

## REGULAR MEETING

Monday, June 3, 1946  
7:30 P. M.

The Common Council of the City of Indianapolis met in the Council Chamber at the City Hall, Monday, June 3, 1946, at 7:30 P. M., in regular session. President Schumacher in the chair.

The Clerk called the roll.

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

The reading of the Journal of the previous meeting was dispensed with on motion of Mr. Kealing, seconded by Mr. Manly.

## COMMUNICATIONS FROM THE MAYOR

May 28, 1946

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. 9, 1946

AN ORDINANCE ratifying and approving a certain contract by and between the City of Indianapolis, Marion County, Indiana, by

and through its Board of Public Safety, with the approval of its Mayor, and the Town of Woodruff Place of Marion County, State of Indiana, by and through its Board of Trustees, made and entered into as of November 29, 1945, effective as of January 1, 1946, and concerning police and fire protection for the Town of Woodruff Place, and fixing a time when this ordinance shall take effect.

GENERAL ORDINANCE NO. 41, 1946

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

GENERAL ORDINANCE NO. 42, 1946

AN ORDINANCE approving a certain written agreement with the Federal Works Agency, Bureau of Community Facilities of the United States Government concerning the advance of \$36,000.00 to the City of Indianapolis, through its Board of Aviation Commissioners, to be used in connection with the expansion of Weir Cook Municipal Airport; and fixing a time when this ordinance shall take effect.

GENERAL ORDINANCE NO. 43, 1946

AN ORDINANCE regulating parking on certain parts of certain streets in the City of Indianapolis, Indiana; Amending existing Ordinances in conflict herewith to conform thereto; Providing a penalty for violation thereof; And fixing a time when the same shall take effect.

May 28, 1946

GENERAL ORDINANCE NO. 44, 1946

AN ORDINANCE to amend Section 44 of General Ordinance No. 96-1928 of the City of Indianapolis, Indiana, as amended, so as to make Lexington Avenue a preferential Street over all streets

intersecting it, except Shelby Street and State Street, from Virginia Avenue to and including Harlan Street; And fixing a time when the same shall take effect.

GENERAL ORDINANCE NO. 45, 1946

AN ORDINANCE abolishing the taxicab stand now located on the south side of 38th Street, west of Meridian Street, in the City of Indianapolis; And fixing a time when the same shall take effect.

GENERAL ORDINANCE NO. 46, 1946

AN ORDINANCE designed to relieve extreme traffic hazards now existing upon a certain part of Delaware Street in the City of Indianapolis, by relocating a bus and trolley stop zone heretofore established under General Ordinance No. 32-1945 and a passenger and/or loading zone heretofore established under General Ordinance No. 60-1938, and by prohibiting parking in connection therewith; Providing a penalty for violation of the section relating to parking; And fixing a time when this Ordinance shall take effect.

GENERAL ORDINANCE NO. 47, 1946

AN ORDINANCE authorizing the Board of Park Commissioners of the City of Indianapolis, through its duly authorized Purchasing agent, to purchase certain supplies to be paid for out of funds heretofore appropriated; And fixing a time when the same shall take effect.

APPROPRIATION ORDINANCE NO. 11, 1946

AN ORDINANCE transferring, reappropriating and reallocating the sum of Five Hundred Dollars (\$500.00) from Fund No. 43, Unimproved Street Materials, Division of Street Commissioner, Department of Public Works, to Fund No. 22, Heat, Light and Power, in the same Division and Department; And fixing a time when the same shall take effect.

May 28, 1946

## APPROPRIATION ORDINANCE NO. 12, 1946

AN ORDINANCE transferring, reappropriating and reallocating, as of June 1, 1946, the total sum of Sixteen Thousand Dollars (\$16,000.00) from certain items and funds in the Divisions of Police Department and Commissioner of Buildings in the Department of Public Safety and the City of Indianapolis, Indiana, to certain designated items and funds under the Board of Air Pollution Control, for the purpose of carrying out the provisions of General Ordinance No. 100-1945, relating to smoke abatement; Amending Section 122 of General Ordinance No. 125-1925, as amended, (commonly known as the Municipall Code of 1925 and relating to Bonds of City Officials, employees, etc.) so as to include the Bonding of certain Officials and employees provided for in said General Ordinance No. 100-1945, to be effective as of June 1, 1946; And fixing a time when this Ordinance shall effect.

## APPROPRIATION ORDINANCE NO. 13, 1946

AN ORDINANCE appropriating the sum of Forty-five Thousand (\$45,000.00) from the anticipated, estimated and unappropriated 1946 balance of the Gas Tax Fund to Fund No. 26, Other Contractual—Special Fund, Administration, Department of Public Works; And fixing a time when the same shall take effect.

Respectfully,

ROBERT H. TYNDALL,

Mayor

## COMMUNICATIONS FROM CITY OFFICIALS

June 3, 1946

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

Gentlemen: In Re: General Ordinances Nos. 41, 43 and 44, 1946

June 3, 1946]

City of Indianapolis, Ind.

343

I hereby report that pursuant to the laws of the State of Indiana, I caused publication to be inserted in the following newspapers, towit: G. O. Nos. 41, 43, 44, 1946—Friday, May 31, and June 3, 1946—The Indianapolis Commercial and Marion County Maill,

and that said ordinances are in full force and effect as of the last date of publication.

Very truly yours,

FRANK J. NOLL, JR.,  
City Clerk

June 3, 1946

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

Gentlemen:

Attached are copies of Appropriation Ordinance No. 14, 1946, reappropriating \$10,000.00 in the Fire Department.

Yours very truly,

ROY E. HICKMAN,  
City Controller

June 3, 1946

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

Gentlemen:

Attached hereto are copies of General Ordinance No. 56, 1946, concerning taxicabs.

I respectfully recommend passage of this ordinance.

Yours very truly,

LUCIAN B. MERIWETHER,  
Councilman

May 28th, 1946

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

Gentlemen:

Submitted herewith is General Ordinance No. 57, 1946, approving an order of the Board of Public Safety of the City of Indianapolis to establish a certain taxicab stand in the City of Indianapolis, pursuant to Section 9 of General Ordinance No. 87-1935, as amended; And fixing a time when the same shall take effect.

We respectfully recommend the passage of this ordinance.

Respectfully submitted,

BOARD OF PUBLIC SAFETY,

BY WM. H. REMY,  
President

May 28th, 1946

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

Gentlemen:

Submitted herewith is General Ordinance No. 58, 1946, 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.

We respectfully recommend the passage of this ordinance.

Respectfully submitted,

BOARD OF PUBLIC SAFETY,

BY WM. H. REMY,  
President

May 28th, 1946

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

Gentlemen:

Submitted herewith is General Ordinance No. 59, 1946, amending Section 44 of General Ordinance No. 96-1928, as amended, so as to include Carroliton Avenue as a preferential Street over Fortieth Street at the intersection of same; And fixing a time when the same shall take effect.

We respectfully recommend the passage of this ordinance.

Respectfully submitted,

BOARD OF PUBLIC SAFETY,

BY WM. H. REMY,  
President

May 23, 1946

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

Gentlemen:

Attached please find copies of proposed General Ordinance No. 60, 1946, and ordinance approving a certain agreement and permit granting Engineering Metal Products Corporation the right to lay and maintain a sidetrack or switch from the line of the Pennsylvania Railroad to the property located 1362 feet along the south side of Oliver Avenue and 462 feet along the west side of Belmont Avenue, according to the blue print attached, in the City of Indianapolis, Indiana.

The Board of Public Works and Sanitation respectfully recommends the passage of this ordinance.

Yours very truly,

BOARD OF PUBLIC WORKS AND SANITATION

By OTTO T. FERGER,  
Executive Secretary

June 3, 1946

To the Members of the  
Common Council of the  
City of Indianapolis.

Gentlemen:

Attached hereto are copies of General Ordinance No. 61, 1946, concerning the regulation of lumber yards and their operation in the City of Indianapolis.

Very truly yours,

JOHN A. SCHUMACHER,  
President, Common Council

June 3, 1946

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

Gentlemen:

Attached hereto are copies of Resolution No. 4, 1946, selecting and appointing two (2) members of the Common Council for membership on the Auditorium Board for the District of Marion County.

Very truly yours,

JOHN A. SCHUMACHER,  
Councilman

At this time those present were given an opportunity to be heard on General Ordinances Nos. 22, 48, 49, 50, 51, 52, 53, 54, 55, 1946, Special Ordinances Nos. 5, 6, 1946, and Resolution No. 3, 1946.

Mr. Manly asked for recess. The motion was seconded by Mr. Worley, and the Council recessed at 7:50 P. M.

The Council reconvened at 9:10 P. M., with the same members present as before.

### COMMITTEE REPORTS

Indianapolis, Ind., June 3, 1946.

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 General Ordinance No. 22, 1946, entitled  
AN ORDINANCE approving contract for parking meters,  
beg leave to report that we have had said ordinance under consideration, and recommend that the same be held for further consideration.

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

Indianapolis, Ind., June 3, 1946.

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

General Ordinance No 48, 1946, entitled

AN ORDINANCE amending a certain item under Fund No. 11, Commissioner of Buildings, Combustion Engineer from \$3060.00 to \$3800.00,

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

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

Indianapolis, Ind., June 3, 1946.

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. 49, 1946, entitled

AN ORDINANCE increasing the number of taxicab to include 20 additional,

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

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

Indianapolis, Ind., June 3, 1946.

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. 50, 1946, entitled

AN ORDINANCE making a certain part of Howard St. preferential,  
beg leave to report that we have had said ordinance under consider-  
ation, and recommend that the same be passed.

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

Indianapolis, Ind., June 3, 1946.

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. 51, 1946, entitled  
Loading Zone—New York and Meridian Sts.,

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

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

Indianapolis, Ind., June 3, 1946.

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 General Ordinance No. 52, 1946, entitled

AN ORDINANCE authorizing Temporary Loan in the amount of \$750,000.00,

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

Indianapolis, Ind., June 3, 1946.

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

Gentlemen:

We, your Committee on Public Works to whom was referred General Ordinance No. 53, 1946, entitled

AN ORDINANCE authorizing a temporary loan in the amount of \$70,000.00—Firemen's Pension Fund,

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

EDWARD R. KEALING, Chairman  
HERMAN E. BOWERS  
R. C. DAUSS  
WM. A. BROWN  
MAX WHITE

Indianapolis, Ind., June 3, 1946.

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  
General Ordinance No. 54, 1946, entitled

AN ORDINANCE authorizing temporary loans in the amount of  
\$175,000.00, Public Health and Hospitals General Fund;  
\$25,000.00, School Health Fund; \$20,000.00, Tuberculosis Fund,

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

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

Indianapolis, Ind., June 3, 1946.

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. 55, 1946, entitled

AN ORDINANCE to amend certain sections of G. O. No. 40, 1941,  
(commonly referred to as the "Cafeteria Court Ordinance"),  
beg leave to report that we have had said ordinance under consider-  
ation, and recommend that the same be passed.

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

Indianapolis, Ind., June 3, 1946.

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

Gentlemen:

We, your Committee on City Welfare to whom was referred  
Special Ordinance No. 5, 1946, entitled

AN ORDINANCE authorizing the sale of certain land,  
beg leave to report that we have had said ordinance under consider-  
ation, and recommend that the same be held for further consideration.

MAX WHITE, Chairman  
WM. A. BROWN  
A. ROSS MANLY  
LUCIAN B. MERIWETHER  
HERMAN E. BOWERS

Mr. White, Chairman of the City Welfare Committee,  
requested that Special Ordinance No. 5, 1946, be referred  
to the City Plan Commission for further investigation and  
approval before recommendation for passage.

Indianapolis, Ind., June 3, 1946.

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

Gentlemen:

We, your Committee on Law & Judiciary to whom was referred  
Special Ordinance No. 6, 1946. entitled

AN ORDINANCE annexing certain territory to the City of Indian-  
apolis,

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

OTTO H. WORLEY, Chairman  
WM. A. BROWN  
HERMAN E. BOWERS  
EDWARD R. KEALING  
LUCIAN B. MERIWETHER

Indianapolis, Ind., June 3, 1946.

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. 3, 1946, entitled

Approving preliminary resolution No. 500, 1946 to construct relief sewers,

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

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

## INTRODUCTION OF APPROPRIATION ORDINANCES

By the City Controller:

### APPROPRIATION ORDINANCE NO. 14, 1946.

AN ORDINANCE transferring, reappropriating and reallocating the sum of Ten Thousand (\$10,000.00) Dollars from a certain designated Fund under Fire Department in the Department of Public Safety of the City of Indianapolis to certain other designated 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 sum of Ten Thousand (\$10,000.00) Dollars now held in the following Fund in the Fire Department Division of the Department of Public Safety of the City of Indianapolis, to-wit:

Fund No. 72, Equipment .....\$10,000.00  
 be and the same is hereby transferred, reappropriated and reallocated in the respective amounts hereinafter indicated to the following designated Funds in the same Division and Department, to-wit:

Fund No. 25, Repairs .....	\$ 4,000.00
Fund No. 34, Institutional & Medical .....	2,000.00
Fund No. 45, Repair Parts .....	4,000.00

Total Appropriation	\$10,000.00
---------------------	-------------

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

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

## INTRODUCTION OF GENERAL ORDINANCES

By Councilman Meriwether:

### GENERAL ORDINANCE NO. 56, 1946

AN ORDINANCE to amend Sections 2 and 6 of General Ordinance No. 87-1935 entitled, "An Ordinance concerning taxicabs"; to amend Section 1 of General Ordinance No. 18-1943 entitled, "Ordinance amending Section 3 of General Ordinance 87-1935, as amended, by General Ordinance No. 83-1942, and fixing a time when the same shall take effect"; and to repeal General Ordinance No. 83-1942 entitled, "An Ordinance increasing the number of taxicabs, licenses pursuant to General Ordinance No. 87-1935, as amended, of the City of Indianapolis, Indiana; to amend Section 3 of said Ordinance; and fixing a time when the same shall take effect"; 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 Section 2 of the first above entitled Ordinance be amended to read as follows: Section 2. No person or persons, firm, company, association, partnership, or corporation shall engage in the business of operating a vehicle, or vehicles, as a taxicab, or taxicabs, upon the streets of the City of Indianapolis without first obtaining a license so to do, and upon complying with all of the provisions of this Ordinance.

It is hereby declared by the Common Council of the City of Indianapolis that the public safety, convenience and necessity can best be served by limiting the number of taxicabs hereafter operating in the City of Indianapolis, each year, to one(1) taxicab for each one thousand (1000) population of said City, as shown on June 30th for that year, by the last official estimate of the United States census bureau, subject to the exceptions, rights and limitations hereinafter set out.

Provided, however, that on and after April 15, 1946, there may be four hundred seventy-five (475) taxicabs operating in said City regardless of its population.

Provided, further that all licenses hereafter issued shall operate as a part of and under an approved taxicab Organization, Company or Corporation, which Taxicab Organization, Company or Corporation must be first approved by the Board of Safety in the manner now provided for the approval of applicants for taxicab licenses.

Section 2. That Section 1 of the second above entitled Ordinance be amended to read as follows: Section 1. That Section 3 of General Ordinance No. 87-1935 as amended by General Ordinance No. 83-1942, be and the same is hereby amended to read as follows:

Section 2. Any person, persons, firm, company, association, partnership or corporation issued licenses under this Ordinance shall be entitled to have a renewal license issued for each year for each license issued under this Ordinance, provided an application for such renewal license is filed with the City Controller within ten (10) days of the date of the expiration of any such license, and provided that said applicant otherwise qualifies for such licenses by complying with all the provisions of this Ordinance required as conditions precedent to the issuance of the renewal licenses. Any license may

be leased, transferred or assigned from one licensee to any other person, firm, company, association, partnership or corporation. When a licensee shall desire to lease, transfer or assign a license, he shall make application to the Board of Safety for permission so to do. If the Board shall approve such proposed lease, transfer or assignment, it shall so certify to the City Controller, who shall thereupon transfer such license or licenses to the person or persons or corporation to whom they are to be leased, transferred or assigned, in the manner and under the conditions as provided, herein. Any licensee may, however, transfer a license from one cab to another of which such licensee is the owner and/or operator; Provided that the first cab be permanently retired from service, upon application to the City Controller, and payment of a transfer of fifty cents (.50).

Any such transfer or renewal of license shall be granted upon application of the person or party who is registered in the office of the Secretary of State of Indiana as the owner of the vehicle for which said license was issued, or upon the application of the company or corporation under which said vehicle is operated, and where such license was issued jointly to the owner of such vehicle and any other person, firm, or corporation designated in the application for such vehicles, such transfer or renewal shall be granted upon the application of the owner of such vehicle, without requiring the signature of the operator designated as having use or control of such vehicle.

The City Controller may require any such applicant for renewal of such license to exhibit the certificate of title issued by the Secretary of State of Indiana for the vehicle for which license was issued, and the person or party in whose name such vehicle is registered in the office of the Secretary of State of Indiana shall be deemed to be the owner thereof. The City Controller shall refer any application for a new license to the Board of Public Safety and shall grant or refuse such application for a new license upon such terms and conditions as the Board of Public Safety shall fix.

Section 3. That Section 6 of the first above entitled Ordinance be amended to read as follows: Section 6. Whenever an application for any renewal of license is filed with said Controller, then said Controller shall thereupon issue a license certificate to such applicant to operate such taxicab, or taxicabs, on the streets of the City of Indianapolis, subject to the provisions of this Ordinance and to all

amendments thereto, upon the payment of a license fee of Thirty-six (\$36.00) per year for each taxicab to be operated under the terms and conditions of such license and upon the filing of a liability contract of insurance providing for indemnification, as hereinafter provided in Section 24, hereof, and upon the production of a satisfactory report of inspection from the inspector of weights and measures.

All licenses shall expire on June 30 of each year. Provided that in the event any license issued hereunder shall not be used by the licensee, his assigns or transferees for a period of ninety (90) days, such license shall be null and void, and shall automatically expire at the end of such ninety(90) day period. Each license certificate shall be numbered, which number shall also be the taxicab number, and must be placed on each vehicle operating as a taxicab in this city, as is provided for in Section 8 of this Ordinance. Whenever any application is made for a new license, or for a transfer of a license, the Controller shall refer the same to the Board of Public Safety for investigation and approval, and if it appears from the information obtained that the applicant is a reliable and bone fide operator and has met all the requirements of this Ordinance, that the name under which he is to operate and the color scheme used on the vehicle does not conflict with others nor tend to deceive the public, provided, however, that if two applicants have a similar color scheme, then in such an event, the applicant who has utilized such color scheme for the longer continuous period of time shall be the one entitled to use such color scheme thereafter, and the other applicant shall change such color scheme so as not to conflict with that of the applicant first referred to above, then the Board of Public Safety, shall notify the City Controller, who shall thereupon issue a license certificate to such applicant to operate such taxicab or taxicabs subject to the provisions of this Ordinance and all amendments thereof, upon compliance with all the other requirements heretofore provided in this section for all other applicants.

Licenses under this Ordinance shall be issued in the name of the applicant.

Section 4. That General Ordinance No. 83-1942 be and the same is hereby repealed and all other ordinance or parts of ordinances in conflict herewith are here repealed.

Section 5. 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 Public Safety.

By the Board of Public Safety:

GENERAL ORDINANCE NO. 57, 1946

AN ORDINANCE approving an order of the Board of Public Safety of the City of Indianapolis to establish a certain taxicab stand in the City of Indianapolis, pursuant to Section 9 of General Ordinance No. 87-1935, 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 a certain order of the Board of Public Safety of the City of Indianapolis, dated and adopted by said Board on May 16, 1946, pursuant to Section 9 of General Ordinance No. 87-1935, as amended, to establish the following described taxicab stand in Indianapolis, Indiana, be and the same is hereby approved so as to establish same at the following location, to-wit:

“Begin at 135 feet Northwest of the northwest curb line of Indiana Avenue and New York Street and extend a distance of 72 feet on the Southwest side of Indiana Avenue.”

Section 2. 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 City Welfare.

By the Board of Public Safety:

GENERAL ORDINANCE NO. 58, 1946

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 certain public streets in the City of Indianapolis with ingress and egress for passengers, materials, and supplies coming to or going from such premises, such owners or occupants having complied with all provisions of law concerning the establishment of same, 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, to-wit:

“Beginning at a point 12 feet south of the first alley north of 10th Street and extending south 25 feet on the east side of North Illinois Street.”

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 Election.

By the Board of Public Safety:

GENERAL ORDINANCE NO. 59, 1946.

AN ORDINANCE amending Section 44 of General Ordinance No. 96-1928, as amended, so as to include Carrollton Avenue as a preferential Street over Fortieth Street at the intersection of same; 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 Section 44 of General Ordinance No. 96-1928, (relating to preferential streets), as amended, be and the same is hereby amended so as to make Carrollton Avenue a preferential Street over Fortieth Street at the intersection of the same.

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

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

By the Board of Public Works and Sanitation:

#### SWITCH PERMIT

General Ordinance No. 60, 1946, An ordinance approving a certain agreement and permit granting Engineering Metal Products Corporation the right to lay and maintain a sidetack or switch from the line of the Pennsylvania Railroad to the property located 1362 feet along the south side of Oliver Avenue and 462 feet along the west side of Belmont Avenue, according to blue print attached, in the City of Indianapolis, Indiana.

WHEREAS, heretofore, to-wit on the 29th day of March, 1946, filed his petition before the Board of Public Works and Sanitation of the City of Indianapolis, as follows:

#### PETITION

To Board of Public Works and Sanitation,  
City of Indianapolis.

Gentlemen:

The Engineering Metal Products Corporation, of Indianapolis, Indiana, respectfully petitions the Board of Public Works and Sanitation to permit, by the Engineering Metal Products Corporation, the construction of a switch from the line of the Pennsylvania Railroad across Oliver Avenue to property lying south of Oliver Avenue and west of Belmont Avenue, as more fully described below.

Your petitioner has acquired the said property for the purpose of constructing an industrial building to be occupied by the Engineering Metal Products Corp., and such switch service as is necessary for the conduct of its business.

NE'4 SE'4 Sec. 9 T15N R3E

NOW, THEREFORE, This agreement made and entered into this 29th day of March, 1946, by and between Engineering Metal Products Corporation of the City of Indianapolis, County of Marion, State of Indiana, party of the first part, and the City of Indianapolis, by and through its board of Public Works and Sanitation, party of the second part.

WITNESSETH: That the party of the first part, being desirous of securing a permit for a right of way for a sidetrack or switch from the line of the Pennsylvania Railroad across Oliver Avenue in the City of Indianapolis, which is more specifically described as follows: said switch to cross Oliver Avenue diagonally 1000 to 1100 feet west of the west line of Belmont Avenue. The proposed switch to be approximately 1160 feet long.

hereby covenants and fully binds himself, his successors, legal representatives and assigns, that, in consideration of the grant of the privileges and authority herein given, he will lay, construct, maintain and pay all costs and expenses either now or hereafter connected with said track upon the terms and conditions hereinafter set forth, to-wit:

(1) They shall be so laid, maintained, improved and kept in repair as to be safe for persons on foot, in vehicles or otherwise, and shall, at all times, be subject to the orders of the Board of Public Works and Sanitation of the City of Indianapolis, and to all laws and ordinances, adopted and enacted pursuant to the police powers of said city.

(2) Said track and switch shall be laid upon such grade as shall be established by said Board, and shall be put down under its supervision and to its satisfaction and approval. Said track shall be raised or lowered to conform to any grade which may, from time to time, be hereafter established, whenever so ordered, in writing, by said Board, and shall be made to conform in all respects with any ordinance passed by the Common Council, or with any resolution or resolutions made by said Board, for the elevation or depression of said track, or tracks; provided further that all the costs thereof shall be paid by the said party of the first part, who hereby waives any division of such costs as now or hereafter provided by any statute, or otherwise.

(3) The crossing where said track intersects, Oliver Avenue shall, at all times, be kept improved and in repair and free from obstructions or defects of any kind. No car or cars shall be permitted to obstruct such crossing or to be thereon except for such time as may be absolutely necessary in moving them back and forth, and they shall be at no time stopped or detained thereon in such manner to obstruct public travel.

(4) Said party of the first part agrees, upon the written order of said Board, made for any cause affecting the interest of the City or the public welfare, to take up and remove said track, and upon said party's failure so to do, upon such notification in writing, of ten (10) days, to promptly pay the cost of having the same done, and the party of the first part hereby releases all claims for damages whatsoever that may arise by reason of such removal; and in removing said track or causing the same to be done, said Board shall in no wise become a trespasser. Said notice shall fix a day for hearing before said Board where objections to such removal may be heard; but the decision of said Board shall be final and conclusive on the party of the first part who hereby expressly waives any right to have such exercise of discretion reviewed by any court.

(5) The party of the first part agrees to pave between the rails of said track and for eighteen inches on both sides thereof, to the entire satisfaction of the second party, and in case said tracks and pavement or either thereof shall be or become out of repair or in need of being reconstructed, or become in any way defective (of which fact the said Board shall be the exclusive judge), it shall be the duty of the said party of the first part to promptly repair, reconstruct, or remove same, failing in which, after notification in writing of ten (10) days, said Board may do or cause the same to be done at the expense of the said party of the first part and for which expense and cost the said party of the first part shall be liable.

(6) The said party of the first part herein binds himself to hold said party of the second part and said city harmless from any and all claims for damages growing out of the existence, maintenance or use of said track, and to pay any judgment, with costs, that may on that account be rendered against the said party or said city, and also to pay all necessary expenses that may be incurred by said city in defending against any such claims.

(7) Any violation of any of the provisions of this instrument by said party of the first part, or by any one for it or at its instance or with its permission, shall operate as an immediate and absolute forfeiture of the privileges and authority given or granted by this permit, provided, however, that the same may be terminated by said Board as hereinbefore set forth.

Said party of the second part by virtue of the provisions of an act of the General Assembly of the State of Indiana, entitled "An act concerning municipal corporations," approved March 6, 1905, and of all acts amendatory thereof or supplemental thereto, and in consideration of the things hereinbefore set forth and upon the terms and provisions stipulated, hereby grants and duly permits said party of the first part to exercise the right, privilege and authority to lay and maintain an additional sidetrack or switch across Oliver Avenue 1000 to 1100 feet west of the west line of Belmont Avenue. in the City of Indianapolis, all as shown by the drawing attached hereto, filed herewith and for greater certainty marked "Exhibit A."

In Witness Whereof, We have hereunto set our hands this..... day of ....., 19....

ENGINEERING METAL PRODUCTS CORPORATION  
By FRED G. PHILLIPS,  
Vice President

Witness: Party of the First Part

CITY OF INDIANAPOLIS  
By JAMES L. WATSON, President  
SHERLIE A. DEMING  
GIDEAN W. BLAIN  
JOSEPH B. WADE

As BOARD OF PUBLIC WORKS AND SANITATION,  
Party of the Second Part

Approved by me

.....  
as Mayor

And, Whereas, Said agreement and permit has been submitted by the Board of Public Works and Sanitation to the Common Council of the City of Indianapolis, for its consideration and action, now therefore,

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

Section 1. That such agreement and permit above set forth be, and the same is hereby in all things confirmed and approved.

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

Attest

.....

Clerk of the Common Council

.....  
President of the Common Council

Approved by me, this ..... day of....., 19...

.....  
Mayor

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

By Councilman Schumacher.

GENERAL ORDINANCE NO. 61, 1946

AN ORDINANCE concerning the regulation of lumber yards and their operation in the City of Indianapolis; licensing retail lumber and millwork dealers therein; providing penalties for its violation and fixing a time when the same shall take effect.

WHEREAS, it is deemed advisable in the interest of the public and for the general welfare and protection of the citizens of the City of Indianapolis to regulate and control lumber yards

and yards or storage houses wherein millwork is stored, and to license dealers at retail in lumber and millwork; NOW, THEREFORE:

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

Section 1. "Lumber" means any lumber, whether rough or dressed, tongued and grooved, ship lapped or worked to pattern and normally used in construction. "Millwork" means any moulding, sash, doors, panels, columns, cabinets or other millwork whether assembled or knocked down.

"Retail Lumber and Millwork Dealer" means a person who owns or operates a lumber yard and who maintains a regular place of business with appropriate warehouses and sheds for storing and handling of lumber, who gets lumber and millwork from mills and other dealers; who unloads, sorts and resells or redistributes it; who regularly maintains a varied stock of lumber and millwork from different regions; who gets his lumber, except for local species, mostly by rail and sells mostly for truck delivery; who is equipped to make quick deliveries of many different items and who has been located at his particular site in order to be near a lumber and millwork consuming area.

"Custom Ticket" means a delivery ticket showing the name and address of the person selling and delivering the lumber and millwork items; the name and address of the purchaser; a complete description of the items such as quantity, grade, specie, size, dressing, pattern, or any other description to properly describe the item.

"Person" means an individual, corporation, partnership, association or any other organization and their legal successors. Personal pronouns include all genders; the singular includes the plural and the plural includes the singular.

Sec. 2. Every person engaged in the sale and delivery of lumber and millwork, in less than car load lots, within the corporate limits of the City of Indianapolis, shall first secure a license as a "Retail Lumber and Millwork Dealer" as in this ordinance provided.

Sec. 3. Any person now or hereafter engaged in the Retail lumber and Millwork business, within said City, and having a place

of business therein, as hereinafter described, may secure a license as a Retail Lumber and Millwork Dealer upon written application to the City Controller, on forms provided by said City 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, the business address of the applicant, the location by street number of each place of business owned or operated by the applicant, and a general description of the applicant's place or places of business, as to buildings, sheds, storage capacity and minimum number of conveyances to be used in the delivery of lumber and millwork. Such application shall be verified by the applicant or someone on behalf of the 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 Lumber and Millwork business within the corporate limits of the City of Indianapolis.

Sec. 4. No person shall be eligible to receive a Retail Lumber and Millwork Dealers license unless such person shall own or lease and maintain an established place of business such as is ordinarily maintained in the conduct at retail of a lumber and millwork business. It shall be a requisite to obtain such a license that such applicant shall either own or lease, and have available for such use and maintain during the time for which said license may be issued, a place of business sufficient to accomodate the business conducted, and have same equipped with storage capacity and buildings that may be necessary for the proper and safe conduct of a retail lumber and millwork business, in order that the storage of lumber and millwork shall not become dangerous to persons or property.

Sec. 5. Provided that any person now or hereafter owning or leasing, maintaining and conducting an established retail lumber and millwork business outside the corporate limits of the City of Indianapolis, within a distance of ten (10) miles from the nearest point in the corporate limits of the City of Indianapolis to his business, and during all of that time has been engaged in selling and delivering lumber and millwork within said corporate limits, may also receive a license for the sale and delivery of lumber and millwork within said corporate limits, upon complying with the

conditions of this ordinance and the payment of the license fee of Twenty-Five (\$25.00) Dollars provided for herein.

Sec. 6. The premises of any applicant hereunder may be inspected from time to time by the proper officials of the City of Indianapolis.

Sec. 7. Upon sale and delivery of lumber and millwork in each instance, each licensed dealer shall issue over the name of such dealer a custom ticket, as described in Section 1 hereof, and in accordance with any and all other laws or ordinances now in force concerning such sales. In case of a divided load, or a load containing lots to two or more customers, separate tickets shall be issued.

Sec. 8. 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 lumber and millwork, 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.

Sec. 9. The applicant for a license as a retail lumber and millwork 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, 1947, 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.

Sec. 10. No person shall engage in the retail lumber and millwork business within the corporate limits of the City of Indianapolis, directly or indirectly, without first securing a license as herein provided; and any person violating any provisions 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.

The license of any retail Lumber and millwork dealer may be revoked by the Mayor of the City of Indianapolis for the violation of any of the provisions of this ordinance. Such license may be revoked after notice and hearing in the manner prescribed by law.

Sec. 11. It is hereby declared that the purpose of this ordinance is to protect persons and property from the dangers of fire which might be caused by the piling of any lumber, millwork or other combustible material usually handled and stored by retail lumber dealers within the limits of the City of Indianapolis; to protect the consumers and purchasers of lumber and millwork and to prevent the sale of improperly graded lumber in the City of Indianapolis; and to promote the general welfare of the citizens and residents of said City.

Sec. 12. If any clause, sentence, paragraph or section, or any part of this ordinance be adjudged to be invalid by any court of competent jurisdiction, such judgment 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 thereof.

Sec. 13. This ordinance shall be in full force and effect on and after July 1, 1946.

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

## INTRODUCTION OF RESOLUTIONS

By Councilman Schumacher:

### RESOLUTION NO. 4, 1946.

A RESOLUTION selecting and appointing two (2) members of the Common Council of the City of Indianapolis for membership on the Auditorium Board for the District of Marion County, Indiana, as provided for in Section 1, Chapter 301, p. 1366 of the Acts of the General Assembly of Indiana, 1937.

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

That the Common Council of Indianapolis does hereby select and appoint the following members of its body for membership on the Auditorium Board for the District of Marion County, Indiana, as provided for in Section 1, Chapter 301, p. 1366 of the Acts of the General Assembly of Indiana for 1937, to-wit:

1. JOHN A. SCHUMACHER
2. HERMAN E. BOWERS

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

#### ORDINANCES ON SECOND READING

Mr. Dauss called for General Ordinance No. 50, 1946, for second reading. It was read a second time.

On motion of Mr. Dauss, seconded by Mr. Manly, General Ordinance No. 50, 1946, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 50, 1946, 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. Kealing, Mr. Manly, Dr. Meriwether, Mr. White, Mr. Worley, President Schumacher.

Mr. Dauss called for General Ordinance No. 51, 1946, for second reading. It was read a second time.

On motion of Mr. Dauss, seconded by Mr. Kealing, General Ordinance No. 51, 1946, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 51, 1946, 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. Kealing, Mr. Manly, Dr. Meriwether, Mr. White, Mr. Worley, President Schumacher.

Mr. Bowers called for General Ordinance No. 52, 1946, for second reading. It was read a second time.

On motion of Mr. Bowers, seconded by Mr. Dauss, General Ordinance No. 52, 1946, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 52, 1946, 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. Kealing, Mr. Manly, Dr. Meriwether, Mr. White, Mr. Worley, President Schumacher.

Mr. Kealing called for General Ordinance No. 53, 1946, for second reading. It was read a second time.

On motion of Mr. Kealing, seconded by Mr. Manly, General Ordinance No. 53, 1946, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 53, 1946, 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. Kealing, Mr. Manly, Dr. Meriwether, Mr. White, Mr. Worley, President Schumacher.

Dr. Meriwether called for General Ordinance No. 54, 1946, for second reading. It was read a second time.

On motion of Dr. Meriwether, seconded by Mr. White, General Ordinance No. 54, 1946, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 54, 1946, 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. Kealing, Mr. Manly, Dr. Meriwether, Mr. White, Mr. Worley, President Schumacher.

Mr. Dauss called for General Ordinance No. 55, 1946, for second reading. It was read a second time.

On motion of Mr. Dauss, seconded by Mr. Manly, General Ordinance No. 55, 1946, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 55, 1946, 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. Kealing, Mr. Manly, Dr. Meriwether, Mr. White, Mr. Worley, President Schumacher.

Mr. Worley called for Special Ordinance No. 6, 1946, for second reading. It was read a second time.

On motion of Mr. Worley, seconded by Mr. Bowers, Special Ordinance No. 6, 1946, was ordered engrossed, read a third time and placed upon its passage.

Special Ordinance No. 6, 1946, 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. Kealing, Mr. Manly, Dr. Meriwether, Mr. White, Mr. Worley, President Schumacher.

### MISCELLANEOUS BUSINESS

The Council reverted to the previous order of business. Councilman Dauss made a motion that President John A. Schumacher and Councilman Herman E. Bowers be nominated for membership on the Auditorium Board for the District of Marion County, Indiana, as provided for in Section 1, Chapter 301, p. 1366 of the Acts of the General Assembly of Indiana, 1937.

Which was seconded by Mr. Manly, and carried by the unanimous voice vote of the Council.

Mr. Dauss made a motion that the rules be suspended for further consideration and passage of Resolution No. 4, 1946, providing for the appointment of John A. Schumacher and Herman E. Bowers.

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

Ayes 7, viz: Mr. Brown, Mr. Dauss, Mr. Kealing, Mr. Manly, Dr. Meriwether, Mr. White, Mr. Worley.

Not Voting: Mr. Bowers, President Schumacher.

The rules were suspended.

## COMMITTEE REPORTS

Indianapolis, Ind., June 3, 1946.

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 Resolution No. 4, 1946, entitled

A RESOLUTION selecting and appointing two members of the Common Council for membership on the Auditorium Board, 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  
OTTO H. WORLEY  
MAX WHITE

## ORDINANCES ON SECOND READING

Mr. Dauss called for Resolution No. 4, 1946, for second reading. It was read a second time.

On motion of Mr. Dauss, seconded by Mr. Manly, Resolution No. 4, 1946, was ordered engrossed, read a third time and placed upon its passage.

Resolution No. 4, 1946, was read a third time by the Clerk and passed by the following roll call vote:

Ayes 7, viz: Mr. Brown, Mr. Dauss, Mr. Kealing, Mr. Manly, Dr. Meriwether, Mr. White, Mr. Worley.

Not Voting: President Schumacher, Mr. Bowers.

On motion of Mr. Kealing, seconded by Mr. Manly, the Common Council adjourned at 9:30 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 3rd day of June, 1946, 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:



President



City Clerk

(SEAL.)