

SPECIAL MEETING

Monday, May 11, 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, May 11, 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, May 11, 1970.

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

Appropriation Ordinance Nos. 4, 7, 8, and 9, 1970

General Ordinance Nos. 6, 56, 70, 71, 73, 80, 81, 82, 83, 84, 85, 86, 87, 88, thru 93, 1970

Special Resolution No. 12, 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:

General Ordinance No. 94, 1970  
General Ordinance No. 95, 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

SEAL

The Clerk called the roll :

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

Absent: Mr. Gorham.

Mr. Moriarty moved, seconded by Mr. Egenes, 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

May 11, 1970

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE  
CITY-COUNTY COUNCIL OF INDIANAPOLIS-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. 69, 1970, to amend the Code, Title 4, Chapter 8, Section 812, Parking Prohibited At All Times, and Chapter 9, Section 902, Two-Hour Parking Meter Zones.

GENERAL ORDINANCE NO. 72, 1970, to amend the Code, Title 9, Chapter 4, by addition of new sections 9-409 thru 9-416, regulating private sewers and drains.

SPECIAL ORDINANCE NO. 11, 1970, repealing Special Ordinance No. 32, 1960, which annexed territory to the City.

SPECIAL ORDINANCE NO. 12, 1970, repealing Special Ordinance No. 6, 1960, which annexed certain territory to the City.

SPECIAL ORDINANCE NO. 13, 1970, repealing Special Ordinance No. 36, 1960, which annexed certain territory to the City.

SPECIAL RESOLUTION NO. 10, 1970, to confirm and adopt the Board of Park Commissioner's grant of a perpetual easement to the State of Indiana.

SPECIAL RESOLUTION NO. 14, 1970, authorizing the filing of

an application for a grant for  $\frac{2}{3}$  of the cost, estimated at \$201,-013.33 of demolition of houses condemned as unfit.

Respectfully submitted,

RICHARD G. LUGAR  
Mayor

May 11, 1970

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

Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be posted in three public places and published in the Indianapolis News and the Indianapolis Commercial on April 30, 1970, and again on May 7, 1970, a "Notice to Taxpayers" of a public hearing to be held on Monday, May 11, 1970, in Room 221, City-County Building at 6:30 P.M. on Appropriation Ordinance Nos. 7, 8, and 9, 1970.

Also pursuant to the laws of the State of Indiana, I caused to be published in the aforementioned papers and on the above-named dates, General Ordinance Nos. 69, and 72, 1970, and Special Ordinance Nos. 11, 12, and 13, 1970.

Respectfully submitted,

MARJORIE H. O'LAUGHLIN  
City Clerk

May 11, 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:

General Ordinance No. 94, 1970 creating a quasi-public corporation to be known as the Greater Indianapolis Housing Development Corporation.

HAROLD J. EGENES  
Councilman

General Ordinance No. 95, 1970 requiring owners and occupants of certain real property in Marion County to control and remove certain plant life.

DONALD R. McPHERSON  
Councilman

President Hasbrook called for the Introduction of New Ordinances.

## NEW ORDINANCES

### CITY-COUNTY GENERAL ORDINANCES

#### CITY-COUNTY GENERAL ORDINANCE NO. 94, 1970

Introduced by Councilman Egenes:

AN ORDINANCE creating a quasi-public corporation to be known as the Greater Indianapolis Housing Development Corporation, composed of 26 members, including seven public officers, ten business or professional directors, eight community directors and one managing director, providing for their terms and selection, for an executive committee, for public funding, for promotion of and cooperation with not-for-profit corporations engaged in construction, financing, repair and rehabilitation of housing for persons or families of low or moderate income and to engage directly in such activities and to promote related activities by private industry, joint ventures, neighborhood organizations, training programs in housing construction and management skills and to develop local activity in the construction industry in inner-city areas.

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

Section 1. A not-for-profit corporation shall be organized in accordance with the provisions of this Ordinance under Chapter 246 of the Indiana Acts of 1921, as amended, the name of which shall be "Greater Indianapolis Housing Development Corporation." Such corporation shall be a quasi-public corporation of both the consolidated City of Indianapolis and the County of Marion, within the meaning of Chapter 229 of the Acts of 1957, as amended, and the territorial jurisdiction of such corporation shall be deemed coextensive both with the territorial jurisdiction of the consolidated City and the territorial jurisdiction of the County of Marion.

Section 2. Such corporation shall carry out its activities within its territorial jurisdiction as defined herein, and shall be organized and operated for the following specific purposes:

(a) To provide technical services, and other consultative services, and assistance at reasonable fees, to assist profit and nonprofit sponsors of housing construction or rehabilitation for low and moderate income occupancy in the development and management of such housing.

(b) To serve as interim sponsor-developer/mortgagor of new or rehabilitated housing units until conveyance to appropriate permanent sponsor-mortgagors, or as permanent sponsor-developer/mortgagor of such housing until such conveyance occurs, with emphasis upon facilitating homeownership by persons and families of low and moderate income.

(c) To administer a separately incorporated, private, not-for-profit and non-stock, tax exempt revolving loan fund, tentatively named the Indianapolis Housing Loan Fund, Inc., which will:

(1) promote relief of the poor, distressed and underprivileged; lessen the burdens of government; and promote social welfare programs to lessen neighborhood tensions, eliminate prejudice and discrimination, and combat community deterioration;

(2) provide low-rate, short-term project development loans to private profit and nonprofit sponsors of housing units constructed for sale or rental to persons and families of low and moderate income;

(3) provide low-rate, short-term property acquisition loans to finance the acquisition of both land for new housing construction and of properties for housing rehabilitation, all for sale or rental to persons and families of low and moderate income;

(4) serve as a short-term land bank to hold land and properties acquired through gift, option or purchase from any person, firm, corporation, governmental entity or municipal corporation, or any department or agency thereof, until conveyance to sponsor-developer/mortgagors for new housing construction or housing rehabilitation;

(5) provide low-rate, short-term special purpose loans to promote the special purpose programs set forth in subsection (d) of this section.

(d) To implement special purpose programs, for which separate funding may be solicited, and which may be on a joint venture basis with other private and public organizations, to:

(1) Promote innovative attempts by local private industry and lenders to construct and finance housing of high durability and low cost for occupancy by low and moderate income persons and families, through utilization of industrialized, volume construction techniques and new materials.

(2) Promote the formation of local neighborhood organizations, coalitions or corporations to support local community planning and design efforts for better land use, increased analysis and resolution of local housing needs and problems, and concerted public-private participation in community renewal and development.

(3) Promote the establishment of local housing sponsor and development corporations.

(4) Promote innovative education and training programs in

residential housing construction and management skills for sponsors of low and moderate income housing, and for other persons now unskilled or semi-skilled, presently unemployed or underemployed, with initial emphasis on expanding employment opportunities in the home-building and construction industries.

(5) Promote responsible entrepreneurship and ownership and ownership opportunities in the contracting and subcontracting residential housing construction industry, with initial emphasis upon developing proprietorship, partnership and small business corporation ventures in inner-city areas, owned and operated by local residents, related to the construction industry.

Section 3. The membership of the corporation shall be composed of and shall be identical to its board of directors, which board of directors shall govern the business and affairs of the corporation and shall consist of 26 members composed of four classes designated in the manner herein described.

Section 4. Class 1 shall be designated as "Public Directors" and shall consist of seven persons. The Public Directors shall be the following:

(a) The Mayor of the consolidated City of Indianapolis, or his designated representative.

(b) The Director of the Department of Metropolitan Development of the consolidated City of Indianapolis.

(c) One of the Commissioners of the Division of Housing appointed pursuant to Section 805 of the Consolidated First Class Cities and Counties Act, selected by such Board of Commissioners.

(d) One of the Commissioners of the Metropolitan Development Commission created under Section 808 of the Consolidated First Class Cities and Counties Act, selected by such Commission.

(e) One of the Commissioners of the Board of School Commissioners of the City of Indianapolis, selected by such Board.

(f) Two members of the City-County Council created under the



Consolidated First Class Cities and Counties Act, selected by such Council.

Section 5. Class 2 shall be designated as "Sponsor Directors" and shall consist of ten persons representing professional, business, financial and industrial firms doing business in Marion County. Such Sponsor Directors shall be nominated by a selection committee composed of the Mayor of the consolidated City of Indianapolis, the president of the Indianapolis Chamber of Commerce and the president of the Greater Indianapolis Progress Committee.

Section 6. Class 3 shall be designated as "Community Directors" and shall consist of eight persons representing the general community of the consolidated City of Indianapolis and Marion County. The initial Community Directors shall be nominated by the incorporators appointed by the City-County Council pursuant to this ordinance. In making such nominations the incorporators shall consult with and solicit recommendations from representative neighborhood associations and organizations in various parts of the consolidated city and county which are concerned with programs of housing in their communities, including federations or groups of such associations, and from other organizations whose primary purposes and functions include improvement of housing and related environmental conditions for low or moderate income persons in all or any portion of the consolidated city and county. At least one Community Director shall reside in each of the five service districts within Marion County established by the Department of Metropolitan Development. After the selection of initial Community Directors upon nomination by the incorporators, Community Directors thereafter shall be nominated in such manner as shall be provided and set forth in the by-laws of the corporation from time to time.

Section 7. Class 4 shall consist of one person who shall be designated as the "Managing Director". The Managing Director shall also be the executive vice president of the corporation and its principal staff officer. The initial Managing Director shall be nominated by the Director of the Department of Metropolitan Development, and thereafter the Managing Director shall be nominated by the other members of the Board of Directors of the corporation.

Section 8. Sponsor Directors, Community Directors and the Managing Director shall be deemed elected to the Board of Directors

of the corporation upon approval of their nomination by appropriate resolution of the City-County Council. Approval of the Public Directors by the City-County Council shall not be required, and such directors shall be deemed elected upon their selection or designation by the specified public official or agency as designated in Section 4.

Section 9. The term of office of all members of the first Board of Directors shall expire on June 30, 1971; provided, that each Public Director who is a public official shall be deemed re-elected for an additional term or terms of office so long as he continues to hold such public office, or until his resignation or replacement by the public official or body responsible for his selection. The Managing Director shall continue to serve in such capacity at the pleasure of the Board of Directors, or for such term as he shall be nominated by the Board of Directors, or until his resignation or removal in accordance with the provisions of the by-laws of the corporation. After the expiration of the terms of the first Board of Directors, Sponsor Directors and Community Directors shall be elected for such terms and in such manner as shall be designated by the by-laws of the corporation, which terms may expire at different times but which shall not continue for more than three years.

Section 10. Any vacancy occurring in the Board of Directors shall be filled for the unexpired term thereof in the same manner as set forth herein for the nomination and election of directors, except that any vacancy in the office of a Community Director shall be filled by a majority vote of the remaining members of the Board of Directors for the unexpired portion of his term of office and until a successor is elected in the manner prescribed in the by-laws.

Section 11. The Board of Directors shall be authorized to appoint from among its membership an Executive Committee to consist of not less than seven members, in such manner and with such powers as may be provided in the articles of incorporation, by-laws or resolution establishing such committee. Each class of the Board of Directors shall be represented on the Executive Committee.

Section 12. No money or property received or held by the corporation shall ever inure, directly or indirectly, to the private benefit of any member, director or officer of the corporation, or any other person whomsoever, except for reasonable compensation for services actually rendered to the corporation.

Section 13. The corporation established pursuant to this ordinance shall continue to exist until dissolved in accordance with the procedure prescribed by law. Dissolution proceedings may be initiated by a resolution adopted by the Board of Directors and approved by the City-County Council, or by resolution adopted by the City-County Council directing that the corporation be dissolved. In the event of dissolution all funds and assets of the corporation remaining after payment of its debts and obligations shall be disposed of in accordance with any requirements of the law under which the corporation is incorporated, or in accordance with provisions contained in the articles of incorporation.

Section 14. The corporation organized pursuant to this ordinance shall be authorized to receive and expend such amounts as may be appropriated from time to time by the City-County Council to carry out any of its purposes and functions, and to receive from any person, firm, association, corporation or governmental agency by grant, gift, devise, bequest or otherwise any money or property, absolutely or in trust, either the principal or income from which may be used in accordance with the terms of any such grant or gift in furtherance of any of the purposes and functions of the corporation as set forth herein. The corporation shall also be authorized to employ for the purpose of carrying out any of its purposes and functions such personnel as may be assigned to it from time to time by any department or agency of the consolidated city or county.

Section 15. The corporation organized hereunder shall cooperate and engage in joint or cooperative projects to the maximum feasible extent, within the scope of the purposes of the corporation set forth in Section 2, with any not for profit corporation organized for substantially similar purposes or carrying out functions or programs similar to those of the Greater Indianapolis Housing Development Corporation, and which is operating in the consolidated City of Indianapolis and Marion County.

Section 16. The corporation shall submit to the Mayor of the City of Indianapolis and to the City-County Council an annual report of its activities, including its receipts and expenditures, for each calendar year. Such report shall be submitted not later than April 30, of the following calendar year and shall be made available to the public.

Section 17. Upon adoption of this ordinance the City-County Council shall appoint five persons as incorporators, each of whom shall be a resident of Marion County and a member of the Mayor's Task Force on Housing and Relocation. The incorporators shall prepare articles of incorporation in appropriate form for filing with the Secretary of State of Indiana under the Acts of 1921, Chapter 246, which articles of incorporation shall include all provisions required by this ordinance and such other provisions as may be necessary or appropriate for the governance and regulation of the affairs and business of the corporation. The incorporators shall submit such articles of incorporation together with the names of all persons selected or nominated to the first Board of Directors, other than Public Directors, to the City-County Council for its approval. Upon approval of the articles of incorporation and members of the first Board of Directors by the City-County Council, the incorporators shall execute and file such articles of incorporation with the Secretary of State of Indiana in the manner provided by law. The fees required by law in connection with the organization of such corporation shall be paid from funds appropriated to the Department of Metropolitan Development.

Section 18. Any proposed amendment to the articles of incorporation, approved by the Board of Directors and members of the corporation in such manner as may be prescribed by law, shall be approved by resolution of the City-County Council prior to submission of any such amendment to the Secretary of State of Indiana.

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

CITY-COUNTY GENERAL ORDINANCE NO. 95, 1970

Introduced by Councilman McPherson:

AN ORDINANCE requiring the owners and occupants of certain real property in Marion County to control and remove certain plant life, providing procedures for enforcing this ordinance by establishing procedures, including notice of hearing, to authorize the city to perform such duties and collect the costs thereof from owners, establish liens for the collection of such costs, creating a misdemeanor, establishing fines and penalties, repealing a prior ordinance and providing an effective date.

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

Section 1. When used in this ordinance the following terms shall be defined as follows:

- a) Private property means real estate which is not owned or leased by the United States, the State of Indiana, Marion County or the City of Indianapolis.
- b) Municipal property means real estate which is owned or used by Marion County, the City of Indianapolis or one of their departments or agencies.
- c) Urban property means that real estate which is either within the Fire Special Services District, within a platted subdivision, or anywhere else in Marion County within 200 feet of any residence.
- d) Owner means the holder of fee simple title to real estate and the life tenant (if there be one). For purposes of notice to the "owner," the owner shall be presumed to be the persons or entities shown as owner on the current property tax duplicate in the office of the Auditor of Marion County; notice shall be deemed given to the actual owner if mailed addressed as indicated by the said tax duplicate.

Section 2. Municipal Property — Duty of City Departments — The duty is hereby imposed upon each Department of the Consolidated City to keep all municipal property used by the Department for municipal or proprietary functions of the City and all real property under its jurisdiction and control free from all weeds and rank vegetation and practice good caretaking in the landscaping, mowing and pruning of the plant life on such property.

Section 3. It shall be the duty of all owners of real property in Marion County to remove or cause to be abated any nuisance or "forbidden botanical condition" as specified in Sections 4 through 9 of this ordinance.

Section 4. A "forbidden botanical condition" shall exist whenever any plant is grown, abandoned, neglected or disregarded in such

manner as to violate any valid law, ordinance or regulation of the state or any of its agencies, any ordinance of any municipal corporation having jurisdiction in Marion County, Indiana, any ordinance of the City of Indianapolis or regulation of any of its departments.

Section 5. A "forbidden botanical condition" exists whenever weeds or rank vegetation are growing on urban property and the same are not cut, mown or otherwise eliminated by May 15 and August 1 of each year.

Section 6. A "forbidden botanical condition" exists whenever any plant life is grown on private property in close proximity to any municipal property or governmental right-of-way or easement which because of its location, size or condition interferes with the public safety or lawful use of such property, right-of-way or easement or is in violation of any law of the state or any ordinance of the Consolidated City or any regulation of any of its departments or agencies. Specifically, the owner, or person in control of any lot or parcel of land in the city, upon which any tree, shrub, vine, or plant may be standing adjacent to any public way, shall trim or cause it to be trimmed, either at the property line, or to a clear height of at least eight feet above the surface of such public way, all branches thereof which overhang any portion of such public way, or which obstruct or interfere with the passage of light from any street lighting system, and shall not plant or maintain any thereof so close to any property line as to obstruct thereby the vision of travelers along the streets. The city may enter upon any such private premises to do such trimming, as it determines to be necessary, or to remove any such obstruction herein prohibited. Said owner shall, remove from such tree, shrub, vine, or plant, all dead, decayed, unsightly, broken or dangerous limbs and branches that overhang, or are close to the public way; and when any such tree, shrub, vine or plant is dead, the owner shall remove the same.

Section 7. A "forbidden botanical condition" exists whenever any person owning or controlling houses or other buildings or premises, or vacant lots, abutting on any public way fails to maintain said premises in a reasonably clean and orderly manner and to a standard conforming to other orderly premises in that vicinity.

Section 8. The owner of any private property abutting upon a public way such that in front of the premises there exists a strip of

land between the property line and the curb which is not used for the paved portion of a sidewalk shall keep such plot free from tall weeds and rank vegetation and shall mow the grass growing thereon at reasonable intervals. When this duty is not performed a "forbidden botanical condition" exists.

Section 9. Any private property abandoned, neglected, or disregarded so as to permit the same to become unclean, with an accumulation of litter or waste thereon, including waste paper, rags, cans, bottles, boxes, lumber, metal, garbage, or disused or inoperable motor vehicles, trailers or any other machinery, or appliances, or furniture thereon, unless specifically authorized under existing laws and regulations, or to allow a rank growth of grass, weeds or other vegetation to remain thereon, or to permit the same to become unsightly, unsanitary, obnoxious, or a fire hazard, or a blight to the vicinity, or offensive to the senses of the users of any public way abutting such premises is hereby declared to be a public nuisance. If such a public nuisance exists in conjunction with a "forbidden botanical condition" such nuisance may be abated at the same time and in the same manner as the "forbidden botanical condition."

Section 10. Any "forbidden botanical condition" is hereby declared a public nuisance; and the City of Indianapolis may proceed against such nuisances by any remedy authorized by law or may use the remedies specified in Sections 11 through 16 of this ordinance.

Section 11. Initiating of Procedure for Removal of Forbidden Botanical Conditions—The Director of the Department of Parks and Recreation upon determining the existence of a forbidden botanical condition shall give notice in accordance with Section 12. If an existing forbidden botanical condition affects the responsibilities or functions of any other department of the Consolidated City, the Director of such department may give notice in accordance with Section 12.

Section 12. Notice to Owner of Hearing—The notice required by Section 11 shall be by certified mail, return receipt requested. Such notice shall state the location of the alleged forbidden botanical condition, describe the real estate upon which the alleged nuisance exists, state the action deemed necessary to correct the condition, and fix the date and time when the owner may be heard before the Board of the Department whose Director gives the notice. The notice shall be mailed to the owner at the address appearing on the current tax

duplicate in the office of the Auditor of Marion County at least fifteen (15) days prior to the hearing. If someone other than the owner occupies the affected property, a copy of the Notice shall be mailed by first class mail to the occupant.

Section 13.—Hearing. The hearing shall be held before the Board of the Department whose Director gives the notice required by Section 11. If the owner or someone in his behalf fails to appear at the hearing, the Board shall make an order that the Director remove the forbidden botanical condition. If the owner appears, the Board shall proceed to hear evidence and determine if a forbidden botanical condition exists. Such hearing may be continued from time to time as determined by the Board. If on Final decision the Board determines that a forbidden botanical condition exists, it shall order that the Director remove the forbidden botanical condition, but may give the owner not more than ten (10) days to correct the condition before the Director shall proceed. Upon determination that a forbidden botanical condition exists, the Board shall retain continuing jurisdiction until the forbidden botanical condition is removed and charges are fixed against the owner as provided in Section 14.

Section 14.—Charges to be Fixed by the Board. If a Board determines pursuant to Section 13, that a forbidden botanical condition exists, the Board shall fix the charges to be collected from the owner, which shall be:

- 1) the actual expenditures for giving notice as required in Section 12 and this section,
- 2) five (\$5.00) dollars for each time an employee of the department inspected the property for purposes of complying with the provisions of this ordinance; and
- 3) if the City removes the forbidden botanical condition, a charge for such services computed in accordance with Section 15.

A notice of the meeting of the Board to fix charges pursuant to this section shall be given by first class United States Mail, addressed as the original notice required by Section 12 or to such other address or person as may be made a matter of record at the hearing provided by Section 13.

Section 15.—Charges. The charges assessed for the costs of removal of forbidden botanical conditions shall be computed as follows:



a) For cutting or mowing of grass, weeds and rank vegetation a minimum charge of Fifty (\$50.00) Dollars for any parcel not in excess of 8,000 square feet, plus five cents per additional square feet to a maximum of Two Hundred Fifty (\$250.00) Dollars for any parcel one (1) acre or less, plus a charge for area in excess of one (1) acre at the rate of Two Hundred Fifty (\$250.00) Dollars per acre.

b) For cutting, pruning or removing any trees, vines, bushes, hedges, shrubs the actual cost if such work is done under contract or the cost to the city computed at \$2.50 per man hour devoted to such work.

c) For removal of any debris, rubbish, junk, appliances, motor vehicles, garbage of similar material the actual cost if such work is done under contract and the cost to the city computed at \$3.00 per man hour devoted to such work.

Section 16.—Charges are a Lien on the Real Estate. The charges as fixed pursuant to Section 14 shall be a lien upon the real estate on which the forbidden botanical condition existed. A Board upon fixing the charges pursuant to Section 14 shall cause an assessment roll to be prepared setting forth the owner, the description of the real estate, and the amount of charges. The roll shall be forwarded to the assessment bureau and processed for collection by the City Treasurer as taxes are collected.

Section 17. Whenever a Board pursuant to Section 13 orders a Director to cause a nuisance to be abated, the necessary work may be done by employees of the department or by another department pursuant to agreement, or under contract with private contractors.

Section 18. The failure to remove any "forbidden botanical condition" within ten (10) days after the decision pursuant to Section 13 by a Board of any Department of the Consolidated City that such condition exists shall be a misdemeanor and upon conviction may be punished by a fine not exceeding Five Hundred (\$500.00) Dollars to which may be added imprisonment not exceeding ninety (90) days.

Section 19. Section 9-535 of the Municipal Code, being General Ordinance No. 19, as amended effective March 29, 1957, is hereby repealed.

Section 20. This ordinance shall be in full force and effect on 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 Parks and Recreation.

### ORDINANCES ON SECOND READING

Mr. Cottingham reported that the Committee on Administration recommended passage of General Ordinance No. 70, 1970.

Mr. Cottingham called for a second reading of General Ordinance No. 70, 1970.

The Clerk read the Ordinance for the second time.

After discussion and on motion of Mr. Cottingham, seconded by Mr. Egenes, General Ordinance No. 70, 1970, passed on the following roll call vote:

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

Mr. McPherson reported that the Committee on Public Works recommended that General Ordinance Nos. 73 and 80, 1970, be held for further study.

Mr. Leak reported that the Committee on Public Safety recommended passage of General Ordinance Nos. 71 and 83, as amended, 1970, and that General Ordinance No. 84, 1970, be held.

Mr. Leak called for a second reading of General Ordinance No. 83, 1970.

The Clerk read the Ordinance for the second time.

Mr. Leak moved, seconded by Mr. Egenes, to amend General Ordinance No. 83, 1970, as follows :

Indianapolis, Ind., May 11th, 1970

Mr. President:

I move that General Ordinance No. 83 1970 be amended by striking out in Section 1, subsection (1), line one, the word "the" after "providing"; in line three, the word "his," in line six, the words "in nearby" and "following manner"; in Section 1, subsection (2) line three, the word "or"; in line five, the word "the"; in line six, the words "to act upon it, and", and in line eight, the letter "a". In Section 1, subsection (3), line two, the words "deny or grant". In line three, the letter "a"; delete line four, delete "fair to all concerned" and the words "and shall"; delete lines six and seven. In Section 1, subsection (4), line one, the words "by the Department of Transportation"; in line 2, the word "said"; in line five, the word "may"; in line six, the word "said"; in line seven, the word "said". In Section 1, subsection (5), line five, the words "of Indianapolis". In Section 1, subsection (6), line three, the last word "of"; in line four, the word "Transportation"; in line seven the word "desired". Delete all of subsection (7). In subsection (8), line seven, the word "hereof".

And insert in lieu thereof the following: In Section 1, subsection (1) line one, after the word "providing", insert "handicapped persons who are", insert "s" after "owner" and "occupant"; in line two, insert after the word "premises", "in the City". In line three, after the word "to", insert "their". In line four, insert "s" after "owner" and "occupant". In line six; after the word "space", insert "or adjacent"; after the word "the", insert "manner provided herein". In subsection (2), line three, after the word "or", insert the word "two"; in line six, after the word "order", insert "to determine that the applicant has a demonstrable physical handicap and that such parking space is necessary to enable the applicant to earn a livelihood in such premises".

In subsection (3), line two, after "time". insert "grant and deny"; in line three, after "one", insert "or two", the letter "s" after "space"; after spaces, the word "and". Insert subsection (6) after subsection (3), and renumber as subsection (4). In new subsection (4), line seven, after "anyone", insert the word "designated". Renumber subsection "(4)" to subsection "(5)".

In new subsection (4), line five, after "Permit", insert the word "shall". Renumber subsection "(5)" to subsection "(6)". Renumber subsection "(8)" to subsection "(7)". In line three of new subsection (7), after the word "shall", insert "be unlawful and"; in line seven after the numer "12", insert "of this code".

WILLIAM A. LEAK  
Councilman

The motion to amend passed by unanimous voice vote.

On motion of Mr. Leak, seconded by Mr. Moriarty, General Ordinance No. 83, 1970, as amended, passed on the following roll call vote:

Ayes 10, viz: Mr. Boyd, Mr. Broderick, Mr. Brown, Mr. Cottingham, Mr. Forestal, Mr. Leak, Mr. Moriarty, Mr. SerVaas, Rev. Williams, and President Hasbrook.

Noes 3, viz: Mr. Byrum, Mr. Egenes, and Mr. McPherson.

Mr. Leak was granted permission from the Council to return to General Ordinance No. 71, 1970, after an amendment had been prepared.

Mr. Egenes reported that the Committee on Metropolitan Development recommended passage of General Ordinance No. 56, as amended, 1970, and that General Ordinance No. 81, 1970, be held.

Mr. David Meeker was asked to introduce members of the Building Trades Task Force who contributed their time and knowledge in the drafting of General Ordinance No. 56, 1970.

Mr. Egenes called for a second reading of General Ordinance No. 56, 1970.

The Clerk read the Ordinance for the second time.

Mr. Egenes moved, seconded by Mr. Byrum, to amend General Ordinance No. 56, 1970, as follows :

Mr. President,

I move that the Building Rules and Regulations for One and Two Family Residences which is adopted by reference in City-County General Ordinance No. 56, 1970, as amended.

By adding to section 716-2.2 two additional subsections numbered 2 and 3 to read as follows:

"2. Other notches at top in end  $\frac{1}{3}$  span only and not to exceed a depth which will leave  $\frac{5}{6}$  of the dimension required for the span uncut.

3. Drilled holes—2 "maximum diameter with minimum of 2" space to either side of the member."

HAROLD J. EGENES, Councilman

The motion to amend passed by unanimous voice vote.

On motion of Mr. Egenes, seconded by Mr. Leak, General Ordinance No. 56, 1970, as amended, passed on the following roll call vote :

Ayes 13, viz: Mr. Boyd, Mr. Broderick, Mr. Brown,

Mr. Byrum, Mr. Cottingham, Mr. Egenes, Mr. Forestal, Mr. Leak, Mr. McPherson, Mr. Moriarty, Mr. SerVaas, Rev. Williams, and President Hasbrook.

Mr. Byrum reported that the Committee on Transportation recommended passage of Appropriation Ordinance No. 9, 1970, and General Ordinance Nos. 6, 85, and 86, 1970.

Mr. Byrum called for a second reading of Appropriation Ordinance No. 9, 1970.

The Clerk read the Ordinance for the second time.

On motion of Mr. Byrum, seconded by Mr. Egenes, Appropriation Ordinance No. 9, 1970, passed on the following roll call vote :

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

Mr. Byrum called for a second reading of General Ordinance No. 6, 1970.

The Clerk read the ordinance for the second time.

On motion of Mr. Byrum, seconded by Mr. Egenes, General Ordinance No. 6, 1970, passed on the following roll call vote :

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

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

Mr. Byrum called for a second reading of General Ordinance No. 85, 1970.

The Clerk read the ordinance for the second time.

On motion of Mr. Byrum, seconded by Mr. Cottingham, General Ordinance No. 85, 1970, passed on the following roll call vote:

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

Mr. Byrum called for a second reading of General Ordinance No. 86, 1970.

The Clerk read the ordinance for the second time.

On motion of Mr. Byrum, seconded by Mr. Egenes, General Ordinance No. 86, 1970, passed on the following roll call vote:

Ayes 13, viz: Mr. Boyd, Mr. Broderick, Mr. Brown, Mr. Byrum, Mr. Cottingham, Mr. Egenes, Mr. Forestal, 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 Appropriation Ordinance No. 7, 1970, as amended.

Mr. Cottingham called for a second reading of Appropriation Ordinance No. 7, 1970.

The Clerk read the ordinance for the second time.

Mr. Cottingham moved, seconded by Mr. Brown, that Appropriation Ordinance No. 7, 1970, be amended as follows:

Indianapolis, Ind., May 11, 1970

Mr. President:

I move the City-County Appropriation Ordinance No. 7, 1970 be amended by:

1) Striking the words and figures Fifty-three Thousand Four Hundred Fifty-six dollars and forty-two cents (\$53,456.42) from lines two and three of the title of the ordinance and from lines one and two of Section 1, and insert in lieu thereof the words and figures as follows: Eleven Thousand Eight Hundred Forty-eight dollars and ninety-six cents (\$11,848.96).

2) Striking the figures \$52,456.42 and \$53,456.42 from lines six and seven of page two of said ordinance respectively and inserting in line six the figure \$9,848.96 and in line seven the figure \$10,848.96.

3) Striking the figures \$30,000.00, \$22,456.42 and \$53,456.42 from lines 13, 14, and 15 respectively on page two thereof, and inserting in line 13 the figure \$5,000.00, in line 14 the figure \$5,848.96 and in line 15 the figure \$10,848.96.

4) Striking the words "approval by the Mayor" from Section 2 of the ordinance.

DWIGHT COTTINGHAM  
Councilman

The motion to amend passed by unanimous voice vote.



On motion of Mr. Cottingham, seconded by Mr. Egenes, Appropriation Ordinance No. 7, 1970, as amended, passed on the following roll call vote :

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

President Hasbrook relinquished the chair to Mr. SerVaas.

Mr. Hasbrook called for a second reading of General Ordinance No. 87, 1970.

The Clerk read the ordinance for the second time.

Mr. Hasbrook moved, seconded by Mr. Egenes, for the adoption of General Ordinance No. 87, 1970.

The ordinance passed on the following roll call vote:

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

President Hasbrook resumed the chair.

President Hasbrook recalled General Ordinance No. 71, 1970.

Mr. Leak called for a second reading of General Ordinance No. 71, 1970.

The Clerk read the ordinance for the second time.

Mr. Leak moved, seconded by Mr. Egenes, to amend General Ordinance No. 71, 1970, as follows :

Indianapolis, Ind., May 11th, 1970

Mr. President:

I move that General Ordinance No. 71 1970 be amended by striking out the word "ten" in line four of section 4-805(a) and insert in lieu thereof the word "twelve", and that a new and additional subsection (c) be added thereto to read as follows: "(c) The Fire Prevention Bureau of the Indianapolis Fire Force shall inspect the area surrounding all buildings to which this section applies, and the Chief in charge of said Bureau shall determine the location of the emergency vehicle lanes established herein and he shall notify the property owners affected thereby in writing, and he shall report the same to the Department of Transportation whose duty it shall be to erect or post a sign or signs which shall read "NO PARKING—POLICE AND FIRE EMERGENCY LANE—VEHICLES OF VIOLATORS WILL BE REMOVED", And further, a line shall be caused to be painted upon the surface adjacent to such buildings marking such lanes."

I would further move that the word "ten" be stricken from line eight of subsection (b) thereof and in lieu thereof the word "twelve" be inserted.

WILLIAM A. LEAK  
Councilman

The motion to amend passed by unanimous voice vote.

Mr. Egenes moved to further amend General Ordinance No. 71, 1970, as follows:

Indianapolis, Indiana, May 11, 1970

Mr. President:

I move to further amend General Ordinance No. 71, 1970 inserting in line 12, after the word "REMOVED" the words "The cost of signs be assessed against the property owner."

WILLIAM A. LEAK

The motion to amend passed by unanimous voice vote.

Mr. Leak moved, seconded by Mr. McPherson, to further amend General Ordinance No. 71, 1970, as amended, as follows:

Indianapolis, Indiana, May 11, 1970

Mr. President:

I move that General Ordinance No. 71, 1970, as amended, be further amended by deleting the words, "of the City" in line 3 after the title; in paragraph 4-805a line 10 and also the words "the City's", line 11.

WILLIAM A LEAK

The motion to amend passed by unanimous voice vote.

Mr. Leak moved, seconded by Mr. Egenes, for the adoption of General Ordinance No. 71, 1970, as amended.

The ordinance, as amended, passed on the following roll call vote:

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

### OLD BUSINESS

Mr. McPherson suggested that time be given at the next meeting to clarify the length of term for appointments previously made to the Human Rights Commission.

Mr. Moriarty discussed the mandate of the Magistrate Court Judges.

After discussion, President Hasbrook announced that the mandate be given the next Appropriation Ordinance number and should be properly introduced for first reading as follows:

#### CITY-COUNTY APPROPRIATION ORDINANCE NO. 12, 1970

AN ORDINANCE appropriating and allocating the sum of Eighteen Thousand Seven Hundred Sixty and 00/100 Dollars (\$18,760.00) from the unexpended, unencumbered and unappropriated balance of the County General Fund to other certain designated funds of The Magistrate's Court of Marion County and the four Divisions thereof as created by virtue of the Budget for 1970, City-County 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 available unexpended, unencumbered, and unappropriated monies in the County General Fund in sufficient amount to provide for these 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 Eighteen Thousand Seven Hundred Sixty and 00/100 Dollars (\$18,760.00) transferred from the unexpended, unappropriated County General Fund, and the same is hereby appropriated to the departments shown below as follows, to-wit:

MAGISTRATE COURT NO. 1	
100 Services Personal	\$4,690.00
MAGISTRATE COURT NO. 2	
100 Services Personal	4,690.00
MAGISTRATE COURT NO. 3	
100 Services Personal	4,690.00
MAGISTRATE COURT NO. 4	
100 Services Personal	4,690.00
	\$18,760.00

Which was referred to the Committee on Rules and Policy.

Mr. Moriarty requested a report on the police protection contract with the Indianapolis Speedway.

Mr. Kimbell, Director of Public Safety, gave a report on a meeting with the Speedway officials.

On motion of Mr. Egenes, seconded by Mr. McPherson, the meeting adjourned at 8:50 P.M.

We hereby certify that the above and foregoing is full, true and complete record of the proceedings of the City-County Council of Indianapolis and Marion County, held on the 11th day of May, 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. Hasbun*

ATTEST:

*President*

*Maryanne N. O'Laughlin*

(SEAL)

*City Clerk*