

REGULAR MEETING

The Common Council of the City of Indianapolis, met in the Council Chamber, Monday evening, March 17, 1924, at 7:30 o'clock in regular session, President Walter W. Wise in the chair.

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

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

COMMUNICATIONS FROM THE MAYOR

March 4, 1924.

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

Gentlemen—I have today approved, signed and delivered to John W. Rhodehamel, City Clerk, General Ordinance No. 10, 1924, 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 locations of trades, callings, industries, commercial enterprises and the locations of buildings designed for specified uses; of classifying, regulating and determining the area of front, rear and side wards and other spaces about buildings; of regulating and determining the 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.

Very truly yours,

LEW SHANK,

Mayor.

March 4, 1924.

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

Gentlemen—I return herewith without my approval General Ordinance No. 18, 1924, an ordinance to license the use of billiard and pool tables where a fee is charged. About two-thirds of the owners of pool tables in Indianapolis have paid this year's license and if this ordinance is passed it would mean that the city would have to refund this license fee which would mean a great deal of work and bookkeeping. There had been very little kicking about the \$10.00 license fee on these tables.

Of course if this Ordinance is changed to read on the First day of January, 1925, I would feel more like signing it.

Very truly yours,

LEW SHANK,

Mayor.

March 4, 1924.

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

Gentlemen—I return herewith without my approval General Ordinance No. 21, 1924, an ordinance to amend Section 542 of General Ordinance No. 12, 1917, and declaring a time when the same shall take effect:

I realize that this city is no longer a small town and we cannot restrict every kind of a business to satisfy a few people. I think our Planning law is strong enough to meet all requirements. If we want a city to grow and expand to take care of the natural increase we cannot put on too many restrictions. I doubt if the ordinance is constitutional.

Very truly yours,

LEW SHANK,

Mayor.

March 15, 1924.

To the President and Members of the Common Council, 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. 15, 1924—An ordinance regulating the erection, hanging, remodeling, taking down or repairing awnings that overhang or project over the public sidewalks, streets or highways, within the City of Indianapolis, Indiana, providing a penalty for the violation thereof, providing for certain license fees, and declaring a time when the same shall take effect.

SPECIAL ORDINANCE NO. 3, 1924—An ordinance changing the names of certain streets, avenues and parts thereof, in the City of Indianapolis, Indiana, and fixing a time when the same shall take effect.

Very truly yours,

LEW SHANK,

Mayor.

REPORTS FROM CITY OFFICERS

By the City Controller:

March 17, 1924.

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

Gentlemen—I hand you herewith copies of an Ordinance appropriating the sum of \$2300.00 to a fund in the Building Department under the Department of Public Safety to be used and known as the Automobile and Transportation Fund.

I recommend passage of this ordinance.

Respectfully yours,

JOS. L. HOGUE,

City Controller.

March 22, 1924]

CITY OF INDIANAPOLIS, IND.

95

March 13, 1924.

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

Dear Sir—The Board of Public Safety respectfully requests that you recommend to the Common Council the passage of an ordinance appropriating the sum of Twenty-three Hundred (\$2300.00) Dollars to a fund in the Building Department, under the Department of Public Safety, to be by said ordinance created to be known as the "Automobile and Transportation Fund."

This sum of money is to be used for the purchase of four small cars for the use of the inspectors in said department for the purpose of making inspections. The work of the department is being badly hampered on account of lack of proper means of transportation.

Hoping you may give this request favorable consideration, we are

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

March 17, 1924.

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

Gentlemen—I hand you herewith a communication from the Department of Law asking for the appropriation of Nine Thousand Four Hundred Twelve and 72/100 (\$9,412.72) Dollars to the Judgments, Compromises and Costs Fund of the Department.

I hand you also herewith an ordinance calling for the appropriation of the above named amount, and recommend its passage.

Yours truly,

JOS. L. HOGUE,
City Controller.

March 17, 1924.

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

Dear Sir—I hand you herewith an ordinance appropriating the sum of Nine Thousand Four Hundred Twelve and 72/100 (\$9,412.72) Dollars from any unappropriated funds to the Judgments, Compromises and Costs Fund in the Department of Law for the purpose of paying the judgment, interest and costs in the case of Alfred Barthel, Administrator, vs. City of Indianapolis.

The complaint in this case was filed against the city in the Marion Superior Court, April 5th, 1917. On April 7th, 1919, the plaintiff filed motion for a change of venue from Marion County and the case was sent to Shelby County. On July 11th, 1919, the defendant venued the action from Shelby County to Bartholomew County. The case was tried in Bartholomew County beginning October 25th, 1919, and judgment was rendered on November 1st, 1919, for Seven Thousand Three Hundred Seventy-five (\$7,375.00) Dollars. The case was appealed to the Supreme Court of the State of Indiana, and was affirmed on November 15th, 1923, and a petition for re-hearing was overruled on February 8th, 1924.

The sum of Nine Thousand Four Hundred Twelve and 72/100 (\$9,412.72) Dollars to be appropriated is made up of the following items: Judgments, \$7,375.00; interest on same from November 1, 1919, to April 1, 1924; \$1,954.37; Shelby County Court Cost \$18.25;

Bartholomew County Court Costs, \$32.05; Supreme Court Costs, \$33.05.

I desire that you transmit this ordinance to the Common Council and recommend its passage.

Yours truly,
TAYLOR E. GRONINGER,
Corporation Counsel.

From the Board of Public Safety:

March 13, 1924.

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

Gentlemen—We are forwarding to you fourteen copies of General Ordinance No....., 1924, requiring the closing of Elevator Shafts in certain existing buildings, which has been received from the Building Department, and we respectfully recommend the passage of same.

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

March 13, 1924.

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

Gentlemen—We are forwarding to you fourteen copies of General Ordinance No....., 1924, providing for Smoke Towers in new buildings, which has been received from the Building Department, and we respectfully recommend the passage of same.

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

March 17, 1924.

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

Gentlemen—At the request of the Board of Public Safety, I am sending you herewith copies of an Ordinance prohibiting vehicles from being driven, run or propelled over, upon or across any improved public sidewalk within the City of Indianapolis where no driveway is provided therefor.

The Board respectfully recommends the passage of this ordinance.

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

By the Board of Public Works:

February 29, 1924.

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

Dear Sir—I am submitting herewith for transmission to the Common Council, a contract between the Board of Public Works

and the Acme-Evans Company for the right to lay and maintain a side track or switch on Blackford Street from the C. C. C. & St. L. Ry. old main track.

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

INTRODUCTION OF APPROPRIATION ORDINANCES.

By the City Controller:

APPROPRIATION ORDINANCE NO. 4, 1924.

AN ORDINANCE appropriating the sum of Twenty-three Hundred (\$2300.00) Dollars to a fund in the Building Department under the Department of Public Safety to be created and known as the "Automobile and Transportation Fund" and declaring a time when the name shall take effect.

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

Section 1. That there be and hereby is created in the Building Department under the Department of Public Safety a fund to be known as the "Automobile and Transportation Fund."

Section 2. That there be and hereby in appropriated out of any unappropriated funds of the City of Indianapolis, the sum of Twetny-three Hundred (\$2300.00) Dollars to a fund in the Building Department under the Department of Public Safety herein created and kown as the "Automobile and Transportation Fund."

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

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

By the City Controller:

APPROPRIATION ORDINANCE NO. 5, 1924.

AN ORDINANCE appropriating the sum of Nine Thousand Four Hundred Twelve and 72/100 (\$9,412.72) Dollars from any unappropriated funds to the Judgments, Compromises and Costs Fund in the Department of Law, for the purpose of paying the judgment, interest and costs in the case of Alfred Barthel, Administrator, vs. City of Indianapolis, and declaring a time when the same shall take effect.

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

Section 1. That there be and is appropriated the sum of Nine Thousand Four Hunndred Twelve and 72/100 (\$9,412.72) Dollars from any unappropriated funds to the Judgments, Compromises and Costs Fund in the Department of Law, for the purpose of paying the judgment, interest and costs in the case of Alfred Barthel, Administrator, vs. City of Indianapolis.

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.

INSTRUCTION OF GENERAL AND SPECIAL ORDINANCES

By the Board of Public Works:

GENERAL ORDINANCE NO. 28, 1924.

AN ORDINANCE providing for the enclosing of elevator shafts in certain buildings; providing for wire glass and steel sash windows in certain buildings; providing for regulations and enforcement of the provisions thereof; providing a penalty 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 existing buildings within the City of Indianapolis that are four (4) stories or more in height above the basement shall have all elevator, hoistway or dumb waiter shafts enclosed completely from top to bottom with two (2) inches of solid cement plaster applied to approved metal lath or the equivalent thereof in order to form a smoke proof shaft as near as possible. All openings to such shafts shall be equipped with approved metal or fire doors hung to metal frames. Such metal frames shall be anchored at each floor and ceiling of the respective story.

All windows in existing buildings in Indianapolis situated above the third (3rd) floor where the exposure is forty (40) feet or less shall be provided with metal sash and wire glass; except in cases not deemed necessary; by the Commissioner of Buildings, for the protection of the egress of people from the building in case of fire within or in an adjoining building.

All regulations and provisions of this ordinance shall be in addition to the ordinance relating to the construction of the building and shall be subject to all the regulations thereunder.

Section 2. On and after November 1, 1924, it shall be unlawful for any person, firm or corporation in charge, possession or control of any building or structure in Indianapolis that comes under the provisions of this Ordinance to use or occupy, rent, lease or hire out such building or part of such building without first complying with the provisions of this ordinance.

Section 3. Any person or persons or member of firm or corporation who shall violate any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be fined upon conviction Ten (\$10) Dollars and not to exceed Five Hundred (\$500) Dollars. Each day's violation shall be considered a separate offense.

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

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

By the Board of Public Safety:

GENERAL ORDINANCE NO. 29, 1924.

AN ORDINANCE providing for the installation of smoke tower fire escapes in buildings in Indianapolis providing for the construction thereof, providing a penalty for the violation of the provisions 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. Every building hereafter erected, altered or enlarged in the City of Indianapolis, which is three (3) or more stories in height above the basement shall be provided with smoke tower fire escapes here'n described as follows:

(a) For buildings that have a floor area between fire walls up to and not exceeding six thousand (6,000) square feet shall be provided with one (1) smoke tower in addition to one (1) enclosed fireproof stairs; placed as far remote from each other as possible.

(b) For buildings that have a floor area between fire walls of six thousand (6,000) square feet and not exceeding fifteen thousand (15,000) square feet shall be provided with two (2) smoke tower fire escapes in addition to two (2) enclosed fire-proof stairs; placed as far remote from each other as possible.

(c) For buildings that have a floor area between fire walls in excess of fifteen thousand (15,000) square feet shall be provided with three (3) smoke tower fire escapes in addition to two (2) enclosed fireproof stairs; placed as far remote from each other as possible.

A smoke tower fire escape shall be constructed entirely of incombustible material with the stairs located within the main walls of the building and entirely closed off from the building by unpierced walls at least eight (8) inches in thickness. This enclosure shall be known as a smoke tower.

No flight of stairs in the smoke tower shall rise to a greater height than eight (8) feet without a landing equal in width to the width of the stairs. The minimum width of such stairs or landing shall be three feet six inches (3' 6"). The lesser dimension of any landing shall always be equal or greater than the width of the stairs. Such stairs shall be continuous from the top story to the street level and shall have hand rails on both sides thereof.

There shall be a stair landing at each story height or intermediate story height on an exact level with the same.

At each story height there shall be provided an approved metal or reinforced concrete runway three (3) feet in width provided with approved railings of metal located at the exact level of each story or intermediate story and fastened on the outside of the building with approved metal brackets.

At each story height there shall be provided two (2) approved doors not less than two (2) feet eight (8) inches in width, said doors to open directly onto the metal runway in an approved manner and with the egress. One door shall open from the main floor area of the building onto the metal or reinforced concrete runway. One door shall provide egress from the runway to the smoke tower, one of the said doors shall be at each end of the runway. All doors shall be equipped with approved panic hardware.

All windows within fifteen (15) feet of the metal runway located on the outside of the building shall be provided with metal sash and wire glass if not already so required by the Building Code, also the windows in the smoke tower provided for lighting of the stairs.

Such smoke tower fire escape shall be so arranged that egress onto a public highway or fireproof passageway to a public highway be easily and readily accomplished without any entrance into the basement. Egress doors from the basement or cellar shall be so arranged that they will open with the egress.

The Commissioner of Buildings shall have full discretionary power in the enforcement of the regulations regarding smoke towers. Enclosed fire-proof stairs may be substituted for smoke tower fire escapes upon approval of the Commissioner of Buildings.

Section 2. This ordinance shall be an addition to the building ordinances of the City of Indianapolis, Indiana, and shall be subject to all the regulation thereof.

Section 3. Any person or persons or member of any firm or corporation who shall violate any of the provisions of this ordinance shall be deemed guilty of misdemeanor and shall be fined upon conviction Ten (\$10.00) Dollars and not to exceed Five Hundred (\$500.00) Dollars.

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

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

By the Board of Public Safety:

GENERAL ORDINANCE NO. 30, 1924.

AN ORDINANCE prohibiting vehicles from being run, driven or propelled upon or across any improved public sidewalk within the City of Indianapolis, providing a penalty for the violation thereof, 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 it shall hereafter be unlawful for any person to drive, run or in any manner propel any vehicle of any kind or character over, upon or across any improved public sidewalk within the City of Indianapolis, at any place where there is no regularly established driveway provided therefore.

Section 2. Any person violating any of the provisions of this ordinance, shall, upon conviction, be fined in any sum not less than Five (\$5.00) Dollars nor more than Fifty (\$50.00) Dollars, to which may be added imprisonment not exceeding thirty (30) days.

Section 3. This ordinance shall be in full force and effect from and after its passage and due publication as provided by law.

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

By the Board of Public Works:

GENERAL ORDINANCE 31, 1924.

SWITCH CONTRACT

AN ORDINANCE approving a certain contract granting The Acme-Evans Company the right to lay and maintain a sidetrack or switch from the C. C. C. & St. L. Rv. old main track across Blackford street, according to blue print attached, in the City of Indianapolis, Indiana.

WHEREAS, heretofore, to-wit: on the 29th day of February, 1924, Acme-Evans Company 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, Acme-Evans Company, respectfully petition your Honorable Board for permission to build and maintain a switch track described as follows:

From the intersection of the north property line of West Market street and the east property line of Blackford street in said City of Indianapolis, measured northerly along said east property line of Blackford street one hundred six and five hundredths (106.05) feet to a point where the center line of said proposed track will cross said east property line of Blackford street, thence deflecting one hundred seven degrees and forty-four minutes ($107^{\circ} 44'$) to the left to the tangent at said point to a curve to the left whose radius is one hundred seventy-one and five hundredths (171.05) feet measure southwesterly along said curve to the left which is the center line of said proposed track fifty (50) feet to a point where center line of said proposed track crosses the west property line of Blackford street, the portion of said proposed track lying in Blackford street being indicated by red color on attached print.

ACME-EVANS COMPANY

I. E. WOODARD,

Vice-President.

NOW THEREFORE, This agreements made and entered into this 29th day of February, 1924, by and between Acme-Evans Company of the City of Indianapolis, County of Marion, State of Indiana, party of the first part, and the City of Indianapolis, by and through its Board of Public Works, party of the second part.

WITNESSETH: That the party of the first part, being desirous of securing a right of way for sidetrack or switch across Blackford street at Market street in the City of Indianapolis, which is more specifically described as follows:

From the intersection of the north property line of west Market street and the east property line of Blackford street in said City of Indianapolis, measured northerly along said east property line of Blackford street one hundred six and five hundredths (106.05) feet to a point where the center line of said proposed track will cross said east property line of Blackford street, thence deflecting one hundred seven degrees and forty-four minutes ($107^{\circ} 44'$) to the left to the tangent at said point to a curve to the left whose radius is one hundred seventy-one and five hundredths (171.05) feet measure southwesterly along said curve to the left, which is the center line of said proposed track fifty (50) feet to a point where center line of said proposed track crosses the west property line of Blackford

street, the portion of said proposed track lying in Blackford street being indicated by red color 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 Blackford street, shall, and at all times, be kept improved and in repair and free from obstructions or defects of any kind. No car or cars shall be permitted to obstruct such crossing or to be thereon except for such time as may be absolutely necessary in moving them back and forth, and they shall be at no time stopped or detained thereon in such manner as to obstruct public travel.

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

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

(6) The said party of the first 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 tracks and to pay any judgments 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 violation of any of the provisions of this instrument by said party of the first part, or by any one for it or at its instance or with its permission, shall operate as an immediate and absolute forfeiture of the privileges and authority given or granted by this

contract, provided, however, that the same may be terminated by said Board as hereinbefore set forth.

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

This contract shall be null and void if switch is not constructed within one year of date below.

IN WITNESS WHEREOF, We have hereunto set our hands this 29th day of February, 1924.

ACME-EVANS CO.
I. E. Woodard, Vice-Pres,
Party of the Second Part.

Witness: Harry J. Irwin.

CITY OF INDIANAPOLIS,
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 Mr. Ray:

GENERAL ORDINANCE NO. 32, 1924.

AN ORDINANCE to license the use of billiard and pool tables where a fee is charged.

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

Section 1. That it shall be unlawful for any person, firm or corporation to keep, maintain use or have in his, their or its possession any billiard table or pool table, for any purpose of gain, for the use of which any fee is charged either directly or indirectly, without first having obtained and received a license for same from the City Controller of said city. The said City Controller is hereby authorized to issue an annual license to any person, firm or corporation for the keeping, maintenance, use or possession of any billiard table or billiard tables, or pool table or pool tables, for the purpose of gain, or for the use of which a fee is charged, on the payment of the sum of Five (\$5.00) Dollars for each table. Such license shall be granted for a term of one year, except as hereinafter provided, and

all such licenses shall expire on the 31st day of December of each calendar year; provided that when application for such license is made after the first day of April and prior to the first day of June a charge of Three (\$3.00) Dollars shall be made for each such table; when the application is made after the first day of June and before the first day of October a charge of Two (\$2.00) Dollars shall be made therefor; and when application is made subsequent to the first day of October a charge of One (\$1.00) Dollar for each of such tables shall be made for such license for the unexpired portion of the calendar year.

Section 2. Any person, firm or corporation violating any of the provisions of this ordinance shall be subject to a fine of not less than Ten (\$10.00) Dollars or more than Fifty (\$50.00) Dollars; and each day's violation shall constitute a separate and additional offense.

Section 3. An ordinance of said city entitled "An Ordinance to License the Use of Billiard Tables and Pool Tables Where a Fee is Charged," approved August 15, 1907, General Ordinance Record 12, page 469, be and the same is hereby repealed.

Section 4. This ordinance shall be in full force and effect from and after January 1, 1925, and its publication once each week for two weeks consecutively in the Indianapolis Commercial, printed in the City of Indianapolis.

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

INTRODUCTION OF MISCELLANEOUS BUSINESS.

By Messrs. Bernd, Ray and Claycombe:

WHEREAS, The Indianapolis City Council at a conference with the officers of the Indianapolis Street Railway Company, held January 22, 1924, appointed a committee consisting of Councilmen Claycombe, Ray, Bernd and King, with Mr. Benjamin Perk, the city's expert accountant, to make an investigation of the financial condition of the Indianapolis Street Railway Company and its ability to render necessary service to its patrons, and

WHEREAS, Mr. Perk, after a thorough examination of the Earnings, Operating Expenses, Balance Sheet, etc., of the Indianapolis Street Railway Company submitted to this special committee a very complete report showing that the present earnings of the company were wholly inadequate to furnish the necessary service for the growing City of Indianapolis, to buy new cars, make the required repairs to tracks and to extend the lines, and to rehabilitate the property generally, and

WHEREAS, the Indianapolis City Council has considered the recommendations contained in Mr. Perk's report and granted a public hearing on the matter at the Council Chamber on Monday evening, February 25, 1924, at which those in favor of the increased fare and those opposed were heard.

NOW, THEREFORE, BE IT RESOLVED, that the Indianapolis City Council are of the opinion that the City of Indianapolis needs and must have better street railway service, a considerable number of new cars and extension of lines and a general rehabili-

tation of the street railway equipment and property and that the public interest demands that the Indianapolis Street Railway Company be required to supply these needs to the people of Indianapolis.

BE IT FURTHER RESOLVED, that the Indianapolis Common Council make no recommendation as to how this should be brought about, but is of the opinion that this matter should be referred to the Mayor and Legal Department of the City to take up, in conjunction with the Indianapolis Street Railway Company, with the Public Service Commission, which has the power of acting officially on such matters.

THEO. J. BERND
OTTO RAY
LLOYD D. CLAYCOMBE.

Which was adopted on motion of Mr. Ray by the following vote:

Ayes, 6, viz.: Messrs. Bernd, Bramblett, Clauer, Claycombe, Ray, and President Walter W. Wise.

Noes, 3, viz.: Messrs. Buchanan, King and Thompson.

At 8:00 o'clock p. m., a public hearing was held on General Ordinances No. 19, 1924, No. 20, 1924 and No. 26, 1924.

ORDINANCES ON SECOND READING

Mr. Thompson called for Special Ordinance No. 4, 1924, for second reading. It was read a second time.

Mr. Thompson moved that Special Ordinance No. 4, 1924, be ordered engrossed, read a third time and placed upon its passage. Carried.

Special Ordinance No. 4, 1924, was read a third time and passed by the following vote:

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

Mr. King called for General Ordinance No. 25, 1924, for second reading. It was read a second time.

Mr. King moved that General Ordinance No. 25, 1924, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 25, 1924, was read a third time and passed by the following vote:

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

Mr. Claycombe called for General Ordinance No. 27, 1924, for second reading. It was read a second time.

By Mr. Claycombe.

Mr. President:

I move that General Ordinance No. 27, 1924, be amended to read as follows:

GENERAL ORDINANCE NO. 27, 1924.

AN ORDINANCE providing a permit for testing materials; providing fees for testing to be paid the City Controller; providing a certified copy of all tests made, 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. Upon payment to the City Controller of the testing fees herein named, the City Controller shall issue a permit for testing of materials by the city testing laboratory. Such materials shall be provided by any person, firm or corporation in Indianapolis, Indiana.

Any person, firm or corporation submitting materials to be tested shall deposit the testing permit with the materials at a place named by the person or persons in charge of the testing laboratory, and after such tests are made and certified to such tested materials shall be removed from the premises as directed by the laboratory officials.

The testing laboratory shall issue a certified test in duplicate of all tests made for which a permit was issued by the City Controller.

Section 2. The fees to be paid to the City Controller for a permit for testing shall be to-wit as follows:

(1) Two cents as (2) for every barrel of cement tested or quantity in barrels determined by the testing laboratory officials.

(2) One dollar and fifty cents (\$1.50) for each concrete block, concrete tile, clay tile or brick.

(3) One dollar and fifty cents (\$1.50) for the first metal rod tested in tension with an additional charge of twenty-five cents for each additional rod of the same day's test.

(4) One dollar and fifty cents (\$1.50) for first test of wood bars in tension with an additional charge of twenty-five (25) cents for each additional wooden bar of the same day's test.

(5) One dollar (\$1.00) for the first test in compression of wooden struts or columns with an additional charge of twenty-five (25) cents for each additional piece of wood of the same day's test.

(6) One dollar and fifty cents (\$1.50) for each test of wooden or metal beams in flexure.

No testing permit shall be issued for a less sum than one dollar (\$1.00).

Section 3. The City Engineer of the Commissioner of Buildings may order tests at any time they may determine of any material used in the construction of any work or works both public and private. When such tests are ordered the person or persons, firm or corporation in charge of the construction work or works shall take out a testing permit from the City Controller within a reasonable time and shall furnish the testing laboratory with the materials selected by the City Engineer of the Commissioner of Buildings or their lawful representatives.

Section 4. Any person, firm or corporation or representative therefore who shall violate any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punishable upon conviction by a fine in such case of ten dollars (\$10.00) and not over five hundred dollars (\$500.00). Each day any violation shall continue shall be considered a separate offense.

Section 5. This ordinance shall be in full force and effect from and after its passage and due publication as required by law.

Carried.

Mr. Claycombe moved that General Ordinance No. 27, 1924, be ordered engrossed as amended, read a third time and placed upon its passage. Carried.

General Ordinance No. 27, 1924, was read a third time and passed by the following vote:

Ayes, 6, viz.: Messrs. Bernd, Bramblett, Buchanan, Claycombe, King and President Walter W. Wise.

Noes, 3, viz.: Messrs. Clauer, Ray and Thompson.

On motion of Mr. Claycombe the Common Council at 9:10 o'clock p. m., adjourned.

Walter W. Wise

President.

Attest:

John N. Rhodehamel

City Clerk.