

REGULAR MEETING

Monday, April 4, 1932.

7:30 P. M.

The Common Council of the City of Indianapolis met in the Council Chamber at City Hall, Monday, April 4, 1932, at 7:30 p. m., in regular session. President Ernest C. Ropkey in the chair.

The Clerk called the roll.

Present: Ernest C. Ropkey, President, and seven members, viz: Fred C. Gardner, Geo. A. Henry, C. A. Hildebrand, Chas. C. Morgan, Maurice E. Tennant, Leo F. Welch, Clarence I. Wheatley.

Absent: James A. Houck.

On motion of Mr. Welch, seconded by Mr. Morgan, the reading of the Journal for the previous meeting was dispensed with.

COMMUNICATIONS FROM THE MAYOR

March 28, 1932.

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

Gentlemen:

I have this day approved with my signature, and delivered to Mr. Henry O. Goett, City Clerk, the following ordinances:

APPROPRIATION ORDINANCE NO. 5, 1932

AN ORDINANCE appropriating the sum of One Thousand Seven Hundred Fifty Dollars (\$1,750.00) from the estimated unappropriated and unexpended balance of the General Fund for the year 1932 to the Department of Public Works, Administration Fund No. 26—Other Contractual, and fixing a time when the same shall take effect.

GENERAL ORDINANCE NO. 15, 1932

AMENDED.

AN ORDINANCE to amend Section F-609 of Division F; part six of Section 865 of General Ordinance No. 121, 1925, repealing all ordinances in conflict therewith and fixing a time when same shall take effect.

GENERAL ORDINANCE NO. 16, 1932

AMENDED.

AN ORDINANCE to amend Section A-223, sub-paragraph (x) of Division A—Part Two of Section 865 of General Ordinance No. 121, 1925, repealing all ordinances in conflict therewith and fixing a time when same shall take effect.

GENERAL ORDINANCE NO. 21, 1932

AN ORDINANCE amending Section 44 of General Ordinance No. 96, 1928, as amended by General Ordinance No. 31, 1931, and General Ordinance No. 81, 1931, and fixing a time when the same shall take effect.

GENERAL ORDINANCE NO. 22, 1932

AN ORDINANCE establishing certain passenger zones and/or loading zones in the City of Indianapolis pursuant to the provisions of Section 26 of General Ordinance No. 96, 1928, as amended by General Ordinance No. 31, 1931, as amended by General Ordinance No. 58, 1931, and fixing a time when the same shall take effect.

GENERAL ORDINANCE NO. 23, 1932

AMENDED.

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

GENERAL ORDINANCE NO. 25, 1932

AN ORDINANCE amending section 122 of General Ordinance No. 121, 1925, commonly known as the General Code of 1925, as amended by General Ordinance No. 78, 1931, as amended by General Ordinance No. 85, 1931, as amended by General Ordinance No. 103, 1931, and fixing a time when the same shall take effect.

GENERAL ORDINANCE NO. 26, 1932

AN ORDINANCE transferring moneys from certain numbered funds and reappropriating and reapportioning the same to other numbered funds, and fixing a time when the same shall take effect.

GENERAL ORDINANCE NO. 27, 1932

AN ORDINANCE transferring certain sums of money from certain numbered funds in the Department of Public Health and Charities and reappropriating the same to other numbered funds of said department; and fixing a time when the same shall take effect.

Yours very truly,

R. H. SULLIVAN,
Mayor.

COMMUNICATIONS FROM CITY OFFICIALS

April 1, 1932.

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

Gentlemen:

Attached hereto are 14 copies of General Ordinance No. 29, 1932, amending the general zoning ordinance of the City.

The City Plan Commission respectfully recommends the passage of this ordinance.

Very truly yours,

H. B. STEEG,
Secretary-Engineer,
CITY PLAN COMMISSION.

April 4, 1932.

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

Gentlemen:

Attached hereto are 14 copies of General Ordinance No. 30, 1932, authorizing the Board of Public Works, thru its duly appointed Agent, to purchase the seasonal requirements for Street and Road Materials and Supplies.

The City Purchasing Agent respectfully recommends the passage of this ordinance.

Very truly yours,

DEPT. OF PUBLIC PURCHASE.

ALBERT H. LOSCHE,
Purch. Agt.

April 4, 1932.

*Hon. President and Members of the
Common Council,
City of Indianapolis.*

Gentlemen:

We are submitting herewith an ordinance, G. O. 31, 1932, amending Paragraph b—Section B-456 of General Ordinance No. 11, 1931, governing the hanging of street banners, and respectfully recommend its passage.

Respectfully submitted,

BOARD OF PUBLIC SAFETY,
WALTER O. LEWIS,
Executive Secretary.

April 4, 1932.

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

Gentlemen:

Attached please find copies of General Ordinance No. 32, 1932, authorizing the City Controller to issue and sell one hundred (100) bonds of One Thousand (\$1,000.00) Dollars each for the purpose of procuring money to be used in the improving, widening and resurfacing of certain streets in said City of Indianapolis; said bonds to be designated "Municipal Street Improvement Bonds of 1932, First Issue" and dated June 1, 1932.

I respectfully recommend the passage of this ordinance

Yours very truly,

WM. L. ELDER,
City Controller.

April 4, 1932.

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

Gentlemen:

Attached please find copies of Appropriation Ordinance No. 7, 1932, appropriating and transferring to the Street Commissioner's Department—Division of Street Maintenance, the total sum of Thirty Thousand (\$30,000.00) Dollars out of the Gasoline Tax Fund, now unappropriated.

I respectfully recommend the passage of this ordinance.

Yours very truly,

WM. L. ELDER,
City Controller.

Mr. Henry asked for a recess. The motion was seconded by Mr. Wheatley, and the Council recessed at 8:55 p. m.

The Council reconvened from its recess at 10:15 p. m., with the same members present as before.

COMMITTEE REPORTS

Indianapolis, Ind., April 4, 1932.

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

Gentlemen:

We, your Committee on Public Safety, to whom was referred General Ordinance No. 20, 1932, entitled Amending General Ordinance 121, 1925, Regulating sale and use of Fire Works, beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed as amended.

MAURICE E. TENNANT, Chairman.
FRED C. GARDNER.
LEO F. WELCH.
C. I. WHEATLEY.
CHAS. C. MORGAN.

Indianapolis, Ind., April 4, 1932.

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

Gentlemen:

We, your Committee on Public Safety to whom was referred General Ordinance No. 28, 1932, entitled Establishing Loading or Passenger Zone—Odd Fellows Building, beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

MAURICE E. TENNANT, Chairman.
FRED C. GARDNER.
LEO F. WELCH.
C. I. WHEATLEY.

Indianapolis, Ind., April 4, 1932.

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

Gentlemen:

We, your Committee on Finance, to whom was referred Appropriation Ordinance No. 6, 1932, entitled Appropriating \$105,955.50 from 1931 balance to various City Departments, beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

LEO F. WELCH, Acting Chairman.
CARL A. HILDEBRAND.
FRED C. GARDNER.
MAURICE E. TENNANT.

INTRODUCTION OF APPROPRIATION ORDINANCES

By City Controller:

APPROPRIATION ORDINANCE NO. 7, 1932

AN ORDINANCE appropriating and transferring to certain funds of the Street Commissioner's Department the total sum of Thirty Thousand Dollars (\$30,000.00) out of the Gasoline Tax Fund,

now unappropriated, for the repair and maintenance of streets and public thoroughfares and bridges and for labor, material, supplies and equipment necessary thereto, and fixing a time when the same shall take effect.

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

Section 1. That the sum of Thirty Thousand Dollars (\$30,000.00) out of the Gasoline Tax Fund, now unappropriated, be and the same is hereby appropriated and transferred in the following amount to the following fund in the Street Commissioner's Department for the repair and maintenance of streets, public thoroughfares and bridges, and for labor, material, supplies and equipment necessary thereto, to-wit:

Division of Street Maintenance.....\$30,000.00

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

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

INTRODUCTION OF GENERAL ORDINANCES

By City Plan Commission:

GENERAL ORDINANCE No. 29, 1932

AN ORDINANCE amending General Ordinance No. 114, 1922, commonly known as the Zoning Ordinance, and fixing a time when the same shall take effect.

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

Section 1. That the U3 or business district, the A3 or 2400 square foot area district and the H1 or 50 foot height district be and the same are hereby amended, supplemented and changed so as to include the following described territory:

Beginning at a point, said point being the intersection of the north property line of 38th Street and the east property line of Orchard Avenue; thence north on and along the east property line of Orchard Avenue to the south right-of-way line of the Indiana Railroad; thence eastwardly on and along the south

right-of-way line of said Indiana Railroad to its intersection with the west property line of Kinnear Avenue; thence south on and along the west property line of Kinnear Avenue and said west property line produced south to its intersection with the north property line of 38th Street; thence west on and along the north property line of 38th Street to the east property line of Orchard Avenue, the point or place of beginning.

Section 2. That the U3 or business district, the A4 or 1200 square foot area district and the H2 or 80 foot height district be and the same are hereby amended, supplemented and changed so as to include the following described territory:

Beginning at a point, said point being the intersection of the south property line of Washington Street and the west property line of State Avenue; thence south on and along the west property line of State Avenue to its intersection with the north property line of Williams Street; thence west and northwest on and along the north property line of Williams Street to its intersection with the east property line of Oriental Street; thence north on and along the east property line of Oriental Street to its intersection with the south property line of Washington Street; thence east on and along the south property line of Washington Street to its intersection with the west property line of State Avenue, the point or place of beginning.

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

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

By City Purchasing Agent:—

GENERAL ORDINANCE NO. 30, 1932

AN ORDINANCE authorizing the Board of Public Works of the City of Indianapolis, through its duly authorized Agent, to purchase the season's requirements for all Street and Road materials and supplies, used and to be used in the repair, upkeep and maintenance of Public Streets and Roadways in the City of Indianapolis, out of the Gasoline Tax Fund, which has heretofore been appropriated for this purpose.

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

Section 1. That the Board of Public Works of the City of Indianapolis, Indiana, through its duly authorized Agent, be and it is hereby authorized and empowered to purchase the estimated season's requirements for the necessary materials and supplies used in the repair, upkeep, maintenance and improvements on all public Streets, Thoroughfares and Roadways in the City of Indianapolis, the said materials and supplies are to be purchased only after competitive bids have been advertised therefor according to law and purchases to be made from the lowest and best bidder or bidders, and the total cost thereof for said supplies or materials shall not exceed the sum of money as hereinafter set out:

OUR REQUISITION NO. 1453

100 Drums—Cut Back Asphalt—More or less—City's specifications—Shell Petroleum Corp.—@ \$0.0992 per gallon—Total bid\$ 595.20

OUR REQUISITION NO. 1454

4 cars more or less—Crushed Limestone—City's specifications—Frank M. Dell Coal Co.—@ \$1.81 per Ton—Total bid\$ 289.60

OUR REQUISITION NO. 1455

300 Drums—More or less—Emulsified Asphalt—City's specifications—Hayes Construction Corp. @ \$0.1068 per gallon\$1,922.40

OUR REQUISITION NOS. 1456-1458-1459

8 Cars—More or less—Concrete Sand—City's specifications
 2000 Tons—More or less—River Sand—City's specifications
 12 Cars—More or less—Concrete Gravel—City's specifications—Glenn Trucking Co. and Brown Huffstetter Co. @ \$0.030 2/3 Cu. Ft.\$1,756.46

OUR REQUISITION NO. 1457

50,000 More or less—Paving Brick—City's specifications
 Indianapolis Coal Co., @ \$22.94 per M.\$1,147.00

OUR REQUISITION NO. 1460

3000 Tons—More or less—Cicitte Sand—City's specifications
 Frank M. Dell Coal Co. @ \$1.46 per ton\$4,380.00

OUR REQUISITION NO. 1461

500 tons—More or less—Refined Asphalt—City's specifications—Standard Oil Co. and The Texas Co.—@ \$16.59 per ton\$8,295.00

OUR REQUISITION NO. 1462

1000 tons More or less—Stone Dust—City's specifications
 Frank M. Dell Coal Co. @ \$6.00 per ton.....\$6,000.00

OUR REQUISITION NO. 1463

2000 bbls. More or less—Cement—in paper sacks—City's
 specifications—Peoples Coal Co.—Indianapolis Coal Co.
 —Van Wert Co.—Johnson Maas Co.—C. H. Moorman
 Co.—Capital City Fuel Co.—@ \$1.66 per bbl.\$3,320.00

OUR REQUISITION NO. 1464

150,000 Gals. More or less—Road Oil—City's specifications
 Standard Oil Co.—The Texas Co.—@ \$0.035 per gal. ...\$5,250.00

OUR REQUISITION NO. 1502

1000 Bbls.—More or less—Quick Setting Cement—City's
 specifications—Peoples Coal Co.—Frank M. Dell—
 Schuster Coal Co.—Indianapolis Coal—Johnson Maas
 Coal Co.—@ \$2.29 per bbl.\$2,290.00

All of which said bids have heretofore been submitted to the Board
 of Public Works for approval.

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

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

By Board of Safety:

GENERAL ORDINANCE NO. 31, 1932

AN ORDINANCE amending Section B-456 of General Ordinance
 No. 121, 1925, as the same was created and added to said Gen-
 eral Ordinance No. 121, 1925, by General Ordinance No. 11,
 1931, and fixing a time when the same shall take effect.

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

Section 1. That Section B-456 of General Ordinance No. 121,
 1925, as the same was created and added to said General Ordinance
 No. 121, 1925, by General Ordinance No. 11, 1931, be and the same
 is hereby amended to read as follows, to-wit:

“Section B-456—BANNERS.

(a) Temporary canvas or muslin flat to the wall advertising displays of over 100 sq. ft. in area may be erected and maintained on a wall of a building or buildings for a period of sixty days after written application to the Commissioner of Buildings has been made and his written consent obtained to the same, providing, the same does not interfere with the operations of the Fire Department and shall advertise only wares or goods sold by the occupant within said building. The maintenance of such an advertising display after the expiration of the sixty (60) day period is prohibited and the illegal maintenance thereof shall carry with it a penalty on conviction of one dollar (\$1.00) for each day after the expiration of the sixty (60) day permit.

(b) It shall be unlawful to erect, maintain and suspend any banner or sign across a street and/or streets, an avenue and/or avenues. Any person, firm or corporation found guilty of erecting, maintaining or suspending such banner or sign contrary to the provisions of this section shall, on conviction, be fined in any sum not exceeding one hundred dollars (\$100.00). Each day's violation shall be and constitute a separate offense.

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

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

By City Controller:

GENERAL ORDINANCE NO. 32, 1932

AN ORDINANCE providing for and authorizing the city controller, for and on behalf of the City of Indianapolis, to borrow the sum of One Hundred Thousand Dollars (\$100,000.00), and for the sale of one hundred (100) bonds of One Thousand Dollars (\$1,000.00) each of said city, payable from the general revenues and funds of said city, or as may be required by law, for the purpose of procuring money to be used for the improving, widening or resurfacing of certain streets in said city specially set out in a resolution of the board of public works of the City of Indianapolis, passed on the 21st day of March, 1932, a copy of which resolution is made a part hereof and marked "Exhibit

A", and for the resurfacing of other streets in said city, and providing for the time and manner of advertising the sale of said bonds and the receiving of bids for the same, together with the mode and terms of sale, appropriating the money received from said sale to the board of public works of the City of Indianapolis, and fixing a time when this ordinance shall take effect.

WHEREAS, on the 21st day of March, 1932, the board of public works of the City of Indianapolis adopted an improvement resolution by improving, widening and resurfacing certain streets in said city specifically set out in said resolution and approving the estimated cost thereof, said resolution having been made a part hereof and having been marked "Exhibit A"; and

WHEREAS, there is not now and will not be sufficient funds in the treasury of the City of Indianapolis with which to meet the aforesaid expenditures for the improvements indicated, and there being no appropriation heretofore made by the common council therefor, and it being necessary for the City of Indianapolis to borrow the aforesaid total of One Hundred Thousand Dollars (\$100,000.00) in order to procure a fund to be devoted to the purposes set out herein as aforesaid and to issue and sell its bonds in said amount, payable from the general revenues and funds of said city, or as may be otherwise authorized or required by law, including an Act of the General Assembly of the State of Indiana, entitled, "An Act Concerning Municipal Corporations," approved March 6, 1905, and all acts amendatory thereof and supplemental thereto;

NOW, THEREFORE,

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

Section 1. That the city controller be and he is hereby authorized, for the purpose of procuring money to be used in the improving, widening and resurfacing of certain streets in said city as specifically set out in a resolution of the board of public works, a copy of which is marked "Exhibit A" and attached hereto and made a part hereof, and for the resurfacing of other streets in said city, to prepare, issue and sell one hundred (100) bonds of the City of Indianapolis, Marion County, Indiana, of One Thousand Dollars (\$1,000.00) each, which bonds shall bear the date of June 1, 1932, and shall be numbered

one (1) to one hundred (100), both inclusive, and shall bear interest at the rate of four and one-half percent (4½ %) per annum, payable semi-annually on the first day of January and the first day of July of each year of the period of said bonds, and said bonds shall be issued in ten (10) series, each series of which shall consist of ten (10) bonds of One Thousand Dollars (\$1,000.00) each. The first series of said bonds shall be due and payable on July 1, 1933, and one (1) of said series shall be due and payable on the first day of July of each year thereafter until and including July 1, 1942. The interest on said bonds shall be evidenced by proper coupons thereunto attached for the payment of said semi-annual interest, and the first coupon attached to each bond shall be for the interest on said bond from the date of issue until the first day of July, 1933; said bonds and the interest coupons thereunto attached shall be negotiable and payable at the office of the City Treasurer of the City of Indianapolis, at Indianapolis, Indiana, and said bonds shall be signed by the Mayor and City Controller of the City of Indianapolis, and attested by the City Clerk, who shall affix the seal of the City to each bond, and the interest coupons attached to said bonds shall be authenticated by a lithographic fac simile of the signatures of the Mayor and the City Controller of said city engraved thereon, which shall for all purposes be taken and deemed to be equivalent to a manual signing thereof. Said bonds shall be prepared by the City Controller of said city in due form, irrevocably pledging the faith and credit of the City of Indianapolis, Indiana, to the payment of the principal and interest stipulated therein respectively. It shall be the duty of the City Controller, at the time of the issuance and negotiation of said bonds, to register in the book kept for that purpose all of said bonds so issued and negotiated in serial numbers, beginning with bond numbered one (1), giving also the date of issuance, the amount, the date of maturity, rate of interest, and the time and place where said interest shall be payable; and said bonds shall be substantially in the following form, all blanks for numbers and dates to be properly filled in before the issuance thereof.

No..... \$1,000.00

UNITED STATES OF AMERICA
CITY OF INDIANAPOLIS

MARION COUNTY STATE OF INDIANA

MUNICIPAL STREET IMPROVEMENT BONDS OF 1932
FIRST ISSUE

Total Issue—\$100,000.00

For value received, the City of Indianapolis, Marion County, State of Indiana, hereby promises to pay to the bearer, on the first day of July, 19... , at the City Treasurer's office in the City of Indianapolis, Indiana, One Thousand Dollars (\$1,000.00) in lawful money of the United States of America, together with interest thereon at the rate of four and one-half percent ($4\frac{1}{2}\%$) per annum from date until paid.

The first interest payable on the first day of July, 1933, and the interest thereafter payable semi-annually on the first day of January and July, respectively, upon presentation of the proper interest coupons hereunto attached and which are made a part of this bond.

This bond is one of an issue of one hundred (100) bonds of One Thousand Dollars (\$1,000.00) each, numbered from one (1) to one hundred (100), both inclusive, of date of June 1, 1932, which bonds mature in series of ten (10) bonds each year for ten (10) years, the first series maturing July 1, 1933, and the successive series on the first day of July of each year thereafter until and including July 1, 1942. These bonds are issued by the City of Indianapolis, Indiana, pursuant to an ordinance duly passed by the common council of said city on the.....day of....., 1932, and by virtue of the laws of the State of Indiana, including an Act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations," approved March 6, 1905, and all acts amendatory thereof and supplemental thereto. The object of this issue is to secure a total fund of One Hundred Thousand Dollars (\$100,000.00), duly appropriated by the ordinance aforesaid for the use of the Board of Public Works of said City of Indianapolis to improve, widen and resurface certain streets in said city all as specifically set out in "Exhibit A" attached to the ordinance described above, and for the resurfacing of other streets in said city.

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

IN WITNESS WHEREOF, the Common Council of the City of Indianapolis, Marion County, Indiana, has caused this bond to be signed

by the Mayor and City Controller, and attested by the City Clerk, and the corporate seal of the city to be affixed thereto, this as of theday of....., 1932.

.....
Mayor

.....
City Controller

Attest:

.....
City Clerk

Section 2. The City Controller shall, as soon as possible after the passage of this ordinance, advertise for bids or proposals for said bonds, by at least one (1) insertion each week for two (2) weeks in two (2) daily newspapers of general circulation, printed and published in the English language in the City of Indianapolis, Indiana, and as required and authorized by law, and may otherwise advertise for such bids or proposals as he may deem advisable. Such advertisement shall describe said bonds with such detail as the city controller may see fit, and shall set forth the amount of the bonds to be sold and the rate of interest they may bear; the date of opening bids or proposals therefor, the terms of sale, the right of the City Controller to reject any and all bids, the amount of deposit each bidder shall be required to make, and when and where the bonds shall be delivered and paid.

Section 3. Each and every bid and proposal shall be presented to the City Controller sealed, and shall be accompanied by a duly certified check, or cashier's check, upon some responsible bank or trust company in the City of Indianapolis, payable to the order of the City Treasurer, for a sum of money which shall equal two and one-half percent (2½%) of the face or par value of the bonds bid for or proposed to be purchased. The City Controller shall continue to receive all bids or proposals therefor at the office of the City Controller until eleven (11) o'clock A. M. on the day fixed by the City Controller and designated in the advertisement for receiving bids or proposals, at which time and place and between the said hour and twelve (12) o'clock noon of said day he shall open said bids or proposals, and shall continue to receive bids at said time and place from

day to day thereafter until said bonds are sold. The City Controller shall award said bonds, or as he shall see fit, a part or any number thereof, to the highest and best bidder therefor, but said City Controller shall have the right to reject any and all bids or proposals or any part thereof, and shall have the right to accept a part of any bid, and to award upon any bid the whole or a less number of bonds covered by said bid, he being the sole judge of the sufficiency or insufficiency of any kind. He may also in his judgment and discretion award a part of said bonds to one bidder and a part to another. The provisions shall apply to the case of reoffering and readvertising of said bonds as hereinafter provided.

Section 4. In case the City Controller shall reject all bids submitted or, if he shall award only a part of said bids, he shall readvertise the bonds remaining unsold in the manner as herein prescribed for the original advertisement, but in such readvertisement he is authorized and directed to fix the date and time both of receiving and opening bids or proposals, and for purchasers to take up and pay for the bonds which may be awarded. And he shall continue from time to time in like manner to readvertise said bonds for sale until said bonds are sold.

Section 5. In case any bid or proposal shall not be accepted and there shall be no award of bonds thereon by the City Controller, he shall thereupon return to such unsuccessful bidder the certified or cashier's check accompanying the same. If the City Controller shall award the whole or any part of the bonds upon any bid or proposal he shall deliver the certified or cashier's check accompanying the same to the City Treasurer, who shall thereupon present the same for payment and shall be entitled to collect the same and shall hold the proceeds collected thereon until the completion of the purchase and the payment for the bonds so awarded. If, for any reason, said check shall not be paid upon presentation, such non-payment shall be taken and deemed a breach of contract for purchase of said bonds upon the part of the purchaser, and the city, in that event, shall have the right to readvertise said bonds for sale at once, and shall, in such event, retain such check and shall have the right to collect the same for its own use, and said check and proceeds thereof, when collected, shall be taken and deemed as agreed and liquidated damages for such breach of contract and as a payment thereof to the city. In case any successful bidder shall fail to complete the purchase price of the bonds so awarded and to pay for the same within the time and manner herein required, or which may be prescribed by the City Controller as herein provided, the proceeds of such certified or cashier's check

deposited by such bidder shall be taken, considered and deemed as agreed and liquidated damages for the breach of such bidder's contract of purchase and shall be taken and deemed as a payment to the city for such damages, and shall be retained and held by said city for its use, but if such successful bidder shall complete the purchase of said bonds awarded to him pursuant to the provisions hereof and his bid and award thereon, said proceeds of said certified or cashier's check shall thereupon be returned to such bidder, or at the option of the City Controller at the time of the completion of the sale and payment for the bonds said proceeds of said certified or cashier's check may be applied and deemed a payment on account of the purchase of said bonds.

Section 6. Delivery of any bonds shall be made at the office of the City Controller of the City of Indianapolis, Indiana, upon such day or days as may be specified in the advertisement or advertisements for proposals or within such time thereafter as may be fixed by the City Controller and the purchaser or purchasers, and the City Controller may extend the time for such delivery not more than twenty (20) days after the day or days specified or agreed upon as above provided, and the successful bidder or bidders shall take the bonds awarded to him or them and pay for the same at such time and place, and his or their refusal, neglect or omission so to do shall be a breach of the contract of his bid or proposal on account of which damages shall be retained or recovered as liquidated, as provided in this ordinance.

Section 7. The bonds taken and paid for to the satisfaction of the City Controller shall be a binding obligation on the City of Indianapolis, according to their tenor and effect, and the proceeds derived from the sale, or sales, or both, as herein authorized, shall be and are hereby appropriated to the Board of Public Works for the purpose of improving, widening and resurfacing certain streets of said city all as specifically set out in "Exhibit A", and the same shall constitute and continue as an appropriation for the specified purposes as hereinbefore set out until all the said improvements have been duly made and paid for, and any residue of such proceeds remaining thereafter shall become part of and is hereby appropriated to the Street Resurfacing Fund of the Board of Public Works of said city to be used by said board in the resurfacing of such other street or streets of said city as said board may, by resolution, direct.

Section 8. The Mayor, City Controller and Corporation Counsel are hereby authorized and directed to publish notices of the herein determination to issue bonds, as required by law.

Section 9. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

“EXHIBIT A”

WHEREAS, the Mayor of the City of Indianapolis, the Board of Public Works and the City Civil Engineer are desirous that the streets of the City of Indianapolis be repaired and improved by resurfacing and widening, and

WHEREAS, the City Civil Engineer has estimated the cost to the City in connection with said improvements, and

WHEREAS, there are no funds available to pay the said estimated cost to the City of said improvements and that it is necessary therefore to raise the money by a bond issue,

NOW, THEREFORE,

BE IT RESOLVED BY THE BOARD OF PUBLIC WORKS OF THE CITY OF INDIANAPOLIS, INDIANA:

1. That it is of public necessity, general convenience and utility that the following streets be resurfaced, improved, widened, or resurfaced, pursuant to the statutes in reference to the same at the estimated cost to the city as set out herein:

	ENGINEER'S ESTIMATE	CITY COST
New York Street—East to Noble.....	\$14,000.00	\$ 10,500.00
New York Street—Noble to R. R.	20,000.00	15,000.00
New York Street—R. R. to Highland.....	20,500.00	16,000.00
New York Street—Highland to Arsenal.....	12,000.00	9,000.00
New York Street—Arsenal to State	18,700.00	11,220.00
Michigan St.—East to Noble.....	12,400.00	9,300.00
Michigan St.—Noble to R. R.	25,300.00	18,975.00
16th St.—Capitol to Northwestern (approximately).....	36,000.00	18,000.00
Central Ave.—34th to 38th.....	25,000.00	18,750.00
Kentucky Ave.—Belt R. R. to Harding.....	14,000.00	10,500.00
		\$137,245.00

FUNDS AVAILABLE IN 1932

Balance of New York St. Bond Issue.....	\$26,799.39	
Estimated Tax Receipts Available June 1st...	16,000.00	
	<u>\$42,799.39</u>	<u>\$ 42,799.39</u>
Deficit		\$ 94,445.61
Deficit	\$ 94,445.61	
Proposed Bond Issue.....	100,000.00	
	<u>\$ 5,554.39</u>	

NOTE: Balance plus savings on contract cost to be used on Central Avenue, between 38th and 52nd Streets.

2. That the estimated cost to the city of said improvements set out above, said estimates having been prepared by the City Civil Engineer, are hereby approved and that in addition to the estimated cost to the city set out above, it is deemed necessary to assess a portion of the cost of each improvement set out above against the abutting property thereon.

3. That the Controller of the City of Indianapolis be requested to approve and recommend to the Common Council of the City of Indianapolis a bond issue in the amount of \$100,000.00 for the purpose of raising funds with which to meet the estimated cost to the city of the designated improvements set out above and that said monies be appropriated to the Board of Public Works of the City of Indianapolis for the purpose of making the specific improvements at a cost to the city in each individual improvement not to exceed the City Civil Engineer's estimated cost thereof.

I, Ernest F. Frick, Secretary of the Board of Public Works, do hereby certify that the above and foregoing is a true and correct copy of a resolution adopted by the Board of Public Works on the 21st day of March, 1932, and as shown on the minutes of said Board on such date, in Minute Record NN, pages 493 and 494.

ERNEST F. FRICK.

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

ORDINANCES ON SECOND READING

Mr. Tennant called for General Ordinance No. 20, 1932, for second reading. It was read a second time.

Mr. Tennant presented the following written motion to amend General Ordinance No. 20, 1932:

Indianapolis, Ind., April 4, 1932.

Mr. President:

I move that General Ordinance No. 20, 1932, be amended to read as follows, to-wit:

GENERAL ORDINANCE NO. 20, 1932
(AMENDED)

AN ORDINANCE amending Sections 393 and 394 of General Ordinance No. 121, 1925, entitled "An Ordinance concerning the Government of the City of Indianapolis, providing penalties for its violation and, with stated exceptions, repealing all former ordinances," Sec. 395 of said General Ordinance No. 121, 1925, as the same was amended by General Ordinance No. 85, 1927, and Sections 397 and 398 of said General Ordinance No. 121, 1925, and fixing a time when the same shall take effect.

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

Section 1. That Section 393 of General Ordinance No. 121, 1925, be and the same is hereby amended to read as follows, to wit:

"Sec. 393. PERMIT. No person shall discharge fireworks or explosives of any nature or description at any time within the limits of the City of Indianapolis without a special written permit from the Board of Public Safety. Provided, however, that the terms of this ordinance providing for the issuance of special permits shall not apply to the discharge of fireworks permitted by this ordinance in the celebration of Independence Day on July 4th, or the day legally set aside for said celebration. Provided further, that the discharge of fireworks shall be confined between the hours of 4 o'clock a. m. and 10 o'clock p. m. of July 4th, or the day legally set aside for the celebration of Independence Day. Provided further, that wholesale dealers in fireworks shall not deliver to retail dealers or consumers, any fireworks or explosives of any character for the celebration of Independence Day on July 4th, or the day legally set aside for such celebration prior to June 22d of any current year, and retail dealers in fireworks shall not sell or deliver fireworks or explosives of any character to any person prior to July 2d of any current year."

Section 2. That Section 394 of said General Ordinance No. 121, 1925, be and the same is hereby amended to read as follows, to wit:

"Sec. 394. APPLICATION FOR PERMIT. Any person desiring the special permit referred to in the last preceding section, shall make a written application therefor to the Board of Public Safety, stating therein the person desiring to use the fireworks or explosives, the time and place to be used, the character and amount of fireworks or explosives to be used and the purpose of the same, together with the written approval of the Chief of the Fire Department."

Section 3. That Sec. 395 of General Ordinance No. 121, 1925, as the same was amended by General Ordinance No. 85, 1927, be and the same is hereby amended to read as follows, to wit:

"Sec. 395. EXPLOSIVES. No person shall discharge, set off, or have in his possession for such purpose any firearm, blank cartridge, piston, cannon, or other mechanical device, or cartridge containing black gun powder or other more powerful explosive; or any firecracker or device for producing sound effects, exceeding three inches in length and one-half inch in diameter, or containing an explosive more powerful than black gun powder; or any sky rocket or device or instrument which rises or is projected above the surface of the earth, or which causes any missile or object to be thrown or projected above the surface of the earth, that weighs more than six ounces gross weight; or any toy hot air paper balloon which rises or is projected above the surface of the earth which contains any burning or oxidizing substance or destructive gases or substances of any nature; or any spit devil or other device or substance or compound which gives off lethal gases, or which when taken internally by a human being causes death. Fireworks or explosives shall not be sold, bartered or given away on the streets, sidewalks, alleys or other public property. Fireworks or explosives shall not be discharged in or near gasoline filling stations, motor vehicles, railroad trains, buildings of or containing inflammable materials or in or near schools, hospitals, theaters, hotels, churches, assembly halls or public meeting places. No person shall sell, barter or give any fireworks or explosives of any character to any person under ten years of age, or to any person of unsound mind, or under the influence of intoxicating liquor or narcotic drugs."

Section 4. That Section 397 of General Ordinance No. 121, 1925, be and the same is hereby amended to read as follows, to wit:

"Sec. 397. SALE OF FIREWORKS AND EXPLOSIVES, REGISTRATION FOR. No person shall sell, barter or give away or have in his possession for the purpose of sale at retail in Indianapolis, barter or gift, at any time any article, fireworks or explosive, the use or possession of which is prohibited by the provisions of this ordinance. No person shall sell, barter, transport or give away or have in his custody or possession for the purpose of sale, barter, gift or transportation any fireworks or explosives permitted under the laws and regulations of the State of Indiana, or of the ordinances and regulations of the City of Indianapolis, except and unless registered with the Board of Public Safety, in the following manner:

A written registration upon blanks to be furnished by said Board of Public Safety shall be filed stating the name and address of the applicant, the location and character of the building or premises where such fireworks or explosives are to be kept, sold or disposed of, the kind and character of fire resisting and fire extinguishing equipment installed; the kind or character and amount of fireworks or explosives to be kept or handled.

Section 5. That Section 398 of General Ordinance No. 121, 1925, be and the same is hereby amended to read as follows, to wit:

"Sec. 398. Any person violating any of the provisions of Sections 393 and 394 of General Ordinance No. 121, 1925, Section 395 of said General Ordinance No. 121, 1925, as amended by General Ordinance No. 85, 1927, and Section 397 of said General Ordinance No. 121, 1925, as all of said sections are amended by this ordinance, to wit: General Ordinance No. 20, 1932, and of Section 396 of said General Ordinance No. 121, 1925, shall on conviction, be fined not less than Five Dollars (\$5.00) nor more than Two Hundred Dollars (\$200.00) for each offense."

Section 6. This ordinance shall be in full force and effect from and after its passage, approval by the Mayor and publication as by law required.

MAURICE E. TENNANT,
Councilman.

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

Ayes, 8, viz: Mr. Gardner, Mr. Henry, Mr. Hildebrand, Mr. Morgan, Mr. Tennant, Mr. Welch, Mr. Wheatley, President Ropkey.

On motion of Mr. Tennant, seconded by Mr. Morgan, General Ordinance No. 20, 1932, as amended, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 20, 1932, as amended, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 8, viz: Mr. Gardner, Mr. Henry, Mr. Hildebrand, Mr. Morgan, Mr. Tennant, Mr. Welch, Mr. Wheatley, President Ropkey.

Mr. Tennant called for General Ordinance No. 28, 1932, for second reading. It was read a second time.

On motion of Mr. Tennant, seconded by Mr. Wheatley, General Ordinance No. 28, 1932, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 28, 1932, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 8, viz: Mr. Gardner, Mr. Henry, Mr. Hildebrand, Mr. Morgan, Mr. Tennant, Mr. Welch, Mr. Wheatley, President Ropkey.

Mr. Welch called for Appropriation Ordinance No. 6, 1932, for second reading. It was read a second time.

On motion of Mr. Welch, seconded by Mr. Wheatley, Appropriation Ordinance No. 6, 1932, was ordered engrossed, read a third time and placed upon its passage.

Appropriation Ordinance No. 6, 1932, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 8, viz: Mr. Gardner, Mr. Henry, Mr. Hildebrand, Mr. Morgan, Mr. Tennant, Mr. Welch, Mr. Wheatley, President Ropkey.

MISCELLANEOUS BUSINESS

Mr. Welch announced that the Committee on Finance was not ready to report on General Ordinance No. 24, 1932, and asked for further time for consideration of said ordinance, which was granted.

On motion of Mr. Henry, seconded by Mr. Wheatley, the Common Council adjourned at 10:25 p. m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the Common Council at the City of Indianapolis, held on the 4th day of April, 1932, at 7:30 p. m.

IN WITNESS WHEREOF, We have hereunto subscribed our signatures and caused the seal of the City of Indianapolis to be affixed.

Ernest C Ropkey

President.

Attest:

Henry O Grett

City Clerk.

(SEAL)