

## REGULAR MEETING

Monday, Dec. 5, 1927

The Common Council of the City of Indianapolis met in regular session in the Council Chamber at 7:30 p. m., Monday, December 5, 1927, President Claude E. Negley in the chair.

The Clerk called the roll.

Present: Hon. Claude E. Negley, President, and seven members, viz: O. Ray Albertson, O. E. Bartholomew, W. R. Dorsett, M. W. Ferguson, B. J. Moore, Robert E. Springsteen, Dr. A. H. Todd.

Absent: Edward B. Raub.

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

## COMMUNICATIONS FROM THE MAYOR

November 23, 1927

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

Gentlemen—I have this day approved General Ordinance No. 109, 1927, being an ordinance approving a certain contract granting The Deubener Shopping Bag Company the right to lay and maintain a switch or sidetrack from the Pennsylvania Railroad Company's main line to their plant in Holliday Street, according to blue print attached, in the City of Indianapolis, Indiana, and have delivered

same with my signature as Mayor of this City to William A. Boyce, Jr., City Clerk.

Yours very truly,  
L. ERT. SLACK, Mayor.

November 29, 1927.

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

Gentlemen—I have this day approved with my signature and delivered to William A. Boyce, Jr., City Clerk, General Ordinance No. 104, 1927.

AN ORDINANCE approving a certain contract granting The Indianapolis Ice & Fuel Co., 225 E. Iowa Street, the right to lay and maintain a sidetrack or switch from the Pennsylvania R. R. Co. sidetrack to the property of The Indianapolis Ice & Fuel Co., according to blue print attached, in the City of Indianapolis, Indiana.

Very truly yours,  
L. ERT. SLACK, Mayor.

November 29, 1927.

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

Gentlemen—I have this day approved with my signature and delivered to William A. Boyce, Jr., City Clerk, Special Ordinance No. 12.

AN ORDINANCE, Annexing certain territories to the City of Indianapolis, Indiana, and defining parts of the boundary line of said City and fixing a time when the same shall take effect.

Very truly yours,  
L. ERT. SLACK, Mayor.

November 29, 1927.

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

Gentlemen—I have this day approved with my signature and

delivered to William A. Boyce, Jr., City Clerk, General Ordinance No. 60, 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 and designating the time when the same shall take effect,” and fixing the time when the same shall take effect.

Very truly yours,

L. ERT. SLACK, Mayor.

November 29, 1927.

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

Gentlemen—I have this day approved with my signature and delivered to William A. Boyce, Jr., City Clerk, General Ordinance No. 62, 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 and designating the time

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

Very truly yours,

L. ERT. SLACK, Mayor.

November 29, 1927

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

Gentlemen—I have this day approved with my signature and delivered to William A. Boyce, Jr., City Clerk, General Ordinance No. 66, 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, side and rear yards and other open spaces about buildings; of regulating and determining the use and intensity of use of land and lot areas within such city; creating a board of zoning appeals; defining certain terms used in said ordinance; providing a penalty for its violation, and designating the time when the same shall take effect," and fixing the time when the same shall take effect.

Very truly yours,

L. ERT. SLACK, Mayor.

November 29, 1927.

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

Gentlemen—I have this day approved with my signature and delivered to William A. Boyce, Jr., City Clerk, General Ordinance No. 67, 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," and fixing the time when the same shall take effect.

Very truly yours,

L. ERT. SLACK, Mayor.

#### COMMUNICATIONS FROM CITY OFFICIALS.

December 3, 1927.

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

Gentlemen—Attached please find copies of a General Ordinance transferring the sum of Five Hundred (\$500.00) Dollars from the City Controller's Fund No. 61 and reappropriating the same to the City Controller's Fund No. 51.

I respectfully recommend the passage of this ordinance.

Very truly yours,

STERLING R. HOLT, City Controller.

December 3, 1927.

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

Gentlemen—I have been requested by the Board of Public Safety to submit to you the attached general ordinance transferring and reappropriating certain funds in the Police Department and Gamewell Division under the Board of Public Safety.

I respectfully recommend the passage of this ordinance.

Very truly yours,

STERLING R. HOLT, City Controller.

December 3, 1927.

*S. R. Holt, City Controller, City of Indianapolis, Indiana:*

Dear Sir—The Board of Safety respectfully requests you to transmit to the Common Council and recommend the passage of the attached ordinance transferring and reappropriating certain funds in the Police Department and Gamewell Division under the Department of Public Safety.

Yours very truly,  
BOARD OF PUBLIC SAFETY,

(Signed) Claude C. McCoy.

Executive Secretary.

December 5, 1927.

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

Gentlemen—I have been requested by the Board of Public Works to submit to you the attached General Ordinance transferring the sum of Two Hundred (\$200.00) Dollars from the Department of Public Works 'Public Building Fund No. 72' and reappropriating the same to the Department of Public Works 'Public Building Fund No. 38.'

I respectfully recommend the passage of this ordinance.

Very truly yours,  
STERLING R. HOLT, City Controller.

December 5, 1927.

*S. R. Holt, City Controller, City of Indianapolis, Indiana:*

Dear Sis—The Board requests that you submit the attached ordinance, for the transfer of Two Hundred (\$200.00) Dollars from the Department of Public Works Public Building Fund No. 72 to the Department of Public Works Public Building Fund No. 38, to the Common Council for consideration.

Yours very truly,  
(Signed) WAYNE EMMELMAN,  
Clerk, Board of Public Works.

December 5, 1927.

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

Gentlemen—Attached please find copies of a General Ordinance transferring the sum of Seven Thousand (\$7,000.00) Dollars from the Department of Finance, Controller's Fund No. 61, 'Interest' and reappropriating the sum of Five Thousand (\$5,000.00) Dollars to the Department of Law Fund No. 53, 'Refunds, Awards and Indemnities', and reappropriating the sum of Two Thousand (\$2,000.00) Dollars to the Board of Public Works Administration Fund No. 24, 'Printing and Advertising'.

I respectfully recommend the passage of this ordinance.

Very truly yours,

STERLING R. HOLT, City Controller.

December 5, 1927.

*S. R. Holt, City Controller, City of Indianapolis, Indiana:*

Dear Sir—The Board requests that you submit the attached ordinance for the transfer of Two Thousand Dollars (\$2,000.00) from Controller's Fund No. 61, to Administration Fund No. 24, and submit same with your recommendation to the Common Council for consideration.

Yours very truly,

(Signed) Wayne Emmelman,

Clerk, Board of Public Works.

December 5, 1927.

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

Gentlemen—In compliance with Chapter 95 of the Acts of 1927, I advertised the introduction of General Ordinances Nos. 106, 107, 108, 110, 111, 112, and 113, for ten days notice to taxpayers, and to date there have been no remonstrances filed with me against the same, therefore the above mentioned ordinances are eligible for passage.

This for your information and guidance.

Very truly yours,

WILLIAM A. BOYCE, Jr., City Clerk.

December 1, 1927.

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

Gentlemen—I hand you herewith fourteen (14) copies of an ordinance annexing College Avenue and the abutting property on the West Side, from White River to Seventy-First street, to the City of Indianapolis.

This is necessary in order that this street might be paved under the Connecting Link Law.

Yours very truly,  
A. H. MOORE, City Civil Engineer.

December 1, 1927.

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

Gentlemen—In compliance with a resolution adopted by the Board of Health and Charities, of the City of Indianapolis, Indianapolis, Indiana, I herewith submit to your honorable body, an ordinance which is supplemental to an ordinance heretofore passed by your honorable body, 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, Ind.  
By Chas. Mendenhall, Their Attorney.

November 22, 1927.

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

Gentlemen—A request from the Riverside Civil League, together with the approval and recommendation of Chief Hutsell, that Harding Street from 18th to 29th street, inclusive, be made a preferential street, was approved by the Board and you are hereby authorized to prepare the necessary ordinance to present to the City Council.

Very truly yours,  
BOARD OF PUBLIC SAFETY,  
CLAUDE C. McCOY, Executive Secretary.



*Mr. O. Ray Albertson, Chairman Finance Committee, Common Council,  
City of Indianapolis, Indiana:*

Dear Sir—At the last meeting of the Council, an ordinance (General Ordinance No. 113) was introduced transferring a certain amount from the Street Repair Fund No. 12-2, to the C. C. E. O. Inspectors' Fund No. 11-3.

If possible, kindly arrange to amend Ordinance to read for the transfer of "\$4,746.65" in order to leave the necessary balance in Street Repair Fund to take care of pay-roll for remainder of year.

Very truly yours,  
A. H. MOORE, City Civil Engineer.

OTHER COMMUNICATIONS

December 5, 1927.

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

Gentlemen:

As suggested by your City Clerk, I am hereby requesting your approval for the Public Service Commission to use the City Council Chamber for the public hearing in the matters involving unification of bus service in the city of Indianapolis. The dates for such hearing are December 20th and 21st.

Thanking you in advance for the courtesy to the Commission to use the Council Chamber for this purpose, I beg to remain,

Yours very truly,  
F. T. SINGLETON,  
Chairman.

December 2, 1927.

Dear Sir:

I am enclosing for your information copy of an order in our Cause No. 9120, which order is self-explanatory.

Kindly acknowledge receipt of same and oblige.

Yours very truly,  
J. REID McCAIN,  
Secretary.

REPORTS FROM STANDING COMMITTEES  
STATE OF INDIANA  
PUBLIC SERVICE COMMISSION OF INDIANA  
PETITION AND COMPLAINT OF INDIANAPOLIS WATER  
COMPANY AGAINST THE CITY OF INDIANAPOLIS AND  
THE COMMON COUNCIL OF SAID CITY  
No. 9120. Approved November 26, 1927.

Appearances—

For the Petitioner: Baker & Daniels, Attorneys, by F. F. Daniels, Indianapolis.

For the Respondents: Harry C. Hendrickson, Attorney, Indianapolis, Indiana; Schuyler C. Haas, Corporation Counsel, City of Indianapolis.

Harmon, Commissioner: .

On the 10th day of October, 1927, petitioner filed its petition herein, in words and figures, to-wit:

*To the Honorable Public Service Commission of Indiana:*

Your petitioner and complainant, Indianapolis Water Company, respectfully represents and shows to the Commission as follows, viz:

1. That it is a corporation organized and existing and doing business under the laws of the State of Indiana.

2. That its principal place of business is in the City of Indianapolis, Marion County, Indiana, and that it is a public utility engaged in the business of distributing water for municipal and domestic purposes in said city, and as such public utility is subject to the provisions of the laws of the State of Indiana. That it is now and has been for more than four years last past operating under an indeterminate permit pursuant to the laws of the State of Indiana in that behalf and to action duly taken by it in accordance with the requirements of said laws.

3. That under the provisions of the laws of the State of Indi-

ana, and more particularly under the provisions of a statute enacted by the Legislature of the State of Indiana, contained in the Acts of the General Assembly of Indiana for the year 1913, on Pages 167 et seq. creating the Public Service Commission of Indiana and defining its powers and duties, and all acts amendatory thereof and supplemental thereto, the sole power of regulation of public utilities in the State of Indiana, including your petitioner, is vested in this honorable Commission, excepting only such powers as are vested in municipal councils by virtue of Section 110 of said Act.

4. That the only power vested in municipal council to require your petitioner, as a public utility, to make additions and extensions to its physical plant is definitely limited by the provisions of said Section 110 which state that any such additions and extensions ordered by any municipal council "shall be reasonable and necessary in the interest of the public," and any ordinance so requiring the making of any additions and extensions shall be subject to review by the Commission and, if found unreasonable, shall be void.

5. That on the 31st day of January, 1925, your petitioner received, on the letterhead of the Board of Public Works of the City of Indianapolis, a letter reading as follows, viz:

January 30, 1925.

Indianapolis Water Company, City.

Gentlemen:

The Board orders that you install water mains for fire protection in East 21st Street from Sherman Drive to city limits.

Kindly acknowledge receipt of this letter.

Very truly yours,

BOARD OF PUBLIC WORKS,

E. Williams, Clerk.

6. That notwithstanding that said letter was without authority in law and that the purported "order" of said Board of Works had no legal efficacy because said Board of Works was at that time and still is possessed of no authority in that behalf under the laws and statutes of the State of Indiana, and that said purported "order" simply ordered petitioner to install said water mains "for fire protection," petitioner promptly conducted an investigation of the

district which said proposed water mains were to supply, namely, the district lying along East Twenty-first Street from Sherman Drive to the city limits, with the purpose of determining whether the facts concerning said district were such as to warrant said extension, and found that said facts did not warrant such extension.

7. That the salient facts concerning said district are as follows: In order to make the said extension, fifty-three hundred feet of twelve-inch pipe would be required, the cost of which pipe and the laying thereof would amount to over \$21,500. The district is poorly developed and practically devoid of improvements, there being no gas mains therein; no sidewalks therein; no graded streets therein, and no sewers therein. There are about one hundred and ten houses scattered throughout said district, about half of which are not located on East Ewenty-first Street.

8. That the proposed extension would require approximately one hundred feet of main for each prospective consumer; and that on the most favorable estimate concerning connections by existing house-holders, and including public fire protection revenues, the total gross revenues derivable on account of said proposed mains for a period of at least ten years would not amount to the initial cost of purchasing and laying the mains. That under the rules on the general subject of extensions heretofore promulgated by this honorable commission, the case is not one calling for the making of such extension by petitioner.

9. That notwithstanding the above facts the Common Council of the City of Indianapolis did, on September 5, 1927, pass what purports to be its General Ordinance No. 83, 1927, which reads as follows, viz:

#### GENERAL ORDINANCE NO. 83, 1927

AN ORDINANCE to direct the Indianapolis Water Company to comply with an order of the Board of Public Works ordering the Indianapolis Water Company to install a water main on East Twenty-first Street from Sherman Drive to the city limits, prescribing penalty for each day's violation of the same, and designating 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 Indianapolis Water Company be ordered, and the said Indianapolis Water Company is hereby ordered, to comply with an order of the Board of Public Works of the City of Indianapolis issued on the 30th day of January, 1925, ordering the said Water Company to install its water main on East Twenty-first Street from Sherman Drive to the city limits and to fully complete said extension of said water main on or before the first day of October, 1927.

Section 2. That said Indianapolis Water Company, for failure to comply with the provisions of this order, shall pay to the City of Indianapolis the penal sum of Fifty (50) Dollars per day for each day's delay in the completion of said work on or after the first day of October, 1927.

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

That the Mayor of the City of Indianapolis approved said purported ordinance on the 13th day of September, 1927.

10. That since said ordinance purports to provide for a penalty for non-compliance therewith, it could not become law until after the second publication thereof, which second publication occurred on September 23, 1927.

11. That said purported ordinance is unreasonable and confiscatory in that it purports to require petitioner to make additions and extensions to its physical plant which are not warranted or justified by the revenue derivable therefrom or on any other ground and which are not reasonable and necessary in the interests of the public, and that said ordinance therefore is contrary to the laws of the State of Indiana pertaining to the regulation of public utilities and is contrary to and in violation of the provisions of the Constitution of the State of Indiana and of the Constitution of the United States in that it attempts to deprive petitioner of its property without due process of law, to deny to petitioner the equal protection of the laws, and to interfere with and impair the obligation of contracts.

12. That said purported ordinance is unreasonable and confiscatory and in violation of the provisions of the Constitution and laws of the State of Indiana and of the Constitution of the United States of America, and therefore void, for the further reason that said ordinance did not purport to become effective until September

23, 1927, and that said ordinance purports to impose on petitioner a penalty of \$50.00 for each day after October 1, 1927, that petitioner failed to comply with its provisions, and that compliance therewith by said named date is under any circumstances an utter impossibility, and that said purported penalty is excessive, arbitrary, without right, confiscatory, unreasonable, and void.

WHEREFORE, petitioner prays that a hearing be had upon this petition and that the Commission find and declare that said ordinance is unreasonable, confiscatory and void.

Dated at Indianapolis this 10th day of October, 1927.

INDIANAPOLIS WATER COMPANY,

By (Signed) H. S. Morse,

General Manager.

The said petition was set for hearing on Monday, November 7, 1927, at 10 o'clock a. m., in the rooms of the Commission, 401 State House, Indianapolis, Indiana, and due and legal notice by publication and otherwise was given to all interested parties, of said hearing.

At such hearing, which was ably conducted by the attorneys representing all of the parties, several reasons were sought to be shown why the ordinance complained of in the petition herein should be declared void by this Commission. For the purpose of this opinion it is necessary to notice but one. Under the Acts of the General Assembly of the State of Indiana for the year 1927, Page 254, it was necessary before an ordinance could be legally adopted, to cause the ordinance to be published in two newspapers representing the two leading political parties in the City of Indianapolis, or, if there be no two such newspapers, then in any two newspapers published in the city. The material part of the statute reads as follows:

Section 4. In all cases where county, township, city . . . officials are required by law to publish notices, ordinances and reports affecting county . . . city business . . . such officials are hereby required to publish such notices, ordinances, . . . in two newspapers representing the two political parties casting the highest number of votes at the preceding election published in such county . . . city . . . or, if there be not such two newspapers, then in any two newspapers in the City. (Acts of 1927, p. 254.)

It was conceded by the Corporation Counsel of the City of Indianapolis that the ordinance in question was published in but one

newspaper, namely, the Indianapolis Commercial, and that it was not published in two newspapers as required by law. The consequence of such failure to make publication is, under the law as laid down by the Supreme Court of Indiana, clear and conclusive.

In *Bills vs. City of Goshen*, 117th Indiana, 221; and in *Meyer vs. Fromm*, 108th Indiana, 208; the Court in cases similar in principle, held that the failure to make statutory publication rendered the ordinance "defective and void."

In the case at bar, the statute requiring publication in two newspapers was mandatory. Failure to so publish it rendered the ordinance void.

IT IS THEREFORE ordered by the Public Service Commission of Indiana that the ordinance complained of herein, to-wit:

GENERAL ORDINANCE NO. 83, 1927

AN ORDINANCE, to direct the Indianapolis Water Company to comply with an order of the Board of Public Works ordering the Indianapolis Water Company to install a water main on East Twenty-first Street from Sherman Drive to the city limits, prescribing penalty for each day's violation of the same, and designating 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 Indianapolis Water Company be ordered, and the said Indianapolis Water Company is hereby ordered to comply with an order of the Board of Public Works of the City of Indianapolis issued on the 30th day of January, 1925, ordering the said Water Company to install its water main on East Twenty-first Street from Sherman Drive to the city limits and to fully complete said extension of said water main on or before the first day of October, 1927.

Section 2. That said Indianapolis Water Company, for failure to comply with the provisions of this order, shall pay to the City of Indianapolis the penal sum of Fifty (50) Dollars per day for each day's delay in the completion of said work on or after the first day of October, 1927.

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

That the Mayor of the City of Indianapolis approved said purported ordinance on the 13th day of September, 1927.

Is by this Commission hereby declared to be void and of no effect.

IT IS FURTHER ordered by the Public Service Commission of Indiana that the petitioner shall pay the costs amounting to \$6.44, occasioned by the filing and hearing of this petition.

SINGLETON, ELLIS, McCARLLE, McINTOSH, CONCUR.

Approved November 26th, 1927.

ALBERT J. RAID McCAIN, Secretary.

#### REPORTS FROM STANDING COMMITTEES

Indianapolis, Ind., December 5, 1927.

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

Gentlemen:

We, your Committee on Public Safety, to whom was referred General Ordinance No. 101, 1927, entitled "Street Signs," beg leave to report that we have had said ordinance under consideration, and recommend that the same be stricken from the files, owing to the fact that the ordinance in its present form is unconstitutional.

R. E. SPRINGSTEEN, Chairman.  
Walter R. Dorsett  
M. W. FERGUSON  
O. E. BARTHOLOMEW

Indianapolis, Ind., December 5, 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



Ordinances Nos. 106, 107, 108, 110, 111, 112, beg leave to report that we have had said ordinance under consideration, and recommend that the same be re-passed.

O. RAY ALBERTSON, Chairman  
R. E. SPRINGSTEEN  
O. E. BARTHOLOMEW  
WALTER R. DORSETT  
M. W. FERGUSON

Indianapolis, Ind., December 5, 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. 113, beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed as amended.

O. RAY ALBERTSON, Chairman  
ROBT. E. SPRINGSTEEN  
O. E. BARTHOLOMEW  
WALTER R. DORSETT

Indianapolis, Ind., December 5, 1927.

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

Gentlemen:

We, your Committee on Public Safety, to whom was referred General Ordinance No. 105, 1927, entitled an Ordinance permitting Pennsylvania R. R. Co. to install flash light signals on certain street crossings, beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

R. E. SPRINGSTEEN, Chairman  
M. W. FERGUSON  
WALTER R. DORSETT  
O. E. BARTHOLOMEW

Indianapolis, Ind., December 5, 1927.

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

Gentlemen:

We, your Committee on Public Safety, to whom was referred General Ordinance No. 115, 1927, entitled Regulating bonds for taxi cabs, beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed as amended.

R. E. SPRINGSTEEN, Chairman  
 WALTER R. DORSETT  
 M. W. FERGUSON  
 O. E. BARTHOLOMEW  
 A. H. TODD

#### INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES

By City Comptroller:

#### GENERAL ORDINANCE NO. 117, 1927.

AN ORDINANCE, transferring the sum of Five Hundred (\$500.00) Dollars from the City Controller's Fund No 61 and reappropriating the same to the City Controller's Fund No. 51, declaring an emergency 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 sum of Five Hundred (\$500.00) Dollars is now hereby transferred from Fund No. 61, City Controller to and reappropriating to Fund No. 51, City Controller.

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.

## GENERAL ORDINANCE NO. 118, 1927

AN ORDINANCE, transferring and reappropriating certain funds under the Department of Public Safety and declaring a time when 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 the Gamewell Division Fund No. 38—General Supplies—under the Department of Public Safety, the sum of Three Thousand (\$3,000.00) Dollars, and that the same be and is hereby reappropriated to the Gamewell Division Fund No. 72—Equipment—under the Department of Public Safety.

Section 2: That there be and is hereby transferred from the Police Department fund No. 33—Garage & Motor—under the Department of Public Safety, the sum of Two Hundred Fifty (\$250.00) Dollars, and that the same be and is hereby reappropriated to the Police Department Fund No. 44—General Material—under the Department of Public Safety.

Section 3. That there be and is hereby transferred from the Police Department Fund No. 33—Garage & Motor—under the Department of Public Safety, the sum of Two Hundred Fifty (\$250.00) Dollars, and that the same be and is hereby reappropriated to the Police Department Fund No. 72—Equipment—under the Department of Public Safety.

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 a Special Committee consisting of Mr. Dorsett, chairman, and Mr. Springsteen, Dr. Todd, Mr. Ferguson, Mr. Moore.

By the Board of Health:

## GENERAL ORDINANCE, NO. 119, 1927.

AN ORDINANCE, concerning the time of the delivery of milk, cream or other dairy products wherein the same is left out of doors where the weather elements may come in contact there-

with. Providing for 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. That in the sale and delivery of milk, cream or other dairy products, the following shall be in addition and supplemental to an ordinance; defining and regulating the production, labeling, capping, handling, serving in restaurants and food dispensaries, distribution and sale of milk, cream and certain milk products, etc., to-wit:

No person, firm, corporation or association shall make any delivery of milk, cream or other dairy products, wherein the same is left out of doors, during the period of time, beginning on November 1st, of each year to and including April 1st, of the following year before six o'clock in the morning of the day of delivery.

Section 2. 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 of not less than ten (10) dollars and not more than twenty-five (25) dollars; for the second offense, a fine of not less than twenty-five (25) dollars nor more than fifty (50) dollars and for a third and subsequent offense, by a fine of one hundred dollars (\$100.00) and imprisonment in the County jail for not less than thirty (30) nor more than ninety (90) days.

Section 3. This Ordinance shall be in full force and effect from and after its passage and publication as required by law.

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

By the Board of Safety:

GENERAL ORDINANCE NO. 120, 1927.

AN ORDINANCE regulating vehicle traffic and declaring Harding Street, where it extends and intersects with Eighteenth (18th) dianapolis, a preferential Street, providing a penalty for the violation thereof and declaring a time when the same shall take

Street between Twenty-ninth (29th) Street in the City of Ineffect.

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

Section 1. That all vehicles shall come to a stop before proceeding into, upon and across Harding Street between and including Eighteenth (18th) Street and Twenty-ninth (29th) Street where the same extends and intersects with Harding Street in the City of Indianapolis.

Section 2. That Harding Street between and including the intersection of Eighteenth (18th) Street is now hereby declared to be and designated as a preferential street for the purpose of regulating vehicle traffic thereon.

Section 3. The driver of any vehicle, horsedrawn and motor driven failing to comply with the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not to exceed Fifty (\$50.00) Dollars, and that each violation thereof shall constitute a separate offense.

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

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

By City Comptroller:

GENERAL ORDINANCE NO. 121, 1927.

AN ORDINANCE transferring the sum of Two Hundred (\$200.00) Dollars from the Department of Public Works 'Public Building Fund No. 72' and reappropriating the same to the Department of Public Works 'Public Building Fund No. 38', declaring an emergency 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 sum of Two Hundred (\$200.00) Dollars is now hereby transferred from the Department of Public Works,

'Public Building Fund No. 72' to and reappropriated to the Department of Public Works 'Public Building Fund No. 38'.

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.

#### GENERAL ORDINANCE NO. 122, 1927.

AN ORDINANCE transferring the sum of Seven Thousand (\$7,000.00) Dollars from the Department of Finance, Controller's Fund No. 61, and reappropriating the sum of Five Thousand (\$5,000.00) Dollars to the Department of Law Fund No. 53 'Refunds, Awards and Indemnities', and reappropriating the sum of Two Thousand (\$2,000.00) Dollars to the Board of Public Works Administration Fund No. 24, 'Printing and Advertising', declaring an emergency 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 sum of Five Thousand (\$5,000.00) Dollars is now hereby transferred from the Department of Finance, Controller's Fund No. 61, 'Interest' to and reappropriated to the Department of Law Fund No. 53, 'Refunds, Awards and Indemnities'.

Section 2. That the sum of Two Thousand (\$2,000.00) Dollars is now hereby transferred from the Department of Finance, Controller's Fund No. 61, 'Interest' to and reappropriated to Department of Public Works Administration Fund No. 24, 'Printing and Advertising'.

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 a Special Committee consisting of Mr. Dorsett, chairman, and Mr. Springsteen, Dr. Todd, Mr. Ferguson, Mr. Moore.

By the City Engineer:

SPECIAL ORDINANCE NO. 13, 1927.

AN ORDINANCE to annex to the City of Indianapolis in the State of Indiana, certain territory contiguous thereto, 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 following described territory in Marion County, State of Indiana, contiguous to said City, be and the same is hereby annexed to and made a part of the City of Indianapolis to-wit:

“Beginning at the intersection of the low water mark on the south bank of White River, with the west line of College Avenue running south; thence in a westerly direction along the low water mark on the south bank of White River to a point, said point being 150 feet, as measured at a right angle, from the west line of College Avenue; thence north along a line one hundred fifty (150) feet west of and parallel to the west line of College Avenue, to the north west line of White River Parkway North Drive; thence in a southwesterly direction along the north west line of White River Parkway North Drive to a point, said point being one hundred eighty-seven and fifty hundredths (187.50) feet southwest of the west line of College Avenue; and on the west line of Lot 2 in The Highlands of the Meridian Hills District; thence in a northwesterly direction along the west line of the aforescribed Lot 2, a distance of one hundred sixty (160) feet to the north line of the aforescribed Lot 2; thence in a northeasterly direction along the north line of Lot 2, a distance of fifty-nine and ten hundredths (59.10) feet to a point in the west line of Lot 67 in the aforementioned district; thence in a northwesterly direction along the west line of Lot 67 to the south line of Merpenna Drive; thence northeasterly to the intersection of the north line of Forest Drive with the west line of Lot 136 in the aforementioned district; thence north along the west line of Lot 136 to the center line of the First Alley North of Forest Drive; to the center line of the First Alley West of College Avenue; thence north along the center line at the first alley west of College Avenue to the North Line of Seventy-First (71st) Street; thence east along the north line of Seventy-First (71st) Street, to the east line of College Avenue; thence south along the east line of College Avenue to the low water mark on the south bank of White River; thence westerly with the

meanderings of the low water mark on the south bank of White River, to the place of beginning.”

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 Welfare.

#### MISCELLANEOUS BUSINESS

Dr. Todd presented the following written motion.

Indianapolis, Ind., December 5, 1927.

*Mr. President:*

I move that the Public Service Commission be granted the privilege of using the City Council Chamber on December 20 and 21, for a public hearing.

AUSTIN H. TODD  
City Common Council.

The motion was seconded by Mr. Dorsett, and passed by unanimous vote.

#### ORDINANCES FOR SECOND READING

Mr. Dorsett called for General Ordinance 106, 1927, for second reading. It was read a second time.

On motion of Mr. Moore, seconded by Mr. Ferguson, General Ordinance 106, 1927, was ordered engrossed, read a third time, and placed upon its passage.

General Ordinance 106, 1927, was read a third time by the Clerk, and passed by the following vote.

Ayes, 8, viz: Mr. Albertson, Mr. Bartholomew, Mr. Dorsett, Mr. Ferguson, Mr. Moore, Mr. Springsteen, Dr. Todd, Pres. Negley.



Mr. Dorsett called for General Ordinance 107, 1927, for second reading. It was read a second time.

On motion of Mr. Moore, seconded by Mr. Ferguson, General Ordinance 107, 1927, was ordered engrossed, read a third time, and placed upon its passage.

General Ordinance 107, 1927, was read a third time by the Clerk, and passed by the following roll-call vote:

Ayes, 8, viz: Mr. Albertson, Mr. Bartholomew, Mr. Dorsett, Mr. Ferguson, Mr. Moore, Mr. Springsteen, Dr. Todd, Pres. Negley.

Mr. Dorsett called for General Ordinance 108, 1927, for second reading. It was read a second time.

On motion of Mr. Moore, seconded by Mr. Ferguson, General Ordinance 108, 1927, was ordered engrossed, read a third time, and placed upon its passage.

General Ordinance 108, 1927, was read a third time by the Clerk, and passed by the following roll-call vote:

Ayes, 8, viz: Mr. Albertson, Mr. Bartholomew, Mr. Dorsett, Mr. Ferguson, Mr. Moore, Mr. Springsteen, Dr. Todd, Pres. Negley.

Mr. Dorsett called for General Ordinance 110, 1927, for second reading. It was read a second time.

On motion of Mr. Moore, seconded by Mr. Ferguson, General Ordinance 110, 1927, was ordered engrossed, read a third time, and placed upon its passage.

General Ordinance 110, 1927 was read a third time by the Clerk, and passed by the following roll-call vote:

Ayes, 8, viz: Mr. Albertson, Mr. Bartholomew, Mr. Dorsett, Mr. Ferguson, Mr. Moore, Mr. Springsteen, Dr. Todd, Pres. Negley.

Mr. Dorsett called for General Ordinance 111, 1927, for second reading. It was read a second time.

On motion of Mr. Moore, seconded by Mr. Ferguson, General Ordinance 111, 1927, was ordered engrossed, read a third time, and placed upon its passage.

General Ordinance 111, 1927, was read a third time by the Clerk, and passed by the following roll-call vote:

Ayes, 8, viz: Mr. Albertson, Mr. Bartholomew, Mr. Dorsett, Mr. Ferguson, Mr. Moore, Mr. Springsteen, Dr. Todd, Pres. Negley.

Mr. Dorsett called for General Ordinance 112, 1927, for second reading. It was read a second time.

On motion of Mr. Moore, seconded by Mrs. Ferguson, General Ordinance 112, 1927, was ordered engrossed, read a third time, and placed upon its passage.

General Ordinance 112, 1927, was read a third time by the Clerk, and passed by the following roll-call vote:

Ayes, 8, viz: Mr. Albertson, Mr. Bartholomew, Mr. Dorsett, Mr. Ferguson, Mr. Moore, Mr. Springsteen, Dr. Todd, Pres. Negley.

Mr. Bartholomew called for General Ordinance 101, 1927, for second reading. It was read a second time.

On motion of Mr. Bartholomew, seconded by Dr. Todd, General Ordinance 101, 1927, was ordered stricken from the files.

The motion passed by the following roll-call vote :

Ayes, 8, viz: Mr. Albertson, Mr. Bartholomew, Mr. Dorsett, Mr. Ferguson, Mr. Moore, Mr. Springsteen, Dr. Todd, Pres. Negley.

Mr. Albertson called for General Ordinance 115, 1927, for second reading. It was read a second time.

Mr. Moore presented the following written amendment to General Ordinance 115, 1927.

Indianapolis, Ind., December 5, 1927.

*Mr. President:*

I move that General Ordinance No. 115, 1927, be amended by striking out the words "City Controller" wherever they occur in Section 4 thereof, and inserting in lieu thereof the following: the word "Mayor."

BOYNTON J. MOORE,  
Councilman.

The motion to amend was seconded by Mr. Springsteen, and passed by the following roll-call vote :

Ayes, 8, viz: Mr. Albertson, Mr. Bartholomew, Mr. Dorsett, Mr. Ferguson, Mr. Moore, Mr. Springsteen, Dr. Todd, Pres. Negley.

On motion of Mr. Moore, seconded by Dr. Todd, General Ordinance 115, 1927, as amended, was ordered engrossed, read a third time, and placed upon its passage.

General Ordinance 115, 1927, was read a third time by the Clerk as amended, and passed by the following roll-call vote :

Ayes, 8, viz: Mr. Albertson, Mr. Bartholomew, Mr.

Dorsett, Mr. Ferguson, Mr. Moore, Mr. Springsteen, Dr. Todd, Pres. Negley.

Mr. Albertson called for General Ordinance 113, 1927, for second reading. It was read a second time.

Mr. Dorsett presented the following written amendment to General Ordinance 113, 1927.

Indianapolis, Ind., December 5, 1927.

*Mr. President:*

I move that General Ordinance No. 113, 1927, be amended by striking out the words and figures "Four Thousand Nine Hundred and Thirty-five Dollars and Sixty-five Cents (\$4,935.65)" and inserting in lieu thereof the following: the words and figures "Four Thousand Seven Hundred Forty-six Dollars, Sixty-five Cents (\$4,746.65)"

WALTER R. DORSETT

O. RAY ALBERTSON

O. E. BARTHOLOMEW

M. W. FERGUSON

Councilmen.

The motion to amend was seconded by Mr. Ferguson, and failed to pass by the following roll-call vote:

Ayes, 2, viz: Mr. Albertson, Mr. Dorsett.

Noes, 6, viz: Mr. Bartholomew, Mr. Ferguson, Mr. Moore, Mr. Springsteen, Dr. Todd, Pres. Negley.

On motion of Mr. Albertson, seconded by Mr. Moore, General Ordinance 113, 1927, was ordered engrossed, read a third time, and placed upon its passage.

General Ordinance 113, 1927, was read a third time by the Clerk, and passed by the following roll-call vote:

Ayes, 8, viz: Mr. Albertson, Mr. Bartholomew, Mr.

Dorsett, Mr. Ferguson, Mr. Moore, Mr. Springsteen, Dr. Todd, Pres. Negley.

Mr. Springsteen called for General Ordinance 105, 1927, for second reading. It was read a second time.

Mr. Springsteen presented the following written amendment to General Ordinance 105, 1927.

Indianapolis, Ind., December 5, 1927.

*Mr. President:*

I move that General Ordinance No. 105, 1927, be amended as follows: In line five (5) of Section 1, after the word signals, insert the following words: "and maintain twenty-four hours per day." Also, in line two (2) of Section 2, after the word install, insert the following words: "and maintain twenty-four hours per day."

R. E. SPRINGSTEEN,  
Councilman.

The motion to amend was seconded by Mr. Bartholomew, and passed by the following roll-call vote:

Ayes, 8, viz: Mr. Albertson, Mr. Bartholomew, Mr. Dorsett, Mr. Ferguson, Mr. Moore, Mr. Springsteen, Dr. Todd, Pres. Negley.

On motion of Mr. Bartholomew, seconded by Mr. Moore, General Ordinance 105, 1927, was ordered engrossed, read a third time, and placed upon its passage.

General Ordinance 105, 1927 was read a third time by the Clerk as amended, and passed by the following roll-call vote:

Ayes, 8, viz: Mr. Albertson, Mr. Bartholomew, Mr. Dorsett, Mr. Ferguson, Mr. Moore, Mr. Springsteen, Dr. Todd, Pres. Negley.

On motion of Mr. Bartholomew, seconded by Mr.

Ferguson, the Common Council of the City of Indianapolis adjourned at 8:35 p. m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the Common Council of the City of Indianapolis held on the 5th day of December, 1927.

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)