

REGULAR MEETING

Monday, November 5, 1945
7:30 P. M.

The Common Council of the City of Indianapolis met in the Council Chambers at the City Hall, Monday, November 5, 1945, at 7:30 P. M., in regular session. President Schumacher in the chair.

The Clerk called the roll.

Present: Mr. Bowers, Mr. Brown, Mr. Daus, Mr. Kealing, Mr. Manly, Dr. Meriwether, Mr. White, Mr. Worley, President Schumacher.

The reading of the Journal for the previous meeting was dispensed with on motion of Mr. Worley and seconded by Mr. Manly.

COMMUNICATIONS FROM THE MAYOR

October 17, 1945.

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

Gentlemen:

I have this day approved with my signature and delivered to the City Clerk, Mr. Frank J. Noll, Jr., the following ordinances:

GENERAL ORDINANCE NO. 72, 1945.

AN ORDINANCE establishing a certain passenger and/or loading zone in the City of Indianapolis, pursuant to the provisions of Section 26 of General Ordinance No. 96-1928, as amended; and fixing a time when the same shall take effect.

APPROPRIATION ORDINANCE NO. 72, 1945

AN ORDINANCE transferring, reappropriating and reallocating the total sum of Sixty Thousand (\$60,000.00) Dollars (Gas monies) from certain items and funds under City Civil Engineer, Department of Public Works, according to 1945 budget classifications, to Fund No. 26, (Gas Tax Monies) Other Contractual, in the Department of Public Works Administration, for the purpose paying for the resurfacing of certain city streets; and fixing a time when the same shall take effect.

APPROPRIATION ORDINANCE NO. 73, 1945

AN ORDINANCE transferring, reappropriating and reallocating the sum of Eleven Thousand Five Hundred (\$11,500.00) Dollars from Fund No. 12-2, Sewer Sanitation, Street Commission Division of the Department of Public Works of the City of Indianapolis to Fund No. 72, Equipment, in the same division and department, for truck chassis for eductor tank and an eductor tank and pumper assembly; and fixing a time when the same shall take effect.

APPROPRIATION ORDINANCE NO. 74, 1945

AN ORDINANCE transferring, reappropriating and reallocating the the sum of One Thousand Eight Hundred (\$1,800.00) Dollars, from Fund No. 12-2, Sewer Sanitation, Street Commissioner, Department of Public Works of the City of Indianapolis, according to 1945 budget classifications, to Fund No. 45, Repair Parts, in the same division and department, for the purpose of paying for parts repair three (3) sewer eductors; and fixing a time when the same shall take effect.

Respectfully,

ROBERT H. TYNDALL,
Mayor.

COMMUNICATIONS FROM CITY OFFICIALS

Gentlemen: In Re: Appropriation Ordinances No. 75 and 76, 1945

I beg leave to report that pursuant to the laws of the State of Indiana, I caused "Notice to Taxpayers" to be inserted in the following newspaper, to-wit:

A. O. Nos. 75, 76, 1945—Friday, October 19 and 26, 1945—The Indianapolis Commercial and the Marion County Mail that taxpayers would have the right to be heard on the above ordinances at the meeting of the Common Council to be held November 5, 1945 and by posting copies of said notices in the City Hall, Court House, and Police Station in the City of Indianapolis, which notices remained posted for ten days or more prior to date of hearing.

Very truly yours,

FRANK J. NOLL, JR.,

City Clerk.

November 5, 1945.

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

Gentlemen:

Attached are copies of Appropriation Ordinance No. 77, 1945, re-appropriating the sum of \$8,00.00 in Gas Tax monies in the Department of Public Parks.

I respectfully recommend passage of this ordinance.

Yours very truly,

ROY E. HICKMAN,

City Controller.

November 5, 1945.

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

Gentlemen:

Attached are copies of Appropriation Ordinance No. 78, 1945, re-appropriating the sum of \$1,200.00 in the Department of Public Parks.

I respectfully recommend passage of this ordinance.

Yours very truly,

ROY E. HICKMAN,
City Controller.

November 5, 1945.

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

Gentlemen:

Attached are copies of Appropriation Ordinance No. 79, 1945, re-appropriating the sum of \$250.00 in the Dog Pound.

Yours very truly,

ROY E. HICKMAN,
City Controller.

November 5, 1945.

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

Gentlemen:

Attached are copies of Appropriation Ordinance No. 80, 1945, re-appropriating the sum of \$12,153.00 in the Fire Department.

I respectfully recommend passage of this ordinance.

Yours very truly,

ROY E. HICKMAN,
City Controller.

November 5, 1945]

City of Indianapolis, Ind.

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November 5, 1945.

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

Gentlemen:

Attached are copies of Appropriation Ordinance No. 81, 1945, re-appropriating the sum of \$75.00 in the Department of Public Works, Public Buildings.

I respectfully recommend passage of this ordinance.

Yours very truly,

ROY E. HICKMAN,
City Controller.

November 3, 1945.

Honorable President and Members
Common Council of the City of
Indianapolis, Indiana.

Gentlemen:

Attached hereto are twenty copies of General Ordinance No. 75, 1945, amending Section (2), (3), and (4), of General Ordinance No. 114, 1922, (as amended, commonly known as the Zoning Ordinance, which was unanimously approved by the City Plan Commission.

Respectfully submitted,

NOBLE P. HOLLISTER,
Director-Secretary
CITY PLAN COMMISSION

November 1, 1945.

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

Gentlemen:

Attached hereto are twenty copies of General Ordinance No. 76,

1945, an ordinance to amend General Ordinance No. 114, 1922, commonly known as the Zoning Ordinance, which was unanimously approved by the City Plan Commission.

Respectfully submitted,

NOBLE P. HOLLISTER,
Director-Secretary
CITY PLAN COMMISSION

November 5, 1945.

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

Gentlemen:

Submitted herewith are copies of General Ordinance No. 77, 1945, to amend General Ordinance No. 114, 1922, commonly known as the Zoning Ordinance, so as to include property at 13th Street and Central Ave.

I respectfully recommend the passage of this Ordinance.

Sincerely yours,

R. C. DAUSS,
Councilman

November 5, 1945.

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

Gentlemen:

Submitted herewith are copies of General Ordinance No. 78, 1945, concerning the regulation of sale and delivery of solid fuel in the City of Indianapolis, and licensing of retail solid fuel dealers therein and providing penalties for its violation.

We respectfully recommend the passage of this Ordinance.

Very truly yours,

HERMAN E. BOWERS
EDWARD R. KEALING
R. C. DAUSS
Councilmen

November 5, 1945.

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

Gentlemen:

I am submitting herewith for introduction 18 copies of General Ordinance No. 79, 1945 "An Ordinance approving and adopting the City Plan Commission's Parking Meter Facility, Resolution No. 1.

Yours very truly,

R. C. DAUSS
HERMAN E. BOWERS
EDWARD R. KEALING
Councilmen

November 2, 1945.

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

Gentlemen:

Attached hereto are copies of General Ordinance No. 80, 1945, authorizing the Board of Public Works and Sanitation, thru its duly appointed Purchasing Agent, to contract for the following equipment:

One Crawler Type Tractor, complete with Hydraulic Angle Dozer Blade, not less than 38 Drawbar H. P. @ - - \$3,943.50.

The contract was awarded to the Fred Malottle Machinery Company, whose bid was considered the lowest and best.

I therefore respectfully recommend the passage of this Ordinance.

Yours very truly,

EDWARD G. HERETH,

Purchasing Agent

November 5, 1945.

To the Honorable President and
Members of the Comon Council
of the City of Indianapolis.

Gentlemen:

Submitted herewith is General Ordinance No. 81, 1945, to prohibit parking at any time except Sunday and Holidays on the west side of North Richland Street between Washington Street and Market Street, and we respectfully recommend the passage of this ordinance.

Respectfully submitted,

BOARD OF PUBLIC SAFETY,
By WM. H. REMY, President.

November 5, 1945.

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

Gentlemen:

Submitted herewith is General Ordinance No. 82, 1945, establishing a 50-foot "loading zone" as follows:

"50 foot "Loading Zone" on the west side of Park Avenue beginning at a point 25 feet south of the curb line of East Washington Street and extending south 50 feet."

We respectfully recommend the passage of this ordinance.

Respectfully submitted,

BOARD OF PUBLIC SAFETY,
By WM. H. REMY; President.

November 5, 1945.

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

Gentlemen:

Submitted herewith is General Ordinance No. 83, 1945, prohibiting parking for a longer period than one and one-half hours, between the hours of 7:00 A. M. and 6:00 P. M., on every day of the week excepting Sundays on 42nd Street, both sides from Broadway to College and the south side from College to Carrollton and on College both sides from a point 300 feet south of the south curb line of 42nd Street to a point 300 feet north of the north curb line of 42nd Street, and we respectfully recommend the passage of this ordinance.

Respectfully submitted,

BOARD OF PUBLIC SAFETY,

By WM. H. REMY, President.

November 1, 1945.

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

Gentlemen:

Attached hereto are twenty copies of Special Ordinance No. 13, 1945, annexing certain contiguous territory to the City of Indianapolis, which was unanimously approved by the City Plan Commission.

Respectfully submitted,

NOBLE P. HOLLISTER,
Director-Secretary,

CITY PLAN COMMISSION

November 5, 1945.

To the Members of the
Common Council of the
City of Indianapolis, Ind.
Gentlemen:

Submitted herewith are copies of Resolution No. 7, 1945, concerning the Indianapolis Railways, Inc.

I recommend that this resolution be passed under suspension of the rules.

Sincerely yours,

JOHN A. SCHUMACHER, President,
Common Council.

November 2, 1945.

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

Gentlemen:

A petition signed by 37 property owners of the City of Indianapolis, concerning a request to prohibit trucks of more than one ton capacity on North Sherman Drive between 30th Street and 38th Street, has been submitted to the City Plan Commission for its consideration and transmittal to the Council.

At the regular meeting on October 29, 1945, it was the recommendation of the Plan Commission that the Council be requested to refrain from favorable action on this and similar petitions for the prohibition of truck traffic on principal city streets until such time and under such conditions as are set forth in the following reasons for the action of the City Plan Commission:

1. At the present time there is under way in this City a comprehensive Origin and Destination Traffic Survey being conducted by the State Highway Commission of Indiana and the Federal Public Roads Administration. The results of this survey will be available to the City of Indianapolis and will provide a sound basis for determining the pattern of an

arterial street system to adequately serve for the movement of general traffic throughout the City. Until the results of this survey can be used as a basis of determination, it is believed inadvisable to attempt to further alter the movement of general traffic throughout the City in a piece-meal manner.

2. In the eastern part of the City, between the Mile Square and the extreme eastern boundary, there are only four streets, namely, Rural Street, Sherman Drive, Emerson Avenue and Arlington Avenue, which have sufficient continuity to give through access to the southeast sections of the City. Of these streets, Arlington Avenue has been closed to truck traffic by recent Ordinance for some period of time and the section of Rural Street between 10th Street and Massachusetts Avenue has likewise been closed by recent Ordinance. This leaves only two streets, one mile apart, to serve for general north-south traffic us throughout the entire east side of the City.
3. The City Plan Commission is aware of the fact that certain sections of Sherman Drive north of 16th Street have not been improved with sidewalks to provide safety for pedestrians; however, the elimination of truck traffic is not in itself an assurance of pedestrian safety, which can only be accomplished by provision for adequate walkways, independent of the travelled roadway.

The Plan Commission has available for inspection by the Common Council maps showing those streets which are now closed by Ordinance to truck traffic, as well as those major streets which now function as a part of the City's general traffic system. Truck traffic, which plays an essential part in the normal operation of business and industry within any community, has been almost completely excluded from the northern section of the City by Ordinance and has been forced to use inadequate routes to reach desired destinations. An inspection of these maps will bring out the inadvisability of further hampering truck traffic until a satisfactory determination of routes is made.

It is hoped that the foregoing explanation fully states the reasons for the present recommendations of the City Plan Commission concerning this and future similar petitions.

Respectfully submitted,

NOBLE P. HOLLISTER,

Director-Secretary,

CITY PLAN COMMISSION

At this time those present were given an opportunity to be heard on Appropriation Ordinances Nos. 75, 76, 1945, General Ordinance No. 74, 1945, and Special Ordinance No. 12, 1945.

Mr. Bowers asked for recess. The motion was seconded by Mr. Manly and the Council recessed at 8:05 P. M.

The Council reconvened at 8:15 P. M., with the same members present as before.

COMMITTEE REPORTS

November 5, 1945.

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

Gentlemen:

We, your Committee on Public Health, to whom was referred Appropriation Ordinance No. 75, 1945, entitled

AN ORDINANCE transferring, reappropriating and reallocating the sum of Twelve Hundred (\$1,200.00) Dollars from a certain fund in the Department of Public Health and Hospitals, to another fund in the Tuberculosis Prevention Division of the same department,

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

LUCIAN B. MERIWETHER, Chairman
EDWARD R. KEALING
A. ROSS MANLY
OTTO H. WORLEY
WM. A. BROWN

November 5, 1945.

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

Gentlemen:

We, your Committee on Finance, to whom was referred Appropriation Ordinance No. 76, 1945, entitled

AN ORDINANCE transferring, reappropriating and reallocating the total sum of Fifteen Thousand (\$15,000.00) Dollars from certain funds under the Police and Fire Departments, to certain other designated items and funds under the Department of Public Board of Works and Sanitation,

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

HERMAN E. BOWERS, Chairman
EDWARD R. KEALING
R. C. DAUSS
LUCIAN B. MERIWETHER
A. ROSS MANLY

November 5, 1945.

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

Gentlemen:

We, your Committee on Public Safety, to whom was referred General Ordinance No. 74, 1945, entitled

AN ORDINANCE regulating parking on Indiana Avenue from West Street to Tenth Street,

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

R. C. DAUSS, Chairman
EDWARD R. KEALING
HERMAN E. BOWERS
OTTO H. WORLEY
MAX WHITE

November 5, 1945.

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

Gentlemen:

We, your Committee on Parks, to whom was referred Special Ordinance No. 12, 1945, entitled

AN ORDINANCE annexing certain territory at 59th Street and Keystone Avenue,

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

A. ROSS MANLY, Chairman
R. C. DAUSS
LUCIAN B. MERIWETHER
OTTO H. WORLEY
WM. A. BROWN

INTRODUCTION OF APPROPRIATION ORDINANCES

By the City Controller:

APPROPRIATION ORDINANCE NO. 77, 1945.

AN ORDINANCE transferring, reappropriating and reallocating the sum of Eight Hundred (\$800.00) Dollars (Gas Tax Monies) from a certain Fund to another designated Fund in the Department of Public Parks; and fixing a time when the same shall take effect.

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

Section 1. That the sum of Eight Hundred (\$800.00) Dollars (Gas Tax Monies) now held in the following Fund under the Department of Public Parks, to-wit:

Fund No. 43, Street and Alley Materials ---\$800.00
be and the same is hereby transferred, reappropriated and reallocated to the following Fund (Gas Tax Monies) in the same Department, to-wit:

Fund No. 45, Repair Parts -----\$800.00
Section 2. This Ordinance shall be in full force and effect upon

its passage, approval by the Mayor and compliance with all law pertaining thereto.

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

By the City Controller.

APPROPRIATION ORDINANCE NO. 78, 1945.

AN ORDINANCE transferring, reappropriating and reallocating the total sum of Twelve Hundred (\$1,200.00) Dollars from certain designated funds to other designated funds in the Department of Public Parks; and fixing a time when the same shall take effect.

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

Section 1. That the total sum of Twelve Hundred (\$1,200.00) Dollars, now held in the following designated amounts in the following designated funds of the Department of Public Parks, to-wit:

Fund No. 38, General Supplies	-----	\$500.00
Fund No. 42, Sewer Materials	-----	\$700.00
		<hr/>
		\$1,200.00

be and the same is hereby transferred, reappropriated and reallocated in the respective amounts indicated to the following designated funds in the same department, to-wit:

Fund No. 44, General Materials	-----	\$500.00
Fund No. 21, Communication and Transportation	-----	\$700.00
		<hr/>
		\$1,200.00

Section 2. This Ordinance shall be in full force and effect upon its passage, approval by the Mayor, and compliance with all law pertaining thereto.

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

By the City Controller:

APPROPRIATION ORDINANCE NO. 79, 1945.

AN ORDINANCE transferring, reappropriating and reallocating the total sum of Two Hundred Fifty (\$250.00) Dollars from certain items under Fund No. 11, Municipal Dog Pound, Department of Public Safety, to certain other designated items and funds in the same division and department; and fixing a time when the same shall take effect.

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

Section 1. That the total sum of Two Hundred Fifty (\$250.00) Dollars now held in Fund No. 11, Municipal Dog Pound, Department of Public Safety, as hereinafter designated, to-wit:

Fund No. 11, Salaries and Wages, Regular

1 Asst. Pound Keeper -----	\$ 25.00
1 Dog Collector -----	\$ 25.00
1 Dog Collector -----	\$ 60.00
1 Typist-Clerk 2 -----	\$ 20.00
1 Kennel Man @ \$1,500.00 -----	\$ 20.00
1 Kennel Man @ \$1,800.00 -----	\$100.00
	\$250.00

be and the same is hereby transferred, reappropriated and reallocated to the following items and funds of the same division and department, in the respective amounts indicated, to-wit:

Fund No. 31, Food -----	\$150.00
Fund No. 34, Institutional and Medical ----	\$100.00
	\$250.00

Section 2. This Ordinance shall be in full force and effect upon its passage, approval by the Mayor, and compliance with all law pertaining thereto.

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

By the City Controller:

APPROPRIATION ORDINANCE NO. 80, 1945.

AN ORDINANCE transferring, reappropriating and reallocating the sum of Twelve Thousand One Hundred Fifty Three (\$12,153.00) Dollars from Fund No. 11, Fire Department, Department of Public Safety, amongst certain other funds in the same division and department; and providing a time when the same shall take effect.

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

Section 1. That the sum of Twelve Thousand One Hundred Fifty Three (\$12,153.00) Dollars now held under Fund No. 11, Fire Department, Department of Public Safety, be and the same is hereby transferred, reappropriated and reallocated in the respective amounts indicated to the hereinafter described funds in the same division and department, to-wit:

Fund No. 72, Equipment, Fire Dept.	\$5,000.00
Fund No. 44, General Materials, Game- well Dept.	\$7,153.00
	\$12,153.00

Section 2. This Ordinance shall be in full force and effect upon its passage, approval by the Mayor, and compliance with all law pertaining thereto.

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

By he City Controller:

APPROPRIATION ORDINANCE NO. 81, 1945.

AN ORDINANCE transferring, reappropriating and reallocating the sum of Seventy-Five (\$75.00) Dollars, from a certain fund in the Division of Public Buildings, Department of Public Works, to another designated fund in the same division and department, for the purpose of paying the cost of repairs to the elevator

doors in the City Hall; and fixing a time when the same shall take effect.

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

Section 1. That the sum of Seventy-Five (\$75.00) Dollars now held in the following fund in the Division of Public Buildings, Department of Public Works, to-wit:

Fund No. 45, Repair Parts -----\$75.00

be and the same is hereby transferred, reappropriated and reallocated to the following designated fund in the same division and department for the purpose of paying for the cost of repairing the elevator doors in the City Hall, to-wit:

Fund No. 25, Repairs -----\$75.00

Section 2. This Ordinance shall be in full force and effect upon its passage, approval by the Mayor and compliance with all law pertaining thereto.

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

INTRODUCTION OF GENERAL ORDINANCES

By the City Plan Commission:

GENERAL ORDINANCE NO. 75, 1945.

AN ORDINANCE to amend Sections 3 and 4 and part of Section 2 of General Ordinance No. 114, 1922 (as amended), commonly known as the Zoning Ordinance; and fixing a time when the same shall take effect.

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

Section 1. That Group 1 - Residence Classes of Section 2 Gen-

eral Ordinance No. 114, 1922 (as amended), be and the same is hereby amended to read as follows:

GROUP 1 RESIDENCE CLASSES

Class U1 Uses: (Dwelling Houses)

- (1) Dwelling
- (2) Church
- (3) Grade or high school with no living quarters maintained and not operated for pecuniary profit; Public library; Public museum; Community Center building.
- (4) Private club excepting a club the chief activity of which is a service customarily carried on as a business; Dormitory or sorority or fraternity house or dwelling used for lodging, with or without meals, by the membership of a chartered organization; Boarding school, when not operated for pecuniary profit.
- (5) Philanthropic or eleemosynary use of institution other than a penal or correctional institution; Hospital Sanitarium; Nursing home; Convalescent home; and homes for the care of the aged, infirm, blind and children, other than for the insane or feeble-minded.
- (6) Public park; Public playground; Public recreation building; Water supply reservoir, well or filter bed.
- (7) Railway passenger station; Railway right-of-way not including railway yards.
- (8) Growing of vegetables, fruits, flowers, grasses, shrubs and trees, provided such operation is not for profit.

Class U2 Uses: (Apartment house)

- (1) Apartment House
- (2) Apartment Hotel

(As amended by G. O. 150-1923)
(As amended by G. O. 79-1939)
(As amended by G. O. 56-1944)

Section 2. That Section 3 of General Ordinance No. 114, 1922 (as amended), be and the same is hereby amended to read as follows:

Section 3. Dwelling House District (a) In a Class U1 or dwelling house district, no building or premises shall be used, and no building shall be erected, altered or used which is arranged, intended or designed to be used for other than a U1 use.

(b) In a dwelling house district no building shall be erected, altered or used which is arranged, intended or designed or designed for a use enumerated in subdivisions (2), (3), (4) or (5) of Class U1 uses, unless such building is located:

- (1) On a lot already devoted to a use enumerated in the same one of said subdivisions;
- (2) On a lot immediately adjoining or immediately opposite on the other side of the street from a business or industrial district: or
- (3) On a lot determined by the Board of Zoning Appeals after public notice and hearing to be so located that such building will, in the judgement of said board, substantially serve the public convenience and welfare, and will not substantially or permanently injure the appropriate use of neighboring property.

(As amended by G. O. No. 150-1923)

(As amended by G. O. No. 68-1943)

Section 3. That Section 4 of General Ordinance No. 114, 1922 (as amended), be and the same is hereby amended to read as follows:

Section 4. Apartment House District.

(a) In a Class U2 or apartment house district, no building or premises shall be used and no building shall be erected, altered or used which is arranged or intended or designed to be used for other than a Class U1 or U2 use.

(b) In an apartment house district, no building shall be erected, altered or used which is arranged, intended or designed for a use enumerated in subdivisions (2), (3), (4) or (5) of Class U1 uses, unless such building is located:

- (1) On a lot already devoted to a use enumerated in the same one of said divisions;

- (2) On a lot adjoining or immediately opposite on the other side of the street from a business or industrial district; or
- (3) On a lot determined by the Board of Zoning Appeals after public notice and hearing to be so located that such building will, in the judgement of said Board, substantially serve the public convenience and welfare, and will not substantially or permanently injure the appropriate use of neighboring property.

(As amended by G. O. No. 150-1923)

(As amended by G. O. No. 56-1944)

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

Which was read for the first time and referred to the Committee on Law & Judiciary.

By the City Plan Commission:

GENERAL ORDINANCE NO. 76, 1945.

AN ORDINANCE to amend General Ordinance No. 114, 1922 (as amended), commonly known as the Zoning Ordinance; and fixing a time when the same shall take effect.

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

Section 1. That General Ordinance No. 114, 1922 (as amended), commonly known as the Zoning Ordinance of the City of Indianapolis, be and the same is hereby amended, supplemented and extended as to U3 or Business District A4 or 1200 square feet per family District and H1 or 50 feet Height Limit District, so as to include the following described territory, to-wit:

Beginning at the intersection of the south property line of Maple Road and the East property line of Coliseum Avenue; thence East along the South property line of Maple Road

a distance of four hundred and fifteen and one-tenth (415.1) feet, thence south to the North property line of Fairfield avenue; thence Southwesterly along the North property line of Fairfield Avenue to the East property line of Coliseum Avenue; thence North along the East property line of Coliseum Avenue to the point of beginning.

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

Which was read for the first time and referred to the Committee on Law & Judiciary.

By Councilman Dauss:

GENERAL ORDINANCE NO. 77, 1945.

AN ORDINANCE to amend General Ordinance N. 114, 1922, commonly known as the Zoning Ordinance; and fixing a time when the same shall take effect.

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

Section 1. That U-4 or First Industrial District, the A-3 or 2400 Square Ft. Area District, the H-1 or 50 Ft. Height District, be, and the same is, hereby amended, supplemented and extended so as to include the following described territory:

Part of the West half ($\frac{1}{2}$) of the Southeast quarter ($\frac{1}{4}$) of Section 36, Township 16 North, Range 3 East, in the City of Indianapolis, Marion County, Indiana, described as follows:

Commencing at a point in the East line of Central Avenue at its intersection with the North line of Home Avenue (now known as 13th Street) in the City of Indianapolis, running thence East along the North line of Home Avenue two hundred eight (208) feet more or less to a point where the West line of an alley running North and South along the East line of lot numbered One Hundred Fourteen (114)

of Butler's Subdivision of the South part of the West half of the Southeast quarter ($\frac{1}{4}$) of Section 36, Township 16 North, Range 3 East, would intersect said North line of Home Avenue if extended, thence North along the West line of said alley One Hundred Seventy-four (174) feet three (3) inches; thence West parallel to the North line of Home Avenue two hundred eight (208) feet more or less to the East line of Central Avenue; thence South along Central Avenue One Hundred Seventy-four (174) feet three (3) inches to the place of beginning, being a part of the same land conveyed to Henry Schnull by Henry C. Horton and wife, March 10, 1887, by deed recorded in land record 19, page 106, and by William Covert and wife, by deed of May 24, 1887, recorded in land record 19, page 358, in the Office of the Recorder of Marion County, Indiana.

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

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

By Councilmen Bowers, Kealing, and Dauss:

GENERAL ORDINANCE NO. 78, 1945.

AN ORDINANCE concerning the regulation of sale and delivery of solid fuel in the City of Indianapolis, and licensing of retail solid fuel dealers therein, providing penalties for its violation and fixing a time when the same shall take effect.

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

Section 1. "Fuel" means any anthracite or bituminous coal, coke or any other manufactured or patented solid fuel.

"Retail solid fuel dealer" means any person, firm or corporation selling or offering to sell and deliver solid fuel in less than railroad car load and over five hundred pound lots.

“Custom ticket” means a delivery ticket showing the name and address of any person, firm or corporation selling and delivering solid fuel, the name and address of the purchaser of such solid fuel, the tare weight of the vehicle, the gross weight of the load, the net amount of fuel, and the name of the seam and state from which such fuel came.

“Firm” means two or more persons doing a retail solid fuel business as partners, either under a firm name or under their full and true christian names. Personal pronoun includes all genders: the singular includes the plural and the plural includes the singular.

Section 2. Every person, firm or corporation engaged in the sale and delivery of solid fuel in lots of more than five hundred pounds and less than carloads as herein defined, within the corporate limits of the City of Indianapolis, shall first secure a license as a “Retail Solid Fuel Dealer” as in this ordinance provided.

Section 3. Any person, firm or corporation now or hereafter engaged in the retail solid fuel business, within said city, and having a place of business therein, as hereinafter described, may secure a license as a “Retail Solid Fuel Dealer” upon written application to the City Controller, on forms provided by said Controller, and containing the provisions herein and hereinafter set out in Section 4 of this ordinance. The application shall set forth the name of the applicant, and if a firm, the name of each partner, the business address of the applicant and the location by street number of each scale owned or leased by such applicant. Such application shall be verified by the applicant or someone on behalf of applicant authorized to verify such application. Upon the filing of such application and the payment of the sum of Twenty-five (\$25.00) Dollars, as an annual license fee, the City Controller shall issue a license authorizing such applicant to conduct a retail solid fuel business within the corporate limits of the City of Indianapolis.

Section 4. No person, firm or corporation shall be eligible to receive a Retail Solid Fuel Dealers License unless such person, firm or corporation shall own or lease and maintain an established place of business such as is ordinarily maintained in the conduct at retail of solid fuel. The application for license shall also contain a general description of the applicant's place or business, as to building, sheds, storage capacity, scales and minimum number of conveyances to be used in delivery of solid fuel. It shall be a requisite to obtain such license that such applicant shall either own or lease, and have

available for use and maintain during the time for which said license may be issued, a place of business sufficient to accommodate the business conducted, and have same equipped with storage capacity, wagon or truck platform scales, and buildings that may be necessary for proper conduct of a retail solid fuel business.

Section 5. PROVIDED, that any person, firm or corporation, who or which has, for a period of (1) year prior to January 1st, 1945 owned or leased, maintained and conducted an established retail solid fuel business outside the corporate limits of the City of Indianapolis, within a distance of five (5) miles from the nearest point to his business, in the corporate limits of said City of Indianapolis, and during all of that time has been engaged in selling and delivering solid fuel within said corporate limits, may also receive a license for the sale and delivery of solid fuel within said corporate limits, upon complying with the conditions of this ordinance, and the payment of the license fee of \$25.00, provided for herein.

Section 6. The wagon or truck platform scales used by all licensed solid fuel dealers shall be tested and sealed by the inspector of Weights and Measures of the City of Indianapolis, and each licensed dealer shall keep his scales properly adjusted and repaired.

Section 7. Upon sale and delivery of solid fuel in each instance, each licensed dealer shall issue over the name of such dealer a custom ticket, as provided in Section 1 hereof, and in accordance with any and all other laws or ordinances now in force concerning such sales. But in no case shall any custom ticket be issued unless within the next preceding three hours the tare weight of the vehicle shall have been secured. And in case of a divided load, or a load containing lots to two or more consumers, separate tickets shall be issued, showing the gross, tare and net weight of each lot separately.

Section 8. No such licensed retail dealer in the conduct of a retail solid fuel business shall directly or indirectly sell, bargain, deliver or cause to be delivered any solid fuel whatsoever, except that which such dealer has purchased direct from the original source of such fuel from an established and recognized wholesale or other retail dealer in solid fuel, for the purpose of carrying on the business of the licensee; and it shall be deemed to be a clear violation of the terms of this ordinance for any licensee hereunder to permit, authorize or direct the sale and/or delivery of solid fuel, upon a custom ticket issued over the name of such licensed dealer, by any person other than a regular employee or hauling contractor of such licensed dealer in the usual course of his business.

Section 9. The applicant for a license as a retail solid fuel dealer shall pay the license fee provided in this ordinance at the time of making application for such license. Provided that licenses issued to any dealer on any application filed prior to January 1, 1946, shall be issued for a term expiring December 31, 1946, and all licenses issued subsequent to said date shall expire with the calendar year in which they are issued. Provided, further, however, that any applicant securing a license as provided herein, between January 1 and June 30 of any year shall pay the full annual license fee, and any applicant securing the license between July 1 and December 31 of any year shall be required to pay only one-half of the annual fee herein provided.

Section 10. No person, firm or corporation shall engage in the retail solid fuel business within the City limits of the City of Indianapolis, directly or indirectly, without first securing a license as herein provided; and any person, firm or corporation violating any provision hereof shall be fined in any sum not exceeding One Hundred (\$100.00) Dollars, to which may be added imprisonment not to exceed sixty (60) days.

Section 11. It is hereby declared that the purpose of this ordinance is to protect the consumers and purchasers of solid fuel in the City of Indianapolis. If any clause, sentence, paragraph, or section, or part of this ordinance be adjudged to be invalid by any court of competent jurisdiction, such judgement shall not affect, impair or invalidate the remainder of this ordinance. The Common Council of the City of Indianapolis hereby declares that it would have passed the remaining portions of this ordinance irrespective of the fact that any such clause, sentence paragraph, or section so declared invalid, had not been made a part hereof.

Section 12. This ordinance shall be in full force and effect, on and after December 1st, 1945.

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

By Councilmen Bowers, Kealing, and Dauss:

GENERAL ORDINANCE NO. 79, 1945.

AN ORDINANCE approving and adopting the City Plan Commis-

sion's Parking Facility Resolution No. 1, as concurred in by the Board of Public Works and Sanitation and submitted to this Common Council on August 6, 1945; authorizing, directing and empowering the Board of Public Works and Sanitation to proceed in the procurement and installation of necessary parking meter equipment and devices according to law; Providing for the operation, regulation, maintenance and repair of same; and establishing, defining and regulating the use of parking meter zones, rate charges, collection and disposition of fees; Providing a penalty for violation hereof; Repealing General Ordinance No. 39, 1944 (as amended) and all Ordinances or parts of Ordinances in conflict herewith; and providing a time when the same shall take effect.

WHEREAS, the convergence of large numbers of such vehicles at a common terminal destination imposes upon the city the necessity to provide police regulation of said vehicles, so as to maintain a free and safe flow of traffic in the thoroughfares within such common centers of activity by the establishment of parking facilities, either on or off the street, located in proper relation to the established thoroughfares and the destinations sought by the public; and

WHEREAS, the congestion of traffic within such common centers in this city, due to the lack of adequate thoroughfares properly co-ordinated with adequate and well located terminal parking facilities, has contributed in a very large part to the depreciation in efficient land-use and of property values within such common centers; and

WHEREAS, under the provisions of an emergency act entitled "An act authorizing any City of the first class to acquire, establish, construct, maintain and operate municipal parking facilities," approved March 7, 1945 (Chapter 237, Acts of General Assembly-1945) the City of Indianapolis is given the power to regulate the standing or parking of vehicles upon its streets by means of mechanical parking devices, and

WHEREAS, the City Plan Commission of the City of Indianapolis, having caused surveys and studies to be made of the need for and extent required of parking facilities in the City of Indian-

apolis, has recommended the adoption of parking facilities upon certain designated streets and highways in the City of Indianapolis, under its Parking Facility Resolution No. 1 which Parking Facility Resolution No. 1 has been concurrently approved by the Board of Public Works and Sanitation of said City, and certified to this Common Council on August 6, 1945, together with suggested plans and rate-charges, for adoption;

NOW THEREFORE:

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

Section 1. That the words "Parking Meter" whenever used in this ordinance shall mean and include any mechanical device or meter not inconsistent with this ordinance placed or erected for the regulation of parking by authority of this ordinance.

That the word "vehicle" as used herein shall mean any device in, upon or by which any person or property is or may be transported upon a street or highway, except on rails or tracks.

That the words "park" or "parking" as used herein shall mean that the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose and while actually engaged in loading or unloading passengers or merchandise.

That the phrase "parking space" used herein shall mean the space or the section of the street adjacent to the curb, painted and indicated by lines painted or otherwise durably marked on the surface of the street adjacent or adjoining the parking meter.

Section 2. That the City Plan Commission's Parking Facility Resolution No. 1, including plans and recommendations, all heretofore concurrently approved by the Board of Public Works and Sanitation and certified to this Common Council on August 6, 1945, (as spread of record in its Journal of Proceedings for that date), be and the same are hereby approved and adopted, and the Board of Public Works and Sanitation is hereby authorized directed and empowered to purchase and to install 1440 parking meters, more or less, in accordance with the provisions of said resolution, the specifications and estimate of the City Engineer and the provisions of this ordinance upon bids to be received by the City Purchasing Agent

pursuant to proper published notice to bidders by said purchasing agent. No purchase or lease contract shall be binding upon the City until specifically approved by ordinance or resolution of the Common Council, as provided by statute. An advisory committee of at least three technicians and/or engineers shall be selected by the joint action of the Board of Public Works and Sanitation, the Purchasing Agent of the City of Indianapolis, and the President of the Common Council, to advise with such officials with respect to the manner of receiving bids, the consideration thereof and the final selection of any meter. Points to be considered are workmanship, quality, durability, ease of repair, repair costs, and in general, to see that the meter finally selected meets all requirements. The parking meter Zones and respective time-limits recommended in said Parking Facility Resolutin No. 1, and hereby established and created, are as follows, to-wit:

On both the east and west sides of Illinois Street, Meridian Street and Pennsylvania Street between Vermont Street and Michigan Street; on both the north and south sides of Vermont Street between Illinois Street and Pennsylvania Street, on the north side of Ohio Street between Senate Avenue and Capitol Avenue, on both the east and west sides of Senate Avenue between Washington Street and Ohio Street; on both the north and south sides of Washington Street between Missouri Street and Senate Avenue; and on both the north and south sides of Washington Street between Alabama Street and East Street.

On the west side of Capitol Avenue from Maryland Street to New York Street; on the east side of Capitol Avenue from Maryland Street to Washington Street and From Market Street to New York Street; on the west side of Illinois Street from Louisiana Street to Vermont Street and on the east side of Illinois Street from Jackson Place to Vermont Street; on the west side of Meridian Street from Louisiana Street to Washington Street and from Ohio Street to Vermont Street and on the east side of Meridian Street from the Union Station railroad grade separation to Pearl Street and from New York Street to Vermont; on the west side of Pennsylvania Street from Maryland Street to Ohio Street and from New York Street to Vermont Street and on the east side of Pennsylvania Street from Massachusetts Avenue to Vermont Street; on both the east and west sides of Delaware Street from Maryland Street to New York; on both the east and west sides of Alabama

Street from Pearl Street to New York Street; on the north side of New York Street from Capitol Avenue to Delaware Street and on the south side of New York Street from Capitol Avenue to Meridian Street, and from Pennsylvania Street to Delaware Street; on the north side of Ohio Street from Capitol Avenue to Meridian Street and from Pennsylvania Street to Alabama Street and on the south side of Ohio Street from Capitol Avenue to Alabama Street; on both the north and south sides of Washington Street from Senate Avenue to Pennsylvania Street and from Delaware Street to Alabama Street; on both the north and south sides of Maryland Street from Capitol Avenue to Delaware Street; on both the north and south sides of Georgia Street from Capitol Avenue to Meridian Street; on the north side of Jackson Place from Illinois Street to McCrea Street and on both the north and south sides of Jackson Place from McCrea Street to Meridian Street; on both the northeast and southwest sides of Indiana Avenue from Ohio Street to New York Street; on both the northwest and southeast sides of Massachusetts Avenue from Ohio Street to New York Street; and on both the northwest and southwest sides of Kentucky Avenue from Maryland Street to Washington Street

On the north side of Market Street from Illinois Street to the monument Circle and from Delaware Street to Alabama Street and on the south side of Market Street from Capitol Avenue to the Monument Circle, and from Delaware Street to Alabama Street; on the west side of Meridian Street from the Monument Circle to Ohio Street and on the east side of Meridian Street from Washington Street to the Monument Circle and from the Monument Circle to Ohio Street; on the outside perimeter of Monument Circle; on the east side of McCrea Street from Louisiana Street to Georgia Street; and on both the north and south sides of Louisiana Street from McCrea Street to Meridian Street.

And on the north side of Ohio Street from Meridian Street to Pennsylvania Street; on both the north and south sides of Market Street from the Monument Circle to Delaware Street; on both the north and south sides of Washington Street from Pennsylvania Street to Delaware Street; on the east side of Meridian Street from Pearl Street to Washington Street; on

the west side of Pennsylvania Street from Ohio Street to New York Street and on the east side of Pennsylvania Street from Maryland Street to Ohio Street; and both the northeast and southwest sides of Virginia Avenue from Maryland Street to Washington Street.

At any time hereafter said Board of Public Works and Sanitation may purchase and install such additional parking meters in such additional parking meter zones as may be recommended in subsequent parking facility resolutions of the City Plan Commission, concurred in by said Board of Public Works and Sanitation and approved by the Common Council.

Section 3. (a) That the actual location of parking meters within the above described limits shall be determined by the Board of Safety and the Traffic Engineer with due allowance for clearance of alley and street intersections and fire hydrants, reserved loading zones and other necessary prohibitions to parking.

(b) That parallel-to-curb parking shall be had throughout the entire Parking Meter Areas, with a minimum of twenty (20) feet provided for east interior parking space, and eighteen feet for each end parking space.

(c) That the rates of charges for parking shall in effect, wherever meters are installed, between the hours of 8:00 o'clock A. M. and 6:00 o'clock P. M. daily, except on Sundays and officially designated legal holidays.

(d) That the actual number of meters required and the proportion as to parking time limits shall be determined and recommended to Board of Public Works and Sanitation after due investigation by the Traffic Engineer and Board of Public Safety.

Section 4. (a) That when parking spaces are indicated by painted or otherwise durably marked lines upon the surface of the streets, and when parking meters are installed adjacent to and adjoining said respective parking spaces, no vehicle shall remain parked for a period longer than is designated for a particular zone under said Parking Facility Resolution No. 1, as approved, adopted and described in Section 2 of this Ordinance.

Section 5. That such parking meters shall be placed upon the curb alongside of or adjoining or adjacent to individual parking places to be designated as herein provided and each said parking meter shall be so placed on the curb as to show or display a signal that the parking space alongside of same is or is not in use;

That each said parking meter shall be so set as to display a signal showing legal parking within the adjacent parking space upon the deposit of five-cent or one-cent coin of the United States of America in said meter, for a period of time conforming to the parking limits set out in this ordinance, or as hereafter prescribed by any ordinance of the City of Indianapolis, Indiana;

That each meter shall by its device clearly indicate, at the time of depositing such coin, the beginning of the parking time period, and shall continue operation until the expiration of the time fixed by said schedules and ordinances as to the parking limit for the parking space in the street or the street or avenue adjacent to said meter, whereupon it shall clearly indicate by a mechanical operation that the lawful parking period as fixed by the City of Indianapolis, Indiana, has expired.

Section 6. That, when any vehicle during the time herein provided shall be parked in any parking space alongside of or adjacent to which there is located under this ordinance, a parking meter, the owner, operator, manager or driver of said vehicle shall upon entering the said parking space immediately deposit a five-cent coin or a one-cent coin of the United States of America in the parking meter alongside of or adjacent to said parking space and perform such other operations as the nature of the parking meter may require, and the said parking space may then be used by such vehicle during the parking limit provided by this ordinance for that part of the street in which said parking space is located, and the using of such parking space by any vehicle without depositing said coin in parking meter shall be a violation of this ordinance and punishable as provided in Section 7 of this ordinance.

That, if the vehicle shall remain parked within said parking space for a period beyond the parking time limit fixed by this ordinance for such parking space, the parking meter shall display a sign indicating "illegal" parking, and then in that event, such vehicle shall be considered as parking overtime and beyond the time fixed by the ordinance of the City of Indianapolis, and the parking

of any vehicle overtime or beyond the period of time fixed now or hereafter by ordinances of the City of Indianapolis in any such part of the street or avenue adjacent to which such a meter is located shall be construed as a violation of this ordinance and punishable as hereinafter set out in Section 7 of this ordinance.

Section 7. That, whenever a member of the police department of the City of Indianapolis, or other persons charged with the enforcement of this ordinance, shall find that Section 6 of this ordinance is being or has been violated by the owner or operator of any vehicle, such officer or person shall notify such owner or operator of such vehicle, in writing, of such violation; that such notice shall be made in triplicate, and shall be serially numbered and show the specific violation charged, the state license number of such vehicle and the owner's name, if possible to obtain the same, and shall be signed by such officer or person giving thereon his badge number;

That one (1) copy of such notice shall be presented to the owner or operator of such vehicle, and in case such owner or his representatives shall not be found in possession of or in charge of such vehicle, the posting of such notice or the attachment thereof in a conspicuous place on such vehicle shall be deemed a sufficient notice of such violation;

That it shall be the duty of such officer or other person serving such notice to file the duplicate copy thereof in the office of the Police Traffic Bureau at the close of the day's work;

That the owner or operator of such vehicle who has been so notified of a violation of said Section 6 of this ordinance, as herein provided, may, within seventy-two (7) hours after having been so notified, answer at the office of the Police Headquarters Traffic Department of the City of Indianapolis and, in writing, plead guilty to the charge of such violation and pay the fine prescribed in this section; and acceptance of such fine and plea shall be deemed complete satisfaction for the violation and the violator shall be given a receipt which so states;

That if said owner or operator of such vehicle shall admit and plead guilty in writing to have violated Section 6 of this ordinance, he shall thereupon pay to the Traffic Department Clerk at Police Headquarters, a fine of Two Dollars (\$2.00).

in this Section for the violation of Section 6 of this ordinance, and shall fail or refuse to appear within seventy-two (72) hours after service of such notice at the office of the Traffic Department at Police Headquarters or having appeared shall fail or refuse to plead guilty to such charge and pay the fine prescribed therefor, then it shall be the duty of the officer or authorized person issuing such notice to file or cause to be filed in the city court an affidavit charging such person with the violation or violations specified in such notice, whereupon a summon shall be caused to issue to such person to appear in said city court at a certain day and hour to answer said charge, and stand trial for the same, and it shall further be the duty of such officer or other authorized person serving such notice to be present and assist in the prosecution of such charge, and upon conviction, in said city court, or in any court of competent jurisdiction, such person shall be deemed guilty of a misdemeanor and shall be fined in any sum not exceeding one hundred dollars (\$100.00), to which may be added imprisonment for not to exceed thirty (30) days.

That all fines or forfeitures collected upon conviction, pleas of guilty or upon forfeiture of bail, of any person charged with a violation of Section 6 of this ordinance, shall be paid to and accounted for by the City of Indianapolis, as now or may hereafter be provided by law.

That in case the owner or operator of such vehicle upon receiving a notice of violation as herein provided in this section appears at the office of the Traffic Department at Police Headquarters within seventy-two (72) hours after the date and time set out in said notice and pleads guilty and pays said two dollars (\$2.00), then and in that case, the name of such owner or operator shall not be added to the records of traffic violators.

Section 8. That any vehicle parked in any parking meter zone shall be parked with the hood or front of such vehicle next to the parking meter adjacent to such parking space, and shall be parked within the lines marked on the street or avenue for such parking space as provided herein.

Section 9. (a) That the duties and responsibilities of operation, regulation, maintenance and repair of all parking meters and equipment, including the collecting of the sealed coin cylinders from the parking meters and the delivery of the same (with seals un-

broken) to the City Controller or his duly authorized agent be and the same are hereby vested in the Board of Public Safety, which Board shall take all reasonable precautions for the safe handling of such monies so transported under its direction and control, and cause all personnel engaged in the handling thereof to be duly bonded in the amount of \$1,000.00, at the expense of the City of Indianapolis.

(b) That upon the receipt of such sealed parking meter coin cylinders, the City Controller, or his duly authorized agent, shall break the seals, count the funds, and deposit the monies in a special fund to be known as the "Parking Fund," expenditures from which shall be made only in accordance with the provisions of Section 5, Chapter 237, Actos of the General Assembly of 1945, except that the salaries of all collectors, service men, clerks, bookkeepers, and other persons employed in the parking meter department or by reason of the installation of parking meters shall be paid out of the "Parking Fund."

(c) The Board of Public Safety is hereby authorized, if it deems it to be in the best interest of the public, to contract for the services of any reliable bonded express or messenger agency of established reputation to collect the sealed coin cylinders from the parking meters and count the coins contained therein, and deliver the coins so counted to the City Controller for deposit in the "Parking Fund," All monies remaining in the City Treasury to the credit of said "Parking Meter Fund" at the end of any calendar year shall remain in said fund and shall not revert to the general funds of said city.

Section 10. That it shall be unlawful for any unauthorized person to deface, injure or tamper with, open or wilfully break, destroy or impair the usefulness of any parking meter installed under the terms of this ordinance.

Section 11. That it shall be unlawful to deposit or cause to be deposited in any parking meter any slug, device or substitute for a five-cent coin or a one-cent coin of the United States.

Section 12. That any person, firm or corporation, who shall violate any of the provisions of this ordinance, for which no specific penalty is herein provided, upon conviction, shall be fined in any

sum not exceeding Three Hundred (\$300.00) Dollars or imprisonment for not more than ninety (90) days, or by both such fine and imprisonment.

Section 13. That whenever a person is arrested for the violation of any section of this ordinance, for which no pecific penalty is provided for such section, and such person is not immediately taken before the City Court of the City of Indianapolis, the arresting officer shall prepare in triplicate a written notice for such person to appear in court, containing the name and address of such person, the license number of his vehicle, if any, the offense charge, and the time when such person shall appear in said court, provided, however, that the time specified in such notice shall not be more than three (3) days after such arrest;

That if the arrested person gives his written promise to appear in said court by signing in triplicate the written notice prepared by such arresting officer, he shall be temporarily released from custody, and the original of said notice shall be retained by said officer and a copy thereof delivered to the person arrested.

Section 14. That if any sections or provisions, or parts thereof in this ordinance shall be adjudged invalid or unconstitutional, such invalidty or unconstitutionality shall not affect the validity of this ordinance as a whole or of any other section or provision or part thereof.

Section 15. That General Ordinance No. 39, 1944 (as amended), and all ordinances or parts of ordinances in conflict herewith, are hereby repealed, EXCEPTING ordinances which regulate traffic on streets where parking is prohibited entirely or excepting streets where parking is prohibited between certain hours of the day.

Section 16. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and publication according to law.

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

By the Purchasing Agent:

GENERAL ORDINANCE NO. 80, 1945.

AN ORDINANCE authorizing the Board of Public Works and Sanitation to purchase, through its duly authorized purchasing agent, certain materials and supplies to be paid for out of funds heretofore appropriated; and fixing a time when the same shall take effect.

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

Section 1. That the Board of Public Works and Sanitation of the City of Indianapolis be and it is hereby authorized and empowered to purchase, through its duly authorized purchasing agent, the hereinafter designated materials and supplies to be used by the Street Commissioner. The said materials and supplies to be purchased from the lowest and best bidder, or bidders, whose bids have heretofore been received and opened in public by said Board after advertisement therefor, and the total cost of said materials and supplies shall not exceed the sum of money hereinafter set out, to be paid out of funds heretofore appropriated for the use of said Board.

Requisition No. 10769, One Crawler Type Tractor, complete with Hydraulic Angle Dozer Blade, not less than 38 Drawbar H. P., to be purchased from the Fred Malotte Machinery Co. @ \$3,943.50

Delivery to be made within four to six weeks.

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

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

By the Board of Public Safety:

GENERAL ORDINANCE NO. 81, 1945.

AN ORDINANCE prohibiting parking on a certain part of a certain street in the city of Indianapolis; providing a penalty for violation thereof; and fixing a time when the same shall take effect.

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

Section 1. That it shall be unlawful for the operator of any vehicle to park the same, or suffer, permit or allow the same to be parked, at any time except Sundays and holidays on the following part of North Richland Street in the City of Indianapolis, to-wit:

Prohibiting parking on the west side of North Richland Street between Washington Street and Market Street.

Section 2. Any person violating any provision of Section 1 of this ordinance shall, upon conviction, be fined in any sum not exceeding Three Hundred (\$300.00) Dollars, to which may be added imprisonment not exceeding one hundred eighty (180) days.

Section 3. This Ordinance shall be in full force and effect upon its passage, approval by the Mayor, and publication according to law.

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

By the Board of Public Safety:

GENERAL ORDINANCE NO. 82, 1945.

AN ORDINANCE establishing a certain passenger and/or loading zone in the City of Indianapolis, pursuant to the provisions of Section 26 of General Ordinance No. 96-1928, as amended; and fixing a time when the same shall take effect.

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

Section 1. That for the purpose of providing the owners or

occupants of certain premises fronting on a certain street in the City of Indianapolis with ingress and egress for passengers, materials and merchandise coming to or going from such premises, such owners or occupants having complied with provisions of Section 26 of General Ordinance No. 96-1928, as amended, relative to the establishment thereof, and the Board of Public Safety having caused investigation to be made thereof and having recommended its establishment, the following passenger and/or loading zone is hereby established in the City of Indianapolis, to-wit:

“50 foot “Loading Zone” on the west side of Park Avenue beginning at a point 25 feet south of the curb line of East Washington Street and extending south 50 feet.”

Section 2. This Ordinance shall be in full force and effect upon its passage and approval by the Mayor.

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

By the Board of Public Safety:

GENERAL ORDINANCE NO. 83, 1945.

AN ORDINANCE regulating parking on certain designated parts of certain streets in the City of Indianapolis; Providing a penalty for violation thereof; and fixing a time when the same shall take effect.

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

Section 1. That it shall be unlawful for the operator or owner of a vehicle to park the same or suffer, permit or allow the same to be parked, for a longer period than one and one-half hours, between the hours of 7:00 A. M. and 6:00 P. M., on every day of the week excepting Sundays, on the following parts of the following designated streets in the City of Indianapolis, Indiana, to-wit:

On 42nd Street both sides from Broadway to College and the from a point 300 feet south of the south curb line of 42nd Street

to a point 300 feet north of the north curb line of 42nd Street.

Section 2. Any person violating any provision of this ordinance shall, upon conviction, be fined in any sum not exceeding three hundred (\$300.00) Dollars, to which may added imprisonment not to exceed one hundred eighty (180) days.

Section 3. This Ordinance shall be in full force and effect upon its passage, approval by the Mayor, and publication according to law.

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

INTRODUCTION OF SPECIAL ORDINANCES

By the City Plan Commission:

SPECIAL ORDINANCE NO. 13, 1945.

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

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

Section 1. That the City of Indianapolis, Indiana, be and the same is hereby extended so as to include the following described territory constituting the City of Indianapolis, Indiana, and described as follows, to-wit:

Beginning at a point, said point being one thousand one hundred thirty-seven and four-tenths (1137.4) feet north of the south line of the northeast one-quarter ($\frac{1}{4}$) of Section 33, Township 16 North, Range 3 East and one hundred and sixty-four (164) feet east of the west line of said Northeast one-quarter ($\frac{1}{4}$) of Section 33 and on the corporation line of the City of Indianapolis; thence north along said corporation line a distance of seven hundred and seventy-one and two-tenths (771.2) feet; thence east a distance of eight hundred and twenty-two and

and one-half (822.5) feet more or less to the center-line of the Lafayette Road; thence continuing southeasterly on and along the center-line of the Lafayette Road and the corporation line of the City of Indianapolis to a point on said center-line which is one thousand one hundred thirty-seven and four-tenths (1137.4) feet north of the south line of said northeast one-quarter of Section 33 and on said corporation line; thence west along said corporation line to the point of beginning.

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

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

INTRODUCTION OF RESOLUTIONS

By Councilman Schumacher:

RESOLUTION NO. 7, 1945.

WHEREAS, There appears to general dissatisfaction with the new schedule of rates and fares as submitted by the Indianapolis Railways, Inc., and approved by the Public Service Commission in its order adopted September 5, 1945; and,

WHEREAS, Personal inquiry and investigation by members of this council and evidence produced at a public hearing before this Council on the first day of November, 1945 appear to justify such dissatisfaction on the part of the general public; and

WHEREAS, The Common Council of the City of Indianapolis now deems it to be its duty to see that the said patrons of said Rail way be protected through representation by the proper officials of the city government at any subsequent hearing which may be had before said commission, either upon motion of the commission or upon petition of the city on behalf of said patrons, for the purpose of further inquiry into the earnings of the company and establishment of a new schedule of rates and fares.

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

That the Mayor of the City of Indianapolis be, and is hereby

requested to take such steps as may be now necessary, (through the City's Corporation Counsel), to procure a new hearing upon such matters before said commission for the protection and relief of the citizen patrons of said company.

BE IT FURTHER RESOLVED, That if sufficient accountants, engineers and legal counsel be not available within the City's regularly employed personnel this Council does hereby declare its willingness to appropriate such funds as may be necessary for the employment of special accountants, engineers and legal counsel, for the procurement of all information and facts necessary for the protection of the citizens of Indianapolis and for the determination of a proper basis for the establishment of a new schedule of rates and fares for the service to be rendered by said company.

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

ORDINANCES ON SECOND READING

Dr. Meriwether called for Appropriation Ordinance No. 75, 1945 for second reading. It was read a second time.

On motion of Dr. Meriwether, seconded by Mr. Dauss, Appropriation Ordinance No. 75, 1945 was ordered engrossed, read a third time, and placed upon its passage.

Appropriation Ordinance No. 75, 1945 was read a third time by the Clerk and passed by the following roll call vote:

Ayes 9, viz: Mr. Bowers, Mr. Brown, Mr. Dauss, Mr. Manly, Mr. Kealing, Dr. Meriwether, Mr. White, Mr. Worley, President Schumacher.

Mr. Bowers called for Appropriation Ordinance No. 76, 1945 for second reading. It was read a second time.

On motion of Mr. Bowers, seconded by Mr. Worley,

Appropriation Ordinance No. 76, 1945 was ordered engrossed, read a third time, and placed upon its passage.

Appropriation Ordinance No. 76, 1945 was read a third time by the Clerk and passed by the following roll call vote:

Ayes 9, viz: Mr. Bowers, Mr. Brown, Mr. Dauss, Mr. Manly, Mr. Kealing, Dr. Meriwether, Mr. White, Mr. Worley, President Schumacher.

Mr. Dauss called for General Ordinance No. 74, 1945 for second reading. It was read a second time.

On motion of Mr. Dauss, seconded by Mr. Manly, General Ordinance No. 74, 1945 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 74, 1945 was read a third time by the Clerk and passed by the following roll call vote:

Ayes 9, viz: Mr. Bowers, Mr. Brown, Mr. Dauss, Mr. Manly, Mr. Kealing, Dr. Meriwether, Mr. White, Mr. Worley, President Schumacher.

Mr. Manly called for Special Ordinance No. 12, 1945 for second reading. It was read a second time.

On motion of Mr. Manly, seconded by Mr. Bowers, Special Ordinance No. 12, 1945 was ordered engrossed, read a third time, and placed upon its passage.

Special Ordinance No. 12, 1945 was read a third time by the Clerk and passed by the following roll call vote:

Ayes 9, viz: Mr. Bowers, Mr. Brown, Mr. Dauss, Mr.

Manly, Mr. Kealing, Dr. Meriwether, Mr. White, Mr. Worley,
President Schumacher.

MISCELLANEOUS BUSINESS

The Council reverted to the previous order of business.

Mr. Bowers made a motion that the rules be suspended for further consideration and passage of Resolution No. 7, 1945.

The motion was seconded by Mr. Worley and carried by the following roll call vote:

Ayes 9, viz: Mr. Bowers, Mr. Brown, Mr. Dauss, Mr. Manly, Mr. Kealing, Dr. Meriwether, Mr. White, Mr. Worley, President Schumacher.

The rules were suspended.

COMMITTEE REPORTS

November 5, 1945.

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

Gentlemen:

We, your Committee on Finance, to whom was referred Resolution No. 7, 1945, entitled

A RESOLUTION concerning the Indianapolis Railways, Inc.,
beg leave to report that we have had said resolution under consider-

ation and recommend that the same be passed, under suspension of the rules.

HERMAN E. BOWERS, Chairman
EDWARD R. KEALING
R. C. DAUSS
LUCIAN B. MERIWETHER
A. ROSS MANLY

ORDINANCES ON SECOND READING

Mr. Bowers called for Resolution No. 7, 1945 for second reading. It was read a second time.

On motion of Mr. Bowers, seconded by Mr. Dauss, Resolution No. 7, 1945 was ordered engrossed, read a third time and placed upon its passage.

Resolution No. 7, 1945 was read a third time by the Clerk and passed by the following roll call vote:

Ayes 8, viz: Mr. Bowers, Mr. Brown, Mr. Dauss, Mr. Manly, Dr. Meriwether, Mr. White, Mr. Worley, President Schumacher.

Not voting: Mr. Kealing.

On motion of Mr. Bowers, seconded by Mr. Manly, the Common Council adjourned at 9:00 P. M.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the Common Council of the City of Indianapolis, held on the 5th day of November, 1945, at 7:30 P. M.

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

ATTEST:

John A. Schumaker

President

Frank J. Hollis

City Clerk

(SEAL)