

REGULAR MEETING

Monday, July 7, 1969

The regular meeting of the Common Council of the City of Indianapolis convened in the Council Chambers in the City-County Building at 7:30 P.M., on Monday, July 7, 1969.

President Hasbrook in the chair.

The Clerk called the roll.

Present: Mr. Broderick, Mr. Egenes, Mr. Forestal, Mr. Gorham, Mr. Leak, Mr. McPherson, Mr. Moriarty, Rev. Williams, and President Hasbrook.

Mr. Moriarty moved, seconded by Mr. Leak, to dispense with the reading of the Journal of the previous meeting. The motion carried by unanimous voice vote.

President Hasbrook called for the reading of Communications from the Mayor and other City Officials.

COMMUNICATIONS FROM THE MAYOR
AND OTHER CITY OFFICIALS

June 17, 1969

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE
COMMON COUNCIL OF THE CITY OF INDIANAPOLIS:

Gentlemen:

I have this day approved with my signature and delivered to the City Clerk, Mrs. Marjorie H. O'Laughlin, the following City Resolutions:

SPECIAL RESOLUTION NO. 12, 1969

A Resolution resolving that an amended application be filed with the Department of Housing and Urban Development on behalf of the City of Indianapolis, Indiana, for a revised code enforcement grant under Section 117 of the Housing Act of 1949, as amended, of two-thirds of the cost of undertaking and carrying out a code enforcement program, estimated to be \$1,368,232, in the Mapleton-Fall Creek Code Enforcement Area, and that the Mayor of the City of Indianapolis, is hereby authorized to execute and file such amended application.

SPECIAL RESOLUTION NO. 13, 1969

A Resolution approving the biennial application for Workable Program recertification for the City of Indianapolis and approving its filing with the Department of Housing and Urban Development.

Respectfully submitted,

RICHARD G. LUGAR
Mayor

June 18, 1968

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE
COMMON COUNCIL OF THE CITY OF INDIANAPOLIS:

Gentlemen:

I have this day approved with my signature and delivered to the City Clerk, Mrs. Marjorie H. O'Laughlin, the following City Ordinances and Resolution:

APPROPRIATION ORDINANCE NO. 9, 1969

An Ordinance appropriating the sum of Six Hundred Fifty Thousand Dollars (\$650,000.00) to pay the costs of purchasing fully equipped police patrol vehicles.

APPROPRIATION ORDINANCE NO. 10, 1969, AS AMENDED

An Ordinance transferring, reappropriating and reallocating the sum of Twenty-eight Thousand, Five Hundred Ninety

Dollars (\$28,590.00) from unexpended and unappropriated funds in the Park Department General Fund and transferring the same to certain designated funds of the Park Department, created by virtue of the 1969 Budget, General Ordinance No. 34, 1968, as amended, declaring an emergency and fixing a time when the same shall take effect.

GENERAL ORDINANCE NO. 26, 1969

An Ordinance to amend Title 7, Chapter 1, Section 7-106, Sub-section, 1 and 2, of the Municipal Code of Indianapolis, 1951, General Ordinance No. 140, 1951, as amended by increasing the amount of fee charged by the City Controller for issuing all licenses except city dog tags, to two dollars (\$2.00) and fixing a time when said amendment shall take effect.

SPECIAL RESOLUTION NO. 14, 1969

A Resolution appointing a Special Committee, in conjunction with the M.T.A., to study the problems concerning operation of railways within the City and to recommend any necessary ordinances concerning same.

Respectfully submitted,

RICHARD G. LUGAR
Mayor

June 20, 1969

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE
COMMON COUNCIL OF THE CITY OF INDIANAPOLIS:

Gentlemen:

I have this day approved with my signature and delivered to the City Clerk, Mrs. Marjorie H. O'Laughlin, the following City Ordinances:

GENERAL ORDINANCE NO. 24, 1969, AS AMENDED

An Ordinance to amend Title 10, Chapter 6 of the Municipal Code of Indianapolis, 1951, General Ordinance No. 140, 1951, as

amended, Section 10-601 to extend the time of curfew and to clarify the time standard, providing a penalty, and fixing a time when the same shall take effect.

SPECIAL ORDINANCE NO. 9, 1969

An Ordinance annexing certain contiguous territory to the City of Indianapolis, and fixing a time when the same shall take effect.

Respectfully submitted,

RICHARD G. LUGAR
Mayor

July 7, 1969

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE
COMMON COUNCIL OF THE CITY OF INDIANAPOLIS

Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the Indianapolis News and the Indianapolis Commercial, on June 19, 1969, and again on June 26, 1969 a "Notice to Taxpayers" of public hearings on Appropriation Ordinance No. 12 and 13, 1969; said hearings to be held in the City Council Chambers on July 7, 1969 at 7:30 P.M.

Also, pursuant to the laws of the State of Indiana, I caused to be published in the above named papers, General Ordinance No. 24, 1969, as amended, and Special Ordinance No. 9, 1969, on June 24, 1969 and again on July 1, 1969.

Respectfully,

MARJORIE H. O'LAUGHLIN
City Clerk

July 7, 1969

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE
COMMON COUNCIL OF THE CITY OF INDIANAPOLIS, INDIANA

GENTLEMEN:

Pursuant to the laws of the State of Indiana, I caused to be posted in three public places in the City of Indianapolis, viz: the City-County Building (Court Wing), City Market, and Police Station, on May 19, 1969, a "Notice to Taxpayers of Determination to Issue Certificates of Obligation of the City of Indianapolis" on General Ordinance No. 15, 1969, which remained posted for ten days or more. Said notice reads as follows:

Notice is hereby given to the taxpayers of the City of Indianapolis that on the 5th day of May, 1969, the Common Council at its regular meeting adopted General Ordinance No. 15, 1969, wherein the Council determined to issue and sell certificates of obligation in an amount not to exceed Six Hundred Fifty Thousand Dollars (\$650,000.00) for the purpose of procuring funds to pay the cost of additional police patrol vehicles, fully equipped. Said certificates of obligation are to bear interest at a rate not exceeding five per cent (5%) per annum (the exact rate to be determined by bidding) payable on or before December 31, 1971.

The total net assessed valuation of taxable property in the City of Indianapolis as shown by the last final assessment is Nine Hundred Forty-one Million, Five Hundred Eighty-one Thousand, Nine Hundred Ten Dollars (\$941,581,910.00). The total present outstanding indebtedness of said City for permanent loans, exclusive of the above mentioned certificates, is in the amount of Seven Million, Five Hundred Fifty-two Thousand Dollars (\$7,552,000).

Ten or more taxpayers of said City other than those who pay poll tax only, and who will be affected by the proposed issuance of said certificates, and who feel themselves aggrieved by such determination, may appeal to the State Board of Tax Commissioners of Indiana for further action by filing a petition in the office of the Auditor of Marion County, Indiana, within the time and in the manner prescribed by law. Said petition, if any, will be heard and considered by the State Board of Tax Commissioners in the manner duly provided by law, which Board will fix a time and place for hearing.

The text of such Notice of Determination is the same as that

heretofore reported published in the Indianapolis News and the Indianapolis Commercial on May 19, and 26, 1969.

Respectfully,

MARJORIE H. O'LAUGHLIN
City Clerk

July 7, 1969

To the Honorable President and Members of the Common
Council of the City of Indianapolis

Gentlemen:

Transmitted herewith are twenty-eight copies of General Ordinance No. 27, 1969, an ordinance to amend the Municipal Code of Indianapolis, 1951, General Ordinance No. 140, 1951, as amended, and more particularly Title 7, Chapter 4, Section 7-401, to exclude coin operated pool or billiard tables from said section which defines a pool or billiard table and fixing a time when the same shall take effect.

HAROLD J. EGENES
Councilman

July 7, 1969

To the Honorable President and Members of the Common
Council of the City of Indianapolis

Gentlemen:

Transmitted herewith are twenty-eight copies of General Ordinance No. 28, 1969, an ordinance to amend the Municipal Code of Indianapolis, 1951, General Ordinance No. 140, 1951, as amended, and more particularly Title 7, Chapter 6, Sections 7-601 through and including Section 7-606, inclusively, by repealing said sections in their entirety and establishing new sections in lieu thereof for the licensing of amusement vending machines and fixing a time when the same shall take effect.

HAROLD J. EGENES
Councilman

July 7, 1969

To the Honorable President and Members of the Common
Council of the City of Indianapolis

Gentlemen:

Transmitted herewith are twenty-eight copies of General Ordinance No. 29, 1969, approving a certain agreement and permit granting Sargent Paint, Inc. the right to lay and maintain a sidetrack or switch across West Fourteenth Street to a new warehouse employed by it, according to plans attached, in the City of Indianapolis, Indiana.

DONALD R. McPHERSON
Councilman

July 7, 1969

To the Honorable President and Members of the Common
Council of the City of Indianapolis

Gentlemen:

Transmitted herewith are 28 copies of General Ordinance No. 30, 1969, to amend the Municipal Code of Indianapolis, General Ordinance No. 140, 1951, as amended, and more particularly Title 4, Chapter 11, to impound vehicles after arrest or wreck, increasing fees for contract services, setting standards for bidders, and fixing a time when the same shall take effect.

WILLIAM A. LEAK
Councilman

On motion of Mr. Gorham, seconded by Mr. Leak, the Council recessed for Committee Hearings at 8:10 P.M.

During this time the public was allowed to be heard on Appropriation Ordinances No. 12, and 13, 1969, and General Ordinances No. 9, and No. 23, 1969.

The Council reconvened at 9:30 P.M.

President Hasbrook called for the reading of Committee Reports by the Clerk.

COMMITTEE REPORTS

Indianapolis, Ind., July 7, 1969

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

Gentlemen:

We, your Committee on Finance to whom was referred Appropriation Ordinance No. 12, 1969, entitled

AN ORDINANCE transferring, reappropriating and reallocating the sum of One Hundred Two Thousand, One Hundred Dollars (\$102,100.00) from unexpended, unencumbered and unappropriated funds in the City General Fund and transferring the same to certain designated funds of the Bureau of Air Pollution Control, Department of Finance, Department of Public Works—Assessment Bureau, and Department of Public Safety—Administration, created by virtue of the 1969 Budget, General Ordinance No. 34, 1968, as amended, declaring an emergency and fixing a time when the same shall take effect.

beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

WILLIAM A. LEAK, Chairman
REV. ANDREW L. WILLIAMS
DONALD R. McPHERSON

Indianapolis, Ind., July 7, 1969

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

Gentlemen:

We, your Committee on Finance to whom was referred Appropriation Ordinance No. 13, 1969, entitled

AN ORDINANCE transferring, reappropriating and reallocating the sum of Four Hundred Eighty-seven Thousand Dollars (\$487,000.00) from unneeded appropriations of the Motor Vehicle Highway Tax Fund and transferring the same to certain designated funds of the Department of Public Works—Administration and Street Commissioner, created by virtue of the 1969 Budget, General Ordinance No. 34, 1968, as amended, declaring an emergency and fixing a time when the same shall take effect.

beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

WILLIAM A. LEAK, Chairman
DONALD R. McPHERSON
REV. ANDREW L. WILLIAMS

Indianapolis, Ind., July 7, 1969

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. 1, 1969, entitled

AN ORDINANCE to withdraw authority for the transfer of powers by the City of Indianapolis to the Mass Transportation Authority of Greater Indianapolis and to terminate a certain inter-governmental agreement between the City of Indianapolis and the Mass Transportation Authority of Greater Indianapolis entered into pursuant to General Ordinance No. 14, 1968.

beg leave to report that we have had said ordinance under consideration, and recommend that the same be stricken from the files.

WILLIAM A. LEAK, Chairman
DONALD R. McPHERSON
REV. ANDREW L. WILLIAMS

Indianapolis, Ind., July 7, 1969

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
General Ordinance No. 9, 1969, entitled

AN ORDINANCE to amend Title 7, Chapter 2, of the Municipal Code
of Indianapolis, 1951, as amended, and particularly Section 7-202
(2), Subsections 2, 7, and 9, increasing the limits of General Pub-
lic Liability Insurance required as a condition to securing licenses
for amusement riding or moving devices, buses for public hire
and use, and Carnivals, Street Fairs, Circuses or Menageries, and
fixing a time when the same shall take effect.

beg leave to report that we have had said ordinance under considera-
tion, and recommend that the same be amended and passed.

DONALD R. McPHERSON, Chairman
JOE T. GORHAM
REV. ANDREW L. WILLIAMS

Indianapolis, Ind., July 7, 1969

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. 16, 1969, entitled

AN ORDINANCE to amend the Municipal Code of Indianapolis, 1951,
General Ordinance No. 140, 1951, as amended, and more particu-
larly Title 4, Chapter 14, Section 4-1408, Subsection (1) to secure
the safety of citizens in the running of trains or cars in and
through the city by requiring electronic communication between
flagmen and control towers, declaring a penalty and fixing a time
when the same shall take effect.

beg leave to report that we have had said ordinance under consideration, and recommend that the same be stricken from the records.

HAROLD J. EGENES, Chairman

Indianapolis, Ind., July 7, 1969

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

Gentlemen:

We, your Committee on Welfare to whom was referred General Ordinance No. 19, 1969, entitled

AN ORDINANCE to amend Title 10, Chapter 5 of the Municipal Code of Indianapolis, 1951, General Ordinance No. 140, 1951, as amended, by addition of a new and additional section, 10-531(a) to prohibit debt adjustment for hire except by certain classes of persons; declaring a nuisance, providing penalties therefor, and fixing a time when the same shall take effect.

beg leave to report that we have had said ordinance under consideration, and recommend that the same be held for further study.

JEROME E. FORESTAL, Chairman

Indianapolis, Ind., July 7, 1969

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

Gentlemen:

We, your Committee on Law & Judiciary to whom was referred General Ordinance No. 23, 1969, entitled

AN ORDINANCE to amend General Ordinance No. 109, 1967, Article 1, Section 1.3, Paragraphs 28 and 29, and Article 2, Section 2.1, to simplify the definition of multichamber incinerators and to extend city control of air pollution ten (10) miles beyond the bound-

aries of the City of Indianapolis, but not beyond the limits of Marion County, and fixing a time when the same shall take effect.

beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

LAWRENCE F. BRODERICK, Chairman
REV. ANDREW L. WILLIAMS
JEROME E. FORESTAL

President Hasbrook called for the Introduction of New Ordinances.

INTRODUCTION OF NEW ORDINANCES

GENERAL ORDINANCES

Introduced by Councilman Egenes:

GENERAL ORDINANCE NO. 27, 1969

AN ORDINANCE to amend the Municipal Code of Indianapolis, 1951, General Ordinance No. 140, 1951, as amended, and more particularly Title 7, Chapter 4, Section 7-401, to exclude coin operated pool or billiard tables from said section which defines a pool or billiard table and fixing a time when the same shall take effect.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF INDIANAPOLIS

Section 1. That Title 7, Chapter 4, Section 7-401 of the Municipal Code of Indianapolis, 1951, General Ordinance No. 140, 1951, as amended, be and the same is hereby amended to read as follows:

7-401. Definitions. Pool or Billard Tables. The term "pool or billiard table" as used in this chapter shall mean and include all tables of any size, the tops of which are surrounded by an elastic ledge or cushions on which a game is or may be played, where balls are impelled by stick or cue, including all forms of the game commonly known as POOL or BILLIARDS, except a coin operated table.

Pool Room. The term "pool or billiard room" as used in this chapter shall mean and include any room, public place, or place of public accommodation located within the City of Indianapolis wherein there is located two (2) or more pool or billiard tables for which a license is required by the terms of this chapter.

Section 2. This ordinance shall be in full force and effect from and after its passage, approval by the Mayor and publication according to law.

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

GENERAL ORDINANCE NO. 28, 1969

Introduced by Councilman Egenes:

AN ORDINANCE to amend the Municipal Code of Indianapolis, 1951, General Ordinance No. 140, 1951, as amended, and more particularly Title 7, Chapter 6, Section 7-601 through and including Section 7-606, inclusively, by repealing said sections in their entirety and establishing new sections in lieu thereof for the licensing of amusement vending machines and fixing a time when the same shall take effect.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF INDIANAPOLIS

Section 1. That Title 7, Chapter 6, being Sections 7-601, 7-602, 7-603, 7-604, 7-605 and 7-606 is hereby repealed in its entirety, and that said Chapter 6 of said Title 7 of the Municipal Code of Indianapolis, 1951, General Ordinance No. 140, 1951, as amended, be and the same is hereby made to read as follows:

7-601. Definitions. For the purpose of this chapter, the terms defined in the sections of this chapter shall have the following meaning:

"Amusement vending machine" shall mean and include any machine or device to be operated by any coin or token solely for music or amusement purposes but shall not mean or include any machine or device used exclusively for the vending of merchandise.

"Distributor" shall mean any person who owns, sells, leases, rents,

or otherwise distributes or places for use, play or operation three or more amusement vending machines at any place of public accommodation within the City.

7-602. Amusement Vending Machine License. It shall be unlawful for any person to display, exhibit or expose or permit to be displayed, exhibited or exposed for purpose of use, play or operation, or permit to be used, played or operated for profit, any amusement vending machine without having procured from the City Controller a license for each amusement vending machine. Each person, upon procuring a license from the City Controller, shall be given a metal or plastic insignia, consisting of a metal or other designated disc or tag, one for each amusement vending machine so licensed, which shall be securely attached hereto, and such amusement vending machine shall be kept at all times in good operating condition while so used.

7-603. Distributor's License Required. In addition to the amusement vending machine license required by Section 7-602 of this chapter, every person defined as a distributor under Section 7-601 of this chapter, shall obtain a distributor's license from the City Controller. Application for a distributor's license shall set forth the places of business and residence of the distributor. If the distributor is a corporation, the place of residence of the chief business managers or other controlling executives offices shall be furnished. The distributor's license shall not be transferable.

7-604. Residence Requirements. No person, firm, or corporation shall be licensed as a distributor unless such person, firm or corporation has maintained for a period of at least two years, a continuous office or place of business in the City of Indianapolis and unless such person and the officers and directors of the corporation and the chief business manager of such firm are of good moral character.

7-605. License Fees. The license year for an amusement vending machine and for a distributor's license shall be from January 1 to December 31. All license fees shall be on an annual basis, which fees shall be as follows:

Amusement vending machine	-----\$	5.00 per annum
Distributor's license	-----	\$1000.00 per annum

7-606. Gaming Use Prohibited. Nothing in this chapter shall be

construed as legalizing any such amusement vending machine in which are incorporated any gaming features, and all uses thereof for gaming of any kind are prohibited.

7-607. Police Inspections. It shall be the duty of every police officer and all persons designated by the Chief of Police and City Controller, to make frequent inspections of all such amusement vending machines, and if any gaming, improper, or unlawful practices are observed in the use thereof, to report the same to the Chief of Police for proper action and also the City Controller, who thereupon may recommend proceedings to revoke such licenses, in the manner provided by law.

7-608. Penalty. Any person who shall violate any of the provisions of this chapter upon conviction, shall be fined in any sum not exceeding \$200.00, and such licenses may be suspended or revoked as provided by law. Each day a violation continues shall constitute a separate offense.

7-609. Separability. If any clause, sentence, paragraph or section a part hereof be adjudged to be invalid by any court, such judgment shall not affect, impair or invalidate the remainder of this chapter. The Common Council hereby declares that it would have passed the remaining portion of this chapter irrespective of the fact that any such clause, sentence, paragraph, or section so declared invalid, had not been made a part hereof.

Section 2. This ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and publication according to law.

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

GENERAL ORDINANCE NO. 29, 1969

Introduced by Councilman McPherson:

AN ORDINANCE approving a certain agreement and permit granting SARGENT PAINT, INC. the right to lay and maintain a sidetrack or switch across West Fourteenth Street to a new warehouse

employed by it, according to plans attached, in the City of Indianapolis, Indiana.

WHEREAS, HERETOFORE, TO-WIT: On the 29th day of May, 1969, SARGENT PAINT, INC., filed its petition before the Board of Public Works of the City of Indianapolis, Indiana, as follows:

TO: BOARD OF PUBLIC WORKS, CITY OF INDIANAPOLIS

Gentlemen:

We hereby request the privilege of building one railroad switch track across West Fourteenth Street, west of Lafayette Street, extending our present siding track which serves our manufacturing plant, so as to service a new warehouse being constructed by us immediately south of Fourteenth Street, the proposed switch track to cross West Fourteenth Street at grade immediately west of the west property line of Lafayette Street; all as shown on plans hereto attached marked "Exhibit A" and "Exhibit B" and made a part of this petition. This switch track is to be on the same grade as the present switch track which is being extended.

This crossing is consistent with existing zoning and is shown of record as a part of zoning variance 68-V2-214 obtained by Fred W. and Mary L. Keuthan.

SARGENT PAINT, INC.

By: A. C. Schankerman

NOW, THEREFORE, This agreement made and entered into this 29th day of May, 1969, by and between SARGENT PAINT, INC., an Indiana corporation, having its principal place of residence in the City of Indianapolis, County of Marion, State of Indiana, party of the first part, and the City of Indianapolis, by and through the Board of Public Works, party of the second part.

WITNESSETH: That the party of the first part, being desirous of securing a permit for a right of way for a switch track across West Fourteenth Street in the City of Indianapolis, which is more specifically described above and shown on the attached "Exhibit A", and "Exhibit B", hereby covenants and fully binds itself, its successors, legal representatives and assigns, that, in consideration of the grant of the privileges herein given, it will lay,

construct, maintain and pay all costs and expenses either now or hereafter connected with said track upon the terms and conditions hereinafter set forth, to-wit:

(1) They shall be so laid, maintained, improved and kept in repair as to be safe for persons on foot, in vehicles or otherwise, and shall, at all times, be subject to the orders of the Board of Public Works of the City of Indianapolis, and to all laws and ordinances, adopted and enacted pursuant to the police powers of said city.

(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 track, or tracks; provided further that all the costs thereof shall be paid by the said party of the first part, who hereby waives any division of such costs as now or hereafter provided by any statute, or otherwise.

(3) The crossing where said track intersects West Fourteen Street shall, at all times, be kept improved and in repair and free from obstructions or defects of any kind. No car or cars shall be permitted to obstruct such crossing or to be thereon except for such time as may be absolutely necessary in moving them back and forth, and they shall be at no time stopped or detained thereon in such manner as to obstruct public travel.

(4) Said party of the first part agrees, upon the written order of said Board, made for any 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. Said notice shall fix a day for hearing before said Board where objections to such removal may be heard; but the decision of said Board shall be final and conclusive on the party of the first part who hereby expressly waives any right to have such exercise of discretion reviewed by any court.

(5) The party of the first part agrees to pave between the rails of said track and for eighteen inches on both sides thereof, to the entire satisfaction of the second party, and in case said tracks and pavement or either thereof 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, reconstruct, or remove same, failing in which, after notification in writing of ten (10) days, said Board may do or cause the same to be done at the expense of the said party of 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 itself 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 such claims.

(7) Any violation of any of the provisions of this instrument by said party of the first part, or by any one for it or at its instance or with its permission, shall operate as an immediate and absolute forfeiture of the privileges and authority given or granted by this permit, provided, however, that the same may be terminated by said Board as hereinafter set forth.

Said party of the second part by virtue of the provisions of an act of the General Assembly of the State of Indiana, entitled "An act concerning municipal corporations," approved March 6, 1905, and all acts amendatory thereof or supplemental thereto, and in consideration of the things hereinbefore set forth and upon the terms and provisions stipulated, hereby grants and duly permits said party of the first part to exercise the right, privilege and authority to lay and maintain an additional sidetrack or switch across West Fourteenth Street in the City of Indianapolis, all as shown by the drawings attached hereto, filed and the greater certainty marked "Exhibit A" and "Exhibit B."

IN WITNESS WHEREOF, we have hereunto set our hands this 29th day of May, 1969.

SARGENT PAINT, INC.

By A. C. Shankerman,

Party of the First Part

Witness:

David F. Rees

Approved by Board of Public Works May 29, 1969.

CITY OF INDIANAPOLIS

By Jack F. Patterson

William H. Hardy

Grant W. Hawkins

Wendell D. Vandivier

As Board of Public Works,
Party of the Second Part

Approved by me

Richard G. Lugar, Mayor

AND, WHEREAS, said agreement and permit 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,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE
CITY OF INDIANAPOLIS, INDIANA:

Section 1. That such agreement and permit above set forth be, and the same is hereby in all things confirmed and approved.

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

Which was read for the first time and referred to the Committee on Public Works.

GENERAL ORDINANCE NO. 30, 1969

Introduced by Councilman Leak:

AN ORDINANCE to amend the Municipal Code of Indianapolis, General Ordinance No. 140, 1951, as amended, and more particularly Title 4, Chapter 11, to impound vehicles after arrest or wreck, in-

creasing fees for contract services, setting standards for bidders, and fixing a time when the same shall take effect.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF INDIANAPOLIS:

Section 1. That Title 4, Chapter 11, Section 4-1101 of the Municipal Code of Indianapolis, 1951, be amended to read as follows:

“Any vehicle, including taxicabs and public buses, parked or left standing unattended upon any street or public place, in this city, at any time or place, either in violation of any of the provisions of this title, or code, or of any later ordinance of this city, or of any statute or by reason of the arrest or physical incapacity of the owner or operator, and any vehicle known to have been stolen or wrecked and so left on any street, is hereby declared to be a public nuisance, as an unlawful obstruction upon the street, or public place, or as a hazard to traffic thereon, and any police officer, upon discovering any such vehicle so parked, or kept standing, unattended or, being attended, the operator or occupant is either unable to move such vehicle by reason of his arrest or injury, or is unable to have it removed, or if able to do so, refuses or fails to move it or to have it moved on request of such police officer, he shall attach to such vehicle, or serve upon such person, a notice of such violation, as provided for in this title, and in addition to and independent of the penalty and remedy for such violation, such officer may remove such vehicle, or cause the same to be removed, to any city-owned or operated property, or to a private garage, or place, where so authorized pursuant to a contract, where the same shall be impounded and detained, as hereinafter provided, and shall be released only upon order of the chief of police, or of the board of public safety, authorizing such vehicle to be surrendered, or upon an order of the judge of any court having jurisdiction therein, after a hearing as provided by this chapter, or pursuant to any other legal proceedings.

Section 2. That Title 4, Chapter 11, Section 4-1105 of the Municipal Code of Indianapolis, 1951, be amended to read as follows:

“In order to make feasible and adequate arrangements for towing in, impounding and caring for impounded vehicles, in addition to the city's own facilities therefor the board of public safety is hereby authorized to examine the facilities of other persons and the general conditions of garages and other places and facilities suitable for the

tow-in, impounding and storage of vehicles which may be impounded, and to solicit prices and terms from the persons operating or controlling same, for such uses and services. Subject to approval by the Common Council, the board of public safety is authorized to contract annually as authorized by law, with any persons owning or operating any such garage, place, or facility, for the driving or towing in, impounding, receiving and storing of any such vehicles which may be impounded in such garage, or place, pursuant to the terms of such contract and the provisions of this chapter and title or code or of any other ordinance, or of any statute. Provided, that no person shall be eligible to bid for a contract to tow in, impound or care for impounded vehicles who shall not have a minimum of ten (10) radio-equipped trucks and/or wrecker equipment having power operated winch, ground and tow sling, and provided, further that every bid shall be accompanied by a standard policy certificate of \$10,000 property damage public liability insurance, for the benefit and indemnity of the City of Indianapolis, providing for indemnification of persons and property resulting from any operation pursuant to such contract, and payable to the City of Indianapolis acting as the representative of and for the use and benefit of all persons who may suffer loss or damage due to any negligence or willfulness in any operation under such contract. Provided, further, that the common council shall be authorized to approve continuation of any existing contract for an additional year in the event that the board of public safety shall not submit a new contract for approval, and shall be authorized to require the board of public safety to negotiate new contracts following expiration of any annual contract without re-approval.

Section 3. That Title 4, Chapter 11, Section 4-1106 of the Municipal Code of Indianapolis, 1951, be amended to read as follows:

"The charge of the city for driving or towing in, impounding and receiving for storage of any vehicle impounded pursuant to this chapter, or the charge for such service under any contract pursuant to this chapter shall not exceed the initial sum of ten dollars (\$10.00), to which may be added, however, storage charges of two dollars (\$2.00) per day, or fraction thereof, payable for vehicles stored on property owned or rented by the city or by any contractor with the city, on and after the day that such vehicle is impounded, and there may also be added a charge not to exceed the sum of ten dollars (\$10.00), for the necessary use of dollies in towing-in such vehicle. Provided, however, that there shall be no labor or other additional

charges allowed under and in any such contract except in respect of a trunk or vehicle with a load capacity of one (1) ton or higher.

Section 4. That this ordinance shall be in full force and effect from and after its passage, approval by the Mayor and compliance with all laws pertaining thereto.

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

ORDINANCES ON SECOND READING

Mr. Leak called for a second reading of Appropriation Ordinance No. 12, 1969.

The Clerk read the Ordinance for the second time.

Mr. Leak moved, seconded by Mr. McPherson, to amend Appropriation Ordinance No. 12, 1969, as follows:

Indianapolis, Ind., July 7, 1969

Mr. President:

I move that Appropriation Ordinance No. 12, 1969 be amended by striking out of page 3, line 9, the following figures and punctuation: "\$3,000.00", and inserting in lieu thereof the following figures and punctuation: "\$1,500.00";

by striking out of page 1, line 2 the words and figures "Two Thousand, One Hundred Dollars (\$102,100.00)" and inserting in lieu thereof the words and figures "Thousand Six Hundred Dollars (\$100,600.00);

by striking out of page 2, line 4 the words "Two Thousand, One" and inserting in lieu thereof the words "Thousand Six";

by striking out of page 2, line 5 the figures and punctuation "\$102,100.00" and inserting in lieu thereof the figure and punctuation "\$100,600.00";

by striking out of page 2, line 14 the figures and punctuation "\$102,100.00" and inserting in lieu thereof the figures and punctuation "\$100,600.00";

by striking out of page 2, lines 20 and 24, the letters "contractual" and inserting in lieu thereof the word "contractual";

by striking out of page 3, line 10, the figures and punctuation "\$26,575.00" and inserting in lieu thereof the figures and punctuation "\$25,075.00";

by striking out of page 3, line 17 the figures and punctuation "\$102,100.00" and inserting in lieu thereof the figures and punctuation "\$100,600.00".

WILLIAM A. LEAK, Councilman

Indianapolis, Ind., July 7, 1969

The motion to amend passed by unanimous voice vote.

On motion of Mr. Leak, seconded by Mr. McPherson, Appropriation Ordinance No. 12, 1969, as amended, was ordered engrossed, read a third time and placed upon its passage.

After third reading the Ordinance passed on the following roll call vote:

Ayes 7, viz.: Mr. Egenes, Mr. Forestal, Mr. Gorham, Mr. Leak, Mr. McPherson, Rev. Williams, and President Hasbrook.

Noes 2, viz.: Mr. Broderick and Mr. Moriarty.

Mr. Leak called for a second reading of Appropriation Ordinance No. 13, 1969.

The Clerk read the Ordinance for the second time.

On motion of Mr. Leak, seconded by Mr. Egenes, Appropriation Ordinance No. 13, 1969, was ordered engrossed, read a third time and placed upon its passage.

After third reading the Ordinance passed on the following roll call vote:

Ayes 9, viz.: Mr. Broderick, Mr. Egenes, Mr. Forestal, Mr. Gorham, Mr. Leak, Mr. McPherson, Mr. Moriarty, Rev. Williams, and President Hasbrook.

Mr. McPherson called for a second reading of General Ordinance No. 9, 1969.

The Clerk read the Ordinance for the second time.

Mr. McPherson moved, seconded by Mr. Gorham, to amend General Ordinance No. 9, 1969, as follows:

Mr. President:

I move that General Ordinance No. 9, 1969 be amended as follows:

page 1, title, line 3, strike out the figure and punctuation “,7,”;

| page 1, title, line 5, strike out the words and punctuation “buses for public hire and use,”;

page 1, Section 1, line 1, strike out the words and figures “subsections 2 and 7”, and insert in lieu thereof the words and figure “subsection 2”;

page 1, Section 1, lines 2 and 3, strike out the words "are each hereby", and insert in lieu thereof the word "be",

page 1, Section 1, line 14, (being the second rhetorical paragraph under heading to subsection 2), strike out the figure "5", and insert in lieu thereof the figure "1";

page 1, Section 1, lines 23 to 44, inclusive, (being all of subsection 7), strike out;

page 2, Section 2, line 11, strike out the figure "5" and insert in lieu thereof the figure "1".

DONALD R. McPHERSON, Councilman

The motion to amend passed by unanimous voice vote.

On motion of Mr. McPherson, seconded by Mr. Egenes, General Ordinance No. 9, 1969, as amended, was ordered engrossed, read a third time and placed upon its passage.

After third reading the Ordinance passed on the following roll call vote:

Ayes 9, viz.: Mr. Broderick, Mr. Egenes, Mr. Forestal, Mr. Gorham, Mr. Leak, Mr. McPherson, Mr. Moriarty, Rev. Williams, and President Hasbrook.

Mr. Broderick called for a second reading of General Ordinance No. 23, 1969.

The Clerk read the Ordinance for the second time.

On motion of Mr. Broderick, seconded by Mr. Gorham, General Ordinance No. 23, 1969, was ordered engrossed, read a third time and placed upon its passage.

After third reading the Ordinance passed on the following roll call vote:

Ayes 9, viz.: Mr. Broderick, Mr. Egenes, Mr. Forestal, Mr. Gorham, Mr. Leak, Mr. McPherson, Mr. Moriarty, Rev. Williams, and President Hasbrook.

OLD BUSINESS

Mr. Leak moved, seconded by Mr. Egenes, to strike General Ordinance No. 1, 1969.

The motion to strike passed on the following roll call vote:

Ayes 7, viz.: Mr. Broderick, Mr. Egenes, Mr. Forestal, Mr. McPherson, Mr. Moriarty, Rev. Williams, and President Hasbrook.

Noes 2, viz.: Mr. Gorham and Mr. Leak.

Mr. Leak moved, seconded by Mr. Egenes, to strike Appropriation Ordinance No. 10, 1969, as amended.

The motion to strike passed on the following roll call vote:

Ayes 9, viz.: Mr. Broderick, Mr. Egenes, Mr. Forestal, Mr. Gorham, Mr. Leak, Mr. McPherson, Mr. Moriarty, Rev. Williams, and President Hasbrook.

Mr. Egenes moved, seconded by Mr. McPherson, to strike General Ordinance No. 16, 1969.

The motion to strike passed on the following roll call vote:

Ayes 9, viz.: Mr. Broderick, Mr. Egenes, Mr. Forestal, Mr. Gorham, Mr. Leak, Mr. McPherson, Mr. Moriarty, Rev. Williams, and President Hasbrook.

Mr. Alan Kimbell, member of Board of Public Safety, discussed General Ordinance No. 25, 1969, regarding locks on exterior doors and windows. He suggested changes in the Ordinance and will have a report for Mr. Egenes to consider.

NEW BUSINESS

Mr. Alan Kimbell of the Board of Public Safety introduced Col. Bernard B. Beck of the Indianapolis Humane Society. Col. Beck gave a report on the activities of the Society, requesting that city gasoline be provided until a contract is made between the Society and the City under-Unigov.

Mr. Egenes moved, seconded by Mr. McPherson, that an ordinance be prepared to appropriate funds from the Board of Public Safety, not to exceed \$1,500.00, to the Indianapolis Humane Society for their use for the remainder of 1969.

The motion passed by unanimous voice vote.

President Hasbrook announced that there would be a Regular Meeting of the Council on Monday, July 21, 1969, at 7:30 P.M. in the Council Chambers in the City-County Building.

On motion of Mr. Gorham, seconded by Rev. Williams, the Council adjourned at 10:50 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 7th day of July, 1969.

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

Thomas C. Hasbrook

ATTEST:

President

Maryanne N. O'Sullivan

(SEAL)

City Clerk