

**MINUTES OF THE CITY-COUNTY COUNCIL
AND
SPECIAL SERVICE DISTRICT COUNCILS
OF
INDIANAPOLIS, MARION COUNTY, INDIANA**

**REGULAR MEETINGS
MONDAY, AUGUST 8, 1994**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:09 p.m. on Monday, August 8, 1994, with Councillor SerVaas presiding.

Councillor O'Dell led the opening prayer and invited all present to join him in the Pledge of Allegiance to the Flag.

ROLL CALL

The President instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

27 PRESENT: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Franklin, Giffin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West
2 ABSENT: Dowden, Williams

A quorum of twenty-seven members being present, the President called the meeting to order.

INTRODUCTION OF GUESTS AND VISITORS

Councillor Boyd recognized members from the Devon Neighborhood Association.

OFFICIAL COMMUNICATIONS

The Honorable Stephen Goldsmith, Mayor, presented his annual city budget to the Council with the following remarks:

Mister President, members of the Council, thank you for allowing me to present my third budget as Mayor of Indianapolis. I'd like to go through the budget in a little detail and then offer some observations about what the previous budgets you have approved have bought for the citizens of Indianapolis.

The 1995 budget defies most conventional thinking about government. This budget spends less than the one before; not in the way the federal government keeps track, where if spending grows less this year than it did last year you call it a "cut"--this budget actually spends less than last year. It has a frozen tax rate again for the sixth year, and it invests more money in public safety and more money in infrastructure--roads, bridges, sidewalks, sewers and streets--than at any time in our city's history. We in Indianapolis have defied the usual rules of government to produce a smaller government and at the same time more value for our taxpayers.

The 1995 Budget Spends Less

This budget that we're proposing for 1995 is, I hope you will agree as you deliberate on it, an enormous victory for the taxpayers of Indianapolis. Operating expenses will be proposed at \$471 million. This is \$2.5 million less than last year, and \$10 million less than 1992, which as you know was the last budget proposed prior to my election as mayor. We have had a reduction in real spending, comparing apples to apples, over that two-year period.

The 1995 Budget is Balanced

The 1992 budget was a budget that had the expenses of government exceeding the revenues of government by \$20 million. The appropriations by this body exceeded the revenues by \$20 million, and counted on underspending to balance the budget. We have made a policy decision that we should ask you to appropriate no more than we anticipate taking in. You can see, (refers to graph) this is the minus \$20 million in 1992; in 1993 we closed that gap to \$2.9 million; last year when I presented the budget to you we presented a gap that was \$879,000; and this will be the first budget in more than a decade that if you approve will have an operating balance as contrasted to a deficit. We consider this a victory for the taxpayers. The operating balance for 1995 will be \$500,000.

The 1995 Budget Holds the Line on Taxes

The property tax rate that the Council has produced for taxpayers will stay the same again for the sixth straight year, with a frozen tax rate of less than \$4.

The 1995 budget has fewer city employees.

The budget for this year will produce the smallest public employee numbers in 20 years in the City of Indianapolis. We will reduce our employment to a 20-year low for the City of Indianapolis. The total budgeted employees of the city of Indianapolis will have gone down from the 1991 number of 5,140 to 3,870 this year. Excluding public safety, public employment in the City of Indianapolis is down 30%. Every department of city government has gotten smaller, with the exception of public safety.

The 1995 Budget Devotes More Resources to Public Safety

We believe--and I hope the Council agrees--that the first obligation of city government is safety. We can't have quality schools, we can't have quality neighborhoods, we can't have a quality, thriving economy if folks live in fear and if they are threatened in their day-to-day lives.

Spending on public safety will reach an all-time high in this budget. Thirty-three percent of the total city budget will be spent on public safety. More than half of the tax levy in Center Township and the IPD service district will be spent on public safety. 1993 was the first time that we can find in contemporary Indianapolis history where public safety amounted to more than 50% of the workforce of the city of Indianapolis. In 1995 this number has reached 58% of the total city workforce; 58% will be engaged in the activities of public safety.

As we look at this budget the clear message is that even while we have held the tax rate the same, increased efficiency by our workforce in the departments of capital asset management, public works, metropolitan development, and parks and recreation have allowed us to increase funding for public safety in order to make our streets safe and address the most significant challenge that we as a city face.

What the 1995 Budget Buys

In the three years that I've come before this council, I've really said the same thing each time. We have certain themes that I believe are important to the competitiveness of our city and the quality of life in our neighborhoods, and I've repeated these themes. I've said we need to hold the line on taxes, we need to have a small government, we need to empower the line employees, we need to treat our citizens as customers, we need to judge government by outcomes not just inputs, we need to focus on the core services and we need to reduce our overhead.

Tonight I'd like to give you "the rest of the story" and ask you to judge with the taxpayers what has been produced as a result of following these themes. The results are truly remarkable and all of us in this room tonight should share the pride in accomplishing them.

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If our vision for Indianapolis is "A Competitive City With Safe Streets, Strong Neighborhoods and a Thriving Economy" let's look at each one of these components.

Safe Streets

I hope you will agree that in your individual communities community policing is taking root. The number of success stories of well-motivated police officers connecting with their residents in order to increase and enhance the sense of safety in their neighborhoods is dramatic. We have dozens of stories of individual officers turning around small neighborhoods and communities as a result of their personal efforts.

We know from customer surveys that the approval rating of the Indianapolis Police Department has steadily moved up, where today over three quarters of our residents believe that the Indianapolis Police Department does an excellent or good job.

From tracking manpower numbers we know that there are 18% more police hours on the street today than there were in 1992. Not only do we have 100 more officers out there, but in terms of actual street hours, patrol hours on the streets of the city of Indianapolis, we're up 18%.

Strong Neighborhoods

This month more streets are being paved, more sidewalks are being done, more curbs are being done, more sewer work is being done than at anytime in the history of the City of Indianapolis. There's more work going on today than ever before.

Second, the comprehensive neighborhood revitalizations that we have undertaken are beginning to show some results. I would like to thank the councilors of the suburban communities for helping us with the recognition that the City's economic future is dependent on the quality and opportunity of success for all its residents. We can't abandon part of our community and expect the rest to be safe. Because the circle of blight, the circle of poverty, the number of families and children living in those conditions will continue to increase until it takes a larger and larger percentage of the pie.

We made a concerted effort when I started to take the seven most difficult communities in the City of Indianapolis, communities of 8,000-20,000 people each, and see if we could produce private and public investment that would give the residents in those communities a chance for success. Today we have successes in Fountain Square and Martindale-Brightwood and Near-North and in several other areas. Some are just taking hold and some are more significant. Last week just as an example (and you could use any one of these neighborhoods), I was standing out at 17th and Broadway, looking at a new swimming pool and a new recreational area. On one side there were hundreds of kids playing where there had not been many kids playing before. If I looked just to the east, there was a new apartment complex--the first new housing on College in the 1700 block in a long period of time. If you looked out at the park between the swimming pool and the health care center, there was a park ranger walking in order to produce safety in that park which had not occurred before. And along the way there were new streets, curbs and sidewalks. There was private investment for the first time in that neighborhood, public investment for the first time in that neighborhood; there was a recognition of safety and there were actually kids out playing where they had been fearful before. We hope to be able to repeat that story, neighborhood by neighborhood, block by block, throughout Indianapolis.

Now if you look at the effect of these investments on our neighborhoods, urban and suburban, it is truly remarkable. There were more housing starts in June of this year in Marion County, for example, than the total number of housing starts in Hamilton and Boone counties put together. Marion County, despite the competitive pressures upon it, is the boom county in the region and it's the boom county because this council and this administration have been willing to take the risk, the tough risk and make the tough decisions to keep Indianapolis as successful in the future as it has been in the past.

We've got \$530 million worth of housing starts and as best as we can tell we're at a five-year high in terms of housing starts in the city of Indianapolis. New single family housing starts are up 13% over last year alone. So if you look at the vision statement again, we're making steps toward safer streets, we're holding the crime rate level. We're strengthening our suburban and our city urban neighborhoods. Finally, let's talk about a thriving economy.

Thriving Economy

After two record-setting job creation years in a row, we are now on our way this year to a third straight record in terms of jobs retained or new jobs started in the Indianapolis area. Last week's announcement of the Federal Express expansion alone is of enormous proportions and impact on our community. It will bring additional thousands of jobs not just from the expansion but from leveraged expansion as well.

From the time that I presented you my first budget until today, the unemployment rate in Indianapolis is down from 5.9% to a little less 4.6%. We're at a very, very competitive situation with increased employment opportunities for anybody in our community who wants to work.

We took a survey of local businesses and found that 90% of them are optimistic about their chances of growing in the next several years in Indianapolis.

Preparing for Challenges Ahead

It's been a tough time over the last few years, as we've tried to hold the line on taxes, reduce the size of government, and address the infrastructure deficit presented to us by the Chamber of Commerce. But today we are clearly one of the hottest cities in the United States of America.

At the same time, we face enormous competitive pressures. We have a police and fire pension that's underfunded by about \$420 million. We have not yet completely figured out how to pay back the United Airlines bond payments, which are \$10-15 million a year. The Environmental Protection Agency is on the way to imposing demands upon us, particularly combined sewer overflow mandates, that could amount to \$200-400 million a year. And we face the general demands that every other large city does: the threats of violence, school decay, urban decay and unequal opportunity for the citizens of our community. We need to fight those things.

In closing, I would like to say that this council has done an excellent job insisting that every taxing authority who brings a budget before this council has a frozen property tax rate. Whether it's the Library Board, or Health and Hospital, Metro Transit—or any of the others who come before you and whom you can persuade—they all need to manage down their costs and increase their efficiency.

County government is under enormous pressure; I know the demands on the county side from criminal justice and juvenile welfare issues are enormous. We're going to have ask everybody, every elected official of every taxing district in the city of Indianapolis and Marion County and the townships to understand that our tax rates are still sometimes double what they are in the adjoining counties, that capital disinvestment demands are significant and that we, because we are the oldest city in the region, have the greatest demands put upon us by mandates from the EPA and others.

I know some of you have supported us, some of you have humored us, and some of you have criticized us; but I hope that you will all look at this budget as a way to take bold initiatives to downsize government to get it down to its core, to invest money and create opportunity and do all of this in a way that makes our citizens proud. Our citizenry has more confidence in the City of Indianapolis today than it has had in a long period of time. I think they have that confidence because we have produced more value with less than has ever been done before. If you approve the budget submitted tonight, I pledge to you the same sort of thought and the same sort of progress over the next 12 months.

Williams G. Lantz, III, Deputy Auditor, had the following remarks concerning the county budget:

Mr. President, members of the City-County Council, and citizens of Marion County, tonight the Auditor submits to you the 1995 proposed budget for Marion County.

As you know, the county's budget is approached differently than that of the City of Indianapolis due to the fact that no single elected official stands before this body and tells you that they control the way all agencies administer their appropriations. Our county agencies are made up of constitutionally created and individually elected offices and agencies. Marion County is very fortunate to have dedicated officials and civil servants committed to providing the citizens of this county with the best level of services given the resources available. Each individual office holder is willing to detail their budget in your committees over the next few weeks. And, although the City certainly presents you with their top priorities for the coming year, we in the county are presenting you our 53 top priorities. Those priorities are 53 county agencies providing services ranging from justice and law enforcement, to tax administration, to cooperative extension services. This budget for 1995 is able to fund each of these priorities.

This budget proposal delivers to the people of Marion County a constant level of services with no increase in property or income tax rates. Before you tonight is a funded budget where the revenues exceed the level of recommended appropriations. Before you tonight is a budget that meets the service needs of our constituents. And, I believe, before you tonight is a budget that conservatively but adequately provides resources to each agency.

Many events have taken place in 1994 and are expected to occur during 1995 that have a direct impact on the Auditor's ability to develop a sound budget plan. Let me take a moment to discuss a few items that have had a direct impact on the County General Fund balance and influence the steps that must be taken in the future to keep that balance at a reasonable level.

- (1) No new significant revenue sources have been identified in the County General Fund for 1995. Property tax receipts will grow in 1995 as a result of the projected 2% increase in assessed value from 1994 to

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1995. County Option Income Tax receipts are expected to increase by \$650,000. The property tax rate and County Option Income tax rate will remain flat in 1995.

- (2) As required by the expiration of the current union contract on December 31, 1994, negotiations are being conducted with the Marion County Sheriff Deputies. The outcome of those negotiations may require a modification to the current budget proposal.
- (3) In July of 1994 Marion County began paying the employees 3% contribution of PERF. Although the 1994 base budget was increased to provide appropriations to meet this obligation, the 1995 budget also must be increased to provide funding for the entire year.
- (4) The capacity of the Marion County Jail is at the maximum allowed under a federal court order. The Marion County Sheriff's Department has petitioned the Federal Court to allow double bunking to take place and has requested that an additional two floors be added to the jail to relieve the pressure that the current maximum limit has placed on Marion County. In anticipation of future construction, some of the increase in property tax that is a result of the increase in assessed value is being reserved to cover future capital costs.

In anticipation of the fiscal constraints noted above, the Auditor's Office developed a set of budgetary guidelines for the 1995 fiscal year in an effort to permit the maximum allocation of resources. These guidelines included the following specific requirements:

- (1) Personal services are restricted to: No increases for elected officials and no increase in 1995 agency budgets over 1994 amounts.
- (2) No increase in overall Agency Budgets excluding Building Rent and ISA Data Center Charges.
- (3) Building Rent and ISA Data Center charges reflect the amount billed county agencies.

As a result, the county's 1995 General Fund budget is a funded budget with revenues of \$122.8 million and expenditures of \$121.7 million which leaves budgeted revenue in excess of expenditures by approximately \$1.1 million dollars.

There are six areas of significant change that are reflected in the 1995 budget.

- (1) Information Services Agency
An ordinance is being introduced tonight moving the Information Services Agency budget from the General Fund and place it in a special revenue fund. As a result \$10,099,735, that would have been appropriated in the County General Fund, is requested to be appropriated in the Information Services Special Revenue Fund. This change is being requested in order to allow the Information Services Agency to develop a charge back system that will qualify for federal indirect cost recovery.
- (2) Marion County Healthcare Center
Although the total requested budget for the Marion County Healthcare Center did not increase from 1994 to 1995, the appropriation for Personal Services was increased to reflect necessary staffing levels required to be maintained until the facility is closed. Current plans call for the Healthcare Center to cease operations on December 31, 1995. That date corresponds with the revised projected opening date of the new facility being constructed by Health and Hospital. Although the 1994 budget was prepared with a projected budget deficit for the Healthcare Center of \$236,900, revised estimates project a 1994 deficit of \$1,486,000 and the 1995 budget reflects a projected deficit of \$1,825,000.
- (3) Law Enforcement Equitable Share Fund
The Law Enforcement Fund has been divided into two funds. This division is required due to Federal law which requires that certain distributions from the Federal Government be maintained in a separate fund. The total revenues and expenditures of the two funds are not anticipated to change as a result of this adjustment.
- (4) Marion County Division of Family and Children
For the first time in many years The Marion County Division of Family and Children has not issued general obligation bonds in the Welfare Fund to provide funding for ongoing operations. The Division has represented to the Auditor's Office that borrowing will not be required for all of 1994. The Division had issued bonds in 1993 in the amount of \$19,350,000. Through the efforts of the Auditor's Office, the Marion County Division of Family and Children, and the Marion Juvenile Court Judge, reimbursements of Federal funds have been sufficient to offset the need to issue bonds. Many of the reimbursements were for prior year expenses and the same level of reimbursements is not expected to continue in 1995. Our office is of the opinion that the 1995 tax rate for the Marion County Division of Family and Children should decline to reflect the absence of the debt tax rate. However, it appears that a change in the state law will allow the Division to retain a tax rate in 1995 close to what they had in 1994.

(5) Reassessment Fund

The Reassessment Fund budget request has increased by \$837,000 from 1994 to 1995. Reassessment will take place in 1995 for taxes paid in 1996. The budget increase reflects the increase in activity associated with the reassessment.

(6) Marion County Coroner's Office

The Marion County Coroner's Office was restructured during 1994. The restructuring involved contracting pathology services with Indiana University. The 1995 budget reflects this change and shows an increase from the 1994 budget of \$835,138 to a 1995 budget of \$1,011,750.

We all know that Hoosiers have grown to expect the qualities of hard work and frugality. It is these virtues that have brought this county through difficult financial times while other counties throughout the nation were less successful in meeting this challenge. As we look back over a period between 1990 and 1993, our financial health was being severely threatened by the specter of endless spending on expensive entitlement programs. This period resulted in record high debt being issued for poor relief and child welfare expenses, just to pay their bills at year end. From the 1990 \$12 million poor relief bond to the '93 Welfare debt of \$19.3 million, Marion County, as with other urban areas, was on the brink of disaster. But by providing leadership in these areas, the County has come a long, long way. 1994 will mark the first year in recent memory that we have not been forced to issue any debt for poor relief or welfare.

An additional financial measure involves the creation of the Indiana Children's Trust Fund, a non-tax fund to promote family preservation and the prevention of child abuse.

Although these great financial accomplishments are certainly something to be proud of, we still have struggled with County General Fund revenue shortfalls below our original '94 expectations. This combined with additional appropriations that have already occurred in '94 requires us to re-examine the way the County "conducts business" both from a revenue and expenditure perspective. This is essential to preserving our County General Fund balances in '95 and beyond.

As is the case throughout the country, the county continues to see a leveling off of revenues with an ever increasing demand for services. Without question, it is becoming harder and harder to hold the line on the cost of government.

County agencies that are revenue producing must begin to focus on maximizing revenue collections, especially non-tax sources. We see much more of an effort being exerted with revenues deposited in special revenue funds.

On the expense side, many County agencies have had to adjust to the demands of recent budget limitations by reconsidering their service delivery policies and face the difficult decisions that less critical services have to be deferred or discontinued in order to accomplish their objectives. However, we must now face up to the fact with a continuation of limited revenues, we must search for ways to stretch our dollars through various consolidation efforts and efficiency analysis.

We must examine areas of intra-agency as well as inter-agency operations in order to attempt to tighten the belt at least one more notch. However, we must also locate any duplicity that may exist which could be eliminated through consolidating operations.

The Auditor recently spoke with a partner at a local accounting firm who informed him of a "re-engineering" project they had been asked to examine. The request did not come from any private sector business or even any governmental entity: It came from a central Indiana church organization. The point here is that all organizations, be they private or public, church or state, profit or non-profit are searching for ways to become more competitive in order to survive financially in the 21st century.

In closing, the Auditor believes, that this proposed budget presents the Council with the opportunity to address our financial challenges head on and in a fiscally prudent manner, while at the same time, fund much needed services that meet the needs of the community and protect the citizens of Marion County.

I thank you for your attention, and on behalf of the Auditor submit this budget for your review.

The President called for the reading of Official Communications. The Clerk read the following:

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA.

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Ladies and Gentlemen:

You are hereby notified that REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, August 8, 1994, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,
s/Beurt SerVaas
President, City-County Council

August 4, 1994

Robert G. Elrod, General Counsel
241 City-County Council Office
200 East Washington Street
Indianapolis, IN 46204

Re: Zoning Ordinance Amendment 94-AO-7
(General Ordinance No. 92, 1994)

Dear Bob:

This letter is official notification that the Metropolitan Development Commission, at its August 3, 1994 meeting, considered Zoning Ordinance Amendment 94-AO-7 (General Ordinance No. 92, 1994) as amended and adopted by the City-County Council on July 11, 1994. The Commission, by a vote of 6-0, did ratify and adopt the Council's amended version of the legislation.

Sincerely,
s/J. June Dugan, Administrator
Neighborhood and Development Services Division

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have this day approved with my signature and delivered to the Clerk of the City-County Council, Suellen Hart, the following ordinances and resolutions:

FISCAL ORDINANCE NO. 56, 1994, an appropriation to operate the Marion County Section Eight Subsidy Program by making the Housing Assistance Payments for eligible Section Eight families and paying the administrative expenses associated with the program for the Department of Metropolitan Development, Public Housing Division, from the HUD Section 8 Special Revenue Fund in the amount of \$11,416,185 financed by revenues from the HUD Section Eight Subsidy Grant

FISCAL ORDINANCE NO. 57, 1994, an appropriation to support the Low Income Public Housing Program which covers salaries, materials, and utility expenses for the rehabilitation of the vacant units located at various locations for the Department of Metropolitan Development, Public Housing Division, from the Indianapolis Housing Authority Fund in the amount of \$1,471,147 financed by additional HUD contributions

FISCAL ORDINANCE NO. 58, 1994, an appropriation to establish the Marion County Traffic Safety Partnership which will fund drunk driving law enforcement activities, including roadblocks, saturation patrols and public awareness, for the Prosecuting Attorney from the State and Federal Grants Fund in the amount of \$110,000 financed by a federal grant

FISCAL ORDINANCE NO. 59, 1994, an appropriation to provide Adult Protective Services for fiscal year 1994-95 for the Prosecuting Attorney from the State and Federal Grants Fund in the amount of \$88,770 financed by a state grant

FISCAL ORDINANCE NO. 60, 1994, transferring and appropriating \$77,000 for the following purposes: (1) for the Marion County Justice Agency to pay the salaries associated with the responsibility of eligibility screening for defendants processed through Pre Trial Services, and (2) for the Court Administrator Agency to make payments for psychiatric services and pro se post conviction relief transcripts

SPECIAL RESOLUTION NO. 51, 1994, recognizing the Marion County Children's Guardian Home Guild

SPECIAL RESOLUTION NO. 52, 1994, recognizing the East 91st Street Christian Church.

SPECIAL RESOLUTION NO. 53, 1994, amending City-County Special Resolution No. 72, 1990, as amended and approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds

SPECIAL RESOLUTION NO. 54, 1994, approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds

SPECIAL RESOLUTION NO. 55, 1994, ratifying and extending certain actions and proceedings with respect to certain proposed economic development bonds taken pursuant to Special Resolution No. 124, 1991

SPECIAL RESOLUTION NO. 56, 1994, declaring the construction of the sixth and seventh floors to the Marion County Jail a necessity and directing the Indianapolis-Marion County Building Authority to proceed immediately with the financing and construction of the two additional floors to the Jail

SPECIAL RESOLUTION NO. 57, 1994, approving the disbursement of \$3,290,000 of Community Development Block Grant Funds

GENERAL ORDINANCE NO. 93, 1994, establishes the "HUD Section 8 Special Revenue Fund"

GENERAL ORDINANCE NO. 94, 1994, amending Sec. 151-64 of the Revised Code amending the rules of the city-county council with respect to staff review of fiscal ordinances

Respectfully,
s/Stephen Goldsmith, Mayor

ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed. Without objection, the agenda was adopted.

APPROVAL OF JOURNALS

President SerVaas called for additions or corrections to the Journal of July 11, 1994. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS AND COUNCIL RESOLUTIONS

PROPOSAL NO. 472, 1994. This proposal, sponsored by Councillor Franklin, recognizes the Brokenburr Trails summer youth team. Councillor Franklin asked Councillor Short and everyone involved with the Brokenburr Trails summer youth team to join him at the podium. Councillor Franklin read the resolution, and framed copies of the document were presented to the team members, coordinators and supervisors. Ron Cummins, a team coordinator, expressed appreciation for the recognition. Councillor Franklin moved, seconded by Councillor Short, for adoption. Proposal No. 472, 1994 was adopted by unanimous voice vote.

Proposal No. 472, 1994 was retitled SPECIAL RESOLUTION NO. 58, 1994 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 58, 1994

A SPECIAL RESOLUTION recognizing the Brokenburr Trails summer youth team.

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WHEREAS, when the call went out by the Indianapolis Network for Employment and Training for summer youth programs, the Department of Metropolitan Development's Public Housing Division seized the opportunity to create positive programs for young people; and

WHEREAS, an extremely successful program was at the Brokenburr Trails community which organized activities for their youth; and

WHEREAS, the Brokenburr Trails action included Operation Cooldown with the Indianapolis Fire Department, movies, reading, an anti-drug play written and performed by the youth, painting with the Art League, the Community Health Fair with the Marion County Health Department, tutoring younger children, time for learning about values, goals, job interviewing and career exploration and once a week the teens explored the various departments of Uni-Gov, the City-County Council and how they can participate in government; and

WHEREAS, the young people gave back to the community by planting two flower gardens and doing cleaning work; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes the Brokenburr Trails summer youth team: Dorian Anderson, Tinniea Anderson, Keisha Britt, Brandon Eldridge, Nicole Golden, Donte Graves, Jamie King, Loretta King, Tony King, Latausha Lewis, Travis Powell, Kellitta Turner, Jeffery West, Cassandra Westmoreland and Shanta Westmoreland; and coordinators and supervisors Bonnie Barfield, Ron Cummings, Mary Scifres and Karen Westmoreland.

SECTION 2. The positive attitudes, values, work habits and broadened horizons planted in some young minds this summer at Brokenburr Trails will manifest themselves for decades to come.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 474, 1994. The proposal, sponsored by Councillor Borst, stays the taking effect of certain regulations of the Board of Capital Asset Management. Councillor Borst stated that there has been some confusion on Chapters 400 and 500 of the Regulations that deal with construction of stormwater drainage improvements. This resolution stays the effective date until November 4, 1994 so the respective Council Committees can have a hearing on the regulations. Councillor Borst moved, seconded by Councillor Coughenour, for adoption. Proposal No. 474, 1994 was adopted by unanimous voice vote.

Proposal No. 474, 1994 was retitled COUNCIL RESOLUTION NO. 74, 1994 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 74, 1994

A COUNCIL RESOLUTION staying the taking effect of certain regulations of the Board of Capital Asset Management.

WHEREAS, the Board of Capital Asset Management on April 6, 1994 adopted its Resolution 94-16 adopting Chapters 400 and 500 of the Regulations entitled "Indianapolis Stormwater Design and Construction Standards," and

WHEREAS, under Sec. 271-31 of the Revised Code of the Consolidated City and County, the Council may within thirty (30) days of the filing of such regulations with the council stay their effective date for up to ninety days, and

WHEREAS, the regulations were filed with the Clerk of the Council on July 13, 1994, and

WHEREAS, the Council desires further review of such regulations, now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The effective date of Chapters 400 and 500 of the Regulation of the Board of Capital Asset Management entitled "Indianapolis Stormwater Design and Construction Standards" are hereby stayed and shall not be come effective until November 4, 1994, unless the council shall prior thereto cancel this stay.

SECTION 2. The Committees on Capital Asset Management and Public Works are requested to review the regulation and report to the council

PROPOSAL NO. 372, 1994. The proposal appoints Isaac Randolph to the Metropolitan Board of Zoning Appeals II. Proposal No. 372, 1994 was adopted by unanimous voice vote.

Proposal No. 372, 1994 was retitled COUNCIL RESOLUTION NO. 75, 1994 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 75, 1994

A COUNCIL RESOLUTION appointing Isaac Randolph to the Metropolitan Board of Zoning Appeals II.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Metropolitan Board of Zoning Appeals II, the Council appoints:

Isaac Randolph

SECTION 2. The appointment made by this resolution is for a term ending 12/31/94. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

PROPOSAL NO. 394, 1994. The proposal reappoints William R. Wayman to the Indianapolis-Marion County Building Authority Board of Trustees. Proposal No. 394, 1994 was adopted by unanimous voice vote.

Proposal No. 394, 1994 was retitled COUNCIL RESOLUTION NO. 76, 1994 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 76, 1994

A COUNCIL RESOLUTION reappointing William R. Wayman to the Indianapolis-Marion County Building Authority Board of Trustees.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Indianapolis-Marion County Building Authority Board of Trustees, the Council appoints:

William R. Wayman

SECTION 2. The appointment made by this resolution is for a term ending June 3, 1998. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

The President asked Councillor Borst to place the following proposal before the Council since it was not on the agenda.

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PROPOSAL NO. 475, 1994. The proposal concerns the renaming of the Hoosier Dome. Councillor Borst said that last week there was an announcement in the media that the Hoosier Dome was going to be renamed the RCA Dome. Public opinion has been very strong against this name change. In the spirit of trying to understand what has happened, he introduced this resolution. He said that the Council was not consulted on this move even though negotiations have been going on for six months. This resolution asks for information on how and why the Hoosier Dome was renamed the RCA Dome. Councillor Borst read the resolution at this time.

The President asked Councillor Borst if he wanted this referred to a committee. Councillor Borst said he is against sending it to committee; he would like the whole Council to hear it at the August 22nd Council meeting.

Councillor Schneider urged the Councillors to vote in opposition to this proposal. There are to be no tax dollars in the construction of the new baseball stadium. This arrangement with RCA is one of the ways to that end. There are three or four professional sporting organizations in the City that have some concern with regard to financings. He said if the Council desires he has a Municipal Corporations Committee meeting scheduled for Thursday, August 11, 1994, and the Committee could hear this matter at that time. Councillor Schneider moved that Proposal No. 475, 1994 be referred to the Municipal Corporations Committee. Councillor Smith seconded this motion.

Councillor Beadling asked if there is a deadline on this matter.

Joseph Loftus, Deputy Mayor, stated that this was a extremely difficult political decision for the Mayor to make regarding the renaming of the Hoosier Dome to the RCA Dome. However, it was clearly a matter of financial necessity. The City must move forward with the negotiations with the City's sport franchises, in particular with the Indianapolis Pacers. Mr. Loftus feels that the community should commend RCA for agreeing to provide the City with additional financial assistance. The Mayor has been very explicit that the use of taxpayers dollars for the support of the sport franchises is inappropriate. As a result this seemed like a creative opportunity to allow the City to move forward with those negotiations.

Councillor Giffin commended Councillor Borst for wanting the Council to be informed, but he does not support this resolution. He does not want the Council as a whole to be perceived as not supporting the careful initiatives that have been taken on behalf of the taxpayers to try to make ends meet in the very important area of sports. He supports sending this proposal to the Municipal Corporations Committee.

Councillor Gilmer said that he is in favor of the Municipal Corporations Committee hearing this proposal so everyone can get their questions answered.

Councillor Moriarty Adams asked Mr. Loftus if the administration informed the Council at all of the negotiations and does the administration feel that the negotiations are as delicate as the dealings to finance the Circle Centre. Mr. Loftus responded that he called Councillors to brief them on the discussions that were occurring on this matter. He also provided them with the factual information concerning the financial situation of the franchises and why the Mayor believed this was clearly the correct financial decision, although maybe not the correct political decision to make.

Councillor Coughenour said that she believes this information was due the Council before it became known to everyone else. She also said that Section 2 of the proposal asks the Capital Improvement Board (CIB) and RCA to postpone finalizing this matter until this presentation to the Council is made. She said she doubts if they are willing to wait until this goes to Committee and then comes back to Council.

The President said that he has a letter which he received from the Indianapolis Convention Center today, dated August 4, and the letterhead reads "Indianapolis Convention Center and RCA Dome." He believes a decision has already been made. He does not think it is in the Council's province to do anything about the name change. The President said that the information that Council Borst requests is pertinent and probably would be best handled in a committee rather than before the whole Council.

Councillor Rhodes suggested that Channel 16 tape the hearing, and that this portion of the hearing not start until approximately 6:00 p.m. so that members of the public will be able to attend. Councillor Schneider said that his committee will be hearing four agencies' budgets on August 11, so Proposal No. 475 will probably be heard between 6:30 and 7:00.

Councillor Short said that he has found that the CIB is very forthright with information. He does not think anything should be done that will slow the process. This matter needs to move forward.

The President asked for a voice vote on sending Proposal No. 475, 1994 to the Municipal Corporations Committee. He ruled that Proposal No. 475, 1994 would be sent to the Municipal Corporations Committee by a majority voice vote. Councillor Borst asked for division. Proposal No. 475, 1994 was referred to the Municipal Corporations Committee by the following roll call vote; viz:

17 YEAS: Boyd, Brents, Curry, Franklin, Giffin, Golc, Gray, Hinkle, Jones, McClamroch, Moriarty Adams, Mullin, Rhodes, Schneider, SerVaas, Shambaugh, Smith
10 NAYS: Beadling, Black, Borst, Coughenour, Gilmer, Jimison, O'Dell, Ruhmkorff, Short, West
2 NOT PRESENT: Dowden, Williams

Councillor Gray said that many times the Mayor makes decisions and then he wants the Council to back him up. Had the Mayor come to the Council in the beginning, then the Council would not be in this predicament.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 427, 1994. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE establishes the 'Information Services Internal Services Fund'"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 428, 1994. Introduced by Councillor O'Dell. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is an appropriation to pay salary and wages for the remainder of the year for the Marion County Healthcare Center from the County General Fund in the amount of \$350,000 financed by transfers within the Center's budget"; and the President referred it to the Community Affairs Committee.

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PROPOSAL NO. 429, 1994. Introduced by Councillor O'Dell. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE an appropriation to pay the expenses of wards in institutions for the Marion County Office of Family and Children from the Welfare General Fund in the amount of \$4,278,082 financed by revenues from federal reimbursements under Title IV-A and IV-E received in excess of the original amount budgeted"; and the President referred it to the Community Affairs Committee.

Councillor McClamroch read the following motion:

Mr. President:

I move to suspend the requirements of Sec. 151-76 of the Council Rules as to Proposal No. 429, 1994, and authorize the Clerk to advertise the same for public hearing before this Council at its meeting on August 22, 1994.

Councillor McClamroch said that this proposal does not appropriate new tax dollars; this is a reimbursement from the federal government. Councillor Curry seconded the motion. This motion passed by a unanimous voice vote.

PROPOSAL NO. 430, 1994. Introduced by Councillor O'Dell. The Clerk read the proposal entitled: "A Proposal for a GENERAL RESOLUTION approving the schedule of charges for the care and maintenance of patients or residents of the Marion County Healthcare Center"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 431, 1994. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION approving the Mayor's appointment of Elaine E. Bedel as Director of the Department of Metropolitan Development for a term ending December 31, 1994"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 432, 1994. Introduced by Councillor Boyd. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing Aaron E. Haith to the Metropolitan Development Commission"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 433, 1994. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a SPECIAL ORDINANCE approving an application for designation of the former Target Distribution Center as an Industrial Recovery Site"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 434, 1994. Introduced by Councillor Boyd. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION requesting the establishment of a panel to review the operations and current circumstances of the Department of Parks and Recreation and to make recommendations to the Council"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 435, 1994. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is an appropriation to purchase a computer and printer and to attend an out-of-state judicial seminar for the Superior Court, Criminal Division, Room Four, from the County General Fund in the amount of \$2,824

financed by a transfer between characters in that fund"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 436, 1994. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is an appropriation to pay jail rent for the County Sheriff from the Cumulative Capital Development Fund in the amount of \$316,000 and reducing appropriations for that agency and the Court Administrator Agency"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 437, 1994. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is an appropriation to pay overtime to officers working Project 55 for the County Sheriff from the State and Federal Grants Fund in the amount of \$60,000 financed by revenues from a state grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 438, 1994. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is an appropriation to pay for personnel services for the Julian Center for the Marion County Justice Agency from the State and Federal Grants Fund in the amount of \$9,830 financed by revenues from a federal grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 439, 1994. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is an appropriation to provide various criminal justice, treatment and education programs promoting comprehensive local alcohol, tobacco and drug abuse prevention initiatives for the Marion County Justice Agency from the Drug Free Community Fund in the amount of \$564,773 financed by revenues from that fund"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 440, 1994. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is an appropriation to pay salaries and other costs associated with law enforcement officers participating in the multi-jurisdictional pursuit of illegal drug activities for the County Auditor, Prosecuting Attorney, County Sheriff, and Marion County Justice Agency from the State and Federal Grants Fund in the amount of \$445,140 financed by revenues from a state grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 441, 1994. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is an appropriation to fund increased telephone expenses and urine processing fees and to cover expenditures concerning office security, office operations and other special needs for the Superior Court, Criminal Division, Probation Department, from the Supplemental Adult Probation Fees Fund in the amount of \$16,000 financed by revenues from that fund"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 442, 1994. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is an appropriation to cover contract photocopying services for the Superior Court, Criminal Division, Probation Department, from the Supplemental Adult Probation Fees Fund in the amount of \$2,500

financed by a transfer between characters in that fund"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 443, 1994. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by eliminating the age cap for the County Sheriff's Reserves"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 444, 1994. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION amending the Community Corrections program for fiscal year 1994-1995, and approving the actions of the Community Corrections Advisory Board for and on behalf of the Superior Court, Juvenile Division's 1994-1995 grant application to the State"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 445, 1994. Introduced by Councillor Smith. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code authorizing intersection controls for the Arlington Commons subdivision (District 23)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 446, 199. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code authorizing intersection controls for the Southport Crossing subdivision (District 24)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 447, 1994. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code authorizing intersection controls for the Eagles Watch subdivision (District 1)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 448, 1994. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code authorizing intersection controls for the Traders Hollow subdivision (District 1)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 449, 1994. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code authorizing intersection controls for the Normandy Farms subdivision (District 1)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 450, 1994. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code authorizing intersection controls for Deville Place subdivision (District 4)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 451, 1994. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code authorizing intersection controls for the Ivy Ridge subdivision (District 4)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 452, 1994. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code authorizing a traffic signal at Zionsville Road and 74th Street (District 1)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 453, 1994. Introduced by Councillor Black. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code authorizing a multi-way stop at Washington Boulevard and 32nd Street (Districts 6, 22)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 454, 1994. Introduced by Councillor Black. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by deleting the no parking anytime restriction on Illinois Street, on the eastside, from 39th Street to 40th Street (District 6)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 455, 1994. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Comprehensive Zoning Maps of Marion County by updating base maps #6 and #18"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 456, 1994. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE which is the annual budget for the Police Special Service District for 1995"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 457, 1994. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE which is the annual budget for the Fire Special Service District for 1995"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 458, 1994. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT FISCAL ORDINANCE which is the annual budget for the Solid Waste Collection Special Service District for 1995"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 459, 1994. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is the annual budget for the Indianapolis Public Housing Authority for 1995"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 460, 1994. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is the annual budget for the Revenue Bonds Debt Service Funds for 1995"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 461, 1994. Introduced by Councillor O'Dell. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is the annual budget for the Marion

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County Office of Family and Children for 1995"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 462, 1994. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is the annual budget for the Metropolitan Emergency Communications Agency for 1995"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 463, 1994. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is the annual budget for Indianapolis and Marion County for 1995"; and the President referred it to various committees.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NOS. 464-471, 1994. Introduced by Councillor West. The Clerk read the proposals entitled: "REZONING ORDINANCES certified by the Metropolitan Development Commission on August 4, 1994."

Councillor Boyd made the following motion:

Mr. President:

I move that Proposal No. 464, 1994 (Rezoning Petition No. 94-Z-57, 94-DP-2) be scheduled for a hearing before this Council at its next regular meeting on August 22, 1994 at 7:00 p.m. and that the Clerk read the announcement of such hearing and enter same in the minutes of this meeting.

This motion passed by unanimous voice vote. Proposal No. 464, 1994 is identified as follows:

94-Z-57 (94-DP-2) WASHINGTON TOWNSHIP. COUNCILMANIC DISTRICT # 11.
4650 MILLERSVILLE ROAD (approximate address), INDIANAPOLIS.
DAVIS DEVELOPMENT, L.P., by Thomas Michael Quinn, requests the rezoning of 49.897 acres, being in the SU-34 District, to the D-P classification to provide for residential development in the floodway fringe.

The Council did not schedule Proposal Nos. 465-471, 1994 for hearing pursuant to IC 36-7-4-608. Proposal Nos. 465-471, 1994 were retitled REZONING ORDINANCE NOS. 95-101, 1994 and are identified as follows:

REZONING ORDINANCE NO. 95, 1994. 94-Z-109 (94-DP-4) FRANKLIN TOWNSHIP.
COUNCILMANIC DISTRICT # 23.
5909 BRADSTON WAY (approximate address), INDIANAPOLIS.
PROPERTY GROUP ONE, LTD, by Stephen D. Mears, requests the rezoning of 4.78 acres, being in the D-P District, to the D-P classification to provide for the construction of five four-plexes containing a total of 20 condominiums.

REZONING ORDINANCE NO. 96, 1994. 94-Z-130 CENTER TOWNSHIP.
COUNCILMANIC DISTRICT # 20 and 21.
2201-2202 through 2301-2302 SOUTH SHELBY STREET (approximate address), INDIANAPOLIS.
METROPOLITAN DEVELOPMENT COMMISSION requests the rezoning of 4.43 acres, being in the C-1, C-2, C-3 and D-5 Districts, to the C-3 classification to conform zoning to the Garfield Park/Pleasant Run Neighborhood Plan.

REZONING ORDINANCE NO. 97, 1994. 94-Z-56 WAYNE TOWNSHIP.
COUNCILMANIC DISTRICT # 19.
9186 ROCKVILLE ROAD (approximate address), INDIANAPOLIS.

DAVID L. STROUP, by Michael J. Kias, requests the rezoning of 14.92 acres, being in the D-A District, to the C-S classification to provide for a family entertainment facility, to include miniature golf, roller skating, a soft playrobnics facility, restaurant, movie theater and similar uses.

REZONING ORDINANCE NO. 98, 1994. 94-Z-85 (Amended) CENTER TOWNSHIP.
COUNCILMANIC DISTRICT # 10.

2815 and 2825 EAST 25TH STREET (approximate address), INDIANAPOLIS.
CATHEDRAL OF FAITH BAPTIST CHURCH requests the rezoning of 0.747 acre, being in the C-3 and D-5 Districts, to the SU-1 classification to provide for an addition to an existing church.

REZONING ORDINANCE NO. 99, 1994. 94-Z-97 CENTER TOWNSHIP.
COUNCILMANIC DISTRICT # 15.

4530, 4534, and 4538 EAST 16TH STREET (approximate address), INDIANAPOLIS.
GRAYMARK HOMES requests the rezoning of 0.42 acre, being in the C-1 District, to the D-5 classification to provide for single-family residential development.

REZONING ORDINANCE NO. 100, 1994. 94-Z-104 PERRY TOWNSHIP.
COUNCILMANIC DISTRICT # 25.

321 and 401 WEST EDGEWOOD AVENUE (approximate address), INDIANAPOLIS.
BUILDERS DEVELOPMENT, by Thomas Michael Quinn, requests the rezoning of 37.16 acres, being in the D-A(FF)(FW) District, to the D-3(FF)(FW) classification to provide for construction of a single-family residential development.

REZONING ORDINANCE NO. 101, 1994. 94-Z-108 WAYNE TOWNSHIP.
COUNCILMANIC DISTRICT # 17.

4102 ROCKVILLE ROAD (approximate address), INDIANAPOLIS.
BRENT COOK requests the rezoning of 0.640 acre, being in the C-3(FF) District, to the C-4(FF) classification to provide for the expansion of an existing lawnmower sales and services business.

PROPOSAL NO. 473, 1994. Introduced by Councillor West. The Clerk read the proposal entitled: "REZONING ORDINANCE certified by the Metropolitan Development Commission on August 5, 1994." The Council did not schedule Proposal No. 473, 1994 for hearing pursuant to IC 36-7-4-608. Proposal No. 473, 1994 was retitled REZONING ORDINANCE NO. 102, 1994 and is identified as follows:

REZONING ORDINANCE NO. 102, 1994. 94-Z-103 WASHINGTON TOWNSHIP.
COUNCILMANIC DISTRICT #3.

3850 EAST 82ND STREET (approximate address), INDIANAPOLIS.
SKINNER AND BROADBENT, by Philip A. Nicely, requests the rezoning of 40.369 acres, being in the C-S District, to the C-S classification to reduce the maximum square footage of offices from 329,000 to 253,445 in order to accommodate a family entertainment center (previously not a permitted use in "Area B" as described in Petition No. 89-Z-208).

SPECIAL ORDERS - PUBLIC HEARING

[Clerk's Note: In Councillor Dowden's absence, Councillor Franklin presented the Public Safety and Criminal Justice Committee reports.]

PROPOSAL NO. 330, 1994. Councillor Franklin reported that the Public Safety and Criminal Justice Committee heard Proposal No. 330, 1994 on July 27, 1994. The proposal, sponsored by Councillor Golc, appropriates \$47,543 in the County General Fund for the Presiding Judge of the Municipal Court to upgrade staff and equipment in order to be included in the Superior Civil case rotation--this appropriation will cover the salaries of 3 part-time commissioners and 3 full-time court reporters and the purchase of 3 recording machines. The appropriation was originally for \$99,630 and was amended in Committee by decreasing the appropriation to \$47,543 and will be financed by fees collected from Uniform Traffic Tickets.

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By a 7-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Golc stated that this proposal will help address the courts' case load problems and will become effective October 1, 1994. There are many people who have been involved with this matter for many years. He urged the Councillors to support this proposal.

The President introduced Judge John Price, Municipal Court No. 7, and Phil Kappas, member of the Marion County Bar Association.

Councillor Hinkle asked if this will have to be funded by new tax dollars in 1995. William Lantz, III, Deputy Auditor, replied that the \$47,543 is the Municipal Courts' share of the traffic ticket deferral program from the time the program began in late 1993 through February of 1994. Additional distribution will be computed this year so there will be sufficient money to cover one hundred percent of the expenses in 1995.

The President called for public testimony at 9:07 p.m. There being no one present to testify, Councillor Franklin moved, seconded by Councillor Golc, for adoption. Proposal No. 330, 1994, as amended, was adopted on the following roll call vote; viz:

24 YEAS: Beadling, Black, Boyd, Brents, Curry, Franklin, Giffin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West

1 NAY: Borst

2 NOT VOTING: Coughenour, Rhodes

2 NOT PRESENT: Dowden, Williams

Proposal No. 330, 1994, as amended, was retitled FISCAL ORDINANCE NO. 62, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 62, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) transferring and appropriating an additional Forty-seven Thousand Five Hundred Forty-three Dollars (\$47,543) in the County General Fund for purposes of the Presiding Judge of the Municipal Court and reducing certain other appropriations for that office.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02 (dd) of the City-County Annual Budget for 1994, be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Presiding Judge of the Municipal Court to cover the salaries of three part-time commissioners and three full-time court reporters and to purchase three recording machines. This request is made in order to bring the Municipal Court staff and equipment to the equivalent of the Superior Courts so that the Municipal Civil Courts may be included in the Superior Civil case rotation.

SECTION 2. The sum of Forty-seven Thousand Five Hundred Forty-three Dollars (\$47,543) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

PRESIDING JUDGE OF THE MUNICIPAL COURT

I. Personal Services
4. Capital Outlay

COUNTY GENERAL FUND

\$34,500
3,728

COUNTY AUDITOR

1. Personal Services - fringes	<u>9,315</u>
TOTAL INCREASE	\$47,543

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>PRESIDING JUDGE OF THE MUNICIPAL COURT</u>	<u>COUNTY GENERAL FUND</u>
3. Other Services and Charges	<u>\$47,543</u>
TOTAL REDUCTION	\$47,543

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 144, 1994. Councillor West reported that the Metropolitan Development Committee heard Proposal No. 144, 1994 on June 20 and August 1, 1994. The proposal, sponsored by Councillor Shambaugh, recodifies and amends the Code, Division 1, Article IV, Chapter 8, Buildings and Construction. The proposal adds additional public members to the Board of Electric Examiners and the Board of Heating and Cooling Examiners. It eliminates the Board of Wrecking Examiners and transfers its duties to the Board of Contractors. These boards will also have a procedure whereby people will be able to improve their home if they can prove they have the trade skills to do so. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor West moved, seconded by Councillor Shambaugh, for adoption. Proposal No. 144, 1994, as amended, was adopted on the following roll call vote; viz:

- 25 YEAS: *Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Franklin, Giffin, Gilmer, Gray, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West*
- 0 NAYS:
- 2 NOT VOTING: *Golc, Hinkle*
- 2 NOT PRESENT: *Dowden, Williams*

Proposal No. 144, 1994, as amended, was retitled GENERAL ORDINANCE NO. 95, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 95, 1994

A GENERAL ORDINANCE recodifying and amending Division 1, Article IV, Chapter 8, Buildings and Construction, of the Code of Indianapolis and Marion County, Indiana.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County" be, and is hereby amended to add a new Chapter 875 (which is a revision and recodification of Division 1, Article IV, Chapter 8 of the Code of Indianapolis and Marion County) that deletes the stricken-through text and inserts the underlined text to read as follows:

CHAPTER 875. CONTRACTORS AND SKILLED TRADES
ARTICLE I. CONTRACTORS

Sec. ~~8-160~~ 875-101. Required.

Any person, partnership or corporation which has entered into a contractual relationship to engage in any construction activity with another person, partnership or corporation which holds a property interest in the real estate on which construction activity is occurring must be a listed contractor under this ~~division article~~. This

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requirement shall not apply, however, with reference to persons, partnerships or corporations which are described in section 8-31(b), (d) or (e) and whose construction activity is confined to the activities described in those subsections.

Sec. ~~8-161~~ 875-102. Board of contractors.

A board of contractors (hereinafter in this ~~division~~ article referred to as the "board") shall consist of eight (8) members and shall be responsible for carrying out the provisions of this ~~division~~ article relative to listing of contractors. The administrator shall be a nonvoting member of the board, ex officio. The seven (7) voting members of the board shall be appointed by the mayor for two-year terms in such manner that three (3) terms expire on January 1st of one year and four (4) other terms expire on January 1st of the next year. ~~Six (6) of the seven (7) members appointed by the mayor shall be persons who are listed in accordance with this division and who have had at least five (5) years' experience as contractors, and the remaining appointed member shall be a person (not listed under this division) representing the public at large. Appointment of the six (6) listed contractors shall be made in such manner that varied fields of contracting, such as driveway construction, excavation, grading, major construction and one- and two-family house building, are represented on the board. Two (2) of the seven (7) members appointed by the mayor shall be persons representing the public at large and shall not be persons listed under this article, one of whom shall be a licensed engineer. All other members appointed by the mayor shall be persons listed in accordance with this article, who have at least five (5) years experience as a contractor.~~ Each of appointed members shall be a resident of the consolidated city. Members shall not receive compensation for serving on the board. Those members appointed by the mayor shall serve at his pleasure and shall hold no other elective or appointive office in the consolidated city.

Sec. ~~8-162~~ 875-103. Organization of board.

The board shall meet annually in each January on a date specified for regular monthly meetings in offices of the consolidated city and elect a chairman and any other officers, who shall serve one year or until a successor is chosen, whichever is longer.

Sec. ~~8-163~~ 875-104. Meetings of board.

The board shall hold regular meetings once each month in offices of the consolidated city if there is some official business to come before the board. Special meetings may be called by the chairman or any three (3) members upon giving written notice fixing the time and place of the meeting at least two (2) days in advance of the special meeting. Four (4) appointed members of the board shall constitute a quorum for the transaction of all business.

Sec. ~~8-164~~ 875-105. Record of proceedings.

The board shall keep a summary record of its proceedings.

Sec. ~~8-165~~ 875-106. Registry of listings.

The board shall maintain a registry of all persons, partnerships and corporations which apply for listing and all persons, partnerships and corporations which receive approval as listed contractors.

Sec. ~~8-166~~ 875-107. Qualifications for person, partnership or corporation to be listed as contractor.

A person, partnership or corporation shall be entitled to receive a listing as a contractor if the following requirements are met:

- (1) An application form indicating the name, address and legal business status of the contractor has been submitted to the division of development services; and
- (2) The listing fee specified in section 8-87 has been paid; and
- (3) A surety bond meeting the requirements of section 875-109 has been posted and certificates of insurance meeting the requirements [of section 875-110 have been submitted, unless these requirements] are relieved because a person meets the inspector status requirement stated in section 875-108; and

- (4) The person, partnership or corporation does not presently have a listing issued under this ~~division article~~ currently suspended nor has it had such a listing revoked within a period of the preceding three hundred sixty-five (365) days; and
- (5) The partnership does not presently have a partner or the corporation does not presently have an officer who has a listing under this ~~division article~~ currently suspended or who has had such a listing revoked within the preceding three hundred sixty-five (365) days; and
- (6) The partnership does not presently have a partner or the corporation does not presently have an officer who, within the preceding three hundred sixty-five (365) days, served as a partner in a partnership or an officer in a corporation listed under this ~~division article~~ at the time when actions related to policies or practices of the partnership or corporation occurred which provided a primary basis on which the listing of the partnership or corporation was revoked or suspended for more than one hundred eighty (180) days.

Unless these requirements are met a person, partnership or corporation shall not be entitled to receive a listing as a contractor. No prerequisites other than the six (6) listed in this section shall be imposed in determining which persons, partnerships and corporations may be listed contractors.

Sec. ~~8-167~~ 875-108. Inspector status.

The inspector status is met by a person who is employed full-time by the consolidated city in a position in which he makes or supervises the making of inspections to determine compliance with building standards and procedures, Article II provisions or this ~~division article~~ of this chapter, the proper performance of any land alteration (as defined in section 10½-9 of this Code) in accordance with state law and Chapter 10½ of this Code, the proper performance of all sewer work (as defined in section 27-1 of this Code) in accordance with state law (including rules of the fire prevention and building safety commission), rules and requirements of the department of public works and Chapter 27 of this Code and the proper performance of all driveway work (as defined in section 28-139 of this Code) and the proper performance of all excavation work (as defined in section 28-163 of this Code) in accordance with state law and Chapter 28, Article III, Divisions 2 and 3 of this Code. Such a person shall not use his listing other than with respect to his employment by the City of Indianapolis. Listing under this section terminates by operation of law when the person is no longer employed by the consolidated city and does not meet the requirements of section 875-109 and section 875-110.

Sec. ~~8-169~~ 875-109. Bond.

(a) Before a listing is issued by the division of development services to any person, partnership or corporation, the administrator shall require the applicant to file a surety bond in the amount of ten thousand dollars (\$10,000.00). The bond shall be maintained in full force and effect for a period of not less than one year. The bond shall set forth the name, phone number and address of the agent representing the bonding company and shall be:

- (1) Issued by a surety authorized to do business in Indiana;
- (2) Payable to the Consolidated City of Indianapolis or an unknown third party as obligee;
- (3) Conditioned upon:
 - a. Compliance with requirements set forth in ~~Article IV~~ of this chapter which must be met to retain listing and licensure; and
 - b. Prompt payment of all fees owed the consolidated city as set forth in this chapter, Chapter 10½, Chapter 27 and Chapter 28 of this Code; and
 - c. Prompt payment to the Consolidated City of Indianapolis for any loss or expense for damages to property of the Consolidated City of Indianapolis caused by any action of the contractor, his agents, employees, principals, subcontractors, materialmen or suppliers in violation of requirements of state statute, city regulation or this Code, which requirements must be met to properly carry out construction activity, a land alteration (as defined in section 10½-9 of this Code), sewer work (as defined in section 27-1 of this Code), driveway work (as defined in section 28-139 of this Code) or excavation work (as defined in section 28-163 of this Code)

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while engaged in any construction activity, land alteration, sewer work, driveway work or excavation work; and

- d. Prompt payment to a person, partnership or corporation which is an unknown third party obligee for any:
 1. Losses arising out of violations,
 2. Expenses necessary to correct violations, and
 3. Court costs and attorney fees allowed by the court incurred in connection with the commencement and prosecution of a court action to recover such losses and expenses for violation of [requirements of state statute, city] regulation or this Code, which requirements must be met to properly carry out construction activity, a land alteration, sewer work, driveway work, or excavation work on property of the unknown third party obligee, caused by any action of the contractor, his agents, employees, principals, subcontractors, materialmen or suppliers while engaged in any construction activity, land alteration, sewer work or driveway work. However, the surety is not responsible under the bond for losses or expenses arising out of negligent conduct or improper workmanship unless such conduct or improper workmanship violates requirements of state statute, city regulation or this Code, which requirement must be met to properly carry out construction activity, a land alteration, sewer work, driveway work, or excavation work.

(b) The administrator may accept in lieu of the surety bond a properly conditioned irrevocable letter of credit in the amount of ten thousand dollars (\$10,000.00) if the city controller approves the obligor financial institution as being financially responsible and if the corporation counsel approves the letter of credit as affording the same protections to the City of Indianapolis and an unknown third party as the protections afforded by the surety bond.

(c) The obligation of the surety and financial institution relative to this bond or letter of credit is limited to ten thousand dollars (\$10,000.00). A surety or financial institution may pay on the bond or disburse from the letter of credit to pay a claim in full at any time when that claim and pending claims (reflected by written notice to the surety or financial institution) together do not exceed the unpaid penalty of the bond or the undisbursed balance of the letter of credit. If written notice is received of claims which exceed the unpaid penalty of the bond or undisbursed balance of the letter of credit, the surety or financial institution shall pro-rate payment according to the amount of such claims.

Sec. ~~8-169~~ 875-110. Insurance.

Insurance requirements are met if the person, partnership or corporation secures insurance covering all construction activity accomplished by the listed contractor or under permits obtained by the listed contractor, any land alteration (as defined in section 10½-9 of this Code) accomplished by the listed contractor or under a permit obtained by the listed contractor, all sewer work (as defined in section 27-1 of this Code) accomplished by the listed contractor or under a permit obtained by the listed contractor, and all driveway work (as defined in section 28-139 of this Code) accomplished by the listed contractor or under a permit obtained by the listed contractor and thereafter maintains such insurance in full force and effect:

- (1) A public liability and property damage insurance policy assuring the listed contractor and naming the Consolidated City of Indianapolis as an "additional assured," providing for the payment of any liability imposed by law on such listed contractor or the Consolidated City of Indianapolis arising out of operations being performed by or on behalf of the listed contractor in the minimum amounts of five hundred thousand dollars (\$500,000.00) for combined bodily injury and property damage coverage of five hundred thousand dollars (\$500,000.00) for any occurrence relative to which there is injury or death to one or more persons and one hundred thousand dollars (\$100,000.00) for any occurrence relative to which there is damage to property. A certificate of such policy shall be delivered to the administrator of the division of development services.
- (2) Workmen's compensation insurance covering the personnel employed for death or injury arising out of operations being performed by or on behalf of the listed contractor. A certificate of such insurance shall be delivered to the administrator of the division of development services. This provision shall not apply if the listed contractor has no employees and gives appropriate notice to the division of development services.

The insurance carrier shall give notice both to the listed contractor and the division of development services at least fifteen (15) days before such insurance is either canceled or not renewed, and the certificate shall state this obligation.

Sec. ~~8-170~~ 875-111. Approval for listing.

Approval of a person, partnership or corporation as a listed contractor shall be by the board or the administrator acting on behalf of the board. Upon receipt of such approval the controller shall issue the listing. The listing shall be for a one-year period. No listing shall be issued by the controller to any person, partnership or corporation except as provided in this ~~division~~ article.

Sec. ~~8-171~~ 875-112. Listing personal, not transferable.

No listing issued under the provisions of this ~~division~~ article shall be assigned or transferred.

Sec. ~~8-172~~ 875-113. Suspension or revocation of listing for a person.

The board may, pursuant to section 875-115, suspend the listing of a person for a period of up to three hundred sixty-five (365) days or revoke the listing of a person if one of the following is shown:

- (1) The listed contractor made any materially false statement of fact on his application for listing;
- (2) The listed contractor failed to post and maintain the surety bond and insurance required by section 875-109 and section 875-110;
- (3) The listed contractor acted fraudulently or with deceit in his relationship with other persons, partnerships or corporations with regard to construction activity, a land alteration (as defined in section 10½-9), sewer work (as defined in section 27-1 of this Code), driveway work (as defined in section 28-139 of this Code), or excavation work (as defined in section 28-163 of this Code);
- (4) Construction activity, land alteration, sewer work, driveway work or excavation work for which the listed contractor was responsible as obtainer or as transferee of the permit was performed either incompetently or in such manner that it does not meet standards of reasonable workmanship or does not comply with building standards and procedures, provisions of state law, regulations of the city or provisions of this Code;
- (5) The listed contractor failed to correct a violation of building standards and procedures, provisions of state law, regulations of the city or provisions of this Code relative to construction activity, land alteration, sewer work, driveway work or excavation work for which the listed contractor was responsible as permit obtainer or permit transferee after an authorized official or employee of the consolidated city issued a notice of code violation, revoked a permit or issued a stop-work order and the violations causing any of these actions remained uncorrected for a period of ten (10) days from the date when the listed contractor received notice of the code violation, revocation of permit or stop-work order, or in the instance where a period of ten (10) days was not sufficient, such longer period of time as was fixed by the authorized official or employee in writing;
- (6) The listed contractor has consistently failed to apply for or obtain required permits for construction activity, land alteration, sewer work, driveway work, or excavation work accomplished by the listed contractor;
- (7) The listed contractor has consistently failed to timely file certificates of completion and compliance, as required, for construction activity accomplished pursuant to his listing;
- (8) The listed contractor consistently failed to give notice of availability for inspection at designated stages of construction activity or sewer work as required by section 8-61 and section 27-22 of this Code;
- (9) The listed contractor has attempted to conceal violations of building standards and procedures, provisions of state law, regulations of the city or provisions of this Code relative to construction activity, land alteration, sewer work, driveway work, or excavation work;

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- (10) The contractor listed under section 875-108 is no longer employed by the consolidated city and has not met the requirements of section 875-107;
- (11) The listed contractor has not properly paid the fee specified by section 8-87 for a listing which has been issued, or is delinquent in other fees owed pursuant to this chapter, Chapter 10½, section 27-22 or Chapter 28, Article III, Divisions 2 and 3 of this Code.

Sec. ~~8-173~~ 875-114. Suspension or revocation of listing for partnership or corporation.

The board may, pursuant to section 875-115, suspend the listing of a partnership or corporation for a period of up to three hundred sixty-five (365) days or revoke the listing of a partnership or corporation if one of the following is shown:

- (1) A materially false statement of fact was placed on the listed contractor's application for listing by an agent of the listed contractor;
- (2) The listed contractor failed to post and maintain the surety bond and insurance required by section 875-109 and section 875-110;
- (3) Agents of the listed contractor acted fraudulently or with deceit in its relationship with other persons, partnerships or corporations with regard to construction activity, a land alteration (as defined in section 10½-9), sewer work (as defined in section 27-1 of this Code), driveway work (as defined in section 28-139 of this Code), or excavation work (as defined in section 28-163 of this Code);
- (4) Construction activity, land alteration, sewer work, driveway work or excavation work for which the listed contractor was responsible as obtainer or as transferee of the permit was performed either incompetently or in such manner that it does not meet standards of reasonable workmanship or does not comply with building standards and procedures, provisions of state law, regulations of the city or provisions of this Code;
- (5) The listed contractor failed to correct a violation of building standards and procedures, provisions of state law, regulations of the city or provisions of this Code relative to construction activity, land alteration, sewer work or driveway work for which the listed contractor was responsible as permit obtainer or permit transferee after an authorized official or employee of the consolidated city issued a notice of code violation, revoked a permit or issued a stop-work order and the violation(s) causing any of these actions remained uncorrected for a period of ten (10) days from the date when the listed contractor received notice of the code violation, revocation of permit or stop-work order, or in the instance where a period of ten (10) days was not sufficient, such longer period of time as was fixed by the authorized official or employee in writing;
- (6) The listed contractor has consistently failed to apply for or obtain required permits for construction activity, land alteration, sewer work, driveway work or excavation work accomplished by the listed contractor;
- (7) The listed contractor consistently failed to give notice of availability for inspection at designated stages of construction activity or sewer work as required by section 8-61 and section 27-22 of this Code;
- (8) The listed contractor has consistently failed to timely file certificates of completion and compliance, as required, for construction activity accomplished pursuant to its listing;
- (9) The listed contractor has not properly paid the fee specified by section 8-87 for a listing which has been issued, or is delinquent in other fees owed pursuant to this chapter, Chapter 10½, section 27-22 of Chapter 28, Article III, Divisions 2 and 3 of this Code;
- (10) The partnership presently has a partner or the corporation presently has an officer who has a listing under this ~~division~~ article currently suspended or who has had such a listing revoked within the preceding three hundred sixty-five (365) days;
- (11) The partnership presently has a partner or the corporation presently has an officer who, within the preceding three hundred sixty-five (365) days, served as a partner in a partnership or an officer in a corporation listed under this ~~division~~ article at the time when actions related to policies or practices

of the partnership or corporation occurred when provided a primary basis on which the listing of the partnership or corporation was revoked or suspended for more than one hundred eighty (180) days;

- (12) The listed contractor has attempted to conceal violations of building standards and procedures, provisions of state law, regulations of the city or provisions of this Code relative to construction activity, land alteration, sewer work, driveway work or excavation work.

Sec. ~~8-174~~ 875-115. Hearing and appeal.

(a) The date and place for a revocation or suspension hearing shall be fixed by the board. At least ten (10) days before such date a written copy of the charges, prepared by the consolidated city, and notice of the time and place of the hearing thereon shall be served upon the listed contractor, either by hand delivery to the charged listed person or to the partner of a charged listed partnership or officer of a charged listed corporation, or by certified mail with return receipt addressed to the listed contractor at its main place of business as shown by the listed contractor's application for listing. The ten (10) or more days shall run from the date such notice is mailed as shown by the postmark thereon.

(b) The listed contractor may appear in person or by counsel, produce evidence (including testimonial and documentary evidence), make argument and cross-examine witnesses at such hearing. The consolidated city shall have the same right. The board may cause or allow any other relevant evidence to be introduced. On the basis of the evidence presented at the hearing, the board shall make findings and enter an order in accordance with such findings, which shall not become effective until ten (10) days after notice and a copy thereof has been served upon the listed contractor, in the same manner required for notice of the hearing.

(c) On or before ten (10) days after service of said order, the listed contractor may appeal therefrom to the director of the department of metropolitan development, by serving a notice of appeal upon the director either in person or by filing it at his office, with a copy thereof delivered to the board at the office of the administrator of the division of development services, who shall deliver such copy to the board. Unless such appeal is so taken, the order of the board shall be final.

(d) If so appealed, the order of the board shall be stayed until the appeal is heard and determined by the director of the department of metropolitan development, under the procedure prescribed by statute for hearings on the suspension or revocation of licenses. The director shall thereupon render such decision as he finds justified and sustained by the evidence, either affirming, reversing or modifying the terms of the order of the board. The director's order shall be final and conclusive and be binding upon both the listed contractor and the board.

Sec. ~~8-175~~ 875-116. Improper display.

It shall be unlawful for any person, partnership or corporation accomplishing construction activity, land alteration, sewer work or driveway work to use the word "listed" in connection with its business if such person, partnership or corporation is not a listed contractor. Such a person, partnership or corporation shall not, for example, use the word "listed" on any display used for advertising or identification or on any of its business forms.

ARTICLE II. LICENSING AND REGULATION OF ELECTRICAL CONTRACTORS

Sec. ~~8-180~~ 875-201. License required.

Licensure as an electrical contractor is required to accomplish the connection of electrical power for on-site construction activity, to install, alter, replace, service or repair a system distributing electrical power to service equipment supplying power to factory-constructed dwellings located in a mobile home park and to install, modernize, replace, service or repair all or any part of an electrical power distribution system. An electrical contractor shall also be entitled to install, modernize, replace, service or repair space heating equipment or space cooling equipment using electricity as its primary source of energy, excluding work on any refrigerant cycle.

Construction activity which this ~~division~~ article allows licensed electrical contractors to carry out is hereafter referred to in this ~~division~~ article as "electrical work."

A person not licensed under this ~~division~~ article who is employed by a licensed electrical contractor may, however, accomplish electrical work while working under the direction and control of a person who is a licensed

electrical contractor, but shall not otherwise enter into or offer to enter into a contractual relationship to engage in the electrical work.

A person not licensed under this ~~division article~~ may, however, accomplish electrical work in carrying out ordinary maintenance and repair if such work is accomplished by the person in the regular course of his sole, full-time employment by the owner of the premises where such ordinary maintenance and repair occurs.

Sec. ~~8-180.5~~ 875-202. Types of licenses.

There shall be two (2) types of licenses approved by the board pursuant to this chapter. Electrical work may be accomplished under these licenses as follows:

- (1) The "master" license authorizes the holder thereof to perform electrical work without limitation.
- (2) The "residential" license authorizes the holder thereof to perform electrical work in one- or two-family residential structures as defined in the Indiana One- and Two-Family Dwelling Code. All such electrical work must conform to the requirements delineated in the Indiana Electrical Rules as promulgated by the fire prevention and building safety commission.

Sec. ~~8-181~~ 875-203. Board of electrical examiners.

A board of electrical examiners (hereinafter in this ~~chapter article~~ referred to as the "board"), shall consist of ~~six (6)~~ eight (8) members and shall be responsible for carrying out the provisions of this ~~division article~~ relative to licensure of electrical contractors. The administrator shall be a nonvoting member of the board, ex officio. The ~~five (5)~~ seven (7) voting members of the board shall be appointed by the mayor for ~~two (2)~~ four (4) year terms in such manner that two (2) terms expire on January 1st of one year and three (3) other terms expire on January 1st of the next year. ~~Four (4)~~ Five (5) of the ~~five (5)~~ seven (7) members appointed by the mayor shall be persons to whom a license has been issued in accordance with this ~~division article~~, and the remaining appointed members shall be a persons (not licensed under this ~~division article~~) representing the public at large. Each of the appointed members shall be a resident of the consolidated city. Members shall not receive compensation for serving on the board. Those members appointed by the mayor shall serve at his pleasure and shall hold no other elective or appointive office in the consolidated city.

Sec. ~~8-182~~ 875-204. Organization of board.

The board shall meet annually in each January on a date specified for regular monthly meetings in offices of the department of metropolitan development and elect a chairman and any other officers, who shall serve one year or until a successor is chosen, whichever is longer.

At its annual meeting each January, the board shall promulgate written policies and regulations concerning the administration of the written examination stated in section 875-209 and of the equivalent examination stated in section 875-211.

Said written polices and regulations shall be maintained and made available to the public through the offices of the division of development services.

Sec. ~~8-183~~ 875-205. Meetings of board.

The board shall hold regular meetings once each month in offices of the department of metropolitan development if there is one or more applications for license pending or other official business to come before the board. Special meetings may be called by the chairman or any two (2) members upon giving written notice fixing the time and place of the meeting at least two (2) days in advance of the special meeting. Three (3) appointed members of the board shall constitute a quorum for the transaction of all business.

Sec. ~~8-184~~ 875-206. Record of proceedings.

The board shall keep a summary record of its proceedings.

Sec. ~~8-185~~ 875-207. Register of applications.

The board shall maintain a register of all persons, partnerships and corporations which apply for licensure and persons who apply for renewal of licensure under this ~~division article~~.

- (1) If the applicant is a person the register shall show the date of application, the name of the applicant, the age, education, years of experience and other qualifications of the applicant, the address of the places of business and the residence of the applicant, whether the application is for an initial license or renewal of a license and whether the application was rejected or approved and the date of such action.
- (2) If the applicant is a partnership the register shall show the date of application, the name of the partnership, the addresses of its places of business, names of all partners and their respective residential addresses, and whether the application was rejected or approved and the date of such action.
- (3) If the applicant is a corporation the register shall show the date of application, the name of the corporation, state of incorporation, addresses of its places of business, names of all officers and their respective residential addresses, and whether the application was rejected or approved and the date of such action.

Sec. ~~8-186~~ 875-208. Qualifications for a person to be licensed as an electrical contractor.

A person shall be entitled to receive a license as an electrical contractor (either initially or by renewal of a license) if the following requirements are met:

- (1) The person:
 - a. Meets the written examination requirement stated in section 875-209, and the experience requirement stated in section 875-210; or
 - b. Meets the equivalent examination requirement stated in section 875-211 and the experience requirement stated in section 875-210; or
 - c. Meets the eligibility for renewal requirement stated in section 875-212; and
- (2) The person does not presently have a license issued under this ~~division~~ article suspended nor has he had such license revoked within a period of the preceding seven hundred thirty (730) days; and
- (3) The board has not, within the preceding three hundred sixty-five (365) days, determined in accordance with section 875-223 that the person is not eligible for license renewal; and
- (4) The person has submitted an acceptable bond and certificates of insurance as required by sections 875-216 and 875-217 unless this requirement is relieved because such person either meets the partnership or corporate agent status requirement stated in section 875-213 or such person meets the inspector status requirement stated in section 875-214; and
- (5) The person has paid the fee specified by section 8-87.

Unless these requirements are met a person shall not be entitled to an electrical contractor's license.

Sec. ~~8-187~~ 875-209. Written examination.

The written examination requirement of section 875-208a is met by a person who demonstrates his understanding of the following subject matter areas by attaining a passing score on a written examination administered by the board relative to electrical work for which such license is required:

- (1) General knowledge of the provisions of this chapter and other relevant ordinances of the consolidated city; and
- (2) General knowledge of the rules and regulations of the administrative building council, state and federal agencies applicable in the consolidated city; and
- (3) Expert knowledge about the proper, practical and safe methods of accomplishing electrical work; and

- (4) In the event a person fails to obtain a passing score on the written examination administered by the board, re-examination shall only be allowed pursuant to the written policies and regulations promulgated by the board under section 875-204.

Sec. ~~8-188~~ 875-210. Experience.

The experience requirement of sections 875-202 and 875-208a is met by a person who has had at least a total of six (6) years' experience, two (2) of which may be educational and four (4) of which must be practical work experience, all pertaining to electrical power distribution systems.

Sec. ~~8-189~~ 875-211. Equivalent examination.

The equivalent examination requirement of section 875-208a is met by a person who demonstrates, either orally or in writing, to the satisfaction of the board his familiarity with this chapter and presents evidence satisfactory to the board at one of its meetings that he currently practices the craft of an electrical contractor and that he is presently licensed in good standing as a result of his successfully completing an examination administered by a licensure board for another state or another municipality which was then the equivalent in scope of subject matter and difficulty as the examination presently administered by the board.

Sec. ~~8-190~~ 875-212. Eligibility for license renewal.

The eligibility for renewal requirement of section 875-208a is met by a person who:

- (1) Has held an unrevoked license under this ~~division~~ article within the preceding seven hundred thirty (730) days; or
- (2) Has held an unrevoked license under this ~~division~~ article within the preceding one thousand four hundred sixty (1,460) days and demonstrates to the satisfaction of the board that during at least two (2) years of that period the person has been actively engaged, in the Consolidated City of Indianapolis or elsewhere, in construction activity pertaining to electrical power distribution systems.

Sec. ~~8-191~~ 875-213. Partnership or corporate agent status.

The partnership or corporate agent status requirement of section 875-208(4) is met by a person who:

- (1) Is a partner or employee of a partnership or an officer or employee which is licensed under this ~~division~~ article; and
- (2) Does not make any use of his license as an electrical contractor other than as an agent of the partnership or corporation.

Whenever such person has occasion to enter into a transaction or take action for which license under this ~~division~~ article is required he shall clearly state the fact he is acting as agent for an identified partnership or corporate principal.

Sec. ~~8-192~~ 875-214. Inspector status.

The inspector status requirement of section 8-208(4) is met by a person who is employed full time by the division of development services in a position in which he makes or supervises the making of inspections to determine compliance with building standards and procedures relative to electricity, Article II provisions or this ~~division~~ article of this chapter. Such a person shall not use a license as an electrical contractor other than with respect to his employment by the Consolidated City of Indianapolis. Licensure under this section terminates by operation of law when the person is no longer employed by the division of development services and does not meet the requirements of sections 875-216 and 875-217.

Sec. ~~8-193~~ 875-215. Qualifications for a partnership or corporation to be licensed as an electrical contractor.

A partnership or corporation shall be entitled to receive a license as an electrical contractor if the following requirements are met:

- (1) At least one general partner (who is a person) or employee of a partnership or at least one officer or employee of a corporation holds a license under this ~~division~~ article; provided, however, that an unlicensed general partner or employee of a partnership or an unlicensed officer or employee of a

corporation shall be deemed to fulfill the requirement of this paragraph if such person is prevented from meeting the requirements of section 875-208 for licensure solely because the person cannot comply with the requirements of section 875-213 because the partnership or corporation of which he is a partner or officer or employee has submitted an application for licensure so that the licenses of the partner or employee and partnership or officer or employee and corporation can be approved and issued simultaneously, provided further that after December 31, 1986, a person may not be the sole licensed general partner or employee of a partnership or officer or employee of a corporation for more than one partnership or corporation; and

- (2) The partnership or corporation does not presently have a license issued under this ~~division~~ article suspended nor has it had such a license revoked within a period of the preceding seven hundred thirty (730) days; and
- (3) The board has not, within the preceding three hundred sixty-five (365) days, determined in accordance with section 875-223 that the partnership or corporation is not eligible to receive a successor license; and
- (4) The partnership does not presently have a partner or the corporation does not presently have an officer who has a license under this ~~division~~ article presently suspended or who has had such a license revoked within the preceding seven hundred thirty (730) days or a determination made of ineligibility for license renewal within the preceding three hundred sixty-five (365) days; and
- (5) The partnership does not presently have a partner or the corporation does not presently have an officer who, within the preceding three hundred sixty-five (365) days, served as a partner in a partnership or officer in a corporation licensed under this ~~division~~ article at the time when actions related to policies or practices of the partnership or corporation occurred which provided the primary basis on which the license of the partnership or corporation was revoked, suspended for more than one year, or a determination made of ineligibility for receipt of a successor license; and
- (6) The partnership or corporation has submitted an acceptable bond and certificates of insurance as required by sections 875-216 and 875-217; and
- (7) The partnership or corporation has paid the fee specified by section 8-87.

Unless these requirements are met a partnership or corporation shall not be entitled to an electrical contractor's license.

Sec. ~~8-194~~ 875-216. Bond.

(a) Before a license is issued by the division of development services to any person, partnership or corporation, the administrator shall require the applicant to file a surety bond in the amount of ten thousand dollars (\$10,000.00). The bond shall be maintained in full force and effect for a period of not less than one year. The bond shall set forth the name, phone number and address of the agent representing the bonding company and shall be:

- (1) Issued by a surety authorized to do business in Indiana;
- (2) Payable to the Consolidated City of Indianapolis or an unknown third party as obligee;
- (3) Conditioned upon:
 - a. Compliance with requirements set forth in this chapter which must be met to retain licensure; and
 - b. Prompt payment of all fees owed the consolidated city as set forth in this chapter; and
 - c. Prompt payment to the Consolidated City of Indianapolis for any loss or expense for damages to property of the Consolidated City of Indianapolis caused by any action of the contractor, his agents, employees, principals, subcontractors, materialmen or suppliers in violation of building standards and procedures while engaged in any electrical work or any related construction activity; and

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- d. Prompt payment to a person, partnership or corporation which is an unknown third party obligee for any:
1. Losses arising out of violations,
 2. Expenses necessary to correct violations, and
 3. Court costs and attorney fees allowed by the court incurred in connection with the commencement and prosecution of a court action to recover such losses and expenses for violations of building standards and procedures caused by any action of the contractor, his agents, employees, principals, subcontractors, materialmen or suppliers while engaged in electrical work or any related construction activity.

However, the surety is not responsible under the bond for losses or expenses arising out of negligent conduct or improper workmanship unless such conduct or workmanship violates requirements of building standards and procedures.

(b) The administrator may accept in lieu of the surety bond a properly conditioned irrevocable letter of credit in the amount of ten thousand dollars (\$10,000.00) if the city controller approves the obligor financial institution as being financially responsible and if the corporation counsel approves the letter of credit as affording the same protections to the City of Indianapolis and an unknown third party as the protections afforded by the surety bond.

(c) The obligation of the surety financial institution relative to this bond or letter of credit is limited to ten thousand dollars (\$10,000.00). A surety or financial institution may pay on the bond or disburse from the letter of credit to pay a claim in full at any time when that claim and pending claims (reflected by written notice to the surety or financial institution) together do not exceed the unpaid penalty of the bond or the undisbursed balance of the letter of credit. If written notice is received of claims which exceed the unpaid penalty of the bond or undisbursed balance of the letter of credit, the surety or financial institution shall prorate payment according to the amount of such claims.

Sec. ~~8-195~~ 875-217. Insurance.

Insurance requirements are met if the person, partnership or corporation secures insurance covering all electrical work and related construction activity accomplished by the licensee or under permits obtained by the licensee and thereafter maintains such insurance in full force and effect:

- (1) A public liability and property damage insurance policy assuring the licensee and naming the Consolidated City of Indianapolis as an "additional assured," and providing also for the payment of any liability imposed by law on such licensee or the Consolidated City of Indianapolis arising out of operations being performed by or on behalf of the licensee in the minimum amounts of five hundred thousand dollars (\$500,000.00) for combined bodily injury and property damage coverage or five hundred thousand dollars (\$500,000.00) for any occurrence relative to which there is injury or death to one or more persons and one hundred thousand dollars (\$100,000.00) for any occurrence relative to which there is damage to property. A certificate of such policy shall be delivered to the administrator of the division of development services.
- (2) Workman's compensation insurance covering the personnel employed for death or injury arising out of operations being performed by or on behalf of the licensee. A certificate of such insurance shall be delivered to the administrator of the division of development services. This provision shall not apply if the licensee has no employees and gives appropriate notice to the division of development services.

The insurance carrier shall give notice both to the licensee and the division of development services at least fifteen (15) days before such insurance is either canceled or not renewed, and the certificate shall state this obligation.

Sec. ~~8-196~~ 875-218. Type of license.

There shall only be one type of license approved by the board pursuant to this ~~division~~ article.

Sec. ~~8-197~~ 875-219. Board's approval for licensure.

Approval for licensure of a person, partnership or corporation as an electrical contractor shall be in writing signed by a majority of the board. The board may, however, by resolution agreed to by a majority of the board delegate to one of its officers or the administrator of the division of development services authority to approve applications for licensure or renewal of licensure on behalf of the board in instances where the applicant is a person whose eligibility for license renewal is established by section 875-212(1) or the applicant is a partnership or corporation.

Upon delivery of such approval an electrical contractor's license shall be issued by the controller for a period of one year. No license shall be issued by the controller to any person, partnership or corporation as an electrical contractor except as provided in this ~~division~~ article.

Sec. ~~8-198~~ 875-220. License personal, not transferable.

No license issued under the provisions of this ~~division~~ article shall be assigned or transferred.

Sec. ~~8-199~~ 875-221. Supervision by licensee.

All electrical work shall be accomplished under the direction and control of either:

- (1) The licensed person who applied for the building permit; or
- (2) If the building permit has been transferred, the licensed person who is the applicant representing the transferee of the building permit; or
- (3) If the applicant for the building permit no longer is able or desires to continue his responsibilities and obligations as the applicant and the obtainer of the building permit is a partnership which has a licensed person as a partner or a corporation which has a licensed person as an officer who meets the requirements imposed by section 8-31 to apply for such a building permit in the first instance, such licensed partner or officer upon his notifying (using a form furnished by the division of development services) the administrator of his assumption of the responsibilities and obligations of the applicant for the specified building permit.

The licensed person providing direction and control shall specify materials and work processes and supervise the person or persons accomplishing the electrical work.

Sec. ~~8-200~~ 875-222. Electrical work on one's own property.

A person, who both owns and possesses ~~a one or two family residential structure and the real estate upon which it is located an improved or unimproved parcel of land may personally may perform accomplish~~ electrical work for which a license ~~is would be otherwise~~ required by this ~~division~~ article, without having such a license; ~~relative to a one- or two-family residential structure on such parcel, if: provided that, if a building permit is required for such work, such person shall obtain~~

- (1) ~~The nonlicensed person obtains a building permit for the electrical work, if required; and~~
- (b) ~~In the instance of electrical work for which a building permit is required which poses a substantial potential health or safety hazard (as determined by the board or by the administrator on behalf of the board by making reference to standards issued by the board), the nonlicensed person has secured, after furnishing full plans and information, the board's written approval of the specified work; or~~
- (e2) ~~the written approval from the board or its designee that In the instance of electrical work for which a building permit is required which, if done improperly is not a substantial potential health or safety hazard (as determined by the board or by the administrator on behalf of the board by making reference to standards issued by the board), the nonlicensed person has secured, after furnishing full plans and information, approval in writing of the specified work from the administrator, division of development services or a representative which he designates.~~

~~The determination by the board or the administrator as to whether the nonlicensed person shall be allowed to accomplish the electrical work shall be made on the basis of whether the nonlicensed~~

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~~person possesses~~ sufficient knowledge and technical skill to accomplish the work in accordance with building standards and procedures.

The board is to designate a person to perform the determinations under this section, who shall be an employee of the Department of Metropolitan Development qualified to perform inspections of electrical work. The board may appoint an alternate qualified employee for this designee.

A determination by the board's designee to disallow the nonlicensed person to accomplish the work may be appealed to the board for reconsideration.

Sec. ~~8-201~~ 875-223. License suspension, revocation or determination of ineligibility for renewal for a person.

The board may, under section 875-225, suspend the license of a person for a period of up to seven hundred thirty (730) days, revoke the license of a person or determine on the basis of activities carried out while licensed that a person who is or has been licensed within the previous three hundred sixty-five (365) days is ineligible for license renewal, if one of the following is shown:

- (1) The licensee made any materially false statement of fact either to the board or on his application for license or license renewal; or
- (2) The licensee acted fraudulently in the license examination; or
- (3) The licensee (but not including licensees who are exempt because of compliance with the requirements of section 875-213 or section 875-214) failed to post and maintain a surety bond and insurance required by section 875-216 or 875-217; or
- (4) The licensee acted fraudulently, or with deceit, in his business relationship with other persons, partnerships or corporations with which he dealt in connection with electrical work; or
- (5) Electrical work for which the licensee was responsible as applicant for the permit or applicant representing the transferee of the permit was performed either incompetently or in such manner that it does not meet standards of reasonable workmanship or compliance with building standards and procedures; or
- (6) The licensee failed to correct a violation of building standards and procedures relative to electrical work for which the licensee was responsible as applicant for the permit or applicant representing the transferee of the permit, after the administrator of the division of development services issued a notice of building code violation, revoked a building permit or issued a stop-work order and the violation(s) causing any of these actions remained uncorrected for a period of ten (10) days from the date of issuance of the notice of the building code violation, revocation of permit or stop-work order, or in the instance where a period of ten (10) days was not sufficient, such longer period of time as was fixed by the administrator in writing; or
- (7) The licensee has consistently failed to apply for or obtain required applicable permits for electrical work accomplished by the licensee or under his supervision; or
- (8) The licensee has consistently failed to timely file certificates of completion and compliance for electrical work relative to which he was the applicant for the permits or applicant representing the transferee of the permits; or
- (9) The licensee has consistently failed to give notice of availability for inspection at designated stages of electrical work as required by section 8-61; or
- (10) The licensee, excluding licensees who meet the inspector status requirement of section 875-214, has not for a period of five (5) continuous years accomplished or supervised the accomplishment of a significant amount of electrical work; or
- (11) The licensee qualified for licensure without meeting the bond and insurance requirements of sections 875-216 and 875-217 by meeting the inspector status requirements of section 875-214, but is no longer employed by the division of development services and does not meet the requirements of sections 875-216 and 875-217; or

- (12) The licensee qualified for licensure without meeting the bond and insurance requirements of sections 875-216 and 875-217 by meeting the partnership or corporate agent requirements of section 875-213 [but, without presently meeting the requirements of section 875-216] and 875-217, either he:
 - a. Is no longer a partner or employee of a partnership or an officer or employee of a corporation licensed under this ~~division~~ article; or
 - b. Has made use of his license other than as an agent of the partnership or corporation named in his application; or
- (13) The licensee has not properly paid the fee specified by section 8-87 for a license which has been issued or is delinquent in the payment of fees owed pursuant to this chapter; or
- (14) The licensee has failed to give proper supervision to electrical work in accordance with the requirements of section 875-221; or
- (15) The licensee has attempted to conceal or has concealed violations of building standards and procedures.

Sec. ~~8-202~~ 875-224. License suspension, revocation or determination of ineligibility for receipt of successor license for partnership or corporation.

The board may, under section 875-225, suspend the license of a partnership or corporation for a period of up to seven hundred thirty (730) days, revoke the license of a partnership or corporation, or determine on the basis of activities carried out while licensed within the previous three hundred sixty-five (365) days that the partnership or corporation is ineligible to receive a successor license, if one of the following is shown:

- (1) A materially false statement of fact was made to the board by an agent of the licensee or placed on the licensee's application for license; or
- (2) The licensee failed to post and maintain the surety bond and insurance required by sections 875-216 and 875-217; or
- (3) Agents of the licensee acted fraudulently or with deceit in its relationship with other persons, partnerships or corporations with which it dealt in connection with electrical work; or
- (4) Electrical work for which the licensee was responsible as obtainer of the permit or as transferee of the permit was performed either incompetently or in such manner that it does not meet standards of reasonable workmanship or compliance with building standards and procedures; or
- (5) The licensee failed to correct a violation of building standards and procedures relative to electrical work for which the licensee was responsible as obtainer of the permit or as transferee of the permit, after the administrator of the division of development services issued notice of a building code violation, [revoked a building permit or issued a stop-work order and the violation(s)] causing any of these actions remained uncorrected for a period of ten (10) days from the date of issuance of the notice of the building code violation, revocation of permit or stop-work order, or in the instance where a period of ten (10) days was not sufficient, such longer period of time as was fixed by the administrator in writing; or
- (6) The licensee has consistently failed to obtain required applicable permits for electrical work accomplished by the licensee; or
- (7) The licensee has consistently failed to give notice of availability for inspection at designated stages of electrical work as required by section 8-61; or
- (8) The licensee has consistently failed to timely file certificates of completion and compliance, as required, for electrical work accomplished pursuant to his license; or
- (9) The licensee has not properly paid the fee specified by section 8-87 for a license which has been issued or is delinquent in the payment of fees owed pursuant to this chapter; or

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- (10) If a partnership, does not have a licensed person as a general partner or employee, or if a corporation, does not have a licensed person as an officer or employee; or
- (11) The partnership presently has a partner or the corporation presently has an officer who has a license under this ~~division~~ article presently suspended or who has had such a license revoked within the preceding seven hundred thirty (730) days or a determination made of ineligibility of license renewal within the preceding three hundred sixty-five (365) days; or
- (12) The partnership presently has a partner or the corporation presently has an officer who, within the previous three hundred sixty-five (365) days, served as a partner in a partnership or an officer in a corporation licensed under this ~~division~~ article at the time when actions related to policies or practices of the partnership or corporation occurred which provided the primary basis on which the license of the partnership or corporation was revoked, suspended for more than three hundred sixty-five (365) days, or a determination made of ineligibility for receipt of a successor license; or
- (13) The licensee has attempted to conceal or has concealed violations of building standards and procedures.

Sec. ~~8-203~~ 875-225. Hearing and appeal.

(a) The date and place for a revocation or suspension hearing shall be fixed by the board. At least ten (10) days before such date a written notice of the general nature of the charges, prepared by the division of development services, and of the time and place of the hearing thereon shall be served upon the licensee, either by hand delivery to the charged [licensed person or to a partner of a charged partnership or officer of a charged] corporation, or by certified mail with return receipt requested addressed to the licensee at his main place of business as shown by the licensee's application for license or license renewal. The ten (10) or more days shall run from the date such notice is mailed. In the instance where charges are made which have a similar factual basis and a business relationship exists (as, for example, charges against two (2) licensed partners or charges against a licensed corporation and its licensed corporate officer) the board may hear evidence relative to two (2) or more charges at the same hearing.

(b) The licensee may appear in person or by counsel, produce evidence (including testimonial and documentary evidence), make argument and cross-examine witnesses at such hearing. The division of development services shall have the same right. The board may cause or allow any other relevant evidence to be introduced. On the basis of evidence presented at the hearing, the board shall make findings [and enter an order in accordance with such findings,] which shall not become effective until ten (10) days after notice and a copy thereof has been served upon the licensee, in the manner required for notice of the hearing.

(c) On or before ten (10) days after service of said order, the licensee may appeal therefrom to the director of the department of metropolitan development, by serving a notice of appeal upon the director either in person or by filing it at his office, with a copy thereof delivered to the board at the office of the administrator of the division of development services, who shall deliver such copy to the board. Unless such appeal is so taken, the order of the board shall be final.

(d) If so appealed, the order of the board shall be stayed until the appeal is heard and determined by the director of the department of metropolitan development or a representative designated in writing (but not an employee of the division of development services) by the director, under the procedure prescribed by statute for hearings on the suspension or revocation of licenses. The director or his representative shall thereupon render such decisions as he finds justified and sustained by the evidence, either affirming, reversing or modifying the terms of the order of the board. The order of the director or his representative shall be final and conclusive and be binding upon both the licensee and the board.

ARTICLE III. LICENSING AND REGULATION OF HEATING AND COOLING CONTRACTORS

Sec. ~~8-240~~ 875-301. License required.

Licensure as a heating and cooling contractor of the appropriate type is required to install, modernize, replace, service or repair all or any part of a heating system, space heating equipment, a cooling system, space cooling equipment or refrigeration equipment.

Construction activity which this ~~division~~ article allows licensed heating and cooling contractors to carry out is hereafter referred to in this ~~division~~ article as "heating and cooling work."

A person not licensed under this ~~division article~~ who is employed by a licensed heating and cooling contractor may, however, accomplish heating and cooling work while working under the direction and control of a person who is a licensed heating and cooling contractor, but shall not otherwise enter into or offer to enter into a contractual relationship to engage in the heating and cooling work. The scope of activity of such nonlicensed person shall not extend beyond that allowed by the license type of the licensed heating and cooling contractor providing direction and control over the nonlicensed person.

A person not licensed under this ~~division article~~ may, however, accomplish heating and cooling work in carrying out ordinary maintenance and repair if such work is accomplished by the person in the regular course of his sole, full-time employment by the owner of the premises where such ordinary maintenance and repair occurs. Persons, partnerships or corporations engaged in the business of service and repair, however, must be licensed under this chapter.

Sec. ~~8-211~~ 875-302. Board of heating and cooling examiners.

A board of heating and cooling examiners (hereinafter in this ~~division article~~ referred to as the "board") shall consist of eight (8) members and shall be responsible for carrying out the provisions relative to licensure of heating and cooling contractors. The administrator shall be a nonvoting member of the board, ex officio. The seven (7) voting members of the board shall be appointed by the mayor for two (2) year terms in such manner that three (3) terms expire on January 1st of one year and four (4) other terms expire on January 1st of the next year. ~~Six (6)~~ Five (5) of the seven (7) members appointed by the mayor shall be persons to whom a license has been issued in accordance with this ~~division article~~ and the remaining appointed members shall be a persons (not licensed under this ~~division article~~) representing the public at large. At least two (2) of the licensed appointed members shall hold a refrigeration license. Each of appointed members shall be a resident of the consolidated city. Members shall not receive compensation for serving on the board. Those members appointed by the mayor shall serve at his pleasure and shall hold no other elective or appointive office in the consolidated city.

Sec. ~~8-212~~ 875-303. Organization of board.

The board shall meet annually in each January on a date specified for regular monthly meetings in offices of the department of metropolitan development and elect a chairman and any other officers, who shall serve one year or until a successor is chosen, whichever is longer. At its annual meeting each January, the board shall promulgate written policies and regulations concerning the administration of the written examination stated in section 875-308 and of the equivalent examination stated in section 875-310.

Said written policies and regulations shall be maintained and made available to the public through the offices of the division of development services.

Sec. ~~8-213~~ 875-304. Meetings of board.

The board shall hold regular meetings once each month in offices of the department of metropolitan development if there are one or more applications for license pending or other official business to come before the board. Special meetings may be called by the chairman or any three (3) members upon giving written notice fixing the time and place of the meeting at least two (2) days in advance of the special meeting. Four (4) appointed members of the board shall constitute a quorum for the transaction of all business.

Sec. ~~8-214~~ 875-305. Record of proceedings.

The board shall keep a summary record of its proceedings.

Sec. ~~8-215~~ 875-306. Register of applications.

The board shall maintain a register of all persons, partnerships and corporations which apply for licensure and persons who apply for renewal of licensure under this ~~division article~~.

- (1) If the applicant is a person, the register shall show the date of application, the name of the applicant, the age, education, years of experience and other qualifications of the applicant, the addresses of the places of business and the residence of the applicant, the type of license for which application is made, whether the application is for an initial license or renewal of a license and whether the application was rejected or approved and the date of such action.

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- (2) If the applicant is a partnership, the register shall show the date of application, the name of the partnership, the addresses of its places of business, names of all partners and their respective residential addresses, the type of license for which application is made, and whether the application was rejected or approved and the date of such action.
- (3) If the applicant is a corporation, the register shall show the date of application, the name of the corporation, state of incorporation, addresses of its places of business, names of all officers and their respective residential addresses, the type of license for which application is made and whether the application was rejected or approved and the date of such action.

Sec. ~~8-216~~ 875-307. Qualifications for a person to be licensed as a heating and cooling contractor.

A person shall be entitled to receive one license of the appropriate type as a heating and cooling contractor (either initially or by renewal of a license) if the following requirements are met:

- (1) The person:
 - a. Meets the written examination requirement stated in section 875-308, and the experience requirement stated in section 875-309; or
 - b. Meets the equivalent examination requirement stated in section 875-310 and the experience requirement stated in section 875-309; or
 - c. Meets the eligibility for renewal requirement stated in section 875-311; and
- (2) The person does not presently have a license issued under this ~~division~~ article suspended nor has he had such license revoked within a period of the preceding seven hundred thirty (730) days; and
- (3) The board has not, within the preceding three hundred sixty-five (365) days, determined in accordance with section 875-322 that the person is not eligible for license renewal; and
- (4) The person has submitted an acceptable bond and certificates of insurance as required by section 875-315 and 875-316 unless this requirement is relieved because either such person meets the partnership or corporate agent status requirement stated in section 875-312, or such person meets the inspector status requirement stated in section 875-313; and
- (5) The person has paid the fee specified by section 8-87.

Unless these requirements are met a person shall not be entitled to a heating and cooling contractor's license of the appropriate type.

Sec. ~~8-217~~ 875-308. Written examination.

The written examination requirement of section 875-307(1) is met by a person who demonstrates his understanding of the following subject matter areas by attaining a passing score on a written examination administered by the board relative to heating and cooling work for which such license of the applicable type is required:

- (1) General knowledge of the provisions of this chapter and other relevant ordinances of the consolidated city; and
- (2) General knowledge of the rules and regulations of the administrative building council, state and federal agencies applicable in the consolidated city; and
- (3) Expert knowledge about the proper, practical and safe methods of accomplishing heating and cooling work; and
- (4) In the event a person fails to obtain a passing score on the written examination administered by the board, re-examination shall only be allowed pursuant to the written policies and regulations promulgated by the board under section 875-303.

Sec. ~~8-218~~ 875-309. Experience.

The experience requirement of section 875-307(1) is met by a person who has had at least five (5) years of practical work experience pertaining to heating and cooling work or a combination of experience and school which totals five (5) years.

Sec. ~~8-219~~ 875-310. Equivalent examination.

The equivalent examination requirement of section 875-307(1) is met by a person who demonstrates, either orally or in writing, to the satisfaction of the board his familiarity with this chapter and presents evidence satisfactory to the board at one of its meetings that he currently practices the craft of a heating and cooling contractor and that he is presently licensed in good standing as a result of his successfully completing an examination administered by a licensure board for another state or another municipality which was then the equivalent in scope of subject matter and difficulty as the examination presently administered by the board for the applicable license type.

Sec. ~~8-220~~ 875-311. Eligibility for license renewal.

The eligibility for renewal requirement of section 875-307(1) is met by a person who:

- (1) Has held an unrevoked license of the same type under this ~~division~~ article within the preceding seven hundred thirty (730) days;
- (2) Has held an unrevoked license of the same type under this ~~division~~ article within the preceding one thousand four hundred sixty (1,460) days (four (4) years) and demonstrates to the satisfaction of the board that during at least two (2) years of that period the person has been actively engaged, in the Consolidated City of Indianapolis or elsewhere, in heating and cooling work.

Sec. ~~8-221~~ 875-312. Partnership or corporate agent status.

The partnership or corporate agent status requirement of section 875-307(4) is met by a person who:

- (1) Is a partner or employee of a partnership or an officer or employee of a corporation which is licensed under this ~~division~~ article; and
- (2) Does not make any use of his license as a heating and cooling contractor other than as an agent of the partnership or corporation.

Whenever such person has occasion to enter into a transaction or take action for which licensure under this ~~division~~ article is required he shall clearly state the fact he is acting as agent for an identified partnership or corporate principal.

Sec. ~~8-222~~ 875-313. Inspector status.

The inspector status requirement of section 875-307(4) is met by a person who is employed full time by the division of development services in a position in which he makes or supervises the making of inspections to determine compliance with building standards and procedures relating to heating and cooling work, Article II provisions or this ~~division~~ article of this chapter. Such a person shall not use a license as a heating and cooling contractor other than with respect to his employment by the Consolidated City of Indianapolis. Licensure under this section terminates by operation of law when the person is no longer employed by the division of development services and does not meet the requirements of sections 875-315 and 875-316.

Sec. ~~8-223~~ 875-314. Qualifications for a partnership or corporation to be licensed as heating and cooling contractor.

A partnership or corporation shall be entitled to receive one license of the appropriate type as a heating and cooling contractor if the following requirements are met:

- (1) At least one general partner (who is a person) or employee of a partnership or at least one officer or employee of a corporation holds a license of the same type under this ~~division~~ article as that relative to which the partnership or corporation has made application; provided, however, that an unlicensed general partner or employee of a partnership or an unlicensed officer or employee of a corporation

shall be deemed to fulfill the requirement of this paragraph if such person is prevented from meeting the requirements of section 875-307 for licensure of the applicable type solely because the person cannot comply with the requirements of section 875-312 because the partnership or corporation of which he is a partner or employee or officer or employee is not licensed under this ~~division article~~ and such partner or employee or officer or employee has submitted an application for licensure so that the licenses of the partner or employee and partnership or officer or employee and corporation can be approved and issued simultaneously; and

- (2) The partnership or corporation does not presently have a license issued under this ~~division article~~ suspended nor has it had such a license revoked within a period of the preceding seven hundred thirty (730) days; and
- (3) The board has not, within the preceding three hundred sixty-five (365) days, determined in accordance with section 875-323 that the partnership or corporation is not eligible to receive a successor license; and
- (4) The partnership does not presently have a partner or the corporation does not presently have an officer who has a license under this ~~division article~~ presently suspended or who has had such a license revoked within the preceding seven hundred thirty (730) days, or a determination made of ineligibility for license renewal within the preceding three hundred sixty-five (365) days; and
- (5) The partnership does not presently have a partner or the corporation does not presently have an officer who, within the preceding three hundred sixty-five (365) days, served as a partner in a partnership or officer in a corporation, licensed under this ~~division article~~ at the time when actions related to policies or practices of the partnership or corporation occurred which provided the primary basis on which the license of the partnership or corporation was revoked, suspended more than one year or a determination made of ineligibility for receipt of a successor license; and
- (6) The partnership or corporation has submitted an acceptable bond and certificates of insurance as required by sections 875-315 and 875-316; and
- (7) The partnership or corporation has paid the fee specified by section 8-87.

Unless these requirements are met, a partnership or corporation shall not be entitled to a heating and cooling contractor's license of the appropriate type.

Sec. ~~8-224~~ 875-315. Bond.

(a) Before a license is issued by the division of development services to any person, partnership or corporation, the administrator shall require the applicant to file a surety in the amount of five thousand dollars (\$5,000.00). The bond shall be maintained in full force and effect for a period of not less than one year. The bond shall set forth the name, phone number and address of the agent representing the bonding company and shall be:

- (1) Issued by a surety authorized to do business in Indiana;
- (2) Payable to the Consolidated City of Indianapolis or an unknown third party as obligee;
- (3) Conditioned upon:
 - a. Compliance with requirements set forth in this chapter which must be met to retain licensure; and
 - b. Prompt payment of all fees owed the consolidated city as set forth in this chapter; and
 - c. Prompt payment to the Consolidated City of Indianapolis for any loss or expense for damages to property of the Consolidated City of Indianapolis caused by any action, of the contractor, his agent, employees, principals, subcontractors, materialmen or suppliers in violation of building standards and procedures while engaged in any heating and cooling work or any related construction activity; and
 - d. Prompt payment to a person, partnership or corporation which is an unknown third party obligee for any:

1. Losses arising out of violations,
2. Expenses necessary to correct violations, and
3. Court costs and attorney fees allowed by the court incurred in connection with the commencement and prosecution of a court action to recover such losses and expenses for violations of building standards and procedures caused by any action of the contractor, his agents, employees, principals, subcontractors, materialmen or suppliers while engaged in heating and cooling work or any related construction activity.

However, the surety is not responsible under the bond for losses or expenses arising out of negligent conduct or improper workmanship unless such conduct or workmanship violates requirements of building standards and procedures.

(b) The administrator may accept in lieu of the surety bond a properly conditioned irrevocable letter of credit in the amount of five thousand dollars (\$5,000.00) if the city controller approves the obligor financial institution as being financially responsible and if the corporation counsel approves the letter of credit as affording the same protections to the City of Indianapolis and an unknown third party as the protections afforded by the surety bond.

(c) The obligation of the surety and financial institution relative to this bond or letter of credit is limited to five thousand dollars (\$5,000.00). A surety or financial institution may pay on the bond or disburse from the letter of credit to pay a claim in full at any time when that claim and pending claims (reflected by written notice to the surety or financial institution) together do not exceed the unpaid penalty of the bond or the undisbursed balance of the letter of credit. If written notice is received of claims which exceed the unpaid penalty of the bond or undisbursed balance of the letter of credit, the surety or financial institution shall pro-rate payment according to the amount of such claims.

Sec. ~~8-225~~ 875-316. Insurance.

The insurance requirements are met if the person, partnership or corporation secures insurance covering all heating and cooling work and any related construction activity accomplished by the licensee or under permits obtained by the licensee and thereafter maintains such insurance in full force and effect:

- (1) A public liability and property damage insurance policy assuring the licensee and naming the Consolidated City of Indianapolis as an "additional assured," and providing also for the payment of any liability imposed by law on such licensee or the Consolidated City of Indianapolis arising out of operations being performed by or on behalf of the licensee in the minimum amounts of five hundred thousand dollars (\$500,000.00) for combined bodily injury and property damage coverage or five hundred thousand dollars (\$500,000.00) for any occurrence relative to which there is injury or death to one or more persons and one hundred thousand dollars (\$100,000.00) for any occurrence relative to which there is damage to property. A certificate of such policy shall be delivered to the administrator of the division of development services.
- (2) Workman's compensation insurance covering the personnel employed for death or injury arising out of operations being performed by or on behalf of the licensee. A certificate of such insurance shall be delivered to the administrator of the division of development services. This provision shall not apply if the licensee has no employees and gives appropriate notice to the division of development services.

The insurance carrier shall give notice both to the licensee and the division of development services at least fifteen (15) days before such insurance is either canceled or not renewed, and the certificate shall state this obligation.

Sec. ~~8-226~~ 875-317. Types of licenses.

There shall be ~~ten (10)~~ twelve (12) types of licenses approved by the board pursuant to this ~~division article~~. However, after January 1, 1996, there shall only be seven (7) types of licenses. Heating and cooling work may be accomplished under these license types as follows:

- (1) The "~~heavy-commercial~~ Air Conditioning "A" (unrestricted)" license authorizes the holder thereof to perform all of the kinds of heating and cooling work without limitation.

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- (2) The "light commercial/residential" license authorizes the holder thereof to perform work of the following kinds:
 - a. Installation, modernization, replacement, service or repair of cooling systems or space cooling equipment, which system or equipment has a rated output not in excess of six hundred thousand (600,000) Btuh and does not include preassembled air-conditioning units which exceed a rating of fifty (50) tons under ARI standards; and
 - b. Installation, modernization, replacement, service or repair of heating systems or space heating equipment, which system or equipment has a rated input not in excess of four million (4,000,000) Btuh and which does not utilize a water boiler in which the rated pressure exceeds thirty (30) pounds per square inch.
- (3) The "residential" license authorizes the holder thereof to perform work of the following kinds in one- or two-family residential structures, commercial buildings of not more than one story and apartment buildings:
 - a. Installation, modernization, replacement, service or repair of cooling systems or space cooling equipment, which system or equipment is a single phase and has a rated output not in excess of sixty thousand (60,000) Btuh; and
 - b. Installation, modernization, replacement, service or repair of heating system or space heating equipment, which system or equipment has a rated input of less than two million (2,000,000) Btuh and which does not utilize a boiler in which the rated pressure exceeds fifteen (15) pounds per square inch or steam boiler in which the rated pressure exceeds thirty (30) pounds per square inch.
- (4) The "Air Conditioning "B" license authorizes the holder thereof to install, maintain, repair, fabricate, alter, or extend central air conditioning, heating and ventilating, including ductwork, within a complete system limited to twenty-five tons cooling and five hundred thousand BTU heating, and all appurtenances, apparatus, piping vessels, ducts and insulation used in connection therewith.
- (5) The "Air Conditioning "D" license authorizes the holder thereof to install, maintain, repair, alter, or extend systems of air conditioning and heating including ventilation and any and all duct systems necessary. Systems shall be limited to single phase, five (5) ton cooling capacity, limited to 300,000 BTU/hr input heating capacity and limited to boiler pressures of 15 psig steam and 30 psig water.
- (d6) The "high pressure steam" license authorizes the holder thereof to perform installation, modernization, replacement, service or repair of heating systems or space heating equipment, which system or equipment utilizes a boiler.
- (e7) The "refrigeration" license authorizes the holder thereof to perform installation, modernization, replacement, service or repair of refrigeration equipment.
- (f8) The "heavy commercial (unrestricted) service only" license authorizes the holder thereof to perform work limited to service and repair relative to the kinds of construction activity which the holder of a "heavy commercial (unrestricted)" license may perform.
- (g9) The "light commercial/residential service only" license authorizes the holder thereof to perform work limited to service and repair relative to the kinds of construction activity which the holder of a "light commercial/residential" license may perform.
- (h10) The "residential service only" license authorizes the holder thereof to perform work limited to service and repair relative to the kinds of construction activity which the holder of a "residential" license may perform.
- (i11) The "steam service only" license authorizes the holder thereof to perform work limited to service and repair relative to the kinds of construction activity which the holder of a "steam" license may perform.
- (j12) The "refrigeration service only" license authorizes the holder thereof to perform work limited to service and repair relative to the kinds of construction activity which the holder of a "refrigeration" license may perform.

Holders of a license listed in (2) or (3) may renew such a license if the holder qualifies for renewal under section 875-311, however, no initial licenses listed under (2) or (3) shall be issued after January 1, 1995.

No initial licenses of the types listed in (8), (9), (10), (11) and (12) shall be issued after January 1, 1995. Holders of a license listed in (8), (9), (10), (11) or (12) may renew such a license if the holder qualifies for renewal under section 875-311, however, such license shall not be renewed for a period of time extending past January 1, 1996.

Sec. ~~8-227~~ 875-318. Board's approval for licensure.

Approval for licensure of a person, partnership or corporation as a heating and cooling contractor of the appropriate type shall be in writing signed by a majority of the board. The board may, however, by resolution agreed to by a majority of the board delegate to one of its officers or the administrator of the division of development services authority to approve applications for licensure or renewal of licensure on behalf of the board in instances where the applicant is a person whose eligibility for license renewal is established by section 875-311(1) or the applicant is a partnership or corporation.

Upon delivery of such approval a heating and cooling contractor's license of the appropriate type shall be issued by the controller for a period of one year. No license shall be issued by the controller to any person, partnership or corporation as a heating and cooling contractor except as provided in this ~~division~~ article.

Sec. ~~8-228~~ 875-319. License personal, not transferable.

No license issued under the provisions of this ~~division~~ article shall be assigned or transferred.

Sec. ~~8-229~~ 875-320. Supervision by licensee.

All heating and cooling work shall be accomplished under the direction and control of either:

- (1) The licensed person who applied for the building permit; or
- (2) If the building permit has been transferred, the licensed person who is the applicant representing the transferee of the building permit; or
- (3) If the applicant for the building permit no longer is able or desires to continue his responsibilities and obligations as the applicant and the obtainer of the building permit is a partnership which has a licensed person as a partner or a corporation which has a licensed person as an officer who meets the requirements imposed by section 8-31 to apply for such a building permit in the first instance, such licensed partner or officer upon his notifying (using a form furnished by the office of the division of development services) the administrator of his assumption of the responsibilities and obligations of the applicant for the specified building permit.

The licensed person providing direction and control shall specify work processes and supervise the person or persons accomplishing the heating and cooling work. Such licensed person or a competent person responsible to him must be present at the site when any significant heating and cooling work occurs.

Sec. ~~8-230~~ 875-321. Heating and cooling work on one's own property.

A person, who both owns and possesses a one or two family residential structure and the real estate upon which it is located an improved or unimproved parcel of land may personally may perform accomplish heating and cooling work for which a license is would be otherwise required by this ~~division~~ article, without having such a license; relative to a one or two family residential structure on such parcel, if provided that, if a building permit is required for such work, such person shall obtain:

- (1) ~~The nonlicensed person obtains a building permit for the heating and cooling work, if required; and~~
- (b) ~~In the instance of heating and cooling work for which a building permit is required which poses a substantial potential health or safety hazard (as determined by the board or by the administrator on behalf of the board by making reference to standards issued by the board), the nonlicensed person has secured, after furnishing full plans and information, the board's written approval of the specified work;~~

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- (e2) ~~the written approval from the board or its designee that in the instance of heating and cooling work for which a building permit is required which, if done improperly is not a substantial potential health or safety hazard (as determined by the board or by the administrator on behalf of the board by making reference to standards issued by the board), the nonlicensed person has secured, after furnishing full plans and information, approval in writing of the specified work from the administrator, division of development services or a representative which he designates.~~

~~The determination by the board or the administrator as to whether the nonlicensed person shall be allowed to accomplish heating and cooling work shall be made on the basis of whether the nonlicensed person possesses sufficient knowledge and technical skill to accomplish the work in accordance with building standards and procedures.~~

The board is to designate a person to perform the determinations under this section, who shall be an employee of the Department of Metropolitan Development qualified to perform inspections of heating and cooling work. The board may appoint an alternate qualified employee for this designee.

A determination by the board's designee to disallow the nonlicensed person to accomplish the work under this section may be appealed to the board for reconsideration.

Sec. ~~8-231~~ 875-322. License suspension, revocation or determination of ineligibility for renewal for a person.

The board may, under section 875-324, suspend the license of a person for a period of up to seven hundred thirty (730) days, revoke the license of a person, or determine on the basis of activities carried out while licensed that a person who is or has been licensed within the previous three hundred sixty-five (365) days is ineligible for license renewal, if one of the following is shown:

- (1) The licensee made any materially false statement of fact either to the board or on his application for license or license renewal; or
- (2) The licensee acted fraudulently in the license examination; or
- (3) The licensee (but not including licensees who are exempt because of compliance with the requirements of section 875-312 or section 875-313) failed to post and maintain the surety bond and insurance required by sections 875-315 and 875-316; or
- (4) The licensee acted fraudulently, or with deceit, in his relationship with other persons, partnerships or corporations with which he dealt in connection with heating and cooling work; or
- (5) Heating and cooling work for which the licensee was responsible as applicant for the permit or applicant representing the transferee of the permit was performed either incompetently or in such manner that it does not meet standards of reasonable workmanship or compliance with building standards and procedures; or
- (6) The licensee failed to correct a violation of building standards and procedures relative to heating and cooling work for which the licensee was responsible as applicant for the permit or applicant representing the transferee of the permit, after the administrator of the division of development services issued notice of a building code violation, revoked a building permit or issued a stop-work order and the violation(s) causing any of these actions remained uncorrected for a period of ten (10) days from the date of issuance of the notice of the building code violation, revocation of permit or stop-work order, or in the instance where the period of ten (10) days was not sufficient, such longer period of time as was fixed by the administrator in writing; or
- (7) The licensee has consistently failed to apply for or obtain required applicable permits for heating and cooling work accomplished by the licensee or under his supervision; or
- (8) The licensee has consistently failed to give notice of availability for inspection at designated stages of heating and cooling work as required by section 8-61; or
- (9) The licensee has consistently failed to timely file certificates of completion and compliance for heating and cooling work relative to which he was the applicant for the permits; or

- (10) The licensee, excluding licensees who meet the inspector status requirement of section 875-313, has not for a period of five (5) continuous years accomplished or supervised the accomplishment of a significant amount of heating and cooling work; or
- (11) The licensee qualified for licensure without meeting the bond and insurance requirements of sections 875-315 and 875-316 by meeting the inspector status requirements of section 875-222, but is no longer employed by the division of development services and does not meet the requirements of sections 875-315 and 875-316; or
- (12) The licensee qualified for licensure without meeting the bond and insurance requirements of sections 875-315 and 875-316 by meeting the partnership or corporate agent requirements of section 875-312, but without presently meeting the requirements of sections 875-315 and 875-316, either he:
 - a. Is no longer a partner or employee of a partnership or an officer or employee of a corporation licensed under this ~~division~~ article; or
 - b. Has made use of his license other than as an agent of the partnership or corporation named in his application; or
- (13) The licensee has not properly paid the fee specified by section 8-87 for a license which has been issued or is delinquent in other fees owed pursuant to this chapter; or
- (14) The licensee has failed to give proper supervision to heating and cooling work in accordance with requirements of section 875-320; or
- (15) The licensee holding a heating and cooling license other than a "heavy commercial (unrestricted)" license has accomplished (without supervision by a licensee of the appropriate type) or supervised the accomplishment of heating and cooling work without having the type license which is required for such construction activity; or
- (16) The licensee has attempted to conceal or has concealed violations of building standards and procedures.

Sec. ~~8-232~~ 875-323. License suspension, revocation or determination of ineligibility for receipt of a successor license for a partnership or corporation.

The board may, under section 875-324, suspend the license of a partnership or corporation for a period of up to seven hundred thirty (730) days, revoke the license of a partnership or corporation, or determine on the basis of activities carried out while licensed within the previous three hundred sixty-five (365) days that the partnership or corporation is ineligible to receive a successor license, if one of the following is shown:

- (1) A materially false statement of fact was made to the board by an agent of the licensee or placed on the licensee's application for license; or
- (2) The licensee failed to post and maintain the surety bond and insurance required by sections 875-315 and 875-316; or
- (3) An agent of the licensee acted fraudulently or with deceit in its relationship with other persons, partnerships or corporations with which it dealt in connection with heating and cooling work; or
- (4) Heating and cooling work for which the licensee was responsible as obtainer of the permit or as transferee of the permit was performed either incompetently or in such manner that it does not meet standards of reasonable workmanship or compliance with building standards and procedures; or
- (5) The licensee failed to correct a violation of building standards and procedures relative to heating and cooling work for which the licensee was responsible as obtainer of the permit or as transferee of the permit, after the administrator of the division of development services issued notice of a building code violation, revoked a building permit or issued a stop-work order and the violation(s) causing any of these actions remained uncorrected for a period of ten (10) days from the date of issuance of notice of the building code violation, revocation of permit, or stop-work order, or in the instance where a period of ten (10) days was not sufficient such longer period of time as was fixed by the administrator in writing; or

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- (6) The licensee has consistently failed to obtain required applicable permits for heating and cooling work; or
- (7) The licensee has consistently failed to give notice of availability for inspection at designated stages of heating and cooling work as required by section 8-61; or
- (8) The licensee has consistently failed to timely file certificates of completion and compliance, as required, for heating and cooling work accomplished pursuant to his license; or
- (9) The licensee has not properly paid the fee specified by section 8-87 for a license which has been issued or is delinquent in the payment of fees owed pursuant to this chapter; or
- (10) If a partnership, does not have a licensed person as a general partner or employee, or if a corporation, does not have a licensed person as an officer or employee; or
- (11) The partnership presently has a partner or the corporation presently has an officer who has a license under this ~~division~~ article presently suspended or who has had such a license revoked within the preceding seven hundred thirty (730) days or a determination made of ineligibility for license renewal within the preceding three hundred sixty-five (365) days; or
- (12) The partnership presently has a partner or the corporation presently has an officer who, within the previous three hundred sixty-five (365) days, served as a partner in a partnership or an officer in a corporation licensed under this ~~division~~ article at a time when actions related to policies or practices of the partnership or corporation occurred which provided the primary basis on which the license of the partnership or corporation was revoked, suspended for more than three hundred sixty-five (365) days, or a determination made of ineligibility for receipt of a successor license; or
- (13) Heating and cooling work for which the licensee, holding a heating and cooling license other than a "heavy commercial (unrestricted)" license, was responsible as obtainer of the permit or as transferee of the permit was performed without the licensee having the type of license which is required for such work; or
- (14) The licensee has attempted to conceal or has concealed violations of building standards and procedures.

Sec. ~~8-233~~ 875-324. Hearing and appeal.

(a) The date and place for a revocation or suspension hearing shall be fixed by the board. At least ten (10) days before such date a written notice of the general nature of the charges, prepared by the division of development services, and of the time and place of the hearing thereon shall be served upon the licensee, either by hand delivery to the charged licensed person or to a partner of a charged partnership or officer of a charged corporation or by certified mail with return receipt requested, addressed to the licensee at his main place of business as shown by the licensee's application for license or license renewal. The ten (10) or more days shall run from the date such notice is mailed. In the instance where charges are made which have a similar factual basis and a business relationship exists (as, for example, charges against two (2) licensed partners or charges against a licensed corporation and a licensed corporate officer), the board may hear evidence relative to two (2) or more charges at the same hearing.

(b) The licensee may appear in person or by counsel, produce evidence (including testimonial and documentary evidence), make argument and cross-examine witnesses at such hearing. The division of development services shall have the same right. The board may cause or allow any other relevant evidence to be introduced. On the basis of the evidence presented at the hearing, the board shall make findings and enter an order in accordance with such findings, which shall not become effective until ten (10) days after notice and a copy thereof has been served upon the licensee in the manner required for notice of the hearing.

(c) On or before ten (10) days after service of said order, the licensee may appeal therefrom to the director of the department of metropolitan development, by serving a notice of appeal upon the director either in person or by filing it at his office, with a copy thereof delivered to the board at the office of the administrator of the division of development services, who shall deliver such copy to the board. Unless such appeal is so taken, the order of the board shall be final.

(d) If so appealed, the order of the board shall be stayed until the appeal is heard and determined by the director of the department of metropolitan development or a representative designated in writing (but not an

employee of the division of development services) by the director, under the procedure prescribed by statute for hearings on the suspension or revocation of licenses. The director or his representative shall thereupon render such decision as he finds justified and sustained by the evidence, either affirming, reversing or modifying the terms of the order of the board. The order of the director or his representative shall be final and conclusive and be binding upon the licensee and the board.

ARTICLE IV. LICENSING AND REGULATION OF WRECKING CONTRACTORS

Sec. ~~8-240~~ 875-401. License required.

Licensure as a wrecking contractor of the appropriate type is required to either engage or offer to engage in the business, trade or calling of demolishing, dismantling, dismembering, razing or removing structures; provided, however, that licensure as a wrecking contractor is not required:

- (1) To wreck a one-story detached accessory structure containing less than five hundred seventy-seven (577) square feet of floor area which is located on the same premises as a one- or two-family residential structure or to wreck a structure containing less than five hundred (500) square feet of floor area; or
- (2) To wreck a one-story, one- or two-family residential structure if:
 - a. The wrecking is accomplished by the person who owns the structure; and
 - b. The person is a previous occupant of the structure; and
 - c. No part of the structure is located nearer than ten (10) feet to another structure not owned by the person accomplishing the wrecking or any street, alley or sidewalk; and
 - d. The wrecking will not create a substantial potential health or safety hazard; and
 - e. If deemed reasonably necessary by the administrator of the ~~division of neighborhood and development services~~ division, the person who will accomplish the wrecking demonstrates that the wrecking activity is covered by a public liability and property damage insurance policy, in amounts established by the administrator (but not less than fifty thousand dollars (\$50,000.00) for personal injury or death and twenty-five thousand dollars (\$25,000.00) for property damage), naming the person doing the wrecking and the Consolidated City of Indianapolis as the ~~assured~~ insured; or
- (3) To wreck a one-story, wood-frame structure that is not a residential structure if:
 - a. The wrecking is accomplished by the person who owns the structure or by permanent, full-time employees of the partnership or corporation which owns the structure; and
 - b. The person, partnership or corporation which owns the premises where the structure is located is in possession of the premises where the structure is located; and
 - c. No part of the structure is located nearer than ten (10) feet to another structure not owned by the person, partnership or corporation accomplishing the wrecking or any street, alley or sidewalk; and
 - d. The wrecking will not create a substantial potential health or safety hazard; and
 - e. If deemed reasonably necessary by the administrator of the ~~division of neighborhood and development services~~ division, the person, partnership or corporation who will accomplish the wrecking demonstrates that the wrecking activity is covered by a public liability and property damage insurance policy in amounts established by the administrator (but not less than fifty thousand dollars (\$50,000.00) for personal injury or death and twenty-five thousand dollars (\$25,000.00) for property damage), naming the person doing the wrecking and the Consolidated City of Indianapolis as the ~~assured~~ insured; or
- (4) To wreck or dismantle a structure or part of a structure if:

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- a. The ~~board~~ administrator of the neighborhood and development services division determines that the structure to be demolished or dismantled is a water storage tank, gas storage tank, or other structure which has some unique characteristic requiring specialized expertise beyond that of the typical licensed demolition contractor, or that the demolition or dismantling work involves some unique circumstance requiring such specialized expertise, and
 - b. The person responsible for supervising the demolition or dismantling work demonstrates ~~to the satisfaction of the board~~ his or her familiarity with this chapter and his or her expertise and experience in demolishing or dismantling the type of structure or part of the structure to be demolished or dismantled, and
 - c. The ~~person, partnership or corporation~~ applicant submits proof of bond and insurance in the amounts required for the type license normally required to demolish or dismantle the structure or part of the structure and naming the person, partnership or corporation doing the demolition or dismantling work and the Consolidated City of Indianapolis as ~~the assured~~, insured, and
 - d. The ~~person, partnership or corporation~~ applicant is listed as a general contractor under Article ~~1 IV, Division 2~~ of this chapter prior to obtaining any wrecking permits or accomplishing any demolition or dismantling work.
- (5) The determinations under paragraphs (1-4) are to be made by the Board of Wrecking Examiners or an employee of the Department of Metropolitan Development designated by that board as qualified to make such determination. The board may appoint an alternate qualified employee for this designee.

In determining whether to issue a permit for wrecking pursuant to paragraphs (a1) through (e4) above, the administrator of the ~~division of neighborhood and~~ development services division may consult with and seek the advice of the board of wrecking examiners.

A determination by the Board's designee not to allow the nonlicensed person to accomplish the work under this section may be appealed to the board of wrecking examiners for reconsideration.

A person not licensed under this ~~division article~~ who is employed by a licensed wrecking contractor may, however, accomplish wrecking while working under the direction and control of a person who is a licensed wrecking contractor. The scope of activity of such nonlicensed person shall not extend beyond that allowed by the license type of the licensed wrecking contractor providing direction and control over the nonlicensed person. Such nonlicensed person shall not enter into or offer to enter into a contractual relationship with a consumer to himself engage in wrecking.

Construction activity which this ~~division article~~ allows licensed wrecking contractors to carry out is hereafter referred to in this ~~division article~~ as "wrecking."

Sec. ~~8-241~~ 875-402. Board of wrecking examiners.

A board of wrecking examiners (hereinafter in this chapter referred to as the "board") shall consist of six (6) members and shall carry out the provisions of this chapter relative to licensure of wrecking contractors. The administrator shall be a nonvoting member of the board, ex officio. The five (5) voting members of the board shall be appointed by the mayor for two (2) year terms in such manner that two (2) terms expire on January 1st of one year and three (3) other terms expire on January 1st of the next year. Two (2) of the five (5) members appointed by the mayor shall be persons to whom a license has been issued in accordance with this division. one appointed member shall be an architect registered in the state, one appointed member shall be a professional engineer registered in the state, one appointed member shall be a person (not licensed under this division) representing the public at large. At least one of the licensed appointed members shall hold a type A license. Each of the appointed members shall be a resident of the consolidated city. Members shall not receive compensation for serving on the board. Those members appointed by the mayor shall serve at his pleasure and shall hold no other elective or appointive office in the consolidated city.

Sec. ~~8-242~~ 875-403. Organization of board.

The board shall meet annually in each January on a date specified for regular monthly meetings in offices of the department of metropolitan development and elect a chairman and any other officers, who shall serve one year or until a successor is chosen, whichever is longer.

At its annual meeting each January, the board shall promulgate written policies and regulations concerning the administration of the written examination stated in section 8-247.

Said written policies and regulations shall be maintained and made available to the public through the offices of the division of development services.

Sec. ~~8-243~~ 875-404. Meetings of board.

The board shall hold regular meetings once each month in offices of the department of metropolitan development if there are one or more applications for licenses pending or other official business to come before the board. Special meetings may be called by the chairman or any two (2) members upon giving written notice fixing the time and place of the meeting at least two (2) days in advance of the special meeting. Three (3) appointed members of the board shall constitute a quorum for the transaction of all business.

Sec. ~~8-244~~ 875-405. Record of proceedings.

The board shall keep a summary record of its proceedings.

Sec. ~~8-245~~ 875-406. Register of applications.

The board shall maintain a register of all persons, partnerships and corporations which apply for licensure as a wrecking contractor and persons who apply for renewal of licensure ~~under this division~~ as a wrecking contractor:

- (1) If the applicant is a person the register shall show the date of application, the name of the applicant, the age, education, years of experience and other qualifications of the applicant, the addresses of the places of business and the residence of the applicant, the type of license for which application is made, whether the application is for an initial license or renewal of a license and whether the application was rejected or approved and the date of such action.
- (2) If the application is a partnership the register shall show the date of application, the name of the partnership, the addresses of its places of business, names of all partners and their respective residential addresses, the type of license for which application is made and whether the application was rejected or approved and the date of such action.
- (3) If the applicant is a corporation the register shall show the date of application, the name of the corporation, state of incorporation, addresses of its places of business, names of all officers and their respective residential addresses, the type of license for which application is made and whether the application was rejected or approved and the date of such action.

Sec. ~~8-246~~ 875-407. Qualifications for a person to be licensed as a wrecking contractor.

A person shall be entitled to receive one license of the appropriate type as a wrecking contractor (either initially or by renewal of a license) if the following requirements are met:

- (1) The person:
 - a. Meets the written examination requirement stated in section 875-408, and the experience requirement stated in section 875-409; or
 - b. Meets the equivalent examination requirement stated in section 875-410 and the experience requirement stated in section 875-409; or
 - c. Meets the eligibility for renewal requirement stated in section 875-411; and
- (2) The person does not presently have a license issued under this ~~division~~ article suspended nor has he had such license revoked within a period of the preceding seven hundred thirty (730) days; and
- (3) The board has not, within the preceding three hundred sixty-five (365) days, determined in accordance with section 875-421 that the person is not eligible for license renewal; and

- (4) The person has submitted an acceptable bond and certificates of insurance as required by sections 875-415 and 875-416 unless this requirement is relieved because either such person meets the partnership or corporate agent status requirement stated in section 875-412 or such person meets the inspector status requirement stated in section 875-413; and
- (5) The person has paid the fee specified by section 8-87.

Unless these requirements are met a person shall not be entitled to a wrecking contractor's license of the appropriate type.

Sec. ~~8-247~~ 875-408. Written examination.

The written examination requirement of section 875-406(1) is met by a person who demonstrates his understanding of the following subject matter areas by attaining a passing score on a written examination administered by the board relative to wrecking for which such license of the applicable type is required:

- (1) General knowledge of the provisions of this chapter and other relevant ordinances of the consolidated city; and
- (2) General knowledge of the rules and regulations of the ~~administrative building council~~ Indiana Fire Prevention and Building Safety Commission, state and federal agencies applicable in the consolidated city; and
- (3) Expert knowledge about the proper, practical and safe methods of accomplishing wrecking.

Sec. ~~8-248~~ 875-409. Experience.

The experience requirement of section 875-406(1) is met by a person who has had at least the following number of years of practical work experience pertaining to wrecking, either in a supervisory capacity or as an operator of heavy equipment on wrecking sites:

Type A license	6 years
Type B license	4 years
Type C license	2 years

Sec. ~~8-249~~ 875-410. Equivalent examination.

The equivalent examination requirement of section 875-407(1) is met by a person who demonstrates, either orally or in writing, to the satisfaction of the board his familiarity with this chapter and presents evidence satisfactory to the board at one of its meetings that he currently practices the trade of a wrecking contractor and that he is presently licensed in good standing as a result of his successfully completing an examination administered by a licensure board for another state or another municipality which was then the equivalent in scope of subject matter and difficulty as the examination presently administered by the board for the applicable license type.

Sec. ~~8-250~~ 875-411. Eligibility for license renewal.

The eligibility for renewal requirement of section 875-407(1) is met by a person who:

- (1) Has held an unrevoked license of the same type (or any other type identified by a letter nearer the start of the alphabet) under this ~~division~~ article within the preceding seven hundred thirty (730) days; or
- (2) Has held an unrevoked license of the same type (or any other type identified by a letter nearer the start of the alphabet) under this ~~division~~ article within the preceding one thousand four hundred sixty (1,460) days and demonstrates to the satisfaction of the board that during at least two (2) years of that period the person has been actively engaged, in the Consolidated City of Indianapolis or elsewhere, in wrecking.

Sec. ~~8-251~~ 875-412. Partnership or corporate agent status.

The partnership or corporate agent status requirement of section 875-407(4) is met by a person who:

- (1) Is a partner or employee of a partnership or an officer or employee of a corporation which is licensed under this ~~division~~ article; and
- (2) Does not make any use of his license as a wrecking contractor other than as an agent of the partnership or corporation.

Whenever such person has occasion to enter into a transaction or take action for which licensure under this ~~division~~ article is required, he shall clearly state the fact he is acting as agent for an identified partnership or corporate principal.

Sec. ~~8-252~~ 875-413. Inspector status.

The inspector status requirement of section 875-407(4) is met by a person who is employed full time by the ~~division of neighborhood and development services~~ division in a position in which he makes or supervises the making of inspections to determine compliance with building standards and procedures relating to wrecking, Article II provisions or this ~~division~~ article of this chapter. Such a person shall not use a license as a wrecking contractor other than with respect to his employment by the Consolidated City of Indianapolis. Licensure under this section terminates by operation of law when the person is no longer employed by the ~~division of neighborhood and development services~~ division and does not meet the requirements of sections 875-415 and 875-416.

Sec. ~~8-253~~ 875-414. Qualifications for a partnership or corporation to be licensed as a wrecking contractor.

A partnership or corporation shall be entitled to receive one license of the appropriate type as a wrecking contractor if the following requirements are met:

- (1) At least one general partner (who is a person) or employee of a partnership or at least one officer or employee of a corporation holds a license of the same type (or any other type identified by a letter nearer the start of the alphabet) under this ~~division~~ article as that relative to which the partnership or corporation has made application; provided, however, that an unlicensed general partner or employee of a partnership or an unlicensed officer or employee of a corporation shall be deemed to fulfill the requirement of this paragraph if such person is prevented from meeting the requirements of section 875-407 for licensure of the applicable type solely because the person cannot comply with the requirements of section 875-412 because the partnership or corporation of which he is a partner or employee or officer or employee is not licensed under this ~~division~~ article and such partner or employee or officer or employee has submitted an application for licensure so that the licenses of the partner or employee and partnership or officer or employee and corporation can be approved and issued simultaneously; and
- (2) The partnership or corporation does not presently have a license issued under this ~~division~~ article suspended nor has it had such a license revoked within a period of the preceding seven hundred thirty (730) days; and
- (3) The board has not, within the preceding three hundred sixty-five (365) days, determined in accordance with section 875-421 that the partnership or corporation is not eligible to receive a successor license; and
- (4) The partnership does not presently have a partner or the corporation does not presently have an officer who has a license under this ~~division~~ article presently suspended or who has had such a license revoked within the preceding seven hundred thirty (730) days or a determination made of ineligibility of license renewal within the preceding three hundred sixty-five (365) days; and
- (5) The partnership does not presently have a partner or the corporation does not presently have an officer who, within the preceding three hundred sixty-five (365) days, served as a partner in a partnership or officer in a corporation licensed under this ~~division~~ article at the time when actions related to policies or practices of the partnership or corporation occurred which provided the primary basis on which the license of the partnership or corporation was revoked, suspended for more than one year, or a determination made of ineligibility for receipt of a successor license; and
- (6) The partnership or corporation has submitted an acceptable bond and certificates of insurance as required by sections 875-415 and 875-416; and

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- (7) The partnership or corporation has paid the fee specified by Article II, Division 6 of ~~this~~ chapter 8 of the Code.

Unless these requirements are met a partnership or corporation shall not be entitled to a wrecking contractor's license of the appropriate type.

Sec. ~~8-254~~ 875-415. Bond.

(a) Before a license is issued by the ~~division of neighborhood and development services~~ division to any person, partnership or corporation, the administrator ~~of the division~~ shall require the applicant to file a surety bond in the amount of thirty thousand dollars (\$30,000.00) in the case of a type A license, twenty thousand dollars (\$20,000.00) in the case of a type B license and ten thousand dollars (\$10,000.00) in the case of a type C license. The bond shall be maintained in full force and effect for a period of not less than one year. The bond shall set forth the name, phone number and address of the agent representing the bonding company and shall be:

- (1) Issued by a surety authorized to do business in Indiana;
- (2) Payable to the Consolidated City of Indianapolis or an unknown third party as obligee;
- (3) Conditioned upon:
 - a. Compliance with requirements set forth in this chapter which must be met to retain licensure; and
 - b. Prompt payment of all fees owed the consolidated city as set forth in this chapter; and
 - c. Prompt payment to the Consolidated City of Indianapolis for any loss or expense for damages to property of the Consolidated City of Indianapolis caused by any action of the contractor, his agents or employees, principals, subcontractors, materialmen or suppliers in violation of building standards and procedures while engaged in any wrecking or any related construction activity; and
 - d. Prompt payment to a person, partnership or corporation which is an unknown third party obligee for any:
 1. Losses arising out of violation,
 2. Expenses necessary to correct violations, and
 3. Court costs and attorney fees allowed by the court incurred in connection with the commencement and prosecution of a court action to recover such losses and expenses for violations of building standards and procedures caused by any action of the contractor, his agents, employees, principals, subcontractors, materialmen or suppliers while engaged in wrecking or any related construction activity.

However, the surety is not responsible under the bond for losses or expenses arising out of negligent conduct or improper workmanship unless such conduct or workmanship violates requirements of building standards and procedures.

(b) The administrator may accept in lieu of the surety bond a properly conditioned irrevocable letter of credit in the amount of thirty thousand dollars (\$30,000.00) in the case of a type A license, twenty thousand dollars (\$20,000.00) in the case of a type B license and ten thousand dollars (\$10,000.00) in the case of a type C license if the city controller approved the obligor financial institution as being financially responsible and if the corporation counsel approves the letter of credit as affording the same protections to the City of Indianapolis and an unknown third party as the protections afforded by the surety bond.

(c) The obligation of the surety and financial institution relative to this bond or letter of credit is limited to thirty thousand dollars (\$30,000.00) in the case of a type A license, twenty thousand dollars (\$20,000.00) in the case of a type B license and ten thousand dollars (\$10,000.00) in the case of a type C license. A surety or financial institution may pay on the bond or disburse from the letter of credit to pay a claim in full at any time when that claim and pending claims (reflected by written notice to the surety or financial institution) together do not exceed the unpaid penalty of the bond or the undisbursed balance of the letter of credit. If written notice is received of claims which exceed the unpaid penalty of the bond or undisbursed balance of the letter of credit, the surety or financial institution shall pro-rate payment according to the amount of such claims.

Sec. ~~8-255~~ 875-416. Insurance.

The insurance requirements are met if the person, partnership or corporation secures insurance covering all wrecking and related construction activity accomplished by the licensee or under permits obtained by the licensee and thereafter maintains such insurance in full force and effect:

- (1) A public liability and property damage insurance policy assuring the licensee and naming the Consolidated City of Indianapolis as an "additional assured," and providing also for the payment of any liability imposed by law on such licensee or the Consolidated City of Indianapolis arising out of operations being performed by or on behalf of the licensee in the minimum amounts of five hundred thousand dollars (\$500,000.00) for combined bodily injury and property damage coverage or five hundred thousand dollars (\$500,000.00) for any occurrence relative to which there is injury or death to one or more persons, and one hundred thousand dollars (\$100,000.00) for any occurrence relative to which there is damage to property. A certificate of such policy shall be delivered to the administrator of the division of development services.
- (2) Workman's compensation insurance covering the personnel employed for death or injury arising out of operations being performed by or on behalf of the licensee. A certificate of such insurance shall be delivered to the administrator of the ~~division of neighborhood and development services~~ division. This provision shall not apply if the licensee has no employees and gives appropriate notice to the ~~division of neighborhood and development services~~ division.

The insurance carrier shall give notice both to the licensee and the ~~division of neighborhood and development services~~ division at least fifteen (15) days before such insurance is either canceled or not renewed, and the certificate shall state this obligation.

Sec. ~~8-256~~ 875-417. Types of license.

There shall be three (3) types of license approved by the board pursuant to this ~~division~~ article:

- (1) The type A license authorizes the holder thereof to wreck structures without limitation;
- (2) The type B license authorizes the holder thereof to wreck structures up to seventy-five (75) feet in height;
- (3) The type C license authorizes the holder thereof to wreck wood-frame and solid masonry structures not exceeding three (3) stories or fifty (50) feet in height, whichever is less.

Sec. ~~8-257~~ 875-418. Board's approval for licensure.

Approval for licensure of a person, partnership or corporation as a wrecking contractor of the appropriate type shall be in writing signed by a majority of the board of contractors. The board may, however, by resolution agreed to by a majority of the board delegate to one of its officers or the administrator of the ~~division of neighborhood and development services~~ division authority to approve applications for licensure or renewal of licensure on behalf of the board in instances where the applicant is a person whose eligibility for license renewal is established by section 875-411(1) or the applicant is a partnership or corporation.

Upon delivery of such approval a wrecking contractor's license of the appropriate type shall be issued by the controller for a period of one year. No license shall be issued by the controller to any person, partnership or corporation as a wrecking contractor except as provided in this ~~division~~ article.

Sec. ~~8-258~~ 875-419. License personal, not transferable.

No license issued under the provisions of this ~~division~~ article shall be assigned or transferred.

Sec. ~~8-259~~ 875-420. Supervision by licensee.

All wrecking shall be accomplished under the direction and control of either:

- (1) The licensed person who applied for the building permit; or

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- (2) If the building permit has been transferred, the licensed person who is the applicant representing the transferee of the building permit; or
- (3) If the applicant for the building permit no longer is able or desires to continue his responsibilities and obligations as the applicant and the obtainer of the building permit is a partnership which has a licensed person as a partner or a corporation which has a licensed person as an officer who meets the requirements imposed by section 8-31 to apply for such a building permit in the first instance, such licensed partner or officer upon his notifying (using a form furnished by the division of neighborhood and development services division) the administrator of the neighborhood and development services division of his assumption of the responsibilities and obligations of the applicant for the specified building permit.

The licensed person providing direction and control shall specify work processes and supervise the person or persons accomplishing the wrecking. Such licensed person or a competent person responsible to him must be present at the site when any significant wrecking occurs.

Sec. ~~8-260~~ 875-421. License suspension, revocation or determination of ineligibility for renewal for a person.

The board may, under section 875-423, suspend the license of a person for a period of up to seven hundred thirty (730) days, revoke the license of a person, or determine on the basis of activities carried out while licensed that a person who is or has been licensed within the previous three hundred sixty-five (365) days is ineligible for license renewal, if one of the following is shown:

- (1) The licensee made any materially false statement of fact either to the board or on his application for license renewal; or
- (2) The licensee acted fraudulently in the license examination; or
- (3) The licensee (but not including licensees who are exempt because of compliance with the requirements of section 875-412 or section 875-413) failed to post and maintain the surety bond and insurance required by sections 875-415 and 875-416; or
- (4) The licensee acted fraudulently or with deceit in his relationship with other persons, partnership or corporations with which he dealt in connection with wrecking; or
- (5) Wrecking for which the licensee was responsible as applicant for the permit or applicant representing the transferee of the permit was performed either incompetently or in such manner that it does not meet standards of reasonable workmanship or compliance with building standards and procedures; or
- (6) The licensee failed to correct a violation of building standards and procedures relative to wrecking for which the licensee was responsible as applicant for the permit or applicant representing the transferee of the permit, after the administrator of the division of neighborhood and development services division issued notice of a building code violation, revoked a building permit or issued a stop-work order and the violation(s) causing any of these actions remained uncorrected for a period of ten (10) days from the date of issuance of the notice of the building code violation, revocation of permit or stop-work order, or in the instance where a period ten (10) days was not sufficient, such longer period of time as was fixed by the administrator in writing; or
- (7) The licensee has consistently failed to apply for or obtain required applicable permits for wrecking accomplished by the licensee or under his supervision; or
- (8) The licensee has consistently failed to give notice of availability for inspection at designated stages of wrecking as required by section 8-61; or
- (9) The licensee has consistently failed to timely file certificates of completion and compliance for wrecking relative to which he was the applicant for the permits or applicant representing the transferee of the permits; or
- (10) The licensee, excluding licensees who meet the inspector status requirement of section 875-409, has not for a period of five (5) continuous years accomplished or supervised the accomplishment of a significant amount of wrecking; or

- (11) The licensee qualified for licensure without meeting the bond and insurance requirements of sections 875-415 and 875-416 by meeting the inspector status requirements of section 875-413, but is no longer employed by the division of development services and does not meet the requirements of sections 875-415 and 875-416; or
- (12) The licensee qualified for licensure without meeting the bond and insurance requirements of sections 875-415 and 875-416 by meeting the partnership or corporate agent requirements of section 875-408 but, without presently meeting the requirements of sections 875-415 and 875-416, either he:
 - a. is no longer a partner or employee of a partnership or an officer or employee of a corporation licensed under this ~~division~~ article; or
 - b. Has made use of his license other than as an agent of the partnership or corporation named in his application; or
- (13) The licensee has not properly paid the fee specified by section 8-87 for a license which has been issued or is delinquent in other fees owed pursuant to this chapter; or
- (14) The licensee has failed to give proper supervision to wrecking in accordance with the requirements of section 875-420; or
- (15) The licensee holding a type B or type C wrecking license has accomplished (without supervision by a licensee of the appropriate type) or supervised the accomplishment of wrecking without having the type license which is required for such construction activity; or
- (16) The licensee has attempted to conceal or has concealed violations of building standards and procedures.

Sec. ~~8-261~~ 875-422. License suspension, revocation or determination of ineligibility for receipt of a successor license for a partnership or corporation.

The board may, under section 875-419, suspend the license of a partnership or corporation for a period of up to seven hundred thirty (730) days, revoke the license of a partnership or corporation, or determine on the basis of activities carried out while licensed within the previous three hundred sixty-five (365) days that the partnership or corporation is ineligible to receive a successor license, if one of the following is shown:

- (1) A materially false statement of fact was made to the board by an agent of the licensee or placed on the licensee's application for license; or
- (2) The licensee failed to post and maintain a surety bond and insurance required by sections 875-415 and 875-416; or
- (3) An agent of the licensee acted fraudulently or with deceit in his relationship with other persons, partnership or corporations with which it dealt in connection with wrecking; or
- (4) Wrecking for which the licensee was responsible as obtainer of the permit or as transferee of the permit was performed either incompetently or in such manner that it does not meet standards of reasonable workmanship or compliance with building standards and procedures; or
- (5) The licensee failed to correct a violation of building standards and procedures relative to wrecking for which the licensee was responsible as obtainer of the permit or as transferee of the permit, after the administrator of the ~~division of neighborhood and~~ development services division issued notice of a building code violation, revoked a building permit or issued a stop-work order and the violation(s) causing any of these actions remained uncorrected for a period of ten (10) days from the date of issuance of the notice of the building code violation, revocation of permit or stop-work order, or in the instance where a period ten (10) days was not sufficient, such longer period of time as was fixed by the administrator in writing; or
- (6) The licensee has consistently failed to obtain required applicable permits for wrecking accomplished by the licensee; or

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- (7) The licensee has consistently failed to give notice of availability for inspection at designated stages of wrecking as required by section 8-61; or
- (8) The licensee has consistently failed to timely file certificates of completion and compliance, as required, for wrecking accomplished pursuant to his license; or
- (9) The licensee has not properly paid the fee specified by section 8-87 for a license which has been issued or is delinquent in the payment of fees owned pursuant to this chapter; or
- (10) If a partnership, does not have a licensed person as a general partner or employee, or if a corporation, does not have a licensed person as an officer or employee; or
- (11) The partnership presently has a partner or the corporation presently has an officer who has a license under this ~~division~~ article presently suspended or who has had such a license revoked within the preceding seven hundred thirty (730) days or a determination made of ineligibility of license renewal within the preceding three hundred sixty-five (365) days; or
- (12) The partnership presently has a partner or the corporation presently has an officer who, within the previous three hundred sixty-five (365) days, served as a partner in a partnership or an officer in a corporation licensed under this ~~division~~ article at the time when actions related to policies or practices of the partnership or corporation occurred which provided the primary basis on which the license of the partnership or corporation was revoked, suspended for more than three hundred sixty-five (365) days, or a determination made of ineligibility for receipt of a successor license; or
- (13) Wrecking, for which the licensee holding a type B or type C wrecking license is responsible as obtainer of the permit or as transferee of the permit, was performed without the licensee having the type license which is required for such wrecking activity; or
- (14) The licensee has attempted to conceal or has concealed violations of building standards and procedures.

Sec. ~~8-262~~ 875-423. Hearing and appeal.

(a) The date and place for a revocation or suspension hearing shall be fixed by the board and at least ten (10) days before such date a written notice of the general nature of the charges, prepared by the ~~division of neighborhood and development services~~ division, and of the time and place of the hearing thereon shall be served upon the licensee, either by hand delivery to the charged person or to a partner of a charged partnership or officer of a charged corporation, or by certified mail with return receipt requested, addressed to the licensee at his main place of business as shown by the licensee's application for license or license renewal. The ten (10) or more days shall run from the date such notice is mailed. In the instance where charges are made which have a similar factual basis and a business relationship exists (as, for example, charges against two (2) licensed partners or charges against a licensed corporation and a licensed corporate officer), the board may hear evidence relative to two (2) or more charges at the same hearing.

(b) The licensee may appear in person or by counsel and produce evidence (including testimonial and documentary evidence), make argument and cross-examine witnesses at such hearing. The ~~division of neighborhood and development services~~ division shall have the same right. The board may cause or allow any other relevant evidence to be introduced. On the basis of evidence presented at the hearing, the board shall make findings and enter an order in accordance with such findings, which shall not become effective until ten (10) days after notice and a copy thereof has been served upon the licensee, in the manner required for notice of the hearing.

(c) On or before ten (10) days after service of said order, the licensee may appeal therefrom to the director of the department of metropolitan development, by serving a notice of appeal upon the director either in person or by filing it at his office, with a copy thereof delivered to the board at the office of the administrator of the ~~division of neighborhood and development services~~ division, who shall deliver such copy to the board. Unless such appeal is so taken, the order of the board shall be final.

(d) If so appealed, the order of the board shall be stayed until the appeal is heard and determined by the director of the department of metropolitan development or a representative designated in writing (but not an employee of the ~~division of neighborhood and development services~~ division) by the director, under the procedure prescribed by statute for hearings on the suspension or revocation of licenses. The director or his representative shall thereupon render such decision as he finds justified and sustained by the evidence, either

affirming, reversing or modifying the terms of the order of the board. The order of the director of his representative shall be final and conclusive and be binding upon both the licensee and the board.

ARTICLE V. REGISTRATION OF PLUMBING CONTRACTORS

Sec. ~~8-270~~ 875-501. Registration.

Any person or corporation which is licensed by the Indiana Plumbing Commission as a plumbing contractor pursuant to Public Law 188 of the Acts of 1972, as amended, and which performs any work within the Consolidated City of Indianapolis which it is privileged to accomplish pursuant to such license shall register with the administrator of the division of development services. Such registration shall be accomplished by annually paying a fee specified by section 8-87 and by furnishing the following information on a form supplied by the division of development services:

- (1) Name of business;
- (2) Legal status (whether sole proprietor, member of partnership or corporation);
- (3) Address of business;
- (4) The identification number of the license issued by the Indiana Plumbing Commission;
- (5) In the instance of a corporation which is a licensed plumbing contractor, the name of all corporate officers or employees who hold a plumbing contractor's license and are authorized by the corporation to obtain building permits on behalf of the corporation for construction activity relative to which state licensure as a plumbing contractor is required.

Such registration shall expire on December 31st of the year of registration, or at such earlier time as the person or corporation is not licensed by the Indiana Plumbing Commission as a plumbing contractor.

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall be in effect from and after its passage by the Council and compliance with IC 36-3-4-14.

PROPOSAL NO. 283, 1994. Councillor Gilmer reported that the Capital Asset Management Committee recommended that Proposal No. 283, 1994 be adopted on May 18, 1994. The Council returned it to Committee on May 23, 1994. The Committee heard it again on July 20, 1994. The proposal, sponsored by Councillors Giffin, Golc and Short, amends the Code by authorizing a change in speed limits for segments of Raymond Street and Airport Expressway (Districts 17, 19, 21). By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Gilmer asked Ron Greiwe, Engineer, Department of Capital Asset Management (DCAM), to explain why that section of the Airport Expressway needs to be reduced to 45 mph. Mr. Greiwe stated that in the past three years there have been forty-eight accidents on this segment between the I-465 and the I-70 interchanges. The road has a design speed of 45 mph, which was determined by DCAM's consulting engineer, Clint Sparks. There are a total

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of six on and off ramps in this stretch of road, so in order to provide safe and efficient traffic flow the speed limit has to be 45 mph. Since this section has been designed for 45 mph there is a liability concern if the speed limit is increased.

Councillor Curry asked why this section of highway was deliberately designed for 45 mph. Mr. Greiwe said that the standards were different when the Airport Expressway was first built. The design engineer had to accept the existing ramps. DCAM made an attempt to close one of these interchanges, but was unsuccessful. The Park Flether Industrial Park paid for some of the initial construction cost when the Airport Expressway was built. Councillor Curry said that he believed that segment of the Airport Expressway could have been designed better.

Councillor Coughenour said that she did not think that a 45 mph speed limit for that segment is realistic.

Councillor Jimison moved the question. Councillor Short seconded the motion.

Councillor Gilmer moved, seconded by Councillor Short, for adoption. Proposal No. 283, 1994 was adopted on the following roll call vote; viz:

18 YEAS: Beadling, Black, Boyd, Brents, Giffin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, Moriarty Adams, O'Dell, Ruhmkorff, Schneider, Shambaugh, Smith, West

8 NAYS: Borst, Coughenour, Curry, Franklin, McClamroch, Mullin, Rhodes, SerVaas

1 NOT VOTING: Short

2 NOT PRESENT: Dowden, Williams

Proposal No. 283, 1994 was retitled GENERAL ORDINANCE NO. 96, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 96, 1994

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana," Sec. 29-136. Alteration of prima facie speed limits.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Code of Indianapolis and Marion County, Indiana," specifically, Chapter 29, Sec. 29-136, Alteration of prima facie speed limits, be, and the same is hereby amended by the deletion of the following, to wit:

55 MPH

Airport Expressway,
from I-465 to Holt Road

45 MPH

Airport Expressway,
from High School Road to I-465

Raymond Street,
from Holt Road to White River Parkway West Drive

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40 MPH

Raymond Street,
from Kentucky Avenue to White River Bridge

35 MPH

Raymond Street,
from Meridian Street to Shelby Street

SECTION 2. The "Code of Indianapolis and Marion County, Indiana," specifically Chapter 29, Sec. 29-136, Alteration of prima facie speed limits, be and the same is hereby amended by the addition of the following, to wit:

45 MPH

Airport Expressway,
from High School road to Holt Road

Raymond Street,
from Holt Road to Kentucky Avenue

40 MPH

Raymond Street,
from Kentucky Avenue to Capitol Avenue

35 MPH

Raymond Street,
from Capitol Avenue to Shelby Street

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 329, 1994. Councillor Giffin reported that the Parks and Recreation Committee heard Proposal No. 329, 1994 on July 21, 1994. The proposal, sponsored by Councillor O'Dell, approves the lease of Department of Parks and Recreation property commonly referred to as the Post Road Community Center. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Giffin moved, seconded by Councillor O'Dell, for adoption. Proposal No. 329, 1994 was adopted on the following roll call vote; viz:

24 YEAS: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Franklin, Giffin, Golc, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith

0 NAYS:

3 NOT VOTING: Gilmer, Gray, West

2 NOT PRESENT: Dowden, Williams

Proposal No. 329, 1994 was retitled SPECIAL RESOLUTION NO. 59, 1994 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 59, 1994

A SPECIAL RESOLUTION approving the leasing of certain real estate of the Department of Parks and Recreation.

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BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The City-County Council hereby approves, pursuant to IC 36-1-11-3 the lease of property of the Department of Parks and Recreation for the purpose of providing banquet facilities and food and beverage services.

SECTION 2. The property is located at 1313 South Post Road, Indianapolis, Indiana and is commonly referred to as the Post Road Community Center.

SECTION 3. The annual rental payment for the banquet operations upon commencement of the lease shall be an amount equal to fifteen percent (15%) on all gross sales made from the operation.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 344, 1994. Councillor Gilmer reported that the Capital Asset Management Committee heard Proposal No. 344, 1994 on July 20, 1994. The proposal, sponsored by Councillor Smith, amending the Code by authorizing a change in the speed limit on Post Road from I-74 to Northeastern Avenue (Districts 13, 23). By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Gilmer moved, seconded by Councillor Smith, for adoption. Proposal No. 344, 1994, as amended, was adopted on the following roll call vote; viz:

26 YEAS: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Franklin, Giffin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West

0 NAYS:

1 NOT VOTING: Mullin

2 NOT PRESENT: Dowden, Williams

Proposal No. 344, 1994, as amended, was retitled GENERAL ORDINANCE NO. 97, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 97, 1994

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-136, Alteration of prima facie speed limits.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-136, Alteration of prima facie speed limits, be, and the same is hereby amended by the addition of the following, to wit:

35 MPH

Post Road, from
3300 South Post Road to Northeastern Avenue

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 366, 1994. Councillor Franklin reported that the Public Safety and Criminal Justice Committee heard Proposal No. 366, 1994 on July 27, 1994. The proposal transfers and appropriates \$4,000 for the Superior Court, Juvenile Division/Detention Center to purchase strategic planning supplies. By a 3-2 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Franklin moved, seconded

by Councillor Moriarty Adams, for adoption. Proposal No. 366, 1994 was adopted on the following roll call vote; viz:

- 18 YEAS: Boyd, Brents, Franklin, Giffin, Gilmer, Golc, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, West
- 8 NAYS: Beadling, Black, Borst, Curry, Gray, Hinkle, O'Dell, Smith
- 1 NOT VOTING: Coughenour
- 2 NOT PRESENT: Dowden, Williams

Proposal No. 366, 1994 was retitled FISCAL ORDINANCE NO. 63, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 63, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) transferring and appropriating an additional Four Thousand Dollars (\$4,000) in the County Grants Fund for purposes of the Superior Court, Juvenile Division/Detention Center, and reducing certain other appropriations for that division.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02 (II) of the City-County Annual Budget for 1994, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Superior Court, Juvenile Division/Detention Center, to purchase strategic planning supplies.

SECTION 2. The sum of Four Thousand Dollars (\$4,000) and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>SUPERIOR COURT, JUVENILE DIVISION/DETENTION CENTER</u>	<u>COUNTY GRANTS FUND</u>
2. Supplies	4,000
TOTAL INCREASE	4,000

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>SUPERIOR COURT, JUVENILE DIVISION/DETENTION CENTER</u>	<u>COUNTY GRANTS FUND</u>
3. Other Services and Charges	4,000
TOTAL REDUCTION	4,000

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor, are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 370, 1994. Councillor Curry reported that the Rules and Public Policy Committee heard Proposal No. 370, 1994 on June 28 and July 18, 1994. The proposal, sponsored by Councillors McClamroch, Dowden, Franklin, Golc, Gray, SerVaas and Smith, authorizes and requests the Indianapolis-Marion County Building Authority to proceed to secure portions of the City-County Building used by courts. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

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Councillor Curry moved to amend Proposal No. 370, 1994 by substituting the word "proposed" for the word "approved" in Sections 1 and 3 and by correcting the spelling of the word "devices" in Section 2(1). This motion was seconded by Councillor McClamroch and passed by a unanimous voice vote.

Councillor Short suggested that the digest of the proposal be changed to include the text "with a study for securing" after the words "to proceed." Councillor Curry agreed.

Councillor Curry moved, seconded by Councillor McClamroch, for adoption. Proposal No. 370, 1994, as amended, was adopted on the following roll call vote; viz:

25 YEAS: *Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Franklin, Giffin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Schneider, SerVaas, Shambaugh, Short, Smith*
2 NAYS: *Ruhmkorff, West*
2 NOT PRESENT: *Dowden, Williams*

Proposal No. 370, 1994, as amended was retitled SPECIAL RESOLUTION NO. 60, 1994 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 60, 1994

A SPECIAL RESOLUTION authorizing and requesting the Indianapolis-Marion County Building Authority to proceed with a study securing portions of the City-County Building used by courts.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Modifications of the City-County Building to provide security for courts are hereby proposed.

SECTION 2. The Indianapolis-Marion County Building Authority is hereby requested to plan the financing for personnel and physical modifications of the City-County Building as necessary to implement a plan which may include the following:

- (1) Security for the entire west wing including metal detectors and scanning devices placed on the first floor;
- (2) Security for the basement including metal detectors and scanning devices placed between the escalator and double door entrance to the basement hallway; and
- (3) Security for any floor or court in the tower and east wing on which courts are located, if requested by the judges presiding in such courts, including metal detectors placed on each such floor or court.

SECTION 3. The Indianapolis-Marion County Building Authority shall present to the Council within sixty days of the adoption of this resolution, the budget for such modifications. Such budget shall include the costs of building modifications and equipment necessary to complete the plan proposed in Section 2. The Building Authority shall consult with the Superior Courts' Administrator and the Presiding Judge of the Municipal Courts to develop the budgetary requirement for the courts to provide personnel to operate the security devices.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 371, 1994. Councillor Gilmer reported that the Capital Asset Management Committee heard Proposal No. 371, 1994 on July 20, 1994. The proposal, sponsored by Councillor Williams, amends the Code by authorizing a multi-way stop at Broadway Street and 24th Street and at Carrollton Avenue and 24th Street (District 22). By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Gilmer moved, seconded by Councillor Golc, for adoption. Proposal No. 371, 1994 was adopted on the following roll call vote; viz:

26 YEAS: *Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Franklin, Giffin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West*

0 NAYS:

1 NOT VOTING: *Rhodes*

2 NOT PRESENT: *Dowden, Williams*

Proposal No. 371, 1994 was retitled GENERAL ORDINANCE NO. 98, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 98, 1994

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-92, Schedule of intersection controls, be, and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
25, Pg. 4	Broadway & 24th St	Broadway	Stop
25, Pg. 6	Carrollton Av & 24th St	Carrollton Av	Stop

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-92, Schedule of intersection controls, be, and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
25, Pg. 4	Broadway St & 24th St	None	All Stop
25, Pg. 6	Carrollton Av & 24th St	None	All Stop

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 387, 1994. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 387, 1994 on July 28, 1994. The proposal authorizes Marion County to provide worker's compensation by participation in the Indiana Public Employees' Plan, Inc. By a 4-0-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Rhodes moved, seconded by Councillor Ruhmkorff, for adoption. Proposal No. 387, 1994 was adopted on the following roll call vote; viz:

26 YEAS: *Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Franklin, Giffin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Smith, West*

0 NAYS:

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1 NOT VOTING: Short

2 NOT PRESENT: Dowden, Williams

Councillor Short stated that he abstained due to a possible conflict of interest.

Proposal No. 387, 1994 was retitled GENERAL RESOLUTION NO. 1, 1994 and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 1, 1994

A PROPOSAL FOR A GENERAL RESOLUTION authorizing Marion County to participate in the Indiana Public Employees' Plan Inc., pursuant to IC 36-1-7.

WHEREAS, the cost of providing coverage for County employees pursuant to IC 22-3 et seq. has risen over the past years, and

WHEREAS, the County desires to participate in a risk-sharing pool of other Indiana government entities in order to reduce those costs, and

WHEREAS, such a pool has been established pursuant to the provisions of IC 36-1-7, now therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The County of Marion is hereby authorized to participate in the Indiana Public Employees' Plan, Inc.

SECTION 2. The Office of the Marion County Auditor is authorized to enter into an agreement with Indiana Public Employees' Plan, Inc. and to perform all other acts necessary for the County's participation.

SECTION 3. Should any provision, section, paragraph, sentence, clause or any other portion of this resolution be declared by a Court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, if and only if, such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this resolution. To this end the provisions of this resolution are severable.

SECTION 4. This Resolution shall be in full force and effect after compliance with the provisions of IC 36-3-4-14.

PROPOSAL NO. 388, 1994. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 388, 1994 on July 28, 1994. The proposal amends the Revised Code to provide service of citations by first-class mail. Councillor Rhodes stated that civil zoning violations are presently sent by certified mail which costs an additional \$2 per notice. The Prosecutor's Office examined the situation and could not determine any valid reason for the certified mailings. This will save the taxpayers money. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Rhodes moved, seconded by Councillor Shambaugh, for adoption. Proposal No. 388, 1994 was adopted on the following roll call vote; viz:

26 YEAS: Black, Borst, Boyd, Brents, Coughenour, Curry, Franklin, Giffin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West

1 NAY: Beadling

2 NOT PRESENT: Dowden, Williams

Proposal No. 388, 1994 was retitled GENERAL ORDINANCE NO. 99, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 99, 1994

A GENERAL ORDINANCE amending the Revised Code to provide service of citations by first-class mail.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Chapter 103 of the Revised Code of the Consolidated City and County is amended by the deletion of the stricken-through text and the insertion of the underlined text, to read as follows:

Sec. 103-56. Service of citation.

A citation of a violation subject to this article shall be served by the issuing official upon the alleged violator; service may be as follows:

- (1) If the alleged violator is present, it shall be delivered personally to the alleged violator.
- (2) If the alleged violator is not present and the violation involves specific premises, it shall be served on the owner or other person in possession of the premises either in person or by certified first-class mail, return receipt requested.
- (3) If the alleged violator is not present and the violation involves a motor vehicle, it shall be delivered either to any competent person in possession or in charge of the motor vehicle or, if no such person is present, to the owner or operator of the motor vehicle by posting or attaching the written citation and notice in a conspicuous space upon the vehicle.

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall be in effect from and after its passage by the Council and compliance with IC 36-3-4-14.

PROPOSAL NO. 399, 1994. Councillor Franklin reported that the Public Safety and Criminal Justice Committee heard Proposal No. 399, 1994 on July 13, 1994. The proposal is an appropriation to purchase a computer for the Department of Public Safety, Weights and Measures Division, from the Consolidated County Fund in the amount of \$3,100 financed by a transfer between characters in the Consolidated County Fund. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Franklin moved, seconded by Councillor Schneider, for adoption. Proposal No. 399, 1994 was adopted on the following roll call vote; viz:

25 YEAS: *Beadling, Borst, Boyd, Brents, Coughenour, Curry, Franklin, Giffin, Gilmer, Golc, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West*

0 NAYS:

2 NOT VOTING: *Black, Gray*

2 NOT PRESENT: *Dowden, Williams*

August 8, 1994

Proposal No. 399, 1994 was retitled FISCAL ORDINANCE NO. 64, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 64, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) transferring and appropriating an additional Three Thousand One Hundred Dollars (\$3,100) in the Consolidated County Fund for purposes of the Department of Public Safety, Weights and Measures Division, and reducing certain other appropriations for that division.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01.(m) of the City-County Annual Budget for 1994, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Weights and Measures Division, to purchase an upgraded computer.

SECTION 2. The sum of Three Thousand One Hundred Dollars (\$3,100) and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC SAFETY WEIGHTS AND MEASURES DIVISION</u>	<u>CONSOLIDATED COUNTY FUND</u>
4. Capital Outlay	3,100
TOTAL INCREASE	3,100

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>DEPARTMENT OF PUBLIC SAFETY WEIGHTS AND MEASURES DIVISION</u>	<u>CONSOLIDATED COUNTY FUND</u>
3. Other Services and Charges	3,100
TOTAL REDUCTION	3,100

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 401, 1994. Councillor Franklin reported that the Public Safety and Criminal Justice Committee heard Proposal No. 401, 1994 on July 27, 1994. The proposal is an appropriation to fund a certified substance abuse program in the Community Corrections Jail Component for Community Corrections from the Home Detention User Fee Fund in the amount of \$11,400 financed by unspent 1993-94 Home Detention User Fees. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Franklin moved, seconded by Councillor Curry, for adoption. Proposal No. 401, 1994 was adopted on the following roll call vote; viz:

26 YEAS: *Beadling, Borst, Boyd, Brents, Coughenour, Curry, Franklin, Giffin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West*

1 NAY: *Black*

2 NOT PRESENT: *Dowden, Williams*

Proposal No. 401, 1994 was retitled FISCAL ORDINANCE NO. 65, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 65, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) transferring and appropriating an additional Eleven Thousand Four Hundred Dollars (\$11,400) in the Home Detention User Fee Fund (FY94-95) for purposes of Community Corrections and reducing certain other appropriations in the Home Detention User Fee Fund (FY93-94).

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section I.02 (bb) of the City-County Annual Budget for 1994, be and is hereby amended by the increases and reductions hereinafter stated for purposes of Community Corrections to provide a certified substance abuse program in the Community Corrections Jail Component.

SECTION 2. The sum of Eleven Thousand Four Hundred Dollars (\$11,400) and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>COMMUNITY CORRECTIONS</u>	<u>HOME DETENTION USER FEE FUND FY94-95</u>
3. Other Services and Charges	<u>11,400</u>
TOTAL INCREASE	11,400

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>COMMUNITY CORRECTIONS</u>	<u>HOME DETENTION USER FEE FUND FY93-94</u>
1. Personal Services	6,400
2. Supplies	3,000
3. Other Services and Charges	<u>2,000</u>
TOTAL REDUCTION	11,400

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 402, 1994. Councillor Franklin reported that the Public Safety and Criminal Justice Committee heard Proposal No. 402, 1994 on July 13, 1994. The proposal, sponsored by Councillor Borst, is an appropriation to purchase necessary chemicals, supplies and reagents to provide urinalysis, drug and latent print services for the remainder of the year for the Forensic Services Agency from the County General Fund in the amount of \$60,000 financed by a transfer between characters in the County General Fund. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Franklin moved, seconded by Councillor Schneider, for adoption. Proposal No. 402, 1994 was adopted on the following roll call vote; viz:

26 YEAS: *Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Franklin, Giffin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West*

0 NAYS:

1 NOT VOTING: *Rhodes*

2 NOT PRESENT: *Dowden, Williams*

August 8, 1994

Proposal No. 402, 1994 was retitled FISCAL ORDINANCE NO. 66, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 66, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) transferring and appropriating an additional Sixty Thousand Dollars (\$60,000) in the County General Fund for purposes of the Forensic Services Agency and reducing certain other appropriations for that agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02 (z) of the City-County Annual Budget for 1994, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Forensic Services Agency to purchase necessary chemicals, supplies and reagents to provide urinalysis, drug and latent print services for the remainder of 1994.

SECTION 2. The sum of Sixty Thousand Dollars (\$60,000) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>FORENSIC SERVICES AGENCY</u>	<u>COUNTY GENERAL FUND</u>
2. Supplies	60,000
TOTAL INCREASE	60,000

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>FORENSIC SERVICES AGENCY</u>	<u>COUNTY GENERAL FUND</u>
4. Capital Outlay	60,000
TOTAL REDUCTION	60,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NOS. 403, 404, 405, 406, 407, 408, 409, 410, 411, 412 and 413, 1994. Councillor Gilmer asked for consent to vote on these eleven transportation together. Consent was given. PROPOSAL NO. 403, 1994. The proposal, sponsored by Councillor Gilmer, amends the Code by authorizing stop signs for the Willows subdivision (District 1). PROPOSAL NO. 404, 1994. The proposal, sponsored by Councillor Gilmer, amends the Code by authorizing intersection controls for the Country Brook subdivision (Districts 1, 9). PROPOSAL NO. 405, 1994. The proposal, sponsored by Councillor Gilmer, amends the Code by authorizing stop signs for the Lakeside Woods subdivision (District 1). PROPOSAL NO. 406, 1994. The proposal, sponsored by Councillor Gilmer, amends the Code by authorizing intersection controls for the Crooked Creek Villages West subdivision (District 1). PROPOSAL NO. 407, 1994. The proposal, sponsored by Councillor Gilmer, amends the Code by authorizing intersection controls for the Garden North subdivision (District 1). PROPOSAL NO. 408, 1994. The proposal, sponsored by Councillor Beadling, amends the Code by authorizing stop signs for the Feather Cove subdivision (District 5). PROPOSAL NO. 409, 1994. The proposal, sponsored by Councillor Beadling, amends the Code by authorizing stop signs for the Admirals Bay subdivision, Sections 6 and 7 (District 5). PROPOSAL NO. 410, 1994. The proposal, sponsored by Councillor Hinkle, amends the Code by authorizing stop signs for the Parc Estates subdivision (District 18). PROPOSAL NO. 411, 1994. The proposal, sponsored by Councillor Dowden, amends the Code by authorizing stop signs for the Bolandar Woods subdivision (District 4). PROPOSAL NO. 412, 1994. The proposal, sponsored by Councillor Dowden, amends the Code by authorizing

stop signs for the Lake Kessler Woods subdivision (District 4). PROPOSAL NO. 413, 1994. The proposal, sponsored by Councillor Dowden, amends the Code by authorizing stop signs for the Kessler Pointe subdivision (District 4).

Councillor Gilmer reported that the Capital Asset Management Committee heard these proposals on July 20, 1994. By 7-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Gilmer moved, seconded by Councillor Beadling, for adoption. Proposal Nos. 403, 404, 405, 406, 407, 408, 409, 410, 411, 412 and 413, 1994 were adopted on the following roll call vote; viz:

26 YEAS: *Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Franklin, Giffin, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West*
0 NAYS:
1 NOT VOTING: *Gilmer*
2 NOT PRESENT: *Dowden, Williams*

Proposal No. 403, 1994 was retitled GENERAL ORDINANCE NO. 100, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 100, 1994

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-92, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
16, Pg. 1	Allport Dr, Falcon Grove Dr	Falcon Grove Dr	Stop
16, Pg. 5	Falcon Grove Dr, Hayford Ct	Falcon Grove Dr	Stop
16, Pg. 5	Falcon Grove Dr, Hayford Way	Falcon Grove Dr	Stop
16, Pg. 6	High School Rd, Willow Lane	High School Rd	Stop
16, Pg. 10	Sheehan Pl, Willow Lane	Sheehan Pl	Stop

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 404, 1994 was retitled GENERAL ORDINANCE NO. 101, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 101, 1994

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-92, Schedule of intersection controls.

August 8, 1994

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
9, Pg. 2	Country Brook Ct, Country Brook Dr	Country Brook Dr	Stop
9, Pg. 2	Country Brook Dr, Country Brook Ln	Country Brook Dr	Yield
9, Pg. 2	Country Brook Dr, 62nd St	62nd St	Stop
9, Pg. 2	Country Brook Dr, Country Brook Ter	Country Brook Dr	Stop
9, Pg. 2	Country Brook Dr, Country Brook Way	Country Brook Dr	Stop
9, Pg. 2	Country Brook Dr, Georgetown Rd	Georgetown Rd	Stop

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 405, 1994 was retitled GENERAL ORDINANCE NO. 102, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 102, 1994

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-92, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
8, Pg. 1	Lake Woods Cir, Lake Woods Dr	Lake Wood Cir	Stop
8, Pg. 1	Lake Woods Cir, Marsh Rd	Marsh Rd	Stop
8, Pg. 1	Lake Woods Dr, 71st St	71st St	Stop

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 406, 1994 was retitled GENERAL ORDINANCE NO. 103, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 103, 1994

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-92, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
I0, Pg. 4	Hollingsworth Dr, 71st St	71st St	Stop
I0, Pg. 4	Hollingsworth Dr, Lindel Ln	Hollingsworth Dr	Stop
I0, Pg. 4	Hollingsworth Dr, Starkey Ridge Ln	Hollingsworth Dr	Stop
I0, P. 4	Hollingsworth Dr, Waterstone Dr	Hollingsworth Dr	Yield

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 407, 1994 was retitled GENERAL ORDINANCE NO. 104, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 104, 1994

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-92, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
9, Pg. 1	Bur Oak Pl, Pin Oak Way	Pin Oak Way	Yield
9, Pg. 3	Laurel Oak Pl, Pin Oak Way	Pin Oak Way	Yield
9, Pg. 4	Pin Oak North Dr, Pin Oak Way	Pin Oak Way	Stop

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 408, 1994 was retitled GENERAL ORDINANCE NO. 105, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 105, 1994

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-92, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

August 8, 1994

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
6, Pg. 3	Hunters Cove Dr, Hunters Pl	Hunters Cove Dr	Stop

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 409, 1994 was retitled GENERAL ORDINANCE NO. 106, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 106, 1994

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-92, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
51, Pg. 1	Anchor Bay Dr, Richlane Dr	Anchor Bay Dr	Stop
51, Pg. 1	Anchor Bay Dr, Bay Run Ct, Bay Run Dr	Anchor Bay Dr	Stop
51, Pg. 1	Anchor Way Ct, Anchor Way Dr, Old Stone Dr	Old Stone Dr	Stop
51, Pg. 1	Bay Pointe Ci, Old Stone Dr	Old Stone Dr	Stop

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 410, 1994 was retitled GENERAL ORDINANCE NO. 107, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 107, 1994

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-92, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
22, Pg. 1	Ambassador Ct, Glendora Dr, Fullerton Dr	Ambassador Ct,	Stop
22, Pg. 4	Fullerton Dr, Thousand Oaks Dr	Fullerton Dr	Stop

22, Pg. 3	El Paso Dr, Glendora Dr	Glendora Dr	Stop
23, Pg. 3	El Paso Dr, Santa Ana Ln	El Paso Dr	Stop

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 411, 1994 was retitled GENERAL ORDINANCE NO. 108, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 108, 1994

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-92, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
6, Pg. 4	Lantern Rd, William Penn Dr	Lantern Rd	Stop
6, Pg. 4	William Penn Ci, William Penn Dr	William Penn Dr	Stop
6, Pg. 4	William Penn Dr, William Penn Pl	William Penn Dr	Stop

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 412, 1994 was retitled GENERAL ORDINANCE NO. 109, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 109, 1994

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-92, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
12, Pg. I	Brokenhurst Rd, Fall Creek Pky NDR	Fall Creek Pky NDR	Stop
12, Pg. I	Fall Creek Pky NDR, Kesslerwood Ct	Fall Creek Pky NDR	Stop

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

August 8, 1994

Proposal No. 413, 1994 was retitled GENERAL ORDINANCE NO. 110, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 110, 1994

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-92, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
12, Pg. 6	Kessler BI EDR, Winding Way	Kessler BI EDR	Stop

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection traffic controls, be, and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
12, Pg. 6	Kessler BI EDR, Winding Way, Winding Way Ln	Kessler BI EDR	Stop

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 414, 1994. Councillor Gilmer reported that the Capital Asset Management Committee heard Proposal No. 414, 1994 on July 20, 1994. The proposal, sponsored by Councillor Jones, amends the Code by authorizing a multi-way stop at Kealing Avenue and 13th Street (District 10). By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Jones, for adoption. Proposal No. 414, 1994 was adopted on the following roll call vote; viz:

27 YEAS: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Franklin, Giffin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West

0 NAYS:

2 NOT PRESENT: Dowden, Williams

Proposal No. 414, 1994 was retitled GENERAL ORDINANCE NO. 111, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 111, 1994

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-92, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
26, Pg. 13	Kealing Av, 13th St	13th St	Stop

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
26, Pg. 13	Kealing Av, 13th St	None	All Way Stop

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

ANNOUNCEMENTS AND ADJOURNMENT

Mr. Elrod made the following announcement:

Mr. President:

This Council will hold a public hearing on Rezoning Petition No. 94-Z-57 (94-DP-2), Council Proposal No. 464, 1994, at its next regular meeting on August 22, 1994, such meeting to convene at 7:00 p.m. in these Council Chambers in the City-County Building in Indianapolis. This petition proposes to rezone 49.897 acres at 4650 Millersville Road from SU-34 to D-P to provide for residential development in the floodway fringe.

Written objections that are filed with the Clerk of the Council shall be heard at such time, or the hearing may be continued from time to time as found necessary by the Council.

Councillor Boyd stated that he has been asked to offer the following motion for adjournment by Councillor Franklin.

Councillor Boyd stated that he has been asked to offer the following motion for adjournment by Councillor Franklin. Councillor Boyd moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Florida Mae Thomas. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the family advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 10:38 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-County Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 8th day of August 1994.

August 8, 1994

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

Burt Serwaas

President

ATTEST:

Sullen Hart

Clerk of the Council

(SEAL)