

SPECIAL MEETING

Monday, April 27, 1970, 6:30 P.M.

A Special Meeting of the City-County Council of Indianapolis-Marion County convened in the Council Chambers of the City-County Building at 6:30 P.M. on Monday, April 27, 1970.

President Hasbrook in the chair.

The Clerk read the call for the Special Meeting as follows:

TO ALL COUNCILMEN

This is notification of a special meeting of the Indianapolis City-County Council at 6:30 P.M., Monday, April 27, 1970.

The purpose of this meeting will be to act on the following ordinances and resolutions presently pending before the Council:

General Ordinance Nos. 65-68, 1970  
General Ordinance No. 69, 1970  
General Ordinance No. 72, 1970  
General Ordinance Nos. 74-79, 1970  
Special Ordinance No. 11, 1970  
Special Ordinance No. 12, 1970  
Special Ordinance No. 13, 1970  
Special Ordinance No. 14, 1970  
Special Resolution No. 10, 1970  
Special Resolution No. 14, 1970,  
As Amended

Also to be considered is the receipt of communications from the Honorable Richard G. Lugar, Mayor, and the Honorable Marjorie H. O'Laughlin, City Clerk, and letters of transmittal covering the following ordinances and resolutions:

Appropriation Ordinance No. 7, 1970  
Appropriation Ordinance No. 8, 1970  
Appropriation Ordinance No. 9, 1970

Police Special Service District Appropriation Ordinance No. 1, 1970

General Ordinance No. 84, 1970  
General Ordinance No. 85 & 86, 1970  
General Ordinance No. 87, 1970  
General Ordinance Nos. 88-93, 1970

A further purpose will be to conduct any and all other business requiring the attention of the City-County Council on this date.

Respectfully,

THOMAS C. HASBROOK  
President, City-County Council

I, Marjorie H. O'Laughlin, Clerk of the City-County Council of Indianapolis and Marion County, Indiana, do hereby certify that I have served the above and foregoing notice to each and every member of the City-County Council prior to the time of such SPECIAL MEETING, pursuant to the rules.

In Witness Whereof, I have hereunto affixed my signature and caused the seal of the City of Indianapolis to be affixed.

MARJORIE H. O'LAUGHLIN  
City Clerk

The Clerk called the roll:

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

Absent: Mr. Boyd.

Mr. McPherson moved, seconded by Mr. Leak, to dispense with the reading of the Journal of the previous meeting.

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

COMMUNICATIONS FROM THE MAYOR AND  
OTHER CITY-COUNTY OFFICIALS

April 8, 1970

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE  
CITY-COUNTY COUNCIL OF INDIANAPOLIS AND MARION  
COUNTY:

Gentlemen:

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

GENERAL ORDINANCE NO. 51, 1970

. . . to amend Title 4, Chapter 6, Section 4-602, of the Municipal Code, One-Way Streets and Alleys.

SPECIAL RESOLUTION NO. 8, 1970

. . . authorizing submission of a comprehensive City Demonstration Program by the chief executive officer of the City of Indianapolis to the Secretary of the U. S. Department of Housing and Urban Development.

Respectfully submitted,

RICHARD G. LUGAR  
Mayor

April 27, 1970

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE  
CITY-COUNTY COUNCIL OF INDIANAPOLIS AND MARION  
COUNTY:

Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the Indianapolis New and the Indianapolis Commercial on April 10, 1970, and again on April 17, 1970, General Ordinance No. 51, 1970.

Respectfully submitted,

MARJORIE H. O'LAUGHLIN  
City Clerk

April 27, 1970

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE  
CITY-COUNTY COUNCIL OF INDIANAPOLIS AND MARION  
COUNTY:

Gentlemen:

Transmitted herewith are 28 copies of the following City-County Ordinances

APPROPRIATION ORDINANCE NO. 7, 1970, transferring \$53,-456.42 from the County General Fund to designated funds of Marion County Government, referred to the Committee on County & Townships on April 13, 1970.

DWIGHT L. COTTINGHAM,  
Councilman

APPROPRIATION ORDINANCE NO. 8, 1970, transferring \$393,116.00 from the City General Fund to the Indianapolis Model Cities Administration.

DONALD R. McPHERSON  
Councilman

GENERAL ORDINANCE NO. 84, 1970, concerning the operation of the Municipal Dog Pound, referred to the Committee on Public Safety on April 13, 1970.

WILLIAM A. LEAK  
Councilman

GENERAL ORDINANCE NOS. 85 & 86, 1970, amending Title 4 of the Municipal Code, referred to the Committee on Transportation on April 14, 1970.

WILLIAM K. BYRUM  
Councilman

GENERAL ORDINANCE NO. 87, 1970, concerning procedures of the City-County Council.

DONALD R. McPHERSON  
Councilman

GENERAL ORDINANCE NOS. 88 thru 93, 1970, rezoning ordinances, certified from the Metropolitan Development Commission on April 15, 1970.

HAROLD J. EGENES  
Councilman

APPROPRIATION ORDINANCE NO. 9, 1970, transferring \$11,909,752.60 from unexpended funds of the City of Indianapolis, Department of Transportation to Other Contractual Funds.

WILLIAM K. BYRUM  
Councilman

President Hasbrook called for the Introduction of New Ordinances.

## NEW ORDINANCES

## CITY-COUNTY APPROPRIATION ORDINANCES

## CITY-COUNTY APPROPRIATION ORDINANCE NO. 7, 1970.

Introduced by Councilman Cottingham :

AN ORDINANCE transferring, appropriating and reappropriating, and reallocating the sum of Fifty-three Thousand Four Hundred Fifty-six dollars and forty-two cents (\$53,456.42) from certain designated appropriations for the expenses of Marion County government and its institutions and from the unexpended, unencumbered and unappropriated balance of the County General Fund to other certain designated funds of Marion County government and its institutions as created by virtue of the Budget for 1970, City-County General Ordinance No. 2, 1969 (County Ordinance No. 11, 1969), as amended, declaring an emergency and fixing a time when the same shall take effect.

WHEREAS, certain extraordinary conditions have developed since the adoption of the existing 1970 Budget appropriations thereby creating emergencies which require the expenditure of funds in addition to those appropriated in the annual budget for Marion County government and its institutions, and

WHEREAS, there are unexpended funds appropriated for certain departments and offices of Marion County which may be transferred without detriment, and

WHEREAS, there are available unexpended, unencumbered, and unappropriated monies in the County General Fund in sufficient amount to make up the deficit between transfer funds and emergency needs;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND MARION COUNTY:

Section 1. That the sum of Fifty-three Thousand Four Hundred Fifty-six dollars and forty-two cents (\$53,456.42) be and the same is hereby transferred from the appropriations shown below under the heading REDUCE and from the unexpended, unappropriated County General Fund, and the same is hereby appropriated to the departments shown below under the heading INCREASE as follows, to-wit:

<u>REDUCE</u>	<u>TAX LEVY</u>
PRESIDING JUDGE MUNICIPAL COURT	
100 Services Personal	\$ 1,000.00
Total Reduction in Appropriation	\$ 1,000.00
Reduce unappropriated County General Fund	<u>\$52,456.42</u>
Total Reduction	\$53,456.42

<u>INCREASE</u>	<u>TAX LEVY</u>
PRESIDING JUDGE MUNICIPAL COURT	
200 All other operating expenses	\$ 200.00
600 Properties	800.00
COUNTY COMMISSIONERS	
200 All other operating expenses	\$30,000.00
400 Current changes	<u>22,456.42</u>
Total Increases	<u>\$53,456.42</u>

Section 2. This ordinance shall be in full force and effect from and after its passage, and publication as required by law.

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

CITY-COUNTY APPROPRIATION ORDINANCE NO. 8, 1970

Introduced by Councilman McPherson:

AN ORDINANCE transferring, appropriating, reappropriating, and reallocating the sum of Three Hundred Ninety-three Thousand One Hundred Sixteen Dollars (\$393,116.00) from the unappropriated and unencumbered general funds of the City of Indianapolis, Indiana, to certain Budget categories and items created by City-County General Ordinance No. 2, 1969 (County Ordinance No. 11, 1969), as amended, for the use of the Model Cities Administration in Indianapolis, Indiana, for a 90-day interim budget, Three Hundred Fifty-five Thousand Two Hundred Thirty Dollars (\$355,-

230.00) of which shall be reimbursed by such Model Cities Administration to such general funds upon receipt of funds from the United States Department of Housing and Urban Development, amending for this purpose the Budget for 1970, City-County General Ordinance No. 2, 1969 (County Ordinance No. 11, 1969), as amended, declaring an emergency and fixing a time when the same shall take effect.

WHEREAS, certain extraordinary conditions have developed since the adoption of the existing 1970 Budget appropriations thereby creating emergencies which require the expenditure of funds in addition to those appropriated in the annual budget for the Marion County government and its institutions, and

WHEREAS, there are unexpended funds appropriated for certain departments and offices of the City of Indianapolis and Marion County which may be temporarily appropriated without detriment, and

WHEREAS, there are available unexpended, unencumbered, and unappropriated monies in the City General Fund in sufficient amount to make up the emergency needs;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY:

Section 1. That the sum of Three Hundred Ninety-three Thousand One Hundred Sixteen Dollars (\$393,116.00) be and the same is hereby appropriated from the unappropriated and unencumbered general funds of the City of Indianapolis to the following Budget categories and items, which are hereby added to the Budget for 1970, City-County General Ordinance No. 2, 1969, as amended, to-wit:

REDUCE:

Unappropriated, unencumbered and unexpended city general funds

BUDGET CATEGORY	CITY'S SHARE	MODEL CITIES	TOTAL
(1) Personnel (non-citizen participation)	\$13,323.00	\$ 53,290.00	\$ 66,613.00



(1A)	Personnel (Citizen participation)	—	48,688.00	48,688.00
(2)	Consultants, Contract service	2,500.00	10,000.00	12,500.00
(3)	Travel	630.00	2,520.00	3,150.00
(4)	Space	240.00	960.00	1,200.00
(5)	Supplies	1,308.00	5,520.00	6,900.00
(6)	Equipment (Purchase, lease, etc.)	2,860.00	11,440.00	14,300.00
(7)	Telephone-Utilities	800.00	3,200.00	4,000.00
(8)	Citizen Participation	—	15,000.00	15,000.00
(9)	F.I.C.A.	1,153.00	4,612.00	5,765.00
(10)	Program Evaluation	15,000.00 (1)	—	15,000.00
Totals-Program administration		\$37,886.00	\$155,230.00	\$193,116.00
(1)	Department of Metropolitan Development contribution-CDA Information System Contract			
(11)	(2) Relocation Activity	—	200,000.00	200,000.00
Totals-Projects/Activities		—	200,000.00	200,000.00
(2) Separate Budget (Attached)				
GRAND TOTALS		\$37,886.00	\$355,230.00	\$393,116.00

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

Which was read for the first time and referred to the Special Committee on Model Cities.

CITY-COUNTY APPROPRIATION ORDINANCE NO. 9, 1970

Introduced by Councilman Byrum:

AN ORDINANCE transferring and appropriating the sum of Eleven Million Nine Hundred Nine Thousand Seven Hundred Fifty-two

Dollars and Sixty Cents (\$11,909,752.60) from the unexpended, unencumbered and unappropriated funds of the City of Indianapolis, Department of Transportation to Other Contractual, declaring an emergency and fixing a time when the same shall take effect.

WHEREAS, certain extraordinary conditions have developed since the adoption of the existing 1970 Budget appropriations thereby creating emergencies which require the expenditure of funds in addition to those appropriated in the annual budget for the City of Indianapolis, Department of Transportation, and

WHEREAS, there are available unexpended, unencumbered, and unappropriated monies in the City of Indianapolis, Department of Transportation, in sufficient amount to meet the emergency needs.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY:

Section 1. That the sum of Eleven Million Nine Hundred Nine Thousand Seven Hundred Fifty-two Dollars and Sixty Cents (\$11,909,752.60) be and the same is hereby transferred from the unexpended unappropriated funds of the City of Indianapolis, Department of Transportation, and the same is hereby appropriated to the Account shown below under the heading INCREASE as follows, to wit:

Reduce Unappropriated Fund	\$11,909,752.60
<u>INCREASE</u>	<u>TAX LEVY</u>
Other Contractual	\$11,909,752.60

Section 2. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and publication as required by law.

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

CITY-COUNTY GENERAL ORDINANCES

CITY-COUNTY GENERAL ORDINANCE NO. 84, 1970

Introduced by Councilman Leak:

AN ORDINANCE concerning the operation of the Municipal Dog Pound.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

ARTICLE I

Title and Definitions

Section 1. Title. This ordinance shall be known as the "Animal Control Ordinance of 1970."

Section 2. Definitions. As used in this ordinance, the following words and phrases have the following meanings:

a. Animal: Any living, non-human vertebrate creature.

b. Animal Exhibition: Any display of or contest involving dogs, cats, exotic or non-domestic animals open to spectators, and any display of or contest involving other domestic animals, which contest or display is primarily for the purpose of attracting persons to a commercial establishment to purchase items other than the animals on display or involved in the contest.

c. At Large: An animal is "at large" when not (1) on the property of its owner, (2) under control of a competent human being, and (3) confined without means of escape in a pen, corral, yard, cage, vehicle or other secure enclosure.

d. City: The Consolidated City of Indianapolis. "Within the City" means within the territorial limits of the Consolidated City, as defined in Acts 1969, ch. 173, §102(f), being Burns Ind. Stat.

§ 48-9102(f) (Cum. Supp.) and successor provisions thereto and in effect from time to time.

e. Department of Public Safety: The Department of Public Safety of the City.

f. Domestic Animals: Cattle, horses, mules, swine, sheep, goats, dogs, cats and poultry.

g. Exotic Animal: Any animal, other than aviary bred birds, tropical fish and fur bearing animals commercially bred for the furrier trade, whose normal native habitat is not indigenous to the continental United States, excluding Alaska.

h. Exposed to Rabies: An animal has been exposed to rabies if it has been bitten by or in contact with any animal known or reasonably suspected to have been infected with rabies.

i. Kennel: A facility operated commercially wholly or partly for the purpose of boarding, housing, grooming, breeding or training dogs or cats, or both.

j. Own: To keep, harbor or have custody, charge or control of. For purposes of this ordinance, an "owner" of an animal shall include any person who owns such animal. Veterinarians and operators of kennels, pet shops and stables temporarily keeping animals owned by or held for sale to other persons shall not be deemed for purposes of this ordinance to own or be owners of such animals, but, rather, "keepers" of animals.

k. Pet: An animal obtained or kept by its owner solely for purposes of enjoyment, companionship, safety or other non-commercial purposes.

l. Pet Shop: A facility operated commercially wholly or partly for the purpose of selling animals which in the hands of their immediate purchasers will be pets.

m. Person: Any individual, corporation, partnership or other association or organization, excluding police, the United States or State armed forces and other such governmental agencies.

n. Rodeo: Public entertainment provided by the riding or lassoing of broncos, horses, steers, bulls, calves, and the like.

o. Safety Board: The Board of Public Safety of the Department of Public Safety of the City.

p. Spayed Female. A female animal that is, or has been rendered by surgery performed by a veterinarian, physically incapable of conceiving offspring.

q. Stable: A facility operated commercially wholly or partly for the purpose of boarding, housing or training horses or ponies owned by other persons or renting horses or ponies for riding or use by other persons.

r. State: State of Indiana.

s. Veterinarian: A person authorized by law to practice veterinary medicine in the State.

t. Wild Animal: Any non-domestic animal living in a state of nature and whose native habitat is indigenous to any area of the continental United States, excluding Alaska, excepting, however, fur bearing animals commercially bred for the furrier trade.

ARTICLE II

Licenses and Permits

Section 3. Privileges Regulated. It shall be unlawful for any person to:

a. Own within the City any dog six months of age or older unless a current Dog License issued by the City has been obtained by such person;

b. Own or operate a kennel, pet shop or stable within the City unless a Kennel, Pet Shop, or Stable License, respectively, issued by the City is first obtained and a current license thereafter is maintained; or

c. Own, operate, sponsor or conduct an animal exhibition or rodeo within the City unless an Animal Exhibition or Rodeo Permit, respectively, issued by the City is first obtained for such exhibition or rodeo.

The provisions of subsection 3(b) shall be applicable to kennels operated by a veterinarian as a part of his veterinary medical clinic.

Section 4. Licenses and Permits Generally. Each person required to obtain a license or permit, under the provisions of Section 3, shall apply for such license or permit on forms provided by the Department of Public Safety, and pay the applicable fee, as herein-after set out, to the Department of Public Safety or its agents. Each Kennel, Pet Shop and Stable License shall expire twelve (12) months from the date of its issuance and require prior to its issuance or renewal payment of a fee in the amount of \$50.00. Animal Exhibition and Rodeo Permits shall be effective only for the period specified in such permit, not to exceed thirty (30) days. The fee for each such permit shall be \$50.00 for each day of the permitted animal exhibition or rodeo. Dog licenses shall be issued upon application and payment of fees in the following amounts, subject to adjustment under the provisions of Section 5:

Male or spayed female dog ----- \$ 3.00

Unspayed female dog ----- 10.00

Dog licenses shall expire in accordance with the provisions of Section 5 and not more than twelve (12) months after their issuance. Any person contracting with the Department of Public Safety to accept on behalf of said Department applications and fees for dog licenses may add a \$0.50 service charge to the applicable fee for each such license, which \$0.50 charge may be retained by such contractor to help defray the expense of rendering such service. All fees so collected, less the \$0.50 service charge, if any in the case of dog licenses, shall be promptly remitted to the Finance Division of the Department of Administration of the City. Owners of leader dogs for the blind shall comply with all license requirements contained herein, but shall be exempt from the fee requirements herein set out. All licenses must be renewed, by appropriate application and payment of fees, as set out in this ordinance, to the Department of

Public Safety or its agents prior to the expiration dates of such licenses. A license or owner of licensed dog renewing a license more than thirty (30) days after the expiration of the most recently expired licensed owned or held by him may obtain a license only upon payment of the full amount of the applicable license fee, without regard to the time remaining prior to the expiration of the license being obtained, plus a "late filing" penalty in the amount of fifty percent (50%) of such fee.

Section 5. Dog Licenses. Applications for dog licenses shall state the name and address of the owner of the dog, the dog's breed, color, sex and age, and be accompanied by a certificate of rabies vaccination by a veterinarian within the immediately preceding twelve (12) months. Owners of dogs shall apply for dog licenses during the following months of each calendar year, or within thirty (30) days after obtaining such dog or becoming a resident of the City while owning a dog to reside within the City for a period longer than thirty (30) days:

- a. Owners whose last names begin with the letters A through C: January and February;
- b. Owners whose last names begin with the letters D through H: March;
- c. Owners whose last names begin with the letters I through N: April;
- d. Owners whose last names begin with the letters O through S: May;
- e. Owners whose last names begin with the letters T through Z: June.

Dog license fee for any owner of a dog licensing such dog within the City for the first time but in a month other than a scheduled month, under the foregoing schedule, shall be 50% of the applicable fee under Section 3 if on the day of application for the license less than six (6) months remain prior to the last date on which such person is required under the foregoing schedule to relicense such dog. Upon the issuance of a dog license, a durable license tag shall be issued, which tag shall be with the dog at all times. It shall be

unlawful for a person other than the owner of the dog or the City, its Departments, agents or employees, to remove such tag. The death of a dog within the City shall be reported by its owner or a person finding such dog to the Department of Public Safety, together with the dog's license tag number, if any. Any person so reporting may request the removal of such dog by the Department which shall promptly comply with such request.

Section 6. Animal Exhibition Permits. Applications for Animal Exhibition Permits shall:

- a. Describe the kind and number of animals to be on exhibition or involved in the contest, and the sites and dates of the events; and
- b. Contain such information as may be required under regulations of the Department of Public Safety and a sworn statement by the applicant that the provisions of Section 21 will be complied with at all times.

No such permits shall be issued until the applicant completes the required application and pays the applicable fees.

Section 7. Rodeo Permits. Applicants for Rodeo Permits shall:

- a. Describe the dates and sites of the rodeo and kind and number of animals to be used;
- b. Be accompanied by an accurate drawing showing the location and size of the arena, chutes and pens, a list of events and a copy of the proposed rules to govern the rodeo;
- c. Set forth the name and address of the veterinarian who will be present during the rodeo;
- d. Contain such other information as may be required under regulation of the Department of Public Safety and a sworn statement by the applicant that the provisions of Section 22 will be complied with at all times.

No such permit shall be issued until the applicant completes the required application and pays the applicable fees.



Section 8. Transfer and Display of Licenses and Permits. Any unexpired Kennel, Pet Shop or Stable License is transferable upon written notification to the Department of Public Safety or its agents of the transferee's name and address, the date the license was issued, license number and the payment of a transfer fee of \$1.00. Animal Exhibition and Rodeo Permits are not transferable. All Kennel, Pet Shop and Stable Licenses and all Permits shall at all times be displayed prominently in the business office of the kennel, pet shop or stable, or at the site of such animal exhibition or rodeo, as the case may be.

Section 9. Indianapolis Zoo. The licensing and permit provisions of this Article shall not apply to the Indianapolis Zoo, located at 3120 East 30th Street, Indianapolis, Indiana.

Section 10. Administration of Licensing Procedure. The Department of Public Safety shall and is authorized to adopt such forms for licenses and permits and applications therefor, and such additional procedures, including the employment of agents, respecting licenses and permits as are consistent herewith and necessary or desirable in effecting an efficient and just administration of the provisions of this Article.

Section 11. Effective Date. The effective dates of the licensing and permit provisions of this Article II shall be January 1, 1971. All kennel, pet shop and stable licenses issued prior to that date shall be dated January 1, 1971.

### ARTICLE III

#### Restraint and Impoundment of Animals

Section 12. Animals at Large, Restraint and Reporting. Keepers and owners of animals shall not permit any animals as are kept or owned by them, as the case may be, to be at large within the City. All female animals in heat shall be confined in a secure enclosure and in such a manner as not to become a nuisance. The keeper or owner of a fierce or dangerous or vicious animal shall not permit such animal to leave its enclosure unless the animal is securely muzzled or caged. All persons taking up any animal at large within the City shall notify the Department of Public Safety or one of its agents within forty-eight (48) hours thereafter. A person whose

motor vehicle strikes a domestic animal within the City shall promptly report such occurrence to the Department of Public Safety, together with a description of the animal struck, the location of the striking and an estimate as to the condition of the animal after the striking. Such person shall not be required to report his name, as the only purpose of this requirement is to aid the stricken animal and notify its owners, if any.

Section 13. Impoundment and Disposition of Animals. Animals found at large in violation of Section 12 shall be captured and impounded. Animals so impounded shall, if claimed by their owners, be returned to such owners upon compliance with the provisions of Section 14. If not claimed by their owners, such animals shall be confined by the impounding authority in a humane manner for a period after capture of not less than three (3) days. Thereafter, animals not so claimed may be kept or otherwise disposed of, in the discretion of the impounding authority, but consistent with such provisions as the Safety Board or Department of Public Safety shall make regarding the capture, impounding, sale and destruction of animals.

The City may contract with a person, or any number of persons, for the disposal of animals impounded and unclaimed for longer than three (3) days, and any animals transferred to a person so contracting with the City shall thereafter be the property solely of such contractor. Such contract or contracts may provide for the retention by the contractor of any funds received in payment for animals sold to other persons, in order to help cover such contractor's expenses of rendering its services. No animals, however, shall be disposed of by any such contractor for purposes of experimentation by use of such animals. Further, no unspayed female dog or cat shall be sold or given away unless the prospective owner shall agree at his expense to have such female spayed. Notwithstanding the foregoing, injured or diseased animals need not be retained three (3) days, but may be disposed of at any time in the discretion of the impounding authority. When the owner of a captured animal is known, such animal need not be impounded, but may be released to its owner upon payment of any applicable fees and fines, under the provisions of this ordinance, and the application for a license, if required. Upon the impounding of an animal, a reasonable attempt to notify and inform the owner of such animal of the requirements for regaining custody of the animal shall be made. Notwithstanding the foregoing, an animal impounded for being a nuisance shall be

returned to its owner only if the impounding authority determines that such owner can and will control such animal in such a way as not to be a nuisance. If the impounding authority concludes that such owner cannot or will not control his animal so as not to be a nuisance, the impounding authority shall dispose of such animal in the same manner as if such animal were unclaimed for three (3) days or more.

Section 14. Release to Owners of Impounded Animals. The owner of an impounded dog may obtain the release of such dog upon compliance with the license provisions of Section 5 and such other applicable provisions as the Safety Board may impose, and the payment of the applicable impoundment fee and any other fees and fines as are applicable. Any other impounded animal may be reclaimed by its owner upon the payment of the applicable impoundment fee and any other applicable fees and fines. However, any impounded animal not reclaimed by its owner within three (3) days after its capture may be disposed of by the impounding authority, pursuant to Section 13.

Section 15. Impoundment Fees. Impoundment fees for animals impounded shall be \$3.00 for each dog, plus \$2.00 for each day of impoundment or fraction thereof; \$1.00 for each cat or other small animal, plus \$0.50 for each day of impoundment or fraction thereof; and \$20.00 for any large animal, other than a dog, plus \$2.00 for each day of impoundment or fraction thereof. Impoundment fees shall be collected by and paid to the impounding authority, which shall remit such funds to the Division of Finance of the Department of Administration of the City. However, if the impounding authority in a particular case is a person contracting with the City to render impounding services, such fees may be retained by and as the property of such person as part or all of its charges for rendering such services if the contract so provides.

Section 16. Impounding Authority. The impounding authority for purposes of this Article III shall be the Department of Public Safety, its contractors, agents, employees and designees.

#### ARTICLE IV

##### Animal Care

Section 17. Care and Treatment of Animals Generally. Every

owner of an animal within the City shall see that his animal or animals:

- a. Are kept in a clean, sanitary and healthy manner;
- b. Have proper and adequate food, water, shelter and ventilation, including quarters that are protected from excessive heat and cold and are of sufficient size to permit the animal to exercise and move about freely;
- c. Are protected against abuse or mistreatment;
- d. If diseased or injured, receive proper care and, if diseased, are segregated from other animals so as to prevent transmittal of the disease;
- e. Are maintained in compliance with all applicable federal, state and local laws and all regulations respecting animal care and control as are adopted by the Department of Public Safety and in effect from time to time.

Section 18. Kennels. All kennels within the City shall:

- a. Be operated in such a manner as not to constitute a nuisance;
- b. Provide an isolation ward for sick or diseased animals boarded sufficiently removed so as not to endanger health of other animals;
- c. Retain the name, address and telephone number of the owner and the license number of each dog boarded;
- d. Retain the name and address of each person selling, trading or giving any animal to the kennel;
- e. Keep all boarded animals caged or under control of the owner or operator of the kennel;
- f. With respect to all animals in the kennel whether or not owned by the kennel, comply with all provisions of Section 17;

g. Comply with all applicable federal, state and local laws and all regulations respecting kennels as are adopted by the Department of Public Safety and in effect from time to time.

Section 19. Pet Shops. All pet shops within the City shall:

a. Be operated in compliance with Section 18(a), (b) and (e), the same as if those sections expressly applied to pet shops;

b. With respect to all animals in the pet shop, comply with all provisions of Section 17;

c. Not sell animals which are unweaned or so young or weak that their sale would be injurious to them;

d. Not sell chicks, ducklings or rabbits;

e. Comply with all applicable federal, state and local laws and all regulations respecting pet shops as are adopted by the Department of Public Safety and in effect from time to time.

Section 20. Stables. All stables within the City shall:

a. Be operated in compliance with the provisions of Section 18(a), (b) and (e), the same as if those sections expressly applied to stables;

b. With respect to all animals in the stable, comply with all provisions of Section 17;

c. Comply with all applicable federal, state and local laws and all regulations respecting stables as are adopted by the Department of Public Safety and in effect from time to time.

Section 21. Animal Exhibitions. No animal exhibition within the City shall occur in which any animal is exhibited, paraded, or allowed to participate in a contest:

a. Under conditions which may be injurious to such animal or the public or public decency;

b. Unless all applicable federal, state and local laws and all regulations respecting animal exhibitions adopted by the Department of Public Safety and in effect from time to time are complied with fully; and

c. Unless an Animal Exhibition Permit is first obtained, pursuant to Section 6.

Section 22. Rodeos. No rodeo within the City shall occur:

a. Unless a Rodeo Permit is first obtained pursuant to Section 7;

b. Unless a licensed veterinarian is in attendance at all events; and

c. Unless all applicable federal, state and local laws and all regulations respecting rodeos adopted by the Department of Public Safety and in effect from time to time are complied with fully.

No person operating, sponsoring or participating in a rodeo shall directly or indirectly, or by aiding, abetting, or permitting the doing thereof:

d. Place, fasten, use or fix any bucking or flank strap, electric or other prods, or similar devices, upon or to any animal used or to be used in any rodeo; or

e. Use or ready for use in a rodeo any animal upon or to which any bucking or flank strap, electric or other prods, or similar devices have been put, placed, fastened, or used.

Section 23. Fights Prohibited. Fights commonly known as "cock fights," "bull fights," "greased pig fights," and "coon-on-a-log" shall be prohibited within the City. It shall also be unlawful for any person to incite or set any animal to fighting within the City.

ARTICLE VRabies Control

Section 24. Precautionary Measures and Individual Animal Quarantine. A captured animal known to have bitten a person shall be quarantined for such period as is specified in such cases by the Health and Hospital Corporation of Marion County, Indiana. In the sole discretion of the quarantining authority, such quarantine may be on the premises of the owner, at the City animal shelters or those of its contractors, if any, or, at the owner's expense, in a veterinary hospital. The owner of an animal, which animal is suspected by the quarantining authority of having bitten a person or been exposed to rabies, shall promptly surrender such animal upon demand by said authority for purposes of quarantine and observation at the expense of the owner of the animal.

Section 25. Finding of Rabies and General Quarantine. When a quarantined animal which has been found rabid, or is suspected of being rabid by a licensed veterinarian and dies while under observation, the quarantining authority shall take such action as is specified in such cases by the State Board of Health and shall notify the proper health officials of reports of human contacts made by and the diagnosis made of such animal. When such a rabies report is made, the quarantining authority shall recommend to the Department of Public Safety a quarantine within the City for a period of thirty (30) days. Upon invocation of such quarantine by the Department of Public Safety, any animal found at large within the City may be destroyed without being impounded. During such quarantine period, every animal bitten by an animal adjudged to be rabid shall be confined, at the owner's expense, or destroyed as specified by the State Board of Health.

Section 26. Disposal of Rabid Animals. The quarantine authority shall dispose of any animal suspected by it of being infected with rabies in accord with the rules and regulations of the State Board of Health.

Section 27. Reports by Veterinarians. Every veterinarian within the City shall report to the Authority animals suspected by him of being rabid.

Section 28. Quarantining Authority. The quarantining authority for purposes of this ordinance shall be the Department of Public Safety, its contractors, agents, employees and designees.

## ARTICLE VI

### Penalties, Fines, Enforcement Officers

Section 29. Failure to Have License. Any person failing to comply with the licensing provisions of Article II shall be guilty of a misdemeanor, punishable by, in addition to a requirement to obtain the appropriate license or licenses, fines for each unlicensed dog as follows:

a. Failure to have dog license:

First Offense	Second Offense	Third Offense
\$5	\$10	\$20

(All successive offenses thereafter shall be punishable by fines for each unlicensed dog in amounts equal to \$10 times the number of such offenses committed by such person, including the first three offenses.)

b. Failure to have Kennel, Pet Shop or Stable License:  
\$10 times each day of delinquency.

Section 30. Animals Found at Large. The owners of animals found at large, in violation of Section 12, shall be guilty of a misdemeanor, punishable by fines with respect to each such animal found at large as follows:

First Offense	Second Offense	Third Offense
\$5	\$10	\$20

(All successive offenses thereafter shall be punishable by fines for each dog found at large equal to \$10 times the number of such offenses committed by such person, including the first three offenses.)



Section 31. Rabies Control Violations. During a rabies quarantine declared by the Department of Public Safety, an owner or keeper of an animal resisting the quarantining authority acting under Section 24 or who permits an animal owned or kept by him to be at large within the City shall be guilty of a misdemeanor, punishable by a fine not to exceed \$500 and impoundment of the animal suspected of rabies or in violation of the rabies quarantine. An owner of a dog which does not have a rabies vaccination more recent than one year shall be guilty of a misdemeanor punishable by a fine in the following amounts plus the expense to the quarantining authority of procuring for such animal a current rabies vaccination:

First	Second	Third
Offense	Offense	Offense
\$10	\$25	\$50

(Fines for all successive offenses thereafter shall be in the amount of \$50 times the number of offenses, including the first three offenses.)

Section 32. Violations of Kennel, Pet Shop, Stable, Rodeo and Animal Exhibition and Care Provisions. Persons violating any of the provisions of Sections 18 through 22 shall be given written notice of the practices or conditions which violate this ordinance. The Enforcing Authority may suggest remedies where appropriate and allow the persons notified such time as such Authority deems reasonable to comply with said provisions. Thereafter, in the event of non-compliance, the license or permit of such noncomplying kennel, pet shop, stable, animal exhibition or rodeo shall be revoked. Persons not operating a kennel, pet shop or stable, and who violate any of the provisions of Section 17 shall be given written notice of the practices or conditions which violate the ordinance. The Enforcing Authority may where appropriate suggest remedies. Upon any subsequent failure to comply with Section 17 for reasons specified in the written notice, such persons shall be deemed guilty of a misdemeanor, punishable by a fine of not less than \$25, nor more than \$250.

Section 33. Animal Exhibition and Rodeo Permits. In addition to legal restraint obtained in any court having jurisdiction, a person owning, operating or sponsoring a rodeo or animal exhibition within the City without a current permit shall be deemed guilty of a misdemeanor, punishable by fine of \$50 for each day of such delinquency.

Whoever violates any provisions of Section 22(d) or (e) shall be guilty of a misdemeanor and shall be fined not less than \$100 nor more than \$1,000.

Section 34. Enforcing Authority. The enforcing authority for purposes of this ordinance shall be the Department of Public Safety, its contractors, agents, employees and designees. Persons individually charged with the enforcement of this ordinance shall be designated "Humane Officers" and shall be deputized as such by the Consolidated City Police Force of the City and Sheriff of Marion County. Such officers shall have full power to enforce all provisions of the ordinance, including the right of "hot pursuit" to proceed upon public and private property within the City in pursuit of animals in violation of this ordinance. Any person interfering with a humane officer in the performance of his duties shall be guilty of a misdemeanor, punishable by a fine of not less than \$50, nor more than \$500.

## ARTICLE VII

### Repeals and Severability

Section 35. Repeals. The following City ordinance: Title 3, Sections 3-304 through 3-308; Title 7, Section 7-202(2), No. 9 as it affects animal exhibitions, and No. 15; Title 10, Sections 10-103, 10-104, 10-108 through 10-110, 10-114, and 10-116, as amended; and all other City ordinances, or parts thereof, in conflict herewith are hereby repealed.

Section 36. Severability. If any part of this ordinance is held void for any reason, such part shall be deemed severable, and the invalidity thereof shall not affect the remaining parts of this ordinance.

## ARTICLE VIII

### Municipal Dog Pound Division

Section 37. Organization and Powers. The Municipal Dog Pound Division of the Department of Public Safety shall consist of the Director of the Department of Public Safety, who shall be the chief executive and administrative officer of the Division, and such other persons as said Director shall deem necessary and appoint or employ.

Whenever under this provision of this ordinance, the Department of Public Safety is directed or authorized to act, it shall be deemed to be acting as its Municipal Dog Pound Division. Said Division shall have power to employ any person to render such services as are necessary and desirable in the operation of the municipal dog pound. Contracts for such services, however, shall be entered into by the City or the Safety Board on behalf of the Municipal Dog Pound Division.

ANIMAL CARE AND CONTROL

SERVICES CONTRACT

THIS AGREEMENT, entered into this first day of \_\_\_\_\_, 1970, by the Indianapolis Humane Society ("Society"), a not-for-profit Indiana corporation, and the Consolidated City of Indianapolis, Indiana ("City"), a municipal corporation, for and on behalf of the City, its Department and Board of Public Safety and the Municipal Dog Pound Division of said Department, WITNESSES THAT:

WHEREAS, the City now operates a municipal dog pound, located at 2501 South Belmont Street ("City Pound"), through its Department and Board of Public Safety ("Board"), which Board is charged with the responsibility of making provisions to maintain a municipal dog pound; and

WHEREAS, the City and its Department of Public Safety deem it necessary and in the interests of public health, safety and welfare to have effective control of animals and persons dealing with animals within the City; and

WHEREAS, the Board desires to employ the Society to manage the City Pound, and the City desires to employ the Society to render other services in order to maintain effective control of animals within the City; and

WHEREAS, the Society is willing to manage the City Pound and perform other services in connection with animal care and control within the City:

NOW, THEREFORE, in consideration of the premises, the mutual promises and obligations hereinafter set out, and the payments to be made to the Society, the City agrees to employ the Society

to manage the City Pound and perform certain other services, hereinafter described, throughout the area of the Consolidated City, and the Society agrees to manage the City Pound and perform those services, subject to the following terms and conditions, to all of which the parties agree:

1. Term. The term of this Agreement ("Term") shall commence on the date of this Agreement and terminate upon ninety (90) days' written notice of termination given by either party.
2. City Pound. Within thirty days from the date of this Agreement, the Society, for the purpose of managing the City Pound and maintaining proper housing and care for lost, stray or homeless animals, shall take custody of the City Pound and all files, vehicles, appliances, furniture, machinery and other equipment used in connection therewith and described in the attached list ("Exhibit A"). Such property shall remain property of the City, however, and shall not be deemed sold, exchanged, or otherwise disposed of. The Society shall maintain such building, equipment and other property in a reasonable state of repair during the Term. The foregoing duty shall not apply to equipment which becomes obsolete and which the Society desires to replace, at its expense, or equipment which wears out. Nor shall the Society be under any obligation to make at its expense any capital addition to or replacement of buildings of the City Pound.
3. Payments. On the first day of each month, beginning \_\_\_\_\_ 1, 197—, the City shall pay to the Society, by check drawn on City funds, payable to the order of Indianapolis Humane Society, an amount equal to one-twelfth (1/12) of the product of Thirty-three Cents (\$0.33) times the human population within the Consolidated City as reported in the last decennial United States census preceding the date of payment, adjusted to reflect known population changes since the taking of such census. For purposes of this Agreement, the City's population on this date is deemed to be \_\_\_\_\_. In addition, the Society in payment for services to be rendered hereunder, shall retain for its own uses:
  - a. All impoundment fees collected by it during the Term, whether the animals are impounded by the Society at the City Pound or another shelter operated by the Society;

- b. Contributions received in the adoption of animals under Section 5; and
- c. Any service charge received in the acceptance of applications and fees for dog licenses.

All such impoundment fees and service charges, however, shall be in amounts set by ordinance of the City and in effect from time to time.

- 4. Animal Regulations Laws and Impoundment of Animals. The Society will obey and assist in the enforcement of all animal ordinances and regulations of the City and its Department and Board of Public Safety, including, but not limited to, those relating to rabies control, animals at large, animal care, the licensing of dogs, kennels, stables and pet shops, the issuance of permits for animal exhibitions and rodeos and operations at the City Pound. The Society will provide at the City Pound and any other animal shelter maintained by it for purposes of this contract proper food, water, shelter and other humane treatment for animals impounded by it.
- 5. Disposition of Animals. The Society shall obey all City ordinances respecting the disposition of animals, impounded or otherwise. When an animal has been impounded by the Society, the Society shall make a reasonable effort, but without duty to incur expense, to ascertain the owner of such animal. If such owner is or becomes known to the Society, the Society shall notify such person, by certified mail to the address listed for such person in the then current edition of the public telephone directory, of the impoundment of and procedure for recovering the animal. If such animal is unclaimed by such owner for more than four days after the mailing of such notice, or if the owner or keeper of an animal is not discovered by the Society within three days after initial impoundment and the animal is unclaimed during that period, the Society may thereafter dispose of such animal as its own and in such manner as the Society deems best, including the permanent placement of such animal with a suitable owner. Any funds the Society shall receive through such placement with a person other than its owner may be retained by the Society, pursuant to Section 3.

6. Society's Pounds. As space permits, the Society will utilize other animal shelters operated by it for the purpose of performing its duties hereunder, including the impounding of lost or stray animals.
7. Rabies Control. The Society will investigate reports of persons or animals bitten by an animal in the City. When such animal is apprehended by the Society and suspected of rabies, the Society will obtain a clinical report on that animal from a licensed veterinarian. Where an animal is suspected of death by rabies, the Society, upon obtaining possession of such animal, will take such action as is specified by the State Board of Health and will notify the Department of Public Safety and such other health officials as are required or appropriate. When an animal has bitten a person and is suspected of rabies, the Society will provide for containment of that animal for such period as is specified by the Health and Hospital Corporation of Marion County. When such animal is owned, it shall be confined for said period at the direction of the Society and expense of the owner of the animal.
8. Mistreatment of Animals. The Society will investigate reports of mistreatment of animals or other violations of City ordinances and regulations concerned with animals and when warranted by the facts, will seek appropriate legal remedies, including, but not limited to the prosecution of persons violating such ordinances or regulations, revocation of licenses and permits and impoundment of animals.
9. Licenses, Fees and Records. The Society will assist in the issuing of all licenses, tags and permits in connection with animals within the City and in the collection of fees, and it shall remit promptly to the City all fees, except those which it is authorized to retain under Section 3, and fines collected by it in the performance of its duties. The Society shall maintain accurate accounts of all fees collected and animals impounded and promptly after the end of each year, submit to the City complete and accurate reports thereof. The Society will keep such other records as the parties shall agree upon.
10. Rescue of Animals. The Society shall, to the extent that it is capable, rescue any injured animal or animal trapped or other-

wise unnaturally restrained and be responsible for providing humane treatment of the same.

11. Humane Education. The Society will initiate and maintain a program of humane education designed to promote the proper care and treatment of animals and to stimulate public support for such treatment and the enforcement of City ordinances relating to animal control. This education program will be conducted by the Society, under its control and direction.
12. Liability Insurance. The Society shall maintain insurance in the amount of \$100,000 insuring against all claims, demands, or other causes of action arising against it or the City in the performance of its duties hereunder and shall, at its expense, cause to be bonded all of its employees and agents who, in the exercise of their duties, collect and have custody of public funds.
13. Nonassignability of Contract. The Society shall not assign this contract or any of its duties hereunder or interests herein without the written consent of the City.
14. Deputization of Agents. The City shall deputize the qualified agents of the Society, vesting them with all necessary authority respecting the enforcement of City ordinances, rules and regulations relating to animal regulation and control.
15. Improvements. In the event of termination of this contract by either party, the City shall reimburse the Society for the cost to the Society of any permanent improvements made by it at its expense to the City Pound.
16. City's Power. The City retains full power and authority over matters concerning animals within the City, and the Society shall be deemed solely to be rendering services to the City by reason of this contract. All employees of the Society shall be employees of the Society and not employees of the City, and the City retains full power, in its discretion, to supplement or complement, with City employees or other agents, the services of the Society.

17. Legal Action. The City shall defend the validity of this contract with all due diligence should it be challenged by any legal action. The Society may, but shall be under no obligation, to assist in such legal defense.
18. Adverse Claims. Each party shall promptly send the other a copy of all notices and process received by it concerning any pending, impending or threatened claim, assessment, action or other matter which does or may, directly or indirectly, affect such other party. Either party may contest any such matter or action. In the event of such contest, the other party shall cooperate in every reasonable way (but without a duty to incur expense) in such contesting, including the execution to the party contesting said matter or action of appropriate consents and authorizations for such contest.

19. Notices. Until changed by notice, notices to the City shall be addressed to:

Director,  
 Department of Public Safety  
 City of Indianapolis  
 City-County Building  
 Indianapolis, Indiana 46204

Notices to the Society shall be addressed to:

Executive Director,  
 Indianapolis Humane Society  
 7929 Michigan Road, North West  
 Indianapolis, Indiana 46268

(Seal of City of Indianapolis)

INDIANAPOLIS HUMANE SOCIETY

By \_\_\_\_\_  
 President

CITY OF INDIANAPOLIS

By \_\_\_\_\_  
 Richard G. Lugar, Mayor



APPROVED, BOARD OF PUBLIC SAFETY

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Director

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Member

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Member

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Member

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Member

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Member

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President

Approved this \_\_\_\_ day of \_\_\_\_\_, 1970, by The City-County Council of The City of Indianapolis.

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

CITY-COUNTY GENERAL ORDINANCE NO. 85, 1970

Introduced by Councilman Byrum:

AN ORDINANCE to amend the Municipal Code of Indianapolis 1951, as amended, and more particularly Title 4, Chapter 7, Section 709, VEHICLES MUST STOP BEFORE ENTERING PREFERENTIAL STREETS, and fixing a time when the same shall take effect.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA

Section 1. That the Municipal Code of Indianapolis 1951, Title 4, Chapter 7, Section 709 thereof, VEHICLES MUST STOP BEFORE ENTERING PREFERENTIAL STREETS, be, and the same is hereby, amended, as follows:

Add.

Preferential  
Banta Road  
Mickley Avenue

Stop  
Derbyshire Road  
Beechway Drive

Section 2. This amendment shall be subject to the penalties as provided in Title 1, Chapter 6, Section 1-601, of the Municipal Code of Indianapolis 1951, as amended.

Section 3. 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 Transportation.

CITY-COUNTY GENERAL ORDINANCE NO. 86, 1970

Introduced by Councilman Byrum:

AN ORDINANCE to amend the Municipal Code of Indianapolis 1951, as amended, and more particularly Title 4, Chapter 7, Section 4-709 thereof, VEHICLES MUST STOP BEFORE ENTERING PREFERENTIAL STREETS, and fixing a time when the same shall take effect .

NOW, THEREFORE, BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA

Section 1. That the Municipal Code of Indianapolis 1951, Title 4, Chapter 7, Section 4-709 thereof, VEHICLES MUST STOP BEFORE ENTERING PREFERENTIAL STREETS, be, and the same is hereby, amended, as follows:

Change the following Paragraph:

Thirty-fourth Street from the east curb line of Sutherland Avenue to the west curb line of Emerson Avenue, except at the intersection of Thirty-fourth Street with Keystone Avenue and Sherman Drive.

To read as follows:

Thirty-fourth Street from the east curb line of Sutherland Avenue to the west curb line of Emerson Avenue, except at the intersections of Thirty-fourth Street with Keystone Avenue, Sherman Drive, and Orchard Avenue.

Section 2. This amendment shall be subject to the penalties as provided in Title 1, Chapter 6, Section 1-601, of the Municipal Code of Indianapolis 1951, as amended.

Section 3. 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 Transportation.

CITY-COUNTY GENERAL ORDINANCE NO. 87, 1970

Introduced by Councilman McPherson:

AN ORDINANCE amending Section 2-102, to provide for City-County Council meetings on the first and third Mondays in each month, adding Sections 2-203, through Section 2-205 creating the position of Manpower Commission and amending Sections 2-449 (b) and (c), Sections 2-459 and 2-452 (2) correcting drafting errors in said Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA

Section 1. Section 2-102 of City County General Ordinance No. 1, 1970, the Code of 1970 is hereby amended to read as follows:

Section 2-102. Regular meetings. Regular meetings of the Council shall be held monthly, on the first and third Mondays of each month, at six-thirty o'clock P. M., eastern standard time, in the Council Chamber or at such hour of whatever other standard time

zone may be hereinafter adopted for this state and city, and may be recessed to reconvene on succeeding days of the same week without necessity to call special meetings. Whenever by law or by generally prevailing local custom, daylight saving time is in effect in this city, such regular meeting hour, or any hour prescribed for any special meetings, shall be one hour earlier by standard time. At the hour fixed, the clerk shall call the roll, noting those present, and those absent. If the president be absent at the time of the first roll call, the vice-president shall call the Council to order; and if the latter is absent, any member of the Council may, upon motion, be called to the chair, and such chairman shall act as presiding officer until the arrival of the one entitled to preside.

Section 2. There is hereby added to the Code of 1970, General Ordinance No. 1, 1970, the following sections:

Section 2-203. Manpower Commissioner Appointment. There is hereby created in the Office of the Mayor, the position of Manpower Commissioner, to assist the Mayor in the development and utilization of manpower programs to the fullest extent possible. The Manpower Commissioner shall be appointed by and serve at the pleasure of the Mayor.

Section 2-204. Duties of Commissioner. It shall be the duty of the Manpower Commissioner to:

- (a) Identify gaps, needs, overlapping and duplication of existing efforts and provide guidance and direction to the several departments and agencies responsible for planning, developing, and implementing manpower programs to assure a coordinated City effort in achieving a comprehensive manpower program.
- (b) Maintain close liaison with federal efforts in the area of manpower to insure appropriate city participation in such programs as may be advantageously utilized; and
- (c) Enter into contracts and accept grants for the administration of experimental, demonstration, pilot and research projects as may contribute to the strengthening and refinement of the City's coordinated program. Such contracts shall be executed by and grants accepted by the Mayor.

Section 2-205. Personnel available to the Commissioner. In addition to the regular staff which may be made available to the Manpower Commission, the Commissioner is authorized to utilize;

- (a) Consultants as may be necessary and advantageous;
- (b) Personnel of other city agencies for such limited periods of time as may meet with the approval of the Mayor; and
- (c) Personnel of the government of the United States to the extent permitted by law.

Section 3. The following sections of the Code of 1970, General Ordinance No. 1, 1970, shall be amended to read as follows:

Section 2-449.

- (b) Fifteen Members of the Commission shall be appointed by the Mayor of the Consolidated City of Indianapolis, not more than eight of whom shall be members of the same political party, and each of whom shall be a resident of a different council district; provided, that members appointed initially and prior to the establishment of council districts as provided in sections 306 and 308 of Chapter 173 of the Acts of 1969 shall each be a resident of a different ward within the Fire Special Service District, as defined in Section 1234 (b) of such act, or a resident of a different township outside such Fire Special Service District. In making initial appointments to the commission, the mayor shall appoint five members (not more than three of whom shall be members of the same political party) for terms of three years, five members (not more than three of whom shall be members of the same political party) for terms of two years, and five members (not more than three of whom shall be members of the same political party) for terms of one year. Thereafter appointments shall be for three year terms.
- (c) Ten members of the commission shall be appointed by the city-county council (not more than five of whom shall be members of the same political party) and each of whom shall be a resident of a different council district; provided, that members appointed initially and prior to the establishment

of council districts as provided in Sections 306 and 308 of Chapter 173 of the Acts of 1969, shall each be a resident of a different ward within the fire special service district, as defined in Section 1234 (b) of such act, or a resident of a different township outside such fire special service district. In making initial appointments to the commission the City-County Council shall appoint four members (not more than two of whom shall be members of the same political party) for terms of three years, three members (not more than two of whom shall be members of the same political party) for terms of two years, and three members (not more than two of whom shall be members of the same political party) for terms of one year. Thereafter each appointment shall be for a term of three years.

Section 2-459. Non-discrimination Clause in Public Contracts. Every contract to which one of the parties is the City of Indianapolis, or Marion County, or any board, department or office of either such city or county including franchises granted to public utilities, shall contain a provision requiring the non-governmental contractor and his subcontractors not to discriminate against any employee or applicant for employment to be employed in the performance of such contract, with respect to his hire, tenure, terms, conditions or privileges of employment or any matter directly or indirectly related to employment, because of his race, color, religion, national origin or ancestry. Breach of this provision may be regarded as a material breach of the contract.

Section 2-252. Complaints.

- (2) In the case of education, against the governing board of any public school district which operates schools within the territorial limits of the consolidated city or of the county;

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

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

## CITY-COUNTY GENERAL ORDINANCES

NOS. 88, 89, 90, 91, 92, and 93, 1970

Introduced by Councilman Egenes:

G.O. NO. 88, 1970—70-Z-39

Mary M. Smith & George M. Funke by Edwin H. Hughes, III, Attorney, 130 East Washington St. request rezoning of 0.35 acre, being in D-3 district, to C-3 classification to provide for a restaurant. Located on the west side of South East Street, 140' north of East Sumner Avenue in Indianapolis, Perry Township (3430-36 South East Street).

G.O. NO. 89, 1970—70-Z-52

George J. Biskup, Archbishop of the Roman Catholic Diocese of Indianapolis, 1827 Kessler Boulevard, East Drive, requests rezoning of 3.70 acres, being in D-5 district, to Special Use I classification to provide for the replacement of existing church with new church facilities. Located on the south side of Kessler Boulevard, East Drive, between Crittenden and Norwaldo Avenues in Indianapolis, Washington Township (1827 Kessler Boulevard, East Drive).

G.O. NO. 90, 1970—70-Z-50

James H. & Rachel B. Ruddell, et al by James L. Kittle, Agent, 128 North Pennsylvania request rezoning of 9.23 acres, being in A-2 district, to C-4 classification to provide for the development of a shopping center. Located north of I-465, west of Allisonville Road in Indianapolis, Washington Township (8500 block Allisonville Road).

G.O. NO. 91, 1970—70-Z-57

Indiana Bell Telephone Co., Inc., 240 North Meridian St. requests rezoning of 0.34 acre, being in D-9 district, to C-4 classification to provide for the expansion of an existing telephone exchange. Located on the northwest corner of Pennsylvania and East 30th Sts., in Indianapolis, Center Township (3006 North Pennsylvania Street).

G.O. NO. 92, 1970—70-Z-58

Indiana Bell Telephone Co., Inc., 240 North Meridian St. requests rezoning of 0.76 acre, being in D-5 district, to C-4 classification to provide for the expansion of an existing telephone exchange. Located on the southeast corner of East 38th St. & Riley Avenue in Indianapolis, Center Township (5009 East 38th Street).

G.O. NO. 93, 1970—70-Z-59

Christ United Methodist Church by Robert L. Hunt, Minister, 8502 South U. S. No. 31, requests rezoning of 6.97 acres, being in A-2 district, to Special Use I classification to provide for church use. Located on the southwest corner of U. S. No. 31 and Stop 12 Roads in Indianapolis, Perry Township (8502 South U. S. No. 31).

Which were read for the first time and referred to the Committee on Metropolitan Development.

#### ORDINANCES ON SECOND READING

Mr. McPherson reported that the Committee on Public Works recommended passage of General Ordinance No. 72, 1970, and that General Ordinances Nos. 73 and 80, 1970, be held.

Mr. McPherson called for a second reading of General Ordinance No. 72, 1970.

The Clerk read the Ordinance for the second time.

On motion of Mr. McPherson, seconded by Mr. Gorham, General Ordinance No. 72, 1970, passed on the following roll call vote:

Ayes 13, viz: Mr. Broderick, Mr. Brown, Mr. Byrum, Mr. Cottingham, Mr. Egenes, Mr. Forestal, Mr. Gorham,



Mr. Leak, Mr. McPherson, Mr. Moriarty, Mr. SerVaas, Rev. Williams, and President Hasbrook.

Mr. Leak reported that the Committee on Public Safety recommended passage of Special Ordinance Nos. 11, 12, and 13, 1970.

Mr. Leak called for a second reading of Special Ordinance No. 11, 1970.

The Clerk read the Ordinance for the second time.

On motion of Mr. Leak, seconded by Mr. Gorham, Special Ordinance No. 11, 1970, passed on the following roll call vote:

Ayes 13, viz: Mr. Broderick, Mr. Brown, Mr. Byrum, Mr. Cottingham, Mr. Egenes, Mr. Forestal, Mr. Gorham, Mr. Leak, Mr. McPherson, Mr. Moriarty, Mr. SerVaas, Rev. Williams, and President Hasbrook.

Mr. Leak called for a second reading of Special Ordinance No. 12, 1970.

The Clerk read the Ordinance for the second time.

On motion of Mr. Leak, seconded by Mr. Gorham, Special Ordinance No. 12, 1970, passed on the following roll call vote:

Ayes 13, viz: Mr. Broderick, Mr. Brown, Mr. Byrum, Mr. Cottingham, Mr. Egenes, Mr. Forestal, Mr. Gorham, Mr. Leak, Mr. McPherson, Mr. Moriarty, Mr. SerVaas, Rev. Williams, and President Hasbrook.

Mr. Leak called for a second reading of Special Ordinance No. 13, 1970.

The Clerk read the Ordinance for the second time.

On motion of Mr. Leak, seconded by Mr. Gorham, Special Ordinance No. 13, 1970, passed on the following roll call vote :

Ayes 13, viz: Mr. Broderick, Mr. Brown, Mr. Byrum, Mr. Cottingham, Mr. Egenes, Mr. Forestal, Mr. Gorham, Mr. Leak, Mr. McPherson, Mr. Moriarty, Mr. SerVaas, Rev. Williams, and President Hasbrook.

Mr. Egenes reported that the Committee on Metropolitan Development recommended passage of General Ordinance Nos. 65, 66, 67, 68, 74, 75, 77, 78, and 79, 1970, and Special Resolution No. 14, 1970, and that General Ordinance No. 76, 1970, be held.

Mr. Egenes called for a second reading of General Ordinance Nos. 65, 66, 67, and 68, 1970.

The Clerk read the Ordinances for the second time.

On motion of Mr. Egenes, seconded by Mr. Gorham, General Ordinance Nos. 65, 66, 67, and 68, 1970, passed on the following roll call vote :

Ayes 12, viz: Mr. Broderick, Mr. Brown, Mr. Cottingham, Mr. Egenes, Mr. Forestal, Mr. Gorham, Mr. Leak, Mr. McPherson, Mr. Moriarty, Mr. SerVaas, Rev. Williams, and President Hasbrook.

Mr. Byrum abstained from voting with unanimous consent of the Council.

Mr. Egenes called for a second reading of General Ordinance Nos. 74, 75, 77, 78, and 79, 1970.

The Clerk read the Ordinances for the second time.

On motion of Mr. Egenes, seconded by Mr. Leak, General Ordinance Nos. 74, 75, 77, 78, and 79, 1970, passed on the following roll call vote :

Ayes 13, viz: Mr. Broderick, Mr. Brown, Mr. Byrum, Mr. Cottingham, Mr. Egenes, Mr. Forestal, Mr. Gorham, Mr. Leak, Mr. McPherson, Mr. Moriarty, Mr. SerVaas, Rev. Williams, and President Hasbrook.

Mr. Egenes called for a second reading of Special Resolution No. 14, 1970.

The Clerk read the Resolution for the second time.

Mr. Egenes moved, seconded by Mr. Gorham, to amend Special Resolution No. 14, 1970, as follows :

Indianapolis, Ind., April 27, 1970

Mr. President:

I move that Special Resolution No. 14, 1970, be amended to read "Special Resolution No. 14, 1970, as amended," corresponding to the copy distributed to the Council.

HAROLD J. EGENES  
Councilman

The motion to amend passed by unanimous voice vote.

Mr. Egenes moved, seconded by Mr. Gorham, to adopt Special Resolution No. 14, 1970, as amended, which reads as follows :

SPECIAL RESOLUTION NO. 14, 1970, AS AMENDED

A RESOLUTION approving and ratifying Resolution No. 14, 1970, of the Metropolitan Development Commission authorizing and directing the Department of Metropolitan Development to file, on behalf of the City of Indianapolis, an application with the United States Department of Housing and Urban Development for a demolition grant under Section 116 of the Housing Act as amended, which grant is estimated to be Two Hundred One Thousand and Thirteen Dollars and 33/100 (\$201,013.33) constituting two-thirds of the cost of the said application, and for a commitment by the City to pay the municipality's one-third ( $\frac{1}{3}$ ) of the cost of said demolition program.

WHEREAS, the Metropolitan Development Commission of Marion County, Indiana, on April 15, 1970, approved and adopted its Resolution No. 14, 1970, a certified copy of which has been delivered to this Council; and is made a part hereof by reference; and

WHEREAS, such a demolition program would benefit the City of Indianapolis and its residents by the removal of structures unsound or unfit for human habitation which constitute a public nuisance and a serious hazard to the public health; and

WHEREAS, the total estimated cost of said project, for said demolition and accompanying relocation expenses is Three Hundred One Thousand Five Hundred Twenty Dollars (\$301,520); and

WHEREAS, the City of Indianapolis must commit itself to provide the remaining one-third ( $\frac{1}{3}$ ) of the estimated cost of said demolition program in said area to be designated; and

WHEREAS, the City-County Council has considered said Resolution No. 14, 1970, of said Metropolitan Development Commission and the purpose of said resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF INDIANAPOLIS AND MARION COUNTY

Section 1. That the City-County Council does hereby approve and ratify the terms and provisions of Resolution No. 14, 1970 adopted by the Metropolitan Development Commission on April 15, 1970, directing the Department of Metropolitan Development to apply for a demolition grant from the Department of Housing and Urban Development a copy of which is specifically incorporated herein by reference.

That the City-County Council does hereby commit the City of Indianapolis to provide the remaining one-third ( $\frac{1}{3}$ ) of the estimated cost of said demolition program, which amount is One Hundred Thousand Five Hundred Six Dollars and  $\frac{67}{100}$  (\$100,506.67), provided that said grant for two-thirds ( $\frac{2}{3}$ ) of the estimated cost thereof is received by or awarded to the Department of Metropolitan Development in its application with the said Department of Housing and Urban Development.

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

The motion passed on the following roll call vote:

Ayes 13, viz: Mr. Broderick, Mr. Brown, Mr. Byrum, Mr. Cottingham, Mr. Egenes, Mr. Forestal, Mr. Gorham, Mr. Leak, Mr. McPherson, Mr. Moriarty, Mr. SerVaas, Rev. Williams, and President Hasbrook.

Rev. Williams reported that the Committee on Parks and Recreation recommended passage of Special Resolution No. 10, 1970.

Rev. Williams called for a second reading of Special Resolution No. 10, 1970.

The Clerk read the Resolution for the second time.

On motion of Rev. Williams, seconded by Mr. McPherson, Special Resolution No. 10, 1970, passed on the following roll call vote:

Ayes 13, viz: Mr. Broderick, Mr. Brown, Mr. Byrum, Mr. Cottingham, Mr. Egenes, Mr. Forestal, Mr. Gorham, Mr. Leak, Mr. McPherson, Mr. Moriarty, Mr. SerVaas, Rev. Williams, and President Hasbrook.

Mr. Byrum reported that the Committee on Transportation recommended passage of General Ordinance No. 69, 1970.

Mr. Byrum called for a second reading of General Ordinance No. 69, 1970.

The Clerk read the Ordinance for the second time.

On motion of Mr. Byrum, seconded by Mr. Gorham, General Ordinance No. 69, 1970, passed on the following roll call vote:

Ayes 13, viz: Mr. Broderick, Mr. Brown, Mr. Byrum, Mr. Cottingham, Mr. Egenes, Mr. Forestal, Mr. Gorham, Mr. Leak, Mr. McPherson, Mr. Moriarty, Mr. SerVaas, Rev. Williams, and President Hasbrook.

Mr. Cottingham reported that the Committee on County and Townships recommended passage of Special Ordinance No. 14, 1970.

Mr. Cottingham called for a second reading of Special Ordinance No. 14, 1970.

The Clerk read the Ordinance for the second time.

On motion of Mr. Cottingham, seconded by Mr. Gorham, Special Ordinance No. 14, 1970, passed on the following roll call vote:

Ayes 13, viz: Mr. Broderick, Mr. Brown, Mr. Byrum, Mr. Cottingham, Mr. Egenes, Mr. Forestal, Mr. Gorham, Mr. Leak, Mr. McPherson, Mr. Moriarty, Mr. SerVaas, Rev. Williams, and President Hasbrook.

Mr. McPherson reported that the Special Committee on Model Cities recommended that ordinances assigned to this committee be held.

### OLD BUSINESS

Mr. McPherson moved, seconded by Mr. Gorham, to dispense with the printing of the Journal of the meeting held on April 20th, since the meeting was declared invalid, by the corporation counsel.

After discussion, the motion passed by unanimous voice vote.

President Hasbrook gave a report on the preliminary hearing for Appropriation Ordinance No. 4, 1970, before the State Tax Board. President Hasbrook and Councilman Brown represented the Council at this hearing. The Attorney General will give an opinion on the passage of this ordinance.

### NEW BUSINESS

President Hasbrook suggested that due to Election Day being the day after the next regularly scheduled meeting, the next meeting should be a Special Meeting on May 11, 1970.

Mr. Leak moved, seconded by Mr. SerVaas, that the

first meeting in May be a Special Meeting on May 11, 1970, at 6:30 P.M.

The motion carried by unanimous voice vote.

Mr. Cottingham announced that the Committee on County and Townships will hold their meeting at 8:00 P.M. on May 11, 1970.

Mr. Leak stated that the Committee on Public Safety would meet at the conclusion of Council business on May 11, 1970.

Mr. Egenes announced that the Committee on Metropolitan Development will meet at 4:00 P.M. on May 13, 1970.

On motion of Mr. Leak, seconded by Mr. Gorham, the meeting adjourned at 7:05 P.M.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the City-County Council of Indianapolis and Marion County, held on the 27th day of April, 1970, at 6:30 P.M.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.

*Thomas C. Haskin*

President

ATTEST:

*Maryanne N. O'Laughlin*

(SEAL)

City Clerk