

REGULAR MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.

MONDAY, May 1, 1905.

The Common Council of the City of Indianapolis, met in the Council Chamber, Monday evening, May 1, 1905, at 7:45 o'clock, in regular session, President James H. Billingsley in the chair.

Present: The Hon. James H. Billingsley, President of the Common Council, and 12 members, viz.: Messrs. Cottey, Davis, Eppert, Fishback, Gasper, Linus, Moriarity, Rhodes, Shea, Sullivan, Uhl, Wahl.

Absent, 8, viz.: Messrs. Cooper, Crall, Hofmann, Krause, Murray, Storm, Wolsiffer, Wright.

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

Messrs. Hofmann and Wolsiffer entered the Council Chamber and took their seats.

COMMUNICATIONS FROM THE MAYOR.

INDIANAPOLIS, IND., April 20, 1905.

To the President and Members of the Common Council:

Gentlemen: I herewith return with my signature and approval General Ordinance No. 24, 1905.

Respectfully,

JOHN W. HOLTZMAN.

Mayor.

Which was read.

INDIANAPOLIS, IND., April 18, 1905.

To the President and Members of the Common Council:

Gentlemen: I herewith return to you with my signature and approval General Ordinances Numbered 19, 23, 25, 26, 1905, and General

Ordinance No. 51, 1904; also Appropriation Ordinances Numbered 6, 8 and 9, 1905.

Respectfully,  
**JOHN W. HOLTZMAN,**  
 Mayor.

Which was read.

#### REPORTS FROM CITY OFFICERS.

From the City Comptroller:

INDIANAPOLIS, IND., May 1, 1905.

To the President and Members of the Common Council:

Gentlemen: I submit herewith letter of the Memorial Day Committee requesting the usual appropriation of \$200 for the patriotic exercises of May 30th. I recommend the appropriation, and inclose ordinance for that purpose.

Respectfully,

**J. P. DUNN,**  
 City Comptroller.

Which was read.

INDIANAPOLIS, IND., April 17, 1905.

Jacob P. Dunn, Comptroller City of Indianapolis:

Dear Sir: At a meeting of the General Committee of Arrangements held in Room 25, State House, on the evening of the 14th inst., we were instructed to ask the City Council of Indianapolis, through you, for an appropriation of \$200.00 with which to defray the necessary expenses incurred in the proper observance of Memorial Day, May 30, 1905.

We beg to call your attention to the fact that for some five or six years past this honorable body has annually appropriated the above amount, of which we have never used the entire sum.

The report on file in your office shows that last year we returned the sum of \$52.32.

This money is not used for the personal aggrandizement of the living but in commemoration of the heroic services of ex-soldiers who gave their lives in defense of their country, or have since passed to the Great Beyond.

Very truly yours,

**J. R. FESLER,** Chairman.

**D. H. OLIVE,** Secretary,

Memorial Day Committee.

#### REPORTS FROM OFFICIAL BOARDS.

From the Board of Public Health:

INDIANAPOLIS, IND., May 1, 1905.

Mr. W. M. Fogarty, City Clerk, City:

Dear Sir: Will you please have this ordinance introduced at the next meeting of the council?

I may state that it is in substance an ordinance which was intro-

duced some months ago, but to have passed it in its original form would have necessitated passing it with many amendments so it was decided by the committee to have me introduce an entirely new ordinance.

Very respectfully,

T. VICTOR KEENE,  
Secretary Board of Health.

Which was read.

## REPORTS FROM STANDING COMMITTEES.

From the Committee on Fees and Salaries:

INDIANAPOLIS, IND., May 1, 1905.

To the President and Members of the Common Council:

Your Committee on Fees and Salaries, to whom was referred General Ordinance No. 28, 1905, have had same under consideration and recommend that same do not pass.

Respectfully submitted,

JAMES B. MURRAY,  
ALBERT E. COTTEY,

Which was read.

Mr. Cottey moved that the action of the committee be concurred in. Carried.

From the Committee on Fees and Salaries:

INDIANAPOLIS, IND., May 1, 1905.

To the President and Members of the Common Council:

Your Committee on Fees and Salaries, to whom was referred General Ordinance No. 27, 1905, have had same under consideration and recommend that same do pass.

Respectfully submitted,

JAMES B. MURRAY,  
ALBERT E. COTTEY.

Which was read.

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

From the Finance Committee:

Majority report:

INDIANAPOLIS, IND., May 1, 1905.

To the President and Members of the Common Council:

Gentlemen: Your Committee, to whom was referred Appropriation Ordinance No. 10, 1905, have had same under consideration and would recommend that it be amended by striking out all that part referring to the salaries of the Elevator Inspector and Assistant Building In-

spector, and when so amended we would respectfully recommend that the same do pass.

Respectfully submitted,

J. L. GASPER.  
W. A. RHODES.  
J. H. CRALL.

Which was read.

Minority report:

INDIANAPOLIS, IND., May 1, 1905.

To the President and Members of the Common Council:

We, the undersigned, minority members of the Finance Committee, to whom was referred Appropriation Ordinance No. 10, 1905, have had same under consideration and recommend that same do pass.

Inasmuch as we believe that it is impossible to carry out the provisions of the Building Ordinance without the aid of the two additional inspectors asked, for and as the fees from this office make it more than self-supporting, we fail to see any good reason why the enforcement of the Building Ordinance should be hampered by the lack of a proper number of inspectors.

Respectfully submitted,

FRANK S. FISHBACK  
M. J. SHEA.

Which was read.

Mr. Gasper moved that the minority report be laid on the table. Carried.

Mr. Gasper moved that the majority report be adopted. Carried.

From the Finance Committee:

INDIANAPOLIS, IND., May 1, 1905.

To the President and Members of the Common Council:

Gentlemen: Your Committee, to whom was referred Appropriation Ordinance No. 11, 1905, have had same under consideration and would respectfully recommend that the same do pass.

Respectfully submitted,

J. L. GASPER.  
W. A. RHODES.  
J. H. CRALL,  
FRANK S. FISHBACK.  
M. J. SHEA.

Which was read.

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

From the Committee on Public Property and Improvements:

INDIANAPOLIS, IND., May 1, 1905.

To the President and Members of the Common Council:

Gentlemen: Your Committee on Public Property and Improvement,

to whom was referred General Ordinance No. 29, have had same under consideration and would respectfully recommend that the same do pass.

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

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

When the Chair called for report from the Committee on Sewers, Streets and Alleys, Mr. Eppert moved to refer back to the report from the Committee on Railroads. Carried.

From the Committee on Railroads:

INDIANAPOLIS, IND., May 1, 1905.

To the President and Members of the Common Council:

Your Committee on Railroads, to whom was referred General Ordinance No. 22, 1905, have had same under consideration and recommend that same do pass.

Respectfully submitted,  
FRED W. EPPERT,  
ALBERT E. COTTEY,  
OTTO HOFMANN,  
JOHN WOLSIFFER.

Which was read.

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

INTRODUCTION OF APPROPRIATION ORDINANCES

By the City Comptroller:

Appropriation Ordinance No. 13—1905: An ordinance appropriating \$200 to the Department of Finance for Memorial Day services, May 30, 1905, and fixing time when same shall take effect.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the sum of \$200 be and the same is hereby appropriated to the Department of Finance for the purpose of defraying the expenses attending the proper observance of Memorial Day, May 30, 1905; and the City Controller is hereby authorized to draw his warrant for the whole amount or any part of said sum.

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 the Committee on Finance.

## INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

By Mr. Moriarity:

General Ordinance No. 32—1905: An ordinance regulating the location, erection, maintenance and inspection of warehouses, store-rooms, tanks, or other structures for the receipt, deposit or storage of petroleum, gasoline, or other fuel oils or illuminating oils, fixing a penalty for the violation thereof, providing for a publication thereof, and fixing a time when the same shall go into effect.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That it shall be unlawful for any person, partnership, or corporation to locate, build, erect or maintain any warehouse, storeroom, tank or other structure for the receipt, deposit or storage of petroleum, gasoline or other fuel oil or illuminating oil in quantities exceeding four hundred barrels within the City of Indianapolis; that it shall be unlawful to store crude petroleum or its products in less quantities, provided the same be contained in barrels not exceeding one hundred in number, and stored in brick or stone warehouses, or in such warehouses as shall be approved by the Building Inspector; that any quantity exceeding one hundred barrels and under four hundred barrels shall be stored in iron or steel storage tanks and such tanks shall be located at least 200 feet from any building.

Sec. 2. Any person, partnership, or corporation who shall violate any of the provisions of Section 1 of this ordinance shall be fined in the sum of one hundred dollars for the first offense and the sum of twenty-five dollars for each additional offense, and every day said ordinance is violated shall constitute a separate offense.

Sec. 3. It shall be the duty of the Building Inspector of the City of Indianapolis from time to time to examine and inspect all buildings and tanks used for the storage of crude petroleum and its products and keep a proper record of such inspection or his approval of such structures.

Sec. 4. Any person, partnership or corporation refusing to permit said officer to inspect such buildings or tank as provided in Section 3, shall be fined in the sum of twenty-five dollars.

Sec. 5. Any such warehouse, storeroom, tank or other structure for the receipt, deposit or storage of petroleum, gasoline or other fuel oil or illuminating oil, erected or established in violation of this ordinance shall be deemed a nuisance and may be abated as such; and it is hereby made the duty of the Building Inspector of the City of Indianapolis to abate the same as a nuisance by proper steps.

Sec. 6. This ordinance shall be in full force and effect in one year after its passage and publication in a newspaper of general circulation, printed and published in the City of Indianapolis.

Which was read a first time and referred to the Committee on Sewers, Streets and Alleys.

By Mr. Moriarity:

General Ordinance No. 33—1905: An ordinance changing the name of Cedar street to McCarty street from the point where said Cedar street intersects with Virginia avenue east to the point where said Cedar street intersects with Shelby street 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 the name of the street heretofore known and designated as Cedar street be and the same is hereby changed to McCarty street from the point where said Cedar street intersects with Virginia avenue, east to the point when said Cedar street intersects with Shelby street, the said street between the two intersecting points to be known and designated hereafter as McCarty street.

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

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

By Mr. Moriarity:

General Ordinance No. 34—1905: An ordinance changing the name of Grove street to Bradshaw street from the point where said Grove street intersects with Virginia avenue east to the point where said Grove street intersects with Shelby street 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 the name of the street heretofore known and designated as Grove street be and the same is hereby changed to Bradshaw street from the point where said Grove street intersects with Virginia avenue east to the point where said Grove street intersects with Shelby street, the said street between said two intersecting points to be hereafter known and designated as Bradshaw street.

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

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

#### PETITION TO CHANGE NAME OF STREET.

Because of confusion in street names arising from the intersection of South East street and East South street at Virginia avenue and resultant trouble in and even failure at times on the part of those living in other parts of the city or out of town, to find addresses sought; and because this portion of South street together with Fletcher avenue, is strictly a residence street, and one of the best, while West South street is largely given over to factories and business; and further because of the fact that with this change of name in these two blocks our parkway of which we are justly proud, will be the longest and finest in the city on one continuous street, we present to your honorable body, the following petition:

We, the undersigned, resident property owners of South street, from Virginia avenue to Noble street, respectfully petition the Honorable City Council to change the name of South street from Virginia avenue east to Noble street, to Fletcher avenue, and to have erected signs with new street name, at each corner, on both sides of said street: H. E. Gabe, 619 East South street; L. Sagalowsky, 601 East South street; Chas. J. Schmidt, 534 East South street; Thos. E. Courtney, 533 East South street; Carrie L. Francis, 557 East South street; W. C. Gallahue, 543 East South street; Cathern Bell, 556 East South street; Peter Spitzfaden, 542 East South street; Fred L. Grossart, 566 East South street; Charles Fearnaught, 537 East South street; Geo. H. Beyer, 529 East South street; Dr. A. O. Ward, East South street; T. O. Stout; E. Spaulding, 545 East South street; Mrs. J. P. Schiltges, 560

East South street; S. E. Burrows, 528 East South street; Mrs. Jennie Cotton, 605 East South street; J. M. McCollum, 622 East South street; W. E. Sedwick, 609 East South street; H. W. Laut, 630 East South street; Mary Horuff, 555 East South street.

By Mr. Moriarity:

General Ordinance No. 35—1905: An ordinance changing the name of South street to Fletcher avenue from the point where said South street intersects with Virginia avenue and East street, east to the point where said South street intersects with Noble street, 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 the name of the street heretofore known and designated as South street be and the same is hereby changed to Fletcher avenue from the point where said South street intersects with Virginia avenue and East street east to the point where said South street intersects with Noble street, said part of said South street between said two intersections to be hereafter known and designated as Fletcher avenue.

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

Which was read a first time and referred to the Committee on Sewers, Streets and Alleys.

By Mr. Gasper (by request):

General Ordinance No. 36—1905: An ordinance to compel the occupants of any premises, buildings, or outhouses, within the City of Indianapolis, or within four miles from the corporate limits thereof, when the said premises, buildings, or outhouses shall have become filthy or unwholesome, to abate or cleanse the same, and to authorize such cleansing to be done by the proper public officers, and to assess the expense thereof, and collect such expense from the occupant or owner and to impose a lien on said property for such expense and place the same on the tax duplicate for collection, or to collect the same by foreclosure of said lien.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That it shall be unlawful for the occupant or occupants of any premises, buildings, or outhouses, within the City of Indianapolis, or within four miles from the corporate limits thereof, to permit the same to become filthy or unwholesome, or to suffer or permit the same to remain in a filthy or unwholesome condition.

Sec. 2. In the event of the violation of Section 1 of this ordinance by the occupant or occupants of any premises, buildings, or outhouses, it shall become the duty of the Board of Public Health to notify such occupant or occupants to cleanse the same, within five days, and upon his or their failure to so do, it shall be the duty of said Board to cause such premises, buildings, or outhouses to be properly cleansed, and to charge the expense thereof to such occupant or occupants; and in the event of the failure of such occupant or occupants to promptly pay the same, then to impose a lien upon such property for such expense, and to place the same on the tax duplicate for collection, or to collect the same by foreclosure of such lien.

Sec. 3. Any person who shall violate Section 1 of this ordinance shall be fined in any sum not less than ten dollars (\$10.00), nor more than one hundred dollars (\$100.00), and for subsequent offenses, such person may be imprisoned for a period not to exceed three (3) months.



Sec. 4. This ordinance shall be in force from and after its publication one day in each week for two consecutive weeks in the Indianapolis Evening News, a newspaper of general circulation, printed and published in the City of Indianapolis, in the State of Indiana.

The above ordinance is drawn under Section 53, Clause 14 of the Cities and Towns Act of 1905.

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

By Mr Gasper (by request):

General Ordinance No. 37—1905: An ordinance to amend Section 181 of "An ordinance providing for all matters 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," approved June 6, 1904.

Be it enacted that Section 181 of "An ordinance providing for all matters 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," approved June 6, 1904, be amended so as to read as follows:

Every passenger elevator provided with an opening on one side for entrance to and exit from the car on the ground floor, and with another opening on another side for entrance to and exit from the car on other floors, shall be provided with a sliding door on the inside of the car covering the opening used at the ground floor, which door shall be kept securely closed at all times except when the elevator is stationary at the ground floor.

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

By Mr. Fishback:

General Ordinance No. 38—1905: An ordinance forbidding entering or trespassing upon elevated tracks and the structures, embankments and elevated approaches appurtenant thereto, and prescribing a punishment therefor.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That whenever any railroad company shall elevate or cause to be elevated any part of its tracks located in the City of Indianapolis, so that such tracks shall be constructed above the grade of any street or alley, it shall be unlawful for any person or persons save employees of railroad companies, acting in the discharge of their duties as such employees, to enter or be upon or walk along or across the tracks so elevated, or the structures or embankments sustaining the same, or the elevated approaches to the tracks, structures or embankments so elevated. If any person shall trespass upon such elevated tracks, structures, embankments, or approaches, such person shall be liable to a fine of not less than five dollars nor more than one hundred dollars for each and every offense.

Sec. 2. This ordinance shall be in force after its passage and publication once each week for two consecutive weeks in the Indianapolis Daily Sentinel.

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

By Mr. Fishback (by request of Chief Krueger):

General Ordinance No. 39—1905: An ordinance requiring notices of public meetings to be given to the Chief of Police.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That any person, firm or corporation intending to give an entertainment, exhibition or show in any public hall in the City of Indianapolis, or to hold any meeting or assemblage therein, shall be required to notify, in writing, the Chief of Police of said city at least twenty-four hours before such entertainment, show or exhibition is to be given, informing him of the time and place and the character of the assemblage and the probable number of people that will congregate thereat. *Provided, however,* That such notice shall not be required for churches, theaters or similar assemblages which are open for meetings at regular well known periods.

Sec. 2. Any one violating the provisions of this ordinance shall be fined in any sum less than twenty-five dollars.

Sec. 3. This ordinance shall be in force and effect from and after its passage and publication once each week for two consecutive weeks in the Indianapolis Daily Sentinel.

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

By Mr. Rhodes:

General Ordinance No. 40—1905: An ordinance amending Section 137 of an ordinance providing for all matters concerning, affecting or relating to the construction, alteration or removal of buildings, structures and appurtenances thereof, erected or to be erected in the City of Indianapolis, Indiana, approved June 6, 1904.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That Section 137 of an ordinance providing for all matters 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, approved June 6, 1904, be amended as follows:

It shall be unlawful to erect or maintain any solid sign, billboard or other structure for advertising purposes upon the cornice of or on the roofs of any building in the City of Indianapolis, if such sign, billboard or structure for advertising purposes is greater than two feet in height; nor shall any windows or doors be obstructed, or the opening thereof interfered with, by any sign, billboard or other advertising structures; *Provided, however,* That it will be permissible to erect and maintain skeleton signs upon the cornice of, or on the roof of any building in the City of Indianapolis when constructed according to the requirements of the City Building Ordinance.

Sec. 2. 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, a daily newspaper of general circulation, printed and published in the City of Indianapolis.

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

## MISCELLANEOUS BUSINESS.

Mr. Rhodes moved to reconsider General Ordinance No. 6, 1905, which was considered at the last regular meeting of the Common Council. Carried.

Mr. Rhodes moved that General Ordinance No. 6, 1905, be referred back to the Judiciary Committee for further work. Carried.

## ORDINANCES ON SECOND READING.

Mr. Gasper called for Appropriation Ordinance No. 11, 1905, for second reading. It was read a second time.

Mr. Gasper moved that Appropriation Ordinance No. 11, 1905, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 11, 1905, was read a third time and passed by the following vote:

Ayes, 17, viz.: Messrs. Cottey, Crall, Davis, Eppert, Fishback, Gasper, Hofmann, Linus, Moriarity, Rhodes, Shea, Storm, Sullivan, Uhl, Wahl, Wolsiffer and President James H. Billingsley.  
Noes, none.

Mr. Cottey called for General Ordinance No. 27, 1905, for second reading. It was read a second time.

Mr. Cottey moved that General Ordinance No. 27, 1905, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 27, 1905, was read a third time and passed by the following vote:

Ayes, 17, viz.: Messrs. Cottey, Crall, Davis, Eppert, Fishback, Gasper, Hofmann, Linus, Moriarity, Rhodes, Shea, Storm, Sullivan, Uhl, Wahl, Wolsiffer and President James H. Billingsley.  
Noes, none.

Mr. Gasper called for Appropriation Ordinance No. 10, 1905, for second reading. It was read a second time.

Mr. Gasper moved that Appropriation Ordinance No. 10, 1905, be amended as recommended by the Committee on Finance. Carried.

Mr. Gasper moved that Appropriation Ordinance No. 10, 1905, be ordered engrossed as amended, read a third time and placed upon its passage. Carried.

Mr. Gasper moved that the Clerk be authorized to change the title of Appropriation Ordinance No. 10, 1905, to conform with the committee amendment. Carried.

Appropriation Ordinance No. 10, 1905, was read a third time and passed by the following vote:

Ayes, 16, viz.: Messrs. Cottey, Crall, Eppert, Fishback, Gasper, Hofmann, Linus, Moriarity, Rhodes, Shea, Storm, Sullivan, Uhl, Wahl, Wolsiffer and President James H. Billingsley.

Noes, 1, viz.: Mr. Davis.

Mr. Wright entered Council Chamber and took seat.

Mr. Eppert called for General Ordinance No. 22, 1905, for second reading. It was read a second time.

Mr. Eppert moved that General Ordinance No. 22, 1905, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 22, 1905, was read a third time and passed by the following vote:

Ayes, 12, viz.: Messrs. Cottey, Davis, Eppert, Fishback, Gasper, Hofmann, Rhodes, Shea, Uhl, Wolsiffer, Wright and President James H. Billingsley.

Noes, 6, viz.: Messrs. Crall, Linus, Moriarity, Storm, Sullivan and Wahl.

Mr. Davis called for General Ordinance No. 29, 1905, for second reading. It was read a second time.

Mr. Davis moved that General Ordinance No. 29, 1905, be ordered engrossed, read a third time, and placed upon its passage. Carried.

General Ordinance No. 29, 1905, was read a third time and passed by the following vote:

Ayes, 14, viz.: Messrs. Cottey, Crall, Davis, Eppert, Fishback, Gas-

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per, Hofmann, Linus, Moriarity, Rhodes, Shea, Sullivan, Uhl and Wright.

Noes, 4, viz.: Messrs. Storm, Wahl, Wolsiffer and President James H. Billingsley.

On motion of Mr. Gasper the Common Council, at 8:20 o'clock, P. M., adjourned

*James H. Billingsley*

President.

ATTEST:

*W. M. Fogarty*

City Clerk

