

REGULAR MEETING

Monday, February 3, 1947  
7:30 P. M.

The Common Council of the City Hall of Indianapolis met in the Council Chamber at the City Hall, Monday, February 3, 1947, 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 for the previous meeting was dispensed with on motion of Mr. Kealing, seconded by Mr. Dauss.

COMMUNICATIONS FROM THE MAYOR

January 23, 1947.

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:

APPROPRIATION ORDINANCE NO. 1, 1947.

AN ORDINANCE appropriating the total sum of Twenty-seven thousand three hundred seventy-five (\$27,375.00) dollars from the estimated, anticipated and unappropriated 1947 balance of

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the General Fund of the City of Indianapolis, Indiana, and appropriating and allocating same among certain designated funds in the Fire Department, Department of Public Safety and the Police Department, Department of Public Safety, according to 1947 Budget Classification for the purpose of providing additional salaries for certain firemen and policemen, and fixing a time when this ordinance shall take effect.

GENERAL ORDINANCE NO. 1, 1947.

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.

GENERAL ORDINANCE NO. 2, 1947.

AN ORDINANCE ratifying, confirming, and approving a certain contract for engineering service made and entered into on the 20th day of December, 1946, by and through its Board of Public Works and Sanitation, with the approval of its Mayor, as City, and the Russell B. Moore and Mark B. Owen, partners, d/b/a Moore and Owen, of Indianapolis, Indiana, as engineers, wherein said City has contracted with said partnership for the preparation of plans and specifications for the construction of relief sewers in the area of said City which commonly referred as Broad Ripple, upon the terms, conditions and provisions provided in said contract and fixing a time when same shall take effect.

GENERAL ORDINANCE NO. 3, 1947.

AN ORDINANCE ratifying, confirming, and approving a certain contract for engineering service made and entered into on the 20th day of December, 1946, by and through its Board of Public Works and Sanitation, with the approval of its Mayor, as City, and Dean E. Pierce, Clarence E. Gruber, Walter M. Beam and Tino J. Poggiani, partners, d/b/a Pierce and Gruber, Structural Engineers, of Indianapolis, Indiana, as engineers, wherein said City has contracted with said partnership for the preparation of plans and specifications for the construction of two bridges in the City of Indianapolis, Indiana, one of which is to be constructed at the intersection of Central Avenue and the Indiana Central

Canal and the other over said Canal at College Ave., upon the terms, conditions and provisions provided in said contract and fixing a time when same shall take effect.

GENERAL ORDINANCE NO. 4, 1947 (As Amended)

AN ORDINANCE authorizing and empowering the Board of Public Safety of Indianapolis, Indiana, to have one (1) 1942 Chrysler automobile appraised by appraisers appointed by the Judge of Circuit Court and to sell same for not less than its appraised value and fixing a time when the same shall take effect.

GENERAL ORDINANCE NO. 5, 1947.

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.

GENERAL ORDINANCE NO. 6, 1947.

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.

Respectfully,

ROBERT H. TYNDALL,

Mayor.

January 27, 1947.

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. 148, 1946 (As Amended)

AN ORDINANCE amending General Ordinance No. 87, 1935, as amended, of the City of Indianapolis, Indiana; to amend Section 6

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of said ordinance establishing taxicab license fees, and fixing a time when the same shall take effect.

Respectfully,

ROBERT H. TYNDALL,  
Mayor.

January 27, 1947.

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

Gentlemen:

IN RE: GENERAL ORDINANCE NO. 124, 1946.

Attached hereto is General Ordinance No. 124, 1946, which I have this day vetoed for the reason that I am advised by the Corporation Counsel that the same is invalid and of no force and effect.

I am attaching hereto a copy of the Corporation Counsel's opinion for reference.

Respectfully submitted,

ROBERT H. TYNDALL,  
Mayor.

CITY OF INDIANAPOLIS

Department of Law

January 27, 1947.

General Robert H. Tyndall  
Mayor of the City of Indianapolis  
Indianapolis, Indiana.

Dear General:

In Re: An Ordinance increasing the number of taxicabs.

General Ordinance No. 124, 1946 provides that the total number of taxicab licenses be increased to include twenty (20) additional taxicab licenses. Sec. 2 of the ordinance provides "that operators

who shall have heretofore operated taxicabs within the City of Indianapolis prior to August 1, 1945, as lessees of certain duly authorized licensees, shall first as a matter of right, be issued upon application, taxicab licenses by the City Controller of the City of Indianapolis." This provision of the ordinance clearly restricts the issuance of licenses to a small class of persons who were lessees of certain duly authorized licensees prior to August 1, 1945, and prohibits the issuance of any additional taxicab license authorized by the ordinance to any other person until such lessees have been furnished with licenses.

The records show that there are only twenty (20) of such lessees; while there are a great number of licensees who operated taxicabs prior to August 1, 1945. The provisions of Sec. 2 of General Ordinance No. 124, 1946 attempts to grant to a small class of citizens, privileges which, upon the same terms it does not grant to other operators who have operated taxicabs within the City of Indianapolis prior to August 1, 1945, and is clearly a violation of Sec. 23 of Article 1, of the Constitution of Indiana and is also in violation of the 14th amendment of the Federal Constitution.

The City of Indianapolis exercises its rights to license taxicabs through authority conferred upon it by the Legislature. The State of Indiana does not have the power to grant to any class of citizens privileges or immunity, which upon the same terms, shall not equally belong to all citizens and since the Legislature does not have such power it cannot confer the same upon a municipality. Since the Legislature does not have the power to confer upon a municipality the right to adopt discriminating regulations the municipality is without the power so to do.

Sayre vs. Phillips, 148 Pac. 282, L.R.A. 49.

The power to license, which is conferred upon municipalities is not an unlimited or arbitrary power, but one to be exercised in conformity with the general law and constitutional limitations.

38 Am. Jur. 24, Sec. 333.

While a municipality may, under a conferred power to license useful occupations, impose, for the purpose of regulation, any reasonable restriction, the exercise of the occupation must remain open to all who are willing to comply with the terms and conditions.

38 Am. Jur. 23, Sec. 332.

The licensing power must be exercised by means of ordinances

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that are equal and uniform in their operation. It must not discriminate between persons who are engaged in the same trade or pursuit, in the aid of some at the expense of others.

Henry vs. Campbell, 133, Ga. 882, L.R.A. (NS) 283.

Mobile vs. Yuille, 331 Ala. 137.

Titusville vs. Brennan, 143 Pa. 642.

The restriction to be found in Sec. 2 of said ordinance is discriminatory, arbitrary and unreasonable and is beyond the legislative authority of the Common Council to enact.

Davis Constr. Co. vs. Board of Co. Comrs. 192 Ind. 144,

132 N.E. 629, 21 A.L.R. 557.

Denny vs. Muncie, 190 Ind. 128.

State vs. Wiggam, 187 Ind., 159, 118 N.E. 684.

In Re: Bank of Commerce, 153 Ind. 460, 53 N.E. 950,

55 N.E. 224, 47 L.R.A. 489.

Therefore, it is my opinion that General Ordinance No. 124, 1946, is invalid and of no force and effect.

Respectfully submitted,

ARCH N. BOBBITT,

Corporation Counsel.

January 27, 1947.

President and Members of the Common Council  
City of Indianapolis.

Gentlemen:

I am submitting herewith General Ordinance No. 147-1946 (As Amended) which I have vetoed for the reason that there is a question as to the legality of the form in which this Ordinance attempts to amend Section 21, General Ordinance No. 87-1935 (As Amended).

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I have no objection to the purposes of this Ordinance and will be glad to approve the same if submitted to me again in proper form.

Very truly yours,

ROBERT H. TYNDALL,  
Mayor.

CITY OF INDIANAPOLIS

Department of Law

January 27, 1947.

General Robert H. Tyndall  
City Hall  
Indianapolis, Indiana.

Dear General:

In Re: General Ordinance No. 147-1946 (As Amended)

General Ordinance No. 147, which is submitted herewith, is pur-ported to amend Section 21 of General Ordinance No. 87-1935. General Ordinance No. 87-1935 was amended in 1936, at which time Section 21 was added.

Section 1 of the attached Ordinance attempts to amend a section of Ordinance No. 87-1935 by adding to the section in such a manner as to cast some doubt upon the legality of the amendment.

It is my opinion that there is sufficient question as to the form of this Ordinance to justify its veto. A new Ordinance may be passed in the proper form if the Council so desires.

Respectfully submitted,

ARCH N. BOBBITT,  
Corporation Counsel.

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## COMMUNICATIONS FROM CITY OFFICIALS

February 3, 1947.

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

Gentlemen:

In Re: Appropriation Ordinance No. 2, 1947.

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 newspapers, to-wit:

A. O. No. 2, 1947—Friday, January 24 and 31, 1947—The Indianapolis Commercial and Marion County Mail,

that taxpayers would have the right to be heard on the above ordinance at the meeting of the Common Council to be held at 7:30 P. M., February 3, 1947 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.

February 3, 1947.

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

Gentlemen:

In Re: General Ordinance No. 146, 1946.  
General Ordinance No. 6, 1947.  
Special Ordinance No. 13, 1946.

I hereby report that pursuant to the laws of the State of Indiana, I caused publication to be inserted in the following newspapers, to-wit:

G. O. No. 146, 1946—Saturday, January 18 and 25, 1947—The Indianapolis Star and The Indianapolis Times,

S. O. No. 13, 1946—Saturday, January 18 and 25, 1947—The Indianapolis Star and Indianapolis Commercial,

G. O. No. 6, 1947—Saturday, January 25 and February 1, 1947—The Indianapolis Times and Indianapolis Star,

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.

February 3, 1947:

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

Gentlemen:

In Re: General Ordinance No. 10, 1947.

I hereby report that pursuant to the laws of the State of Indiana, I caused "Notice to Interested Citizens" that General Ordinance No. 10, 1947, (Zoning Ordinance) was published on Friday, January 24, 1947 in the Indianapolis Commercial and the Marion County Mail for a hearing on February 3, 1947.

Very truly yours,

FRANK J. NOLL, Jr.,

City Clerk.

February 3rd, 1947.

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

Gentlemen:

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We respectfully request that a withdrawal of General Ordinance No. 142, 1946, be made, which requests the approval of the purchase of certain fire equipment, under the Board of Safety.

Yours very truly,

EDWARD G. HERETH,  
Purchasing Agent.

February 1, 1947.

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

Gentlemen:

Attached are copies of Appropriation Ordinances No. 3, 1947, appropriating the sum of \$35,000.00 from the anticipated, estimated, unappropriated 1947 balance of the Gas Tax Fund to Fund No. 72, Equipment, City Civil Engineer.

Yours very truly,  
ROY E. HICKMAN,  
City Controller.

February 2, 1947.

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

Gentlemen:

Attached are copies of Appropriation Ordinance No. 4, 1947, appropriating \$200,000.00 from the proceeds of the sale of Track Elevation Bonds of 1946, First Issue.

Yours very truly,

ROY E. HICKMAN,  
City Controller.

February 3rd, 1947.

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

Gentlemen:

Submitted herewith is General Ordinance No. 11, 1947, prohibiting parking on a certain part of a certain street in Indianapolis, Indiana; providing a penalty for violation thereof; And fixing a time when the same shall take effect.

We respectfully recommend the passage of this ordinance.

Very truly yours,

BOARD OF PUBLIC SAFETY,

By WM. H. REMY, President.

February 3rd, 1947.

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

Gentlemen:

Submitted herewith is General Ordinance No. 12, 1947, 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.

Very truly yours,

BOARD OF PUBLIC SAFETY,

By WM. H. REMY, President.

January 31st, 1947.

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

Gentlemen:

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Attached hereto is General Ordinance No. 13, 1947 authorizing the Board of Flood Control Commissioners, through its duly appointed Purchasing Agent, to contract for automotive equipment as specified on Requisition No. 12528.

I respectfully recommend the passage of this Ordinance.

Yours very truly,

EDWARD G. HERETH,  
Purchasing Agent.

February 2, 1947.

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

Gentlemen:

Attached are copies of General Ordinance No. 14, 1947, authorizing the issuance and sale of \$200,000 City of Indianapolis Track Elevation Bonds of 1946, First Issue.

Yours very truly,

ROY E. HICKMAN,  
City Controller.

Please pass this under suspension of rules.

February 3, 1947.

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

Gentlemen:

Attached hereto are twenty copies of General Ordinance No. 15, 1947, an ordinance to amend General Ordinance No. 114, 1922 (as amended), commonly known as the Zoning Ordinance.

Respectfully submitted,

NOBLE P. HOLLISTER, Secretary  
CITY PLAN COMMISSION.

February 3, 1947.

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

Gentlemen:

The Mayor vetoed Ordinance No. 147, 1946, for the reason that there was some question as to the legality of the attempted amendment so as to include in the ordinance certain provisions of Sec. 21 of General Ordinance No. 87, 1935.

I have written this ordinance so as to include those provisions of Sec. 21 of G. O. No. 87, 1935 as amended, that were inadvertently omitted from the original G. O. No. 147, 1946 which was drawn by me at the request of the Council.

The attached ordinance is in proper form and in compliance with the request of the Council as originally given me.

Yours very truly,

HENRY B. KRUG,

City Attorney.

February 3, 1947.

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

Gentlemen:

Submitted herewith are copies of General Ordinance No. 16, 1947, in proper form and compliance with the request of the Council as originally given Mr. Krug, City Attorney, establishing the rates of taxicab fares.

Very truly yours,

JOHN A. SCHUMACHER,

Councilman.

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February 1, 1947.

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

Gentlemen:

Attached hereto are twenty copies of Special Ordinance No. 1, 1947, an ordinance annexing certain contiguous territory to the City of Indianapolis.

Respectfully submitted,

NOBLE P. HOLLISTER, Secretary,  
CITY PLAN COMMISSION.

February 3, 1947.

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

Gentlemen:

Attached hereto are copies of Special Ordinance No. 2, 1947, an ordinance annexing certain contiguous territory to the City of Indianapolis.

Respectfully submitted,

NOBLE P. HOLLISTER, Secretary,  
CITY PLAN COMMISSION.

February 3, 1947.

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

Gentlemen:

Attached hereto are copies of Special Ordinance No. 3, 1947, an

ordinance annexing certain contiguous territory to the City of Indianapolis.

Respectfully submitted,

NOBLE P. HOLLISTER, Secretary.  
CITY PLAN COMMISSION.

At this time those present were given an opportunity to be heard on Appropriation Ordinance No. 2, 1947, General Ordinances No. 142, 1946, and 7, 8, 9, 10, 1947.

Mr. Manly asked for recess. The motion was seconded by Mr. Kealing and the Council recessed at 8:10 P. M.

The Council reconvened at 9:00 P. M., with the same members present as before.

### COMMITTEE REPORTS

Indianapolis, Ind., February 3, 1947.

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. 2, 1947, entitled

AN ORDINANCE transferring \$2,250.00 to Fund No. 11 (5 School Guards)

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

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Indianapolis, Ind., February 3, 1947.

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. 142, 1947, entitled

AN ORDINANCE authorizing the purchase of equipment for the  
Fire Dept.,

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

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

Indianapolis, Ind., February 3, 1947.

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 General  
Ordinance No. 7, 1947, entitled

AN ORDINANCE establishing 3 loading zones,

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

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

Indianapolis, Ind., February 3, 1947.

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. 8, 1947, entitled

AN ORDINANCE authorizing the Board of Safety to purchase equip-  
ment for the Chief of Police and the Dog Pound,

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

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

Indianapolis, Ind., February 3, 1947.

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. 9, 1947, entitled

AN ORDINANCE prohibiting and regulating parking on certain  
parts of certain streets,

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  
WILLIAM A. BROWN

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January 29, 1947.

Mr. Otto H. Worley, Chairman  
Committee on Law & Judiciary  
Common Council of the  
City of Indianapolis.

Dear Mr. Worley:

The City Plan Commission at its regular meeting January 27, 1947, approved and recommended passage of General Ordinance No. 10, 1947, an ordinance to amend General Ordinance No. 114, 1922 (as amended), commonly known as the Zoning Ordinance.

Respectfully yours,

NOBLE P. HOLLISTER, Secretary.  
CITY PLAN COMMISSION.

Indianapolis, Ind., February 3, 1947.

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 General Ordinance No. 10, 1947, entitled

AN ORDINANCE to amend G. O. No. 114, 1922, as amended,

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

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

INTRODUCTION OF APPROPRIATION ORDINANCES

By the City Controller:

APPROPRIATION ORDINANCE NO. 3, 1947.

AN ORDINANCE appropriating the sum of Thirty-five Thousand

(\$35,000.00) Dollars from the anticipated, estimated and unappropriated 1947 balance of the Gas Tax Fund of the City of Indianapolis, to Fund 72, (Gas Tax), Equipment, City Civil Engineer, Department of Public Works; 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 Thirty-five Thousand (\$35,000.00) Dollars be and the same is hereby appropriated from the anticipated, estimated and unappropriated 1947 balance of the Gas Tax Fund of the City of Indianapolis to Fund 72, (Gas Tax), Equipment, City Civil Engineer, Department of Public Works.

Section 2. This Ordinance shall be in full force and effect from and after 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.

By the City Controller:

APPROPRIATION ORDINANCE NO. 4, 1947.

AN ORDINANCE appropriating the sum of Two Hundred Thousand (\$200,000.00) Dollars from the proceeds of the sale of "Track Elevation Bonds of 1947—FIRST ISSUE" for the purpose of providing monies to construct a "grade separation structure" at the intersection of Shelby Street and the Belt Railroad tracks, 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 Two Hundred Thousand (\$200,000.00) Dollars to be realized from the sale of Track Elevation Bonds of 1947—FIRST ISSUE, be and the same is hereby appropriated for the purpose of paying the City's proportionate share of the cost of the construction of a "grade separation structure" at the aforementioned intersection and to pay all expenses incidental thereto and in connection therewith and necessary expenses incurred in the issuance and delivery of said bonds. Any surplus of such proceeds shall be credited to the track elevation fund as provided by law.

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Section 2. Immediately upon the final passage and approval of this ordinance and determination, the City Clerk and City Controller shall deliver two (2) certified copies thereof to the Auditor of Marion County with the request that a copy thereof to be certified and transmitted by him to the State Board of Tax Commissioners for further action thereon as provided by law.

Section 3. This ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

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

## INTRODUCTION OF GENERAL ORDINANCES

By the Board of Public Safety:

### GENERAL ORDINANCE NO. 11, 1947.

AN ORDINANCE prohibiting parking on a certain part of a certain Street in Indianapolis, Indiana; 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 owner or operator of any vehicle to park the same or to suffer, permit or allow the same to be parked at any time upon the following part of the following street in Indianapolis, Indiana, to-wit:

On the south side of 59th Street, (known as Kessler Boulevard), from the east curb line of Central Avenue to the Monon Railroad.

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 be added imprisonment not exceeding one hundred eighty (180) days.

Section 3. 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 Safety.

By the Board of Public Safety:

GENERAL ORDINANCE NO. 12, 1947.

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, material and merchandise coming to or going from such premises,—such owners or occupants having complied with all laws relating to the establishment thereof and the Board of Public Safety having made due investigation and recommended same,—the following passenger and/or loading zone be and the same is hereby established in the City of Indianapolis, to-wit:

To begin at a point 124 feet west of the west curb line of Pennsylvania Street and extend west 50 feet on the north side of East South Street.

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 Parks.

By the Purchasing Agent:

GENERAL ORDINANCE NO. 13, 1947.

AN ORDINANCE authorizing the Board of Flood Control Commissioners to purchase, through its duly authorized purchasing agent, automotive equipment to be paid for out of funds heretofore appropriated; and fixing a time when the same shall take effect.

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

Section 1. That the Board of Flood Control Commissioners of the City of Indianapolis be and it is hereby authorized and empowered to purchase, through its duly authorized purchasing agent, the following automotive equipment—said automotive equipment 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 automotive equipment shall not exceed the sums of money as hereinafter set out, to be paid out of funds heretofore appropriated for the use of said board:

4 Model EC 452 GMC Chassis, equipped with Gar Wood dump Bodies of 2½ yd. capacity, fitted with 900x20 tires, mud and snow tread, single front and dual rear --@-----	\$ 3,008.75
TOTAL -----	\$12,035.00

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 Finance.

By the City Controller:

**GENERAL ORDINANCE NO. 14, 1947.**

**AN ORDINANCE** providing for and authorizing the City Controller for and on behalf of the City of Indianapolis to issue and sell two hundred (200) bonds of One Thousand (\$1,000.00) Dollars each of said city, payable from the general revenues and funds of said city, or as may be required by law for the purposes of procuring money for the payment of said city's proportionate share of the total cost of elevating, depressing and altering certain grade crossings in said city, and work thereunto appertaining, and providing for the time and manner of advertising the sale of bonds and the receipt of bids for the same, together with the mode and terms of sale, and fixing a time when the same shall take effect.

**WHEREAS**, heretofore, on the 26th day of June, 1925, the Board of Works of said City adopted Track Elevation Resolution No. 19,

calling for the alteration of certain grade crossings in said city and for other work thereunto appertaining; and

WHEREAS, heretofore, on the 8th day of February, 1946, the Board of Public Works and Sanitation of the City of Indianapolis, Indiana, successor of the Board of Public Works of said city, adopted Supplemental Track Elevation Resolution No. 19-C providing for the modification of certain plans, profiles and specifications and calling for the construction of a "grade separation structure" at the intersection of Shelby Street and the Belt Railroad tracks in said city; and

WHEREAS, heretofore, on the 8th day of January, 1947, the City Civil Engineer of said city made an estimate of the total cost of said "grade separation" showing said city's proportionate share of said total cost of said "grade separation structure" at the intersection, as aforesaid, under said track elevation resolution and supplements thereto, a copy of said estimate being attached hereto and incorporated herein by reference for the purpose of identification, and marked Exhibit "A"; and,

WHEREAS, heretofore, on the 7th day of October, 1946, more than fifty (50) owners of taxable real estate within the limits of said city petitioned and requested this Common Council to authorize and issue bonds of said city in whatever amount deemed necessary to provide funds for the construction of a "grade separation structure" at the aforementioned intersection and to purchase titles or easements in land for right-of-way purposes required in connection therewith and to defray the cost of all labor and materials used in connection therewith; and

WHEREAS, heretofore, on the 31st day of January, 1947, the Board of Public Works and Sanitation passed a resolution requesting the issuance of bonds in the sum of Two Hundred Thousand (\$200,000.00) Dollars, a copy of said Resolution No. 19-C-4 being attached hereto and incorporated herein by reference and for the purpose of identification and marked Exhibit "B"; and

WHEREAS, it is necessary to the convenience and safety of the public that money be provided to construct a "grade separation structure" at the intersection of Shelby Street and the Belt Railroad tracks in said city; and

WHEREAS, there is not now, and will not be, sufficient funds available in the treasury of the City of Indianapolis with which to

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meet said City's proportionate share of the total cost of the track elevation project, aforesaid, and it being necessary for the City of Indianapolis to procure the sum of Two Hundred Thousand (\$200,000.00) Dollars in order to provide such a fund to be devoted to said purposes, and to issue and to sell its bonds in such an amount, payable from the general revenues and funds of said city, or from the sinking fund, or as may be required by law;

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

Section 1. That the City Controller be and he is hereby authorized, for the purpose of procuring the money for the payment of the proportionate share of the City of Indianapolis of the total cost of elevating and altering grade crossing by constructing a "grade separation structure" at the intersection of Shelby Street with the Belt Railroad tracks in said city and work thereunto appertaining, as set out in a resolution of the Board of Public Works and Sanitation, a copy of which is attached hereto and incorporated herein by reference and marked Exhibit "B," to prepare, issue and sell Two Hundred (200) bonds of the City of Indianapolis, Marion County, Indiana, of One Thousand (\$1,000.00) Dollars each, which bonds shall bear the date of April 1, 1947, and shall be numbered one (1) to two hundred (200), both inclusive, and shall bear interest at the rate of, not to exceed, four percent (4%) per annum, the exact rate to be determined by bidding, as hereinafter more particularly provided, payable semi-annually on the first day of January and the first day of July of each year of the period of said bonds, and said bonds shall be issued in twenty (20) series, which shall consist of ten (10) bonds each. The first series of said bonds shall be due and payable on January 1, 1949, and one (1) of said series shall be due and payable on the first day of January of each year thereafter until and including January 1, 1968. The interest on said bonds shall be evidenced by proper coupons thereunto attached for the payment of said semi-annual interest, and the first coupon attached to each bond shall be for the interest on said bond from the date of issue until the first day of January 1949; said bonds and the interest coupons attached thereto shall be negotiable and payable at the office of the City Treasurer of the City of Indianapolis at Indianapolis, Indiana, and said bonds shall be signed by the Mayor and City Controller of the City of Indianapolis, and attested by the City Clerk, who shall affix the seal of the city to each bond, and interest coupons attached to said bonds shall

be authenticated by a lithographic facsimile of the signatures of the Mayor and the City Controller of said city engraved thereon, which shall for all purposes be taken and deemed to be equivalent to a manual signing thereof. Said bonds shall be prepared by the City Controller of said city in due form, irrevocably pledging the faith and credit of the City of Indianapolis, Indiana, to the payment of the principal and interest stipulated therein respectively. It shall be the duty of the City controller, at the time of the issuance and negotiation of said bonds, to register in the book kept for such purposes all of said bonds so issued and negotiated in serial numbers beginning with the bond numbered one (1), giving also the date of issuance, the amount, the date of maturity, rate of interest, and the time and place of maturity, rate of interest, and the time and place where said interest shall be payable; and said bonds shall be substantially in the following form, all blanks for numbers and dates to be properly filled in before the issuance thereof.

No. \_\_\_\_\_ \$1,000.00

**UNITED STATES OF AMERICA  
CITY OF INDIANAPOLIS**

**Marion County, State of Indiana**

**Track Elevation Bonds of 1947—First Issue**

**TOTAL ISSUE ----- \$200,000.00**

For value received, the City of Indianapolis, Marion County, State of Indiana, hereby promises to pay to the Bearer, on the first day of January 19\_\_\_\_, at the City Treasurer's Office in the City of Indianapolis, Indiana, One Thousand (\$1,000.00) Dollars in lawful money of the United States of America, together with interest thereon at the rate of ----- ( ) per cent per annum from date until paid.

The first interest payable on the first day of January, 1949, and the interest thereafter payable semi-annually on the first day of July and January respectively, upon presentation of the proper interest coupons hereunto attached and which are made a part of this bond.

This bond is one of an issue of two hundred (200) bonds of One Thousand (\$1,000.00) Dollars each, numbered from one (1) to two hundred (200), both inclusive, of date of April 1, 1947, which bonds mature in series of ten (10) bonds each year for twenty (20) years.

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The first series maturing January 1, 1949, and the successive series on the first day of January of each year thereafter until and including January 1, 1968. These bonds are issued by the City of Indianapolis, Indiana, pursuant to an ordinance duly passed by the Common Council of said city on the ——day of February, 1947, and by virtue of the laws of the State of Indiana, including an Act of the General Assembly of the State of Indiana, entitled "An Act concerning municipal corporations" approved March 6, 1905, and an Act of 1923, approved March 8, 1923, entitled "An Act to provide for the alteration of steam railroad grade crossings and to secure the depression or elevation of steam railroad tracks where the same cross street or other highways in cities of more than one hundred thousand population according to the last preceding United States census, and authorizing the opening, change and vacation of streets and other highways and change of grade thereof in connection therewith; providing for the payment of the cost of such improvement by railroad companies, street railway companies, and the city and the county in which such city is located, and incorporated towns lying within (or) surrounded by the corporate limits of such city," and repealing all laws in conflict therewith, and an Act of 1939, approved March 6, 1939, entitled "An Act relating to the separation of the grades of crossings of public highways, including streets of municipalities and other highways, and steam and electric railroads, and providing for a division of the cost thereof; and repealing all laws in conflict therewith," and all acts amendatory thereof and supplemental thereto. The object of this issue is to secure a total fund of Two Hundred Thousand (\$200,000) Dollars, duly appropriated by the ordinance aforesaid for the use of the Board of Public Works and Sanitation of the City of Indianapolis, Indiana, as set out in Exhibit "A" attached and made a part of the aforementioned ordinance, and to pay all expenses necessary and incidental thereto.

It is hereby certified that all conditions, acts and things essential to the validity of this bond exist, have happened and have been done, and that all requirements of the law affecting the issuance thereof have been complied with, and that this bond is within every debt and other limit prescribed by the constitution and laws of the State of Indiana, and that the faith and credit of the City of Indianapolis, Indiana, are hereby irrevocably pledged to the punctual payment of the principal and interest of this bond according to its terms.

IN WITNESS WHEREOF, the Common Council of the City of Indianapolis, Marion County, Indiana, have caused this bond to be signed by the Mayor and countersigned by the City Controller, and attested by the City Clerk, and the corporate seal of the city be affixed thereto, as of the 1st day of April, 1947.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Controller

ATTEST:  
\_\_\_\_\_  
City Clerk

INTEREST COUPON

No. \_\_\_\_\_ \$ \_\_\_\_\_

On the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, the City of Indianapolis, in Marion County, Indiana, will pay the Bearer, at the office of the City Treasurer, in said city, \_\_\_\_\_ Dollars, being the interest due on said date on its Track Elevation Bond of 1947 - FIRST ISSUE, No. \_\_\_\_\_.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Controller

Section 2. Said Track Elevation Bonds shall be offered for sale by the City of Indianapolis as soon as may be done after the final adoption of this ordinance. Prior to the sale of said Track Elevation Bonds, the City Controller shall cause to be published a notice of the of said bonds, each week for two consecutive weeks in two local newspapers. The date fixed for the sale of said bonds shall be not earlier than ten (10) days after the last of said publications. Said Bond Sale Notice shall state the time and place of sale, the purpose for which the bonds are issued, the total amount to be sold, the maximum rate of interest thereon, the time and place of payment, and the terms and conditions upon which bids will be received and the sale

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made, and such other information as the City Controller shall deem necessary.

Among other things, the aforementioned notice shall advise the bidders that all bids for said bonds shall be filed with the City Controller in his office in said City, in sealed envelopes marked "Bid for Track Elevation Bonds of April 1, 1947,—FIRST ISSUE"; That each bid shall be accompanied by a certified check payable to the City of Indianapolis in an amount equal to two and one-half per cent ( $2\frac{1}{2}\%$ ) of the amount of said bonds to guarantee the good faith of the bidders, and that in the event the bidder to whom the bonds were awarded shall fail to comply with the provisions of the bid, then said check and the proceeds thereof shall be and become the property of the City of Indianapolis, and shall be taken and considered as the liquidated damages of the City, on account of such failure or refusal. The aforementioned notice shall provide also that bidders for said bonds shall be required to name the rate of interest which said Track Elevation Bonds are to bear, not exceeding the maximum rate herein provided, and that such interest must be in multiples of one-fourth ( $\frac{1}{4}$ ) of one (1) percent, and not more than one interest rate shall be named by each bidder; that the City Controller will award said bonds to the highest qualified bidder who has submitted his bid in accordance with the notice of sale, and that the highest bidder will be the one who offers the lowest NET interest to the City, determined by computing the total interest on all of the bonds to their maturities and deducting therefrom the premium bid, if any.

Section 3. No bid for less than the par value of said bonds, including the accrued interest from the date of said bonds to the date of delivery thereof, at the rate named in the bid, shall be considered. The City Controller shall have the full right to reject any and all bids. In the event the City Controller shall receive no satisfactory bid for said bonds at the time fixed in said notice of sale, he shall be authorized to continue to receive bids thereafter from day to day until a satisfactory bid is received, and in the event of the continuation of the sale, the City Controller shall open all bids filed, at the same hour each day as stated in the Bond Sale Notice.

Section 4. The City Controller is hereby authorized and directed to have said bonds and coupons prepared, and the Mayor and the City Controller and the City Clerk are hereby authorized and directed to execute said bonds and the interest coupons to be attached thereto in the form and the manner herein provided, and the City Controller shall, after the execution of said bonds, deliver the same

to the City Treasurer and shall take his receipt therefor. Upon the consummation of the sale of said bonds, the City Controller shall certify to the City Treasurer the amount which the purchaser is to pay for the same, and thereupon said Treasurer shall be authorized to receive from the purchaser the amount so certified by the Controller, and to deliver the bonds to said purchaser.

Section 5. The proceeds of such bonds, when so issued, shall be deposited by the City Controller to the credit of the Board of Public Works and Sanitation for the payment of the City's proportionate share of the total cost of the construction of the "Grade Separation Structure" at the intersection of Shelby Street and the Belt Railroad tracks, in said city, and for the payment of all expenses necessary and incidental to the issuance of said bonds.

Section 6. On final adoption of this ordinance, the City Clerk shall immediately cause to be published and posted in the manner required by law, a notice of the filing of a petition to issue bonds of the City of Indianapolis and a notice to taxpayers of the determination of the City of Indianapolis to issue all of the Track Elevation Bonds authorized by this ordinance. Said notice shall be published once each week for two consecutive weeks in two newspapers published in the City of Indianapolis, and representing the two leading political parties, and said notice shall also be posted in three public places in said city, all as provided by law.

Section 7. This ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

January 8, 1947.

EXHIBIT "A"

SUBJECT:—Shelby Street and Belt R. R. Grade Separation Project—Track Elevation Res. No. 19-C.

1. Submitted herewith is the revised estimate cost of the grade separation project at Shelby Street and the Belt Railroad under Track Elevation Resolution No. 19-C.

CITY ALLOTMENT:

1. Rights-of-way .....	\$153,250.00
2. Removal of present improvement .....	4,592.20
3. Grading .....	32,460.00

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4. Street and Alley Improvements -----	47,615.70
5. Drainage -----	28,797.50
6. Engineering—Approx. 7.5% of Items 2 to 5, incl. -----	8,500.00
7. Contingencies—Approx. 10% of Items 2 to 5, incl. -----	11,284.60

TOTAL CITY ALLOTMENT -----\$286,500.00

I. U. RAILWAY CO. ALLOTMENT:

8. Substructure -----	\$ 58,200.00
9. Superstructure -----	62,000.00
10. Temporary Trestle -----	46,000.00
11. Temporary Tracks -----	6,500.00
12. Permanent Tracks -----	8,000.00
13. Miscellaneous -----	1,000.00
14. Engineering—Approx. 7.5% of Items 8 to 13, incl. -----	13,630.00
15. Contingencies—Approx. 10% of Items 8 to 13, incl. -----	18,170.00

TOTAL I. U. RAILWAY CO. ALLOTMENT ----\$213,500.00

SUMMARY

City Allotment -----	\$286,500.00
I. U. Railway Co. Allotment -----	213,500.00

GRAND TOTAL -----\$500,000.00

DISTRIBUTION OF COSTS

City -----	½ of 80% of \$500,000.00—	\$200,000.00
County -----	½ of 80% of \$500,000.00—	\$200,000.00
I. U. Railway Co. -----	15% of \$500,000.00—	\$ 75,000.00
Indpls Rlwys., Inc. -----	5% of \$500,000.00—	\$ 25,000.00

TOTAL -----\$500,000.00

1. It is recommended that the City Controller be requested to prepare and submit to the City Council an ordinance authorizing the

Controller to borrow \$200,000.00 as may be required by law to pay for the City's portion of the cost of this improvement.

T. R. JACOBI,  
City Civil Engineer.

**EXHIBIT "B"**

**TRACK ELEVATION RESOLUTION NO. 19-C-4, 1947.**

WHEREAS, the Board of Public Works of the City of Indianapolis has, heretofore, on the 24th day of April, 1925, approved plans specifications for the elevation of the Belt Railroad Tracks from West New York Street to English Avenue, and from East Michigan Street to East 13th Street; and

WHEREAS, on the 26th day of June, 1925, said Board of Public Works adopted Track Elevation Resolution No. 19, providing for said elevation of said tracks and, subsequent thereto, on the 7th day of August, 1925, after due notice as provided by law and after hearing all parties interested and affected thereby, confirmed said Resolution as modified; and

WHEREAS, the City of Indianapolis, by and through its Board of Public Works and approved by its Mayor, entered into an agreement for said track elevation with the Indianapolis Union Railway Company, on August 19, 1925; and

WHEREAS, the Indianapolis Union Railway Company entered into a subsequent agreement with the City of Indianapolis, on \_\_\_\_\_, 19\_\_\_\_, to construct in lieu and instead of the "under grade crossing at the Belt Railroad tracks at Shelby Street" as provided for in said agreement of August 19, 1925, a structure which shall be known as a "Grade Separation Structure," which shall be constructed by partially depressing the roadway of Shelby Street and by partially elevating the tracks of the Belt Railroad, all in accordance with the plans, profiles and specifications marked "Exhibit A-1946," dated January 30, 1946; and revised September 18, 1946; Further providing other things, the allotment of the work; and

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WHEREAS, on the 8th day of February, 1946, the Board of Public Works and Sanitation adopted Supplemental Track Elevation Resolution 19-C, deeming it necessary to acquire and appropriate certain lands for right-of-way purposes and ordering appropriate proceedings be adopted for the acquisition of such right-of-ways and vacation of certain streets and alleys, all as shown by the aforesaid Exhibit "A-1946," for the purpose of constructing a grade separation structure, by depressing the grade of said Shelby Street and the approaches thereto and elevating the tracks of the Belt Railroad and the approaches thereto, at the intersection of said Shelby Street and the Belt Railroad tracks, and subsequently, after due notice, as required by law and holding a public hearing for all persons beneficially or injuriously affected by said proposed acquisition of right-of-ways and construction of a "Grade Separation Structure," the Board of Public Works and Sanitation confirmed the aforementioned resolution on the 6th day of March, 1946, and determined that it would be a public necessity, convenience and benefit to citizens of Indianapolis to construct the aforementioned "Grade Separation Structure" at Shelby Street; and

WHEREAS, pursuant to said track resolution No. 19, and agreements thereon, the work of elevating said Belt Railroad tracks has progressed by the completion of a number of sections of said track elevation program; and

WHEREAS, heretofore, on the 8th day of January, 1947, the City Civil Engineer filed with this Board an estimate of the City's proportionate share of the total cost of the work contemplated under said Supplemental Track Elevation Resolution No. 19-C, a copy of said estimate is attached hereto, incorporated herein and marked Exhibit "A"; and

WHEREAS, this Board is desirous of continuing to an early completion any remaining projects provided for in said Track Elevation Resolution No. 19, 1925, and more particularly under Supplemental Track Elevation Resolution No. 19-C; and

WHEREAS, the City of Indianapolis, Indiana, does not have funds available for the payment of the City's proportionate share of the total cost of said "Grade Separation Structure" at Shelby Street and it will be necessary for said City to sell and issue bonds to pay its proportionate share of said total cost.

NOW, THEREFORE, BE IT RESOLVED by the Board of Public Works and Sanitation of the City of Indianapolis, that the completion of a "Grade Separation Structure" at the intersection of Shelby Street and the Belt Railroad tracks and the approaches thereto, under Track Elevation Resolution No. 19, 1925, as modified by Supplemental Track Elevation Resolution No. 19-C, adopted February 8, 1946, and confirmed March 6, 1946, is a public necessity, convenience and benefit, and that the City Controller be and he is hereby requested to cause to be prepared an ordinance providing for a bond issue in the sum of Two Hundred Thousand (\$200,000.00) Dollars and submit same to the Common Council at its next meeting, with the recommendation of this Board that same be passed.

APPROVED AND ADOPTED on this \_\_\_\_ day of \_\_\_\_\_, 1947.

BOARD OF PUBLIC WORKS AND SANITATION.

\_\_\_\_\_  
President

\_\_\_\_\_  
Vice-President

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

ATTEST:

\_\_\_\_\_  
Executive Secretary

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

By the City Plan Commission:

GENERAL ORDINANCE NO. 15, 1947.

AN ORDINANCE to amend General Ordinance No. 114, 1922 (as amended), commonly known as the Zoning Ordinance of the

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City of Indianapolis, Indiana, 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, Indiana, be and the same is hereby amended, supplemented and extended as to U4 or First Industrial District, A3 or 2400 Square Feet Area District and H1 or 50 Feet Height District, so as to include the following described territory, to-wit:

Beginning at a point in the east line of Sherman Drive, said point being located at the intersection of Sherman Drive and the north line of the first alley south of 12th Street, said point being also the southwest corner of Lot No. 56 in Hardebecks Subdivision, recorded in Plat Book 207, at page 66 in the Recorder's Office of Marion County, Indiana; thence in an easterly direction on and along the north line of the said first alley south of 12th Street, a distance of three hundred sixty and seventy-five hundredths (360.75) feet to a point, said point being the southeast corner of Lot No. 45 in said Hardebecks Subdivision; thence north on and along the east line of said Lot No. 45 to the south line of 12th Street; thence west on and along the south line of 12th Street a distance of seventy (70) feet to a point; thence north across 12th Street and on and along the east line of Lot No. 11 in John H. Emrich's 10th Street Addition to a point in the south line of the first alley north of 12th Street, said point being the northeast corner of said Lot No. 11; thence west on and along the south line of the first alley north of 12th Street to the east line of Sherman Drive; thence south on and along the east line of Sherman Drive to the place 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 Schumacher:

GENERAL ORDINANCE NO. 16, 1947.

AN ORDINANCE amending Section 21 of General Ordinance No. 87, 135, as amended, and establishing the rates of taxicab fares in the City of Indianapolis, repealing all laws in conflict herewith and naming an effective date.

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

Section 1. That Section 21 of General Ordinance No. 87, 1935, as amended, be amended to read as follows:

"Section 21. Rates and Fares. No person, firm or corporation owning, operating or controlling any motor vehicle operated as a taxicab within the limits of the City of Indianapolis shall charge to exceed a schedule of rates posted in each taxicab. Each licensee shall cause a schedule of rates charged for the use of such taxicab to be posted in a conspicuous place therein in plain view of a passenger seated in the rear seat thereof.

If more than one person occupies or engages a taxicab for a common destination, the owner or operator of said taxicab shall not make any extra charge on that account. No person owning or operating or in charge of any taxicab, shall take up or carry any other passenger after the taxicab has been occupied or engaged by any prior passenger without the consent of such prior passenger, and such prior passenger shall not be obligated or requested to pay any extra fare or fee for refusing such consent. If more than one passenger occupies or engages a taxicab for other than a common destination, the fare for the first person leaving the taxicab shall be the metered fare between the point of origin and the destination of such person. The fare for each successive person leaving the taxicab shall be the metered fare between successive destinations and the taxicab meter shall be reset at each destination so that it will register the fare between successive destinations.

The waiting time shall include the time when the taxicab is not in motion, beginning with the arrival at the place to which it has

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been called or the time consumed by waiting at the direction of the passenger, but no charge shall be made for time lost for inefficiency of the taxicab or operator or time consumed by premature response to a call.

If demanded by the passenger, the driver in charge of a taxicab shall deliver to the person paying for the hiring of the same at the time of such payment a receipt therefor in legible type or writing containing the driver's name and taxicab driver's license number, the cab number, taximeter number, and any items for which a charge is made, the total amount paid, and the date of payment.

Every holder of a license issued under the provisions of this ordinance shall file with the Board of Public Safety of the City of Indianapolis, within ten (10) days after the effective date of this ordinance, schedules, which shall be open to the public, showing all rates and charges which such licensee has established and which are enforced at the time for any service performed by such licensee in the operation of such taxicab. No change shall thereafter be made in any schedule, except on ten (10) days notice to said Board and approval by the Board. It shall be unlawful for any licensee to charge, demand, collect or receive a greater or less compensation for any service performed by such licensee, than is specified in such schedule."

Section 2. All ordinance or parts of ordinance in so far as they are in conflict herewith are hereby repealed.

Section 3. This ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and publication as by law required.

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

## INTRODUCTION OF SPECIAL ORDINANCES

By the City Plan Commission:

### SPECIAL ORDINANCE NO. 1, 1947.

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 be and the same is hereby extended so as to include the following described contiguous territory, which is hereby annexed to and made a part of the territory constituting the City of Indianapolis, in Marion County, Indiana, and is described as follows, to-wit:

Beginning at a point, said point being the intersection of the center line of the first alley east of of Eastern Avenue and the north property line of 38th Street North Drive produced eastward, said produced line being the present corporation line of the City of Indianapolis; thence north on and along the center line of the first alley east of Eastern Avenue, said center line being the present corporation line of the City of Indianapolis, and the west line of the east half of the Southwest Quarter of Section 17, Township 16 North, Range 4 East, a distance of nineteen hundred seventy-seven (1977) feet, more or less, to a point in the center line of Millersville Road as now located and established; thence north fifty-one degrees, fifty-seven minutes ( $51^{\circ} 57'$ ) east on and along the center line of the Millersville Road a distance of five hundred fifty-one and fifteen hundredths (551.15) feet to a point; thence in a southeasterly direction at right angle on a line bearing south thirty-eight degrees, three minutes ( $38^{\circ} 3'$ ) east a distance of seven hundred (700) feet to a point; thence in a northeasterly direction parallel to the center line of the Millersville Road, said line bearing north fifty-one degrees, fifty-seven minutes ( $51^{\circ} 57'$ ) east a distance of six hundred seventy-four and seventy-four hundredths (674.74) feet to a point; thence in a northerly direction on a line bearing north no degrees, forty-three minutes ( $0^{\circ} 43'$ ) west a distance of five hundred eighty-one and four tenths (581.4) feet, more or less, to a point in the center line of 42nd Street as now located and established; thence in a southeasterly direction on and along the center line of said 42nd Street a distance of twelve hundred eighty-

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eight and five tenths (1288.5) feet, more or less, to the southeast corner of the west half of the Northeast Quarter, said point being also the northeast corner of the west half of the Southeast Quarter of Section 17, Township 16 North, Rang 4 East; thence south on and along the east line of the west half of the Southeast Quarter of said Section 17, a distance of twenty-six hundred thirty-three and forty-five hundredths (2633.45) feet, more or less, to a point, said point being in the north property line of 38th Street North Drive produced eastward, and the present corporation line of the City of Indianapolis; thence west on and along said produced north property line and present corporation line a distance of twenty-six hundred sixty-nine and five tenths (2669.5) feet, more or less, to the point of beginning.

Section 2. This ordinance shall be in full force and effect from and after its passage by the Common Council, approval by the Mayor and publication as required by law.

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

By the City Plan Commission:

SPECIAL ORDINANCE NO. 2, 1947.

AN ORDINANCE annexing certain contiguous territory to the City of Indianapolis, Indiana; 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 territory of the City of Indianapolis, Indiana be and the same is hereby extended so as to include the following described contiguous territory, which is hereby annexed to and made a part of the territory constituting the City of Indianapolis, Indiana, and is described as follows, to-wit:

Beginning at a point in the present corporation line of the City of Indianapolis, Indiana, said point

being the intersection of the center line of Southern Avenue and the center line of Madison Avenue; thence east on and along the center line of Southern Avenue said center line of Southern Avenue being also the present corporation line, to the east right of way line of the Pennsylvania Railroad; thence southeastwardly on and along the present corporation line and the said east line of the right of way of the Pennsylvania Railroad to the center line of Troy Avenue; thence east on and along the center line of Troy Avenue, said center line of Troy Avenue being the present corporation line, to the west line of Shelby Street; thence south on and along the west line of Shelby Street, said west line of Shelby Street being the present corporation line to the center line of Hanna Avenue; thence west on and along the center line of Hanna Avenue, said center line of Hanna Avenue being the present corporation line, to the center line of Madison Avenue; thence in a northwesterly direction, on and along the center line of Madison Avenue to the place of beginning.

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

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

By the City Plan Commission:

SPECIAL ORDINANCE NO. 3, 1947.

AN ORDINANCE annexing certain contiguous territory to the City of Indianapolis, Indiana; 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 territory of the City of Indianapolis, Indiana, be and the same is hereby extended so as to include the fol-

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lowing described contiguous territory, which is hereby annexed to and made a part of the territory constituting the City of Indianapolis, and is described as follows, to-wit:

Beginning at a point in the present corporation line of the City of Indianapolis, Indiana, said point being located at the intersection of the East line of Shelby Street and the Center line of the first alley south of Martin Street; thence east and along the Center line of the said first alley south of Martin Street, said Center line of the first alley south of Martin Street being the present corporation line, to the Center line of State Street; thence south on and along the Center line of State Street to the Center line of Hanna Avenue; thence west on the Center line of Hanna Avenue to the East line of Shelby Street; thence north on and along the east line of Shelby Street, said east line of Shelby Street being the present corporation line, to the place of beginning.

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

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

#### ORDINANCES ON SECOND READING

Mr. Bowers called for Appropriation Ordinance No. 2, 1947 for second reading. It was read a second time.

On motion of Mr. Bowers, seconded by Mr. Dauss, Appropriation Ordinance No. 2, 1947 was ordered engrossed, read a third time and placed upon its passage.

Appropriation Ordinance No. 2, 1947 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. Manly called for General Ordinance No. 7, 1947 for second reading. It was read a second time.

On motion of Mr. Manly, seconded by Mr. Worley, General Ordinance No. 7, 1947 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 7, 1947 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. 8, 1947 for second reading. It was read a second time.

Mr. Dauss presented the following motion to amend General Ordinance No. 8, 1947:

Indianapolis, Ind., February 3, 1947.

Mr. President:

I move that General Ordinance No. 8, 1947, be amended to read as follows:

AN ORDINANCE authorizing the Board of Public Safety of the City of Indianapolis to purchase equipment by and through its purchasing agent; 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 Safety of the City of In-

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dianapolis, through its duly authorized purchasing agent, be and it is hereby authorized and empowered to contract for the purchase of the following automotive equipment, such equipment 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 same shall not exceed the sum of money hereinafter set out,——to be paid for out of funds heretofore appropriated for the use of said Board, to-wit:

FOR MUNICIPAL DOG POUND

Req. 1367—2 new ½-ton Dodge Trucks, equipped with 2 bucket seats and 2 windshield wipers. To be not less than 115 wheel base. To be purchased from Capitol Motors @ each \$1,327.38, total -----	\$2,654.76
Less Federal Tax -----	69.00
Total -----	<u>\$2,585.76</u>

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

R. C. DAUSS,  
Councilman

The motion was seconded by Mr. Kealing, 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.

On motion of Mr. Dauss, seconded by Mr. Kealing, General Ordinance No. 8, 1947, As Amended, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 8, 1947, As Amended, 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. 9, 1947 for second reading. It was read a second time.

On motion of Dr. Meriwether, seconded by Mr. Dauss, General Ordinance No. 9, 1947 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 9, 1947 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 General Ordinance No. 10, 1947 for second reading. It was read a second time.

On motion of Mr. Worley, seconded by Mr. Brown, General Ordinance No. 10, 1947 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 10, 1947 was read a third time by the Clerk and passed by the following roll call vote:

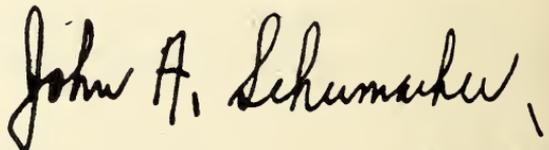
Ayes 9, viz: Mr. Bowers, Mr. Brown, Mr. Dauss, Mr. Kealing, Mr. Manly, Dr. Meriwether, Mr. White, Mr. Worley, President Schumacher.

On motion of Mr. Kealing, seconded by Mr. Worley, the Common Council adjourned at 9:30 P. M.

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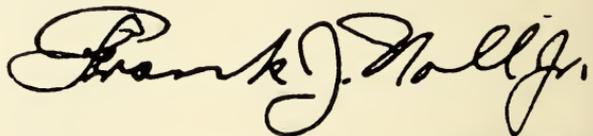
We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the Common Council of the City of Indianapolis, held on the 3rd day of February, 1947, at 7:30 P. M.

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



President

ATTEST:



City Clerk

(SEAL)