

REGULAR MEETING

Monday, May 2, 1927, 7:30 p. m.

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, May 2, 1927, at 7:30 p. m. in regular session, President Claude E. Negley in the chair.

The Clerk called the roll.

Present: Hon. Claude E. Negley, President, and six members, viz.: Boynton J. Moore, O. Ray Albertson, Walter R. Dorsett, Millard W. Ferguson, Otis E. Bartholomew and Austin H. Todd.

Absent: Robert E. Springsteen and Edward B. Raub.

On motion of Mr. Albertson, seconded by Mr. Dorsett, the reading of the minutes of the previous meeting were dispensed with.

COMMUNICATIONS FROM THE MAYOR

April 22, 1927.

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

Gentlemen—I have today approved with my signature and delivered to Wm. A. Boyce, Jr., City Clerk, Special Ordinance No. 1, 1927.

AN ORDINANCE, authorizing the sale of certain personal property by the Municipal Garage under the Department of Public Works, City of Indianapolis and fixing a time when the same shall take effect.

General ordinance No. 6, 1927, An Ordinance, providing for and authorizing the City Controller for and on behalf of the City of Indianapolis to borrow the sum of Thirty Thousand (\$30,000) Dollars, payable from the general revenues 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 reconstructing and repairing a bridge where Harding Street in the City of Indianapolis, Indiana, extends and crosses White River in said City and providing for the time and manner of advertising the sale of said bonds and the receipt of bids for the same together with the mode and terms of sale and fixing a time when this ordinance shall take effect.

General Ordinance No. 16, 1927—An Ordinance, transferring the sum of One Hundred (\$100.00) Dollars from City Plan Fund No. 2-24, "Printing and Advertising," and reappropriating the

same to City Plan Fund No. 72-1, "Furniture and Fixtures," and declaring a time when the same shall take effect.

Very truly yours,

J. L. DUVALL,

Mayor.

April 22, 1927.

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

Gentlemen—I have today approved with my signature and delivered to Wm. A. Boyce, Jr., City Clerk, Ordinance No. 19, 1927.

An Ordinance, transferring the sum of One Hundred Thirty (\$130.00) Dollars from Carpenter Department Fund No. 12-4 to Adjustment 1926 Union Wage Scale Fund, under the Department of Public Works, declaring a time when the same shall take effect.

General Ordinance No. 20, 1927—An Ordinance, transferring and reappropriating certain funds under the Department of Public Safety and declaring a time when the same shall take effect.

General Ordinance No. 23, 1927—An Ordinance, transferring the sum of One Thousand Five Hundred (\$1,500) Dollars from Salary and Wages, Gasoline Tax Fund No. 12, and reappropriating the same to Services Contractual, Gasoline Tax Fund No. 251, under the Department of Public Works, and fixing a time when the same shall take effect.

General Ordinance No. 24, 1927—An Ordinance, transferring the sum of One Hundred (\$100.00) Dollars from Fund No. 61, "Interest," in the Controller's Fund, to Fund No. 72, "Equipment," in the Controller's Fund, Department of Finance, and declaring a time when the same shall take effect.

Very truly yours,

J. L. DUVALL,

Mayor.

April 22, 1927.

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

Gentlemen—I have today approved with my signature and delivered to Wm. A. Boyce, Jr., City Clerk:

General Ordinance No. 26, 1927—An Ordinance, transferring and reappropriating certain funds under the Department of Public Safety and declaring a time when the same shall take effect.

General Ordinance No. 27, 1927—An Ordinance, transferring and reappropriating certain funds under the Department of Public Safety and declaring a time when the same shall take effect.

General Ordinance No. 31, 1927—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 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 a time when the same shall take effect," and fixing a time when the same shall take effect.

General Ordinance No. 33, 1927—An Ordinance, transferring the sum of One Hundred (\$100.00) Dollars from City Controller's Fund No. 61, "Interest," and reappropriating the same to City Controller's Fund No. 72, "Equipment," and declaring a time when the same shall take effect.

Very truly yours,

J. L. DUVALL,

Mayor.

April 22, 1927.

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

Gentlemen—I have today approved with my signature and delivered to Wm. A. Boyce, Jr., City Clerk:

General Ordinance N. 34, 1927—An Ordinance, transferring the sum of Four Thousand Five Hundred (\$4,500) Dollars, from Fund No. 26 to Fund No. 22, transferring the sum of One Thousand (\$1,000) Dollars from Fund No. 26 to Fund No. 45, and transferring the sum of Five Hundred (\$500) dollars from Fund No. 26 to Fund No. 72, in the Municipal Garage under the Department of Public Works, City of Indianapolis, Indiana.

General Ordinance No. 40, 1927—An Ordinance, to amend (b) of Section A-223 of the Municipal Code of Indianapolis of 1925, regulating fees for general permits by adding words to exempt all tax exempt property; declaring an emergency and designating a time when the same shall take effect.

Resolution No. 14, 1927—Whereas, It is highly desirable to perfect the communication between different sections of the city and to reduce the congested traffic and minimize the hazards and perils incidental to motor transportation by relieving such congestion;

Resolution No. 17, 1927—Whereas, The City Clerk of the City of Indianapolis, Indiana, has certified the Common Council of said City that a sufficient petition has been filed with him requesting that the question of adopting the City Manager Plan of Municipal Government as provided for in Chapter 218, Acts of 1921 of the Indiana General Assembly, be submitted to the electors of the City of Indianapolis.

Very truly yours,

J. L. DUVALL,

Mayor.

April 20, 1927.

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

Gentlemen—I have this day vetoed and delivered to Wm. A. Boyce, Jr., City Clerk, General Ordinance No. 30, 1927—

An Ordinance, prohibiting the construction of any amusement or entertainment house, picture show, or theater within five hundred (500) feet of any permanent church building or church property

situated in the city of Indianapolis, providing a penalty and fixing a time when the same shall take effect.

Very truly yours,
J. L. DUVALL,
Mayor.

COMMUNICATIONS FROM CITY OFFICERS

May 2, 1927.

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

Gentlemen—I have been requested by the Board of Public Safety to submit the following general ordinance transferring the sum of Five Hundred (\$500) Dollars from Dog Pound Fund No. 41, Building Materials, under the Department of Public Safety, and reappropriating the same to Dog Pound Fund No. 34, Institutional and Medical, under the Department of Public Safety.

I respectfully recommend the passage of this ordinance.

Yours,
W. C. BUSER,
City Controller.

April 30, 1927.

Wm. C. Buser, City Controller, City of Indianapolis.

Dear Sir—We respectfully submit the attached ordinance transferring and reappropriating certain funds under the Department of Public Safety, for your approval and transmission to the Common Council with your recommendation for its passage.

Yours very truly,
BOARD OF PUBLIC SAFETY,
(Signed) CLAUDE C. McCOY,
Executive Secretary.

May 2, 1927.

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

Gentlemen—Attached herewith please find copies of a general ordinance providing for the purchase of one new Stutz Automobile for an Emergency Car for the Indianapolis Police Department under the Department of Public Safety.

I respectfully recommend the passage of this ordinance.

Yours,
W. C. BUSER,
City Controller.

May 2, 1927.

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

Gentlemen—In compliance with a resolution adopted by the Board of Health and Charities, of the City of Indianapolis, Indiana,

I herewith submit to your honorable body, an ordinance, defining and regulating the handling and sale of milk, cream and milk products, with the recommendation that said ordinance be passed at your earliest opportunity.

Respectfully submitted,
Board of Health & Charities, Indianapolis, Indiana.

By, CHAS. MENDENHALL,
Their Attorney.

April 27, 1927.

*To Mr. William A. Boyce, Jr., City Clerk, Indianapolis:
Indianapolis, Indiana:*

Dear Sir—Enclosed please find copies of switch contract for the William Cooper & Nephews, Inc., across alley west of Dorman Street, at North Street, approved by Board April 13th.

The Board of Public Works desires that you present this switch contract to the Council for their consideration and action.

Yours truly,

WAYNE EMMELMAN
Clerk, Board of Public Works.

Indianapolis, Ind., May 2, 1927.

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

Gentlemen—I beg to inform you that a poll taken by the Indianapolis Times on the question of adopting Day Light Saving, for the city of Indianapolis, resulted in a vote of 365 opposed to Day Light Saving, as compared to 444 in favor of Day Light Saving.

This for your information.

Respectfully Submitted

WM. A. BOYCE, Jr.
City Clerk.

On motion of Mr. Albertson, seconded by Mr. Dorsett, the Common Council recessed for five minutes at 8:10 o'clock p. m.

The Council reconvened at 8:20 p. m. with the same number of members present as before.

REPORTS FROM STANDING COMMITTEES.

Indianapolis, Ind., May 2, 1927.

*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. 38, 1927, beg leave to report that

we have had said ordinance under consideration, and recommend that we be given more time.

O. RAY ALBERTSON, Chairman.
O. E. BARTHOLOMEW.

Indianapolis, Ind., May 2, 1927.

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. 36, 1927, beg leave to report that we have had said ordinance under consideration, and recommend that we be given more time.

O. RAY ALBERTSON, Chairman.
O. E. BARTHOLOMEW.

Indianapolis, Ind., May 2, 1927.

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. 37, 1927, beg leave to report that we have had said ordinance under consideration, and recommend that we be given more time.

O. RAY ALBERTSON, Chairman.
O. E. BARTHOLOMEW.

Indianapolis, Ind., May 2, 1927.

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

Gentlemen—We, your Committee on _____ to whom was referred General Ordinance No. 17, 1927, Traffic, beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed as amended.

BOYNTON J. MOORE, Chairman.
A. H. TODD.
O. E. BARTHOLOMEW.
M. W. FERGUSON.

Indianapolis, Ind., May 2, 1927.

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

Gentlemen—We, your Committee on Public Works to whom was referred Resolution No. 18, 1927, 46th St. Paving, beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

O. RAY ALBERTSON, Chairman.
BOYNTON J. MOORE.
AUSTIN H. TODD.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES

By City Comptroller :

GENERAL ORDINANCE No. 41, 1927

AN ORDINANCE, transferring and reappropriating certain funds under the Department of Public Safety and declaring a time when the same shall take effect:

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

Section 1. That there be and is hereby transferred from Dog Pound Fund No. 41—Building Materials, under the Department of Public Safety, the sum of Five Hundred (\$500.00) Dollars, and that the same be and is hereby reappropriated to Dog Pound Fund No. 34—Institutional and Medical, under the Department of Public Safety.

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

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

By City Comptroller :

GENERAL ORDINANCE No. 42, 1927.

AN ORDINANCE, providing for the purchase of One new Stutz Automobile for an Emergency Car for the Indianapolis Police Department under the Department of Public Safety and declaring a time when the same shall take effect.

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

Section 1. That the purchasing agent of the City of Indianapolis, Indiana, is hereby authorized to purchase out of the Police and Fire Department Bond Fund, 1927, one new Stutz Automobile, the value of which is in excess of the statutory limit of Two Thousand (\$2,000.00) Dollars, and the trade in therefor of one 1925 Marmon Touring Car, all of which is hereby in all things authorized and approved by the Common Council of the City of Indianapolis as required by law.

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

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

By Board of Health :

GENERAL ORDINANCE No. 43, 1927.

AN ORDINANCE, defining and regulating the production, labeling, capping, handling, serving in restaurants and food dispensar-

ies, distribution, time of delivery and sale of milk, cream and certain milk products. Prohibiting traffic in milk bottles and the handling and dipping of milk and sale of adulterated, unwholesome and misbranded milk or cream and such milk products; Requiring the pasteurization of all milk sold, excepting certified milk; Providing for issuance, granting and revocation of licenses of any person, persons, firm, corporation, producer or association engaged in the dealing or distribution of milk, within the City of Indianapolis, Indiana, and providing for a penalty for violation thereof; repealing all ordinances or parts of ordinances in conflict herewith and declaring a time when the same shall take effect.

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

DEFINITIONS AND STANDARDS

Section 1. (a) Milk is hereby defined to be the clean, fresh, lacteal secretion from one or more healthy cows which are properly fed and cared for, excluding that obtained from cows within fifteen (15) days before or within ten (10) days after parturition, or such longer period as is necessary to render the milk colostrum free and excluding milk from cows for a period of at least ten (10) days after such placenta has been completely removed, which contains not less than (8½) eight and one half per cent. of solids not fat, and not less than three and one quarter (3¼) per cent of milk fat.

(b) Cream, is that portion of milk rich in milk fat which rises to the surface of milk on standing or is separated from it by centrifugal force, is fresh and clean and which contains not less than sixteen (16) per cent. of milk fat.

(c) Skimmed milk is milk from which all or a portion of the milk fat has been removed and which contains by weight not less than eight and one-half (8½) per cent of milk solids, not fat.

(d) Buttermilk is hereby defined as, 1: The product that remains when butter is removed from milk or cream in the process of churning, or second; The product resulting from the souring or treatment of milk, cream, skim milk, dried milk or milk products in any way so that it resembles the product defined in specification one (1). In case of buttermilk produced from skim milk artificially soured by a lactic acid culture, the term "Cultured" shall be added to the term "Buttermilk" on the label of the container in which the product is sold. In the case of buttermilk produced from dried or powdered buttermilk, the term "Reconstructed" shall be added to the term "Buttermilk" on the label of the container in which the product is sold. In all cases the true nature of the artificial buttermilk must be clearly stated on the label of the container thereof.

(e) MILK-PRODUCTS: Unless otherwise stated whenever used in this ordinance, the term "MILK PRODUCTS" shall be taken to mean and include skimmed milk, cream, sour cream, buttermilk, condensed or concentrated milk, condensed skimmed milk or modified milk. ADULTERATED MILK AND CREAM: The term "adulterated" shall be taken to mean and include:

(1) Milk to which any substance other than milk or cream as defined by this ordinance has been added to or mixed with it or when any normal constituent of milk has been taken from it.

(2) Milk containing more than eighty-eight and one-quarter ($88\frac{1}{4}$) per centum of water fluids.

(3) Milk containing less than eleven and three-quarter ($11\frac{3}{4}$) per centum of milk solids.

(4) Milk containing less than eight and one-half ($8\frac{1}{2}$) per centum of solids, not fat.

(5) Milk containing less than three and one-quarter ($3\frac{1}{4}$) per centum of fats.

(6) Cream which contains less than eighteen (18) per centum of butterfat, unless labeled, "UNDER STANDARD CREAM" and conform to such label.

(7) Milk or Cream from milk, which has been drawn from animals within fifteen days before or ten days after parturition.

(8) Milk or Cream from milk, which has been drawn from animals fed on any substance in a state of putrefaction or on unwholesome food.

(9) Milk or Cream from milk which has been drawn from cows kept in a crowded or unhealthy condition.

(10) Milk or Cream which has been diluted with water or any other fluid, or to which has been added, or into which has been introduced any foreign substance whatever.

(11) Milk or Cream which is produced in violation of this ordinance.

(12) Milk or Cream mixed or colored in any manner whereby damage or inferiority is concealed or if, by any means, it is made to appear to be better or of greater value than it really is.

(f) **MILK PRODUCER:** A milk producer is any person, firm, corporation or association which owns or controls one or more cows a part or all of the milk from which is for sale or is sold or delivered to another person, firm, corporation or association.

(g) **MILK DISTRIBUTOR:** A milk distributor or milk dealer is any person, firm, corporation or association who has in their possession for sale, offers for sale, sells or delivers to another any milk or milk products for consumption or manufacturing purposes.

(h) **MILK CONSUMER:** A milk consumer is any person, firm, corporation or association who buys or receives from another any milk or milk products for such food or manufacturing purposes as willfully and permanently remove such milk or milk products from further sale or transfer to another as such milk or milk products.

(i) **DAIRY FARM:** A dairy farm is any place or premises where one or more cows are kept, a part or all of the milk or milk products from which is sold or delivered in bulk to any person, firm, corporation or association.

(j) **MILK PLANT:** A milk plant is any place, plant or premises or establishment where milk or cream is collected, handled, processed, stored, bottled, pasteurized or prepared for distribution.

(k) **LICENSE:** A license is the written authority of the

City of Indianapolis, issued pursuant to these regulations for the handling, selling and disposing of milk, cream and milk products.

LICENSES

Section 2. Every person, firm, corporation or association who shall bring into the City of Indianapolis, for sale, or who shall within said City expose for sale, dispose of, exchange or deliver or with the intent to do as aforesaid, have in his or their possession, care, custody or control within said City, milk, skimmed milk, cream, buttermilk, or milk processed by fermentation or other process, shall first make application to do so in the office of the Board of Health and Charities; After any such application is made as herein provided and such application has been approved by said Board; said Board of Health and Charities shall deliver a receipt showing the date of filing said application and the date of approval stated thereon; Said applicant shall then apply to the Controller of said City for a license, and upon the production of the receipt issued by the Board of Health as aforesaid, said City Controller shall issue a license to said applicant for which the following fees shall be charged, to-wit:

Every producer, dairyman or shipper of milk, skimmed milk, buttermilk or milk products, the sum of fifty cents per year.

All distributors of milk or milk products, operating within the City of Indianapolis, the sum of five (5) dollars per year, for each wagon, up to and including the first five wagons, and for each additional wagon, over and above the first five wagons, the sum of two (2) dollars for each wagon per year.

All funds derived from the issuance of licenses under and by virtue of this ordinance shall be deposited and credited to the general fund of the Board of Health and Charities of the City of Indianapolis; Said Board of Health shall keep a record of all applications filed and the date of filing, approval or disapproval by said Board.

All licenses shall be dated on date of issuance and all annual licenses shall be dated on the first day of January and all licenses expire on December 31, following date of issuance. All licenses issued after July first of any year, the fee to be charged shall be one half of the annual fees as herein provided, and no license shall be issued for any greater period than one year.

Any person making such application shall file a sworn statement on a printed form provided by the Board of Health for the purpose, stating:

(1) The name, residence and location of place or places of business of the applicant.

(2) If the applicant be a firm, the name of each member of the firm and location of the place or places of the business.

(3) If the applicant be a corporation or association, the names of the president, secretary, manager or superintendent thereof.

(4) The name of the person in charge of each business place of applicant.

(5) The precise nature of the business to be carried on by the applicant.

LICENSES: To sell milk or milk products granted on the approval of the Board of Health are issued subject to the following conditions:

(1) The Board of Health and Charities may in its discretion refuse to issue or approve an application of anyone who or which shall have been repeatedly convicted of violating the ordinances of the City of Indianapolis or the laws of the State of Indiana as they relate to the inspection and regulation of dairies and milk plants and the inspection and sale of milk and milk products or for any other reason in the interest of the health of the inhabitants of the City, it would be inadvisable to approve the application of such applicant.

(2) Licenses may be revoked on order of the Board of Health and Charities for the same reason it may refuse to approve an application.

(3) Licenses are not transferable. A license is issued to a particular person, firm, corporation or association and no other person, firm, corporation or association is authorized and empowered to sell milk or milk products under or by virtue of its terms.

(4) Willful or continuous violation of the provisions of this ordinance may result in the permanent revocation of the license.

(5) Such license shall show the date when issued and shall be posted in a conspicuous place in the office or other appropriate place on the premises of the person, firm, corporation or association to whom it is issued.

ADULTERATED MILK OR CREAM

Section 3. No person, firm, corporation or association shall within the City limits of Indianapolis, Indiana, produce, sell, offer or expose for sale, or have in his, their or its possession with intent to sell, any milk, skimmed milk, cream, or buttermilk which is adulterated within the meaning of this ordinance or cause to procure the same to be done by others.

PASTEURIZED MILK

Section 4. All milk hereafter sold in the City of Indianapolis shall be from tuberculin tested herds, and all milk hereafter sold within the City of Indianapolis, except certified milk shall be first clarified and then pasteurized by the holding system as herein provided for. This system alone shall be used. All milk, skimmed milk or cream shall be uniformly heated to a temperature of not less than 142° Fahrenheit and be maintained uniformly at this temperature for thirty minutes.

All milk or milk products thus pasteurized shall be cooled at once to a temperature of 45° Fahrenheit or less. The cooling shall be so conducted that the pasteurized product is not exposed to contamination.

All apparatus used for the purpose of clarifying, filtering, pasteurizing and cooling shall be so constructed that all parts are readily accessible for inspection, cleansing and sterilizing and shall be cleaned and sterilized before and after each use. All such equipment must be approved by the Board of Health and Charities.

A recording apparatus including a thermometer shall be in-

stalled upon all pasteurizers to record during operation the temperature of the pasteurized product. The thermometer of this recording apparatus shall be accurate and shall be immersed in the milk in such a way that it is not exposed to escaping steam or other heat except the heated milk, except where the pasteurizer is down in the final container in which event the thermometer shall be so placed as to indicate the temperature of the pasteurized product. The records made by this recording thermometer must be accurate and made on a daily chart which shall be dated and preserved for inspection of the Health Officer or Board of Health inspector for a period of one year.

CERTIFIED MILK

Section 5. The production and sale of certified milk is limited to milk produced in conformity with the requirements of the American Association of Certified Milk Commissioners.

MEDICAL EXAMINATION

Section 6. All person engaged in the processing or distribution of milk or milk products sold in the City of Indianapolis shall be required to submit to a medical examination once every four months, and all new employes shall be examined before assuming their duties.

Such examination shall be made by a qualified physician authorized by the State to practice medicine in which such physician resides and who is authorized by the City Board of Health to make such physical examination of dairy employes. A report of such examination shall be made to the Board of Health within twenty-four hours after the completion of the examination on a form approved by the Board of Health.

TRAFFIC IN BOTTLES

Section 7. It shall be unlawful to sell, buy, take, give, collect, traffic in or otherwise dispose of milk bottles having the name of a person, firm, corporation or association blown therein with the exception of the manufacturer or dealer of any such bottle.

RETURN OF BOTTLES

Section 8. No person shall place or permit to be placed in any vessel, utensil or vehicle used in the production, sale or delivery of milk, any offal, swill, oil, garbage or other offensive material; nor shall any person return or permit to be returned any milk can or bottle which is in an unclean or offensive condition.

RETURN OF BOTTLES TO OWNERS

Section 9. It shall be unlawful for any person to throw, place or deposit or cause or permit to be thrown, placed or deposited any milk bottle or other receptacle of milk in any container used for the reception of garbage or rubbish, or to willfully or maliciously break or destroy any such bottle or other receptacle for any purpose other than as a receptacle or container for milk or cream.

All bottles, containers or parts thereof, used for dispensing milk or cream or milk products shall be emptied within a reasonable time after being received and promptly returned to the owner thereof.

The receipt of a cash deposit for the return of a bottle or other milk container or the payment of such deposit shall not be considered as evidence of the sale or purchase of any milk bottle or other milk container.

No milk bottles recovered from any dumping place for ashes or refuse shall be returned to the owners for use as milk containers until they have first been washed and sterilized.

UNLAWFUL POSSESSION OF MILK BOTTLES

Section 10. The possession by any person other than the person, firm, producer, corporation or association whose name is blown in such glass jar or bottle or any person authorized by the owner thereof to use said bottle shall be prima-facie evidence of said unlawful selling, buying, giving, taking, collecting, trafficking in, or otherwise disposing of said bottles.

PLACE FOR MILK TO BE PLACED IN BOTTLES

Section 11. No person, firm, corporation or association shall bottle any milk, cream or other milk product in any vehicle or in any other place than in a milk house, dairy or other building where milk is regularly stored and sold.

This section shall not prohibit the sale of buttermilk in suitable containers when the same is handled in a suitable manner and not dipped or otherwise exposed to contamination.

MILK NOT TO BE TRANSFERRED

Section 12. No person shall transfer any milk or other dairy product intended for sale from one can, bottle or receptacle into another can, bottle or receptacle in any street, alley, thoroughfare, or in a delivery wagon, or other vehicle or any place other than a creamery, milk depot, or milk bottling plant.

SALE OF DIPPED MILK—PROHIBITED

Section 13. The sale of "dipped" milk is hereby prohibited. No person shall have on any wagon or other vehicle used for the transportation of milk or milk products, any dipper or other utensil which may be used for the purpose of transferring milk or milk products from one container to another and no restaurant or other food dispensary, where food is served to the public shall serve any milk for drinking purposes which has been dipped, as herein provided; but all such milk shall be served by any such restaurant or other food dispensary in the original bottle or container.

SALE AND DELIVERY OF MILK

Section 14. No person or dealer in milk, or servant or agent of such dealer shall give, furnish, sell, offer for sale, or deliver any milk, skimmed milk, or cream, in quantities of less than one gallon, unless the same shall be kept, offered for sale, exposed for sale, given away or delivered in sanitary transparent glass bottles, or such other receptacles of a similar character as may be approved by the Board of Health, the same to be sealed with a suitable cap or stopper.

Said bottles or other receptacles shall be sealed immediately after the filling of the same which filling and sealing shall be done

only in a milk house, creamery, milk plant; the sanitary conditions of which have been approved by the Board of Health.

No person, firm, corporation or association shall make any delivery of milk, cream or other dairy products, wherein the same is left out in the open, during the period of time, beginning on November first of each year and expiring on April first of the following year, before five o'clock in the morning.

CAPPING BOTTLES

Section 15. All bottle caps shall and must be placed on bottles containing milk or cream by a mechanical capping machine.

MONTHLY STATEMENTS

Section 16. Every person, firm, corporation or association purchasing and bottling milk to be sold within the City shall, once a month, to the Board of Health of said City, make a report containing the following information.

1. The number of cows, if any, owned or controlled by the applicant, the location of the dairy and the average daily quantities of milk produced.

2. Where said dairy products are bought from localities outside of the City of Indianapolis, or purchased from other parties within the City, a detailed statement of the localities or places from which said dairy products are bought, and the names and postoffice addresses of persons supplying the same, and location of the shipping or collecting stations, if any, and a statement of the average quantity received from each person daily.

3. The number and description of each and every wagon, carriage or other vehicle used in the milk or cream business, and the number used for the delivery of milk in the retail and wholesale business or both.

If any changes be made in the firm, officers, managers, superintendents, location, residence, nature of business, wagons, carriages or other vehicles, or in the names or addresses of information required by this section, written notice thereof, must forthwith be given to the health officer for insertion and correction in the records of the health department.

BABY MILK

Section 17. It shall be unlawful for any person, firm, corporation or association engaged in selling milk in the City, to sell, give or deliver any such product called "BABY MILK" or given any other label, designating it as exclusively for babies' use at a higher temperature than fifty degrees Fahrenheit at any time after delivery of the same is started and until it is actually sold or delivered.

The Board of Health shall pass on all herds and sanitary conditions surrounding the production of such milk which is called "BABY MILK."

HEALTH OFFICER

Section 18. The health officer of the City Board of Health and assistants shall be in charge of the enforcement of the provisions of this ordinance. The Board of Health shall be empowered

to make such rules and regulations as are necessary to carry out the enforcement of the provisions of this ordinance.

PENALTY

Section 19. Any person, firm, corporation or association violating any of the provisions of this ordinance shall, upon conviction, for the first offense be punished by a fine not less than ten dollars and not more than twenty-five dollars; for the second offense a fine of not less than twenty-five dollars nor more than fifty dollars and for a third and subsequent offense, by a fine of one hundred dollars and imprisonment in the County Jail for not less than thirty nor more than ninety days.

REPEAL

Section 20. All ordinances or parts of ordinances in conflict herewith are hereby repealed, provided however, that none of the provisions of this ordinance shall affect any pending cause of action or rights of action, either civil or criminal, arising from or growing out of any violation of the provisions of any ordinance or parts of ordinances.

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 Board of Health.

By Dr. Todd:

GENERAL ORDINANCE No. 44, 1927.

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.

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

Section 1. That the U-3 or business districts as established by General Ordinance No. 114, 1922, and amendments thereto, be and the same is hereby amended, supplemented and changed so as to include the following described territory.

Beginning on the west property line of Central Avenue at its intersection with the north property line of 57th street, thence north with the west property line of Central Avenue a distance of Two Hundred Feet (200), thence west and parallel to the north property line of 57th street a distance of Four Hundred and Fifty Feet (450), thence south and parallel to the west property line of Cen-

tral Avenue to a point, said point being One Hundred and Forty Two and Fifteen Hundredths (142.15) feet south of the south property line of 57th Street, thence east and parallel to the south property line of 57th Street to the west property line of Central Avenue, thence north with the west property line of Central Avenue to the point or place of beginning.

Section 2. This Ordinance shall go into effect upon its passage and approval by the Mayor.

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

By Board of Works:

SWITCH CONTRACT

GENERAL ORDINANCE No. 45, 1927

AN ORDINANCE approving a certain contract granting William Cooper and Nephews, Inc., the right to lay and maintain a sidetrack or switch from C. C. C. & St. L. R. R. across alley west of Dorman street at North street, according to blue print attached, in the City of Indianapolis, Indiana.

WHEREAS, heretofore, to-wit: on the 30th day of March, 1927, William Cooper & Nephews, Inc., filed his petition before the Board of Public Works of the City of Indianapolis, as follows:

PETITION

To Board of Public Works, City of Indianapolis

Gentlemen: Permission to place a switch crossing described as follows; abutting on first alley west of Dorman Street from North Street west of alley to North Street east of alley as shown on the attached blue print across the above described alley at a point 168 feet south of the south property line of North Street west of alley and the granting an easement of eight feet on both sides of center line of switch right of way. Detailed description of ground and switch location attached hereto.

Now, Therefore, This agreement made and entered into this 30th day of March, 1927, by and between William Cooper & Nephews, Inc., 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 side-track or switch from The Cleveland, Cincinnati, Chicago and St. Louis R. R. Co., in the City of Indianapolis, which is more specifically described as follows:

Description of an easement on a strip of land across an alley to be used for the location of a Railroad side track, the strip of land being located in the City of Indianapolis, Center Township, Marion County, Indiana; and is to be 16 feet wide, center line of which being more particularly described as follows:

From the intersection of the south line of North Street across Davidsons second addition with the east line of the first alley west

of Dorman Street, measure southerly along said east line of the alley 168 feet to a point as the place where the proposed Railroad side track is to enter said alley; thence deflecting 106 degrees to the right to a tangent to a curve to the right having a radius of 328.7 degrees, measure northwesterly along said curve 16 feet to a point where the proposed railroad side track leaves said alley; the proposed easement across said alley being 16 feet wide, 8 feet on each side of the above described center line; and is shown in yellow color on the attached blue print. It is understood that construction of the above track is to be completed within one year from date.

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

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

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

party of the first part and for which expense and cost the said party of the first part shall be liable.

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

(7) Any violation of any of the provisions 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 said alley 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 11th day of April, 1927.

WM. COOPER & NEPHEWS, INC.

By H. VANNESS,

Witness. A. F. SCHWINSBURGER

Agent for _____,

Approved F. LINGENFELTER, C. C. E.

Party of the First Part.

CITY OF INDIANAPOLIS,

By R. C. SHANEBERGER, President.

L. H. TROTTER,

O. HACK.

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 Board of Works.

INTRODUCTION OF MISCELLANEOUS BUSINESS

Mr. Bartholomew made a motion seconded by Dr. Todd, to sustain the Mayor's veto of General Ordinance No. 30, 1927. The veto was sustained by the following vote:

Ayes, 7, viz.: Messrs. Albertson, Bartholomew, Dorsett, Ferguson, Moore, Todd and President Negley.

CALL FOR ORDINANCES ON SECOND READING

Mr. Albertson called for Resolution No. 18, 1927 for second reading. It was read the second time. On motion by Mr. Bartholomew, seconded by Mr. Dorsett, Resolution No. 18, 1927 was adopted by the following vote:

Ayes, 7, viz.: Messrs. Albertson, Bartholomew, Dorsett, Ferguson, Todd and President Negley.

Mr. Moore called for General Ordinance No. 17, for second reading. It was read a second time.

Mr. Moore presented the following written amendment to General Ordinance No. 17, 1927.

Indianapolis, Ind., May 2, 1927.

Mr. President:

I move that General Ordinance No. 17, 1927, be amended by striking out the provision for 45 degree angle parking on Ohio street between Pennsylvania and New Jersey and inserting in lieu thereof a provision for flat to the curb parking on said street.

BOYNTON J. MOORE,
Councilman.

Mr. Moore's motion to amend which was seconded by Mr. Todd, passed by a viva voce vote, there being no objection.

On motion of Mr. Moore, seconded by Mr. Bartholomew, General Ordinance No. 17, 1927 as amended, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 17, 1927 was read a third time and passed by the following roll call vote

Ayes, 6, viz.: Messrs. Bartholomew, Dorsett, Ferguson, Moore, Todd and President Negley.

Noes, 1, viz.: Mr. Albertson.

Mr. Albertson called for Resolution No. 12, 1927 for second reading. It was read a second time.

Mr. Albertson made a motion to amend Resolution No. 12, 1927.

Indianapolis, Ind., May 2, 1927.

Mr. President:

I move that Resolution No. 12, 1927, be amended by striking out all provisions for the Council selecting an architect and requiring a report from such architect.

O. RAY ALBERTSON,
Councilman.

Mr. Albertson's motion to amend Resolution No. 12, 1927 seconded by Mr. Moore, failed to pass by the following vote:

Ayes, 4, viz.: Messrs. Albertson, Bartholomew, Moore and President Negley.

Noes, 3, viz.: Messrs. Dorsett, Ferguson and Dr. Todd.

Mr. Albertson moved the adoption of Resolution No. 12, 1927. It failed of adoption by the following vote:

Ayes, 2, viz.: Messrs. Albertson and Moore.

Noes, 5, viz.: Messrs. Bartholomew, Dorsett, Ferguson, Todd and President Negley.

At 8:30 o'clock p. m. Mr. Negley, President of the Council turned the gavel over to Mr. Albertson, as chairman of the Committee on City Welfare. A public hearing was then held on Special Ordinance No. 6, 1927, annexing Mechanic's second addition. No objections were heard. At 8:45 o'clock p. m. President Negley re-occupied the chair for the conduct of business.

COMMITTEE REPORTS

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

Gentlemen—We your Committee on City Welfare to whom

was referred Special Ordinance No. 6, 1927, beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

O. RAY ALBERTSON, Chairman.
B. J. MOORE.
O. E. BARTHOLOMEW.
A. H. TODD.

Mr. Moore called for Special Ordinance No. 6, 1927, for second reading. It was read a second time.

On motion of Mr. Albertson, seconded by Mr. Moore, Special Ordinance No. 6, 1927 was ordered engrossed, read a third time and placed upon its passage. Special Ordinance No. 6, 1927 was read a third time and passed by the following vote:

Ayes, 6, viz.: Albertson, Bartholomew, Dorsett, Ferguson, Moore and Todd.

Noes, 1, viz.: President Negley.

On motion of Mr. Albertson, seconded by Mr. Moore, the Common Council of the City of Indianapolis adjourned at 8:55 o'clock p. m.

We hereby certify that the above and foregoing is a full and complete record of the proceedings of the Common Council of the City of Indianapolis, Indiana, held on the 2nd day of May, 1927, at 7:30 p. m.

In witness whereof we have hereunto subscribed our signatures and caused the seal of the City of Indianapolis to be affixed.

Claude E. Negley

Attest:

President.

William A. Boyce

City Clerk

(SEAL)