

REGULAR MEETING

Monday, July 21, 1947

7:30 P. M.

The Common Council of the City of Indianapolis met in the Council Chamber at the City Hall, Monday, July 21, 1947, at 7:30 P. M., in regular session. Vice-President Kealing in the chair.

The Deputy Clerk called the roll.

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

Absent: President Schumacher.

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

JOURNAL CORRECTION

I move that the Journal of the Common Council for the meeting of May 19th, 1947 be corrected as follows:

On page 396 thereof, when amending General Ordinance No. 59, 1947 so as to include four more streets "Ohio Street, North Side from Delaware Street to New Jersey Street", therefore, same should be corrected so as to correspond with General Ordinance No. 59, 1947, As Amended, as passed by the Common Council and approved by the Mayor, the original of which is on file in the office of the City Clerk.

WM. A. BROWN,  
Councilman.

Which was seconded by Mr. Worley and adopted by the unanimous voice vote of the Council.

## COMMUNICATIONS FROM THE MAYOR

July 15, 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 ordinance:

## GENERAL ORDINANCE NO. 80, 1947 (As Amended)

AN ORDINANCE to amend Section 2 of General Ordinance No. 87, 1935, entitled, "An Ordinance concerning taxicabs" approved May 20, 1935, and fixing a time when the same shall take effect.

Respectfully,

GEORGE L. DENNY,  
Mayor.

July 15, 1947.

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

Gentlemen:

I return herewith without my signautre General Ordinance No. 81, 1947 entitled "AN ORDINANCE to amend General Ordinance No. 114, 1922, (as amended) commonly known as the Zoning Ordinance, by repealing General Ordinance No. 62, 1947; and fixing a time when the same shall take effect", for the reason that I find prior to enactment of same and while General Ordinance No. 62, 1947 was in full force the owner of the lot affected secured a building permit and contracted for and commenced erection of improvements thereon, all in accordance with the use of such lot fixed by said General Ordinance No. 62, 1947.

The fact that such improvements had not proceeded beyond the excavation stage when the repealing ordinance was introduced cannot, in my opinion, operate to deprive the owner of such lot of his vested right to use the property as then legally zoned. The objectors might, if they had any legal or equitable grounds for so doing, have sought an injunction against the owner when they learned his intention, but this they failed to do, and I think they have slept on any rights they may then have had.

A learned brief on this matter submitted at my suggestion by the objectors admits there is no Indiana case directly supporting their contention that this ordinance should be approved. I cannot, however in good conscience, approve an ordinance that would operate to deprive a citizen of his right to use his property as the law clearly permits.

Respectfully submitted,

GEORGE L. DENNY,

Mayor.

July 10, 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. 85, 1947.**

AN ORDINANCE establishing and for extending certain bus loading zones in the City of Indianapolis, pursuant to the provisions of Section 27 of General Ordinance No. 96, 1928, as amended; And fixing a time when the same shall take effect.

**GENERAL ORDINANCE NO. 87, 1947.**

AN ORDINANCE to amend General Ordinance No. 9, 1925 (as amended), known as the Official Thoroughfare Plan of the City of Indianapolis, and fixing a time when the same shall take effect.

## APPROPRIATION ORDINANCE NO. 14, 1947.

AN ORDINANCE transferring, reappropriating and reallocating the sum of Three Thousand (\$3,000.00) Dollars from Fund No. 11, Wage and Salaries, Police Department, Division of the Board of Public Safety to Fund No. 44, Maintenance, in the same Division and Department; And fixing a time when the same shall take effect.

Respectfully Submitted,

GEORGE L. DENNY,

Mayor.

## COMMUNICATIONS FROM CITY OFFICIALS

July 21, 1947.

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

Gentlemen:

In Re: Appropriation Ordinances Nos. 15, 16, 17, 18, 19, 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. Nos. 15, 16, 17, 18, 19, 1947—Friday, July 11 and 18, 1947—The Indianapolis Commercial and Marion County Mail,

that taxpayers would have the right to be heard on the above ordinances at the meeting of the Common Council to be held at 7:30 P. M., July 21, 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.

July 21, 1947.

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

Gentlemen:

In Re: General Ordinance No. 87, 1947.

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. 87, 1947—Wednesday, July 16 and 23, 1947—The Indianapolis Star and Indianapolis Times,

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.

July 21, 1947.

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

Gentlemen:

Attached are copies of Appropriation Ordinance No. 20, 1947, transferring, reappropriating and reallocating the sum of Twelve Hundred (\$1,200.00) Dollars from Fund No. 26-A (Other Contractual) to Fund No. 11, (Salaries & Wages, Regular), for period of July 1, 1947 through December 31, 1947.

Very truly yours,

C. S. OBER,  
City Controller

July 21, 1947.

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

Gentlemen:

Attached are copies of Appropriation Ordinance No. 21, 1947, transferring, reappropriating and reallocating the sum of Ten Thousand (\$10,000.00) Dollars (Gas Tax Monies) from Fund 43 (Gas Tax) to Fund 26 (Gas Tax) Administration Division in the same Department.

Very truly yours,

C. S. OBER,

City Controller

July 21, 1947.

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

Gentlemen:

Attached are copies of Appropriation Ordinance No. 22, 1947, transferring, reappropriating and reallocating the sum of Five Thousand (\$5,000.00) Dollars from Fund 43 (Tax Levy) in the Street Commissioner's Division of the Department of Public Works, to Fund 26 Administration Tax Levy SPL in the same Department.

Very truly yours,

C. S. OBER,

City Controller

July 17, 1947.

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

Gentlemen:

Submitted herewith is General Ordinance No. 92, 1947, amending General Ordinance 17, 1947, (as amended), so as to further prohibit

and regulate parking on certain parts of 46th Street in the City of 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.

July 17, 1947.

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

Gentlemen:

Submitted herewith is General Ordinance No. 93, 1947, establishing certain passenger and/or loading zones 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.

July 17, 1947.

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

Gentlemen:

Submitted herewith is General Ordinance No. 94, 1947, making it unlawful to manufacture or possess any baseball pool ticket or

tickets, any lottery ticket or tickets, or a share or shares in any lottery scheme or gift enterprise; Providing a penalty for violation hereof; 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.

July 21, 1947.

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

Gentlemen:

Submitted herewith is General Ordinance No. 95, 1947, amending certain designated Sections of General Ordinance No. 74, 1943; And fixing a time when the same shall take effect.

We respectfully recommend the passage of this ordinance.

Very truly yours,

BOARD OF PUBLIC HEALTH AND HOSPITALS,

GERALD F. KEMPF,

Director of Public Health.

July 21st, 1947.

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

Gentlemen:

Submitted herewith is General Ordinance No. 96, 1947, amending Section 44 of General Ordinance No. 96, 1928, as amended, so as to make the LeGrande Avenue a "Thru" street at its intersection with Earth Avenue in the City of Indianapolis, Indiana; Repealing all



ordinances or parts of Ordinances in conflict herewith; 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.

July 21, 1947.

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

Gentlemen:

Submitted herewith are copies of General Ordinance No. 97, 1947, amending General Ordinance No. 114, 1922, as amended, commonly known as the Zoning Ordinance.

Very truly yours,

R. C. DAUSS,

Councilman.

At this time those present were given an opportunity to be heard on Appropriation Ordinances Nos. 15, 16, 17, 18, 19, 1947, General Ordinances Nos. 78, 88, 89, 90, 91, 1947, Special Ordinance No. 11, 1947 and Resolutions Nos. 3 and 4, 1947.

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

The Council reconvened at 9:25 P. M. with the same members present as before.

## COMMITTEE REPORTS

Indianapolis, Ind., July 21, 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. 15, 1947, entitled

AN ORDINANCE transferring \$42,000.00 from Police Department to Street Commissioner Fund No. 72, Equipment,

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., July 21, 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 Appropriation Ordinance No. 16, 1947, entitled

AN ORDINANCE transferring \$2,542.00 in the Park Department,

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

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

Indianapolis, Ind., July 21, 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. 17, 1947, entitled

AN ORDINANCE appropriating \$38,000.00 to Fund No. 72 (Gas Tax) Equipment, Street Commissioner,

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., July 21, 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 Appropriation Ordinance No. 18, 1947, entitled

AN ORDINANCE appropriating \$15,500.00 to various funds, Fire Dept.,

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

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

Indianapolis, Ind., July 21, 1947.

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  
Appropriation Ordinance No. 19, 1947, entitled

AN ORDINANCE transferring \$50.00 from Fund No. 21 to Fund  
No. 25, Barrett Law Division,

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

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

Indianapolis, Ind., July 21, 1947.

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  
General Ordinance No. 78, 1947, entitled

AN ORDINANCE making it unlawful for a vehicle to turn around in  
the middle of the block,

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

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

Indianapolis, Ind., July 21, 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. 88, 1947, entitled

AN ORDINANCE prohibiting parking on a certain part of Coliseum  
Ave.,

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., July 21, 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. 89, 1947, entitled

AN ORDINANCE amending G. O. No. 60, 1939 so as to include a  
certain part of East New York Street,

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  
WM. A. BROWN

Indianapolis, Ind., July 21, 1947.

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. 90, 1947, entitled

AN ORDINANCE regulating and prohibiting parking on certain parts of Washington and New York Streets,

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., July 21, 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 General Ordinance No. 91, 1947, entitled

AN ORDINANCE approving salaries of Members and employees of the Board of Sanitary Commissioners and of the Board of Public Works,

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  
A. ROSS MANLY  
LUCIAN B. MERIWETHER

Indianapolis, Ind., July 21, 1947.

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

Gentlemen:

We, your Committee on Election, to whom was referred Special Ordinance No. 11, 1947, entitled

AN ORDINANCE annexing certain contiguous territory,

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

WM. A. BROWN, Chairman  
MAX WHITE  
R. C. DAUSS  
HERMAN E. BOWERS  
A. ROSS MANLY.

Indianapolis, Ind., July 21, 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 Resolution No. 3, 1947, entitled

A RESOLUTION approving a certain permit by the Board of Works to Indianapolis Railways, Inc.,

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

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

Indianapolis, Ind., July 21, 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  
Resolution No. 4, 1947, entitled

A RESOLUTION approving a certain permit granted by the Board  
of Works to the Indianapolis Railways, Inc.,

beg leave to report that we have had said resolution 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

## INTRODUCTION OF APPROPRIATION ORDINANCES

By the City Controller:

### APPROPRIATION ORDINANCE NO. 20, 1947.

AN ORDINANCE transferring, reappropriating and reallocating the  
sum of Twelve Hundred (\$1,200.00) Dollars from one Fund to  
another in the same Division of the 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 Twelve Hundred (\$1,200.00) Dollars  
now held in Fund No. 26-A (Other Contractual) of the Administration  
Division of the Department of Public Works, be and the same is  
hereby transferred, reappropriated and reallocated to Fund No. 11.  
(Salaries & Wages, Regular) in the same Division and Department for  
the benefit of the fourth member of the Board of Works for the period



of July 1, 1947, through December 31, 1947.

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 Finance.

By the City Controller:

APPROPRIATION ORDINANCE NO. 21, 1947.

AN ORDINANCE transferring, reappropriating and reallocating the sum of Ten Thousand (\$10,000.00) Dollars (Gas Tax Monies) from a certain Fund in the Street Commissioner Division of the Department of Public Works to another Fund in the Administration Division of said 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 (Gas Tax Monies) now held under Fund 43 (Gas Tax) Division of Street Commissioner in the Department of Public Works be and the same is hereby transferred, reappropriated and reallocated to Fund 26 (Gas Tax) Administration Division in the same Department.

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

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

By the City Controller:

APPROPRIATION ORDINANCE NO. 22, 1947.

AN ORDINANCE transferring, reappropriating and reallocating the sum of Five Thousand (\$5,000.00) Dollars from a certain Fund in the Street Commissioner Division of the Department of Pub-

lic Works to a certain Fund in the Administration Division of the said 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 Five Thousand (\$5,000.00) Dollars now held under Fund 43 (Tax Levy) in the Street Commissioner's Division of the Department of Public Works be and the same is hereby transferred, reappropriated and reallocated to Fund 26 Administration Tax Levy SPL in the same Department.

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

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

## INTRODUCTION OF GENERAL ORDINANCES

By the Board of Public Safety:

### GENERAL ORDINANCE NO. 92, 1947.

AN ORDINANCE amending General Ordinance No. 17, 1947, (as amended), so as to further prohibit and regulate parking on certain parts of 46th Street in the City of 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 General Ordinance No. 17, 1947, be amended so as to include the following:

"1 (a). 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 designated parts of

46th Street in the City of Indianapolis, Indiana, to-wit:

On the northside of 46th Street between the Monon Railroad and Primrose Avenue.

On the north side of 46th Street parking be prohibited between Evanston Avenue and Keystone Avenue."

"1 (b). That it shall be unlawful for the owner or operator of any vehicle to park the same, or to be parked, at any time between the hours of 4:30 o'clock P. M. and 6 o'clock P. M. of every day of the week, to-wit:

On the north side of 46th Street between Primrose Avenue and Evanston Avenue."

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

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

By the Board of Public Safety:

GENERAL ORDINANCE NO. 93, 1947.

AN ORDINANCE establishing certain passenger and/or loading zones 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 merchandise coming to or going from such premises, such owners or occupants having complied with all provisions of law relative to the establishment of passenger and/or loading zones at the places hereinafter described, and the Board of Public Safety, after

due investigation of same, having recommended the establishment thereof, the following passenger and/or loading zones be and the same are hereby established in the City of Indianapolis, to-wit:

“To begin 58 feet south of the south curb-line of East Wabash Street and extend south 25 feet on the east side of Alabama Street.”

“To begin at a point 84 feet south of the south curb line of W. 9th Street and extend south 50 feet on the east side of North Senate Avenue.”

“To begin at a point 30 feet north of the stop and go signal, at the northeast corner of New Jersey and New York Streets, and extend north 25 feet on the east side of North New Jersey 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 Parks.

By the Board of Public Safety:

GENERAL ORDINANCE NO. 94, 1947.

AN ORDINANCE making it unlawful to manufacture or possess any baseball pool ticket or tickets, any lottery ticket or tickets, or a share or shares in any lottery scheme or gift enterprise; Providing a penalty for violation hereof; 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. It shall be unlawful for any person, firm or corporation to manufacture or possess baseball pool ticket or tickets, lottery ticket or tickets, or a share or shares in any lottery scheme or gift enterprise, or pool ticket or tickets designed for use in connection with any scheme for the distribution of prizes, or things of value by lot or chance among persons who have paid or agreed to pay a valuable consideration for the chance to obtain a prize, or any ticket or tickets or devices whatsoever by which money or any other

thing is to be paid or delivered on the happening of an event or contingency in the nature of a lottery, within the City of Indianapolis.

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 Health and Hospitals:

GENERAL ORDINANCE NO. 95, 1947.

AN ORDINANCE amending certain designated Sections of General Ordinance No. 74, 1943; 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 subsection "(f)" of Section 1 of General Ordinance No. 74, 1943, be and the same is hereby amended to read as follows, to-wit:

"(f). Health Officers. The term "Health Officer" shall mean the Director of Public Health of the City of Indianapolis or his authorized representative."

Section 2. That the first rhetorical paragraph of Section 2 of General Ordinance No. 74, 1943, be and the same is hereby amended to read as follows, to-wit:

"Section 2. Permits and Fees: It shall be unlawful for any person, persons, firm or corporation to operate a restaurant or public eating house within the City of Indianapolis who does not possess an unrevoked permit from the Health Officer and an effective license obtained from the City Controller.

Such permit and license shall be posted in a conspicuous place in the restaurant or public eating house. Every person, persons, firm or corporation who or which desires to operate a restaurant or public eating house within the City of Indianapolis shall, after securing a permit from the Health Officer, obtain from the City Controller, at his office, a license for a restaurant or public eating house before operating such place. If the application is filed between the first day of January and the thirtieth day of June of any year, a fee of Sixteen Dollars (\$16.00) shall be paid for such year by the applicant to the City Controller at his office and if such application is made between the first day of July and the thirty-first day of December of any year, the applicant shall pay to the City Controller at his office a fee of Eight Dollars (\$8.00) for the balance of the calendar year. Every person, persons, firm or corporation operating a restaurant or public eating house in the City of Indianapolis shall annually pay to the City Controller, at his office, a renewal license fee of Sixteen Dollars (\$16.00) between the first day of January and the first day of February of each year. If such fee is not paid on or before the first day of February of each year the license and the permit shall be ipso facto void. Operation of such restaurant or public eating house shall constitute a violation of this ordinance and each day's operation shall constitute a separate offense. Such restaurant or public eating house may resume operation only after securing a permit from the Health Officer and paying to the City Controller, at his office a fee of Fifty Dollars (\$50.00) for the license for such year. All of said fees shall be paid into and credited by the City Controller, to the Board of Health General Fund of the City of Indianapolis, and such license fees shall be paid to aid in carrying out and enforcing the provisions of this ordinance. No license for a restaurant or public eating house shall be issued by the City Controller to anyone except the holder of an unrevoked permit issued by the Health Officer. Only

persons who comply with the requirements of this ordinance shall be entitled to receive and retain such a permit and license."

Section 3. That the second rhetorical paragraph of Section 4 of said General Ordinance No. 74, 1943, be and the same is hereby amended to read as follows, to-wit:

"One copy of the inspection report shall be posted upon an inside wall of the restaurant under the permit and license and said inspection report shall not be defaced or removed by any person except the Health Officer or his representative. Another copy of the inspection report shall be filed with the records of the health department."

Section 4. That Item 14 of Section 5 of said General Ordinance No. 74, 1943, be and the same is hereby amended so as to also include the following, which shall become a part of said Item, to be placed therein, immediately following the third sentence and preceding the fourth and last sentence, to-wit:

"A notice of the lowest grade of milk served and a notice of the butterfat or milk-fat content of any milk product served in lieu of cream unless the butterfat or milk-fat content be eighteen percent (18%) or more shall be posted in a conspicuous place. Designating any product containing less than eighteen percent (18%) butterfat or milk-fat as cream is misbranding and constitutes adulteration under the requirements of the Grade A Milk Ordinance and is a violation of this Ordinance."

Section 5. 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 Parks.

By the Board of Public Safety:

GENERAL ORDINANCE NO. 96, 1947.

AN ORDINANCE amending Section 44 of General Ordinance No. 96.

1928, as amended, so as to make the LeGrande Avenue a "Thru" street at its intersection with Barth Avenue in the City of Indianapolis, Indiana; Repealing all Ordinances or parts of Ordinances in conflict herewith; 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, as amended, be and the same is hereby amended so as to make LeGrande Avenue a Thru Street at its intersection with Barth Avenue in the City of Indianapolis, Indiana.

Section 2. That all Ordinances or parts of Ordinances 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 according to law.

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

By Councilman Dauss:

GENERAL ORDINANCE NO. 97, 1947.

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

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

Section 1. That General Ordinance No. 114, 1922 (as amended), commonly known as the Zoning Ordinance of the City of Indianapolis, be and the same is hereby amended, supplemented and extended as to U3 or Business District, A5 or 600 square feet per family Area District and H1 or 50 feet Height District so as to include the following described territory, to-wit:

Part of the West half ( $\frac{1}{2}$ ) of the Northwest quarter ( $\frac{1}{4}$ ) of Section 24, Township 16 North, Range



3' East, in Marion County, State of Indiana, more particularly described as follows, to-wit:

Beginning at a point Thirty (30') feet South of the North line and Six Hundred ninety-five (695') feet East of the West line of said half ( $\frac{1}{2}$ ) quarter ( $\frac{1}{4}$ ) section, continuing thence South One hundred twenty-one and five tenths (121.5') feet; thence East parallel to the North line of said half ( $\frac{1}{2}$ ) quarter ( $\frac{1}{4}$ ) section one hundred sixty (160') feet; thence South parallel to the West line of said half ( $\frac{1}{2}$ ) quarter ( $\frac{1}{4}$ ) section Ninety (90') feet; thence East parallel to the North line of said half ( $\frac{1}{2}$ ) quarter ( $\frac{1}{4}$ ) section one hundred forty (140') feet; thence North parallel to the West line of the half ( $\frac{1}{2}$ ) quarter ( $\frac{1}{4}$ ) section aforesaid two hundred eleven and five tenths (211.5') feet to a point Thirty (30') feet South of the North line of said half ( $\frac{1}{2}$ ) quarter ( $\frac{1}{4}$ ) section; thence West parallel to said North line Three hundred (300') feet 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.

#### ORDINANCES ON SECOND READING

Mr. Bowers called for Appropriation Ordinance No. 15, 1947 for second reading. It was read a second time.

On motion of Mr. Bowers, seconded by Mr. Worley, Appropriation Ordinance No. 15, 1947 was ordered engrossed, read a third time and placed upon its passage.

Appropriation Ordinance No. 15, 1947 was read a third time by the Clerk and passed by the following roll call vote:

Ayes 6, viz: Mr. Bowers, Mr. Dauss, Mr. Kealing, Mr. Manly, Dr. Meriwether, Mr. Worley.

Noes 2, viz: Mr. Brown, Mr. White.

Mr. Bowers called for Appropriation Ordinance No. 17, 1947 for second reading. It was read a second time.

On motion of Mr. Bowers, seconded by Mr. Manly, Appropriation Ordinance No. 17, 1947 was ordered engrossed, read a third time and placed upon its passage.

Appropriation Ordinance No. 17, 1947 was read a third time by the Clerk and passed by the following roll call vote:

Ayes 6, viz: Mr. Bowers, Mr. Dauss, Mr. Kealing, Mr. Manly, Dr. Meriwether, Mr. Worley.

Noes 2, viz: Mr. Brown, Mr. White.

Mr. Dauss called for Appropriation Ordinance No. 18, 1947 for second reading. It was read a second time.

On motion of Mr. Dauss, seconded by Mr. Manly, Appropriation Ordinance No. 18, 1947 was ordered engrossed, read a third time and placed upon its passage.

Appropriation Ordinance No. 18, 1947 was read a third time by the Clerk and passed by the following roll call vote:

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

Mr. White called for Appropriation Ordinance No. 19, 1947, for second reading. It was read a second time.

On motion of Mr. White, seconded by Mr. Bowers, Appropriation Ordinance No. 19, 1947 was ordered engrossed, read a third time and placed upon its passage.

Appropriation Ordinance No. 19, 1947, was read a third time by the Clerk and passed by the following roll call vote:

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

Mr. White called for General Ordinance No. 78, 1947 for second reading. It was read a second time.

On motion of Mr. White, seconded by Mr. Manly, General Ordinance No. 78, 1947 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 78, 1947 was read a third time by the Clerk and passed by the following roll call vote:

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

Noes 1, viz: Dr. Meriwether.

Mr. Dauss called for General Ordinance No. 88, 1947 for second reading. It was read a second time.

On motion of Mr. Dauss, seconded by Mr. Manly, General Ordinance No. 88, 1947 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 88, 1947 was read a third time by the Clerk and passed by the following roll call vote:

Ayes 8, viz: Mr. Bowers, Mr. Brown, Mr. Dauss, Mr.

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

Mr. Manly called for General Ordinance No. 89, 1947 for second reading. It was read a second time.

On motion of Mr. Manly, seconded by Mr. Bowers, General Ordinance No. 89, 1947 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 89, 1947 was read a third time by the Clerk and passed by the following roll call vote:

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

Mr. Dauss called for General Ordinance No. 90, 1947 for second reading. It was read a second time.

On motion of Mr. Dauss, seconded by Mr. Manly, General Ordinance No. 90, 1947 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 90, 1947 was read a third time by the Clerk and passed by the following roll call vote:

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

Mr. Bowers called for General Ordinance No. 91, 1947 for second reading. It was read a second time.

On motion of Mr. Bowers, seconded by Mr. Worley, General Ordinance No. 91, 1947 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 91, 1947 was read a third time

by the Clerk and passed by the following roll call vote:

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

Dr. Meriwether called for Resolution No. 3, 1947 for second reading. It was read a second time.

On motion of Dr. Meriwether, seconded by Mr. Manly, Resolution No. 3, 1947 was ordered engrossed, read a third time and placed upon its passage.

Resolution No. 3, 1947 was read a third time by the Clerk and passed by the following roll call vote:

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

Mr. Dauss called for Resolution No. 4, 1947 for second reading. It was read a second time.

On motion of Mr. Dauss, seconded by Mr. Manly, Resolution No. 4, 1947 was ordered engrossed, read a third time and placed upon its passage.

Resolution No. 4, 1947 was read a third time by the Clerk and passed by the following roll call vote:

Ayes 6, viz: Mr. Bowers, Mr. Dauss, Mr. Kealing, Mr. Manly, Mr. White, Mr. Worley.

Noes 2 viz: Mr. Brown, Dr. Meriwether.

## MISCELLANEOUS BUSINESS

RESOLUTION OF THE BOARD OF COMMISSIONERS  
OF MARION COUNTY, INDIANA.

WHEREAS, there is now pending before the Common Council of the City of Indianapolis Special Ordinance No. 11-47, special Ordinance being an ordinance providing for the annexation by the City of Indianapolis of certain territory northeast of said City of Indianapolis, as follows:

Arlington Avenue from 16th Street to north of 21st Street, thence east to Kitley Avenue, thence south to 21st Street, thence west to the said Arlington Avenue and south to 16th Street; and

WHEREAS, the effect of such ordinance, if passed by said Common Council would be to annex a strip of territory not contiguous to the City of Indianapolis and further effect of which said ordinance would be to take from the County Highway System the said North Arlington Avenue from 16th Street north to a point beyond 21st Street, and

WHEREAS, the Board of County Commissioners of the County of Marion, State of Indiana, after due consideration feels that said annexation would be impractical and unsound in that in so doing a strip of territory would lie between the territory proposed to be annexed and the present boundary of the City of Indianapolis;

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners, County of Marion, State of Indiana, that the said Board does hereby record its opposition to the Special Ordinance No. 11-47 and requests that due consideration be given to the action of this Board by the said Common Council of the said City of Indianapolis and that said Special Ordinance No. 11-47 be rejected by said Common Council.

RAY D. MENDENHALL

WM. BOSSON, JR.

WM. T. AYRES

Board of Commissioners of the County  
of Marion, Indiana.

July 21, 1947]

City of Indianapolis, Ind.

575

Dated at Indianapolis, Indiana, this 21st day of July, 1947.

I, Ralph F. Moore, Auditor of Marion County, Indiana, do hereby certify that the above and foregoing is a true and correct copy of the resolution adopted by the Board of County Commissioners of Marion County, Indiana, on the 21st Day of July, 1947.

RALPH F. MOORE,  
Auditor of Marion County

On motion of Mr. Brown, seconded by Mr. Dauss, the Council adjourned at 9:50 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 21st day of July, 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.

*Edward A. Kahlif*

Vice-President

ATTEST:

*Frank J. Noll*

City Clerk

(SEAL)

