

REGULAR MEETING

Monday, December 19, 1949  
7:30 P. M.

The Common Council of the City of Indianapolis met in the Council Chamber at the City Hall, Monday, December 19, 1949, at 7:30 P. M., in regular session. President Emhardt in the chair.

The Clerk called the roll.

Present: Mr. Bright, Mr Ehlers, Mr. Jarneson, Mr. Ross, Mr. Seidensticker, Mr. Wallace, Mr. Wicker, President Emhardt.

Absent: Miss Connor.

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

COMMUNICATIONS FROM THE MAYOR

December 6, 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 ordinance:

## GENERAL ORDINANCE NO. 77, 1949

An ordinance authorizing the Board of Public Safety of the City of Indianapolis, through its duly authorized Purchasing Agent to let a contract for certain work, labor and materials for the erection of a Fire Drill School, for the Fire Department, to be paid for out of funds heretofore appropriated and fixing a time when the same shall take effect.

Respectfully,

AL FEENEY, Mayor

AF:ms

## COMMUNICATIONS FROM CITY OFFICIALS

December 16, 1949

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

Gentlemen:

In RE: Resolution No. 4, 1949

I hereby report that pursuant to the laws of the State of Indiana, I caused to be published on December 8, 1949 in The Indianapolis Times and The Indianapolis Star "Notice of Public Hearing" that Res. No. 4, 1949 relative to decontrol of rents in this city was set for hearing before the Common Council on December 19, 1949.

Sincerely yours,

RICHARD G. STEWART  
City Clerk

December 6, 1949

Mr. Edward H. Knight  
Corporation Counsel  
City Hall  
Indianapolis, Indiana

Dear Mr. Knight:

The Common Council in its regular meeting December 5, 1949, had under consideration for passage General Ordinance No. 79 of 1949 covering the regulation, control and licensing of certain coin operated machines.

The Council agreed to hold the ordinance for further consideration and directed that I transmit a request to your Department for an opinion on the following points as they apply to proposed General Ordinance No. 79.

- (a) Does the ordinance provide sufficient cause for license and regulation to remove it from a "tax classification"?
- (b) Is the necessity or power to license and regulate as evident in the case of machines selling goods, drinks and merchandise as it is in the case of game, skill or entertainment devices and cigarette machines?
- (c) Would the ordinance be weakened and open to attack on grounds of discrimination if license was removed on all machines or devices requiring less than 5c to operate said device?
- (d) Do the powers conferred by the Legislature cover the licensing of all the devices included in the proposed ordinance? The Council has been challenged to show which one of the some fifty-three sections set out specifically covers such power.

Sincerely yours,

RICHARD G. STEWART  
City Clerk

December 16, 1949

Mr. Richard G. Stewart  
Clerk of the Common Council  
Indianapolis, Indiana

Dear Mr. Stewart:

The Council, through you, has requested information pertaining to General Ordinance No. 79, 1949, covering coin operated vending machines. The following questions were propounded:

- (a) Does the ordinance provide sufficient cause for license and regulation to remove it from "tax classification"?

In everything except for vending machines dispensing goods, drinks, merchandise or materials, the legislature has empowered the council not only to regulate but even to "tax or suppress". The following power is to be found in Clause 47 of Section 48-1407, Burns R.S. 1933: "To suppress and prohibit gaming". (This is not a regulatory power).

"To license, tax, regulate, restrain or prohibit all tables, alleys, machines, devices or places of any kind, **for sports or games.**" ("Games" not prohibited by the criminal code may be regulated hereunder).

Clause 33 of the same section is as follows:

"To regulate, license, tax, restrain or prohibit theatrical and all other exhibitions, shows or entertainment." (This clause is of doubtful application herein.)

Section 4 of the proposed General Ordinance No. 79, probably does provide sufficient regulation to remove the ordinance from being purely a tax or revenue measure. The ordinance could be strengthened if the council would require the controller to cause the Health Department, together with the Weights & Measures Department, or by inspectors selected by him, to check the products dispensed by such machines periodically and report thereon to him, so that the food and beverages dispensed might be fresh and wholesome and of the weight indicated, and likewise have the Police Department examine

the same to see that all vending machines are not used for gambling or any other illicit purposes.

- (b) Is the necessity or power to license and regulate as evident in the case of machines selling goods, drinks and merchandise, as it is in the case of game, skill or entertainment devices and cigarette machines?

Under **Clause 18** of aforesaid Section 1407 of the statutes, power is conferred on the common council: "To make all regulations that may be deemed expedient for the promotion of public health".

Under **Clause 21** power is conferred to "authorize and require the inspection \* \* \* and to regulate the sale of \* \* \* all other food."

**Clause 53**, known as the "General Welfare Clause", authorizes the common council: "To carry out the objects of the corporation, not hereinbefore particularly specified."

Certain kinds of goods, drinks and merchandise might be more necessary to license and regulate than certain games of skill or entertainment, depending on whether such goods, drinks or merchandise may affect the health, morals, and general welfare of the citizens of this city. The power of the common council to regulate "tax or suppress the selling of goods, drinks or merchandise" is not covered as clearly as the power so to act respecting "games, skill or entertainment devices and the like." The right to regulate, when not expressly granted, must be found, if at all, as an implied power, under one or all of the clauses indicated. Should the council deem it necessary or expedient to regulate the sale of "goods, drinks, and merchandise" dispensed by vending machines, it may have such power under the clauses aforesaid; but no court has, as yet, so construed such clauses on the subject matter. We regard that question as debatable and doubtful.

- (c) Would the ordinance be weakened and open to attack on grounds of discrimination, if the license were removed on all machines or devices requiring less than 5c to operate said device?

This might be held by the courts to constitute discrimination between devices of the same nature; but reasonable classification has always

been recognized in city ordinances. It would appear that a classification of vending machines in the two classes, namely, those for coins of 5c and over, and those for less than 5c would appear to be reasonable, and would likely be upheld. No court has yet passed upon such question.

- (d) Do the powers conferred by the Legislature cover the licensing of all the devices included in the proposed ordinance? The Council has been challenged to show which one of the some fifty-three sections set out specifically covers such power.

The only relevant powers have already been set out.

It is to be noted that probably the regulation of food, beverage and material vending machines, and the validity of licenses, and regulations thereon, would in all instances depend entirely upon the reasonableness and the necessity for the regulation thereof, which the courts would have to decide. For this reason we suggest that a separability clause, in the following suggested form, be added as another section to this ordinance by amendment thereof.

Section———. If any section, phrase, provision or clause, of this ordinance be held invalid or unconstitutional, or if the regulation of any particular device or vending machine for any purpose enumerated herein be held invalid by any court, the same shall not be held to affect or render invalid any other provision of the ordinance relating to any other devices or vending machines covered by this ordinance; but the Common Council declares it would have ordained the remaining provisions of this ordinance, if such invalid provision had not been included therein.

Respectfully submitted,

CITY OF INDIANAPOLIS  
DEPARTMENT OF LAW

Edward H. Knight  
Corporation Counsel

December 19, 1949

Honorable President and  
Members of the Common Council  
City of Indianapolis

Gentlemen:

With reference to General Ordinance No. 78, to amend General Ordinance No. 114, 1922 (as amended), commonly known as the Zoning Ordinance, which was referred to the City Plan Commission for recommendation, we beg to advise that at its regular meeting of December 12, 1949, said Commission continued the required public hearing on G. O. No. 78 until its next scheduled meeting December 27.

This action was taken due to the fact that this zoning amendment is concurrent with and directly involved with the application for final approval of a subdivision plat including exactly the same area as the zoning amendment, and since it was necessary to continue the public hearing on the plat to give the applicant time to fulfill certain necessary requirements, it was deemed best to continue the hearing on the zoning amendment also.

Respectfully submitted,

NOBLE P. HOLLISTER  
Executive Secretary

December 14, 1949

Honorable President and  
Members of the Common Council  
City of Indianapolis

Gentlemen:

We submit herewith General Ordinance No. 90, 1949.

This Ordinance prohibits parking at all times on the west side of Ar-

lington Avenue from Pleasant Run Boulevard to the SCL of East 10th Street.

We respectfully request its passage.

Yours very truly,

BOARD OF PUBLIC SAFETY  
L. J. Keach, President

December 19, 1949

Honorable President and  
Members of the Common Council  
City of Indianapolis

Gentlemen:

We submit herewith General Ordinance No. 91, 1949.

This Ordinance prohibits parking on the south side of West Washington Street from the first driveway east of 1065 West Washington Street, west for a distance of one hundred and twenty five (125) feet.

We respectfully request its passage.

Yours very truly,

BOARD OF PUBLIC SAFETY  
L. J. Keach, President

December 19, 1949

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

Gentlemen:

Attached hereto are copies of General Ordinance No. 92, 1949 amending certain sections of General Ordinance No. 31, 1941, As Amended



and regulating parking on East Michigan Street from Pennsylvania Street to North Sherman Drive.

I respectfully recommend passage of this Ordinance.

Sincerely yours,

JOSEPH A. WICKER  
Councilman

December 19, 1949

Mr. Christian J. Emhardt, President  
Common Council  
City of Indianapolis

Dear Sir:

Tendered herewith is Special Ordinance No. 7, 1949, authorizing the sale of certain property of the Department of Public Parks.

The passage of this Ordinance is respectfully requested.

Yours truly,

JESSE W. PEDEN  
Atty. for Board of Public Parks

At this time those present were given an opportunity to be heard on General Ordinances Nos. 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, Special Ordinance No. 6, Resolution No. 4, 1949.

Mr. Seidensticker asked for recess. The motion was seconded by Mr. Wicker, and the Council recessed at 9:35 P. M.

The Council reconvened at 9:55 P. M., with the same members present as before.

## COMMITTEE REPORTS

Indianapolis, Ind., December 19, 1949

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. 83, 1949, entitled

AN ORDINANCE authorizing the Board of Safety to purchase  
10 two door sedans for the Police Department

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

JOSEPH A. WICKER, Chairman  
JOSEPH C. WALLACE  
GUY O. ROSS  
J. PORTER SEIDENSTICKER

Indianapolis, Ind., December 19, 1949

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. 86, 1949, entitled

AN ORDINANCE establishing a budget for the year 1950 for the operation, maintenance, repairs, collection and disbursement of revenues, rental and partial payment of contractual obligations of parking meters

December 19, 1949]

City of Indianapolis, Ind.

887

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

JOSEPH A. WICKER, Chairman  
JOSEPH C. WALLACE  
GUY O. ROSS  
J. PORTER SEIDENSTICKER

Indianapolis, Ind., December 19, 1949

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. 87, 1949, entitled

AN ORDINANCE authorizing a temporary loan of \$175,000.00  
for Firemen's Pension Fund

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

JOSEPH A. WICKER, Chairman  
JOSEPH C. WALLACE  
GUY O. ROSS  
J. PORTER SEIDENSTICKER

Indianapolis, Ind., December 19, 1949

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. 88, 1949, entitled

AN ORDINANCE authorizing a temporary loan for \$1,100,000.00  
for use of the general fund

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

JOSEPH A. WICKER, Chairman  
JOSEPH C. WALLACE  
GUY O. ROSS  
J. PORTER SEIDENSTICKER

Indianapolis, Ind., December 19, 1949

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. 89, 1949, entitled

AN ORDINANCE authorizing a temporary loan of \$125,000.00  
for the Police Pension Fund

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

JOSEPH A. WICKER, Chairman  
JOSEPH C. WALLACE  
GUY O. ROSS  
J. PORTER SEIDENSTICKER

Indianapolis, Ind., December 19, 1949

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. 84, 1949, entitled

AN ORDINANCE authorizing the Board of Public Works to  
purchase two chassis and cab for the Street Commissioner

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

JOSEPH C. WALLACE, Chairman  
GUY O. ROSS  
JOS. E. BRIGHT  
DONALD B. JAMESON

Indianapolis, Ind., December 19, 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. 79, 1949, entitled

AN ORDINANCE to regulate, control and license certain mechanical games, vending and other machines or devices, owned, controlled or used for profit; fixing a penalty for the violation thereof, repealing G. O. 108, 1948

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  
JOSEPH A. WICKER  
JOSEPH C. WALLACE  
CHAS. P. EHLERS  
JOS. E. BRIGHT

Indianapolis, Ind., December 19, 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. 81, 1949, entitled

AN ORDINANCE prohibiting parking at any time on Meridian Street from Washington to Monument Place and from Monument Place to Ohio and on Market Street from Pennsylvania Street to Monument Place and from Monument Place to Illinois (both sides)

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

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

Indianapolis, Ind., December 19, 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. 85, 1949, entitled

AN ORDINANCE establishing a taxicab stand on the west side of Boulevard Place starting at 2108 Boulevard Place and extending north 50 feet—3 cab stand

beg leave to report that we have had said ordinance under consideration, 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., December 19, 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 General Ordinance No. 78, 1949, entitled

AN ORDINANCE to amend General Ordinance No. 114, 1922 (as amended), commonly known as the Zoning Ordinance (southwest corner of Tibbs and 16th St.)

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

J. PORTER SEIDENSTICKER  
Chairman  
JOS. A. WICKER  
CHAS. P. EHLERS  
DONALD B. JAMESON

Indianapolis, Ind., December 19, 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 Special Ordinance No. 6, 1949, entitled

AN ORDINANCE annexing certain contiguous territory to the city (area bounded by a line 170 feet south of 16th St., Hawthorn Lane, 12th St. and a line approx. 165 ft. east of Leland Ave.)

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

J. PORTER SEIDENSTICKER  
Chairman  
JOSEPH A. WICKER  
CHAS. P. EHLERS  
DONALD B. JAMESON

Indianapolis, Ind., December 19, 1949

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

Gentlemen:

We, your Committee on Law & Judiciary to whom was referred  
General Ordinance No. 82, 1949, entitled

AN ORDINANCE making Pierson Street from Ohio Street to  
Market Street a one-way street for southbound traffic only

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

CHAS. P. EHLERS, Chairman  
JOS. E. BRIGHT  
J. PORTER SEIDENSTICKER  
JOS. A. WICKER  
JOSEPH C. WALLACE

Indianapolis, Ind., December 19, 1949

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

Gentlemen:

We, your Committee on Elections to whom was referred General  
Ordinance No. 80, 1949, entitled

AN ORDINANCE prohibiting longer than 1½ hr. parking be-  
tween 7:00 A.M. and 6:00 P.M. on the south side of St. Clair  
Street between Illinois Street and Meridian

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

JOS. E. BRIGHT, Chairman  
CHAS. P. EHLERS  
JOSEPH C. WALLACE  
J. PORTER SEIDENSTICKER  
JOSEPH A. WICKER



## INTRODUCTION OF GENERAL ORDINANCES

By the Board of Public Safety:

### GENERAL ORDINANCE NO. 90, 1949

AN ORDINANCE regulating and prohibiting parking on certain parts of a certain street in the City of Indianapolis, providing a penalty for the violation thereof and fixing a time when the same shall take effect.

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

Section 1. That it shall be unlawful for the owner or operator of any vehicle to park the same or to suffer, permit or allow the same to be parked at any time on the following designated parts of a certain street in the City of Indianapolis, as follows, to-wit:

On the West side of Arlington Avenue from Pleasant Run Boulevard to the South curb line of East Tenth Street.

Section 2. Any person violating any provision of this ordinance shall upon conviction be fined in any sum not exceeding Three Hundred Dollars (\$300.00) to which may be added imprisonment not to exceed 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 Law and Judiciary.

By the Board of Public Safety:

### GENERAL ORDINANCE NO. 91, 1949

AN ORDINANCE regulating and prohibiting, parking on certain parts of a certain street in the City of Indianapolis, providing

a penalty for the violation thereof and fixing a time when the same shall take effect.

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

Section 1. That it shall be unlawful for the owner or operator of any vehicle to park the same or to suffer, permit or allow the same to be parked at any time on the following designated parts of a certain street in the City of Indianapolis, as follows, to-wit:

South side of West Washington Street from the first driveway east of 1065 West Washington Street, west for a distance of one hundred and twenty-five (125) feet.

Section 2. Any person violating any provision of this ordinance shall upon conviction be fined in any sum not exceeding Three Hundred Dollars (\$300.00) to which may be added imprisonment not to exceed 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 Councilman Wicker:

GENERAL ORDINANCE NO. 92, 1949

AN ORDINANCE to amend General Ordinance No. 31, 1941, As Amended, regulating parking of vehicles on certain parts of certain streets in the City of Indianapolis, providing a penalty for any 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 Section 2, sub-section (c) of General Ordinance No. 31, 1941, As Amended, be amended to read as follows:

- (c) On the north side of East Michigan Street from the east curb line of North Pennsylvania Street to the west curb line of North Sherman Drive except upon such parts where parking is now prohibited at all hours of the day, which prohibition shall remain in full force and effect.

Section 2. That Section 3, sub-section (c) of General Ordinance No. 31, 1941, As Amended, be amended to read as follows:

- (c) On the south side of East Michigan Street from the east curb line of North Pennsylvania Street to the west curb line of North Sherman Drive except upon such parts where parking is now prohibited at all hours of the day, which prohibition shall remain in full force and effect.

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.

## INTRODUCTION OF SPECIAL ORDINANCES

By the Board of Park Commissioners:

### SPECIAL ORDINANCE NO. 7, 1949

AN ORDINANCE authorizing the Board of Public Parks, City of Indianapolis, Indiana, through its duly authorized Purchasing Agent to sell certain real estate belonging to the City of Indianapolis, and fixing a time when the same shall take effect.

WHEREAS, by property sale Resolution No. 1, 1949, duly adopted by the Board of Park Commissioners of the City of Indianapolis, cer-

tain hereinafter described park land was found to be no longer necessary for park purposes nor for public use, and

WHEREAS, it is deemed for the best interests of the City of Indianapolis to dispose of said land by sale.

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

Section 1. That the Department of Public Parks of the City of Indianapolis, Indiana, acting through its duly authorized Purchasing Agent be and it is hereby authorized, directed and empowered to sell the following described real estate, to-wit:

A parcel of land in the East half of the South West quarter of Section 32, Township 16, Range 4 East, adjacent to Brookside Parkway, bounded on the north by Brookside Parkway, South Drive, on the south by Nowland Avenue, and on the east by the first alley west of Dearborn Street, more particularly described as follows:

Beginning at the Southeast corner of Lot 380 in Vajen's South Brookside Addition to the City of Indianapolis, Marion County, Indiana, as recorded in Plat Book 4, Page 215, in the Office of the Recorder of the aforesaid Marion County, then west along the north property line of Nowland Avenue a distance of five hundred and thirty-two and four tenths (532.4) feet to a point in the north line of Nowland Avenue, said point being the southwest corner of Lot 368 in the aforesaid Vajen's South Brookside Addition, thence north along the east property line of Parker Avenue a distance of one hundred and twenty-three and sixty-eight hundredths (123.68) feet more or less, to a point fifty (50) feet distant, measured at right angle from the center line of Brookside Parkway, South Drive; thence continuing north-east-wardly along a line fifty (50) feet distant from the center line of Brookside Parkway, South Drive, to the intersection of the west property line of the first alley west of Dearborn Street, said point of intersection being seven hundred and sixteen and twenty-five hundredths (716.25) feet, more or less, north of the southeast corner of Lot 380 in the aforesaid Vajen's South Brookside Addition; thence south along the west property line of the first alley west of Dearborn Street a distance of seven hundred and sixteen and twenty-five hundredths (716.25) feet to the place of beginning.

Section 2. Said sale shall be made after the real estate has been duly appraised and advertised as provided by law for not less than the appraised value thereof, and shall be awarded to the highest bidder. Said real estate shall be sold as one tract and as a condition of this sale the proposed use of said property is to be submitted with the bid and such use to be considered by the Board of Park Commissioners as one of the conditions of such sale.

Sectin 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 Works.

#### ORDINANCES ON SECOND READING

Mr. Wicker called for General Ordinance No. 83, 1949 for second reading. It was read a second time.

On motion of Mr. Wicker, seconded by Mr. Seidensticker, General Ordinance No. 83, 1949 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 83, 1949 was read a third time by the Clerk and passed by the following roll call vote:

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

Mr. Wicker called for General Ordinance No. 86, 1949 for second reading. It was read a second time.

Mr. Wicker presented the following motion to amend General Ordinance No. 86, 1949:

Indianapolis, Ind., December 19, 1949

Mr. President:

I move that General Ordinance No. 86, 1949, be amended by striking out

the items under Fund 11 under 1. Services—Personal  
and the total for all funds shown

and inserting in lieu thereof the following:

1. SERVICES—PERSONAL

11. Salaries and wages, regular

|   |            |
|---|------------|
| 1 Collector and Maintenance man @ \$250.00<br>per mo. ----- | \$3,000.00 |
| 1 Account Clerk @ \$200.00 per mo. -----                    | 2,400.00   |

\* \* \*

|             |            |
|-------------|------------|
| TOTAL ----- | \$9,945.00 |
|-------------|------------|

JOSEPH A. WICKER  
Councilman

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

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

Noes 1, viz: Mr. Bright.

On motion of Mr. Wicker, seconded by Mr. Seidensticker, General Ordinance No. 86, 1949, As Amended was ordered engrossed, read a third time and place upon its passage.

General Ordinance No. 86, 1949, As Amended was read a third time by the Clerk and passed by the following roll call vote:

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

Mr. Wicker called for General Ordinance No. 87, 1949 for second reading. It was read a second time.

On motion of Mr. Wicker, seconded by Mr. Seidensticker, General Ordinance No. 87, 1949 was ordered engrossed, read a third time and place upon its passage.

General Ordinance No. 87, 1949 was read a third time by the Clerk and passed by the following roll call vote:

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

Mr. Wicker called for General Ordinance No. 88, 1949 for second reading. It was read a second time.

On motion of Mr. Wicker, seconded by Mr. Wallace, General Ordinance No. 88, 1949 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 88, 1949 was read a third time by the Clerk and passed by the following roll call vote:

Ayes 8, viz: Mr. Bright, Mr. Ehlers, Mr. Jameson, Mr.

Ross, Mr. Seidensticker, Mr. Wallace, Mr. Wicker, President Emhardt.

Mr. Wicker called for General Ordinance No. 89, 1949 for second reading. It was read a second time.

On motion of Mr. Wicker, seconded by Mr. Wallace, General Ordinance No. 89, 1949 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 89, 1949 was read a third time by the Clerk and passed by the following roll call vote:

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

Mr. Wallace called for General Ordinance No. 84, 1949 for second reading. It was read a second time.

On motion of Mr. Wallace, seconded by Mr. Ehlers, General Ordinance No. 84, 1949 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 84, 1949 was read a third time by the Clerk and passed by the following roll call vote:

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

Mr. Ross called for General Ordinance No. 79, 1949 for second reading. It was read a second time.



Mr. Ross presented the following motion to amend General Ordinance No. 79, 1949:

Indianapolis, Ind., December 19, 1949

Mr. President:

I move that General Ordinance No. 79,1949 as heretofore introduced and submitted, be amended to read as follows:

GENERAL ORDINANCE NO. 79, 1949 (As Amended)

AN ORDINANCE to regulate, control and license certain music and amusement machines or devices, owned, controlled or used for profit; fixing a penalty for the violation thereof; repealing G. O. No. 108, 1948; 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 on and after January 1, 1950, it shall be unlawful for any person to permit, maintain, or operate a coin-operated music or amusement machine or device without first having procured a license therefore. The annual license fee for each such machine or device shall be One Dollar (\$1.00), to which shall be added an issuing fee of One Dollar (\$1.00).

Section 2. Nothing in the above section shall be construed as legalizing coin-operated amusement machines and devices in which are incorporated any gaming features; nor shall the above licenses be required of bona fide merchandise or service vending machines in which are not incorporated any gaming or amusement of music making features.

Section 3. It shall be the duty of every police officer and all other persons designated by the Chief of Police and City Controller, to make frequent inspections of all such coin-operated machines and devices and if any gambling, improper or unlawful practices are observed to report the same to the Chief of Police or City Controller who thereupon may recommend such proceedings to revoke such license as now made and provided for under the statutes of this state and the ordinances of this city.

Section 4. Each person, firm, syndicate, association, partnership, or corporation, owning or controlling any of the devices or games aforesaid, procuring a license as above set out to operate any coin-operated music or amusement machine, as herein referred to, shall first procure from the City Controller of the City of Indianapolis, a metal or other designated disc or tag, one for each device or machine so licensed, which shall be securely attached thereto, and such vending machine, game, instrument or device shall be kept at all times in good operating condition while so used. Such tags shall not be transferable or interchangeable. The City Controller shall certify a list and location of all such licensed devices and machines to the Board of Public Safety or if so directed by said Board to the Chief of Police.

Section 5. Any person who shall violate any of the provisions of this ordinance, shall upon conviction be fined in any sum not exceeding \$200.00. Each day a violation continues shall constitute a separate offense.

Section 6. General Ordinance No. 108, 1948, is hereby expressly repealed, effective as of January 1, 1950.

Section 7. If any section, phrase, provision or clause, of this ordinance be held invalid or unconstitutional, or if the regulation of any particular device or machine, for any purpose enumerated herein be held invalid by any court, the same shall not be held to affect or render invalid any other provision of the ordinance relating to any other amusement devices or music machines covered by this ordinance; but the common council declares it would have ordained the remaining provisions of this ordinance, if such invalid provisions had not been included therein.

Section 8. This ordinance shall be in full force and effect from and after its passage, approval by the Mayor and publication according to law.

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

Ayes 8, viz: Mr. Bright, Mr. Ehlers, Mr. Jameson, Mr.

Ross, Mr. Seidensticker, Mr. Wallace, Mr. Wicker, President Emhardt.

On motion of Mr. Ross, seconded by Mr. Ehlers, General Ordinance No. 79, 1949, As Amended was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 79, 1949, As Amended was read a third time by the Clerk and passed by the following roll call vote:

Ayes 7, viz: Mr. Bright, Mr. Ehlers, Mr. Ross, Mr. Seidensticker, Mr. Wallace, Mr. Wicker, President Emhardt.

Noes 1, viz: Mr. Jameson.

Mr. Ross called for General Ordinance No. 81, 1949 for second reading. It was read a second time.

On motion of Mr. Ross, seconded by Mr. Ehlers, General Ordinance No. 81, 1949 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 81, 1949 was read a third time by the Clerk and passed by the following roll call vote:

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

Mr. Ross called for General Ordinance No. 85, 1949 for second reading. It was read a second time.

On motion of Mr. Ross, seconded by Mr. Ehlers, General Ordinance No. 85, 1949 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 85, 1949 was read a third time by the Clerk and passed by the following roll call vote:

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

Mr. Seidensticker called for Special Ordinance No. 6, 1949 for second reading. It was read a second time.

On motion of Mr. Seidensticker, seconded by Mr. Wallace, Special Ordinance No. 6, 1949 was ordered engrossed, read a third time and placed upon its passage.

Special Ordinance No. 6, 1949 was read a third time by the Clerk and passed by the following roll call vote:

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

Mr. Ehlers called for General Ordinance No. 82, 1949 for second reading. It was read a second time.

On motion of Mr. Ehlers, seconded by Mr. Seidensticker, General Ordinance No. 82, 1949 was ordered engrossed, read a third time and paced upon its passage.

General Ordinance No. 82, 1949 was read a third time by the Clerk and passed by the following roll call vote:

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

Mr. Bright called for General Ordinance No. 80, 1949 for second reading. It was read a second time.

On motion of Mr. Bright, seconded by Mr. Seidensticker, General Ordinance No. 80, 1949 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 80, 1949 was read a third time by the Clerk and passed by the following roll call vote:

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

On motion of Mr. Seidensticker, seconded by Mr. Wallace, the Common Council adjourned at 10:20 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 19th day of December, 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.



*President.*

ATTEST:



(SEAL)

*City Clerk.*

December 19, 1949]

City of Indianapolis, Ind.

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