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

REGULAR MEETINGS
MONDAY, FEBRUARY 26, 2001

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 7:19 p.m. on Monday, February 26, 2001, with President SerVaas presiding.

Councillor Knox introduced his brother-in-law, Reverend Terry Smith, who led the opening prayer. Councillor Knox then 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:

28 PRESENT: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford
1 ABSENT: Coughenour

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

INTRODUCTION OF GUESTS AND VISITORS

Councillor Langsford recognized Tom Marendt, Warren Township Trustee. Councillor Gibson introduced "Young Men of Distinction" from Public School #61: Paul Barlow, Anthony Fowler, Kenyon House, Kardan Hall, Drese Anderson, Chris White, Fred Smith, Andrew Webb, Anthony Moore, Eric Young, Todd Robinette, and Orlando Cano. Councillor Nytes recognized Michael Gray, Director of Diversity for Ohio University, and Oree Masire, Training and Human Resources Manager for the Botswana Confederation of Commerce Industry and Manpower. President SerVaas introduced Boy Scout Troop 18 from Second Presbyterian Church who are in attendance working toward their merit badges.

OFFICIAL COMMUNICATIONS

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

Ladies And Gentlemen :

You are hereby notified the 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, February 26, 2001, 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

February 6, 2001

TO PRESIDENT SERVAAS AND 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:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Friday, February 9, 2001, a copy of a Notice of Public Hearing on Proposal Nos. 54, 56-58, 60-62, 65, and 66, 2001, said hearing to be held on Monday, February 26, 2001, at 7:00 p.m. in the City-County Building.

Respectfully,
s/Suellen Hart
Clerk of the City-County Council

February 18, 2001

TO THE HONORABLE PRESIDENT AND 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:

Ladies and Gentlemen:

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

GENERAL ORDINANCE NO. 6, 2001 - authorizes a multi-way stop at Shorewalk Drive and Strathdon Place (District 5)

GENERAL ORDINANCE NO. 7, 2001 - authorizes a multi-way stop at 67th Street and Ferguson Street (District 2)

GENERAL ORDINANCE NO. 8, 2001 - authorizes a change in the speed limit on 71st Street between Shadeland Avenue and Hague Road (District 4)

GENERAL ORDINANCE NO. 9, 2001 - authorizes a change in parking restrictions on segments of Sanders Street near Shelby Street (District 21)

GENERAL ORDINANCE NO. 10, 2001 - authorizes parking restrictions on segments of Alabama Street and Henry Street (District 16)

GENERAL ORDINANCE NO. 11, 2001 - authorizes parking restrictions on Walnut Street, on the north side, from Concord Street to Holmes Avenue (District 16)

GENERAL ORDINANCE NO. 12, 2001 - authorizes parking meters for New York Street between Illinois Street and Pierson Street (District 16)

GENERAL ORDINANCE NO. 13, 2001 - authorizes the deletion of one-way traffic on Park Avenue from 42nd Street to Ruckle Street (District 6)

SPECIAL RESOLUTION NO. 4, 2001 - recognizes the Indianapolis humanitarian delegation to Honduras

SPECIAL RESOLUTION NO. 5, 2001 - recognizes the exemplary conduct of Byron Reynolds

Respectfully,
s/Bart Peterson, Mayor

ADOPTION OF THE AGENDA

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

APPROVAL OF THE JOURNAL

Councillor Smith stated that the term expiration date of Pamela Knox Hammersly's service on the Indianapolis City Market Corporation Board was wrong on the proposal passed at the last meeting. He moved, seconded by Councillor Langsford, to amend Proposal No. 810, 2000 (Council Resolution No. 25, 2001) with the appropriate expiration date, which should be December 31, 2002. The motion carried by a unanimous voice vote.

The President called for additions or corrections to the Journal of February 5, 2001. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS

Councillor Black introduced the "King's Kids," with their director Judith Lamkin, of the Martin Luther King Multi-Service Center. The "King's Kids" made a brief presentation to the Council in celebration of Black History Month.

PROPOSAL NO. 112, 2001. The proposal, sponsored by Councillor Gray, recognizes golf champion Ashley N. Street. Councillor Gray read the proposal and presented Ms. Street with a copy of the document and a Council pin. Lawrence Central High School golf coach, Kris Sims, congratulated Ms. Street, and stated that she is an exceptional person, as well as athlete. Ms. Street thanked the Council and thanked her family, God, her church family, and her coach for their support. Councillor Gray moved, seconded by Councillor Boyd, for adoption. Proposal No. 112, 2001 was adopted by a unanimous voice vote.

Proposal No. 112, 2001 was retitled SPECIAL RESOLUTION NO. 6, 2001, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 6, 2001

A SPECIAL RESOLUTION recognizing golf champion Ashley N. Street.

WHEREAS, Ashley N. Street enjoys playing golf, and is very good at the game; and

WHEREAS, in 1997, as a freshman at Lawrence Central High School she was on the Marion County Championship Team, and during the next three years at school she lettered each year and continued to rack up golf tournament honors including being on the varsity golf team for four years, and being selected All-County and All-Conference winner; and

WHEREAS, her high school nine hole average is 39.5, she drives an average of 252 yards, and she had a 35, 9-hole game while still in high school; and

WHEREAS, besides being an exceptional golfer, Miss Street demonstrates much more depth than just swinging a 9-iron -- she is a strong "B" average student, is in scouting, in theater, had two years of band,

the Spanish Club, track and field, and has been active in her Immanuel Presbyterian Church youth group; 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 golf champion Ashley N. Street of Lawrence Central High School as an outstanding representative of the many young people in Indianapolis who are talented, focused, and motivated.

SECTION 2. The Council wishes Ashley well in her future medical vocation and in her golfing avocation.

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.

Councillor Bainbridge asked for consent to hear Proposal No. 114, 2001 before Proposal No. 113, 2001. Consent was given.

PROPOSAL NO. 114, 2001. The proposal, sponsored by Councillor Bainbridge, congratulates all six Speedway Schools for earning the Indiana Four Star Schools Award. Councillor Bainbridge read the proposal and presented representatives with copies of the document and Council pins. Patty Bach, principal of Frank H. Wheeler Elementary School, thanked the Council for the recognition. Councillor Bainbridge moved, seconded by Councillor Soards, for adoption. Proposal No. 114, 2001 was adopted by a unanimous voice vote.

Proposal No. 114, 2001 was retitled SPECIAL RESOLUTION NO. 8, 2001, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 8, 2001

A SPECIAL RESOLUTION congratulating all six Speedway Schools for earning the Indiana Four Star Schools Award during the previous two year cycle.

WHEREAS, only about 10% of Indiana's schools qualify for the Indiana Four Star Schools Award from the Indiana Department of Education, and it is even more exceptional that all of the schools within a school district receives the award; and

WHEREAS, the Award is based upon being in the top 25% in the state in all four of the categories of: Attendance, mathematics proficiency, language arts proficiency, and ISTEP total battery scores; and

WHEREAS, over the past two year cycle, all six of the School Town of Speedway schools have been awarded this high honor by the state; and

WHEREAS, the individual schools set goals and with good support from homes, students, school staff and administration, Speedway stands tall and proud about this district-wide achievement; 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 congratulates the School Town of Speedway and its schools: Speedway High School, Speedway Junior High School, Carl G. Fisher Elementary School, Arthur C. Newby Elementary School, Frank H. Wheeler Elementary School, and James A. Allison Elementary School for all earning the state Four Star Schools Award.

SECTION 2. May all of the background and preparation work to earn these awards serve as a prelude to even greater achievements in the months and years ahead for this proud community school system.

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. 113, 2001. The proposal, sponsored by Councillor Bainbridge, recognizes the Kiwanis Club of Indianapolis $10,000 Abe Lincoln Scholarship Award winner James Lamont Wilson. Councillor Bainbridge read the proposal and presented Mr. Wilson with a copy of the document and a Council pin. Tom Smith, principal of Speedway High School, stated that Mr. Wilson is an exceptional student who has overcome extreme circumstances to succeed. Mr. Wilson thanked the Council for the recognition. Councillor Bainbridge moved, seconded by Councillor Conley, for adoption. Proposal No. 113, 2001 was adopted by a unanimous voice vote.

Proposal No. 113, 2001 was retitled SPECIAL RESOLUTION NO. 7, 2001, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 7, 2001

A SPECIAL RESOLUTION recognizing the Kiwanis Club of Indianapolis' $10,000 Abe Lincoln Scholarship Award winner James Lamont Wilson.

WHEREAS, each year the Kiwanis Club of Indianapolis (Downtown Kiwanis) awards unique scholarships based upon school recommendations of a senior who has overcome substantial obstacles in life by strong personal character and high motivation; and

WHEREAS, the winner this year of the top Kiwanis Abe Lincoln Scholarship Award of $10,000 spread over four years is James Lamont Wilson a senior at Speedway High School; and

WHEREAS, many young people are born and reared in challenging circumstances, financial insecurity, and a lack of positive role models; and

WHEREAS, Mr. Wilson grew up in such an environment, but somewhere in his youthful wisdom Lamont acquired a strong inner drive to succeed: He stayed in school, worked for some income after school and during the summers, sold concessions at the Indianapolis 500 Race, participated in school sports, demonstrates maturity beyond his years, and maintains a positive upbeat attitude that casts the highest credit upon himself; 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 commends James Lamont Wilson for winning the top Abe Lincoln Scholarship Award by the Kiwanis Club of Indianapolis to a student who has overcome hardships.

SECTION 2. The Council wishes Lamont well as he pursues a degree in pharmacy at Purdue University, and as he stands tall as a living example that the youth of today can surmount obstacles to achieve success and to make himself and his family proud.

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. 115, 2001. The proposal, sponsored by Councillors Langsford and Tilford, recognizes the 30 years of service by Max L. Moser on the Warren Township Advisory Board. Councillor Langsford read the proposal and presented Mr. Moser with a copy of the document and a hand-carved elephant statue from Honduras, which he had acquired on his recent trip. Councillor Langsford thanked Administrative Secretary Angie Massey for writing this Special Resolution so that Mr. Moser, who generally writes Special Resolutions, would not have to write his own resolution. Councillor Tilford thanked Mr. Moser for the great job he has done both in

Warren Township, and in his job on the Council. He also thanked Mr. Moser's wife, Barbara, for supporting his involvement in the community for the past 30 years. Mr. Moser thanked the Council and said that it has been very rewarding serving the people for 30 years. President SerVaas stated that it is poetic justice that Mr. Moser has been honored with his own Special Resolution, after having written so many resolutions honoring so many over the years. Councillor Langsford moved, seconded by Councillor Tilford, for adoption. Proposal No. 115, 2001 was adopted by a unanimous voice vote.

Proposal No. 115, 2001 was retitled SPECIAL RESOLUTION NO. 9, 2001, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 9, 2001

A SPECIAL RESOLUTION recognizing the 30 years of service by Max L. Moser on the Warren Township Advisory Board.

WHEREAS, on January I, 1971, when Richard M. Nixon was President and the Vietnam War was still a few years from conclusion, the same day that cigarette advertising was banned from television, a young history teacher, Max L. Moser, began his tenure on the Warren Township Advisory Board; and

WHEREAS, in his first year of service on the board, Max helped to usher in the era of big government by seconding the motion to increase township board members' pay from $250 to $500; and

WHEREAS, as a strong supporter of public safety, Max was a part of the board that saw the Warren Township Fire Department grow from 22 to 116 firefighters, from 3 to 5 fire stations, and from 0 to 5 ambulances; and

WHEREAS, his attention to detail was renowned throughout the township to the extent that anyone who wanted to know the life expectancy and cost of each light bulb in the Trustee's Office need only ask Max; and

WHEREAS, you could count on two hands the number of board meetings Max missed during his 30 years of service on the Warren Township Board; now, therefore:

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

SECTION I. The Indianapolis City-County Council recognizes the 30 years of exemplary service by Max L. Moser on the Warren Township Board.

SECTION 2. The residents of Warren Township and the employees of Warren Township government received the very best service and support from Max over the years, and the Council wishes him well in future endeavors.

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.

President SerVaas stated that Proposal Nos. 804, 805, and 812, 2000 and Proposal Nos. 3, 24, 30, 31, 32, and 68, 2001 are all appointments and passed out of their respective Committees with unanimous votes. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 804, 2000. The proposal, sponsored by Councillor Coonrod, reappoints Edward B. Tunstall to the Information Technology Board. PROPOSAL NO. 805, 2000. The proposal, sponsored by Councillor Coonrod, reappoints Martha A. Womacks to the Information Technology Board. PROPOSAL NO. 812, 2000. The proposal, sponsored by Councillor Smith, reappoints C. Eugene Hendricks to the Metropolitan Development Commission. PROPOSAL NO. 3, 2001. The proposal, sponsored by Councillor Smith, reappoints John Purcell to the

Indianapolis City Market Corporation Board. PROPOSAL NO. 24, 2001. The proposal, sponsored by Councillors Boyd, Nytes, Sanders, and Talley, approves the Mayor's appointment of Brenda L. Burke to serve as Director of the Department of Administration. PROPOSAL NO. 30, 2001. The proposal, sponsored by Councillor Boyd, approves the Mayor's appointment of Michael B. O'Connor to serve as Chief Deputy Mayor. PROPOSAL NO. 31, 2001. The proposal, sponsored by Councillor Boyd, approves the Mayor's appointment of William Shrewsberry to serve as Deputy Mayor for Policy. PROPOSAL NO. 32, 2001. The proposal, sponsored by Councillor Boyd, approves the Mayor's appointment of Jane Henegar to serve as Deputy Mayor for Neighborhoods. PROPOSAL NO. 68, 2001. The proposal, sponsored by Councillor Borst, appoints Betty Humphrey to the Common Construction Wage Committee for the City of Beech Grove or the Beech Grove School District. By unanimous votes, the Committees reported the proposals to the Council with the recommendation that they do pass. Councillor Borst moved, seconded by Councillor Boyd, for adoption. Proposal Nos. 804, 805, and 812, 2000 and Proposal Nos. 3, 24, 30, 31, 32, and 68, 2001 were adopted by a unanimous voice vote.

Proposal No. 804, 2000 was retitled COUNCIL RESOLUTION NO. 35, 2001, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 35, 2001

A COUNCIL RESOLUTION reappointing Edward B. Tunstall to the Information Technology Board.

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 Information Technology Board, the Council reappoints:

Edward B. Tunstall

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2001. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 805, 2000 was retitled COUNCIL RESOLUTION NO. 36, 2001, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 36, 2001

A COUNCIL RESOLUTION reappointing Martha A. Womacks to the Information Technology Board.

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 Information Technology Board, the Council reappoints:

Martha A. Womacks

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2001. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 812, 2000 was retitled COUNCIL RESOLUTION NO. 37, 2001, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 37, 2001

A COUNCIL RESOLUTION reappointing C. Eugene Hendricks to the Metropolitan Development Commission.

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 Development Commission, the Council reappoints:

C. Eugene Hendricks

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2001. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 3, 2001 was retitled COUNCIL RESOLUTION NO. 38, 2001, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 38, 2001

A COUNCIL RESOLUTION reappointing John Purcell to the Indianapolis City Market Corporation Board.

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 City Market Corporation Board, the Council reappoints:

John Purcell

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2002. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 24, 2001 was retitled COUNCIL RESOLUTION NO. 39, 2001, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 39, 2001

A COUNCIL RESOLUTION approving the Mayor's appointment of Brenda L. Burke as the Director of the Department of Administration for a term ending December 31, 2001.

WHEREAS, pursuant to IC 36-3-5-2 and Section 201-3 of the "Revised Code of the Consolidated City and County," a mayoral appointment of the Director of the Department of Administration is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of Brenda L. Burke to serve as Director of the Department of Administration at his pleasure for a term ending December 31, 2001; now, therefore:

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

SECTION 1. Brenda L. Burke is approved and confirmed by the City-County Council to serve as the Director of the Department of Administration for a term ending December 31, 2001.

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

Proposal No. 30, 2001 was retitled COUNCIL RESOLUTION NO. 40, 2001, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 40, 2001

A COUNCIL RESOLUTION approving the Mayor's appointment of Michael B. O'Connor as the Chief Deputy Mayor for a term ending December 31, 2001.

WHEREAS, pursuant to IC 36-3-5-2 and Section 201-4 of the "Revised Code of the Consolidated City and County," a mayoral appointment of the Chief Deputy Mayor is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of Michael B. O'Connor to serve as Chief Deputy Mayor at his pleasure for a term ending December 31, 2001; now, therefore:

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

SECTION 1. Michael B. O'Connor is approved and confirmed by the City-County Council to serve as Chief Deputy Mayor for a term ending December 31, 2001.

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

Proposal No. 31, 2001 was retitled COUNCIL RESOLUTION NO. 41, 2001, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 41, 2001

A COUNCIL RESOLUTION approving the Mayor's appointment of William Shrewsberry as the Deputy Mayor for Policy for a term ending December 31, 2001.

WHEREAS, pursuant to IC 36-3-5-2 and Section 201-4 of the "Revised Code of the Consolidated City and County," a mayoral appointment of the Deputy Mayor for Policy is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of William Shrewsberry to serve as Deputy Mayor for Policy at his pleasure for a term ending December 31, 2001; now, therefore:

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

SECTION 1. William Shrewsberry is approved and confirmed by the City-County Council to serve as Deputy Mayor for Policy for a term ending December 31, 2001.

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

Proposal No. 32, 2001 was retitled COUNCIL RESOLUTION NO. 42, 2001, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 42, 2001

A COUNCIL RESOLUTION approving the Mayor's appointment of Jane Henegar as the Deputy Mayor for Neighborhoods for a term ending December 31, 2001.

WHEREAS, pursuant to IC 36-3-5-2 and Section 201-4 of the "Revised Code of the Consolidated City and County," a mayoral appointment of the Deputy Mayor for Neighborhoods is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of Jane Henegar to serve as Deputy Mayor for Neighborhoods at his pleasure for a term ending December 31, 2001; now, therefore:

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

SECTION I. Jane Henegar is approved and confirmed by the City-County Council to serve as Deputy Mayor for Neighborhoods for a term ending December 31, 2001.

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

Proposal No. 68, 2001 was retitled COUNCIL RESOLUTION NO. 43, 2001, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 43, 2001

A COUNCIL RESOLUTION appointing Betty Humphrey to the Common Construction Wage Committee for the City of Beech Grove or the Beech Grove School District.

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 Common Construction Wage Committee for the City of Beech Grove or the Beech Grove School District, the Council appoints:

Betty Humphrey

SECTION 2. The person appointed by this resolution shall serve at the pleasure of the Council and until her respective successor is appointed and qualifies.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 80, 2001. Introduced by Councillor Smith. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which is an inducement resolution for Village Park Apartments in an amount not to exceed $24,000,000 which consists of the acquisition, rehabilitation and continued operation as a multifamily rental property of the existing 384-unit apartment complex on approximately a 63-acre parcel of land located at 6201 Newberry Road (District 4)"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 81, 2001. Introduced by Councillor Conley. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which confirms the Mayor's appointment of Shawna Meyer Eikenberry as hearing officer"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 82, 2001. Introduced by Councillors Coonrod and McWhirter. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Janice Shattuck to the Equal Opportunity Advisory Board"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 83, 2001. Introduced by Councillors Boyd, Horseman, and Bainbridge. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which establishes a moratorium on the issuance of new, or additional, taxicab licenses"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 84, 2001. Introduced by Councillor Cockrum. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which authorizes the Marion County Election Board to negotiate a contract with Election Systems & Software for the implementation of an optical scan voting system to replace the current lever machine system as the primary voting

system in Marion County"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 85, 2001. Introduced by Councillor Bradford. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of $24,972 in the 2001 Budgets for the County Auditor and the Cooperative Extension Service (County Grants Fund) to provide for the CARe (Communities Against Rape) after school project, funded by a grant from Inland Foundation"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 86, 2001. Introduced by Councillors Smith and Borst. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Brian P. Murphy to the Metropolitan Development Commission"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 87, 2001. Introduced by Councillor Smith. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of $5,000 in the 2001 Budgets of the County Auditor and County Surveyor (County General Fund) to pay for the preparation for fly-over aerial photography for IMAGIS"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 88, 2001. Introduced by Councillors Smith and Horseman. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which establishes the electronic zoning map as the official zoning map for all zoning districts within Marion County (2001-AO-1)"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 89, 2001. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Jerry L. Gorman to the Citizens Police Complaint Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 90, 2001. Introduced by Councillors Dowden and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of $39,008 in the 2001 Budget of the Department of Public Safety, Police Division (Consolidated County Fund) to pay the balance owed on the Eagle Creek Firearms Training Facility Acoustical Remodel project, financed by fund balances"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 91, 2001. Introduced by Councillors Dowden and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fire Special Service District Fiscal Ordinance which approves an increase of $105,059 in the 2001 Budget of the Department of Public Safety, Fire Division (Federal Grants Fund) to manage FEMA's Urban Search and Rescue Task Force-1, funded by a federal grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 92, 2001. Introduced by Councillors Dowden and Talley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of $249,203 in the 2001 Budget of the Department of Public Safety, Emergency Management Planning Division (Federal Grants Fund) to reappropriate money from previous year's federal grants, which funds the City's domestic preparedness program"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 93, 2001. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of $45,174 in the 2001 Budget for Community Corrections (State and Federal Grants Fund) to fund the Prevention Grant for the John H. Boner Community Center and Community Action of Greater Indianapolis for the year 2001, funded by grants from the Department of Corrections"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 94, 2001. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of $52,332 in the 2001 Budget of the Marion County Superior Court, Juvenile Division (County General Fund) to fund the additional increase for the County's share for Child Advocates, Inc., funded by fund balances"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 95, 2001. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which authorizes the submission of the grant application to the Indiana Department of Corrections in order to renew the Community Corrections Program for the 2001-2003 fiscal year"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 96, 2001. Introduced by Councillors Gray and Langsford. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Revised Code concerning Chapter 591, Fire Prevention and Protection"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 97, 2001. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code concerning the appraisal of abandoned vehicles"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 98, 2001. Introduced by Councillor Smith. The Clerk read the proposal entitled: "A Proposal for a Special Ordinance which authorizes the execution of an agreement between the City of Indianapolis and the City of Greenwood for the exercise of eminent domain authority and the construction of the Eastside Interceptor in Marion County"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 99, 2001. Introduced by Councillor Talley. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a traffic signal for the 42nd Street/Shadeland Avenue/Faris Street intersection (Districts 11, 14)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 100, 2001. Introduced by Councillor Gray. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a traffic signal at 4000 North Michigan Road for the Indianapolis Museum of Art's new entrance (District 9)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 101, 2001. Introduced by Councillor Gray. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a traffic signal at Dr. Martin Luther King Jr. Street and Golden Hill Drive (District 9)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 102, 2001. Introduced by Councillors Douglas and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes

intersection controls for the Little Flower Neighborhood (Districts 10, 15)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 103, 2001. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a change in the intersection controls at Behner Circle and Castle Knoll Boulevard, and authorizes a multi-way stop at Castle Knoll Boulevard and Behner Brook Drive (District 3)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 104, 2001. Introduced by Councillor Gray. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Thrasher Drive and Ochs Avenue (District 9)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 105, 2001. Introduced by Councillor Soards. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes the reduction in the speed limit on 46th Street from Dandy Trail to High School Road (District 1)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 106, 2001. Introduced by Councillor Cockrum. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a weight limit restriction on Milhouse Road from Decatur Boulevard to Flynn Road (District 19)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 107, 2001. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes the removal of a weight limit restriction on Senate Avenue from Morris Street to Wisconsin Street (District 25)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 108, 2001. Introduced by Councillor Knox. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions for Morris Street from Alton Avenue to Tibbs Avenue (District 17)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 109, 2001. Introduced by Councillor Short. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes the deletion of one-way traffic on Williams Street from Oriental Street to Arsenal Avenue; and authorizes changes in parking restrictions on Williams Street from Oriental Street to Arsenal Avenue (District 21)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 110, 2001. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes changes in time limits for the meters located on Meridian Street, on the west side, from Vermont Street to a point 123 feet north of Vermont Street (District 16)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 111, 2001. Introduced by Councillors Cockrum and Gray. The Clerk read the proposal entitled: "A Proposal for a Solid Waste Collection Special Service District Fiscal Ordinance which approves an appropriation of $185,000 in the 2001 Budget of the Department of Parks and Recreation (Solid Waste Collection Service District Fund) to pay for mowing of roadsides along Fall Creek Parkway, Burdsall Parkway, Pleasant Run Parkway, and White River Parkway East Drive, financed by a transfer of funds from the Department of Public Works,

Contract Compliance Division"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 127, 2001. Introduced by Councillor SerVaas. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Revised Code concerning vehicle inventory"; and the President referred it to the Administration and Finance Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

Councillor Soards made the following motion:

> Mr. President:
>
> I move that Proposal No. 126, 2001 (Rezoning Case 2000-ZON-147/2000-DP-022 (Amended) (Amended)) be scheduled for a hearing before this Council at its next regular meeting on March 19, 2001, at 7:00 p.m. and that the Clerk read the announcement of such hearing and enter same in the minutes of this meeting.

Councillor Cockrum seconded the motion, and Proposal No. 126, 2001 was scheduled for public hearing on March 19, 2001 by a unanimous voice vote and is identified as follows:

> 2000-ZON-147 (2000-DP-022) (Amended) (Amended)
> 8760 CROWN POINT ROAD (approximate address), INDIANAPOLIS.
> PIKE TOWNSHIP, COUNCILMANIC DISTRICT #1
> THE PRESERVE AT EAGLE CREEK, LLC, by Zeff A. Weiss, requests a rezoning of 177 acres, being in the D-A District, to the D-P classification to provide for 222 single-family dwellings (1.25 units/acre).

PROPOSAL NO. 116, 2001, PROPOSAL NO. 117, 2001, PROPOSAL NO. 118, 2001, PROPOSAL NOS. 119-124, 2001, and PROPOSAL NO. 125, 2001. Introduced by Councillor Smith. Proposal No. 116, 2001, Proposal No. 117, 2001, Proposal No. 118, 2001, Proposal Nos. 119-124, 2001, and Proposal No. 125, 2001 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on February 21, 2001 and February 22, 2001. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 30-39, 2001, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

> REZONING ORDINANCE NO. 30, 2001.
> 99-Z-204
> 1733 DR. ANDREW J. BROWN AVENUE (approximate address), INDIANAPOLIS.
> CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 22
> METROPOLITAN DEVELOPMENT COMMISSION requests a rezoning of 2.3 acres, being in the D-8 and & C-1 Districts, to the SU-1 classification to conform to the Martindale – Brightwood Neighborhood Plan and the current use.
>
> REZONING ORDINANCE NO. 31, 2001.
> 2000-ZON-133 (Amended)
> 4007, 4013, and 4015 NORTH SHERMAN DRIVE (approximate address), INDIANAPOLIS.
> WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 11
> ZION TABERNACLE FAMILY LIFE CENTER, INC., by Philip A. Nicely, requests a rezoning of 6.08 acres, from SU-1 and D-2, to SU-7, to provide for a 50-unit, elderly housing community and a family life center.

REZONING ORDINANCE NO. 32, 2001.
2000-ZON-166
9150 RAWLES AVENUE (approximate addresses), INDIANAPOLIS.
WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 13
METROPOLITAN SCHOOL DISTRICT OF WARREN TOWNSHIP, by Thomas H. Engle, requests a rezoning of 20 acres, being in the I-2-S District, to the SU-9 classification to provide for a multi-purpose educational support complex, containing a transportation center and maintenance facility, a building maintenance shop, warehousing, a laundry facility, meeting rooms, and office space.

REZONING ORDINANCE NO. 33, 2001.
2000-ZON-127 (A)
2173 N. GALE STREET, 2178 NORTH SHERMAN AVENUE, 2182 NORTH SHERMAN AVENUE, and 2174 N. AVONDALE PLACE (approximate addresses), INDIANAPOLIS.
CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 10
MARTIN UNIVERSITY, by David Kingen, requests a rezoning of 0.70 acre, being in the I-3-U, D-5 and C-7 Districts, to the UQ-1 classification to provide for the expansion of a university.

REZONING ORDINANCE NO. 34, 2001.
2000-ZON-181
8437-8501 WEST WASHINGTON STREET (approximate address), INDIANAPOLIS.
WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 19
GREG DOTSON requests a rezoning of 3 acres, being in the D-3 and C-3 Districts, to the I-3-S classification to provide warehousing and associated office uses.

REZONING ORDINANCE NO. 35, 2001.
2000-ZON-183
9019 WEST MORRIS STREET (approximate address), INDIANAPOLIS.
WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 19
METROPOLITAN SCHOOL DISTRICT OF WAYNE TOWNSHIP, by Philip A. Nicely, requests a rezoning of 13.17 acres, being in the D-P District, to the SU-2 classification to provide for school uses.

REZONING ORDINANCE NO. 36, 2001.
2000-ZON-863
2314-2338 WEST MICHIGAN STREET (approximate address), INDIANAPOLIS
WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 16.
WESTSIDE COMMUNITY DEVELOPMENT CORP., by David Kingen, requests a rezoning of 0.7 acre, being in the C-3 District, to the C-2 classification to provide for a 17- unit senior housing complex.

REZONING ORDINANCE NO. 37, 2001.
2000-ZON-865
3653 SOUTH NEW JERSEY STREET (approximate address), INDIANAPOLIS.
PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 20.
DANIEL and GERALYN DURRETT request a rezoning of 0.48 acre, from the D-6II District, to the D-4 classification to provide for the construction of a single-family dwelling.

REZONING ORDINANCE NO. 38, 2001.
2000-ZON-866
8641, 8651, 8705, and 8717 HOLLIDAY DRIVE (approximate address), INDIANAPOLIS.
WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 3.
ST. LUKE'S UNITED METHODIST CHURCH requests a REZONING of 1.84 acres, being in the D-2 and SU-1 Districts, to the SU-1 classification to provide for religious uses.

REZONING ORDINANCE NO. 39, 2001.
2000-ZON-186 (2000-DP-026)
3347 NORTH EMERSON AVENUE (approximate address), INDIANAPOLIS
WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 10
ASSOCIATED LAND GROUP, INC., by Raymond Good, requests a rezoning of 8.19 acres being in the C-S District, to the D-P classification to provide for a maximum of 90 senior apartments (14.17 units/acre).

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 54, 2001. The proposal approves a reappropriation of $50,000 in the 2001 Budget of the Cable Communications Agency, (Consolidated County Fund) to provide for a grant approved in 2000, but not encumbered, to Indiana University for educational access programming, financed by fund balances. Councillor Coonrod stated that the Administration and Finance Committee has not yet heard Proposal No. 54, 2001, and he moved, seconded by Councillor Cockrum, to postpone the proposal until March 19, 2001. Proposal No. 54, 2001 was postponed by a unanimous voice vote.

PROPOSAL NO. 56, 2001. The proposal approves an increase of $2,138 in the 2001 Budget of the County Auditor (County Child Advocacy Fund) to support the continuation of an interdisciplinary response to child abuse and neglect situations for the Family Advocacy Center (per IC 12-17-17-2), financed by fund balances. Councillor Bradford stated that the Community Affairs Committee has not yet heard Proposal No. 56, 2001, and he moved, seconded by Councillor Black, to postpone the proposal until March 19, 2001. Proposal No. 56, 2001 was postponed by a unanimous voice vote.

PROPOSAL NO. 57, 2001. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 57, 2001 on February 7, 2001. The proposal approves an increase of $30,000 in the 2001 Budget of the Prosecuting Attorney (Diversion Fund) to assist with building costs for the Community Court, financed by fund balances. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it be stricken.

President SerVaas called for public testimony at 8:23 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Smith, to strike. Proposal No. 57, 2001 was stricken by a unanimous voice vote.

Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 58 and 60-62, 2001 on February 7, 2001. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 58, 2001. The proposal approves an increase of $200,000 in the 2001 Budget of the Prosecuting Attorney (Diversion Fund) to make payments to the law enforcement agencies for their share of Diversion proceeds. PROPOSAL NO. 60, 2001. The proposal approves an increase of $9,721 in the 2001 Budget of the County Sheriff (State and Federal Grants Fund) for the reimbursement of one officer's overtime who is assigned to the Indiana Joint Terrorism Task Force, funded by an FBI grant. PROPOSAL NO. 61, 2001. The proposal approves an increase of $19,833 in the 2001 Budgets of the County Auditor and Marion County Justice Agency (State and Federal Grants Fund) to support the continuation of the Arrestee Drug Abuse Monitoring, funded by a grant from the U.S. Department of Justice. PROPOSAL NO. 62, 2001. The proposal approves an increase of $60,000 in the 2001 Budget of the Marion County Justice Agency (Law Enforcement Equitable Share Fund) to provide funds for the construction of the detention cell for the Community Court Project, financed by fund balances. By 9-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

President SerVaas called for public testimony at 8:29 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Schneider, for adoption. Proposal Nos. 58 and 60-62, 2001 were adopted on the following roll call vote; viz:

27 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Douglas, Dowden, Gibson, Gray, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford
0 NAYS:
1 NOT VOTING: Horseman
1 ABSENT: Coughenour

Proposal No. 58, 2001 was retitled FISCAL ORDINANCE NO. 4, 2001, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 4, 2001

A FISCAL ORDINANCE amending the City-County Annual Budget for 2001 (City-County Fiscal Ordinance No. 105, 2000) appropriating an additional Two Hundred Thousand Dollars ($200,000) in the Diversion Fund for purposes of the Prosecuting Attorney and reducing the unappropriated and unencumbered balance in the Diversion Fund.

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(v) of the City-County Annual Budget for 2001 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Prosecuting Attorney to make payments to the law enforcement agencies for their share of Diversion proceeds.

SECTION 2. The sum of Two Hundred Thousand Dollars ($200,000) be, and the same is hereby appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

COUNTY PROSECUTOR	DIVERSION FUND
3. Other Services and Charges	200,000
TOTAL INCREASE	200,000

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

	DIVERSION FUND
Unappropriated and Unencumbered Diversion Fund	200,000
TOTAL REDUCTION	200,000

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

Proposal No. 60, 2001 was retitled FISCAL ORDINANCE NO. 5, 2001, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 5, 2001

A FISCAL ORDINANCE amending the City-County Annual Budget for 2001 (City-County Fiscal Ordinance No. 105, 2000) appropriating an additional Nine Thousand Seven Hundred Twenty-one Dollars ($9,721) in the State and Federal Grants Fund for purposes of the County Sheriff and reducing the unappropriated and unencumbered balance in the State and Federal Grant Fund.

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((y) of the City-County Annual Budget for 2001 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the County Sheriff to receive reimbursement for one officer's overtime who is assigned to the Indiana Joint Terrorism Task Force.

SECTION 2. The sum of Nine Thousand Seven Hundred Twenty-one Dollars ($9,721) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

COUNTY SHERIFF	STATE AND FEDERAL GRANTS FUND
1. Personal Services	9,721
TOTAL INCREASE	9,721

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

	STATE AND FEDERAL GRANTS FUND
Unappropriated and Unencumbered State and Federal Grants Fund	9,721
TOTAL REDUCTION	9,721

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. 61, 2001 was retitled FISCAL ORDINANCE NO. 6, 2001, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 6, 2001

A FISCAL ORDINANCE amending the City-County Annual Budget for 2001 (City-County Fiscal Ordinance No. 105, 2000) appropriating an additional Nineteen Thousand Eight Hundred Thirty-three Dollars($19,833) in the State and Federal Grants Fund for purposes of the County Auditor and Marion County Justice Agency and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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(a,bb) of the City-County Annual Budget for 2001 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the County Auditor and Marion County Justice Agency to support the continuation of the Arrestee Drug Abuse Monitoring Program (ADAM).

SECTION 2. The sum of Nineteen Thousand Eight Hundred Thirty-three Dollars($19,833) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

COUNTY AUDITOR	STATE AND FEDERAL GRANTS FUND
1. Personal Services-fringes	1,432
MARION COUNTY JUSTICE AGENCY	
1. Personal Services	8,948
3. Other Services and Charges	9,453
TOTAL INCREASE	19,833

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

	STATE AND FEDERAL GRANTS FUND
Unappropriated and Unencumbered State and Federal Grants Fund	19,833
TOTAL REDUCTION	19,833

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. 62, 2001 was retitled FISCAL ORDINANCE NO. 7, 2001, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 7, 2001

A FISCAL ORDINANCE amending the City-County Annual Budget for 2001 (City-County Fiscal Ordinance No. 105, 2000) appropriating an additional Sixty Thousand Dollars ($60,000) in the Law Enforcement Equitable Share Fund for purposes of the Marion County Justice Agency and reducing the unappropriated and unencumbered balance in the Law Enforcement Equitable Share Fund.

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(bb) of the City-County Annual Budget for 2001 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Marion County Justice Agency to provide funding for the construction of the detention cell for the Community Court Project.

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

SECTION 3. The following additional appropriation is hereby approved:

MARION COUNTY JUSTICE AGENCY	LAW ENFORCEMENT EQUITABLE SHARE FUND
3. Other Services and Charges	60,000
TOTAL INCREASE	60,000

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

	LAW ENFORCEMENT EQUITABLE SHARE FUND
Unappropriated and Unencumbered Law Enforcement Equitable Share Fund	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 NO. 65, 2001. Councillor Smith reported that the Metropolitan Development Committee heard Proposal No. 65, 2001 on February 12, 2001. The proposal, sponsored by Councillors Nytes and Smith, approves the issuance of a limited recourse note of the Redevelopment District for the purpose of paying the costs of certain infrastructure improvements in or serving property located in the Fall Creek Redevelopment Area and in the Citizens Redevelopment Area, and approves other matters related thereto. By an 8-0 vote, the Committee postponed the proposal. Councillor Smith moved, seconded by Councillor Nytes, to postpone Proposal No. 65, 2001 until March 19, 2001. Proposal No. 65, 2001 was postponed by a unanimous voice vote.

PROPOSAL NO. 66, 2001. Councillor Coonrod reported that the Administration and Finance Committee heard Proposal No. 66, 2001 on February 13 and 26, 2001. The proposal, sponsored by Councillors Nytes and Brents, approves the issuance of special refunding taxing district bonds of the Redevelopment District in one or more series or issues, payable solely from taxes on real property and certain personal property of designated taxpayers located in the Consolidated

Redevelopment Allocation Area and from other revenues of the Metropolitan Development Commission, and approves other matters related thereto. By a 6-2 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Coonrod said that while it is not the financial structure he would have chosen, he believes with the amendments made by the Committee, the transaction is sound and the administration deserves credit for coming up with a solution to a difficult problem. He said that he reluctantly supports the proposal, as the administration has the responsibility of ensuring payment and should therefore have the say in how those payments are met.

Councillor Borst stated that he also is not sure the new funding is necessary and it is very hard to understand, but he feels it is a creative solution, and he also supports it with some reservations.

Councillor Smith said that he does not support the proposal because he feels there are other avenues to approach dealing with lost property tax appeals than having to refund current debt.

Councillor Bainbridge said that he supports the proposal as a creative way to solve a looming problem, but that he would also ask the administration to address the tax appeals problem very aggressively so that such funding shortages do not continue.

Councillor Massie said that he believes this proposal is very creative, and he thanked the administration for their responsiveness and the way they worked with Committee members to work out some details of the transaction. He said that he does not support the proposal, however, because he does not think it is desirable public policy. It is a solution to a problem that only may occur in the future, and is not inevitable. He said that the Council should be concentrating on creative financing for problems that already exist. By putting this financing deal into place now, the City will pay the issuance fees twice and will be shouldering additional risk in the future. He added that by financing in this way at this time, the City closes the doors to all other options, some of which may be less expensive.

Councillor Soards asked if the City has ever issued a variable rate bond before. Councillor Nytes said that it is unusual, but is not unprecedented for a government entity to issue variable rate bonds. She said that this body may have never issued one before for the City, but that is one of the reasons so many amendments were made to the proposal in Committee, to build in provisions that limit the risk to the City. She added that weighed against the risks the City may face if they do not address this problem now, the risk is very minimal. She said that unlike Councillors Coonrod and Massie, she believes this funding is necessary to get through a three-year period until the tax increment financing (TIF) revenues are able to meet the bond payments. Councillor Soards stated that he is still uncomfortable supporting the proposal because of the risks associated with variable rate bonds and it seems like a major policy change, and he is not sure this is the direction to take.

Councillor Short said that he also believes this transaction is necessary, and looking at the history and precedent of tax appeals, it is imminent that there will be significant fiscal challenges in the next three years. Bob Clifford, executive director of the Indianapolis-Marion County Bond Bank, said that a similar transaction to this was approved in 1999, when there was a $4 million net present savings, and this transaction involves $10 million net present savings. He stated that the City will continue to look at other options, and he believes the tax appeal trend will continue. He added that the Key Bank note is the other outstanding note that needs a repayment stream, and this financing will help with paying down that debt.

Councillor Bradford asked why there are two firms involved in this deal instead of just one. Mr. Clifford said that a number of firms stepped forward with solutions to the problem, and Baer Sterns came up with the idea originally, and Bank One provided a lot of detail, analysis, and variations that made it more palatable to the City to do the transaction. He said that Baer Sterns has a higher credit rating, which provides assurances that they will continue to pay the variable rate. Bank One's rating is not quite as high, which means that the City will not have to insure part of the bonds, realizing a savings of $500,000 or more. Councillor Bradford asked if the Auditor has been consulted on this transaction. Marty Womacks, County Auditor, stated that she has not been involved in discussions.

Councillor Talley thanked Councillor Coonrod for investing so much time into this proposal and for conducting a very fair and balanced hearing in Committee.

President SerVaas stated that any City experiencing growth will have to face risks and use creative financing to achieve their goals. He said that the Mayor will be in office as these risks are being faced, and he will support the proposal, because he feels the Mayor should be able to address the financing in a way he feels he can meet the risks.

Councillor Schneider stated that he cannot support the proposal because there is still an element of risk to the taxpayers.

Councillor Brents stated that she is co-sponsor of this proposal and encourages her colleagues to support the transaction. Councillor Nytes said that there have been other times when creative financing has been used to support projects to which the City has made commitments. She said that she believes the amendments make this a stronger piece of legislation than it was originally, and she would urge her fellow Councillors to support it.

Councillor Conley stated that Indianapolis is a progressive city, and in order to move forward, the City must look at creative ways to finance outstanding debt. He said that he supports the proposal.

Councillor Nytes moved, seconded by Councillor Brents, for adoption. Proposal No. 66, 2001, as amended, was adopted on the following roll call vote; viz:

21 YEAS: Bainbridge, Black, Borst, Boyd, Brents, Cockrum, Conley, Coonrod, Douglas, Gibson, Gray, Horseman, Knox, Langsford, McWhirter, Moriarty Adams, Nytes, Sanders, SerVaas, Short, Talley
7 NAYS: Bradford, Dowden, Massie, Schneider, Smith, Soards, Tilford
0 NOT VOTING:
1 ABSENT: Coughenour

Proposal No. 66, 2001, as amended, was retitled GENERAL RESOLUTION NO. 1, 2001, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 1, 2001

A GENERAL RESOLUTION (i) approving the issuance of special taxing district bonds of the Redevelopment District of the City of Indianapolis, Indiana, in one or more series or issues, payable solely from taxes on real property and certain personal property of designated taxpayers located in the Consolidated Redevelopment Allocation Area allocated and deposited into the Consolidated Redevelopment Allocation Area Special Fund pursuant to the provisions of Indiana Code § 36-7-15.1-26 and from other revenues of the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana, if any pledged pursuant to Indiana Code § 36-7-15.1-17.5(c); and (ii) approving other matters related thereto.

WHEREAS, the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana (the "Commission"), has previously created the Consolidated Redevelopment Area (the "Area"), pursuant to the provisions of Indiana Code § 36-7-15.1; and

WHEREAS, the City of Indianapolis, Indiana (the "City"), has previously issued its City of Indianapolis Redevelopment District Tax Increment Revenue Bonds of 1992, Series A, in the original aggregate principal amount of $293,500,000, pursuant to Resolution No. 92-146, adopted by the Commission on November 10, 1992 (the "Series 1992 Bonds"); and

WHEREAS, the City has previously issued its City of Indianapolis Redevelopment District Subordinate Tax Increment Revenue Bonds of 1999, Series A, in the original aggregate principal amount of Ninety-nine Million Five Hundred Fifty-five Thousand One Hundred Twenty-four Dollars and Ninety-five Cents ($99,555,124.95), pursuant to Resolution No. 99-D-037, adopted by the Commission on July 7, 1999 (the "Series 1999 Bonds"); and

WHEREAS, on February 7, 2001, the Commission adopted a Bond Resolution (Resolution No. 01-B-004) (the "Bond Resolution") authorizing the issuance of special taxing district bonds of the Redevelopment District of the City of Indianapolis, Indiana (the "District") in one or more series or issues, in an aggregate principal amount not to exceed One Hundred Thirty Million Dollars ($130,000,000) (the "Bonds"), the principal of and interest on which are payable solely from taxes on real property and certain personal property of designated taxpayers located in the Consolidated Redevelopment Allocation Area (the "Allocation Area") allocated and deposited into the Consolidated Redevelopment Allocation Area Special Fund (the "Allocation Fund") pursuant to the provisions of Indiana Code § 36-7-15.1-26 and from other revenues of the Commission, if any, pledged pursuant to Indiana Code § 36-7-15.1-17.5(c), which Bonds are to rank subordinate to the Series 1992 Bonds and on parity with the Series 1999 Bonds, for the purpose of procuring funds to be applied to the cost of refunding all or a portion of the Series 1992 Bonds maturing on February 1, 2020, together with expenses associated therewith and expenses in connection with or on account of the issuance of the Bonds therefor (collectively, the "Refunding"); and to pay the costs of the acquisition and redevelopment in or serving the Allocation Area (the "2003 New Money Projects");and,

WHEREAS, the Bonds are currently anticipated to be sold to The Indianapolis Local Public Improvement Bond Bank (the "Bond Bank") pursuant to the provisions of Indiana Code § 5-1.4 and the Bond Bank is considering the execution and delivery of one or more agreements such as interest rate swap agreements or options, cap, collar and floor agreements or other interest rate protection agreements with one or more qualified providers, the purpose of which would be to protect the Bond Bank and the Commission from the risk of any adverse change in interest rates on the Bonds prior to the issuance thereof (such agreements, collectively, the "Hedge Agreements"); and

WHEREAS, the Commission has requested the approval of the City-County Council for the issuance of the Bonds pursuant to Indiana Code § 36-3-5-8, and the City-County Council now finds that the issuance of the Bonds should be approved; now therefore:

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

SECTION 1. The City-County Council does hereby approve (i) the Bond Resolution; and (ii) the issuance of the Bonds of the District, in one or more series or issues, payable solely from taxes on real property and personal property of certain designated taxpayers located in the Allocation Area allocated and deposited into the Allocation Fund pursuant to the provisions of Indiana Code § 36-7-15.1-26 and from other revenues of the Commission, if any, pledged pursuant to Indiana Code § 36-7-15.1-17.5(c), in an aggregate original issued principal amount not to exceed One Hundred Thirty Million Dollars ($130,000,000), which amount does not exceed the estimated costs of the Refunding provided that an additional principal amount may be issued as required to fund a reasonably required debt service reserve fund and provided that the maturity of the Bonds shall not be later than February 1, 2020.

SECTION 2. The City-County Council does hereby acknowledge and approve the execution and delivery of one or more Hedge Agreements and confirms that payment under the Hedge Agreements will be supported by a Debt Service Reserve Fund established by the Bond Bank that will be subject to the provisions of Indiana Code § 5-1.4-5-1 and Special Ordinance No. 67, 1985, previously adopted by the City-County Council on October 28, 1985, provided that the effective rate payable to the Bond Bank shall not exceed 5.75%, and provided further that the payment to be made by the swap provider or providers shall be a "bond rate" swap or shall not be less than seventy-four percent (74%) of LIBOR.

SECTION 3. All 2003 New Money Projects funded directly from proceeds of the Bonds or indirectly through fees or payments received as a result of the issuance of the Bonds shall be approved by the Council before such projects are undertaken. The President of the Council, the Chairman of the Council's Administration and Finance Committee and the senior minority member of the Administration and Finance Committee or their respective designees shall participate with the City Controller in setting the interest rate, principal amount and maturity date for the Bonds as well as those other terms of the Bonds that are not specified in the Bond Resolution. Except for such 2003 New Money Projects, proceeds shall be used only for debt service on the Series 1992 Bonds and the Series 1999 Bonds and to pay principal or interest on the loan commonly known as the "Key Bank Loan."

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with Indiana Code §§ 36-3-4-14, 36-3-4-15 and 36-3-4-16.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 761, 2000. Councillor Coonrod reported that the Administration and Finance Committee heard Proposal No. 761, 2000 on February 13, 2001. The proposal establishes Auditor's Endorsement Fee on documents and an Endorsement Fee Fund. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Coonrod moved, seconded by Councillor Tilford, for adoption. Proposal No. 761, 2000 was adopted on the following roll call vote; viz:

25 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Douglas, Dowden, Gibson, Gray, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, Smith, Soards, Talley, Tilford
0 NAYS:
3 NOT VOTING: Horseman, SerVaas, Short
1 ABSENT: Coughenour

Proposal No. 761, 2000 was retitled GENERAL ORDINANCE NO. 14, 2001, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 14, 2001

A GENERAL ORDINANCE amending the Revised Code of the Consolidated City of Indianapolis and Marion County, Indiana to authorize the Marion County Auditor to collect a fee of Three Dollars ($3.00) per document for endorsing a document affecting an interest in real property.

WHEREAS, IC 36-2-11-14(a) requires the Marion County Auditor to endorse on each document that partitions or conveys real property "duly entered for taxation subject to final acceptance for transfer," "not taxable," or "duly entered for taxation;" and

WHEREAS, IC 36-2-9-18(d) provides that the City-County Council may authorize a fee, not to exceed Three Dollars ($3.00), for each endorsement made by the Auditor on such a document; and

WHEREAS, the Auditor seeks such authorization to charge a fee in the amount of Three Dollars ($3.00) per document; now therefore:

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

SECTION 1. Article II of Chapter 131 of the "Revised Code of the Consolidated City and County" be, and is hereby, amended by adding a new Section 131-242 to read as follows:

Sec. 131-242. Auditor's endorsement fee.

(a) Pursuant to IC 36-2-9-18(d), the City-County Council hereby authorizes the Auditor to charge a fee in the amount of Three Dollars ($3.00) for each endorsement made by the Auditor on a document that partitions or conveys real property.

(b) This endorsement fee is to be paid at the time the endorsement is made by the Auditor, and this endorsement fee is in addition to other fees provided by law to be charged by the Auditor.

(c) The Auditor shall deposit all fees received under this section in a dedicated fund for use in maintaining property records.

SECTION 2. Article II of Chapter 135 of the "Revised Code of the Consolidated City and County" be, and is hereby, amended by rearranging and renumbering existing sections and by adding a new Section 135-222, to read as follows:

ARTICLE II. NONREVERTING COUNTY FUNDS

DIVISION I. DISCRETIONARY FUNDS

Sec. 135-211. County grants fund.

(a) There is hereby created a "county grants fund." The fund shall consist of deposits in the form of grants received from local, state, and national not-for-profit corporations.

(b) The county grants fund may be used for funding various public purposes in accordance with the terms under which the county accepts grants made by such not-for-profit corporations.

Sec. 135-212. County child advocacy fund.

(a) There is hereby created a special, nonreverting fund for the purpose of assisting in developing interdisciplinary responses to child abuse and neglect situations, to be designated as the "county child advocacy fund." The fund consists of amounts deposited under IC 33-19-7-1(d), and the county auditor shall administer the fund.

(b) This fund shall be a continuing, nonreverting fund, with all balances remaining therein at the end of the year, and such balances shall not lapse into the county general fund or be diverted, directly or indirectly, in any manner other than that set forth in subsection (c).

(c) Moneys in the county child advocacy fund may be appropriated only at the discretion of the city-county council to address child abuse and neglect prevention or intervention.

Sec. 135-213. Law enforcement fund.

(a) There is hereby created a "law enforcement fund." The fund shall consist of deposits in the form of voluntary surrender fees, reimbursement for restitution, and other law enforcement related fees recovered by the office of the county prosecutor which are not required to be deposited in the county general fund.

(b) The law enforcement fund shall be appropriated only for funding activities to support and supplement the pursuit, apprehension, and prosecution of individuals involved in racketeering or illegal drug activity, including but not limited to training, equipment, and education of law enforcement personnel; asset forfeiture litigation support and costs; and salaries and overtime of personnel engaged in the pursuit, apprehension, and prosecution of individuals involved in racketeering or illegal drug activity.

(c) Monies from this fund shall be subject to appropriation in accordance with IC 36-3-6-6.

DIVISION 2. COUNTY OFFICERS FUNDS

Sec. 135-221. Clerk's record perpetuation fund.

(a) There is hereby created a clerk's record perpetuation fund, in accordance with IC 33-19-6-1.5.

(b) The clerk shall deposit into the clerk's record perpetuation fund all revenue received by the clerk for the transmitting of documents. The clerk shall deposit into the clerk's record perpetuation fund all revenue for access provided to public records received pursuant to section 285-307(3) of this Code, all revenue for facsimile documents sent by the clerk, and all revenue received for the facsimile transmission to the clerk of court pleadings. The unappropriated balances in such fund at the end of each calendar year shall not revert to the county general fund.

(c) The money in the clerk's record perpetuation fund may be used for the following purposes:

(1) The preservation of records.

(2) The improvement of record keeping systems and equipment.

(d) Amounts shall be paid from such fund only pursuant to appropriations authorized by the city-county council in the normal budgeting processes.

Sec. 135-222. Endorsement Fee Fund.

(a) There is hereby created a dedicated fund to be designated as the Endorsement Fee Fund. This fund shall be a continuing, nonreverting fund, with all balances remaining therein at the end of each year. Such balances shall not lapse into the county general fund or ever be directly or indirectly diverted in any manner to uses other than those stated in this section.

(b) The Auditor shall deposit into the endorsement fee fund all revenue received for endorsing documents pursuant to IC 36-2-11-14 and Sec. 131-242 of this Code.

(c) The money in the endorsement fee fund may be used for the improvement and maintenance of property-records systems and equipment.

(d) Amounts shall be paid from such fund only pursuant to appropriations authorized by the city-county council.

DIVISION 3. COUNTY PROSECUTOR'S FUNDS

Sec. 135-231. Victim witness support services fund.

(a) There is hereby created a special fund, to be designated and known as the "victim witness support services fund," in the office of the county prosecutor. This fund shall be a continuing, nonreverting fund, with all balances remaining therein at the end of each year. Such balances shall not lapse into the county general fund, or ever be directly or indirectly diverted in any manner to uses other than those stated in this section.

(b) All fees charged and collected by the county prosecutor for providing copies of documents pursuant to discovery or public records requests shall be deposited in the victim witness support services fund.

(c) The fund shall be administered by the county prosecutor, and all funds deposited therein shall be appropriated and used solely for services that victims or witnesses need for their own protection and well-being, including but not limited to expenses such as moving expenses, security measures or equipment, food, and temporary shelter.

Sec. 135-232. Prosecutor's check deception program fund.

(a) There is hereby created a special fund to be designated as the "check deception program fund," in the office of the county prosecutor. This fund shall be a continuing, nonreverting fund, with all balances remaining therein at the end of each year. Such balances shall not lapse into the county general fund, or ever be directly or indirectly diverted in any manner to uses other than those stated in this section.

(b) All service fees and charges which are collected in the administration of the prosecutor's check deception program shall be deposited in the check deception program fund.

(c) The fund shall be administered by the county prosecutor, and all funds deposited therein shall be appropriated and used solely for the use and benefit of the office of the county prosecutor.

DIVISION 4. COURT FUNDS

Sec. 135-241. Drug treatment diversion program fund.

(a) There hereby is created a special fund, to be designated and known as the "drug treatment diversion program fund," in the office of the Marion Superior Court. This fund shall be a continuing, nonreverting fund, with all balances remaining therein at the end of each year. Such balances shall not

lapse into the county general fund, or ever be directly or indirectly diverted in any manner to uses other than those stated in this section.

(b) All drug treatment diversion program fees assessed and collected by the Marion Superior Court in the administration of the drug treatment diversion program shall be deposited in the fund created by this section.

(c) The fund shall be administered by the Marion Superior Court, and all funds deposited therein shall be appropriated and used solely for the operation of the drug treatment diversion program.

Sec. **135-242. Juvenile court alternative school services fund.**

(a) There hereby is created a special fund, to be designated and known as the "juvenile court alternative school services fund," in the office of the Marion Superior Court, Juvenile Division. This fund shall be a continuing, nonreverting fund, with all balances remaining therein at the end of each year. Such balances shall not lapse into the county general fund, or ever be directly or indirectly diverted in any manner to uses other than those stated in this section.

(b) All fees and tuition charged and collected by the Marion Superior Court, Juvenile Division, in the administration of its alternative school shall be deposited in the "juvenile court alternative school services fund."

(c) The fund shall be administered by the Marion Superior Court, Juvenile Division, and all funds deposited therein shall be appropriated and used solely for the operation of the alternative school.

Sec. **135-243. Marion Superior Court equipment fund.**

(a) There is hereby created a special fund to be designated as the "Marion Superior Court equipment fund," in the office of the court services agency. This fund shall be a continuing, nonreverting fund, with all balances remaining therein at the end of each year. Such balances shall not lapse into the county general fund or ever be directly or indirectly diverted in any manner to uses other than those stated in this section.

(b) All fees and moneys generated by the use of teleconference programs or revenue derived from grants, specified for teleconference programs for the Marion Superior Court, shall be deposited in the Marion Superior Court equipment fund.

(c) The fund shall be administered by the Marion Superior Court, and all funds deposited therein shall be appropriated and used solely for equipment acquisition, replacement and maintenance.

(d) Amounts shall be paid from this fund only pursuant to appropriations authorized by the city-county council in the normal budgeting processes.

DIVISION 5. SPECIAL AGENCY FUNDS

Sec. 135-251. Information services internal service fund.

(a) There is hereby created a special, nonreverting fund for the county information services agency, to be designated as the "information services internal service fund." The auditor shall deposit in such fund all moneys received by or credited to the information services agency in the performance of its functions and duties, as provided in sections 281-201 through 281-234 of this Revised Code, and other revenues duly allocated during each year, as approved by the city-county council, and as provided by law.

(b) This fund shall be a continuing, nonreverting fund, with all balances remaining therein at the end of the year, and such balances shall not revert to the county general fund or be diverted directly or indirectly in any manner other than that set forth in subsection (c).

(c) Moneys in the information services internal service fund may be used for expenses incurred in carrying out the functions and duties of the information services board and information services agency as provided in sections 281-201 through 281-234 of this Revised Code.

(d) Amounts shall be paid from this fund only pursuant to appropriations authorized by the city-county council.

Sec. 135-252. Pretrial release fund.

(a) There is hereby established a special nonreverting county fund for the county justice agency, to be designated the "pretrial release fund." The auditor shall deposit in such fund the pretrial release fees.

(b) This fund shall be a continuing, nonreverting fund, with all balances remaining therein at the end of the year, and no such balances shall lapse into the county general fund or be diverted directly or indirectly in any manner for any purpose other than that for which such revenues were received.

(c) Amounts shall be paid from such fund only pursuant to appropriations authorized by the city-county council in the normal budgeting processes.

Sec. 135-253. County Misdemeanant Fund.

(a) There is hereby created a "county misdemeanant fund," to be administered by the city-county council. The fund shall consist of deposits received from the department of corrections in accordance with IC 11-12-6-13.

(b) The county misdemeanant fund may be used only for funding the operation of the county jail, jail programs, or other local correctional facilities or other community based programs. Any money remaining in a county misdemeanant fund at the end of the year does not revert to any other fund but remains in the county misdemeanant fund.

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

PROPOSAL NO. 789, 2000. Councillor Smith reported that the Metropolitan Development Committee heard Proposal No. 789, 2000 on December 11, 2000 and January 29 and February 12, 2001. The proposal is an inducement resolution for Keeneland Crest Apartments in an amount not to exceed $26,000,000 to be used for the acquisition and rehabilitation of the existing 424-unit apartment complex located on approximately 36.5 acre parcel of land at 5540 Ashview Drive (District 23). By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it be stricken. Councillor Smith moved, seconded by Councillor Nytes, to strike. Proposal No. 789, 2000 was stricken by a unanimous voice vote.

PROPOSAL NO. 43, 2001. Councillor Massie reported that the Rules and Public Policy Committee heard Proposal No. 43, 2001 on February 6, 2001. The proposal, sponsored by Councillors Coughenour, Boyd, and Smith, concerns the consolidation of the Department of Public Works (DPW) and the Department of Capital Asset Management into one department, and the reorganization of DPW. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Massie moved, seconded by Councillor Boyd, for adoption. Proposal No. 43, 2001, as amended, was adopted on the following roll call vote; viz:

23 YEAS: Bainbridge, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Douglas, Dowden, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, Short, Smith, Soards, Tilford
0 NAYS:
5 NOT VOTING: Black, Coonrod, Gibson, SerVaas, Talley
1 ABSENT: Coughenour

Proposal No. 43, 2001, as amended, was retitled GENERAL ORDINANCE NO. 15, 2001, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 15, 2001

PROPOSAL FOR A GENERAL ORDINANCE to amend the "Revised Code of the Consolidated City and County" to consolidate the department of public works and the department of capital asset

management into one (1) department under the name of "department of public works," and to correct references thereto in numerous sections throughout the Code.

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

SECTION 1. Chapters 261, 271, and 272 of the "Revised Code of the Consolidated City and County," regarding the department of public works, the department of capital asset management, and the board of asset management and public works, respectively, hereby are REPEALED.

SECTION 2. The "Revised Code of the Consolidated City and County" hereby is amended by the replacement of those chapters repealed by SECTION 1 of this proposal with the addition of a NEW Chapter 261, to read as follows:

Chapter 261

DEPARTMENT OF PUBLIC WORKS

ARTICLE I. DEPARTMENT ESTABLISHED

Sec. 261-101. Department established.

There is hereby established a department of public works for the city pursuant to IC 36-3-4-23.

Sec. 261-102. Powers; duties.

The department of public works shall exercise those powers and duties granted by state statute, this chapter or other chapters of this Code, or as delegated by the mayor, to discharge its responsibilities, as follows:

(1) To plan, finance, budget, design, construct, operate, fix, repair, clean, and maintain all public streets and ways systems, stormwater systems, wastewater systems, groundwater systems, solid waste services, and parking services within the city;

(2) To protect the city's investment in its infrastructure systems and facilities by developing and maintaining adequate engineering standards and procedures in support of the permitting process and all capital assets and infrastructure facilities; and,

(3) To ensure the environmental safety of the city by providing adequate planning, coordination, and operation of environmental management programs including all environmental considerations both inside and outside its geographic jurisdiction.

ARTICLE II. ORGANIZATION

Sec. 261-201. Director.

The director of the department of public works shall be appointed by the mayor subject to the approval of the city-county council as required by IC 36-3-5-2 to serve at the pleasure of the mayor for a term ending December thirty-first of the year the appointment is effective and until a successor is appointed and qualifies.

Sec. 261-202. Duties of director.

The director of the department of public works shall:

(1) Manage the divisions within the department, provide policy direction and develop strategic management and capital improvement plans;

(2) Oversee the daily operation of the department;

(3) Coordinate funding and resource levels for all public infrastructure under the department's jurisdiction;

(4) Approve or disapprove disbursements of funds subject to limitations prescribed by law;

(5) Prepare and submit the department's budget to the fiscal officer as required by IC 36-3-6-4(b)(1);

(6) Appoint management and staff personnel subject to the approval of the mayor as provided in IC 36-3-5-5;

(7) Approve the hiring and dismissal of the personnel of the department subject to the limitations prescribed by law and rules adopted by the mayor as provided in IC 36-3-5-5;

(8) Provide administrative support to the department;

(9) Delegate to the personnel employed in the department authority to act in the director's behalf as provided in IC 36-3-5-5(c);

(10) Execute contracts on behalf of the department subject to the powers of the mayor, ~~and~~ the board of public works, and any other limitations prescribed by law;

(11) Provide for the management of surplus real property acquired by the city due to nonpayment of taxes or any other reason and for the disposal of such property pursuant to IC 36-1-11;

(12) Exercise all powers formerly granted to the director of the department of public works, the department of transportation, and the department of capital asset management; and

(13) Exercise any other powers which may be granted by statute or ordinance or delegated by the mayor.

Sec. 261-203. Divisions.

The department of public works shall be composed of the following divisions:

(1) The policy and planning division;

(2) The engineering division; and,

(3) The operations division.

ARTICLE III. DIVISIONS

Sec. 261-301. Policy and planning division.

The policy and planning division shall provide for policy development and coordination, long term and short term planning, capital and operating finance, administrative and business services, permitting, compliance assurance, and environmental resource management.

Sec. 261-302. Engineering division.

(a) The engineering division shall provide for systems inventory management, capital and maintenance planning/programming, capital and repair project development, design, and construction for all physical infrastructure assets which are required for all streets and ways, stormwater, wastewater, and groundwater systems.

(b) The engineering division shall be responsible for establishing and maintaining all engineering standards, standard specifications, and guidelines for the design, construction, operation, and permitting of all city transportation and water management facilities and infrastructure systems.

Sec. 261-303. Operations division.

The operations division shall provide for the operation, maintenance, cleaning, and repair of all streets and ways, stormwater, wastewater, and groundwater systems. The operations division shall provide for the pickup and disposal of solid waste and other citizen services as directed.

ARTICLE IV. BOARD OF PUBLIC WORKS

Sec. 261-401. Board of public works established.

There is hereby established a board of public works pursuant to IC 36-3-4-23.

Sec. 261-402. Members.

The board of public works shall be composed of seven (7) members, consisting of the director of the department of public works who shall be chairperson of the board, three (3) members appointed by the mayor, and three (3) members appointed by the council. Each appointed member shall serve a one-year term and until the member's successor is appointed and qualified, but serves at the pleasure of the appointing authority. In the event of a vacancy prior to the expiration of a term, the appointing authority shall appoint a member for the remainder of the unexpired term.

Sec. 261-403. Meetings.

The board shall hold regular meetings at least once a month at times and places prescribed by its rules or established by resolution. No notice to members is required for holding or taking any action at a regular meeting. A special meeting of the board may be called by the presiding officer or by three (3) members at any place in the county designated in the call. Each member shall be notified of the time and place of such a meeting by written notice, which must be delivered, mailed or sent by telegram so that each member has at least seventy-two (72) hours' notice of the meeting. The notice requirement may be waived as to a member if the member attends the meeting or executes a written waiver of notice. The waiver may be executed either before or after the meeting, but if executed after, it must state in general terms the purpose of the meeting.

Sec. 261-404. Board action.

Four (4) members of the board shall constitute a quorum, and a minimum majority vote of at least four (4) board members shall be required to pass a resolution.

Sec. 261-405. Powers.

The board of public works shall:

(1) Review all budgets prepared by the department of public works and recommend to the city-county council any revisions the board feels desirable.

(2) Review all budgets of the metropolitan thoroughfare district and recommend to the city-county council any revisions or adjustments as the board deems desirable.

(3) Hold any hearings to be held following public notice and make such findings and determinations required by applicable law to be made after such hearing, including but not limited to the issuance of special taxing district bonds.

(4) Approve the award and amendment of contracts by the department for the purchase or lease of capital equipment, supplies, materials, services, or other property where the contract is required to be bid under IC 36-1-9.

(5) Approve the award and amendment of public construction contracts required to be bid under IC 36-1-12.

(6) Approve the acquisition of and leases for real estate.

(7) Approve the disposal of property by the department of public works as specified in IC 36-1-11, excluding leases of real property, pursuant to IC 36-1-11, for the siting of cellular, digital personal communications systems, or other wireless communications systems towers and related equipment.

(8) Approve the employment of persons engaged by contract to render professional or consulting services.

(9) Accept streets and roads into the public road system after dedication pursuant to the procedure set forth in Chapter 691 of this Code. Hold hearings on appeal from denial of permits or waivers under the jurisdiction of the department of public works.

(10) Exercise waste collection and disposal powers as described in IC 36-9-31.

(11) Exercise the powers given to the board of public works in Chapters 361, 391 and 671 of this Code.

(12) Contract with any individual or corporation for supplying the city with gas, water, steam, power, heat or electricity, but any such contract shall be submitted to the city-county council for approval. No such contract shall be for a term of longer than twenty-five (25) years. This power shall not interfere with the exclusive power of the board of public works to enter into contracts for the lighting of public streets pursuant to this Chapter.

(13) Hold hearings on appeal from denial of permits or waivers under the jurisdiction of the department of public works.

(14) Exercise the powers granted to the board of public works by IC 36-9-22, IC 36-9-37, IC 36-9-38 and IC 36-9-39.

(15) Exercise all powers granted to the transportation board or capital asset management board by IC 36-9-6.5 and IC 36-9-11.1.

(16) Contract with any individual or corporation for providing streetlights, maintenance for streetlights and lighting for streets, alleys or public places, but any such contract shall be submitted to the city-county council for approval. No such contract shall be for a term of longer than twenty-five (25) years.

(17) Exercise flood control power as described in IC 36-9-29.1, and drainage power as described in IC 36-9-27.

(18) Exercise all powers not specifically stated herein formerly granted to the board of transportation, the board of public works, the board of capital asset management, or the board of asset management and public works.

(19) Promulgate, pursuant to the procedures established in Chapter 141 of the Code, rules and regulations with respect to the department's powers, including but not limited to rules and regulations regarding contract administration and compliance of public construction pursuant to contracts awarded by the board or department of public works with regard to cost reduction incentives.

(20) Any other powers granted by statute or ordinance or delegated by the mayor.

SECTION 3. Section 111-325 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, to read as follows:

Sec. 111-325. Twenty-fourth ward.

The twenty-fourth ward of the city shall be described as follows:

Beginning at a point in the east line of Section 21 Township 15 North, Range 3 East, in Marion County, Indiana, said point being 378.83 feet south of the northeast corner of said section; thence along the city corporation line to the southeasterly right-of-way line of Kentucky Avenue; thence northeasterly along said right-of-way line to the south right-of-way line at Raymond Street; thence west along the south right-of-way line of Raymond Street to the west line of the east half of the southeast quarter of Section 16 as extended south; thence north along said half quarter section line to the southwesterly bank of Big Eagle Creek; thence northwestwardly following the meanderings of the southwesterly bank of said creek to the south right-of-way line of the Indiana Railroad, Inc. (Traction Company); thence southwestwardly on and along the south right-of-way line of said railroad to the centerline of Tibbs Avenue; thence north and northwestwardly on and along the centerline of Tibbs Avenue to the east property line of Exeter Avenue; thence north along the east property line of Exeter Avenue extended north to its intersection with the south line of Creston Addition as extended east; thence west along the south line of Creston Addition to the southwest corner of Lot 1 in said Creston Addition; thence north along the west line of said Lot 1 and said line extended north to the north property line of Rockville Road; thence east along the north property line of Rockville Road to the southwest corner of Lot 49 in Creston Addition; thence north along the east line of said Lot 49 and said east line extended north to the top of the west bank of Big Eagle Creek; thence northwesterly along the top of the west bank of Big Eagle Creek to the southwest boundary of Salem Park Addition; thence northwestwardly on and along the southwest boundary of Salem Park Addition to the centerline of Market Street; thence east on and along the centerline of Market Street and said centerline produced east to the centerline of Tibbs Avenue as produced due south; thence north on and along said production of the centerline of Tibbs Avenue and the centerline of Tibbs Avenue to the centerline of the Baltimore and Ohio Railroad; thence southeastwardly on and along the centerline of said railroad to the centerline of Goodlet Avenue

produced north; thence south on and 1028 along the centerline of Goodlet Avenue produced north and the centerline of Goodlet Avenue to the centerline of Vermont Street; thence east on and along the centerline of Vermont Street to the centerline of King Avenue; thence north on and along the centerline of King Avenue and said centerline produced north to the centerline of the Baltimore and Ohio Railroad; thence southeastwardly on and along the centerline of said railroad to the centerline of Belmont Avenue; thence south on and along the centerline of Belmont Avenue and the east line of Wayne Township to the place of beginning.

Also a part of sections 23 and 24, Township 15 North, Range 2 East, in Marion County, Indiana, more particularly described as follows: Beginning at a point in the west right-of-way line of High School Road 2,163.4 feet south of the north line of said Section 23; thence eastward across High School Road to the intersection of its west right-of-way line with the south right-of-way line of the Interstate 465 approach; thence northeasterly along said south right-of-way line of said approach 107.08 feet, more or less, to a point; thence southeasterly along the meandering south right-of-way line of said Interstate 465 approach to a point located 645.2 feet, more or less, east of the east right-of-way line of High School Road; thence running south 00 degrees 18 minutes west 123.9 feet, more or less, to a point; thence south 89 degrees 01 minute west to the west right-of-way line of High School Road; thence north along the west right-of-way line of the place of beginning.

Also a part of Section 24, Township 15 North, Range 2 East, and a part of Section 19, Township 15 North, Range 3 East, in Marion County, Indiana, more particularly described as follows: Beginning at a point in the centerline of Lynhurst Drive 190 feet south of the northwest corner of the south half of the aforesaid Section 19; running thence eastwardly at right angles to the centerline of Lynhurst Drive 70 feet; thence northwardly deflecting left 87 degrees 53 minutes 25 seconds a distance of 600.12 feet; thence northeastwardly deflecting right 36 degrees 15 minutes a distance of 51.47 feet; thence eastwardly deflecting right 53 degrees 45 minutes a distance of 110 feet; thence northeastwardly deflecting left 24 degrees 56 minutes 54 seconds a distance of 439 feet; thence northeastwardly deflecting right 17 degrees 05 minutes 53 seconds a distance of 495.24 feet; thence eastwardly deflecting right 8 degrees 17 minutes 10 seconds a distance of 450.69 feet; thence northwardly deflecting left 87 degrees 49 minutes 14 seconds a distance of 125 feet; thence westwardly at right angles to the last described line 100 feet; thence northwestwardly deflecting right 8 degrees 54 minutes 16 seconds a distance of 653.97 feet; thence northwestwardly deflecting right 11 degrees 07 minutes 22 seconds a distance of 329.95 feet; thence northwardly deflecting right 69 degrees 58 minutes 22 seconds a distance of 50 feet; thence northeastwardly deflecting right 70 degrees 50 minutes a distance of 120 feet; thence northeastwardly deflecting right 19 degrees 10 minutes a distance of 200 feet to a point on the south property line of Bradbury Street; thence northwardly deflecting left 87 degrees 10 minutes a distance of 25 feet to a point on the centerline of Bradbury Street which is 700 feet east of the centerline of Lynhurst Drive; thence westwardly at right angles to the last described line 700 feet to a point in the centerline of Lynhurst Drive; thence northwardly along and with said centerline and the eastwardly line of Section 24, Township 15 North, Range 2 East aforesaid a distance of 110.15 feet; thence westwardly deflecting left 91 degrees 45 minutes a distance of 55 feet; thence southwestwardly deflecting left 67 degrees 43 minutes a distance of 101.41 feet; thence southwardly deflecting left 20 degrees 29 minutes a distance of 70 feet; thence southwestwardly deflecting right 50 degrees 12 minutes a distance of 78.1 feet; thence westwardly deflecting right 39 degrees 49 minutes a distance of 250 feet; thence southwestwardly deflecting left 11 degrees 19 minutes a distance of 101.98 feet; thence westwardly deflecting right 11 degrees 19 minutes a distance of 180 feet; thence southwardly at right angles to the last described line 125 feet; thence eastwardly at right angles to the last described line 80 feet; thence southeastwardly deflecting right 64 degrees 46 minutes a distance of 111.81 feet; thence southwestwardly deflecting right 84 degrees 21 minutes a distance of 193.03 feet; thence southwestwardly deflecting right 13 degrees 04 minutes a distance of 193.19 feet; thence southwestwardly deflecting right 10 degrees 26 minutes a distance of 762.3 feet; thence continue westwardly on a curve to the right having a radius of 5,640 feet a distance of 380 feet to a point in the eastwardly line of a right-of-way acquired by the Indiana State Highway Commission by Condemnation Cause S61-1145 in the Marion Superior Court, Room 5, filed October 13, 1961; thence northwardly along and with said eastwardly line a distance of 30 feet to the northeastwardly corner of said tract; thence westwardly along and with the north line thereof 67.2 feet; thence continue westwardly along said north line and deflecting right 00 degrees 51 minutes a distance of 97.9 feet; thence continue westwardly along and with said north line and deflecting right 01 degree 00 minutes a distance of 97.9 feet; thence continue westwardly along and with said north line and deflecting right 00 degrees 46 minutes a distance of 53.5 feet; thence continue westwardly along and with said north line and deflecting right 00 degrees 16 minutes a distance of 390.4 feet; thence southwardly at right angles to the last above described line a distance of 64 feet; thence westwardly at right angles to the last above described line a distance of 2,307.33 feet; thence northwestwardly on a curve to the right having a radius of 2,809 feet a distance of 352.55 feet; thence continue northwestwardly tangent to the last above described curve at the last above described point a distance of 124.97 feet to a point in the west property line of High School Road; thence southwardly deflecting left 97 degrees 28 minutes a distance of 100.87 feet; thence southeastwardly deflecting left 82 degrees 32 minutes a distance of 88.47 feet; thence

southeastwardly on a curve to the right having a radius of 1,886 feet a distance of 236.71 feet; thence continue southeastwardly tangent to the last above described curve at the last described point a distance of 453.51 feet; thence eastwardly on a curve to the left having a radius of 1,372.24 feet a distance of 524.08 feet; thence northeasterly tangent to the last above described point a distance of 1,003.6 feet; thence eastwardly on a curve to the right having a radius of 2,268 feet a distance of 296.86 feet; thence eastwardly tangent to the last above described curve at the last above described point a distance of 323.57 feet; thence southwardly at right angles to the last above described line 19 feet; thence eastwardly at right angles to the last above described line 245.4 feet; thence continue eastwardly deflecting left 00 degrees 16 minutes a distance of 53.3 feet; thence continue eastwardly deflecting left 00 degrees 46 minutes a distance of 101.3 feet; thence continue eastwardly deflecting left 01 degree 00 seconds a distance of 101.3 feet; thence continue eastwardly deflecting left 00 degrees 48 minutes a distance of 59.1 feet; thence continue eastwardly deflecting right 01 degree 34 minutes a distance of 143.75 feet to a point which is 85 feet southwardly from the centerline of the Airport Expressway as established, measured at right angles to said centerline; thence continue eastwardly on a curve to the left having a radius of 5,815 feet a distance of 308.2 feet to the point of tangent of said curve; thence southeastwardly deflecting right 04 degrees 58 minutes from the tangent to the last above described curve at the last above described point a distance of 257.26 feet; thence eastwardly deflecting left 07 degrees 26 minutes a distance of 377 feet; thence southeastwardly deflecting right 19 degrees 17 minutes a distance of 285.1 feet; thence eastwardly deflecting left 02 degrees 30 minutes a distance of 275.26 feet; thence southeastwardly deflecting right 23 degrees 21 minutes a distance of 239.63 feet; thence continue southeastwardly 150 feet, more or less, to a point which is 110 feet west of the east line of the aforesaid Section 24 and 385.62 feet north of the south line of the north half of said section; thence southeastwardly 70 feet to a point which is 90 feet west of the east line of the aforesaid section and 325 feet north of the south line of the north half of the aforesaid section; thence southwardly 575.05 feet to a point which is 75 feet west of the place of beginning and at right angles thereto; thence eastwardly 75 feet to the place of beginning.

The within described property contains a part of the right-of-way acquired by the Indiana State Highway Commission for the construction of the interchange designated as Interstate 465 and Bradbury Street; also the land acquired by the city as per the Board of ~~Asset Management and~~ Public Works of the City of Indianapolis Declaratory Resolution No. 17, 992, 1962, and subsequent additions thereto as per agreement by Park Fletcher Industrial and Research Center, Inc.

Also a part of the north half and a part of the south half of Section 24, Township 17 North, Range 2 East, of the Second Principal Meridian in Marion County, Indiana, more particularly described as follows: From the center of said Section 24, measure eastwardly along and with the south line of the aforesaid north half 731.05 feet; thence northwardly at right angles to said south line 30 feet to a point on the northerly line of proposed Research Drive as now located and established; run thence southwestwardly on a curve to the left having a radius of 602.96 feet whose tangent is at right angles to the last above described line at the last above described point and along and with the northwestwardly line of proposed Research Drive a distance of 71.43 feet to the place of beginning of the within described tract; thence northeastwardly deflecting right 96 degrees 46 minutes from the tangent to the last described curve at the last above described point a distance of 200 feet; thence eastwardly deflecting right 89 degrees 28 minutes a distance of 198.49 feet to a point in the westwardly right-of-way line of proposed Executive Drive; thence northeastwardly deflecting left 77 degrees 39 minutes and along and with the westwardly line of proposed Executive Drive as the same is now located and established a distance of 243.92 feet; thence northeastwardly deflecting left 01 degree 11 minutes along and with the aforesaid westwardly line of proposed Executive Drive a distance of 23.55 feet to the intersection of said westwardly line of proposed Executive Drive and the southerly line of the Airport or Raymond Street Expressway; thence westwardly deflecting left 107 degrees 21 minutes along and with the aforesaid southerly line of the Airport Expressway 64.7 feet; thence continue westwardly deflecting right 03 degrees 32 minutes along and with the aforesaid southerly line 143.75 feet to the southeastwardly corner of the land acquired by the State of Indiana for the Interstate 465 and Bradbury Street Interchange; thence continue westwardly along and with the southerly line of the right-of-way of said Interstate 465 and Bradbury Street Interchange and deflecting left 01 degree 34 minutes a distance of 59.1 feet; thence westwardly along and with said southerly line and deflecting right 00 degrees 48 minutes a distance of 101.3 feet; thence continue westwardly along and with said southerly right-of-way line and deflecting right 01 degree 00 minutes a distance of 101.3 feet; thence continue westwardly along and with said southerly right-of-way line and deflecting right 00 degrees 46 minutes a distance of 55.3 feet; thence continue westwardly along and with said southerly line and deflecting right 00 degrees 16 minutes a distance of 245.4 feet; thence southwestwardly deflecting left 08 degrees 18 minutes and along and with said southerly line 90 feet; thence westwardly deflecting right 05 degrees 53 minutes along and with said southerly line 28.3 feet; thence continue westwardly along and with said southerly line and deflecting left 02 degrees 25 minutes a distance of 27.8 feet; thence southwestwardly on a curve to the left having a radius of 676.25 feet and deflecting left to the chord of said curve 08 degrees 24 minutes a distance of 171.72 feet measured along the arc of said curve to the northeastwardly corner of a certain 25.01 acre tract conveyed by Park Fletcher, Inc., to tile Indiana National Bank of Indianapolis, Trustee, and recorded

in the office of the recorder of Marion County, Indiana, in Volume 2005, page 401, Instrument #40893; thence southeastwardly along and with the northeastwardly line of the aforesaid 25.01 acre tract and deflecting left from the long chord of the last above described curve 116 degrees 48 minutes 30 seconds a distance of 739.9 feet to a point in the northwestwardly line of proposed Research Drive, said point being the northeastwardly corner of the aforementioned 25.01 acre tract; thence northeastwardly deflecting left 89 degrees 35 minutes 30 seconds and along and with the northwestwardly line of proposed Research Drive 59.12 feet; thence northeastwardly on a curve to the right having a radius of 602.96 feet, the last above described line being tangent to said curve at the last above described point, along and with said northwestwardly line of proposed Research Drive a distance of 338.82 feet to the place of beginning.

Also a part of the southeast quarter of Section 5, Township 15 North, Range 3 East, in Marion County, Indiana, being more particularly described as follows: Beginning at the intersection of the west right-of-way line of Tibbs Avenue and the south right-of-way line of Cossell Road, said point being on the corporation line of the City of Indianapolis, said point also being located 650.5 feet south of the north line and 20 feet west of the east line of said quarter section; running thence north 90 degrees 00 minutes 00 seconds west upon and along the south right-of-way line of Cossell Road 1,113.48 feet to a point; running thence north 71 degrees 21 minutes 06 seconds west along said right-of-way line 502.85 feet to a point; running thence north 02 degrees 12 minutes 00 seconds east 271.23 feet to a point which lies 220 feet south of the north line of said quarter section; running thence north 90 degrees 00 minutes 00 seconds east parallel to said north line 803.3 feet to a point; running thence south 02 degrees 12 minutes 00 seconds west 47.06 feet to a point; running thence north 90 degrees 00 minutes 00 seconds east 793.1 feet to the west right-of-way line of Tibbs Avenue; running thence south 02 degrees 12 minutes 00 seconds west upon and along said west right-of-way line and along the corporation line of the City of Indianapolis 382 feet to the place of beginning; containing 14 acres, more or less.

SECTION 4. Sections 131-414 and 131-415 of the "Revised Code of the Consolidated City and County" hereby are amended by the deletion of the language which is stricken-through, to read as follows:

Sec. 131-414. Special agreements.

Special agreements and arrangements between the department and any person may be established when, in the opinion of the director, it is in the department's interest to extend disposal services to persons other than residential and apartment units. In these instances, the solid waste disposal user fee shall be determined on an individual basis using the criteria set forth in IC 36-9-31-8(b) and approved by the board of ~~asset management and~~ public works. Before any fee approved by the board may take effect, the city-county council must by ordinance approve, reject or modify the fee.

Sec. 131-415. Adjustments to user fees.

(a) Any person subject to this article may petition the director of the department of public works for an adjustment of the user fee assessed against him, provided:

(1) That the petitioner has paid the disputed user fees in full; and

(2) That the petitioner has good cause to believe such user fees were erroneously assessed against him; and

(3) That the director has received written notice of appeal within six (6) months of the petitioner's receipt of the bill for the disputed user fees; and

(4) That the director has received within six (6) months of the petitioner's receipt of the bill a brief statement of fact demonstrating the petitioner's right to an adjustment of the user fees.

(b) (1) The director shall appoint an account review officer (ARO) to review such petitions and to recommend action to be taken on such petitions. The ARO shall consider the petitioner's statement of fact, as well as any other relevant and material evidence available, in determining whether the petitioner is entitled to an adjustment.

(2) The ARO shall notify the petitioner of the recommendation for action to be taken on the petition. The petitioner may request a hearing to contest the recommendation, provided the petitioner makes a written request for a hearing to the ARO within fifteen (15) days of the petitioner's receipt of the notification of recommendation.

(3) An informal hearing before the ARO shall be held within fifteen (15) days of the ARO's receipt of request for hearing. The petitioner may present any evidence that is, in the ARO's view, relevant and material to the dispute.

(4) Based on the petitioner's statement of fact, evidence presented at the hearing, and any other relevant and material evidence available, the ARO shall issue a recommendation to the director of the action to be taken on the petition for adjustment.

(c) The director shall issue a final determination denying, modifying, or granting the petition for adjustment within one hundred twenty (120) days of the director's receipt of the petition for adjustment. If the director fails to issue a final determination within one hundred twenty (120) days, the petition shall be considered denied.

(d) The petitioner may appeal the director's final determination to the board of ~~asset management and~~ public works, provided that the board has received written notice of appeal within thirty (30) days of the petitioner's receipt of the director's final determination.

(e) The board shall notify the petitioner of the time and place of a hearing on petitioner's appeal. The petitioner shall have the burden of proving that the disputed user fees were erroneously assessed.

(f) The board shall consider any relevant and material evidence available in determining whether the petitioner is entitled to an adjustment.

(g) The board may grant, deny or modify the petition for adjustment as it deems necessary. Upon finding that the disputed user fees were erroneously assessed, the board shall make adjustments in the disputed user fees. The board may, in its sole discretion, make such adjustments in the form of a refund or a credit against subsequent assessments of the user fees provided for in this article.

SECTION 5. Section 135-601 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 135-601. Created.

There is hereby created a special fund, for the use of the department of ~~capital asset management~~ public works, to be designated the "district cooling system franchise fee fund," in the division of finance, in the office of the controller. This fund shall be a continuing, nonreverting fund, with all balances remaining therein at the end of each year, and no such balances shall lapse into the city or county general funds or ever be diverted, directly or indirectly, in any manner to any other uses than for the purposes of the construction, reconstruction, maintenance or management of department of ~~capital asset management~~ public works related infrastructure within the public right-of-way, such infrastructure to include streets, sidewalks, curbs, bridges, shoulders, traffic-control devices or facilities, stormwater drainage facilities and conduit for fibre optics or related uses. The fund shall consist of franchise fees paid by the holder of the chilled water system franchise as described in section 866-5.

SECTION 6. Sections 182-4, 182-5 and 182-6 of the "Revised Code of the Consolidated City and County" hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 182-4. Same--Preparation.

The directors of the departments of administration, ~~capital asset management,~~ parks and recreation, public works and the city controller shall be jointly responsible for the preparation of the capital improvement program.

(1) The director of the department of public safety shall be responsible for the preparation of the portion of the capital improvement program relating to police and fire stations.

(2) The director of the department of ~~capital asset management~~ public works shall be responsible for:

a. The preparation of the portion of the capital improvement program relating to facilities for the collection, transportation, transfer and disposal of solid waste, roads, streets, bridges and other public ways, sanitary and stormwater systems, drains, levees and flood control projects; and

b. ~~An~~ The assimilation of all portions of the capital improvement program into a single cohesive document.

~~(3) The director of public works shall be responsible for the preparation of the portion of the capital improvement program relating to facilities for the collection, transportation, transfer and disposal of solid waste.~~

~~(4)~~ (3) The director of parks shall be responsible for the preparation of the portion of the capital improvement program relating to park and recreational facilities, including greenways.

~~(5)~~ (4) The city controller shall be responsible for identifying the appropriate revenue sources from which the capital improvement program is to be financed, and shall make recommendations concerning the issuance of bonds or other obligations, the implementation of any user fee systems, and the appropriate rate of taxation for the cumulative capital development funds, property tax levies and other local taxes.

Sec. 182-5. Review of capital improvement program.

(a) The capital improvement program shall be submitted to the city-county council for its review no later than the first Monday in May of the year immediately preceding the year in which the capital improvement program will become effective.

(b) The city-county council shall conduct at least two (2) public meetings on the proposed capital improvement program prior to the January 1 on which the capital improvement plan is scheduled to take effect. At the conclusion of those meetings, the city-county council may recommend revisions to the proposed capital improvement program as it determines are in the best interests of the residents of the consolidated city or the county.

(c) Beginning with the date that is one hundred eighty (180) days after the effective date of the capital improvement program and semiannually thereafter, the director of the department of ~~capital asset management~~ public works and the city controller shall jointly prepare a report concerning the status, including planned or undertaken additions or deletions to the capital improvement program, and submit the report to the city-county council for its review.

Sec. 182-6. Update of capital improvement program.

(a) The director of the department of ~~capital asset management~~ public works shall coordinate an annual update of the capital improvement program. The annual update shall include revisions that have occurred to the existing plan and revised estimates for:

(1) Annual capital/construction expenditures; and

(2) Annual maintenance expenditures.

(b) The annual update shall be submitted to the city-county council on or before the first Monday in August of each year for its review.

(c) The city-county council shall complete its review of the annual update no later than December 1 of the year in which the annual update is submitted.

SECTION 7. Section 186-1 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, to read as follows:

Sec. 186-1. Sale or lease to Indiana not-for-profit corporations--Definitions.

As used in this chapter:

(a) *Disposing agent* means the board, commission or officer of the city or county which has the power to award contracts for which public notice is required, with respect to property of the city or county; and which has been designated to exercise that power with respect to the property to be disposed of by statute or by the city-county council.

In the absence of such designation, the board of ~~asset management and~~ public works shall be the disposing agent.

(b) *Eligible corporation* means a not-for-profit corporation formed under the provisions of IC 23-71-1.1, or that has elected, or that is eligible to elect, to accept the provisions of IC 23-7-1.1 by filing articles of acceptance as provided therein, and which is organized for educational, literary, scientific,

religious, or charitable purposes and which is exempt from federal income taxation under Section 501 of the Internal Revenue Code.

SECTION 8. Section 186-3 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, to read as follows:

Sec. 186-3. Same--Procedures for sale or lease of real property.

A disposing agent who wishes to sell or lease real property to an eligible corporation shall follow the procedures set forth in this section.

(1) The disposing agent shall appoint an appraiser to make an appraisal of either the fair market value or the fair rental value of the real property. The appraiser must be:

a. Professionally engaged in making appraisals;

b. Licensed under IC 25-34.1; or

c. An employee of the city or county familiar with the valuation of property or the nature of the property being appraised.

In lieu of hiring an appraiser to perform the appraisal, the disposing agent may accept an appraisal provided by an eligible corporation if the disposing agent finds the appraisal to be reasonable and that the person performing the appraisal has the qualification listed in paragraphs a. and b. of this subsection.

(2) Upon the receipt of the appraisal, the disposing agent may negotiate for the sale or lease of the real property to any eligible corporation upon such terms and conditions and for such compensation, including a nominal compensation, as the disposing agent shall deem to be in the best interests of the city or county, provided that, except as provided in subsection (3) of this section, no real property (except for the city market) having an appraised fair market value in excess of fifty thousand dollars ($50,000.00) or a fair rental value in excess of five thousand dollars ($5,000.00) per year may be sold or leased for an amount less than ninety (90) percent of the fair market value or the fair rental value.

(3) With respect to real property which has an appraised fair market or fair rental value in excess of the amounts specified in subsection (2) of this section (except for the city market), the disposing agent may sell or lease such property at a nominal cost to an eligible corporation if the following conditions are met:

a. No public funds have been expended on improvements made to the real property; and

b. The city or county acquired the property by donation or without the expenditure of public funds.

(4) Upon the completion of negotiations for the sale or lease of the real property, the disposing agent shall publish notice, in accordance with IC 5-3-1, of a public hearing to be held before the disposing agent.

(5) The notice must state the date, place and hour of the public hearing and provide a summary of the principal terms of the proposed sale or lease, the location and character of the real property proposed to be sold or leased, the purchase price or rental to be paid and, in the case of a lease, the number of years the lease is to be in effect and, if the lease contains an option to purchase, a summary of the terms of such option.

(6) The proposed contract of sale or lease shall be open to public inspection.

(7) All persons appearing at the hearing are entitled to be heard on the following issues:

a. Whether the real property is no longer needed or is unfit for the purpose for which it was intended; or

b. Whether the proposed sale or lease of the property is in the public interest.

(8) At the conclusion of the public hearing, the disposing agent shall make a determination on the two issues specified in paragraphs a. and b. of subsection (7), and if the disposing agent finds

that the real property is not needed by the city or county or is unfit for the purpose for which it was intended or that the proposed sale or lease of the property is in the public interest, the disposing agent may:

a. Approve the sale or lease, in which case the disposing agent shall execute the contract of sale or lease;

b. Reject the sale or lease; or

c. Propose modifications to the terms of the sale or lease and negotiate with the prospective purchaser or lessee with respect to such modifications.

(9) If the disposing agent proposes modifications to the terms of sale or lease at the public hearing, and the prospective purchaser or lessee subsequently agrees, in writing, to such modifications, the disposing agent may execute the contract of sale or the lease without further proceedings. If the prospective purchaser or lessee subsequently agrees, in writing, to such modifications, the disposing agent may execute the contract of sale or the lease without further proceedings. If the prospective purchaser or lessee proposes further modifications, the disposing agent may either reject such proposed modifications or may consider them at a public hearing after following the procedures specified in subsections (4) through (8).

(10) The decision of the disposing agent under subsections (8) and (9) is conclusive and binding on all parties.

(11) Pursuant to section 285-203, any lease or sale of the city market must be approved by the city-county council prior to execution.

(12) Any eligible corporation desiring to acquire surplus property must file with the disposing agent, or the board of ~~asset management and~~ public works if applicable, a statement, in writing, at least ten (10) days prior to any real property sale, declaring:

a. A description of the property;

b. The corporation's intended use of the property;

c. The sources of funding to execute that intended use within a defined reasonable time; and

d. A timetable for accomplishing the intending use.

(13) An eligible corporation desiring to purchase such surplus property must sign a project agreement with the disposing agent and pay in full within one hundred twenty (120) days after the disposing agent or board of ~~asset management and~~ public works receives written notice from the eligible corporation to acquire the property, or the property shall automatically revert back to public auction eligibility.

SECTION 9. Section 291-213 of the "Revised Code of the Consolidated City and County," regarding an accrued sick leave special conversion period which was effective through June 1, 1996, hereby is REPEALED.

SECTION 10. Section 341-102 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 341-102. Obstruction of waterways prohibited; exception for bridge structures.

(a) It shall be unlawful for any person, without authority therefor from the city, to place or cause to be placed in the bed or on the banks of any stream or waterway within the city's jurisdiction any post, pile, dam, masonry or structure, or dump therein anything whatever causing a material obstruction of such stream or waterway. If so placed by any person, he shall promptly remove such obstruction upon a written notice and order to do so by the city or by any other public authority.

(b) Notwithstanding the provisions of subsection (a), the board of public works, with the approval of the department of metropolitan development, may authorize stone abutments to be placed on the banks of any stream or waterway in such a manner as not to contract or lessen the width of the waterway, for the erection of a highway bridge or other public purpose. Any such abutments, so authorized, shall be built under the direction and subject to the approval of the director of ~~transportation~~ public works. The

board of parks and recreation may also erect bridges and control waterways in parks at any place under its jurisdiction, all as authorized by this Code or by statute.

SECTION 11. Section 361-410 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 361-410. Receptacles to be provided by city.

In the central business district and in such other areas as the department of ~~transportation~~ public works may deem advisable, it may cause to be placed in convenient places litter receptacles, to be provided and serviced either by contract or by direct operation by the city. The department of ~~transportation~~ public works may also cooperate with any merchants' association or civic group by permitting the placing by the merchants' association or civic group of litter receptacles in the same or in any other area of the city.

SECTION 12. Section 391-112 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 391-112. Ailanthus tree or "tree of heaven" declared a nuisance.

The tree known as ailanthus or "tree of heaven" is hereby declared to be a public nuisance, and any person owning any lot in the city and allowing such tree or any sprouts therefrom to grow thereon shall remove it upon notice by the city to do so. Failure to remove such tree within thirty (30) days after notice shall subject such person to the penalty prescribed in section 103-3, and the city may enter upon his premises and remove the tree and collect the cost from him. The department of ~~transportation~~ public works shall destroy all such trees growing on streets or any other property belonging to or controlled by the city.

SECTION 13. Section 391-114 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, to read as follows:

Sec. 391-114. Certain businesses and trades to constitute a nuisance.

(a) It shall be unlawful for any person to establish, or attempt or begin to establish, or maintain any of the following businesses: Slaughterhouse, tallow chandlery, soap factory, starch factory, glue factory, tannery, foundry, brewery, distillery, bone factory or fertilizer factory in the city within one thousand (1,000) feet of any established public building, park, playground, boulevard, church, school, library, hospital or any established residential neighborhood comprising ten (10) or more dwelling houses; doing so shall constitute any of such businesses a public nuisance. It is hereby made the duty of the board of ~~asset management and~~ public works or of any health authorities to prevent any such nuisance, or to require its abatement and removal if established, in which event the expense of such removal shall be assessed against the person so establishing or attempting to establish such nuisance, and if necessary, the expense thereof shall be collected by suit in the name of the city.

(b) It shall be unlawful for any person, and shall constitute a public nuisance, to erect, continue, use or maintain, or permit to be erected, continued, used or maintained in any place or upon any premises within the city owned, controlled or operated by him, any condition, trade, employment or business injurious to health, or indecent or offensive to the senses, or any obstruction to the free use of property, so as to essentially interfere with the comfortable enjoyment of life or property.

SECTION 14. Sections 391-201 and 391-202 of the "Revised Code of the Consolidated City and County" hereby are amended by the deletion of the language which is stricken-through, to read as follows:

Sec. 391-201. General jurisdiction to abate nuisances.

Any public nuisance in the city may be summarily abated and removed by order of the mayor, after a hearing accorded the offender, who shall have exclusive jurisdiction in all complaints of anyone concerning nuisances, except where jurisdiction thereof is conferred upon the board of ~~asset management and~~ public works, the fire department or other public officials for such removal and abatement of those things which are declared either by this Code or other ordinances or by the common law or statutory law to be public nuisances, or which constitute from their nature and effects such nuisances per se. In such cases, the mayor or other such officials may proceed in a summary manner to abate such nuisances and may compel compliance with his orders through any and every officer of the city or other public officials, designated for the purpose by the mayor, any of whom, upon his direction, shall proceed forthwith to

abate all such nuisances. Where any legal proceedings become necessary to effect such abatement or to enjoin such summary abatement, the mayor or other officials concerned shall refer such matter to the office of corporation counsel.

Sec. 391-202. Abatement of nuisances by board of ~~asset management and~~ public works.

In all cases where any public nuisance may be found or caused near to or upon any public way or place or public property, it shall be the duty of the board of ~~asset management and~~ public works to serve written notice upon the owner or occupant of the premises or other person causing the nuisance, requiring such person to abate the nuisance within a reasonable time, and if the owner or occupant of the premises or other person causing the nuisance cannot be found, the notice shall be posted upon the premises. It shall not be necessary for the board to designate in the notice the manner in which the nuisance shall be abated, unless the board shall deem it advisable to do so. If the owner or occupant of the premises or other person causing the nuisance shall refuse or neglect to abate such nuisance within the designated time after notice is given, the person so violating this section, upon conviction, shall be punished as provided in section 103-3. In addition, the board of ~~asset management and~~ public works may cause the nuisance to be abated either summarily or in any manner authorized by law, including the institution in the name of the city, against the owner or occupant of the premises or other person, of an action to recover the amount of expense of the abatement.

SECTION 15. Section 411-228 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 411-228. Notice of issuance.

Immediately upon the issuance of a parade permit, the director shall send a copy thereof to the following:

(1) The office of the mayor;

(2) The director of the department of ~~capital asset management~~ public works;

(3) The director of the department of parks and recreation, if the parade is in a park;

(4) The chief of the fire force.

SECTION 16. Sections 431-101, 431-102 and 431-103 of the "Revised Code of the Consolidated City and County" hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 431-101. Street names to be designated at intersections.

(a) The names of all streets shall be placed by or under the direction of the ~~transportation~~ board of public works and shall be maintained on all street corners, on posts or, wherever there are streetlamps which are set on standards at the corners of the streets, they may be painted on such streetlamps, or on tin, glass, plastic or metallic strips or plates, which shall be firmly attached to such lamps or lampposts, or any other place where easily visible.

(b) No person shall injure, remove or obstruct any street signs placed pursuant to subsection (a) without the authority of the ~~transportation~~ board of public works.

(c) The director of ~~transportation~~ public works shall compile and maintain up-to-date a complete list of all streets and public ways and places in the city, with the names and locations thereof, and of all changes thereof and additions thereto, which shall be kept in his office for public inspection. The secretary of the director of the department of metropolitan development ~~and the gamewell division~~ shall assist in preparing and maintaining such list, upon request of the director of ~~transportation~~ public works.

Sec. 431-102. Temporary or emergency authority to close public ways.

The director of the department of ~~transportation~~ public works shall at all times have the right to close or to restrict the public use of any street or public place, or portions thereof, which is in the process of construction or repair, or is otherwise dangerous, or during any fire or other public emergency, and to barricade and bar the use thereof during such period. Where dangerous for use or travel during any fire or emergency, the director of the department of ~~transportation~~ public works, the chief of the police and fire

division or the county sheriff may close any street until it is made safe and may bar or control all traffic thereon. All other boards controlling any public ways or places shall have like powers.

Sec. 431-103. Authority to close bridges or restrict weight of vehicles on bridges.

The director of the department of ~~transportation~~ public works is authorized and directed~~, with the advice of the director of transportation~~, to close any bridge which is unsafe for use and to post thereon a notice of such closing, and to fix the maximum weight of load to which any of the bridges in the city shall be subjected when being used. The director of ~~transportation~~ public works shall place signs on any such bridges indicating the maximum load weight so determined and fixed, and any use of such bridges with a load in excess of such weight shall constitute a violation of this Code.

SECTION 17. Section 431-105 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 431-105. ~~Transportation board~~ Board of public works to provide for cleaning.

The ~~transportation~~ board of public works shall provide for all necessary equipment and personnel to sweep, clean, sprinkle and wash the streets, sidewalks and all public areas within the city, except those areas where such jurisdiction is given by law to other departments or units of government.

SECTION 18. Section 431-107 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 431-107. Throwing or discharging liquids on public ways.

(a) No person shall throw or discharge, or permit the discharge or drainage from any building or lot, upon any street or public place in the city, any water, acids, chemicals or other fluid or liquid substance, and allow it to remain without promptly removing it, in such quantity or manner as to affect injuriously the surface of the street or sidewalk or so as to make the use thereof inconvenient or unsafe for travel.

(b) Any person having a well, cistern, pump or water outlet under his supervision or control shall provide adequate valves, caps or stops therefor, or some other suitable device that will prevent the outlet from overflowing, leaking or otherwise wasting water, whereby the water overflows across a public sidewalk or street. Such waste of water flowing from abutting premises upon or under a public way is hereby declared to be a nuisance and a violation of this Code.

(c) Any person who is the owner, occupant or in control of any building, who shall suffer or permit water, ice or snow from the eaves, roofs, gutters or downspouts thereof to run or be conducted to, or cast upon, over or under any public street, sidewalk or public place shall be guilty of a violation of this Code.

(d) Any owner or occupant of premises may construct a drain for the purpose of allowing surface water to run off such premises, under or over a sidewalk, until such time as sewer connections for the premises are available, by express permission of the ~~transportation~~ board of public works.

SECTION 19. Sections 431-403 and 431-404 of the "Revised Code of the Consolidated City and County" hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 431-403. Procedure for memorial designations.

(a) Persons desiring the designation of a memorial area shall file with the clerk of the council a petition in support of the proposed designation signed by at least two-thirds (2/3) of the property owners of record abutting the proposed designated memorial area.

(1) The petition shall designate one (1) person as the spokesperson for the petitioners.

(2) The petition shall recite the exact name, history and rationale for such a memorial designation, a map showing the preferred location of the proposed street or area, and a list of all property owners of record with addresses abutting the streets in the area involved.

(3) A fee of five hundred dollars ($500.00) to assist in the costs for manufacture and placement of the memorial signs shall accompany the petition. This fee shall be placed in the grants and gifts fund maintained by the city controller, and shall be available to the department of ~~transportation~~ public works upon designation of the memorial area. The fee shall be refunded if the council fails to pass a resolution within twelve (12) months designating the memorial area.

(4) Professional or amateur generated, camera-ready artwork of a silhouette likeness of the memorialized person, and/or an identifying symbol or logo for the proposed signs shall be submitted which is acceptable to the department of ~~transportation~~ public works for safety, reproduction and other reasonable considerations. Such artwork shall be free of any copyright or trademark interests and shall save and hold harmless Indianapolis, Marion County and all appendages thereof from any and all claims brought by any entity asserting copyright or trademark interests relating to that rendering.

(b) A councillor may introduce a proposal for a general resolution designating the memorial area. Such proposal is to be assigned to the metropolitan development committee (or to its most direct successor committee), which shall hold a public hearing on the proposal.

(c) No less than twenty-three (23) days prior to the hearing, the petitioner shall send, by first class mail to all property owners of record and to all registered neighborhood organizations within the proposed memorial area, information about the proposal and the hearing. The petitioner shall file with the clerk a notarized statement that these notices were sent, when they were mailed, to whom, and a copy of the mailed notice.

Sec. 431-404. Memorial signs.

(a) If the council adopts a general resolution designating a memorial area, the area shall be marked by memorial signs.

(b) Signs shall be twenty-four (24) by thirty (30) inches in size which are not likely to be confused with regular street signs and shall be placed by the department of ~~transportation~~ public works along such designated streets.

(c) The signs are to display a silhouette likeness of the person being memorialized, or an appropriate symbol identifying the subject of memorialization. The signs should convey educational information to the public such as an identifying name of the memorialized subject, birth and death years, date of any significant event, or other brief pertinent facts.

(d) Memorial signs shall be placed at the beginning and at the end of the designated area, and shall not exceed a total number of eight (8) signs.

(e) The department of ~~transportation~~ public works shall retain final decision authority concerning memorial sign locations, height and colors for transportation safety, visibility and other related traffic and pedestrian considerations.

SECTION 20. Sections 431-502 and 431-503 of the "Revised Code of the Consolidated City and County" hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 431-502. Special requirements for open-air parking, storage or sales lots abutting public ways.

(a) *Protective barriers.* Any lot or parcel of real estate or any part thereof used for the open parking, storage or display of motor vehicles or trailers of any kind within the city, except such parts of lots occupied by dwelling houses in residential districts as are used for the parking of motor vehicles by the occupants of such dwellings or their guests, shall be guarded along any front or side lot line directly abutting upon a street right-of-way by a durable, substantial protective barrier of sufficient height and strength to prevent any motor vehicle or trailer within such lot or parcel of real estate from rolling or being driven onto the right-of-way of the street, except at a recognized point of ingress or egress by an authorized driveway having an officially and legally authorized opening onto the roadway or pavement of such street. For the purposes of this subsection, a protective barrier may consist of:

(1) A row of erect steel or iron pipes or posts not less than three (3) inches in outside diameter, width or thickness, placed not more than five (5) feet apart and set in concrete to a depth of not less than two and one-half (21/2) feet below the established grade of the lot and extending

above such grade high enough to effect such contact with the bumper or other part of any motor vehicle or trailer of any kind as will positively stop the movement thereof; or

(2) A curb or wall of concrete or masonry so bonded and of such height as to provide a positive barrier to such vehicle or trailer, such curb or wall to be securely bonded to a foundation extending into the subgrade of the lot to a depth of sixteen (16) inches below the established grade of the lot, if such established grade is not more than six (6) inches above the public street sidewalk grade established by the city. If the lot grade is more than six (6) inches above such sidewalk grade, a combination curb and retaining wall of a design approved by the city shall be constructed, or three (3) four-inch by six-inch treated timbers held above ground by a cast saddle with the timber canted in such a manner as to give wheel-stopping engagement. The saddles shall be constructed of cast aluminum or malleable iron securely held to the ground with twisted square spikes not less than one-half (1/2) inch in diameter nor less than twelve (12) inches in length.

(b) *Lighting.* The illumination of all lots or parcels of real estate or any parts thereof subject to the provisions of subsection (a), if effected by lighting units provided by the owners or operators thereof, shall be of such nature and arrangement as to avoid creating excessive, direct glare which results from too bright or insufficiently shielded light sources, or sources of too great an area in the field of view, or is offensive or disturbing to occupants of adjoining property by reason of intermittent flashing, or constitutes a hazard, in the opinion of the director of ~~transportation~~ public works, to safe driving by approaching or passing operators of motor vehicles. All lights used for such purposes providing brilliance of illumination in excess of current levels of illumination at the time of installation, as is applicable for good practice of lighting for protection, security and safety, shall be extinguished by 10:00 p.m. on weekdays and all day on Sundays.

(c) *Protective surface treatment.* Any lot or parcel of real estate or any part thereof within the city subject to subsection (a) shall be so graded as to provide a well drained surface which shall be paved or given such surface treatment as to prevent dust from blowing off of the surface and to prevent dirt, gravel, stone, cinders or other aggregates from being blown or washed by water or other liquid or carried by vehicle tires onto or over adjoining sidewalks, streets, alleys or real estate. When any such lot or parcel of real estate or part thereof has been graded and surfaced as above described, it shall be continually maintained in good condition, free from dust, dirt, weeds and refuse.

Sec. 431-503. Protection of lots below street grade.

Any person who owns property adjoining a street or sidewalk, the surface of which property close to any part of the street or sidewalk is lower than the street so as to make a dangerous offset, shall guard and enclose the lot securely on the side next to the street so as to prevent danger to persons passing along the street. It shall be the duty of the chief of police, or other city officials charged with such duty, to cause written notice to be given to any person subject to this section to comply with this section within a reasonable time, not less than ten (10) days, and any person failing to do so within five (5) days after the expiration of the time fixed by the notice or as extended by the ~~transportation~~ board of public works shall be guilty of a violation.

SECTION 21. Section 441-111 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 441-111. Zones of quiet.

(a) Hospital quiet zones:

(1) There is hereby created and established, under the control of the board of ~~asset management and~~ public works, a zone of quiet on the streets and in the territory embraced within each block and a reasonable area adjoining the location where any part of the premises of any hospital is situated, which hospital is owned, controlled or operated by any governmental unit or by any recognized private hospital organization.

(2) It shall be the duty of the board of ~~asset management and~~ public works to direct the director of ~~capital asset management~~ public works, by a survey of the extent of traffic and effect of unnecessary noises, to determine the area and location of all hospital quiet zones and to place or cause to be placed and maintained at each and every street intersection therein and at any other places affected thereby conspicuous signs displaying the words "Notice, Hospital Zone of Quiet."

(3) No person or vehicle of any kind, entering any area so marked as a zone of quiet, shall approach or pass any hospital premises with the motor or muffler and exhaust of such vehicle racing or roaring, or make any loud noises by horn or otherwise, nor shall the brakes of any such vehicle be used unnecessarily so as to emit any screeching sound. It shall be the duty of all operators of vehicles and all other persons in any area marked as such a zone of quiet to preserve, so far as possible, reasonable quiet within such zone.

(4) The police shall enforce all provisions of this section relating to any kind of quiet zone.

(b) Additional quiet zones:

(1) There are hereby created, and may be at any time similarly established by the board of ~~asset management and~~ public works, zones of quiet in any area where a church, public or private school or court is located, and it shall be the duty of the board to direct the director of ~~capital asset management~~ public works to cause to be placed on lamp or utility posts or in other conspicuous places on each of the street corners, or elsewhere, nearest the church, school or court, as may be practicable, in the area or block where such church, school or court is located, appropriate signs or placards displaying the relevant words "Notice, Church (or School) (or Court) Zone of Quiet."

(2) Temporary quiet zones may be located by order of the board of ~~asset management and~~ public works or the chief of police in any area where any person who is dangerously ill may reside or be located, by an application made to such authorities. The board of ~~asset management and~~ public works, under an order or by general rules and regulations prescribed by it, may create or authorize the police to establish, for any other purpose relating to the city's exercise of its general police powers, temporary quiet zones, which shall be so posted by temporary signs placed in such manner as adequately to serve each such area. The regulations prescribed in this section applicable to other zones of quiet, except the extent and manner of posting signs therefor, shall also apply to any temporary zones of quiet so created or established.

(3) The conduct of any person making, causing or permitting to be made any unnecessary noises of any kind whatsoever, including those prohibited in hospital zones of quiet, or playing as itinerant musicians, or making loud noises or outcries for the purpose of advertising or selling goods, wares or merchandise, or attracting the attention and inviting the patronage of any person to any business, or producing by any mechanical means any loud musical or other loud sound upon any public way or area within any kind of zone of quiet established in accordance with the provisions of this section, is hereby declared to be a nuisance and is prohibited.

SECTION 22. Sections 441-212 through 441-216 of the "Revised Code of the Consolidated City and County," inclusive, hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 441-212. General authority of board of ~~asset management and~~ public works.

(a) The board of ~~asset management and~~ public works is empowered to adopt and enforce rules and regulations supplementing this chapter and Code, which are reasonably necessary to make effective the provisions thereof and to supply further details, not inconsistent therewith, in the administration and enforcement of this chapter, and to serve the public convenience and meet emergencies that may arise in traffic conditions requiring various changes therein.

(b) The board of ~~asset management and~~ public works may enter, issue and enforce temporary orders and regulations to cover any such emergencies or special conditions, as and whenever they may arise.

(c) In determining the ministerial details and the most efficient methods of regulating traffic conditions upon the various streets of the city pursuant to all or any provisions of this chapter, whereby the public convenience, safety and welfare will be best served, the board of ~~asset management and~~ public works is authorized to cause the director of ~~capital asset management~~ public works and police to make continuing and careful traffic counts and surveys and to study and apply recognized engineering tests and standards used in similar cities and under similar conditions, to all such local traffic conditions and locations. Based thereon and guided thereby and to avoid constant action thereupon by the adoption of ordinances, the board of ~~asset management and~~ public works is hereby further empowered to issue orders from time to time, such as it finds to be justified or necessary in any instances, based on traffic conditions. The board of ~~asset management and~~ public works may determine and specify the intersections or places where all turns, any left or right turns from any street, or stops at certain streets, as herein either generally or specifically prescribed, may be altered, abolished or established, so as better to serve such

varying traffic needs and conditions, or other details of traffic regulations may be similarly controlled by the board of ~~asset management and~~ public works to meet changing and varying conditions and to apply thereto the aforesaid surveys and tests of actual experience.

(d) Any changes or action pursuant to this section upon and affecting any streets, and any rules and regulations adopted or orders issued by the board of ~~asset management and~~ public works, shall become fully binding and effective upon all persons from and after the time the board posts, on any streets so affected in the manner and at the places thereon as prescribed by statute, appropriate signs giving notice thereof.

Sec. 441-213. Establishment of no-passing zones and special speed limits in congested areas.

(a) The board of ~~asset management and~~ public works shall be authorized to investigate those portions of any streets within the city in the proximity of schools, churches, auditoriums, civic centers, kindergartens, theaters and any other places where a large number of people gather, and if the board shall determine that within any part of any such street large numbers of pedestrians walk on or across the street and are exposed to a serious traffic hazard by any vehicle passing or overtaking another vehicle moving in the same direction within the area, the board, by order, or the police in any temporary emergency, may declare and establish a no-passing zone within that part of such street and also may post and enforce a special speed limit at such places.

(b) It shall be unlawful for the operator of any vehicle to pass or overtake any other vehicle moving in the same direction within any area declared and established as a no-passing zone by the board of ~~asset management and~~ public works or the police, as provided in subsection (a) of this section, or to exceed the speed limit so fixed, if the zone is indicated by appropriate signs or marks on the roadway indicating the beginning and end of the zone and any such speed limit and signs and markings are in place and clearly visible to an ordinarily observant person; or if so directed by a police officer in any temporary emergency.

Sec. 441-214. Temporarily closing street to entry or parking.

(a) Whenever any street or public place, or part thereof, including all those designated in this chapter or in any other ordinance, is being repaired, constructed, reconstructed or cleaned, or any other work is being done thereon by the city, contractors or public utilities; or whenever any parade or other use of any such street has been authorized by the city; or whenever any street or public place is ordered closed to traffic because of a fire, accident or for any other reason in any emergency involving the public safety or welfare; the board of ~~asset management and~~ public works, the chief of police or the fire chief or the county sheriff is authorized to make and enter orders and to post appropriate temporary signs or placards thereon, or to station police or fire officers or sheriff's deputies or other persons thereon, indicating that all vehicles are wholly or partly excluded from parking upon all, or any portion of any such street or public place, that is so designated, or from remaining there, or from entering same, during any such emergency and until the conditions requiring such restrictions are terminated.

(b) Whenever and while a notice is so posted, or the driver is so instructed and directed by any officer or other authorized person, no vehicle shall remain or be parked at any such place so prohibited or limited, notwithstanding any provision of this Code or any other ordinance or provision of law authorizing in any manner parking; and no vehicle shall enter or remain upon any such street or public place where and while so prohibited. All vehicles already so parked shall be promptly removed by the owner or may be removed by city authorities. Such restrictions may also be applied to persons whenever any other dangerous or harmful conditions render the same necessary.

Sec. 441-215. Penalty for violation of chapter generally.

Except as otherwise specifically prescribed in this chapter, any person violating any provision of this chapter or of any orders, rules and regulations adopted by the board of ~~asset management and~~ public works pursuant to this chapter, of which notice has been posted and for which offense no specific different penalty is provided in any other section of this chapter, upon conviction of any and for each such violation, shall be punished with a minimum fine of ten dollars ($10.00) and a maximum penalty as prescribed in section 103-3. Such a fine cannot be waived or suspended.

Sec. 441-216. Board of ~~asset management and~~ public works to designate crosswalks, establish safety zones, mark traffic lanes.

The board of ~~asset management and~~ public works is empowered, in addition to its other powers, as follows:

(1) To designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, lanes for crosswalks at any intersections where, in its opinion, there is particular danger to pedestrians crossing the roadway; and it may also so designate and mark crosswalks within any block and at such other places on any street, public place or alley designated as a street as it may deem necessary. However, there shall be deemed to be a crosswalk, whether or not so marked, at all sides of every intersection in the city duly designated as a street and so named by signs or on public plats, and pedestrians shall have a right to cross there in both directions, unless some special conditions prevent and notice thereof, if not apparent, is given.

(2) To establish and regulate safety zones of such kind and character and at such places as it may deem necessary for the protection of pedestrians, passengers using public vehicles and the control of traffic. When so established, no person shall drive through any such zone unless so marked to permit such travel and unless it is then unoccupied by any other person.

(3) To mark lanes for traffic on street pavements at such places as it may deem advisable, and otherwise to designate the use of any street, consistent with the traffic ordinances of the city.

(4) To select and use yellow or any other color of paint to indicate on curbs or pavements places where no parking of vehicles is permitted, or the location of any traffic zones or loading zones.

SECTION 23. Sections 441-221 through 441-224 of the "Revised Code of the Consolidated City and County," inclusive, hereby are amended by the deletion of the language which is stricken-through, to read as follows:

Sec. 441-221. Created; authority generally.

(a) There is hereby created and continued, in and as auxiliary to the traffic division of the police force under the department of public safety, a bureau of accident prevention, to make a study of and to aid in avoiding or reducing accidents, reporting and removing dangerous conditions from any causes within the city, and to perform any other duties assigned to it by the board of ~~asset management and~~ public works and the captain of the police traffic division.

(b) Power is given the board of ~~asset management and~~ public works to assign to the bureau of accident prevention any officers or members of the police force required for its duties and to provide for the various duties and operation thereof by such rules and regulations therefor as it may from time to time adopt. Bonds may be prescribed for any personnel required and fixed by this Code or by other ordinance, except where any such member of the police force so assigned is under a general bond which includes all duties performed by him for the bureau. All compensation for such personnel shall be as fixed for their respective ranks in the police force by the annual budget or otherwise.

Sec. 441-222. Head of the bureau.

The board of ~~asset management and~~ public works shall designate one of the members of the accident prevention bureau as the director thereof, who shall be its administrative head, shall keep its records, make reports to the board and the captain of the traffic division, and perform such other services as may be assigned to him at any time by the board, the chief of police or the captain of the traffic division.

Sec. 441-223. Furnishing reports of potential claims against the city.

Where any accident reported pursuant to this division involves any claims therefor against the city, any access to or copies of the reports thereon and to the records shall not be given to anyone except the mayor, the board of ~~asset management and~~ public works, police officers and a member of the office of corporation counsel, unless upon the written order of the mayor, the board or chief of police, or unless so ordered by any court having jurisdiction involving the accident. Records and reports of all accidents or other matters required by this division shall be made in the manner prescribed by the board or traffic division.

Sec. 441-224. Records; monthly reports.

Records of all accidents, any dangerous conditions or any defects in the highways reported to and investigated by the bureau of accident prevention shall be kept and be reported each week to the captain of traffic, or as directed by him, and said captain shall make a monthly report to the board of ~~asset management and~~ public works on all activities of the bureau.

SECTION 24. Chapter 411, Article II, Division 3 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

DIVISION 3. ~~BUREAU OF TRAFFIC~~ ENGINEERING DIVISION, DEPARTMENT OF PUBLIC WORKS

Sec. 441-233. Establishment affirmed.

There is hereby created and continued, under the control of the ~~board~~ department of ~~asset management and~~ public works, ~~a bureau of traffic~~ an engineering division.

Sec. 441-234. ~~Office~~ Position of traffic engineer created; duties.

There is hereby created the position of traffic engineer, whose duties shall be such as the board of ~~asset management and~~ public works may at any time direct or prescribe by its rules and regulations, which in part shall include study of proposed plats of additions and of traffic conditions and regulations throughout the city, making recommendations thereon to the mayor and to the board of ~~asset management and~~ public works; he shall have charge of the construction or purchase and the installation and maintenance of all street signs, of all painting and markings on the streets, and traffic signals and devices~~, aided by the gamewell division~~; he shall inspect and recommend action to the boards of ~~asset management and~~ public works and safety on proposed curb cuts for driveways and for the locations of loading, bus and taxicab zones, and shall mark or paint the street and curb to show the locations thereof when established by said boards and so directed by them.

Sec. 441-235. Appointment of the traffic engineer and subordinate personnel.

The board of ~~asset management and~~ public works, with the approval of the mayor, shall appoint any qualified and suitable person as the traffic engineer, who shall act ~~as executive head of~~ under the ~~bureau of traffic~~ engineering division and keep its records and report to the board as directed by it. The board of ~~asset management and~~ public works shall also appoint or assign all necessary assistants and employees for the ~~division~~ traffic engineer, either from the police force or civilians. Compensation for all such personnel shall be as fixed in each annual budget or otherwise, which shall also provide for adequate quarters, equipment, supplies and all operating costs ~~of the bureau~~. No civilian employees shall have any rights in the police or fire pension funds. Bonds for any of the personnel may be required by the board, as fixed by this Code, or by any later ordinance.

SECTION 25. Sections 441-321 and 441-322 of the "Revised Code of the Consolidated City and County" hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 441-321. Applicability of state laws; amendments by the city-county council.

The state traffic laws regulating the speed of motor vehicles shall be applicable upon all streets and places within the city, except as the city-county council, by this Code or by any other ordinance, and as at any time authorized by statute, may declare and determine, upon the basis of engineering and traffic surveys and investigations, as directed and recommended by the board of ~~asset management and~~ public works, that certain speed regulations, either more restricted or greater than the speeds specified generally by statute for a certain area, shall be applicable upon specified streets or places, or portions thereof; in which event, upon the passage of an ordinance thereon, it shall be prima facie unlawful for any person to drive a motor vehicle at a speed in excess of any speed so declared and fixed for such locations, when signs are in place at all necessary locations giving notice thereof.

Sec. 441-322. Authority of board of ~~asset management and~~ public works.

The board of ~~asset management and~~ public works, subject to action thereon by the city-county council, is authorized to determine by traffic surveys and to fix such lesser or greater speeds in any streets or places, where it shall find that the public safety and benefit will be served or will not be jeopardized thereby, whereupon the board of ~~asset management and~~ public works shall erect and maintain signs thereat and thereafter all persons shall obey and be bound thereby. Any person violating such speed limits shall be subject to the general penalties prescribed for violations of this chapter.

SECTION 26. Sections 441-324 and 441-325 of the "Revised Code of the Consolidated City and County" hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 441-324. School zones.

(a) There is hereby created within the city areas defined and established as school zones, which shall be defined as that portion of any street, boulevard, parkway or alley contiguous to any educational institution, regardless of whether it is public or private, and said zone shall vary depending on the posted speed limit from five hundred (500) feet for a posted speed limit of thirty (30) miles per hour and eight hundred (800) feet for a posted speed limit of fifty-five (55) miles per hour along the street, boulevard, parkway or highway in each direction from the property of the educational institution.

(b) No person shall drive a motor vehicle on any street, boulevard, parkway or highway within a school zone established pursuant to subsection (a) at a speed greater than twenty-five (25) miles per hour.

(c) Where no special hazard exists, the speed prescribed in subsection (b) shall be lawful, but any speed in excess of that limit shall be prima facie evidence that the speed is not reasonable or prudent and is unlawful.

(d) The speed restriction established in subsection (b) in school zones shall be in force from 7:00 a.m. to 4:30 p.m. on all days on which the schools are in operation, except as stated in subsection (f), provided that any school zone speed limit established on a state highway shall apply only when children are present.

(e) No restriction under this section shall be applicable until the department of public works (DPW) shall post reasonable and adequate signs indicating the existence of such school zones, their point of commencement and point of termination.

(f) The board of ~~asset management and~~ public works, upon recommendations of the director of the department of ~~capital asset management~~ public works based upon engineering and traffic surveys, may by regulation with respect to specific school zones change the hours specified in subsection (d) during which the speed restriction applies and increase or decrease the speed limit specified in subsection (b) but not to lower than twenty (20) miles per hour.

(g) The Indiana Manual of Uniform Traffic Control Devices (IMUTCD) and any other policies, practices and standards developed by ~~DCAM~~ the department of public works shall be the criteria used for selection of traffic control devices at each location.

Sec. 441-325. Fire station emergency zones.

(a) There are hereby created and designated areas defined and established as fire station emergency zones, which are defined as that portion of any public way used as a street, road, boulevard, parkway, highway or alley which is located contiguous to any fire station where emergency vehicles are garaged, and extends for a distance of three hundred (300) feet along all streets, roads, boulevards, parkways, highways or alleys in all directions from the traffic entrance used by emergency vehicles to enter such public way.

(b) No person shall drive a motor vehicle on any street, road, boulevard, parkway, highway or alley within a fire station emergency zone established pursuant to subsection (a) at a speed greater than that which would allow such person to stop safely to avoid emergency vehicles.

(c) The ~~bureau of traffic~~ engineering division of the department of public works shall post reasonable and adequate signs indicating the existence of each fire station emergency zone, their point of commencement and point of termination. Such signs shall warn of the danger of emergency vehicles entering the public way and the requirement of caution and reduced speed in such zones.

(d) This section shall not apply within any "excluded city" as defined in IC 30-6-3-4.

SECTION 27. Sections 441-332 and 441-333 of the "Revised Code of the Consolidated City and County" hereby are amended by the deletion of the language which is stricken-through, to read as follows:

Sec. 441-332. Authority to place turning markers; obedience thereto.

(a) The board of ~~asset management and~~ public works is authorized to place markers, buttons or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and such course to be traveled as so indicated may conform to or be other than that otherwise prescribed by this division.

(b) When authorized markers, buttons or other indicators are placed within or adjacent to an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall use any other course or disobey such directions.

Sec. 441-333. Authority to place restricted turn signs.

The board of ~~asset management and~~ public works is authorized to determine those intersections at which drivers of vehicles shall not make a right, left or U-turn, either at all or certain times, and shall place or cause to be placed proper fixed or movable markers or signs at such intersections. The making of such turns may be prohibited at any time or between certain hours of any day and may be permitted at other hours, in which event the prohibited hours shall be either directed by an officer or shall be plainly indicated on the signs, or the signs may be removed when the turns are permitted.

SECTION 28. Section 441-339 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, to read as follows:

Sec. 441-339. Authority of board of ~~asset management and~~ public works to prohibit right turns on red at certain intersections.

(a) The board of ~~asset management and~~ public works, upon recommendation by the chief traffic engineer and after public hearing, is hereby authorized to prohibit motor vehicles upon the public streets of the city from entering certain intersections while facing a red traffic signal for the purpose of making a turn as permitted by Indiana Acts, 1973, P.L. 82, Section 1.

(b) Such recommendation by the chief traffic engineer shall be made only after an engineering study, and otherwise in conformity with all requirements of the law; and when each such recommendation is approved by the board of ~~asset management and~~ public works, the said chief traffic engineer shall cause to be placed at appropriate locations at such intersections a sign bearing the legend "NO TURN ON RED."

(c) Any motorist who shall enter an intersection where a sign as above described has been installed for the purpose of making a turn, or for any other purpose, while the traffic signal facing him is showing red, shall be guilty of the offense of "disregarding an electric signal."

SECTION 29. Section 441-341 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, to read as follows:

Sec. 441-341. Authority to designate.

Whenever any ordinance of the city designates in general terms any street or alley as a one-way street or alley within specified limits, the board of ~~asset management and~~ public works shall place and maintain or cause to be placed and maintained as it deems essential to traffic conditions thereon, from time to time, signs giving notice thereof as to such portions that shall be used for one-way traffic; however, no such regulation shall be effective unless the signs are in place at the portions of the street so designated. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

SECTION 30. Section 441-344 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, to read as follows:

Sec. 441-344. Establishment of reversible flow lanes; observance.

Upon the following streets and parts of streets, traffic lanes may be established wherein the direction in which vehicular traffic shall flow may be reversed at certain designated times as specified by the board of ~~asset management and~~ public works, which is authorized to place and maintain, or cause to be placed and maintained, traffic-control signs, signals and devices as it may deem necessary to make effective the provisions of this section:

East Street, from Sanders Street to Orange Street;

Fall Creek Parkway, North Drive, from (inbound toward the southwest during a.m. hours) a point 450feet north of the north curbline of Thirty-ninth Street to a point 118 feet west of the west curbline ofRuckle Street, and from (outbound toward the northeast during p.m. hours) the east curbline of NewJersey Street to a point 480 feet north of the north curbline of Thirty-ninth Street;

Meridian Street, from Frank Street to Pleasant Run, North Drive;

Raymond Street, from Churchman Avenue to Bluff Road.

SECTION 31. Sections 441-354 and 441-355 of the "Revised Code of the Consolidated City and County" hereby are amended by the deletion of the language which is stricken-through, to read as follows:

Sec. 441-354. Authority to erect stop and yield signs.

Whenever any provision of this chapter or any other ordinance of the city designates and lists any street as a through or preferential street, it shall be the duty of the board of ~~asset management and~~ public works, subject to the authority and discretion of the city-county council, to place and maintain, or cause to be placed and maintained, a stop sign or a yield sign on each and every street at its intersection with the through or preferential street at all portions thereof established as such in this division. Similar stop signs or yield signs shall be placed at all alleys intersecting such through or preferential street and at all alleys and streets entering same.

Sec. 441-355. Intersections where stop or yield signs required.

The board of ~~asset management and~~ public works is authorized, upon an engineering and traffic investigation, to determine and designate intersections where a particular hazard exists upon either through streets or other than through streets, and to determine whether vehicles shall stop or yield at one (1) or more entrances to any such intersection, and shall erect a stop sign or yield sign, and warning light signals if deemed necessary, at every such place where a stop or yield is required.

SECTION 32. Section 441-365 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 441-365. Special permits for restricted vehicles in emergencies.

Special permits, without charge, may be issued by the board of ~~asset management and~~ public works or by the police department for some specific temporary use by restricted vehicles of any street in the city or for marked detours over any boulevards, whenever so necessary for any reason or in any emergency, and regardless of the weight limits prescribed in this division. The total maximum weight, with load, of any vehicle which is not so excepted for and during an emergency may be limited by the board of ~~park commissioners~~ parks and recreation as to the use of any or all boulevards, based upon recognized engineering tests to determine what weights may be properly and safely borne by any of such particular pavements.

SECTION 33. Section 441-401 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, to read as follows:

Sec. 441-401. Responsibility for installation, maintenance of devices.

It shall be the responsibility of the department of ~~asset management and~~ public works of the consolidated city to install, erect and maintain all traffic-control devices of any nature which may at any time be needed in order to inform motorists, pedestrians and the general public of any rules of motor vehicle and/or pedestrian traffic established, pursuant to this article.

SECTION 34. Section 441-403 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 441-403. Intersection control devices.

(a) The traffic-control devices installed at intersections may consist of, but are not necessarily limited to, the following types of equipment or markers: Electrically operated automatic traffic signals; electrically operated automatic flashing beacons; electrically operated automatic pedestrian controllers; stationary octagonal stop signs; stationary triangular yield signs.

(b) Other types of signs or devices which do not establish, limit or modify the preference of one (1) or more approaches to an intersection, but may be found at or near an intersection, such as signs regulating turning movements, restricting parking, speed or identifying special zones, refer to conditions found in distinctly separate articles of this chapter.

(c) All traffic-control signs, signals and devices shall conform to the manual and specifications approved by the State Highway Commission of the State of Indiana. All signs and signals required and erected by the department of ~~capital asset management~~ public works hereunder for a particular purpose shall, so far as practicable, be uniform as to the general type or method of operation throughout the county, but may be so located in visible positions as the department of ~~capital asset management~~ public works may determine. All traffic-control devices so erected and not inconsistent with the provisions of state law or this chapter shall be official traffic-control devices.

SECTION 35. Sections 441-406 and 441-407 of the "Revised Code of the Consolidated City and County" hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 441-406. Legality of devices.

Any traffic-control device placed and maintained at the direction of the department of ~~capital asset management~~ public works shall conform with the requirements of this chapter. All such traffic-control devices shall be consistent with state law and are official traffic-control devices.

Sec. 441-407. Display of unauthorized devices.

No person shall place, maintain or display upon or in view of any road any unauthorized sign, signal, marking or device which is not authorized by the board of ~~asset management and~~ public works, or which purports to be an imitation of or resembles any traffic-control device or which attempts to direct the movement of traffic, which interferes with sight distance or hides from view or interferes with the effectiveness of any traffic-control device. No person shall place or maintain nor shall any public authority permit upon the road any traffic-control device bearing thereon any commercial advertising. Nothing herein shall be held to authorize the display or use of any sign or device prohibited by any other law or ordinance. Nothing herein shall prohibit the erection upon private property adjacent to roads signs giving useful directional information of a type that cannot be mistaken for official traffic-control devices.

SECTION 36. Section 441-416 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 441-416. Schedule of intersection traffic controls.

The department of ~~capital asset management~~ public works shall furnish and maintain a complete, accurate and correct schedule of all intersection traffic controls at the office of the city clerk and the same will be available for examination by any person. The schedule is divided into fifty-one (51) geographical sections corresponding to the fifty-one (51) standard base maps produced through the department of metropolitan development. The schedule lists each intersection by name in alphabetical order; the preferential street and type of control, if any; and the latest effective date of inspection.

The schedule appended to General Ordinance 39, 1975, is hereby declared to describe the intersection traffic rules and controls now in effect, and shall have the force of law until modified or amended as provided in this article.

SECTION 37. Section 511-102 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 511-102. Definitions.

As used in this chapter and its regulations, the following terms shall have the meanings ascribed to them:

Actual emissions means the emissions which occurred over a specified period of time based upon emission monitoring, stack testing, emission factors, or other measures acceptable to the administrator.

Administrator means the administrator of the environmental ~~resources management division~~ services office of the department of public works, Consolidated City of Indianapolis and Marion County or his/her authorized deputy, agent or representative.

Air contaminant means any solid, liquid or gaseous matter, or any combination thereof, that may be emitted into the ambient air in any manner which may cause or contribute to air pollution. Air contaminant shall include "regulated air pollutant" as defined in 40 CFR § 70.2.

Air contaminant emitter or *air contaminant source* means any vehicle, process facility or any other device that emits or is capable of emitting an air contaminant, whether privately or publicly owned or operated. Without limiting the generality of the foregoing, this term includes all types of business, commercial and industrial plants, works, shops and stores, heating and power plants and power stations, and buildings and other structures of all types, including single- and multiple-family residences, apartments, houses, office buildings, public buildings, hotels, restaurants, schools, hospitals, churches, other institutional buildings, automobiles, trucks, tractors, buses, other motor vehicles, garages, vending and service locations and stations, railroad locomotives, ships, boats and other waterborne craft, portable fuel-burning equipment, incinerators of all types, indoor and outdoor, refuse dumps and piles, and all stack and other chimney outlets from any of the foregoing.

Air pollution means the presence or threatened discharge, from whatever source, of solid, semisolid, liquid or gaseous matter or any combination thereof, in the ambient air in sufficient quantities and of such characteristics and duration which:

(1) Injures or threatens to injure human, plant or animal life; or

(2) Damages or threatens to damage property; or

(3) Unreasonably interferes with the comfortable enjoyment of life and property.

Allowable emissions means the emissions rate as established in the applicable air pollution control permit issued by the ~~division~~ environmental services office.

Ambient air means any outside air.

Asbestos abatement permit means the written authorization that allows a person to remove asbestos materials and conduct asbestos abatement projects.

Board means the Indianapolis Air Pollution Control Board.

CFR shall mean, unless otherwise indicated, the Code of Federal Regulations, edition incorporated by reference within Regulation 1-2-1 duly adopted by the Indianapolis Air Pollution Control Board.

Clean Air Act of 1990 means the Federal Clean Air Act (42 USC 7401 et seq.) as amended by the Clean Air Act Amendments of 1990 (P.L. 101-549).

Construction permit means the written authorization that allows a person to construct, reconstruct or modify an air contaminant emitter.

~~*Division* means the environmental resources management division of the department of public works, Consolidated City of Indianapolis and Marion County.~~

Effective date means the date on which an action takes effect. Unless otherwise designated in the notice, the effective date is when the person subject to the action receives written notice of the action.

Emission credit permit means the written authorization that allows a person to claim credit for emissions not released to the ambient air.

Facility means any one (1) structure, piece of equipment, installation operation that emits or is capable of emitting an air contaminant. Single pieces of equipment or installations with multiple emission points shall be considered a facility for purposes of this chapter and its regulations.

Office means the environmental services office of the department of public works.

Open burning or open fire means any burning of combustible matter where the products of combustion are emitted directly into the ambient air without passing through a stack or chimney.

Operating permit means the written authorization that allows a person to operate an air contaminant emitter.

Person means any individual, proprietorship, partnership, firm, company, corporation, association, joint venture, trustee, estate, political or governmental unit or any other legal entity.

Potential emissions means emissions of any one (1) pollutant which would be emitted from a facility if that facility were operated without the use of pollutant control equipment unless such control equipment is (aside from air pollution control requirements) necessary for the facility to produce its normal product or is integral to the normal operation of the facility. Potential emissions shall be based on maximum rated capacity unless hours of operation are limited by enforceable permit conditions and shall be calculated according to federal emission guidelines in AP 42--Compilation of Air Pollutant Emission Factors, or calculated based on stack test data or other data acceptable to the board.

Process means any action, operation or treatment and the equipment used in connection therewith, and all methods or forms of manufacturing or processing that emits or is capable of emitting an air contaminant.

Regulation means the whole or any part of a board statement of general applicability that:

(1) Has or is designed to have the effect of law; and

(2) Implements, interprets or prescribes:

a. Law or policy; or

b. The organization, procedure or practice requirements of the board or ~~division~~ office.

Source means one (1) or an aggregation of facilities that are located on one (1) piece of property or on contiguous or adjacent properties, and which are owned or operated by the same person, or by persons under common control.

Title V operating permit means the operating permit required by Title V of the Clean Air Act of 1990.

Wood products means dry material consisting of vegetation or wood which does not contain any other substances.

SECTION 38. Section 511-104 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 511-104. Public records; confidentiality of information.

All files, records and data of the board and the ~~division~~ office shall be open to reasonable public inspection in accordance with applicable Indiana law. However, upon request by any person to the administrator and a showing satisfactory to the administrator by any person that the files, records and data (other than emissions data and the contents of a permit required by Title V of the Clean Air Act of 1990) contain information which would, if made public, divulge methods or processes entitled to protection as trade secrets of such person, the administrator shall maintain the confidentiality of the information. However, any information accorded confidential treatment under this section may be disclosed or transmitted to other officers, employees, or authorized representatives of the City of Indianapolis or Marion County, the State of Indiana or the United States concerned with carrying out or implementing this chapter or when relevant in any proceeding related to enforcement.

SECTION 39. Section 511-206 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 511-206. Meetings; minutes and records.

(a) The board shall meet at least once each month and more often if deemed necessary by the chairperson or two (2) members of the board. All members shall be notified of all meetings.

(b) The board shall keep minutes of meetings required in paragraph (a) and records of its other official proceedings, including committee meetings and hearings. The minutes of board meetings shall record the attendance of each member, and the vote or abstention of each member upon each motion.

(c) The ~~division~~ office shall ensure that public notice for all board meetings and other official proceedings is in accordance with applicable state law.

SECTION 40. Sections 511-208 and 511-209 of the "Revised Code of the Consolidated City and County" hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 511-208. Duties of the board.

The board shall:

(1) Set air quality objectives and policies;

(2) Monitor the performance of the ~~division~~ office;

(3) Review the ~~division's~~ office's budget proposal each year;

(4) Establish a permit system pursuant to Article V;

(5) Study or direct the ~~division~~ office to study various air pollution problems and to publish annual reports on the quality of air in Indianapolis and other air pollution issues;

(6) Approve or disapprove the appointment of a new administrator or acting administrator in the event of a vacancy in the office of the administrator.

(7) Review proposed written agreements between the State of Indiana and the Consolidated City of Indianapolis and Marion County.

Sec. 511-209. Powers of the board.

The board may:

(1) Adopt, amend and repeal regulations pursuant to Article IV and establish, by regulation, prima facie violations of these regulations;

(2) Enforce this chapter and its regulations as provided in Article VI;

(3) Initiate investigations, consider complaints and direct the ~~division~~ office to enforce this chapter and its regulations;

(4) Hold hearings, decide appeals, grant and deny variances and issue direct orders to comply with this chapter and its regulations;

(5) Appoint a hearing officer or officers for public hearings required in this chapter and its regulations;

(6) Approve or disapprove ~~division~~ office policies submitted to the board by the administrator pursuant to section 511-303(e).

SECTION 41. Sections 511-301 through 511-304 of the "Revised Code of the Consolidated City and County," inclusive, hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 511-301. Environmental ~~resources management division~~ services office.

This section establishes the environmental ~~resources management division~~ services office of the department of public works as the principal administrative and enforcement office for this chapter and its regulations.

Sec. 511-302. Administrator established; qualifications.

(a) This section establishes the administrator of the environmental ~~resources management division~~ services office as the manager of the air pollution control functions of the ~~division~~ office. The administrator shall be appointed by the director of the department of public works, upon concurrence of the board, and shall serve at the pleasure of the director of the department of public works.

(b) The administrator may, with the concurrence of the board, designate an assistant administrator to be the full-time manager of the air pollution control functions of the ~~division~~ office.

(c) The administrator and the assistant administrator shall have technical expertise in air pollution control and administrative experience.

Sec. 511-303. General duties of the administrator.

The administrator shall:

(1) Direct and administer the activities of the ~~division~~ office;

(2) Set policies consistent with the purposes of this chapter and its regulations;

(3) Develop air pollution control strategies that achieve the purposes of this chapter and its regulations and which are consistent with local, state and federal laws and regulations;

(4) Propose and recommend regulations and amendments to regulations for adoption by the board;

(5) Inform the board of significant administrative and operation ~~division~~ office policies which affect the public such as recordkeeping, enforcement inspection and permitting;

(6) Provide technical advice and guidance to the board;

(7) Implement the permit system established in Article V;

(8) Receive and investigate complaints from the public;

(9) Initiate enforcement actions necessary to ensure compliance with this chapter and its regulations, pursuant to Article VI;

(10) Inspect air contaminant emitters for compliance with this chapter and its regulations;

(11) Collect air quality data;

(12) Report air quality data, permit issuances, enforcement actions and other activities of the ~~division~~ office to the board;

(13) Prepare the annual ~~division~~ office budget proposal;

(14) Prepare and execute public relations plans and public education programs;

(15) Interact with federal, state and local agencies concerned with air pollution;

(16) Perform any duties lawfully delegated to the ~~division~~ office by the board or any agency of the State of Indiana or federal government;

(17) Manage the ~~division~~ office staff according to the official policies and procedures of the Consolidated City of Indianapolis and Marion County;

(18) Provide and maintain written qualification requirements for each of the ~~division~~ office staff to assure technical capability and performance of the ~~division~~ office staff to assure technical capability and performance of the ~~division's~~ office's duties under this chapter and its regulations;

(19) Serve as secretary to the air pollution control board, without vote or membership.

Sec. 511-304. General powers of the administrator.

The administrator may:

(a) At any reasonable time, obtain data or other information about any air contaminant emitter, inspect any air contaminant emitter, enter the premises of any air contaminant emitter or examine and copy the records and documents pertaining to an air contaminant emitter for purposes of assessing air contaminant emissions, determining compliance with this chapter, its regulations or enforcing this chapter, its regulations and any permit issued by the ~~division~~ office. The administrator may apply to any judge of the municipal, circuit or superior courts of Marion County for a search warrant. The application for the warrant shall state the location of the premises, the purpose for requesting inspection, entry or examination and the facts supporting the request for inspection, entry or examination.

(b) Require, when appropriate, the owner or operator of an air contaminant emitter to keep and submit to the ~~division~~ office plans, drawings, specifications, reports and other records of information relating to air contaminant emissions, effectiveness of air pollution control equipment, or compliance with this chapter and its regulations.

(c) Use all necessary equipment to evaluate air contaminant emitters for compliance with this chapter and its regulations or to collect information about the emissions of an air contaminant emitter.

(d) Require, when appropriate, the owner or operator of an air contaminant emitter to perform reasonable tests or monitoring, including continuous emission monitoring, with the costs for the tests to be paid by the owner or operator.

(e) Enter into or recommend that the director of the department of public works enter into agreements necessary to administer and enforce this chapter and its regulations.

(f) Delegate responsibility and authority to an acting administrator as necessary, for a period not to exceed thirty (30) days.

SECTION 42. Section 511-401, 511-402, and 511-403 of the "Revised Code of the Consolidated City and County" hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 511-401. General authority.

(a) The board shall adopt, amend and repeal regulations necessary to achieve the purposes of this chapter and its regulations. The board may adopt regulations which affect emissions from motor vehicles, facilities, sources, processes or any other air contaminant emitter. The regulations may establish emission limits or require air pollution control equipment, work practices, recordkeeping or any other standard necessary to achieve the purposes of this chapter and its regulations.

(b) It is the intent of the city-county council that the board adopt as regulations pursuant to section 511-402 the general standards, principles and procedures embodying the purposes of this chapter and its regulations. The board or ~~division~~ office may adopt policies, interpret law or take enforceable actions. The board shall, as soon as feasible and to the extent practicable, adopt regulations that supersede general standards, principles and procedures found in policies, interpretations and enforceable agency actions.

Sec. 511-402. Procedures.

Before a regulation, an amendment to a regulation or a repeal of a regulation becomes effective, the board and ~~division~~ office shall comply with the following procedures:

(1) The board shall preliminarily adopt the regulation, appoint a hearing officer or officers and schedule the matter for public hearing.

(2) At least ten (10) days before the public hearing, the ~~division~~ office shall publish a notice in a newspaper of general circulation printed and published in Marion County. The notice shall state the time and place of the hearing, the subject matter of the proposed regulation and that copies of the proposed regulation are available for public examination at the ~~offices of the division~~ office, and the office of the clerk of the city-county council.

(3) On or before the publication date of the notice, the ~~division~~ office shall place five (5) copies of the proposed regulation on file at the office of the clerk of the city-county council and shall keep five (5) copies on file at the ~~division's~~ office. The copies shall be available for public examination until the proposed regulation becomes effective. Any interested person may examine the proposed regulation during regular business hours. The clerk of the city-county council shall provide each member of the city-county council a copy of the proposed regulation.

(4) Written comments may be submitted to the board prior to the public hearing. Any interested party may present oral or written data, facts, comments or argument at the public hearing either in person or by a duly authorized representative or attorney. Unless the board determines for good cause to close the comment period at the conclusion of the public hearing, written comments may be submitted up to and including seven (7) days after the conclusion of the public hearing. At the hearing the board or its hearing officer or officers may further extend the period for submitting written comments. After the conclusion of the public comment

period and before the board adopts the proposed regulation, the administrator shall submit to the board written responses to the public comments. The board or its hearing officer or officers may continue the public hearing without publishing further notice if the date and time of the continued hearing is announced concurrently with the decision to continue the hearing.

(5) Except as provided in paragraph (6) of this section, the board shall not vote on a proposed regulation until at least ten (10) days after the conclusion of the public comment period.

(6) Upon concurrence of at least seven (7) members, the board may waive the ten-day requirement in paragraph (5) of this section.

(7) The board shall vote on a regulation in accordance with section 511-207 of this chapter.

(8) After the board has adopted a regulation, the ~~division~~ office shall publish a notice, once a week for two (2) consecutive weeks, in a newspaper of general circulation printed and published in Marion County. The notice shall state that the board adopted a regulation, state the number of the regulation, describe the subject matter of the regulation, state that copies of the regulation are available for public examination at the ~~offices of the division~~ office, and the clerk of the city-county council and state when the regulation becomes effective.

(9) The ~~division~~ office shall file two (2) copies of the adopted regulation, along with proof of publication, with the clerk of the city-county council and keep five (5) copies on file at the ~~division offices~~ office. The clerk of the city-county council shall provide a copy of the adopted regulation to each member of the city-county council.

(10) A regulation shall not become effective or enforceable until forty-five (45) days after the date of first publication required under section 511-402(8), unless the mayor proclaims an emergency effective date. During such forty-five-day period, the city-county council may by resolution stay, up to a maximum of ninety (90) days from the date of first publication required under section 511-402(8), the taking effect of a regulation. Before it becomes effective, the city-county council may by resolution reject a regulation. If a regulation is rejected, the regulation which was previously in effect before the rejected regulation was adopted shall remain in effect. Unless preempted by applicable law, the city-county council may also adopt ordinances on the same subject matter, thereby abrogating the agency's authority to adopt the proposed regulation. If the city-county council has not rejected a regulation or adopted an ordinance on the same subject matter within forty-five (45) days, or up to ninety (90) days if the city-council by resolution stayed the taking effect of the regulation within the forty-five (45) day period, the regulation shall become effective.

(11) If the board amends or repeals an existing regulation, the procedures in paragraphs (1) through (10) of this section shall apply.

(12) If the board makes substantive revisions to a proposed regulation after preliminary adoption and before final adoption, the board shall preliminarily adopt the revised proposal and follow the procedures in paragraphs (1) through (10).

Sec. 511-403. Incorporation of regulations.

Regulations adopted and effective pursuant to section 511-402 are expressly incorporated in this chapter, and a violation of any such regulation is a violation of this chapter and shall be enforced pursuant to Article VI of this chapter. Two (2) copies of each such regulation shall be on file at the ~~offices of the division~~ office, and the clerk of the city-county council.

SECTION 43. Section 511-501 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 511-501. Permit system.

(a) The board shall adopt regulations that create a permit system, and the ~~division~~ office shall implement the permit system. The permit system shall contain two (2) components:

(1) The permit system mandated by Title V of the Clean Air Act of 1990, which may include permits required by Title IV of the Clean Air Act of 1990 (acid rain); and

(2) Other permits as required by federal or state law or deemed by the board to be necessary to carry out the purposes of this chapter.

Regulations adopted by the board shall be revised in a timely manner to incorporate new requirements set forth in applicable state or federal air pollution control laws or regulations.

(b) That portion of the permit system mandated by Title V of the Clean Air Act of 1990, which shall include permits required by Title IV of the Clean Air Act of 1990 (acid rain), shall comply in all respects with that act and applicable federal regulations. In the event of a conflict between the federal regulations promulgated pursuant to Title V and those promulgated pursuant to Title IV, those federal regulations promulgated pursuant to Title IV shall govern.

(c) The permit system shall include adequate, streamlined and reasonable procedures for expeditiously administering the system.

(d) At a minimum, the permit regulations shall perform the following functions:

(1) Require permits in order to construct new facilities or sources.

(2) Require permits in order to modify or reconstruct existing facilities or sources.

(3) Require permits in order to operate facilities or sources.

(4) Require permits for processes and other air contaminant emitters including, but not limited to, asbestos abatement.

(5) Require permits for claiming emission credits or allowances and establish procedures and requirements for obtaining and using emission credits or allowances, provided that such system shall not interfere with the federal sulfur dioxide allowance system established pursuant to Title IV of the Clean Air Act of 1990 (acid rain).

(6) Establish minimum levels of emissions from a facility, source, process or other air contaminant emitter for which a permit and/or reporting is required.

(7) Establish fixed terms for permits, which terms shall be as follows:

a. Five (5) years for permits required by Title IV of the Clean Air Act of 1990 (acid rain); and

b. Not to exceed five (5) years for all other permits.

(8) Establish the information necessary for complete permit applications and the procedures and time frames by which the applications' completeness shall be determined.

(9) Establish procedures and time frames for ~~division~~ office review of permit applications, including initial permit issuance, modifications or revisions and renewals.

(10) Establish procedures and time frames for notice, public comment periods and public hearings, which procedures may include providing an opportunity to comment on the draft permit before it is issued. For permits required by Title V of the Clean Air Act of 1990, such procedures shall, as provided in 40 CFR § 70.7(h), require adequate procedures for public notice, including offering an opportunity for public comment and a hearing on the draft permit, for initial permit issuance, significant modifications and renewals.

(11) Require, when appropriate, reasonable tests and monitoring, including continuous emissions monitoring, and creation, submission to the ~~division~~ office and retention of reports and records of tests, monitoring, production, maintenance or other matters relating to the quantity of emissions, the effectiveness of air pollution control equipment or compliance with this chapter and its regulations.

(12) Provide, for permits required by Title V of the Clean Air Act of 1990, if the applicant has submitted a timely and complete application for an initial or renewal permit, but no final action has been taken on the application, the applicant's failure to have a permit is not a violation of this chapter or its regulations until after the ~~division~~ office takes final action on the permit application.

(13) Require, when necessary, that application forms, reports and compliance certifications shall contain certification by a responsible official of truth, accuracy and completeness.

(14) For permits required by Title V of the Clean Air Act of 1990, allow issuance of a permit for a facility or source not in compliance with applicable requirements.

(15) Require, when appropriate, submittal of a certified plan and schedule to attain and maintain compliance.

(16) Require that no permit shall automatically issue, be renewed or modified because of failure of the ~~division~~ office to take action on the application, or for any other reason.

(17) Require that the ~~division~~ office shall not issue a permit required by Title V of the Clean Air Act of 1990 if the administrator of the United States Environmental Protection Agency makes a written objection within the time allowed under applicable federal law.

(18) For permits required by Title V of the Clean Air Act of 1990, establish, consistent with the timing and other requirements of 40 CFR § 70.4(b)3 and § 72.72(b)(5)(ii), an opportunity for judicial review of final action on a permit, by the applicant, any person who participated in the public participation process and any other affected person entitled to judicial review of such action under state law. The opportunity for judicial review so provided shall be the exclusive means for obtaining judicial review of the terms and conditions of such permits. Procedures regarding such opportunity for judicial review may be established by this chapter or by regulation of the board.

(19) For permits required by Title V of the Clean Air Act of 1990, and solely for purposes of obtaining judicial review to require that action be taken by the ~~division~~ office on the application without additional delay, provide that failure of the ~~division~~ office to act on an initial or renewal application, or modification or revision, within the time periods specified in the Clean Air Act of 1990 is a final action of the administrator appealable directly to a court of competent jurisdiction.

(20) Establish transfer procedures and renewal procedures and, for permits required by Title V of the clean Air Act of 1990, provide that permits being renewed are subject to the same procedural requirements that apply to initial permit issuance.

(21) Require that permits may be terminated, modified, or revoked and reissued for cause and establish causes for such actions.

(22) Provide, for permits required by Title V of the Clean Air Act of 1990, if the permit holder has submitted a timely and complete application for renewal, but no final action has been taken on the application, all the terms and conditions of the permit, including any application shield granted by subparagraph (12) of this paragraph (d), shall remain in effect until the renewal permit has been issued or denied.

(23) Require that permits required by Title V of the Clean Air Act of 1990 shall be reopened and revised before expiration of the permit when the following conditions exist:

a. Additional federal requirements become applicable to a facility or source with a permit which allows at least three (3) more years of continued operations. However, a permit does not have to be revised if the additional requirements will not become effective until after the date the permit expires. A permit revision to address additional requirements must be completed by the ~~division~~ office not more than eighteen (18) months after the adoption of the additional requirements; or

b. Additional requirements become applicable to the permit under the acid rain program. Upon approval by the United States Environmental Protection Agency, an excess emissions offset plan shall be considered to be incorporated into the permit; or

c. The ~~division~~ office or the United States Environmental Protection Agency determines that:

1. The permit contains a material mistake; or

2. Inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit; or

d. The ~~division~~ office or the administrator of the United States Environmental Protection Agency determines that the permit must be revised or revoked to assure compliance with the applicable federal requirements as defined in 40 CFR § 70.2.

(24) Require that all permits shall contain a severability clause to ensure the continued validity of the various permit requirements in the event of a challenge to any portion of the permit.

(25) Establish procedures for determining if information (other than the contents of a permit required by Title V of the Clean Air Act of 1990 or emissions data) maintained by the ~~division~~ office, if made public, would divulge methods or processes entitled to protection as trade secrets and assuring security of information so determined to be entitled to confidentiality.

(26) For permits required by Title V of the Clean Air Act of 1990, establish procedures allowing changes to be made without requiring a permit revision if the permit holder has been issued an operating permit or is operating without a permit but has made a timely and complete application for a permit and if:

a. The changes are not modifications under any provision of Title I of the Clean Air Act of 1990;

b. The changes do not exceed emissions allowable under the permit, whether expressed as a rate of emissions or as total emissions; and

c. The permit holder provides the ~~division~~ office with written notification at least seven (7) days before the proposed changes are made. However, the board, by regulation, may provide a different time period for notifications that involve emergency situations.

(27) For permits required by Title V of the Clean Air Act of 1990, establish procedures allowing reasonably anticipated alternate operating scenarios identified in the permit application and approved by the ~~division~~ office.

(28) For permits required by Title IV of the Clean Air Act of 1990 (acid rain):

a. Establish a "permit shield" from enforcement action as provided in 40 CFR § 72.51;

b. Provide that a complete permit application shall be binding and enforceable as a Title IV (acid rain) permit from the date of submission of the application until issuance or denial of the permit; and

c. Allow exemptions for certain new units and retired units as provided in 40 CFR §§ 72.7 and 72.8.

(29) Require that all permits be consistent with all local, state and federal air pollution control laws and regulations;

(30) Require that all permits not interfere with attainment of local, state or federal air quality standards.

(e) The permit regulations may:

(1) Establish procedures for general permits covering numerous sources as provided in 40 CFR § 70.6(d).

(2) Establish a limited "permit shield" from enforcement action as provided in 40 CFR § 70.6(f).

(3) Allow changes not addressed or prohibited by a permit required by Title V of the Clean Air Act of 1990, provided such changes are not subject to any requirements under Title IV or are not modifications under any provision of Title I of that act.

(4) Establish procedures for trading emission increases and decreases under certain circumstances as provided in 40 CFR § 70.4(b)(12)(ii).

(5) Allow issuance of a permit with a future effective date.

(6) Perform any other function not specified in this subsection or subsection (d) if such function is reasonably necessary for efficient operation of the permit program or reasonably necessary to protect the public health or welfare or ensure compliance with local, state or federal air pollution control laws or regulations.

(7) Establish limited liability for failure to obtain a permit under certain circumstances, provided that any such regulation shall be consistent with, and no more permissive than, IC 13-10-4-1.

(f) No permit required by the Clean Air Act of 1990 for a solid waste incineration unit, as that term is defined in § 129 of that act, may be issued by any agency, instrumentality or person that is also responsible, in whole or in part, for the design and construction or operation of the unit.

SECTION 44. Section 511-521 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 511-521. Permit fees.

(a) *Purpose.* This section 511-521 establishes permit fees due to the ~~division~~ office at levels necessary to continue the process of developing and administering for Marion County the permit program required by Title V of the Clean Air Act of 1990. This section 511-521 and section 511-523 also establish all other types of permit fees due to the ~~division~~ office.

(b) *Application fees.* The ~~division~~ office shall collect an application fee of one hundred dollars ($100.00) whenever a person submits an application to:

(1) Obtain a construction permit;

(2) Obtain an operating permit;

(3) Obtain an asbestos abatement permit;

(4) Obtain an emission credit permit;

(5) Change the name of the permittee on a permit issued by the administrator;

(6) Transfer a permit to a new owner of the air contaminant emitter subject to a permit;

(7) The application fee for (1) through (6) above is waived if:

a. A permittee has already obtained a construction permit, and is submitting an application for an initial operating permit;

b. A permittee is renewing an operating permit;

c. A permittee is renewing an asbestos abatement permit;

d. A permittee is renewing an emission credit permit;

e. A permittee has already obtained an operating permit and is submitting an application for an initial Title V operating permit.

(8) If a permittee is applying simultaneously for permits for several facilities at the same source, the permittee shall pay a single application fee.

(c) *Construction permits.* The ~~division~~ office shall collect a fee for reviewing plans and issuing a construction permit.

(1) *Base fees.*

a. The fee for each facility with potential emissions of any one (1) pollutant less than ten (10) tons per year shall be eight hundred dollars ($800.00).

b. The fee for each facility with potential emissions of any one (1) pollutant of ten (10) tons per year or greater but less than twenty (20) tons per year shall be twelve hundred dollars ($1,200.00).

c. The fee for each facility with potential emissions for any one (1) pollutant of twenty (20) tons per year or greater but less than twenty-five (25) tons per year shall be one thousand eight hundred dollars ($1,800.00).

d. The fee for each facility with potential emissions of any one (1) pollutant of twenty-five (25) tons per year or greater but less than one hundred (100) tons per year shall be four thousand five hundred dollars ($4,500.00).

e. The fee for each facility with potential emissions of any one (1) pollutant of one hundred (100) tons per year or greater shall be six thousand five hundred dollars ($6,500.00).

f. Facilities which elect to be subject to board Regulation IX-2 (Enhanced New Source Review) shall not be subject to the fees in subsections a. through e., but instead shall pay a fee of three thousand five hundred dollars ($3,500.00).

(2) *Additional fees.* In addition to fees collected under paragraph (1) above, the ~~division~~ office shall collect all applicable fees specified in a. through g. below.

a. The fee for each review involving a facility or facilities subject to federal, state, or local new source performance standards shall be five hundred dollars ($500.00) per standard.

b. The fee for each review involving a facility or facilities subject to federal, state, and local national emission standards for hazardous air pollutants shall be five hundred dollars ($500.00) per pollutant.

c. The fee for each public notice required as a part of a construction permit review shall be three hundred dollars ($300.00).

d. The fee for each facility subject to best available control technology (BACT), maximum achievable control technology (MACT) or lowest achievable emission rate (LAER) shall be three thousand dollars ($3,000.00) per pollutant for each applicable pollutant.

e. The fee for each facility subject to generally achievable control technology (GACT) shall be one thousand dollars ($1,000.00) per pollutant for each applicable pollutant.

f. The fee for each facility subject to modeling analysis shall be four thousand dollars ($4,000.00) per pollutant for each applicable pollutant, except where such analysis is performed by the ~~division~~ office, in which case the fee shall be six thousand dollars ($6,000.00) per pollutant for each applicable pollutant.

g. The fee for each facility which has federally enforceable permit restrictions to allow the facility to be exempt from federal prevention of significant deterioration or nonattainment new source review requirements shall be one thousand dollars ($1,000.00) per permit.

(d) *Operating permits.* This part (d) shall not apply to gasoline dispensing facility operating permits and sources which are required to pay Title V operating permit fees pursuant to subsection (e) or opt-out fees pursuant to subsection (f).

(1) *Initial and annual fee.* The ~~division~~ office shall collect a fee for the initial issuance of an operating permit and an annual administrative fee for each succeeding year for the maintenance and renewal of an operating permit. The total fee shall be the per facility fee specified in subpart (2) below, plus the source category fee or fees specified in subpart (3) below, if applicable. The total fee, exclusive of the source category fees in subparts (3)c. and (3)d., shall not exceed three thousand three hundred dollars ($3,300.00).

(2) *Per facility fees.*

a. The fee for each facility with allowable emissions of any one (1) pollutant less than twenty-five (25) tons per year shall be two hundred fifty dollars ($250.00).

b. The fee for each facility with allowable emissions of any one (1) pollutant of twenty-five (25) tons per year or greater, but less than one hundred (100) tons per year, shall be nine hundred fifty dollars ($950.00).

(3) *Source category fees.*

a. The fee for each source with actual emissions of seventy-five (75) tons per year or greater shall be one thousand five hundred dollars ($1,500.00).

b. The fee for each source with actual emissions of twenty-five (25) tons per year or greater but less than seventy-five (75) tons per year shall be one thousand dollars ($1,000.00).

c. The fee for each source subject to federal, state or local national emission standards for hazardous air pollutants shall be two thousand dollars ($2,000.00).

d. The fee for each source subject to federal, state or local new source performance standards shall be two thousand dollars ($2,000.00) per standard.

(4) *Annual adjustment.* The fees set forth in subsection (d)(2) and (3)a. and b. shall automatically be adjusted annually by the Consumer Price Index (CPI) using the revision of the CPI which is most consistent with the CPI for the preceding year.

(e) *Fees for 1995, 1996 and subsequent years for sources required to obtain Title V operating permits.*

(1) Beginning in calendar year 1995, sources which, according to 40 CFR § 70.3 and applicable state and local regulations, will be required to obtain a Title V operating permit under a United States Environmental Protection Agency approved Title V operating permit program applicable to Marion County, shall pay an annual fee as set forth in subsection (2) of this section.

(2) A source's annual fee shall be calculated as follows:

a. Each source shall pay a base fee of two thousand five hundred dollars ($2,500.00) and shall pay an additional fee of thirty-seven dollars ($37.00) per ton for each ton of regulated pollutant emitted, provided that, no source shall pay more than one hundred fifty thousand dollars ($150,000.00), or, if a source emits more than one hundred (100) tons per year of NOx and more than one hundred (100) tons per year of VOC and is located in an area designated as serious or severe nonattainment for ozone in accordance with the Clean Air Act of 1990, the source shall pay no more than two hundred thousand dollars ($200,000.00). The administrator shall exclude from the fee calculation the amount of each source's actual emissions of any regulated pollutant that the source emits in excess of four thousand (4,000) tons per year. As used in this section, "regulated pollutant" shall have the meaning set forth in board Regulation 2-7, Section 1.

b. During the years 1995 through 1999 inclusive, any affected unit under Section 404 of the Clean Air Act of 1990 shall be exempted from the fees established under subsection (2)(i) and shall instead pay the following: Fifty thousand dollars ($50,000.00) shall be submitted upon billing for an electric power plant containing a Phase 1 affected unit, as identified in Table A of Section 404 of the Clean Air Act of 1990 or for a substitution unit as determined by U.S. EPA in accordance with Section 404 of the Clean Air Act of 1990.

c. Municipal solid waste incinerators with a capacity greater than two hundred fifty (250) tons per day shall be exempted from the fees established under subsection (2)(i) and shall instead pay the following: Twenty-five thousand dollars ($25,000.00) shall be submitted upon billing.

d. In addition to the fees established under subsection (2)(i), coke oven batteries shall pay the actual cost incurred in performing inspections required by 40 CFR § 63, Subpart L, not to exceed one hundred twenty-five thousand dollars ($125,000.00). As used in this subsection, "coke oven battery" shall have the meaning set forth in board Regulation 1.

(3) The annual emission statement submitted during the previous calendar year as required by 326 IAC 2-6 or an equivalent board regulation shall be the basis for determining total tons of actual emissions of each regulated pollutant. If an annual emission statement is not required or if more information is needed to accurately determine a source's emissions for a regulated pollutant, the administrator may require that the source report annual emissions using procedures acceptable to the administrator.

(4) After review of a source's annual emission statement and all other available information, the administrator shall calculate the total emissions to be included in the fee. No source shall be required to pay more than a single dollar-per-ton fee during any billing period for any one (1) ton of pollutant emitted. If the source disputes the calculation of total actual emissions used to determine the fee, the source shall remit the total fee billed, less the amount attributable to the disputed emissions and shall provide calculations or other data supporting the disputed emissions within thirty (30) days of receipt of the billing. The administrator shall review the information submitted and make a final determination of the total fee due. The source shall pay any remaining fee due within fifteen (15) days of receipt of the revised billing.

(5) The fees set forth in section (2)(i) shall automatically be adjusted annually by the Consumer Price Index (CPI) using the revision of the CPI which is most consistent with the CPI for the preceding calendar year.

(6) Beginning in 1995, the administrator shall present a report to the board by August 15 of each calendar year. The report shall include the following information regarding the Title V permit program for the previous year:

a. The number of sources in Marion County required to obtain Title V operating permits, including those choosing to opt-out of the requirement to obtain a Title V operating permit by accepting in a federally enforceable permit physical or operational limits on the source's capacity to emit air pollutants;

b. The number of such permit applications received by the ~~division~~ office;

c. The number and timeliness of final permit actions taken by the ~~division~~ office;

d. The adequacy of the fees collected by the ~~division~~ office to fund the Title V operating permit program;

e. An accounting of the monies deposited in the Air Pollution Control Program Fund, distinguishing fees used to fund the Title V operating permit program from other monies.

Based upon the report, the board may recommend that this section be amended to revise the fees to ensure that the fees collected are sufficient to cover the direct and indirect costs of the Title V operating permit program, and are used for no other purpose.

(7) Pursuant to an enforceable written agreement with the Indiana Department of Environmental Management (IDEM) documenting the ~~division's~~ office's and IDEM's relative Title V operating permit program roles and responsibilities, a portion of the fees collected by the division may be transmitted to IDEM to recover costs incurred by IDEM in connection with Marion County Title V operating permit program responsibilities performed by IDEM.

(f) *Fees for sources "opting-out" of requirement to obtain Title V operating permits.* Notwithstanding section (e), sources which according to 40 CFR § 70.3 and applicable state and local regulations will be required to obtain a Title V operating permit under a United States Environmental Protection Agency approved Title V operating permit program applicable to Marion County may opt-out of the requirements to obtain a Title V operating permit and to pay the Title V fees set forth in section (e) by: 1) accepting in a federally enforceable state or local operating permit ("FESOP") limits on the source's capacity to emit air pollutants, or 2) electing to be subject to federally enforceable state or local rules limiting the source's capacity to emit air pollutants ("Source Specific Operating Agreements"). The board shall adopt regulations establishing procedures for obtaining FESOP permits and Source Specific Operating Agreements. Pursuant to an enforceable written agreement with the Indiana Department of Environmental Management (IDEM) documenting the ~~division's~~ office's and IDEM's relative Title V operating permit program rules and responsibilities, a portion of the fees collected by the ~~division~~ office may be transmitted to IDEM to recover costs incurred by IDEM in connection with Marion County Title V operating permit program responsibilities performed by IDEM.

(1) FESOP permit fees. An application fee of three thousand five hundred dollars ($3,500.00) and an annual administrative fee of one thousand five hundred dollars ($1,500.00) shall be due to the ~~division~~ office from sources which file FESOP applications and are issued FESOP permits as set forth in the FESOP regulation adopted by the board. A source's obligation to pay operating permit fees set forth in section (d) or Title V operating permit fees set forth in section (e) and/or (f) pending issuance of the FESOP permit, or upon denial of the FESOP application, shall be as set forth in such regulations.

(2) Source specific operating agreement fees. An application fee of five hundred dollars ($500.00) shall be due to the ~~division~~ office from sources electing to be subject to the source specific operating agreement regulation adopted by the board.

(g) *Gasoline dispensing facility operating permits.* The ~~division~~ office shall collect a fee for the initial issuance of a gasoline dispensing facility operating permit and an annual administrative fee for each succeeding year for the maintenance and renewal of an operating permit. As used in this subpart "gasoline dispensing facility" shall have the meaning set forth in board Regulation 8-4-1, Section 6.

(1) The fee for each gasoline dispensing facility with allowable emissions of any one (1) pollutant less than twenty-five (25) tons per year shall be seventy-five dollars ($75.00).

(2) The fee for each gasoline dispensing facility with allowable emissions of any one (1) pollutant of twenty-five (25) tons or greater per year shall be two hundred dollars ($200.00).

(h) *Emission credit permits.* The ~~division~~ office shall collect a fee of five hundred dollars ($500.00) for the initial issuance of an emission credit permit and an annual administrative fee for each succeeding year of two hundred dollars ($200.00) for the maintenance of an emission credit permit.

(i) *Asbestos abatement permits.* The ~~division~~ office shall collect a fee of four hundred fifty dollars ($450.00) for the initial issuance of an asbestos abatement permit and an annual administrative fee for each succeeding year of four hundred fifty dollars ($450.00) for the maintenance and renewal of an asbestos abatement permit.

SECTION 45. Sections 511-523, 511-524, and 511-525 of the "Revised Code of the Consolidated City and County" hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 511-523. Testing and monitoring fees; amount; payment due.

(a) *Fees.* The ~~division~~ office shall collect a fee for reviewing testing and monitoring data and results.

(1) The fee for each stack test conducted for the purpose of demonstrating compliance with this chapter, any regulation adopted by the board, or any permit issued by the ~~division~~ office shall be seven hundred dollars ($700.00).

(2) The fee for continuous emission monitor(s) required by this chapter, any regulation adopted by the board, or any permit issued by the ~~division~~ office shall be two hundred dollars ($200.00) per facility.

(3) The fee for air quality monitoring network(s) required by this chapter, any regulation adopted by the board, or any permit issued by the ~~division~~ office shall be fourteen hundred dollars ($1,400.00) per source.

(b) *Payment due.* Stack test fees shall be paid upon submission of stack results to the ~~division~~ office. Continuous emission monitor fees and air quality monitoring network fees shall be paid by January 31 of each year.

Sec. 511-524. Air pollution control program fund.

(a) Effective in fiscal year 1993, there is hereby created a special fund to be designated as the "air pollution control program fund," in the division of finance, under the controller.

(b) This fund shall be a continuing fund, with all balances remaining therein at the end of each calendar year; and no such balances shall lapse into the city or county general funds or ever be diverted, directly or indirectly, in any manner, to any other uses than developing and administering the operating permit program requirements of Title V of the Clean Air Act of 1990, performing ambient air quality monitoring, evaluating compliance with requirements of this chapter, any regulation adopted by the board or any permit issued by the ~~division~~ office and other uses related to prevention, abatement and control of air pollution as authorized by this chapter.

(c) The fund shall include one hundred fifty thousand seven hundred dollars ($150,700.00) from consolidated county in calendar year 1995, all permit fees and testing and monitoring fees, including any penalties and interest thereon, required to be collected by the ~~division~~ office by section 511-521 and section 511-523, any grants from state or federal governmental agencies, any gifts and donations

intended for the fund and monies recovered, exclusive of court costs, from enforcement actions brought pursuant to article VI of this chapter.

(d) The ~~division~~ office shall provide a separate accounting for those permit fees in the fund required to be collected by the ~~division~~ office by Title V of the Clean Air Act of 1990 (Title V operating permit program fees). The accounting shall be sufficient to demonstrate that such permit fees are being used solely to cover the reasonable, direct and indirect costs of the Title V operating permit program. Such costs may include, but are not limited to the following activities:

(1) Preparing generally applicable regulations or guidance regarding the permit program or its implementation or enforcement;

(2) Reviewing and acting on any application for a permit, permit revision, or permit renewal, including the development of an applicable requirement as part of the processing of a permit, or permit revision or renewal;

(3) General administrative costs of running the permit program, including the supporting and tracking of permit applications, compliance certification, and related data entry;

(4) Implementing and enforcing the terms of any permit (not including any court costs or other costs associated with an enforcement action), including adequate resources to determine which sources are subject to the program;

(5) Emissions and ambient monitoring;

(6) Modeling analyses, or demonstrations;

(7) Preparing inventories and tracking emissions; and

(8) Providing direct and indirect support to sources under the Small Business Stationary Source Technical and Environmental Compliance Assistance Program as required by Section 507 of the Clean Air Act of 1990.

(e) Monies from this reserve fund shall be appropriated in accordance with the procedures for expenditure of public funds.

Sec. 511-525. Fees payable to controller; nonrefundable; waiver; unpaid fees.

(a) All fees established pursuant to this chapter and its regulations shall be payable to the Indianapolis City Controller and shall become a part of the "Air Pollution Control Program Fund" created by section 511-524.

(b) All fees established pursuant to this chapter are nonrefundable. If the permit is denied or revoked or the plant or facility is shut down, the fees shall neither be refunded nor applied to any subsequent application or reapplication. Fees paid annually may be prorated by the ~~division~~ office on a monthly basis.

(c) If a permit applicant or holder of a permit appears before the board and demonstrates that payment of applicable fees established by this chapter will cause undue economic hardship, the board may waive the fees for a period deemed appropriate by the board. The board may reduce any fee required to be paid to the ~~division~~ office in connection with an operating permit required by the Clean Air Act of 1990 to take into account the financial resources of small business stationary sources as defined in Section 507(c) of that act.

(d) All fees established pursuant to this chapter and its regulations shall constitute a debt due to the Consolidated City of Indianapolis and Marion County. Failure to pay fees when due is a violation of this chapter and its regulations for which the ~~division~~ office may take enforcement action as specified in Article VI of this chapter. At the request of the administrator, the corporation counsel may institute a civil suit in the name of the Consolidated City of Indianapolis and Marion County to recover any unpaid fee. In addition, the administrator, pursuant to section 511-602 of this chapter, may revoke a permit for failure to pay fees as required in this chapter.

SECTION 46. Section 511-601 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 511-601. Notice of violation.

(a) Whenever the administrator has cause to believe that a person has violated this chapter, a regulation adopted by the board, or a permit issued by the ~~division~~ office, the administrator shall notify the person. A written notice of violation shall be delivered personally or by registered, certified or first class mail to the person.

(b) The notice of violation should contain the following information:

(1) When the violation occurred;

(2) The location where the violation occurred;

(3) A reference to and description of the provision of this chapter, regulation adopted by the board or permit issued by the ~~division~~ office that was violated;

(4) A statement of the facts which constitute a violation;

(5) A brief description of the enforcement procedure initiated by the administrator;

(6) A statement describing the procedures available to contest the administrator's actions.

(c) For purposes of assessing a penalty pursuant to paragraph (a) of section 511-607 of this chapter, a notice of violation is not a finding that a violation has occurred.

SECTION 47. Section 511-603 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 511-603. Civil enforcement.

(a) The administrator may initiate a civil action to assess and recover civil penalties and/or for a temporary or permanent injunction whenever:

(1) A person violates the terms of an order issued pursuant to sections 511-602, 511-606, or 511-608 of this chapter; or

(2) The administrator has issued a notice of violation to a person and:

a. The person is an owner or operator of a major source in violation of a provision of a state implementation plan approved by the United States Environmental Protection Agency; or

b. The person is an owner or operator of a facility or source in violation of a permit issued in accordance with Title V, Title IV, or Part C or D of Title I of the Clean Air Act of 1990; or

c. The person is an owner or operator of a stationary source in violation of a provision of new source performance standards or national emission standards for hazardous air pollutants, as adopted by the board; or

d. The person has violated a provision of regulations adopted by the board governing asbestos abatement or motor vehicle tampering; or

e. The person has engaged in an activity without a necessary permit issued by the ~~division~~ office; or

f. The administrator determines that the violation substantially impairs public health or welfare.

(b) The administrator shall initiate civil enforcement by submitting a written request to the corporation counsel to file a complaint of ordinance violation and/or to seek an injunction. The administrator shall send notice of the written request to the person subject to the action.

SECTION 48. Section 511-607 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 511-607. Penalties.

(a) Any person found in violation of any provision of this chapter, any regulation adopted by the board or any permit issued by the ~~division~~ office as part of the ~~division's~~ office's program approved or conducted pursuant to an agreement with the Indiana Department of Environmental Management may be fined an amount not to exceed ten thousand dollars ($10,000.00) for each violation. Any person found in violation of any other provision of this chapter, any other regulation adopted by the board or any other permit issued by the ~~division~~ office may be fined an amount not to exceed two thousand five hundred dollars ($2,500.00) per violation. Each day in violation shall be considered a separate violation.

(b) Notwithstanding section 103-3 of this Code or paragraph (a) of this section, either a court acting pursuant to section 511-606(b) or a hearing officer acting pursuant to section 511-606(c) may accept a compliance agreement without finding that a violation occurred or an admission that a violation occurred if the person subject to the penalty agrees to pay the penalty pursuant to such agreement.

(c) A court order, whether issued unilaterally by the court or pursuant to an agreement under section 511-606(b) of this chapter, or an order issued as a result of administrative adjudication under Article V, Chapter 103, may require the payment of stipulated penalties in the event the terms of such order are violated. The stipulated penalties shall not exceed the amounts as described in paragraph (a) of this section 511-607 for each violation. Each day in violation shall be considered a separate violation.

(d) Nothing in this section 511-607 or any other section of this chapter shall limit the ~~division's~~ office's referral of violations to other appropriate agencies for investigation of potential violations of state or federal law.

SECTION 49. Section 511-801 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 511-801. Appeals of administrative actions.

(a) *Right of appeal.* Any person affected by an action of the administrator defined by paragraph (b) of this section as an action which must be appealed to the board, may appeal directly to the board for relief from the action, or intervene in such appeal brought by another affected person. An appeal directly to the board is a prerequisite to judicial review for all actions defined by paragraph (b) as actions which must be appealed directly to the board.

(b) *Actions which must be appealed to the board.* Any action of the administrator, except actions described in paragraphs (c) and (d) below, if appealed, must be appealed directly to the board. For a notice of violation (issued pursuant to section 511-601 of this chapter) which is referred to the corporation counsel for civil enforcement (pursuant to section 511-603 of this chapter) or to administrative adjudication (pursuant to section 511-604 of this chapter), a person may appeal to the board only for an interpretation of the regulation, permit or order allegedly violated.

(c) *Actions for which judicial review may be sought directly.* Judicial review by a court of competent jurisdiction may be sought directly from the following actions of the administrator:

(1) An emergency order issued pursuant to section 511-608 of this chapter.

(2) Pursuant to IC 13-15-6-4 and 13-15-6-5, for permits required by Title V of the Clean Air Act of 1990, failure of the administrator to act on an initial or renewal application, or modification or revision, within the time periods specified in that act is an action considered to be a final permit action and may be appealed directly to a court of competent jurisdiction, solely for the purpose of obtaining judicial review to require that action be taken on the application without further delay.

(d) *Actions which must be appealed to the state Office of Environmental Adjudication.* Appeal from the following actions must be sought pursuant to IC 4-21.5-3 and IC 13-15-6-1 by filing a petition for administrative review with the state Office of Environmental Adjudication. However, if the appeal involves a permit term characterized in the permit as "local enforceable only," a person may appeal to the board seeking from the board a decision concerning the "local enforceable only" term.

(1) Issuance or denial, modification or renewal of a Title V operating permit.

(2) Issuance or denial, modification or renewal of a Federally Enforceable State Operating Permit (FESOP).

(e) *Participation by ~~division~~ office.* The ~~division~~ office may participate as an interested party in permit appeals brought before the state Office of Environmental Adjudication pursuant to subsection (d).

(f) *Procedures for making an appeal to the board.*

(1) Within fifteen (15) days of the effective date of the administrator's action, the appellant shall submit to the administrator a written request to appeal to the board. The request shall be addressed to the board and shall state the basis for the appeal and the relief desired.

(2) At the time of filing, the appellant shall post a fee of twenty-five dollars ($25.00) to cover the administrative cost of the hearing. The fee shall be refunded only if the appeal is sustained. The board may waive the fee upon a showing of economic hardship.

(3) Submitting a request to appeal stays the administrator's action until the board renders a final decision on the appeal.

(g) *Hearing.*

(1) No later than fifteen (15) days after the request to appeal is filed, the administrator shall schedule a hearing before the board. The hearing shall be not later than sixty (60) days after the request to appeal is filed, unless the board grants a continuance. The administrator shall notify the appellant of the hearing date in writing.

(2) At the hearing the parties to the appeal may present evidence and cross-examine witnesses. The board may establish time limits and procedures for presenting evidence, cross-examination and argument. The appellant has the burden of proving that the administrator's action should be modified or reversed. Upon hearing the evidence presented, and no later than sixty (60) days after the hearing is concluded, the board shall affirm, modify or reverse the administrator's action. The board may order either party to act in accordance with its decision.

(h) *Effect of the board's decision.* The decision of the board shall be binding on the parties unless reversed or otherwise modified by a court of competent jurisdiction.

SECTION 50. Section 536-705 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, to read as follows:

Sec. 536-705. Stop-work order.

Whenever the administrator of the neighborhood and development services division or the administrator's authorized representative discovers the existence of any of the circumstances listed below, he is empowered to issue an order requiring the suspension of the pertinent construction activity. The stop-work order shall be in writing and shall state to which construction activity it is applicable and the reason for its issuance. The stop-work order shall be posted on the property in a conspicuous place and, if conveniently possible, shall be given to the person doing the construction and to the owner of the property or his agent. The stop-work order shall state the conditions under which construction may be resumed.

(1) Construction activity is proceeding in an unsafe manner, including, by way of example and not of limitation, in violation of any standard set forth in this chapter or any state rule pertaining to safety during construction; or

(2) Construction activity is occurring in violation of building standards and procedures or in such a manner that if construction is allowed to proceed, there is a reasonable probability that it will be substantially difficult to correct the violation; or

(3) Construction activity has been accomplished in violation of building standards and procedures and a period of time which is one-half the time period in which construction could be completed, but no longer than fifteen (15) calendar days has elapsed since written notice of the violation or noncompliance was either posted on the property in a conspicuous place or given to the person doing the construction, without the violation or noncompliance being corrected; or

(4) Construction activity for which a building permit is required is proceeding without a building permit being in force; in such an instance, the stop-work order shall indicate that the effect of the order terminates if the required building permit is obtained; or

(5) Construction activity for which a building permit was issued more than thirty (30) days earlier is proceeding without there being in force applicable permits and approvals required by governmental units (including, but not limited to, department of public safety, department of public works, ~~department of transportation,~~ Health and Hospital Corporation of Marion County, state department of health, state department of natural resources, state highway department) for compliance with standards for air quality, drainage, flood control, fire safety, vehicular access, and waste treatment and disposal on the real estate on which the structure is located; in such an instance, the stop-work order shall indicate that the order is applicable to all construction activity allowed by the building permit and that the effect of the order terminates if the required permits and approvals are obtained; or

(6) Construction activity is occurring for which a certificate of appropriateness from the Indianapolis Historic Preservation Commission is required pursuant to IC 18-4-22-1 et seq., without a certificate of appropriateness being in force; in such an instance, the stop-work order shall indicate that the effect of the order terminates if the required certificate of appropriateness is obtained.

This sanction shall in no way limit the operation of penalties provided elsewhere in this chapter.

SECTION 51. Section 561-104 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, to read as follows:

Sec. 561-104. "Director" defined.

As used herein, "director" shall mean the director of the department of ~~asset management and~~ public works of the City of Indianapolis and any subordinate employee to whom he shall specifically delegate a responsibility authorized by this chapter.

SECTION 52. Sections 561-107 and 561-108 of the "Revised Code of the Consolidated City and County" hereby are amended by the deletion of the language which is stricken-through, to read as follows:

Sec. 561-107. "Drainage requirements" defined.

As used herein, "drainage requirements" shall mean:

(1) Minimum drainage standards stated in Article III of this chapter.

(2) Regulations promulgated by the board of ~~asset management and~~ public works.

(3) Obligations and requirements relating to drainage established under the subdivision control ordinance of Marion County, Indiana.

(4) Requirements stated under the flood control districts zoning ordinance of Marion County.

(5) Commitments relating to drainage made pursuant to Public Law 185 of the Indiana Acts of 1973.

(6) Conditions relating to drainage attached to a grant of variance by the metropolitan board of zoning appeals or any board of zoning appeals.

Sec. 561-108. "Impacted drainage areas" defined.

As used herein, "impacted drainage areas" shall be those areas defined and mapped by the board of ~~asset management and~~ public works pursuant to section 561-228, which are unlikely to be easily drained

because of one (1) or more factors such as topography, soil type or distance from adequate drainage facilities.

SECTION 53. Section 561-221 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, to read as follows:

Sec. 561-221. When drainage permits required; enforcement; exceptions.

(a) Except for activity specified in subsection (b), it shall be unlawful for a person, partnership or corporation to undertake or accomplish any land alteration without having in force a written drainage permit obtained from the department of ~~asset management and~~ public works. A violation of this section is subject to the enforcement procedures and penalties provided in section 103-3 of this Code; provided, however, the fine imposed for such violation shall not be less than one hundred dollars ($100.00), and each day that an offense continues shall constitute a separate violation. The city controller shall cause any fines collected under this section to be deposited into an account for the use and benefit of the department of ~~asset management and~~ public works.

(b) The permit specified in subsection (a) shall not be required for:

(1) Excavation of cemetery graves;

(2) Refuse disposal sites where storm drainage is controlled by other regulations;

(3) Excavation for wells, excavation and backfills for poles, conduits, and wires of utility companies;

(4) Exploratory excavations or soil testing under the direction and control of professional engineers, soil engineers, geologists, civil engineers, architects or land surveyors, which are backfilled;

(5) Ordinary cultivation of agricultural land including tilling, terracing, construction of minor open ditches and crop irrigation;

(6) The planting and tilling of gardens, flower beds, shrubs, trees and other common uses and minor landscaping of land appurtenant to residences;

(7) Fill and grading of a former basement site after the demolition of a structure, to conform to adjacent terrain;

(8) Fill of small holes caused by erosion, settling of earth or the removal of such materials as dead trees, posts or concrete;

(9) A fill less than one (1) foot in depth, and placed on natural terrain with a slope flatter than ten (10) percent, not intended to support structures, which does not exceed fifty (50) cubic yards per acre and does not obstruct drainage;

(10) Maintenance of drainage facilities;

(11) Installation of septic systems, when a proper permit has been obtained;

(12) Construction of a driveway, when a proper permit has been obtained;

(13) Installation of building sewers, when a proper permit has been obtained;

(14) An enlargement or exterior change that does not exceed twenty-five (25) square feet in floor area to an existing structure, when no part of the structure, or the enlargement or exterior change to the structure, is located in an impacted drainage area;

(15) Placement of an accessory structure, not exceeding one hundred twenty (120) square feet in floor area, to a one- or two-family dwelling, when the accessory structure is not located on a permanent foundation;

(16) Exterior changes to a structure which do not change the ground floor area of the structure, unless the roof of the building is part of a retention-detention system; or

(17) Construction of a deck which extends over open ground at least eight (8) feet above grade or which is constructed so that water freely and directly flows through the deck to the ground below the deck.

(c) The drainage permit must be obtained before any work is initiated with the exception of testing to determine procedures or materials.

SECTION 54. Sections 561-223, 561-224 and 561-225 of the "Revised Code of the Consolidated City and County" hereby are amended by the deletion of the language which is stricken-through, to read as follows:

Sec. 561-223. Application; issuance.

(a) Application for a drainage permit shall be made to the department of ~~asset management and~~ public works. The application shall be in writing on a form prescribed by the department.

(b) A drainage permit shall be issued if:

(1) The person, partnership or corporation is eligible to apply for and obtain a drainage permit under section 561-222;

(2) The application required by this section and supporting information required by either section 561-224 or section 561-225 have been properly prepared and submitted;

(3) The drainage plan, together with supplemental information required by either section 561-224 or section 561-225 reflect compliance with drainage requirements;

(4) A certificate of sufficiency of plan and a certificate of obligation to observe have been filed by a registered professional engineer, land surveyor or architect, engaged in storm drainage design;

(5) If required by the director, a bond has been posted pursuant to section 561-241;

(6) If required by the director, a covenant has been executed pursuant to section 561-242;

(7) If required by the director, an easement has been dedicated pursuant to section 561-243;

(8) The applicable fee, computed in accordance with Division 8 of Article II of this chapter, has been paid.

Sec. 561-224. Professionally prepared and certified drainage plans.

(a) A drainage plan fulfilling the requirements of this section shall be submitted to the department of ~~asset management and~~ public works for approval before a drainage permit can be obtained to accomplish a land alteration, unless the land alteration is such that a drainage permit can be obtained in accordance with section 561-225. The drainage plan must be submitted in duplicate and shall indicate in a precise way the work to be accomplished pursuant to the drainage permit. One (1) copy of the drainage plan will remain on file in the department. The following information must be submitted for approval:

(1) *Construction features.* The drainage plan shall demonstrate and describe surface and subsurface drainage and include the following:

a. *Scale; arrow; contours and USGS bench marks:* The drainage plan shall be drawn to scale, preferably one (1) inch per fifty (50) feet, and an arrow indicating north shall appear on each page. Existing land contours shall be shown, with one-foot contours for land with a slope flatter than ten (10) percent, two-foot contours for slopes equal to or greater than ten (10) percent but flatter than twenty (20) percent, and five-foot contours for slopes equal to or greater than twenty (20) percent. A bench mark, which is easily accessible and relocatable, shall be shown. The bench mark may be assumed at the discretion of the director if the area contains less than three (3) acres, but otherwise shall be determined by USGS datum.

b. *Location and vicinity map:* A map which indicates the location and vicinity of the proposed land alteration shall be included in the drainage plan.

c. *Existing and proposed drainage facilities:* The drainage plan shall show the locations of all existing and proposed drainage facilities. Storm drains and manholes and other

structures shall be located in the plans by dimensions from traverse lines, property markers or road centerlines. However, the areas where physical features are not available, coordinates of manholes and bearings of storm drains shall be based either on the state's coordinate system or other acceptable horizontal and vertical datum. If applicable, the drainage plan should show the direction of flow, elevation of inverts, gradient, size and capacity of existing and proposed storm drains. When using existing storm drains, the capacity shall be indicated.

d. *Plan and profile:* The plan shall be shown at the upper portion of the drawing. The plan, generally, shall be drawn on a scale of one (1) inch equals fifty (50) feet. The plan shall show appropriate right-of-way and easement limits. The profile shall be shown under the plan and shall extend a sufficient distance downstream of the outlet to allow any pertinent information concerning the outfall channel to be shown. The storm drain and inlet profile shall generally be drawn on a scale of one (1) inch equals fifty (50) feet horizontal, one (1) inch equals five (5) feet vertical. Where a storm drain is located in an existing or proposed pavement or shoulder, the centerline grade of the road shall be shown. Where a storm drain is located outside pavement or shoulder, the existing ground over the storm drain with proposed grading shall be shown. If the storm drain is to be constructed on fill, the profile of the undisturbed earth, at drain location, shall be shown.

(2) *Design calculations.* Design calculations are required as part of the drainage plan and shall specifically include:

a. Estimation of stormwater runoff:

1. Drainage area map (scale one (1) inch equals two hundred (200) feet) indicating contours at two-foot intervals and limits of one-hundred-year floodplain, where applicable;

2. Weighted runoff coefficient computations;

3. Time of concentration computation indicating overland flow time and flow time in the swale, gutter, pipe or channel.

b. Close conduit and open channel design computations:

1. Size of pipe or channel cross section;

2. Pipe or channel inverts slope in percent;

3. Roughness coefficient;

4. Flowing velocities in feet per second;

5. Design capacity in cubic feet per second.

c. Head loss computations in manholes and junction chambers;

d. Hydraulic gradient computations, wherever applicable;

e. Erosion control methods.

Such design calculations shall conform with the standards of Article III, Division 5 of this chapter and all regulations promulgated thereunder.

(3) *Additional information.* The director shall be empowered to require such additional information to be included in a drainage plan that is necessary to evaluate and determine the adequacy of the proposed drainage facility.

(4) *Certification required.* All drainage plans submitted under this section must be certified by a registered professional engineer, land surveyor or architect engaged in storm drainage design under whose supervision the plans were prepared. The certificate shall be in the following form:

CERTIFICATE OF SUFFICIENCY OF PLAN

Permit Number _____

Address where land alteration is occurring _____

Plan Date _____

I hereby certify that to the best of my knowledge and belief:

(1) The drainage plan for this project is in compliance with drainage requirements (as set forth in Chapter 561 of the Revised Code of the Consolidated City and County) pertaining to this class of work.

(2) The calculations, designs, reproducible drawings, masters and original ideas reproduced in this drainage plan are under my dominion and control and they were prepared by me and my employees.

Signature _____ Date _____

Typed or Printed Name _____ Phone _____

(SEAL)

Business Address _____

Surv. _____ Eng. _____ Arch. _____ Indiana Registration No. _____

(5) *Obligation to observe.* All drainage plans submitted under this section must include a certificate of obligation to observe by a registered professional engineer, land surveyor or architect engaged in storm drainage design. The certificate shall be in the following form:

CERTIFICATE OF OBLIGATION TO OBSERVE

Permit Number _____

Address where land alteration is occurring _____

Plan Date _____

I will perform periodic observations of this project during construction to determine that such land alteration is in accordance with both the applicable drainage requirements and the drainage plan for this project submitted for a drainage permit to the department of ~~asset management and~~ public works.

Signature _____ Date _____

Typed or Printed Name _____ Phone _____

(SEAL)

Business Address _____

Surv. _____ Eng. _____ Arch. _____ Indiana Registration No. _____

(b) The approval of a drainage plan by the department of ~~asset management and~~ public works under this section shall be valid for a period of one (1) year from the date such approval was granted, or until the drainage permit for which the plan was submitted is issued, whichever occurs first. However, prior to the issuance of the permit, if there are any material changes to an approved drainage plan or circumstances which cause the drainage plan to be inaccurate or incomplete, then a new or corrected drainage plan shall be submitted to the department as a precondition for obtaining a drainage permit.

Sec. 561-225. When professionally prepared and certified drainage plan not required.

(a) A drainage plan that does not contain as much information as drainage plans prepared to fulfill the requirements of section 561-224 and that is not prepared or certified by a registered professional engineer, land surveyor or architect engaged in storm drainage design may be submitted when:

(1) No part of the parcel or property for which the drainage permit is required is in an impacted drainage area; and

(2) The primary basis on which a drainage permit is required is the construction, enlargement or location, on a permanent foundation, of a one-family dwelling, two-family dwelling or accessory structure appurtenant to either a one- or two-family dwelling.

(b) The drainage plan must be submitted in duplicate and shall indicate the nature and location of all work to be accomplished pursuant to a drainage permit. The drainage plan must be neat, accurate and readable. One (1) copy of the drainage plan will remain on file in the department of ~~asset management and~~ public works. The following information must be submitted for approval under this section:

(1) The legal description and the street address for the property;

(2) The dimensions and borders of the parcel;

(3) The name and address of the owner;

(4) An arrow indicating north;

(5) Location of all existing and proposed improvements, structures and paved areas on the site;

(6) Existing and proposed grading showing positive drainage by contouring or sufficient spot elevations; and

(7) Location of all existing or proposed swales, ditches, culverts, drainage channels, surface and subsurface drainage devices and the direction of the flow.

The drainage plan shall include information necessary to demonstrate conformity with all drainage requirements of Article III of this chapter. The plot map shall illustrate the surface drainage pattern of the site away from structures and the final distribution of surface water off site, either preventing or planning for surface ponding.

(c) The approval of a drainage plan by the department of ~~asset management and~~ public works under this section shall be valid for a period of one (1) year from the date such approval was granted, or until the drainage permit for which the plan was submitted is issued, whichever occurs first. However, prior to the issuance of the permit, if there are any material changes to an approved drainage plan or circumstances which cause the drainage plan to be inaccurate or incomplete, then a new or corrected drainage plan shall be submitted to the department as a precondition for obtaining a drainage permit.

(d) Notwithstanding other provisions of this section, submission of a drainage plan shall not be required as a precondition for obtaining a drainage permit in the instance of a one- or two-family dwelling constructed in a subdivision for which a plat has been approved in accordance with the Subdivision Control Ordinance, 58AO-13 as amended and for which a drainage plan meeting the requirements of section 561-224 has been approved and a permit issued under this chapter, so long as the permit applicant certifies that the land alteration shall be accomplished in compliance with the specifications and information found on the approved plat and on such drainage plan. Any deviations from the drainage provisions as approved in the plat and drainage plan for the subject plot must be submitted to the department of ~~asset management and~~ public works for approval by the director, and the director may require the submission of plans or other information relative to the deviation which may be required as a precondition to approval by the director.

SECTION 55. Sections 561-228 and 561-229 of the "Revised Code of the Consolidated City and County" hereby are amended by the deletion of the language which is stricken-through, to read as follows:

Sec. 561-228. Determination of impacted drainage areas.

(a) The board of ~~asset management and~~ public works is authorized, but is not required, to classify certain geographical areas as impacted drainage areas and to enact and promulgate regulations for land alteration in impacted drainage areas, in addition to regulations which are applicable generally. Such classifications and regulations may be later modified or rescinded by the board of ~~asset management and~~ public works.

(b) Action of the board of ~~asset management and~~ public works to classify or declassify any area as an impacted drainage area, or to promulgate, repeal or modify any regulation in regard thereto, shall be in

compliance with the requirements of Article III, Division 2 of this chapter, regarding promulgation, repeal and modification of regulations generally.

(c) In determining impacted drainage areas, the board of ~~asset management and~~ public works shall consider such factors as topography, soil type and distance from adequate drainage facilities. The following areas shall be designated as impacted drainage areas, unless good reason for not including them is presented to the board of ~~asset management and~~ public works:

(1) A floodway or floodplain designated by the metropolitan development commission in the zoning ordinance of Marion County, Indiana;

(2) Land within seventy-five (75) feet of each bank of any legal drain;

(3) Land within fifty (50) feet of each bank of a natural drainageway, including a river, stream, gully, ditch or other definite natural watercourse;

(4) Land where there is not an adequate outlet, taking into consideration the capacity of depth of the outlet.

(d) A map identifying impacted drainage areas shall be retained in the office of the department of ~~asset management and~~ public works and shall be made conveniently available to members of the public during regular business hours.

Sec. 561-229. Transfer of permit.

(a) A drainage permit may be transferred with the approval of the director to a person, partnership or corporation which would be eligible under section 561-222 to obtain such drainage permit in the first instance (hereinafter called "transferee"), after both the payment of a fee as computed in accordance with Division 8 of this article and the execution and filing of a form furnished by the department of ~~asset management and~~ public works. Such transfer form shall contain, in substance, the following certifications, release and agreement:

(1) The person who obtained the original drainage permit or a person who is employed by and authorized to act for the obtainer (hereinafter called "transferor") shall:

a. Certify under penalties for perjury that such person is familiar with land alteration activity accomplished pursuant to the drainage permit; such person is familiar with the drainage requirements applicable to the land alteration activity; and to the best of such person's knowledge, information and belief the land alteration activity, to the extent performed, is in conformity with all drainage requirements; and

b. Sign a statement releasing all rights and privileges secured under the drainage permit to the transferee.

(2) The transferee shall:

a. Certify that the transferee is familiar with the information contained in the original drainage permit application, the drainage plan, and any other documents filed in support of the application for the original drainage permit;

b. Certify that the transferee is familiar with the present condition of the premises on which land alteration activity is to be accomplished pursuant to the drainage permit; and

c. Agree to adopt and be bound by the information contained in the original application for the drainage permit, the drainage plan, and other documents supporting the original drainage permit application; or in the alternative, agree to be bound by such application, plan and documents as modified by an amendment submitted to the director for approval.

(b) The transferee shall assume the responsibilities and obligations of and shall comply with the same procedures required of the transferor (including, but not being limited to, the requirement of section 561-241 that a certificate of completion and compliance be executed and filed) and shall be subject to any written orders issued by the director.

(c) A permit for land alteration activity at a specified location may not be transferred to land alteration activity at another location.

SECTION 56. Section 561-232 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, to read as follows:

Sec. 561-232. Execution of covenant.

Where the director shall determine that such is necessary in order to achieve satisfactory present and future drainage of the parcel of land for which a drainage permit is sought and the area surrounding that parcel, the director may, as a prerequisite to the issuance of a drainage permit, require the execution of covenants and/or easements running in form to the City of Indianapolis and County of Marion by the owner or owners of such parcel. As a minimum in such cases, the director shall require that the following covenant be executed by the owner or owners of such land which will be included in a recorded plat:

"It shall be the responsibility of the owner of any lot or parcel of land within the area of this plat to comply at all times with the provisions of the drainage plan as approved for this plat by the department of ~~asset management and~~ public works of the City of Indianapolis and the requirements of all drainage permits for this plat issued by said department."

SECTION 57. Section 561-241 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, to read as follows:

Sec. 561-241. Certificate of completion and compliance.

Within fourteen (14) days after completion of a land alteration for which a drainage permit was required and relative to which a certified plan was required to be filed pursuant to section 561-224, a registered professional engineer, land surveyor or architect, engaged in storm drainage design, shall execute and file with the department of ~~asset management and~~ public works a certificate of completion and compliance. Such certificate shall be in the following form:

CERTIFICATE OF COMPLETION AND COMPLIANCE

Address of premises on which land alteration was accomplished _____

Inspection Date(s): _____ Permit No. _____

Relative to plans prepared by: _____ on _____, _____.

I hereby certify that:

(1) I am familiar with drainage requirements applicable to such land alteration (as set forth in Chapter 561 of this Code); and

(2) I have personally observed the land alteration accomplished pursuant to the above-referenced drainage permit; and

(3) To the best of my knowledge, information and belief, such land alteration has been performed and completed in conformity with all such drainage requirements, except _____

Signature _____ Date _____

Typed or Printed Name _____ Phone _____

(SEAL)

Business Address _____

Surv. _____ Eng. _____ Arch. _____ Indiana Registration No. _____

SECTION 58. Sections 561-265 and 561-266 of the "Revised Code of the Consolidated City and County" hereby are amended by the deletion of the language which is stricken-through, to read as follows:

Sec. 561-265. General penalty.

Any person, partnership or corporation violating the substantive or procedural provisions of this chapter, any minimum standard found in Article III of this chapter, any regulation promulgated by the board of ~~asset management and~~ public works pursuant to this chapter, or any other drainage requirement as defined in section 561-107 shall be guilty of an ordinance violation and may be subject to a fine in any

sum not exceeding one thousand dollars ($1,000.00). This penalty shall in no way limit the operation of special penalties for specific provisions of this chapter, nor shall such special penalties in any way limit the operation of this general penalty.

Sec. 561-266. Enforcement of covenants.

(a) Any person who violates a covenant required under section 561-242, and/or the owner of any parcel of land who permits such a violation upon land owned by him or her, may be notified in writing by the director, or by the administrator of the division of permits of the department of metropolitan development, that a violation exists, and shall be given a reasonable period of time in which to correct such violation. The notice shall specify the nature of the violation with reasonable clarity.

(b) If the person responsible for a violation of a covenant required under section 561-242, or the owner of the land upon which such violation exists, fails to correct the violation in a reasonable time in accordance with the requirements of the notice described above, the City of Indianapolis shall have the authority, through the department of ~~asset management and~~ public works or the division of permits of the department of metropolitan development, to correct the violation at its expense and to place a lien on the land whereupon the violation was so corrected for the recovery of any and all expenses caused to the city for effecting such correction.

SECTION 59. Sections 561-271 and 561-272 of the "Revised Code of the Consolidated City and County" hereby are amended by the deletion of the language which is stricken-through, to read as follows:

Sec. 561-271. Variance procedure.

(a) The director personally or, in his absence, an employee of the department of ~~asset management and~~ public works designated by the director shall have the power to modify or waive any minimum drainage standard found in Article III of this chapter or any regulations promulgated by the board of ~~asset management and~~ public works pursuant to Article III of this chapter. The director or his designate may, but is not required to, grant such a modification or waiver if an applicant for a drainage permit makes a substantial showing:

(1) That a minimum drainage standard regulation is infeasible or unreasonably burdensome; and

(2) That an alternate plan submitted by the applicant will achieve the same objective and purpose as compliance with minimum drainage standards and regulations.

(b) The request for a variance together with supporting information shall be made in writing to the director or his designate who shall make a decision within twenty (20) days and file a copy of his decision with the board of ~~asset management and~~ public works.

Sec. 561-272. Appeals.

An applicant may appeal to the board of ~~asset management and~~ public works the decision of the director or his designate denying or partially approving a requested variance. The appeal of the director's or his designate's decision shall be filed with the board within twenty (20) days of the decision. An applicant may cause the variance request to be scheduled before the board of ~~asset management and~~ public works in the instance where the director or his designate has failed to make a decision for a period of twenty (20) days after the written request for a variance. The board shall hear the request for the variance de novo at a regular meeting and in making a decision shall apply the standards set forth in section 561-271.

SECTION 60. Section 561-281 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, to read as follows:

Sec. 561-281. Amount.

The board of ~~asset management and~~ public works shall have the power to determine the amount of fees which shall be shown in the regulations.

SECTION 61. Section 561-283 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, to read as follows:

Sec. 561-283. Payment of fees; refunds.

(a) Fees for drainage permits shall be collected by the department of ~~asset management and~~ public works, acting on behalf of the city controller.

(b) A permit fee paid under this chapter shall not be refunded except upon request and in instances where the permit was issued in error, either because it was not required by law, or because a permit for the same activity previously had been issued and was in force at the time the second permit was applied for and issued.

SECTION 62. Section 561-311 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, to read as follows:

Sec. 561-311. Compliance with drainage standards and regulations.

All land alterations accomplished in Marion County shall adhere to and be in compliance with the minimum drainage standards of this Article III and all regulations adopted by the board of ~~asset management and~~ public works in accordance with this Article III, unless a variance from the minimum drainage standards or regulations has been received pursuant to Article II, Division 7 of this chapter.

SECTION 63. Section 561-321 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, to read as follows:

Sec. 561-321. Authorization to promulgate regulations.

The city-county council delegates to the board of ~~asset management and~~ public works of Marion County the authority to adopt, amend or repeal regulations which more specifically deal with the subject matter of the standards found in this Article III. The provisions of such regulations shall be consistent with the standards of this Article III. Any conflict between these standards and the regulations shall be reconciled in favor of the standards. Before adopting, amending or repealing any regulations, the board ~~asset management and~~ of public works shall follow the procedures provided in Chapter 141 of this Code.

SECTION 64. Section 561-331 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, to read as follows:

Sec. 561-331. Conformance with minimum standards and regulations.

Land alteration accomplished other than in conjunction with the construction, enlargement or location, on a permanent foundation, in a nonimpacted area, of a one-family dwelling, two-family dwelling or accessory structure appurtenant to either a one- or two-family dwelling shall be in accordance with standards found in this Division 3 and in accordance with regulations adopted by the board of ~~asset management and~~ public works which are pertinent to these standards.

SECTION 65. Sections 561-351 and 561-352 of the "Revised Code of the Consolidated City and County" hereby are amended by the deletion of the language which is stricken-through, to read as follows:

Sec. 561-351. Conformance with minimum standards and regulations.

Land alteration accomplished in conjunction with the construction, enlargement or location, on a permanent foundation, in a nonimpacted area, of a one-family dwelling, two-family dwelling or accessory structure appurtenant to either a one- or two-family dwelling shall be in accordance with standards found in this Division 4 and in accordance with regulations adopted by the board of ~~asset management and~~ public works which are pertinent to these standards.

Sec. 561-352. Alternative standards, regulations and procedures available.

As an alternative to complying with those standards and regulations referred to in section 561-351, the land alteration may be accomplished in accordance with the standards set forth in Division 3 of Article III and regulations adopted by the board of ~~asset management and~~ public works pertinent to such standards. If a land alteration is carried out in accordance with standards found in Article III and regulations pertinent to such standards, then the requirements of section 561-224 shall be followed in submitting a drainage plan to the department of ~~asset management and~~ public works for its review.

SECTION 66. Section 561-381 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, to read as follows:

Sec. 561-381. Conformance with minimum standards for land alterations.

Land alterations shall be accomplished in accordance with standards found in this Division 5 and in accordance with regulations adopted by the board of ~~asset management and~~ public works which are pertinent to these standards.

SECTION 67. Section 601-6 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 601-6. Unlawful collection and transportation.

(a) It shall be unlawful for any person not an employee of the city in pursuance of his duties as such, unless the person shall be so authorized by contract with or be licensed by the city, to take, collect or transport any solid wastes from any premises or upon the streets or alleys of this city for the purpose of selling or using such solid waste, or for anyone to deliver or deposit any of the materials generated within the city at any disposal site or location other than a disposal site provided or designated by the board of public works. Nothing in this subsection shall be construed as prohibiting the transportation or delivery of materials for salvaging, processing or recycling.

(b) The controller may, using the procedures set forth in this Code, temporarily suspend or, upon repeated violations or a failure to correct a violation, revoke any license issued to collect, haul or transport, or dispose of solid wastes within the city for any violation of this chapter, Code, state law, or any rules or regulations promulgated pursuant to subsection (c) of this section. Failure to obey such suspension or revocation shall constitute a violation for which a fine up to two thousand five hundred dollars ($2,500.00) per violation may be levied.

(c) The board of public works is authorized to promulgate such rules and regulations as may be required to carry out the intent of this section. Such rules and regulations shall be promulgated pursuant to the procedures set forth in Chapter ~~261~~ 141 of this Code. A violation of such duly promulgated rules and regulations shall constitute a municipal violation, and any person so violating such rules and regulations shall be subject to the penalties provided in section 103-3 of this Code.

SECTION 68. Sections 611-302 and 611-303 of the "Revised Code of the Consolidated City and County" hereby are amended by the deletion of the language which is stricken-through, to read as follows:

Sec. 611-302. Definitions.

(a) The terms used in this article shall have the meanings ascribed to them in IC 9-22-1-2.

(b) In addition to the definition of "officer" contained in I.C 9-9-1.1-2, "officer" shall also mean a member of the department of ~~asset management and~~ public works who is authorized to impound vehicles.

Sec. 611-303. Responsibilities of the department of public safety and the department of ~~asset management and~~ public works.

(a) The department of public safety and/or the department of ~~asset management and~~ public works shall be charged with the responsibility for the removal, storage and disposal of abandoned vehicles which have been impounded by the Indianapolis Police Department pursuant to Article II of this chapter and/or IC 9-22-1-1 et seq.

(b) The department of public safety or the department of ~~asset management and~~ public works may enter into contractual arrangements for the disposal of vehicles which have been impounded pursuant to Article II of this chapter and/or IC 9-22-1-1 et seq. and have been declared abandoned pursuant to the provisions of IC 9-22-1-1 et seq.

(c) The department of ~~asset management and~~ public works shall be charged with the responsibility for the removal, storage, and disposal of abandoned vehicles other than those designated in, subsection (a) of this section.

(d) The department of ~~asset management and~~ public works may employ personnel, and acquire equipment, property and facilities, to facilitate the removal of abandoned vehicles.

(e) The department of ~~asset management and~~ public works may enter into contractual arrangements with a towing service to provide for the removal, storage and disposal of abandoned vehicles.