

REGULAR MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.
MONDAY, February 20, 1905.

The Common Council of the City of Indianapolis, met in the Council Chamber, Monday evening, February 20, 1905, at 7:45 o'clock, in regular session, Vice-President W. A. Rhodes in the chair.

Present: The Hon. W. A. Rhodes, Vice-President of the Common Council, and 15 members, viz: Messrs. Cottey, Crall, Davis, Eppert, Fishback, Gasper, Hofmann, Krause, Linus, Shea, Storm, Sullivan, Wahl, Wolsiffer, Wright.

Absent, 5, viz.: Messrs. Cooper, Moriarity, Murray, Uhl, President Billingsley.

Mr. Gasper moved that the reading of the Journal be dispensed with. Carried.

COMMUNICATIONS FROM THE MAYOR.

INDIANAPOLIS, IND., February 9, 1905.

To the Honorable, the President and Members of the Common Council:

I herewith return with my signature and approval General Ordinance No. 2, 1905; Appropriation Ordinance No. 33, 1904.

Respectfully,

JOHN W. HOLTZMAN,

Mayor.

Which was read.

REPORTS FROM STANDING COMMITTEES.

From the Committee on Public Property and Improvement:

INDIANAPOLIS, IND., February 20, 1905.

To the President and Members of the Common Council:

Your Committee on Public Property and Improvements, to whom

was referred General Ordinance No. 85, 1904, have had same under consideration and respectfully recommend that the same do pass.

Respectfully submitted,

CHAS. G. DAVIS,
OTTO HOFMANN,
JAS. F. SULLIVAN.

Which was read.

Mr. Davis moved that the report of committee be concurred in. Carried.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

By Mr. Gasper (by request):

General Ordinance No. 6—1905: An ordinance to amend Section fifteen (15) of an ordinance approved by the Mayor June 30, 1869, entitled "An ordinance protecting public morality, decency and order," the same being Section 1836 revision of 1904 of the laws and ordinances of the city of Indianapolis, and providing a penalty for the violation thereof.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, that Section fifteen (15) of the above entitled General Ordinance number, 1869, be amended to read as follows:

Sec. 15. Be it ordained by the Common Council of the City of Indianapolis, that it shall be unlawful for any person, or persons to disturb the peace and quiet of any of the inhabitants of said city by making loud and unusual noises.

Any person or persons, either directly or indirectly violating any of the provisions of this section shall upon conviction be fined in any sum not exceeding one hundred dollars, to which may be added not more than thirty days' imprisonment for each separate offense.

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

By Mr. Wright:

General Ordinance No. 7—1905: An ordinance to prohibit the agents, owners, servants, or employes of any transfer line, express wagon, omnibus, hack, hansom, carriage or other vehicle used for carrying passengers for hire to and from Union Railway Depot, situated in said city from approaching nearer than fifteen feet of said station, or from soliciting passengers at any point nearer than fifteen feet of said Union Station; also fixing a rate to be charged by vehicles used for carrying passengers to and from any point in said city, and prohibiting drivers of any such vehicles from soliciting passengers without first displaying badge with the number of their said license displayed either on their hat or cap, and to prohibit the soliciting of passengers by owners, agents, servants, or employes of any railway company, for any special vehicle carrying passengers for hire in said city, and prohibiting any person or persons, firm, company, or corporation from soliciting for any transfer line, express wagon, omnibus, hack, hansom, or any other vehicle used for carrying passengers in the Union Station or train sheds; also repealing an ordinance entitled an

ordinance, approved April 20, 1899, prohibiting the owners, agents, servants, or employes of express wagons or other public vehicles used for carrying freight or passengers within said city, from soliciting business at other places than therein provided. Providing a penalty for the violation of all sections of this ordinance.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That it shall be unlawful for any owner, agent, servant, or employe of any transfer line, express wagon, omnibus, hack, automobile, carriage or other vehicle used for carrying passengers or baggage for hire within said city, to approach or solicit passengers nearer than fifteen feet of the Union Railway Depot, while, at or about said Union Station in pursuance of their said business except to receive or deliver baggage.

Sec. 2. It shall be unlawful for any driver of any such vehicle used for carrying passengers for hire in said city to use any loud, lewd, or boisterous language, or in any way annoy passengers going in or out of the Union Railway Station.

Sec. 3. It shall be unlawful for any officer, agent, employe, servant, usher, baggageman, of any railway company or any other person or persons while at, in or about said Union Station to solicit or direct or point out any special hack, cab, omnibus or other vehicle used for carrying passengers from said Union Railway Station.

Sec. 4. It shall be unlawful for any driver to receive check or check for baggage from any owner thereof, without giving the owner of said check, a card with the name of the owner of said vehicle and number of his license and place of business.

Sec. 5. It shall be unlawful for any driver of any public hack, cab, omnibus, carriage or other public vehicle carrying passengers for hire in said city without having the number of his license painted upon each lamp of said vehicle in red numbers large enough to be seen at a distance of fifteen feet from said vehicle.

Sec. 6. It shall be unlawful for any person to wear a badge representing any hack, cab, carriage, omnibus, or other vehicle used for carrying passengers for hire within said city except the drivers of said vehicles.

Sec. 7. It shall be unlawful for any transfer company or the owner or employe in charge of any hack, cab, carriage or other vehicle used for carrying passengers for hire within said city to charge more than fifty cents (\$0.50) for each passenger so hauled or carried, with 100 pounds of baggage to any point within the corporate limits of said city, and to charge more than one dollar and fifty cents (\$1.50) per hour for such vehicle, where the contract is made by the hour, and not more than one dollar (\$1.00) for each additional hour thereafter.

Sec. 8. It shall be unlawful for any driver to solicit passengers or baggage without having on his hat or cap the number of his vehicle license.

Sec. 9. It shall be unlawful for any owner of any transfer line, omnibus, hack, hansom, or other vehicle carrying passengers for hire within said city to pursue his said business without posting in each of said carriages in a conspicuous place the rates provided by this ordinance.

Sec. 10. That an ordinance entitled an ordinance approved April 20, 1899, providing that it shall be unlawful for any owner, agent, servant or employe of any express wagon, or other vehicle used for carrying passengers for hire within said city to solicit business at any places except as therein provided, not to exceed a distance of ten feet, parallel with the rear or front part of any wagon or vehicle in charge of any owner, agent, servant, or employe, and not to exceed the width of said wagon at any place where vehicles are allowed to stand in said city;

Provided, that if any owner, of any such express wagon or other public vehicle have an office in any place, such owner, or his agents, or servants, may solicit business within said building and premises where such office is located, is hereby repealed.

Sec. 11. It shall be unlawful for any director or other officer, stockholder, servant, or any one in his employ within said Union Railway Depot, to induce any traveller or person desiring to take passage on any omnibus, hack, carriage, or other public vehicle to influence or in any way direct them to any special hack or vehicle used for carrying passengers to and from said station for hire.

Sec. 12. Any person, agent, servant, employee or any person violating any of the sections or provisions of this ordinance shall upon conviction be fined in any sum not exceeding one hundred dollars (\$100.00) nor less than five dollars (\$5.00).

Sec. 13. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Sec. 14. This ordinance shall be in full force and effect from and after its passage and shall take effect after its publication one day each week for two consecutive weeks in the Indianapolis Sentinel.

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

President James H. Billingsley entered the Council Chamber and took the chair.

By Mr. Rhodés:

General Ordinance No. 8—1905: An ordinance to amend Section 12 of General Ordinance No. 2, 1905.

Be it ordained by the Common Council of the City of Indianapolis.

Section 1. That Section 12, General Ordinance No. 2, 1905, be amended by inserting the words "of the Belt Railroad," after the word "tracks" in the first paragraph of said section.

Sec. 2. This ordinance shall take effect and be in force from and after its passage.

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

By Mr. Crall:

General Ordinance No. 9—1905: An ordinance requiring flagmen to be stationed at certain railroad crossings and defining the duties of such flagmen, and providing a penalty for the violation thereof and fixing the time when the same shall take effect.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That it shall be the duty of every person connected with the control or management of the Cleveland, Cincinnati, Chicago & St. Louis Railway Company to cause flagmen to be stationed at the following points in the City of Indianapolis, to-wit:

1. At the crossing of W. Eleventh street and sidewalks thereof by the Cleveland, Cincinnati, Chicago & St. Louis Railway Company.

2. At the crossing of W. Twelfth street and the sidewalks thereof by the Cleveland, Cincinnati, Chicago & St. Louis Railway Company.

3. At the crossing of W. Thirteenth street and sidewalks thereof by the Cleveland, Cincinnati, Chicago & St. Louis Railway Company.

4. At the crossing of W. Fourteenth street and the sidewalks thereof by the Cleveland, Cincinnati, Chicago & St. Louis Railway Company.

5. At the crossing of W. Fifteenth street and sidewalks thereof by the Cleveland, Cincinnati, Chicago & St. Louis Railway Company.

6. At the crossing of W. Sixteenth street and the sidewalks thereof by the Cleveland, Cincinnati, Chicago & St. Louis Railway Company.

7. At the crossing of Northwestern avenue and the sidewalks thereof by the Cleveland, Cincinnati, Chicago & St. Louis Railway Company.

Sec. 2. Any of the executive officers of said railway company who shall fail or neglect to cause flagmen to be stationed at any of the crossings hereinbefore provided shall be fined in any sum not exceeding one hundred (\$100.00) dollars for each day's neglect to provide such flagmen, as herein specified.

Sec. 3. Said flagmen shall be provided with proper conspicuous signals and shall give proper and timely notice to all persons about to cross such railroad track or tracks of the approach of any locomotive, and said flagman shall prevent persons from standing upon such crossing.

Sec. 4. The hours of duty for such flagmen shall be from 6 o'clock, A. M. to 6 o'clock P. M. of each day of the week except Sunday.

Sec. 5. This ordinance shall be in full force and effect from and after its passage and publication once each week for two consecutive weeks in the Indianapolis Sentinel.

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

By Mr. Krause:

General Ordinance No. 10—1905: An ordinance requiring the various railroad companies crossing South Liberty street near Washington street, in the City of Indianapolis, Indiana, to erect and maintain safety gates for the protection of the public at each of said crossings; providing a penalty for the violation thereof and fixing a time when the same shall take effect.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the Indianapolis Union Railway Company, the Chicago, Indianapolis & Louisville Railway Company, and the Lake Erie & Western Railway Company be, and they are hereby required to erect and maintain safety gates on each side of their tracks where the same cross South Liberty street near Washington street, in the City of Indianapolis, within one hundred and twenty (120) days from the taking effect of this ordinance. Said gates shall be operated between the hours of six thirty (6:30) A. M. and six thirty (6:30) P. M. each day, except Sunday.

Sec. 2. That the Pittsburg, Cincinnati, Chicago & St. Louis Railway Company, and the Cincinnati, Hamilton & Dayton Railway Company be, and they are hereby required to erect and maintain safety gates on each side of their tracks where the same cross South Liberty street, near Washington street, in the City of Indianapolis, within one hundred and twenty (120) days from the taking effect of this ordinance. Said gates shall be operated between the hours of six thirty (6:30) A. M. and six thirty (6:30) P. M. each day except Sunday.

Sec. 3. And it is hereby further ordained that said railroad companies be required to erect, maintain and operate a watchman's tower, in conjunction with such safety gates, at each of said crossings, in which a watchman shall be stationed continuously during the hours

said gates are to be operated under this ordinance; and such safety gates and tower shall be so constructed that said gates shall be operated from said tower and so that such watchman may have a free and unobstructed view of trains and locomotives approaching such crossing.

Sec. 4. Each and every one of said companies above named failing to erect and maintain safety gates or towers, or to place flagmen at and within the times as above provided, shall be fined the sum of five (\$5.00) dollars on complaint of any citizen of said city filed before the Mayor, and every day said crossings are allowed to remain unprotected and without said gates properly erected and maintained after the expiration of the times as specified above, shall be deemed a separate offense as to each of said companies required to erect said gates and towers.

Sec. 5. It shall be the duty of the Board of Public Works to serve personal notice of the passage of this ordinance on some officer or agent of each of said railroad companies named above as soon as possible and make return of said service to the City Clerk; but failure to so serve said notice shall not be construed to release said companies from the express provisions hereof, when the same has been published as required by law.

Sec. 6. This ordinance shall take effect and be in force from and after its passage and publication one day each week for two consecutive weeks in the Indianapolis Sentinel, a daily newspaper of general circulation, printed and published in said city of Indianapolis, Marion county, Indiana.

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

By Mr. Fishback:

General Ordinance No. 11—1905: An ordinance amending Section 204 of General Ordinance No. 34, 1904.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That Section 204 of General Ordinance No. 34, 1904, being "an ordinance concerning, affecting or relating to the construction, alteration, repair or removal of buildings, structures and appurtenances thereof, erected or to be erected in the City of Indianapolis, Indiana," be amended to read as follows, to-wit:

Sec. 204. Every theater, opera house or building now or hereinafter erected for theatrical, operatic or for any public amusement, or any building remodeled for the aforesaid purposes in Indianapolis, Indiana, shall have all entrances for patrons front upon a public street and not upon an alley, and in such buildings above mentioned there shall be suitable means of entrance and exits for the audience to and from each floor, balcony and gallery.

Provided, That at any office or other place maintained in any such building by the management thereof for the purpose of selling tickets, it shall be required of such management to keep on sale tickets for any part of such building whether the boxes, floor, balcony or gallery.

Sec. 2. This ordinance shall take effect from and after its passage and publication once each week for two (2) consecutive weeks in the Indianapolis Sentinel, a newspaper of general circulation printed and published in the City of Indianapolis, Indiana.

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

By Mr. Fishback:

General Ordinance No. 12—1905: An ordinance requiring the Cleveland, Cincinnati, Chicago & St. Louis Railroad Company, whose tracks cross Olney street and Brightwood avenue in the City of Indianapolis, to place flagmen at each of the said crossings as herein-after specified for the protection of the public.

Be it ordained by the Common Council of the City of Indianapolis:

Section 1. That the Cleveland, Cincinnati, Chicago & St. Louis Railroad Company be, and it is hereby required to place a flagman at Olney street and a flagman at Brightwood avenue in the City of Indianapolis at the crossing of its tracks over said streets within thirty days from the taking effect of this ordinance; said flagmen shall be on duty between the hours of six thirty (6:30) A. M. and six thirty (6:30) P. M.

Sec. 2. It shall be the duty of the Board of Public Works to serve personal notice of the passage of this ordinance on some officer or agent of said railroad company named above as soon as possible and make return of said service to the City Clerk; but failure to do so serve said notice shall not be construed to release said company from the express provisions hereof when the same has been published as required by law.

Sec. 3. This ordinance shall take effect and be in force from and after its passage and publication one day each week for two (2) consecutive weeks in the Indianapolis Sentinel.

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

ORDINANCES ON SECOND READING.

Mr. Davis called for General Ordinance No. 85, 1904, for second reading. It was read a second time.

Mr. Davis moved that General Ordinance No. 85, 1904, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 85, 1904, was read a third time and passed by the following vote:

Ayes, 17, viz.: Messrs. Cottey, Crall, Davis, Eppert, Fishback, Gasper, Hofmann, Krause, Linus, Rhodes, Shea, Storm, Sullivan, Wahl, Wolsiffer, Wright and President James H. Billingsley.

Noes, none.

On motion of Mr. Wahl the Common Council, at 8:00 o'clock, P. M., adjourned.

J. B. ...

President.

ATTEST:

A. T. ...

City Clerk.

