three Hundred Seventy-two and 70/100 (\$372.70) Dollars from both of said funds, to the Salaries, Custodian of City Hall and Employes Fund in the Department of Public Works, and re-appropriating the same to the latter 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 the sum of One Hundred Twenty-five and 27/100 (\$125.27) Dollars from the Furniture and Fixtures Tomlinson Hall Fund in the Department of Public Works, and also the sum of Two Hundred Forty-seven and 45/100 (\$247.45) Dollars from the Salaries Board of Public Works Office Force Fund in the Department of Public Works, that is, a total of \$372.70 from both of said funds be and the same is hereby transferred to and re-appropriated to the Salaries, Custodian of City Hall and Employes 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 Works:

GENERAL ORDINANCE NO. 174, 1923.
SWITCH CONTRACT

AN ORDINANCE approving a certain contract granting the Polar Ice and Fuel Company the right to lay and maintain a sidetrack or switch from the north line of West 21st street, across said West 21st street in a southwesterly direction, thence southwesterly 60 feet, all projecting from the old main track of the Chicago Division of the C. C. C. & St. L. Ry. Co., according to blue print attached, in the City of Indianapolis, Indiana.

WHEREAS, heretofore, to-wit: on the 13th day of December, 1923, the Polar Ice and Fuel Company (a 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:

The undersigned, Polar Ice and Fuel Company, with its principal ice plant, located along and adjacent to the old main track of the Chicago Division of the C. C. C. & St. L. Ry. Co., hereby petitions the Board of Public Works of the City of Indianapolis to lay and maintain a certain switch and sidetrack to connect with its said ice plant, to be located as follows:

Commencing at a point which is the point of switch of the proposed sidetrack located at the intersection of the center line of the old main track of the Chicago Division of C. C. C. & St. L. Ry., as now located and constructed in the City of Indianapolis to a point two (2) feet measure northwesterly from the present northwesterly property line of 21st street, in the said City of Indianapolis, thence southeasterly from said point of switch and through a standard No. 8 turnout, measure two (2) feet to said northwesterly property line of 21st street, thence continuing southeasterly along said standard No. 8 turnout sixty (60) feet to the southeasterly property line of 21st street, proposed sidetrack indicated in yellow on attached print.

POLAR ICE AND FUEL COMPANY,

By Henry L. Dithmer, Sec.-Treas.

NOW, THEREFOR, This agreement made and entered into this _____ day of December, 1923, by and between Polar Ice and Fuel Company (a 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 north line of West 21st street, across said West 21st street in a southwesterly direction, thence southwesterly feet, all projecting from the old main track of the Chicago Division of the C. C. C. & St. L. Ry. Co., in the City of Indianapolis, which is more specifically described as follows:

Commencing at a point which is the point of switch of the proposed sidetrack located at the intersection of the center line of the old main track of the Chicago Division of the C. C. C. & St. L. Ry., as now located and constructed in the City of Indianapolis to a point two (2) feet measure northwesterly from the present northwesterly

property line of 21st street, in the said City of Indianapolis, thence southeasterly from said point of switch and through a standard No. 8 turnout, measure two (2) feet to said northwesterly property line of 21st street, thence continuing southeasterly along said standard No. 8 turnout sixty (60) feet to the southeasterly property line of 21st street, proposed sidetrack indicated in yellow on attached 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 resolution or resolutions made by said Board, for the elevation or depression of said tracks.

(3) The crossing where said track intersects West 21st 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 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 hereinafter 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 from the north line of West 21st street across said West 21 street, in a southwesterly direction, thence southwesterly feet, all projecting from the old main track of the Chicago Division of the C. C. C. & St. L. Ry. Co., in the City of Indianapolis, all as shown by the drawing attached hereto, filed herewith and for greater certainty marked "Exhibit A."

IN WITNESS WHEREOF, We have hereunto set our hands this.....day of December, 1923.

POLAR ICE AND FUEL COMPANY,

By Henry L. Dithmer, Sec.-Treas.

Party of the first part.

Witness:

HARRY E. YOCKEY

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 Board of Public Works:

GENERAL ORDINANCE NO. 175, 1923

AN ORDINANCE fixing the compensation of certain officers and employes of the City of Indianapolis, creating a certain position and abolishing certain positions in the City of Indianapolis, and declaring a time when the same shall take effect.

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

Section 1. All officers, appointees and employes of the City of Indianapolis hereinafter enumerated shall receive the compensation named and fixed in this ordinance for the offices and positions held by each of them respectively, as follows, to-wit:

STREET CLEANING DEPARTMENT

Blacksmith	\$0.65 per hour
Harness Maker55 per hour
Heavy Truck Driver60 per hour
Light Truck Driver55 per hour
Teamster50 per hour
Night Barn Man45 per hour
Barn Foreman	\$1,500 per year

Section 2. The position of Clerk at \$1,200.00 per year shall hereafter be known as the position of Time Keeper and Clerk and the salary shall be \$1,620.00 per year.

Section 3. The position of Clerk at \$300.00 per year, and assistant Barn Foreman at \$1,200.00 per year in the Street Cleaning Department are hereby abolished.

Section 4. 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 Mr. Bramblett:

GENERAL ORDINANCE NO. 176, 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, 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 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 U3 or business district, the H1 or 50-foot height district, and the A4 or 1200-foot area district, as established by General Ordinance No. 114, 1922, be and the same is hereby amended, supplemented and changed so as to include the following territory, to-wit:

Beginning on the west property line of College avenue at a point 97.64 feet south of the southwest corner of College avenue and Fairfield avenue; thence south along said west property line one hundred twenty (120) feet; thence west one hundred twenty-three (123)

feet to the east property line of the first alley west of College avenue; thence north one hundred twenty (120) feet along said east property line of said alley; thence east one hundred thirty-one (131) feet to the place of beginning.

Section 2. 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 Law and Judiciary.

By Mr. Ray:

GENERAL ORDINANCE NO. 177, 1923.

AN ORDINANCE regulating the location, construction and maintenance of driveways across sidewalks, providing a penalty, declaring a nuisance, repealing conflicting ordinances 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, in order to promote the public safety and general welfare, it shall hereafter be unlawful to locate, construct or maintain any driveway or roadway over or across any sidewalk, for the use of wagons, carts, carriages, automobiles or vehicles of any nature, in any street forty feet or more in width within the territory bounded on the north by New York street on the south by Georgia street, on the east by Alabama street and on the west by Capitol avenue in the City of Indianapolis, or to cut, change, alter or remove any such sidewalk, within such above described territory, or any curbing adjacent to any such sidewalk for the purpose of locating or constructing any such driveway or roadway; provided, however, a temporary driveway for use in connection with the removal of old buildings, the construction of new buildings and excavating for the same may be permitted in such manner and for such length of time as is now provided by ordinance or resolution of the Board of Public Works of the City of Indianapolis.

Section 2. Any person or corporation who shall violate any of the provisions of this ordinance shall, for each and every such violation be guilty of an offense and, upon conviction thereof, shall be fined not less than twenty-five dollars or more than one hundred dollars, and the owner or owners of any premises abutting any such sidewalk, for the use of which premises anything in violation of this ordinance shall exist, or any agent contractor, person or corporation who may have assisted in the commission of any such violation of this ordinance shall each be guilty of a separate offense, and upon conviction thereof shall be fined as hereinabove provided; and each day such violation shall be permitted to exist shall constitute a separate offense, and upon conviction thereof any person or corporation shall be fined as hereinabove provided. Any such driveway or roadway maintained or used in violation of the provisions of this ordinance is hereby declared to be a public nuisance and the same may be abated in such manner as nuisances are now abated under existing law.

Section 3. This ordinance shall not apply to any driveway or roadway across any sidewalk, which said driveway is now being lawfully used for any of the purposes mentioned in Section one hereof.

Section 4. This ordinance shall be in full force and effect from and after its passage, approval of the Mayor and publication as required by law.

Which was read a first time.

Mr. Claycombe moved that the rules be suspended and General Ordinance No. 177, 1923, be placed upon its passage.

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

Ayes, 7, viz.: Messrs. Bramblett, Clauer, Claycombe, Ray, Thompson, Wise and President John E. King.

Mr. Claycombe called for General Ordinance No. 177, 1923, for second reading. It was read a second time.

Mr. Thompson moved that General Ordinance No. 177, 1923, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 177, 1923, was read a third time and passed by the following vote:

Ayes, 7, viz.: Messrs. Bramblett, Clauer, Claycombe, Ray, Thompson, Wise and President John E. King.

By Mr. Ray:

GENERAL ORDINANCE NO. 178, 1923.

AN ORDINANCE regulating the location, construction and maintenance of driveways across sidewalks, declaring a nuisance and providing for the abatement thereof 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, in order to promote the public safety and general welfare, it shall hereafter be unlawful to locate, construct or

maintain any driveway or roadway, for the use of wagons, carts, carriages, automobiles or vehicles of any nature, over or across any sidewalk in the City of Indianapolis which said sidewalk shall have a width, measured from property line to the edge thereof, exceeding twenty feet, or to cut, change, alter or remove any sidewalk exceeding twenty feet in width, or the curbing adjacent thereto for the purpose of locating or constructing any such driveway or roadway in violation of this ordinance; provided, however, a temporary driveway for use in connection with the removal or construction of buildings and excavating for the same may be permitted in such manner and for such length of time as is now or may hereafter be provided by ordinance or resolution of the Board of Public Works of the City of Indianapolis.

Section 2. Any such driveway or roadway constructed, maintained or used in violation of the provisions of this ordinance is hereby declared to be a public nuisance and the same may be abated in such manner as nuisances are now abated under existing law.

Section 3. This ordinance shall be in full force and effect from and after its passage and approval of the Mayor.

OTTO RAY.

Which was read a first time.

Mr. Claycombe moved that the rules be suspended and General Ordinance No. 178, 1923, be placed upon its passage.

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

Ayes, 7, viz.: Messrs. Bramblett, Clauer, Claycombe, Ray, Thompson, Wise and President John E. King.

Mr. Claycombe called for General Ordinance No. 178, 1923, for second reading. It was read a second time.

Mr. Claycombe moved that General Ordinance No. 178, 1923, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 178, 1923, was read a third time and passed by the following vote:

Ayes, 7, viz.: Messrs. Bramblett, Clauer, Claycombe, Ray, Thompson, Wise and President John E. King.

On motion of Mr. Claycombe, the Common Council, at 8:25 o'clock p. m., adjourned until Tuesday, December 18, 1923, at 8:00 o'clock p. m.

John E. King

Attest:

President.

John H. Rhodehamel

City Clerk.