

REGULAR MEETING

Monday, March 21, 1949

7:30 P. M.

The Common Council of the City of Indianapolis met in the Council Chamber at the City Hall, Monday, March 21, 1949, at 7:30 P. M., in regular session. President Emhardt in the chair.

The Clerk called the roll.

Present: Mr. Bright, Miss Connor, Mr. Ehlers, Mr. Jameson, Mr. Ross, Mr. Seidensticker, Mr. Wallace, Mr. Wicker, President Emhardt.

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

COMMUNICATIONS FROM THE MAYOR

March 8, 1949

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. Richard G. Stewart, the following Ordinances:

GENERAL ORDINANCE NO. 11, 1949

An ordinance prohibiting parking on certain parts of certain Streets in the City of Indianapolis during certain hours; regulating the parking of vehicles upon certain other streets of said city; providing a penalty for the violation thereof; and fixing a time when the same shall take effect.

GENERAL ORDINANCE NO. 12, 1949

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. 14, 1949 Switch Permit

An ordinance approving a certain agreement and permit granting The New York, Chicago and St. Louis Railroad Company the right to lay and maintain a sidetrack or switch from main tracks across 20th Street to serve proposed loading platform, according to blue print attached, in the City of Indianapolis, Indiana.

GENERAL ORDINANCE NO. 15, 1949

An ordinance authorizing the Board of Public Safety to purchase, through its duly authorized Purchasing Agent, certain equipment to be paid for out of funds heretofore appropriated; and fixing a time when the same shall take effect.

GENERAL ORDINANCE NO. 16, 1949

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. 17, 1949, AS AMENDED

An ordinance amending Section 31 of G. O. 96, 1928, as amended by General Ordinance No. 61, 1936, and fixing a time when the same shall take effect.

SPECIAL ORDINANCE NO. 2, 1949

An ordinance changing the name of a certain street in the City

of Indianapolis, Indiana, and fixing a time when the same shall take effect.

Respectfully yours,

AL FEENEY, Mayor

AF:ms

COMMUNICATIONS FROM CITY OFFICIALS

March 19, 1949

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

Gentlemen:

In Re: General Ordinance No. 18, 1949

I hereby report that pursuant to the laws of the State of Indiana, I caused to be published on March 11, 1949 in the Indianapolis Commercial and The Marion County Messenger "Notice to Interested Citizens" that G. O. No. 18, 1949 (Zoning Ordinance) was set for hearing before the Common Council on March 21, 1949.

Sincerely yours,

RICHARD G. STEWART
City Clerk

March 19, 1949

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

Gentlemen:

In Re: General Ordinance No. 11, 1949
General Ordinance No. 17, 1949, As Amended

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. 11, 1949 & G. O. 17, 1949, As Amended—Friday,
March 11 and March 18, 1949—The Indianapolis Com-
mercial and The Marion County Messenger

and that said ordinances are in full force and effect as of the last date
of publication and compliance with laws pertaining thereto.

Sincerely yours,

RICHARD G. STEWART
City Clerk

March 9, 1949

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

Gentlemen:

Transmitted herewith are 22 copies of General Ordinance No. 21,
1949 amending Section 1 of G. O. No. 107-1946, and fixing a time when
the same shall take effect.

I recommend the passage of this Ordinance.

PHILIP L. BAYT, City Controller.

March 19, 1949

To the Honorable President & Members
of the Common Council
City of Indianapolis

Gentlemen:

Attached hereto are copies of General Ordinance No. 22, 1949, an
ordinance governing subdivision plat approval.

By a unanimous vote the City Plan Commission, at its public hear-

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ing March 14, 1949, approved and recommended passage of this ordinance.

Respectfully submitted,
NOBLE P. HOLLISTER
Executive Secretary
CITY PLAN COMMISSION

March 19, 1949

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

Gentlemen:

Attached hereto, please find 22 copies of General Ordinance No. 23, authorizing the City Purchasing Department to purchase the various commodities, material, equipment, and merchandise as heretofore set out.

These bids were opened in public before the respective Boards interested and the award was made to the lowest and best bidder by said Board.

It is respectfully requested that this Ordinance be passed.

Very truly yours,

ALBERT H. LOSCHE, Purchasing Agent

Ahl/hsy

March 19, 1949

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

Gentlemen:

Attached hereto you will find 22 copies of General Ordinance No.

24, authorizing The Board of Public Safety and the Board of Public Works to have certain Personal Property appraised by a Board of Appraisers appointed by the Judge of the Circuit Court in compliance with the law.

It is respectfully requested that this Ordinance be passed to facilitate the sale of Personal Property in excess of Five hundred (\$500.00) dollars.

Very truly yours,

ALBERT H. LOSCHE, Purchasing Agent.

Ahl/hsy

At this time those present were given an opportunity to be heard on General Ordinances Nos. 18, 19, 20, 1949.

Mr. Seidensticker asked for recess. The motion was seconded by Mr. Ross, and the Council recessed at 8:55 P. M.

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

COMMITTEE REPORTS

Indianapolis, Ind., March 21, 1949

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. 19, 1949, entitled

AN ORDINANCE authorizing the Board of Safety to purchase

1 two-door sedan, 4 two-way radio transmitter-receiver units,
and 23 transmitters for Police and Fire Radio

beg leave to report that we have had said ordinance under considera-
tion and recommend that the same be passed.

GUY O. ROSS, Chairman
JOS. A. WICKER
JOSEPH C. WALLACE
CHAS. P. EHLERS
JOS. E. BRIGHT

Indianapolis, Ind., March 21, 1949

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 Gen-
eral Ordinance No. 20, 1949, entitled

AN ORDINANCE amending Paragraph B of Section 1 of General
Ordinance No. 108, 1948—licensing of coin operated machines

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

GUY O. ROSS, Chairman
JOS. A. WICKER
JOSEPH C. WALLACE
CHAS. P. EHLERS
JOS. E. BRIGHT

Indianapolis, Ind., March 21, 1949

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 Gen-
eral Ordinance No. 18, 1949, entitled

AN ORDINANCE to amend General Ordinance No. 114, 1922 (as amended) commonly known as the Zoning Ordinance (area bounded by Kessler, 21st, Tibbs, 25th & Lafayette Road—Hoosier Airport) (annexed by S. O. 1, 1949)

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

J. PORTER SEIDENSTICKER,
Chairman

MARY C. CONNOR
JOSEPH A. WICKER
CHAS. P. EHLERS
DONALD B. JAMESON

Indianapolis, Ind., March 21, 1949

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. 115, 1948, entitled

AN ORDINANCE regulating the production and emission of smoke from any chimney, smokestack, or other source within the corporate limits of the City of Indianapolis; regulating air pollution caused by the escape of soot, cinders, noxious acids, fumes, gases, and fly ash within the City; etc.

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

GUY O. ROSS, Chairman
JOS. A. WICKER
JOSEPH C. WALLACE
CHAS. P. EHLERS

INTRODUCTION OF GENERAL ORDINANCES

By the City Controller:

GENERAL ORDINANCE NO. 21, 1949

AN ORDINANCE amending Section 1 of G. O. 107-1946, 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 1 of General Ordinance 107-1946 be and the same is hereby amended to read as follows:

“Section 1. That all hourly employees of the city of Indianapolis, who have been employed by the city for one year or longer shall receive 10 days vacation not however exceeding 80 hours pay therefor, and 6 days sick leave, with full pay, and that the respective boards and departments involved herewith are hereby authorized to certify the pay rolls for the same.”

Section 2. That 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 Plan Commission:

GENERAL ORDINANCE NO. 22, 1949

AN ORDINANCE to establish regulations governing the filing of applications for approval of plats or replats of proposed subdivisions or re-subdivisions of land within the territorial jurisdiction of the City Plan Commission; the review of such plats or replats by said Commission and by other city departments or governmental agencies and the approval or disapproval thereof by

said Commission; 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. Any person or persons or corporation desiring approval of a proposed plat or replat of a subdivision or re-subdivision of land located within the territorial jurisdiction of the City Plan Commission shall file with said Commission a written application for a certificate of approval.

Such application shall be in the form approved and prescribed by the City Plan Commission, and shall be filed in triplicate, together with such number of copies of drawings of the proposed plat or replat and its supplementary details as is determined by the City Plan Commission to be necessary for proper review by said Commission and other city departments or governmental agencies.

SECTION 2. All drawings of proposed plats or replats and all copies thereof shall show the direction north and south and the scale of the drawings; the names of the owner or owners and of the registered engineer or surveyor preparing the drawings; and the name of the proposed subdivision or re-subdivision. All such drawings and copies shall be made on white or light-colored sheets so that certifications and signatures affixed thereon will be plainly legible.

SECTION 3. Prior to application for a certificate of approval, a preliminary application, accompanied by drawings of the proposed plat or replat or copies thereof shall be filed with the City Plan Commission for tentative approval, and these shall be subject to review by said Commission and by other city departments or governmental agencies having jurisdiction over any matters involved in the tentative approval of the proposed plat or replat.

Such drawings or copies thereof shall be at a scale not smaller than 200 feet to the inch, and shall show proposed arrangement and sizes of lots and location of proposed streets, alleys, easements and building lines. In addition, all surrounding area within a distance of one-quarter ($\frac{1}{4}$) mile from the boundaries of the proposed plat or replat shall be shown, including existing acreage and subdivided areas, with dimensions of lots or acreage parcels, and showing all existing streets, alleys and easements. Location of waterways, railways, power lines and wooded areas shall be shown.

SECTION 4. (A). Drawings and copies thereof of proposed plats or replats submitted to the City Plan Commission for public hearing and final action shall be at a scale of 100 feet to the inch and shall contain:

- (1) A full and accurate description of the land to be subdivided or re-subdivided, including statement of the area of the plat or replat in acres, the number of lots and how they are numbered, a statement that the dimensions of lots, street widths, angles and curve data are fully and accurately shown on the drawing and that suitable monuments have been installed at corners and other important points as to provide reference points for future surveys or re-surveys, and that their locations are shown on the drawings, all of which shall be certified by a registered engineer or surveyor with his signature, registration number and seal.
- (2) A declaration by the owner or owners of the real estate included in the plat or replat with respect to the laying off, platting, replatting or subdividing of such real estate, designating a name therefor, and dedicating to the public all streets, alleys or other areas that are intended to be, but have not previously been so dedicated.

Such declaration shall include provisions, restrictions or covenants assuring adequate sanitation with respect to water supply, drainage, and sewage disposal and also adequate provision for installation of other essential utilities, the establishment of building lines, the improvement of streets in accordance with specifications approved by the City Engineer and the Board of Public Works, and the installation of street identification signs of a design and fabrication approved by the Traffic Engineer and the Board of Public Safety.

Such declaration may include any other reasonable and enforceable restrictions or covenants desired by the owner or owners of the described real estate, and provision shall be made for enforcement of any or all such provisions, restrictions or covenants. A time may be set for termination thereof, and provisions may be made for their revision or for extension of time limit.

The complete declaration shall be signed by the owner or owners and notarized.

(b). In addition to the drawings of plats or replats and copies thereof as above specified for final approval, supplementary drawings shall be submitted showing plans, profiles and cross-sections of streets proposed to be improved, including pavements, curbs, drainage, sidewalks and street identification signs, with dimensions and specifications shown. Similar supplementary detail drawings shall be submitted if required for review of any other construction, such as street lights, by any of the city departments or other governmental agencies having jurisdiction over any matters involved in approval of the proposed plat or replat.

(c). All drawings of proposed plats or replats and all supplementary drawings shall be made with black India ink and all lettering shall be done by hand.

SECTION 5 (a). Upon the filing of a preliminary application for tentative approval, accompanied by any drawings required and by the required number of copies thereof showing the proposed plat or replat, the Executive Secretary of the City Plan Commission shall transmit copies of the drawings and specifications as soon as possible to the City Civil Engineer, the Board of Public Works, the Board of Public Safety, the Board of Park Commissioners, the Board of Sanitation Commissioners or any other city department or any governmental agency having jurisdiction over any matters involved in approval of the proposed plat or replat, for purposes of examining, investigating and studying the proposed plans and specifications and sending as soon as possible to the City Plan Commission a written report of findings and recommendation.

(b). Whenever a proposed plat or replat has been submitted in proper form for tentative approval the City Plan Commission shall review the application, drawings, or copies thereof, and specifications as filed, giving consideration to the reports and recommendations received from other city departments or governmental agencies. A roll-call vote of the members present shall be taken, to determine whether the Commission grants or declines to grant tentative approval and at least six affirmative votes shall be required for approval. Upon failure to obtain at least six affirmative votes, such application shall be denied. A record of the action shall be entered in the

minutes of the Commission, and the Executive Secretary shall notify the applicant of the decision of the Commission in writing. Such notice of tentative approval shall include the statement that such approval does not qualify the plat or replat so approved for recording, and no certification of approval, signatures nor seal shall be fixed to any drawings or copies thereof so approved. If approval is declined, such notice shall include a statement of the reasons therefor. Whereupon, the applicant shall be permitted to revise, amend or modify the application, drawings, or specifications, if he desires, to the satisfaction of the City Plan Commission which may then again review the proposals as revised, amended or modified and take a roll-call vote as to tentative approval, with due record and notice thereof. All applications for tentative approval shall be acted upon by the City Plan Commission within forty-five (45) days after date of filing same in the office of the City Plan Commission.

(c). Whenever a proposed plat or replat has been given tentative approval by the City Plan Commission and application for final approval of such plat or replat or any part or section thereof has been received in the office of said Commission, such application, together with drawings and copies thereof and any necessary specifications shall be given review in the same manner as herein provided for preliminary applications for tentative approval.

Such application for final approval shall be filed within sixty (60) days after the date of tentative approval, and upon receiving such application, the City Plan Commission shall set a date for a public hearing thereon not later than forty-five (45) days after receipt of such application, notifying the applicant in writing of the date set, and giving due public notice thereof as provided by law and by the regulations of said Commission; provided that the date of filing such application may be postponed beyond the 60-day limit after tentative approval, if mutually approved by said Commission and by the applicant.

SECTION 6. In determining whether an application for approval shall be granted, the Commission shall determine if the plat provides for:

1. Coordination of subdivision streets with existing and planned streets or highways.
2. Coordination with and extension of facilities included in the master plan.

3. Establishment of minimum width, depth, and area of lots within the projected subdivision.
4. Distribution of population and traffic in a manner tending to create conditions favorable to health, safety, convenience, and the harmonious development of the city or county.
5. Fair allocations of areas for streets, parks, schools, public and semi-public buildings, homes, utilities, business and industry.

SECTION 7 (a). As a condition of approval of a plat or replat, the City Plan Commission may require:

1. That streets dedicated to the public, but not improved, shall be laid out, graded and improved according to plans and specifications furnished by the applicant and subject to approval by the City Engineer and the Board of Public Works, and that all such street improvements not executed by the City of Indianapolis shall be subject to issuance of permit by the Board of Works and inspection by the City Engineer.
2. That adequate provision be made for installation of water supply, sewage disposal, drainage and other utilities, according to specifications set up by the public or private agencies involved.
3. That provision be made for schools where recommended by the Board of School Commissioners, and for recreational facilities where recommended by the Board of Park Commissioners.
4. That adequate provision be made to assist in traffic control and for all essential municipal or other governmental service.

(b). The City Plan Commission may approve a plat or replat of a subdivision or re-subdivision in which the improvements and installations have not been completed as required under authority of this ordinance if the applicant provides a bond which shall:

1. Run to the Common Council of the City of Indianapolis.
2. Be in an amount determined by said Commission and recommended by the Board of Public Works to be sufficient to com-

plete the improvement and installation according to approved plans and specifications.

3. Be with a surety satisfactory to said Commission and approved by the City Controller.
4. Specify the time for the completion of the improvements and installations.

Any funds received from these bonds shall be used by the Board of Public Works only for completion of the improvements and installations for which they were provided and without prior appropriation. The City is authorized to make these improvements and installations.

SECTION 8. After completion of the hearing on an application for final approval of a plat or replat, the City Plan Commission shall by roll-call vote of the members present decide whether to grant or deny approval thereof, and at least six affirmative votes shall be required for approval. Upon failure to obtain at least six affirmative votes, such petition shall be denied. If the Commission approves it shall place a certification thereof on the original drawing and reproduced copies of the plat or replat, signed by the President and Executive Secretary, showing the date of such approval and the Commission's seal shall be affixed upon the original drawing and reproduced copies thereof.

If the Commission denies approval of the application, the Executive Secretary shall notify the applicant of its action in writing, giving its reasons, and such action and reasons therefor shall be entered in the minutes of the Commission.

The applicant may at any time prior to the vote on final approval offer or agree to any amendment, revision or modification of the proposed plat or replat or any supplementary detail plan or specification and if such amendment, revision or modification be approved and accepted by vote of at least six of the Commission members present, it shall be so shown in the record of the hearing, and action on final approval will be governed accordingly.

A decision of the Commission may be reviewed by certiorari procedure as now provided or in such manner as may hereafter be provided by law.

SECTION 9. At the time of filing an application for approval of a plat or replat, the applicant shall pay to the City Controller a fee according to the following schedule:

1. On application for tentative approval of any plat or replat, applicant shall pay a fee of—\$2.00 only.
2. On application for final approval of any plat or replat, applicant shall pay a fee of—\$10.00, and if said application for final approval of a plat or replat proposes a subdivision or re-subdivision providing for more than ten (10) lots, parcels or tracts to be recorded, an additional fee shall be paid at the rate of twenty-five (25) cents for each lot, parcel or tract in excess of ten (10) but not more than fifty (50), plus an additional fee at the rate of ten (10) cents for each lot, parcel or tract in excess of fifty (50).

All such fees paid to the City Controller shall be deposited in the General Fund of the City of Indianapolis.

SECTION 10. This ordinance shall not repeal, abrogate, annul, amend or in any way impair or interfere with any existing provision of law or ordinance. The intent of this ordinance is to complement the zoning ordinance of the City of Indianapolis as a part of the master plan of land use of said city, and this ordinance is therefore considered to be a part of such master plan.

SECTION 11. The sections or subsections forming a part of or established by this ordinance and the several parts, provisions and regulations thereof are hereby declared to be independent sections, subsections, parts, provisions and regulations, and the holding of any such section, subsection, part, provision or regulation thereof to be unconstitutional, void or ineffective for any causes shall not affect nor render invalid any other such section, subsection, part, provision or regulation thereof.

SECTION 12. 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 the Purchasing Agent:

GENERAL ORDINANCE NO. 23, 1949

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

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

Section 1. That the Board of Public Works of the City of Indianapolis be and it is hereby authorized and empowered to purchase, through its duly authorized Purchasing Agent, the hereinafter equipment to be used by the department as indicated. The said equipment is to be purchased from the lowest and best bidder, or bidders, whose bids have been received and opened in public by said Board after advertisement therefor, as provided by law and the total cost of said equipment shall not exceed the sum of money heretofore appropriated for use of said Board.

BOARD OF PUBLIC WORKS—CITY ENGINEERING DEPARTMENT

Req. No. 2083—4 Dump Trucks	\$9815.82
Req. No. 1214—800 feet fence for Asphalt Plant	2546.00
Req. No. 1959—Transit Mixer & Truck	6174.00
Req. No. 1958—Air Compressor Unit	2375.00
Req. No. 2081—3 Auto Coupes	4000.00
Req. No. 1970—1000 Tons No. 9 Crushed Gravel	3300.00
Req. No. 1971—1000 Tons "L" Gravel	2300.00
Req. No. 1972—1000 Tons Concrete Sand	2000.00
Req. No. 1973—1000 Tons Local River Sand	2300.00
Req. No. 1974—1000 Tons Asphalt Sand, extra fine silty	2800.00
Req. No. 1975—1000 Tons No. 9 Crushed Stone	2313.00

Req. No. 1976—1000 Tons No. 11 Crushed Stone	2613.00
Req. No. 1977—1000 Tons No. 12 Crushed Stone	2613.00
Req. No. 1978— 500 Tons Hot Sheet Asphalt	3375.00
Req. No. 1979— 500 Tons Hot Asphaltic Concrete	3375.00
Req. No. 1980— 500 Tons Hot Asphalt Binder	3375.00
Req. No. 1982— 500 Tons Limestone dust—packed in paper bags	3231.00
Req. No. 1983— 600 Tons Paving Asphalt 60-70 or 70-85 Penetration (Refined)	15960.00
Req. No. 2009—60,000 Gallons Fuel Oil	4800.00
Req. No. 2010—2000 Bbls. Air-Entraining Portland Cement to meet A.S.T.M. designated C 175-48 T	3600.00
Req. No. 2011— 400 Cu. Yards, 3000 lb. Test Concrete	4120.00

BOARD OF PUBLIC WORKS—STREET COMMISSIONERS
DEPARTMENT

Req. No. 1208—100,000 Gal. Bituminous Material	\$31,400.00
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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 Public Works:

By the Purchasing Agent:

GENERAL ORDINANCE NO. 24, 1949

AN ORDINANCE authorizing the Board of Public Safety and the Board of Public Works, to have certain equipment and material appraised by appraisers appointed by the Judge of the Marion Circuit Court, and to trade or sell the same for not less than the appraised value 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. The Board of Public Safety and the Board of Public Works, are hereby authorized to petition the Judge of Marion Circuit Court, to appoint three (3) disinterested free-holders of the City of Indianapolis, to appraise the following material:

1. PROPERTY OF THE BOARD OF SAFETY—POLICE DEPARTMENT

Reqn.	Car No.	Description	Serial	Appraised Value
7575	33	1946 Ford	2 Door 99A-700691	\$225.00
7575	53	1942 Hudson Cp.	2 Door 2132684	\$ 50.00
7575	63	1942 Hudson Cp.	2 Door 2129061	\$ 50.00
7575	76	1946 Ford	2 Door 769387	\$ 65.00

2. PROPERTY OF BOARD OF WORKS—ENGINEERING DEPARTMENT

Reqn.	Car No.	Description	Serial	Appraised Value
2083	123	1940 G.M.C.	19520	\$650.00
2083	127	1940 G.M.C.	19518	\$650.00
2083	514	1940 G.M.C.	19516	\$650.00
2083	535	1940 Chevrolet	6272	650.00

Section 2. Said Boards by and through their Purchasing Agent, be and they are hereby authorized to sell the above described equipment, after appraisal as provided in this ordinance and after advertising for bids according to law, to the highest bidder, for a sum not less than the appraisal authorized in Section 1 hereof.

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

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

ORDINANCES ON SECOND READING

Mr. Ross called for General Ordinance No. 19, 1949 for second reading. It was read a second time.

On motion of Mr. Ross, seconded by Mr. Seidensticker, General Ordinance No. 19, 1949, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 19, 1949 was read a third time by the Clerk and passed by the following roll call vote:

Ayes 9, viz: Mr. Bright, Miss Connor, Mr. Ehlers, Mr. Jameson, Mr. Ross, Mr. Seidensticker, Mr. Wallace, Mr. Wicker, President Emhardt.

Mr. Seidensticker called for General Ordinance No. 18, 1949 for second reading. It was read a second time.

On motion of Mr. Seidensticker, seconded by Mr. Ehlers, General Ordinance No. 18, 1949 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 18, 1949 was read a third time by the Clerk and passed by the following roll call vote:

Ayes 8, viz: Mr. Bright, Miss Connor, Mr. Ehlers, Mr. Jameson, Mr. Ross, Mr. Seidensticker, Mr. Wallace, President Emhardt.

Noes 1, viz: Mr. Wicker.

Mr. Ross called for General Ordinance No. 115, 1948 for second reading. It was read a second time.

Mr. Ross presented the following motion to amend General Ordinance No. 115, 1948:

Indianapolis, Ind., March 21, 1949

Mr. President:

I move that General Ordinance No. 115, 1948, be amended to read as follows:

GENERAL ORDINANCE NO. 115, 1948, AS AMENDED

AN ORDINANCE regulating the production and emission of smoke from any chimney, smokestack, or other source within the corporate limits of the City of Indianapolis; regulating air pollution caused by the escape of soot, cinders, noxious acids, fumes, gases, and fly ash within the City; regulating the construction, reconstruction, repair, maintenance, use of, and additions to, refuse-burning equipment and fuel-burning plants, including fuel-burning equipment and devices, and requiring notice to the City of all purchase and sales thereof; establishing a Bureau of Air Pollution Prevention; requiring smoke indicators or other approved methods of observing smoke from the boiler or furnace room in certain cases; establishing fees for examination of plans and issuance of permits, inspection of furnaces or other fuel-burning equipment or devices, and issuance of certificates of operation; establishing an Arbitration Board, and providing fines and penalties for the violation of the provisions of this Ordinance.

WHEREAS, The excessive emission of smoke within the corporate limits of the City of Indianapolis and the resultant effect upon the public health and welfare require the adoption of a comprehensive and integrated plan of smoke control; and

WHEREAS, In conjunction with the smoke control program, it is desirable to adopt appropriate regulations to reduce air pollution caused by excessive soot, cinders, smoke, fly ash, noxious acids, fumes and gases, the emission of which is detrimental to the health and welfare of the residents of the City; and,

WHEREAS, Legislative authority is vested in the City of Indi-

anapolis to regulate by ordinance the production and emission of smoke; to provide regulations and specifications for the construction of all chimney stacks, flues, smoke pipes and ventilators; to prevent and abate nuisances; and to make necessary regulations to secure the health and welfare of its residents, including the regulation of air pollution caused by soot, cinders, smoke, fly ash, noxious acids, fumes and gases: Now, Therefore,

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

SECTION 1. That the production or emission within the City of Indianapolis of dense smoke is prohibited, and is hereby declared to be a nuisance and may be abated as hereinafter provided by the Superintendent of Air Pollution Prevention, or by anyone whom he may authorize for such purpose. Such abatement may be in addition to the fines and penalties hereinafter provided. For the purpose of grading the density of smoke, the Ringelmann Chart, as now published and used by the United States Bureau of Mines, which is hereby made a part of this Ordinance by reference, shall be the standard. Smoke shall be considered dense when it is equal to or of greater density than No. 2 of said Chart.

The following exceptions to the provisions of this Section shall be permitted:

(a) When a fire box is being cleaned out or a new fire being built therein, smoke shall be permitted of a density of No. 2 smoke or less for a period or periods aggregating nine minutes or less in any one hour, or of a density in excess of No. 2 smoke for a period or periods aggregating six minutes or less in any one hour.

(b) After a locomotive is in service or ready for service, dense smoke shall be permitted for a period or periods aggregating one minute or less in any one hour.

(c) When melting from cold charges in commercial metal melting equipment, smoke shall be permitted of a density of No. 2, or less, for a period, or periods, aggregating nine minutes, or less, in any 2 hour period and of a density in excess of No. 3 smoke for a period or periods, aggregating six minutes, or less, in any 2 hour period.

All persons, firms, or corporations violating any of the provisions of this Section shall be subject to the fines and penalties hereinafter provided. All persons participating in any such violation, either as owners, proprietors, lessees, agents, tenants, managers, superintendents, engineers, firemen or janitors, or otherwise, shall severally be liable therefor and subject to the fines and penalties fixed by this Ordinance.

SECTION 2. The provisions of this ordinance shall not apply to buildings used exclusively for private residences containing less than three dwelling units or flats.

SECTION 3. No person, firm, or corporation shall cause or allow the escape from any stack into the open air of such quantities of soot, cinders, noxious acids, fumes or gases in such place or manner as to cause injury, detriment, or nuisance to any person or to the public, or to endanger the comfort, health, or safety of any such person or of the public, or in such manner as to cause or have a tendency to cause injury or damage to business or property.

No person, firm, or corporation shall operate or cause to be operated, maintain or cause to be maintained, any furnace or combustion device for the burning of solid fuel without maintaining and operating while using said furnace or combustion device recognized and approved equipment means, method, device or contrivance to reduce the quantity of fly ash emitted into the open air, which is operated in conjunction with said furnace or combustion device so that the quantity of fly ash shall not exceed 0.75 grains per cubic foot of flue gas at a stack temperature of 500 degrees Fahrenheit, applying to stack temperature of 850 degrees Fahrenheit, or less, of which amount not to exceed 0.2 of a grain per cubic foot shall be of such size as to be retained on a 325 mesh U. S. Standard Sieve. These conditions are to be conformed to when the percentage of excess air in the stack does not exceed 50 per cent at full load. The foregoing requirements shall be measured by the methods outlined in the Tentative Test Code for dust separating apparatus of the American Society of Mechanical Engineers which is hereby made a part of this Ordinance by reference, a copy of which is and shall remain on file in the office of the Superintendent of Smoke Prevention.

The escape of soot, cinders, noxious acids, fumes, gases, or fly ash as herein prohibited is hereby declared to be a nuisance and may

be summarily abated by the Superintendent of Air Pollution Prevention or by anyone whom he may duly authorize for such purpose. Such abatement may be in addition to the fines and penalties hereinafter provided.

Any person, firm, or corporation violating any of the provisions of this section shall be subject to the fines and penalties hereinafter provided.

All persons, participating in any such violation, either as owners, proprietors, lessees, agents, tenants, managers, superintendents, engineers, firemen or janitors, or otherwise shall severally be liable therefor and subject to the fines and penalties fixed by this Ordinance.

SECTION 4. No new fuel-burning plants nor reconstruction, repair, or addition to any existing fuel-burning plants for producing power and heat, except locomotives, or either of them, nor refuse-burning equipment, shall be installed, erected, reconstructed, repaired, or added to in the City of Indianapolis until plans and specifications of the same have been filed by the owner, contractor, installer, or other person in the office of and approved by the Superintendent of the Bureau of Air Pollution Prevention as being so designed that same can be managed and operated to conform to the provisions of this Ordinance, and a permit issued by him for such installation, erection, reconstruction, addition to, or repair.

Plans and specifications so filed with the Bureau of Air Pollution Prevention shall show the type of installation, the amount of work and the amount of heating to be done by such fuel or refuse-burning plant and all appurtenances thereto, including all provisions made for the purpose of securing complete combustion of the fuel or refuse to be used and the manner in which it is to be burned for the purpose of preventing smoke and other air pollution as provided by this Ordinance. Said plans and specifications shall also contain a statement of the rate of burning and kind of fuel or refuse proposed to be used and the manner in which it is to be burned; and said plans and specifications shall also show that the room or premises in which the fuel or refuse-burning plants shall be located is provided with doors, windows, air-shafts, fans, or other means of ventilation sufficient to prevent the temperature of such room basement, or other portion of building wherein such fuel or refuse-burning equipment is to be used, from rising to a point higher than 120 degrees Fahrenheit; and suf-

ficient also to provide that the atmosphere of any such room, basement, or other portion of the building wherein such fuel or refuse-burning equipment may be located may be changed at least every ten minutes. Such plans shall further show the dimensions of such room in which such fuel or refuse-burning equipment is to be located, the location and dimensions of all stacks used in connection with or as a part of said fuel or refuse-burning plant. The Superintendent of the Bureau of Air Pollution Prevention may require such additional data as he deems necessary for the purpose of issuing a permit.

Upon the inspection and approval of said plans and specifications by the Superintendent of the Bureau of Air Pollution Prevention and upon the payment of the fees hereinafter provided, and if such plans and specifications shall show the adequate and approved provisions for the purpose of securing complete combustion of the fuel or refuse to be used and for the purpose of preventing and eliminating smoke, soot, fly ash, noxious acids, fumes, or gases have been made, a permit for the installation or for the construction, erection, reconstruction, repair, or addition to such fuel or refuse-burning plant shall be issued. As soon as the Superintendent of the Bureau of Air Pollution Prevention has issued the permit as above provided, it shall be the duty of the various departments having charge of the inspection of the premises wherein said fuel or refuse-burning equipment is located to co-operate with the said Superintendent of the Bureau of Air Pollution Prevention to see that the execution of the work so authorized by said permit shall be done in conformity with the approved plans and specifications, and the standards, rules and regulations fixed by the Bureau of Air Pollution Prevention; provided that repairs to previously approved fuel or refuse-burning plants may be made without first securing a permit, but the owner, contractor, installer, or other person making or causing such repairs shall report the same to the Superintendent of the Bureau of Air Pollution Prevention within three days after commencing such repairs.

Any person, firm or corporation which shall violate any provision of this section shall be subject to the fines and penalties hereinafter provided. Provided that nothing in this section shall be construed as to prohibit the making of emergency repairs to any stack, furnace or device when the necessity for such repair arises outside of the business hours of the Bureau of Air Pollution Prevention; provided, further, that the owner, contractor, installer, or other person making or causing such repairs shall report the same to the Bureau of Air

Pollution Prevention on the first business day after such emergency repairs are commenced and apply for a permit therefor.

“Repair” as used herein means any work which requires the heating or power equipment not subject to annual inspection as herein-after provided to be wholly or partially dismantled and which results in the restoration of the heating or power equipment to its original state.

If such plans and specifications as described above are not submitted to the Bureau of Air Pollution Prevention for approval previous to the installation of any new fuel-burning plant, addition to or the repair of construction of any existing fuel-burning plant, for producing power, heat, or either of them, or refuse-burning plant, any stack connected with such fuel or refuse-burning plant, the Superintendent of the Bureau of Air Pollution Prevention is authorized to seal immediately such equipment until the owner, contractor, installer, or other person has complied with the provisions of this section.

SECTION 5. It shall be the duty of all persons, firms, or corporations engaged in the business of selling refuse or fuel-burning equipment or devices for producing heat or power, or both, which are required to be connected to a vent or stack, to report to the Superintendent of Air Pollution Prevention the sale of every such article to be installed or used anywhere within the City of Indianapolis; and it shall be the duty of every person, firm, or corporation purchasing any of said articles, at the time of making such purchase, to give to the seller a statement in writing signed by such purchaser or his duly authorized agent setting forth the correct address or addresses of the building or buildings in which such articles are to be installed and used.

The report herein provided for shall be in writing and be delivered or mailed to the Superintendent of Air Pollution Prevention within seven days after such sale, and shall contain the name and address of the purchaser and the location of the building in which each article is to be installed or used.

Any person, firm, or corporation violating any of the provisions of this section, or making any false statement or report in connection with the sale of any such articles mentioned in this section shall be subject to the fines and penalties hereinafter provided.

The provisions of this section shall not apply to wholesale transactions made for the purpose of resale.

SECTION 6. It shall be unlawful for any person to use any new, reconstructed, or repaired plant or addition thereto, or any plant duly sealed under the provisions of this Ordinance, for the production and generation of heat and power, or either of them, except locomotives, or for the burning of refuse, until he shall have first procured a certificate from the Superintendent of Air Pollution Prevention certifying that the plant is so constructed that it will do the work required with the type of fuel and equipment used; and that, in the opinion of the Superintendent of Air Pollution Prevention, it can consistently be so managed by an ordinary person that, in burning the type of fuel in the manner specified in the permit, no dense smoke shall be emitted from the stack connected with the furnace or firebox in violation of the provisions of this Ordinance; and until a notice of the size, type, kind of fuel and the manner of burning the fuel as specified in the permit has been prominently displayed and permanently attached to said plant.

Any person, firm, or corporation violating the provisions of this section shall be subject to the fines and penalties prescribed in this Ordinance. The issuance and delivery by the Superintendent of Air Pollution Prevention of any permit or certificate for the construction, reconstruction, alteration, repair, or addition thereto, of any plant or stack connected with a plant shall not be held to exempt any person, firm, or corporation to whom any such permit or certificate has been issued and delivered, or who is in possession of any such permit or certificate, from prosecution on account of the emission of dense smoke, fly ash, soot, cinders, noxious acids, fumes or gases caused or permitted by any such person, firm, or corporation.

SECTION 7. It shall be unlawful for any person, firm, or corporation to use or operate any furnace or other fuel-burning equipment or device which is subject to annual inspection, as hereinafter set forth, without first obtaining therefor annually an annual certificate of operation; provided, however, that if application for such annual certificate of operation has been made and the required fee paid, it shall be lawful to use such furnace or other fuel-burning equipment or device until receipt of such certificate or until notification by the Bureau of Air Pollution Prevention of its refusal to grant such certificate.

Any person, firm, or corporation violating the provisions of this section shall be subject to the fines and penalties prescribed in this Ordinance. The issuance and delivery by the Superintendent of Air Pollution Prevention or by the Bureau of Air Pollution Prevention of any annual certificate of operation shall not be held to exempt any person, firm, or corporation to whom any such certificate has been issued or delivered, or who is in possession of any such certificate from prosecution on account of the emission of dense smoke, fly ash, soot, cinders, noxious acids, fumes or gases caused or permitted by any such person, firm, or corporation.

SECTION 8. After any owner, agent, occupant, manager, or lessee of any premises has been previously notified of three or more violations of this Ordinance within any consecutive 12-month period, in respect to the emission of dense smoke, soot, cinders, noxious acids, fumes, gases, or fly ash, the owner, agent, occupant, manager, or lessee of said premises shall be notified to show cause before the Superintendent of Air Pollution Prevention on a day certain, not less than ten days from the date of notice, why the equipment causing such violations should not be sealed. The notice herein provided for may be given by mail directed to the last known address of the party to be notified, or if said party or his whereabouts is unknown, then by posting a notice on or near the premises at which the violations shall have occurred. Upon said date said violator may appear and be heard. Upon such hearing, if the Superintendent finds that adequate corrective means and methods have not been employed to correct the cause of such condition, then it shall be his duty to seal said equipment, except locomotives, until such time as a permit and certificate as herein provided have been applied for and issued for said plant. The owner, agent, occupant, manager, or lessee, may, within ten days of said decision appeal said finding to the Arbitration Board, and said appeal shall stay the sealing pending said appeal.

It shall be unlawful for any person to break a seal of any refuse burning equipment, any boiler, or any equipment or device producing heat or power, that has been duly sealed by the Superintendent of Air Pollution Prevention unless authorized by the Superintendent in writing.

SECTION 9. Any person aggrieved by any decision, ruling, or order of the Superintendent of Air Pollution Prevention may take an appeal to the Arbitration Board as established by this Ordinance. Such appeal shall be taken within ten days after the decision, ruling,

or order complained of by filing with the Superintendent of Air Pollution Prevention a notice of appeal directed to the Arbitration Board, specifying the grounds thereof and the relief prayed for. The Superintendent of Air Pollution Prevention shall forthwith transmit to the Arbitration Board all papers constituting the record upon which the decision, ruling, or order appealed from is taken. The Board shall fix a reasonable time for the hearing of the appeal and give due notice thereof by mail to the parties in interest and decide the same within a reasonable time. Such appeal shall act as a stay of any decision, ruling, or order until either approved, modified, or set aside by said Arbitration Board. At the hearing any party may appear in person or by agent or by attorney. A fee of Five Dollars (\$5.00) shall be paid to the Controller of the City of Indianapolis at the time the appeal is filed. The Board, upon hearing such appeal, shall either affirm, modify, or set aside any such decision, ruling, or order.

SECTION 10. A person or persons who shall refuse to comply with or who shall assist in the violation of any of the provisions of this Ordinance, or who, in any manner, hinders, obstructs, delays, resists, prevents, or in any way interferes or attempts to interfere with the Superintendent of Air Pollution Prevention or Air Pollution Prevention Inspectors or Police Officers in the performance of any duty herein enjoined, or shall refuse to permit such inspectors or officers to perform their duty by refusing them, or either of them, entrance at reasonable hours to any premises in which the provisions of this Ordinance are being violated, or refuse to permit the inspection or examination of such building, establishment, premises, or enclosures for the purpose of the enforcement of this Ordinance, shall be subject to the fines and penalties hereinafter provided.

SECTION 11. The Bureau of Air Pollution Prevention shall not examine any plans, issue any permits, inspect any furnaces or other fuel-burning equipment or devices, or issue any certificates, until the fees for each unit enumerated below have been paid to the City Controller.

Fees for the examination of plans including the issuance of permits, and for the original and annual inspection of furnaces or other fuel-burning equipment or devices, except locomotives, including the issuance of certificates of operation, shall be as follows:

(a) PERMITS

- (1) For permits for the erection, installation, reconstruc-

struction, repair, or alteration of, or addition to any furnace or other fuel-burning equipment, the furnace volume of which does not exceed 10 cubic feet or equivalent, or any refuse-burning device, for each unit____\$1.00

- (2) For permits for the erection, installation reconstruction, repair, or alteration of, or addition to any furnace or other fuel-burning equipment, the furnace volume of which is greater than 10 cubic feet but not in excess of 25 cubic feet, or equivalent -----\$2.00
- (3) For permits for the erection, installation, reconstruction, repair, or alteration of, or addition to any furnace or other fuel-burning equipment, the furnace volume of which is greater than 25 cubic feet but not in excess of 50 cubic feet, or equivalent, for each unit____\$3.00
- (4) For permits for the erection, installation, reconstruction, repair, or alteration of, or addition to any furnace or other fuel-burning equipment, the furnace volume of which is greater than 50 cubic feet but not in excess of 100 cubic feet, or equivalent, for each unit____\$4.00
- (5) For permits for the erection, installation, reconstruction, repair, or alteration of, or addition to any furnace or other fuel-burning equipment, the furnace volume of which is greater than 100 cubic feet, for each unit -----\$5.00

(b) ORIGINAL INSPECTION

- (1) For inspecting any new, reconstructed, addition to, repaired, or altered furnace or other fuel-burning equipment, the furnace volume of which does not exceed 25 cubic feet, or equivalent, or any refuse-burning device, for the purpose of issuing a certificate of operation, for each unit -----\$2.00
- (2) For inspecting any new, reconstructed, addition to, repaired, or altered furnace or other fuel-burning equipment, the furnace volume of which is greater than 25 cubic feet but not in excess of 50 cubic feet, or

equivalent, for the purpose of issuing a certificate of operation, for each unit -----\$3.00

(3) For inspecting any new, reconstructed, addition to, repaired, or altered furnace or other fuel-burning equipment, the furnace volume of which is greater than 50 cubic feet but not in excess of 100 cubic feet, or equivalent, for the purpose of issuing a certificate of operation, for each unit -----\$4.00

(4) For inspecting any new, reconstructed, addition to, repaired, or altered furnace or other fuel-burning equipment, the furnace volume of which is greater than 100 cubic feet, or equivalent, for the purpose of issuing a certificate of operation, for each unit-----\$5.00

The term "furnace volume" as used in this section, shall mean the volume of the chamber in which combustion occurs, including the space occupied by the fuel bed, which shall include all space up to the point where the products of combustion first enter the flues or ducts through the heating surface.

The fee for the original inspection shall include the issuance of a certificate for operation in case such certificate is granted and shall be paid at the time the permit is secured.

No fees shall be required for examination of plans and the issuance of permits for original inspection of new or reconstructed warm air heating furnaces, or repairs and additions thereto, where such furnaces are installed, reconstructed, repaired, or added to, and a fee collected therefor pursuant to the provisions of the Indianapolis Building Code.

No charge shall be made for permits, original inspections, and certificates of operation relating to fuel-burning equipment or devices to be installed to heat buildings used exclusively for private residences that do not contain a central heating plant.

(c) ANNUAL INSPECTION

Every furnace or other fuel-burning equipment or device shall be subject to annual inspection by the Bureau of Air Pollution Prevention except only locomotives and the following:

(1) Furnaces or other fuel-burning equipment or devices installed to heat buildings used exclusively for private residences containing less than three dwelling units or flats, and

- (2) Fuel-burning equipment or devices used exclusively for private residences which do not contain a central heating plant.

The fees for each annual inspection shall be the same as for an original inspection and shall include the issuance of a certificate of operation. Each annual certificate of operation shall be effective from the date thereof until the 30th day of September next following.

When a certificate of operation is refused in the case of an original inspection or an annual inspection, the Superintendent of Air Pollution Prevention is authorized to seal immediately the furnace or other fuel-burning equipment or device or refuse-burning device until the owner, lessee, or other person required to procure the certificate of operation shall have complied with the provisions of this Ordinance.

In the event the installation of the fuel-burning equipment or device is not completed or that the Bureau of Building Inspection refuses issuance of a permit for the erection or construction of any building or structure, the fee which has been paid for the certificate or operation may be refunded upon proper presentation of the facts. No refund shall be made after a period of ninety (90) days from the payment of the fee.

The first annual inspection shall commence on October 1, 1950.

SECTION 12. Any person, firm, or corporation which shall violate any of the provisions of this Ordinance shall upon conviction thereof be fined not less than \$10.00 nor more than \$300.00 for each violation. Each day's violation shall constitute a separate offense.

The unlawful emission of smoke, soot, cinders, fly ash, noxious acids, fumes or gases from each stack shall constitute a separate offense.

The word "stack" as used in this Ordinance is defined to include chimney, smokestack, open fire, structure, or opening of any kind whatsoever capable of emitting smoke, except outdoor incinerators or approved trash burners used by occupants of private dwellings to dispose of ordinary household papers and combustible material.

SECTION 13. Where a violator of the provisions of this Ordinance with respect to the emission of smoke, soot, cinders, noxious acids, fumes, gases, or fly ash, produces evidence satisfactory to the Superintendent of the Bureau of Air Pollution Prevention that he has taken all steps necessary to provide for future compliance with the provisions of the Ordinance but that the acquisition of the proper device or equipment cannot be effected immediately, the Superintendent of the Bureau of Air Pollution Prevention shall have the discretion in proper cases to allow a period within which the necessary device or equipment is to be acquired and installed. During said period of grace granted by the said Superintendent, the violator of the Ordinance shall not be subject to the fines or penalties herein provided; provided, however, that where such violator fails in the time allowed to conform with the provisions of this Ordinance he shall be subject to all the fines and penalties herein provided dating from the date of the beginning of the period of grace permitted him.

SECTION 14. The owner or operator of every power and heating plant using in excess of 75 pounds per hour of any solid fuel shall provide means whereby the fireman may be enabled to know, without leaving the boiler or furnace room, whether or not prohibited smoke is issuing from the stack, so that possible necessary correction may be made at the time. Such means of observation shall be either:

- (a) A window or other opening through which an unobstructed view of the top of the stack may be had from the boiler or furnace room;
- (b) A mirror so placed as to reflect the top of the stack and visible from the boiler or furnace room;
- (c) A smoke indicator, approved by the Bureau of Air Pollution Prevention.

Any person, firm, or corporation that violates the provisions of this section shall be subject to the fines and penalties provided in this Ordinance.

SECTION 15. For the purpose of enforcing the provisions of this Ordinance, there is hereby established in the Department of Public Safety a Bureau of Air Pollution Prevention headed by the Super-

intendent of Air Pollution Prevention, who shall be appointed by the Mayor.

(a) SUPERINTENDENT OF AIR POLLUTION PREVENTION: The Superintendent of the Bureau of Air Pollution Prevention shall be the head of the Bureau of Air Pollution Prevention. He shall be in charge of the enforcement of all ordinances pertaining to smoke prevention and air pollution and institute proceedings for the violation thereof; have charge of the preparation and execution of educational plans for securing the co-operation of the public in the reduction of the emission of smoke and air pollution, and shall exercise general supervision over the Bureau of Air Pollution Prevention.

(b) ASSISTANT SUPERINTENDENT AND INSPECTORS. The Superintendent of Air Pollution Prevention shall appoint an Assistant Superintendent of Air Pollution Prevention and such Inspectors as may from time to time be provided for by the Common Council of the City of Indianapolis.

The Assistant Superintendent of Air Pollution Prevention shall be qualified by technical training, and have at least four years' experience in the theory and practice of the construction and operation of furnaces and combustion devices, or in the theory and practice of smoke prevention.

Inspectors shall be qualified by technical training or experienced in the theory and practice of the construction and operation of furnaces and combustion devices.

(c) CLERKS: The Superintendent of Air Pollution Prevention shall also appoint a Chief Clerk and such clerical and stenographic assistants as the Common Council of the City of Indianapolis may provide.

SECTION 16. ARBITRATION BOARD.

(a) Any person, firm or corporation filing an appeal as heretofore provided in Section 9 will at time of filing said appeal submit the name of a person who is to represent the appellant as arbitrator.

(b) The Superintendent of Air Pollution Prevention shall thereupon inform the appellant of the cost of such arbitration and such

appellant shall within twenty-four (24) hours from the receipt of such information deposit with the Superintendent of Air Pollution Prevention, the sum of money requested for defraying the expenses of the same, which sum shall be fixed in each case by said Superintendent, in proportion to the time it will take and the difficulty and importance of the case, but shall in no case be more than the cost of similar service in the course of ordinary business of private individuals or corporations. As soon as such sum of money shall have been deposited with him, the Superintendent of Air Pollution Prevention shall appoint an arbitrator to represent the city and the two (2) arbitrators thus chosen shall, if they cannot agree, select a third arbitrator; and in event said two arbitrators fail to agree on a third arbitrator within five (5) days after their disagreement, the Mayor shall select the third arbitrator, after which the decision of any two (2) of these arbitrators shall, after investigation and consideration of the matter in question, be final and binding upon the appellant as well as the city, unless the appeal is taken therefrom, as provided in case of an appeal under a statutory arbitration, within five (5) days thereafter.

(c) The arbitrators shall themselves, before entering upon the discharge of their duties, be placed under oath by the City Clerk or a Notary Public, to the effect that they are unprejudiced as to the matter in question, and that they will faithfully discharge the duties of their position. They shall have the power to call witnesses and place them under oath, and their decisions or award shall be rendered in writing, both to the Superintendent of Air Pollution Prevention and the appellant.

(d) The fee deposited by the appellant with the Superintendent of Air Pollution Prevention shall be paid by the Superintendent to the arbitrators upon the rendering of their report and shall be in full of all costs incident to the arbitration.

SECTION 17. Transfer of Personnel and Funds: All the personnel, records, funds, balances, and equipment available to the existing Board of Air Pollution Control, for the calendar year 1949, as provided for in the annual budget ordinance for the City of Indianapolis, are hereby made available and transferred to the Department of Public Safety, Bureau of Air Pollution Prevention, and the same shall continue available to said newly created Bureau of Air Pollution Prevention, upon the effective date of this ordinance.

SECTION 18. General Ordinance No. 100, 1945, is hereby repealed, and the Board of Air Pollution Control and the office of Combustion Engineer created thereunder is abolished.

SECTION 19. All ordinances inconsistent with this ordinance are hereby repealed.

SECTION 20. If any clause, sentence, paragraph or part of this Ordinance, or the application thereof to any person, firm, or corporation or circumstances, shall, for any reason, be adjudged by a Court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair, or invalidate the remainder of this Ordinance and the application of such provision to other persons, firms, corporations or circumstances, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person, firm, corporation or circumstances involved. It is hereby declared to be the legislative intent of this body that this Ordinance would have been adopted had such invalid provisions not been included.

SECTION 21. The provisions of this Ordinance shall apply to all areas within the corporate boundaries of the City of Indianapolis, and four (4) miles beyond said boundaries.

SECTION 22. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and publication according to law.

GUY O. ROSS, Councilman.

The motion was seconded by Mr. Jameson and passed by the following roll call vote:

Ayes, 7, viz: Miss Connor, Mr. Jameson, Mr. Ross, Mr. Seidensticker, Mr. Wallace, Mr. Wicker, President Emhardt.

Noes 2, viz: Mr. Bright, Mr. Ehlers.

On motion of Mr. Ross, seconded by Mr. Seidensticker,

General Ordinance No. 115, 1948, As Amended, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 115, 1948, As Amended, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 7, viz: Miss Connor, Mr. Jameson, Mr. Ross, Mr. Seidensticker, Mr. Wallace, Mr. Wicker, President Emhardt.

Noes 2, viz: Mr. Bright, Mr. Ehlers.

On motion of Mr. Seidensticker, seconded by Mr. Ehlers, the Common Council adjourned at 9:20 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 March, 1949, at 7:30 P. M.

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



ATTEST:

President.



(SEAL)

City Clerk.

March 21, 1949]

City of Indianapolis, Ind.

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