

REGULAR MEETING

Monday, March 4, 1935.

7:30 P. M.

The Common Council of the City of Indianapolis met in the Council Chamber at the City Hall, Monday, March 4, 1935, at 7:30 p. m., in regular session. President Edward B. Raub in the chair.

The Clerk called the roll.

Present: Edward B. Raub, President, and eight members, viz: Theodore Cable, Silas J. Carr, Nannette Dowd, Adolph J. Fritz, Edward R. Kealing, William A. Oren, John A. Schumacher, Ross H. Wallace.

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

COMMUNICATIONS FROM THE MAYOR

February 19, 1935.

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

Gentlemen:

I have this day approved with my signature and delivered to Daniel J. O'Neill, Jr., City Clerk, the following ordinances:

GENERAL ORDINANCE NO. 6, 1935

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

GENERAL ORDINANCE NO. 10, 1935

AN ORDINANCE transferring money from a certain fund, reappropriating and reallocating the same to another designated fund, and fixing a time when the same shall take effect.

GENERAL ORDINANCE NO. 13, 1935

AN ORDINANCE authorizing the City Controller of the City of Indianapolis to make a temporary loan or loans in the sum of Five Hundred Thousand Dollars (\$500,000.00) in the anticipation of current revenues of such city actually levied and in the course of collection for the fiscal year in which such loan or loans are made payable out of the current revenues of said city for such year, authorizing the rate of interest to be charged therefor, providing for legal notice, appropriating the sum of Five Thousand Seven Hundred Fifty-three Dollars and Forty Cents (\$5,753.40) heretofore appropriated by General Ordinance No. 56, as Item 6-12—Interest on Temporary Loans, under Item 6—Current Obligations, in the Department of Finance budget, Section 2 thereof, for the payment of the interest thereon, and fixing a time when the same shall take effect.

GENERAL ORDINANCE NO. 14, 1935

AN ORDINANCE authorizing the City of Indianapolis, Indiana, to make a temporary loan in the sum of \$125,000.00 for the use of the Board of Health of said City in anticipation of and payable out of the current revenues of said Board of Health collectible in the year 1935 for general Board of Health purposes; authorizing the rate of interest to be charged therefor; providing for legal notice and fixing a time when the same shall take effect.

GENERAL ORDINANCE NO. 16, 1935

AN ORDINANCE authorizing the Mayor of the City of Indianapolis to petition and request the State Highway Commission of Indiana to improve certain streets in said city with Federal funds, and to enter into an agreement binding said city to maintain such streets, providing for the future maintenance of said streets and for the enactment of ordinances for protection of said streets and the regulation of traffic thereon and

March 4, 1935]

City of Indianapolis, Ind.

83

matters connected therewith, and fixing a time when the same shall take effect.

Respectfully,

JOHN W. KERN,
Mayor.

February 25, 1935.

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

Gentlemen:

I have this day approved with my signature and delivered to Daniel J. O'Neill, Jr., City Clerk, the following ordinance:

GENERAL ORDINANCE NO. 19, 1935

AN ORDINANCE authorizing the City of Indianapolis, Indiana, to make a temporary loan in the sum of \$125,000.00 for the use of the Board of Health of said city in anticipation of and payable out of the current revenues of said Board of Health collectible in the year 1935 for general Board of Health purposes; authorizing the rate of interest to be charged therefor; providing for legal notice and fixing a time when the same shall take effect, and repealing General Ordinance No. 14, 1935.

Respectfully,

JOHN W. KERN,
Mayor.

COMMUNICATIONS FROM CITY OFFICIALS

March 4, 1935.

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

Gentlemen:

I submit herewith for your consideration copies of Appropriation Ordinance No. 5, 1935, appropriating the sum of Eight Thousand

Six Hundred and Fifty (\$8,650.00) Dollars from the unexpended balance which the Board of Sanitary Commissioners had on hand in its General Maintenance Fund on January 1, 1935, to Sanitary District Fund 11—72 Equipment.

Yours very truly,

WALTER C. BOETCHER,
City Controller.

March 4, 1935.

Honorable Walter C. Boetcher,
Controller City of Indianapolis
City Hall
Indianapolis, Indiana.

Dear Sir:

We are handing you herewith thirteen copies of an appropriation ordinance transferring the sum of \$8,650.00 from the cash balance of \$35,994.90 which the Board of Sanitary Commissioners had on hand in its General Maintenance Fund on January 1, 1935, to the following numbered fund:

To—

11—72 Equipment.....\$8,650.00

The Board of Sanitary Commissioners respectfully requests that you present this ordinance to the Common Council at its next meeting to be held February 4, 1935, with recommendations for its passage.

Very truly yours,

BOARD OF SANITARY COMMISSIONERS
(signed) A. P. STEWART,
Secretary.

March 4, 1935.

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

Gentlemen:

We are submitting herewith General Ordinance No. 20, 1935, establishing an 18 foot "Passenger Zone" and/or "Loading Zone" for

March 4, 1935]

City of Indianapolis, Ind.

85

S. S. Rhodes & Son at 340 West Washington Street. We respectfully recommend the passage of this ordinance.

Respectfully submitted,

BOARD OF PUBLIC SAFETY,
BLYTHE Q. HENDRICKS,
Executive Secretary.

March 4, 1935.

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

Gentlemen:

Attached please find copies of General Ordinance No. 21, 1935, entitled "An Ordinance concerning the storage of gasoline, kerosene and other liquid fuels used in the operation of motor vehicles, providing a penalty for its violation, and fixing a time when the same shall take effect."

This ordinance is regulatory of the storage of gasoline at filling stations. Our present ordinance fixing a license fee on pumps at filling stations has been held invalid and a temporary injunction has been issued by Superior Court, Room 4. The Department of Law is of the opinion that the attached ordinance is valid.

I respectfully recommend the passage of this ordinance.

Yours very truly,

WALTER C. BOETCHER,
City Controller.

March 4, 1935.

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

Gentlemen:

Attached please find copies of General Ordinance No. 22, 1935, prepared by this department at the request of the Charities Solicita-

IND. U. LAW LIB. INDIANAPOLIS

tions Commission, amending certain sections of General Ordinance No. 13, 1934. We recommend the passage of this ordinance.

Very truly yours,

JAMES E. DEERY,
Corporation Counsel.

March 4, 1935.

Common Council.
City of Indianapolis
City Hall
Indianapolis, Indiana.

Re: General Ordinance No. 13, 1934.

Gentlemen:

We are submitting for your consideration at your meeting March 4th some suggested amendments to General Ordinance No. 13, 1934.

This Ordinance, as you probably know, regulates by licensing, the solicitation of funds for charitable purposes in the city. In the administration of this Ordinance, the commission has found some items which present difficulties and work hardships upon small organizations, also they have found certain legal weaknesses which we are endeavoring to correct by these amendments. These changes have been made at the suggestion and with the approval of Judge Deery, City Corporation Counsel.

In substance the changes that are made by the Amendments are as follows: Paragraph (g) of Section 3, as amended, omits reference to a thirty day limitation for a license. In some instances solicitations have been conducted for forty to sixty days and the thirty day renewal clause is a nuisance both to the licensee and to the Commission. We believe that the purpose of the Ordinance can be served equally well by making the limit for a license three months instead of the thirty days.

In Section 4 we have made the Ordinance much more explicit than originally provided. We have endeavored to set up under paragraph (a) of Section 4 a standard for the guidance of the Commission which we believe will make the Ordinance less vulnerable from a legal standpoint. In paragraph (b) of Section 4 we have reduced the license fee from \$3.00 to \$1.00. Our experience has

been that numerous small charitable enterprises are conducted in which the proceeds are limited, yet are conducted legitimately and have a worthy purpose. The \$3.00 license fee works a hardship in these cases and places the City under some criticism of taking money from charitable enterprises where it is not necessary. The issuance fee of \$1.00 should be sufficient to reimburse the City for printing costs, etc. The remainder of amended Section 4 merely outlines provisions of the original ordinance, in a little more explicit manner.

The amendment to Section 5 with regard to Revocation of the license is made necessary by the state law which sets up a specific manner for the revocation of city licenses; and Section 6 with regard to the penalty, omits statements which are already duplicated in Section 5 and omits reference to a misdemeanor which is not within the province of the City Council, and this section also reduces the amount of the fine from \$500.00 to \$100.00.

In view of the fact that a number of applications are being received wherein the provisions of the old Ordinance works somewhat of a hardship, the Commission would appreciate it highly if the Council could see fit to suspend its rules and pass these amendments at this meeting. The writer who is Secretary of the Commission will be present during the Council meeting and will be happy to answer any questions that may be raised.

Cordially,

T. M. OVERLEY, Secretary,
CHARITY SOLICITATIONS COMMISSION.

OTHER COMMUNICATIONS

February 28, 1935.

Indianapolis City Council,
City Hall,
City.
Att'n: Mr. Daniel O'Neill:

Dear Sir:

I am enclosing herewith a petition signed by the rental offices who are members of the Property Managers Division of the Indianapolis Real Estate Board, which petition we would like to have brought to the attention of the City Council.

By way of explanation and in addition to the facts set out in the petition itself, we would like to make it clear that we are not seeking to install new toilets but are only asking that permission be given to re-construct and make sanitary vaults which are already in existence and which, at the present time constitutes a health menace. The new type vaults are approved by the Federal Government and are being installed under their supervision and we sincerely believe that the property owners of Indianapolis who are also the taxpayers of Indianapolis ought to find it possible to avail themselves of this low cost health measure.

If you will be kind enough to present this to the Council and advise us of their attitude toward correcting the present city ordinance. The members of our division will be very appreciative.

Sincerely yours,

EARL B. TECKEMEYER, Chairman,
Property Managers Division.

RESOLUTION

We, the undersigned members of the Property Management Division of the Indianapolis Real Estate Board, being familiar with the Sanitation Work now being carried on under plans of the Federal Emergency Relief, and being further aware of the great number of unsanitary vaults now in existence in Indianapolis and being further acquainted with the fact that because of a certain clause in the City Sanitary Code which prevents the installation of the proposed Sanitary Vaults within a distance of 100 feet of a sanitary sewer, although the present type of unsanitary vaults DO NOW exist within such a radius:

NOW, THEREFORE, we believe that the present type of vault should be eliminated and that the above mentioned clause in the City Code should be modified so as to permit the removal of the old vaults and the replacement thereof with the new approved type, in properties renting for a sum of \$12.00 per month and under, regardless of the fact that said new vault is located within 100 feet of a sewer,

That, the owners of property who are willing to install new type vaults should have it made possible for them to do so and that this clause in the City Code which now prevents the installation of these new type vaults should be modified so as to permit the replacing of old vaults with the new type.

THEREFORE, it is proposed that this Division as a body submit this resolution to The Board of Health and the Indianapolis City Council with the recommendation that a modification of the City Ordinance which now prevents this health measure from being carried out be offered to the City Council for passage at the earliest possible date.

Adopted in open meeting this 19th day of February, 1935.

Which resolution was signed by members of the Property Management Division of the Indianapolis Real Estate Board and was referred to the Committee on Public Health and Charities.

Mr. Cable asked for a recess. The motion was seconded by Mr. Kealing and the Council recessed at 7:55 p. m.

The Council reconvened from its recess at 8:10 p. m., with the same members present as before.

COMMITTEE REPORTS

Indianapolis, Ind., March 4, 1935.

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

Gentlemen:

We, your Committee on Finance, to whom was referred Appropriation Ordinance No. 4, 1935, entitled Appropriating salary of Assistant Secretary in Mayor's Office, beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

ROSS H. WALLACE, Chairman.
THEODORE CABLE.
SILAS J. CARR.
ADOLPH J. FRITZ.
NANNETTE DOWD.

Indianapolis, Ind., March 4, 1935.

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

Gentlemen:

We, your Committee on Finance, to whom was referred General Ordinance No. 12, 1935, entitled Authorizing purchase of light bulbs for City for year 1935, beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

ROSS H. WALLACE, Chairman.
THEODORE CABLE.
SILAS J. CARR.
ADOLPH J. FRITZ.
NANNETTE DOWD.

Indianapolis, Ind., March 4, 1935.

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

Gentlemen:

We, your Committee on Finance, to whom was referred General Ordinance No. 17, 1935, entitled Abolishing position of Mayor's Stenographer, beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

ROSS H. WALLACE, Chairman.
THEODORE CABLE.
SILAS J. CARR.
ADOLPH J. FRITZ.
NANNETTE DOWD.

Indianapolis, Ind., March 4, 1935.

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

Gentlemen:

We, your Committee on Finance, to whom was referred General Ordinance No. 18, 1935, entitled Creating position of Assistant Secretary in Mayor's Office, beg leave to report that we have had said

ordinance under consideration, and recommend that the same be passed.

ROSS H. WALLACE, Chairman.
THEODORE CABLE.
SILAS J. CARR.
ADOLPH J. FRITZ.
NANNETTE DOWD.

Indianapolis, Ind., March 4, 1935.

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

Gentlemen:

We, your Committee on Public Safety, to whom was referred General Ordinance No. 4, 1935, entitled Making Emerson Avenue a preferential street at intersection of U. S. Road No. 52 and Brookville Road, beg leave to report that we have had said ordinance under consideration, and recommend that the same be stricken from the files.

SILAS J. CARR, Chairman.
NANNETTE DOWD.
ROSS H. WALLACE.
WM. A. OREN.
JOHN A. SCHUMACHER.

Indianapolis, Ind., March 4, 1935.

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

Gentlemen:

We, your Committee on City Welfare, to whom was referred General Ordinance No. 15, 1935, entitled Authorizing Sale of Airplane, beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

JOHN A. SCHUMACHER, Chairman.
EDWARD R. KEALING.
THEODORE CABLE.
ADOLPH J. FRITZ.
ROSS H. WALLACE.

Indianapolis, Ind., March 4, 1935.

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

Gentlemen:

We, your Committee on City Welfare, to whom was referred Resolution No. 1, 1935, entitled Recommending passage of General Pulaski's Memorial Day Resolution, beg leave to report that we have had said resolution under consideration, and recommend that the same be passed.

JOHN A. SCHUMACHER, Chairman.
EDWARD R. KEALING.
THEODORE CABLE.
ADOLPH J. FRITZ.
ROSS H. WALLACE.

INTRODUCTION OF APPROPRIATION ORDINANCES

By the City Controller:

APPROPRIATION ORDINANCE NO. 5, 1935

AN ORDINANCE transferring monies from the unexpended balance of January 1, 1935, and re-appropriating the same to other numbered funds and fixing the time when the same shall take effect.

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

Section 1. That a part of the unexpended balance of January 1, 1935, of the Board of Sanitary Commissioners of the Sanitary District of Indianapolis, viz., \$8,650.00, be, and said sum is hereby transferred and the same is hereby appropriated to the following numbered funds of said Board of Sanitary Commissioners, viz:

To—

II—72 Equipment.....\$8,650.00

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

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

INTRODUCTION OF GENERAL ORDINANCES

By the Board of Safety:

GENERAL ORDINANCE NO. 20, 1935

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

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

Section 1. That for the purpose of providing the owners or occupants of certain premises fronting on certain public streets in the City of Indianapolis with ingress and egress for passengers, materials and merchandise coming to or going from such premises, such owners or occupants having complied with the provisions of Section 26 of General Ordinance No. 96, 1928, as amended by General Ordinance No. 31, 1931, as amended by General Ordinance No. 58, 1931, relative to the establishment of passenger and/or loading zones, at the place hereinafter set out, and said board having caused an investigation to be made thereof and having recommended the establishment, pursuant to the terms of the aforesaid ordinance, the following passenger and/or loading zone be and the same is hereby established in the City of Indianapolis, to-wit:

18 feet in front of 340 West Washington Street, said premises being occupied by S. S. Rhodes & Son.

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

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

By the City Controller:

IND. U. LAW LIB. IND'P.S.

GENERAL ORDINANCE NO. 21, 1935

AN ORDINANCE concerning the storage of gasoline, kerosene and other liquid fuels used in the operation of motor vehicles, providing a penalty for its violation, and fixing a time when the same shall take effect.

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

Section 1. A filling station, for the purposes of this ordinance, shall be deemed to mean any place of business where gasoline, kerosene, or any other petroleum products, or any other liquid fuel used in the operation of motor vehicles is stored in tanks or containers and is drawn therefrom, for the purpose of sale to the public, by means of and through measuring pumps into tanks of motor vehicles. Measuring pumps, for the purposes of this ordinance, shall be deemed to mean any outlet, hose, nozzle or other device used for the purpose of withdrawing gasoline, kerosene, or any other petroleum products, or other liquid fuel from any tank or container.

Section 2. It shall be unlawful for any person, firm, association or corporation, either as owner, lessee, manager, officer, agent, or any capacity to store gasoline in tanks or containers upon premises where any filling station is located without first having obtained a license from the City Controller to do so, in the manner hereinafter provided.

Section 3. Applications for a license to store gasoline, kerosene, or any other petroleum products, or any other liquid fuel used in the operation of motor vehicles and delivered through measuring pumps into tanks of motor vehicles upon the premises where any filling station is maintained, conducted and operated, shall be made in writing on forms furnished by the City Controller, duly verified by the applicant or his agent, which shall be filed in duplicate with the City Controller. Such applications shall state the following:

- (1) The name of the applicant; if a partnership, the name and address of each partner; if a corporation, the name and address of each officer and director thereof.
- (2) The address or legal description of the premises on which such filling station is to be located.
- (3) The number of measuring pumps or devices to be used in connection with the operation of said filling station.

- (4) The number and capacity of all tanks or containers in which gasoline will be stored upon the premises of such filling station.
- (5) The name and address of the owner of the real estate upon which said filling station is located; if the applicant is the lessee of the premises, the date of the expiration of the lease, and the record book and page in the office of the recorder of Marion County wherein said lease is recorded.

There shall also be filed with such application two (2) copies of a plot plan, drawn to scale, showing the location of all buildings used in connection with said filling station, and showing the location and capacity of all tanks and containers in which it is intended to store gasoline, kerosene or any other liquid, and the location of all measuring pumps.

Section 4. Upon the filing of such application it shall be the duty of the City Controller to immediately refer one copy thereof to the Commissioner of Building of the City of Indianapolis, who shall thereupon make an inspection of such filling station, including the buildings, storage tanks or containers, and all other equipment used in connection with the operation of said filling station, for the purpose of ascertaining whether said building, storage tanks or containers, and such other equipment comply with all the laws of the State of Indiana and the ordinances of the City of Indianapolis, particularly that part of the Municipal Code of the City of Indianapolis of 1925, known and designated as the Building Code of 1925, being section 865 of General Ordinance No. 121, 1925, and all ordinances amendatory thereof and supplemental thereto. After making such inspection, said Commissioner of Buildings, if said filling station and the equipment used, or intended to be used therewith, comply with all the laws of the State of Indiana and the ordinances of the City of Indianapolis, shall thereupon endorse upon said application his written approval. If such commissioner disapproves the granting of said application for the reason that said filling station and all the equipment used, or intended to be used in connection therewith, do not comply with the laws of the State of Indiana and the said Indianapolis Building Code and all other ordinances of the City of Indianapolis, he shall return said application to the City Controller and attach thereto his reasons, in writing, why he disapproves the granting of said application. Upon the filing of said application for a license as herein provided, it shall also be the duty of the inspector of weights and measures of the City of Indianapolis

IND. U. LAW LIB. IND. P. 5

to inspect the measuring pumps, other devices and meters used, or intended to be used, at said filling station, and make due report of such inspection to the City Controller. If such inspection discloses that said measuring pumps, or other devices and meters measure accurately, he shall give his written approval; if not, he shall so report and disapprove the granting of such application. No license shall be granted or issued by the City Controller to any applicant without the written approval of the Commissioner of Buildings and the Inspector of Weights and Measures, as herein provided.

No fees of any kind shall be collected from said applicant for any such inspections so made by the Commissioner of Buildings or the Inspector of Weights and Measures, except the license fee hereinafter required.

Section 5. Every person, firm, association, partnership or corporation duly licensed to store gasoline, kerosene, or any other liquid fuel to be used in the operation of a motor vehicle, upon premises used for the maintenance and operation of a filling station under the provisions of this ordinance, shall at all times comply with all the laws of the State of Indiana and all the ordinances of the City of Indianapolis governing the construction, maintenance and use of buildings, and all laws regulating the storage of gasoline and oils now in force or hereafter enacted.

Section 6. Whenever the application provided for in Section 3 of this ordinance is filed with the City Controller and the same has received the approval of both the Commissioner of Buildings and the Inspector of Weights and Measures, said City Controller shall thereupon issue a license to such applicant to store gasoline, kerosene, and any other liquid fuel upon the premises described in the application where there is maintained, conducted and operated a filling station as hereinbefore defined, subject to the provisions of this ordinance and all amendments thereto, upon the payment by said applicant to said City Controller of the following license fees, to-wit:

- (a) For one (1) measuring pump, as herein defined, the sum of Twenty Dollars (\$20.00) per annum.
- (b) For the second such measuring pump, the sum of Fifteen Dollars (\$15.00) per annum.
- (c) For each such measuring pump in excess of two (2) the sum of Ten Dollars (\$10.00) per annum.

Section 7. All such licenses shall expire on the 31st day of December of each year. For any license issued after July 1st, one-half of the annual license fee shall be collected by the City Controller.

Section 8. No tank or container used for the purpose of storing gasoline, kerosene or any other liquid fuel with a flash point of 150 degrees Fahrenheit, closed up tester, or less, at any one filling station, shall have a capacity of more than two thousand two hundred (2,200) gallons. The total capacity of all tanks or containers at any one filling station shall not exceed eight thousand eight hundred (8,800) gallons.

Section 9. It shall be unlawful to establish or conduct a filling station as herein defined within a radius of one hundred (100) feet of any place or location where a railway company, or any person, firm or corporation has established an unloading place for unloading the contents of any tank car containing crude petroleum, gasoline, naptha, carbon oil, spirit gas, burning fluids, alcohol, spirits of turpentine, kerosene, rock oil, or earth oil. No filling station shall be established, erected or installed within a radius of one hundred (100) feet of any bulk oil storage station, nor shall any bulk oil storage station be erected or installed within a radius of one hundred (100) feet of any filling station. A bulk oil storage station, for the purposes of this ordinance, shall be deemed to mean a place where crude petroleum, gasoline, naptha, benzine, benzol, kerosene, rock oil, earth oil, or any other liquid except such as will stand a test of more than 150 degrees, Fahrenheit, closed cup tester, is stored for wholesale purposes only, where the aggregate capacity of all storage tanks is more than eight thousand eight hundred (8,800) gallons; provided, however, that nothing contained in this section shall prevent the connection of bulk oil storage tanks and filling station tanks installed within the radii defined above; and provided further, that the lines making such connection are valved with globe valves, safety valves, and bypass, and that such valves and bypass connections comply with the rules and regulations of the state fire marshal and the Commissioner of Buildings of the City of Indianapolis.

Section 10. The location of all storage tanks, measuring pumps, containers and outlets at all filling stations shall be marked plainly, in clear, legible letters: "Danger—Keep Fire Away"; and there shall also be posted in a conspicuous place a sign containing these words: "Stop Engine While Measuring Pump Is in Operation."

All electrical wire in immediate proximity to said pumps, or any buildings to which such tanks and pumps are appurtenant shall

IND. U. LAW LIB. INDP. I.S.

be installed in cables or metal conduits. No switches or electrical constructions shall be located on said tanks, pumps, containers or other outlets from storage tanks, nor on their base or any framework immediately supporting the same. All lights lighting such storage tanks, containers or pumps or other outlets shall be in vapor proof globes.

All such storage tanks, containers, pumps and other outlets shall at all times be free from all leaks, and must have no defects conducive to the formation of gasoline vapor, and must be equipped with such standard safety valves for the release of such vapor tension as the Commissioner of Buildings may require.

No storage tanks, containers, pumps or other outlets shall be located in any subterranean area where underground wiring, or subterranean heat lines from any heating company, or any industrial plant or place of business that might cause a heated area having a temperature higher than the flash point of said gasoline, kerosene or other liquid fuels hereinbefore described which are stored in such area.

All filling stations, as herein defined, shall be equipped at all times with approved fire extinguishers equal in number to the number of measuring pumps or other devices used in connection with withdrawing gasoline, kerosene or other liquid fuels from such storage tanks or containers.

Section 11. It is hereby made the duty of all police officers and members of the fire prevention bureau of the Indianapolis fire department to inspect once each month all filling stations located in their respective districts and make written reports of such inspections to the City Controller. It is also made the duty of the Commissioner of Buildings to cause all filling stations to be inspected once each year and cause written reports of such inspections to be filed with the City Controller.

It is likewise the duty of the Inspector of Weights and Measures to cause all measuring pumps and other measuring devices used by all licensed filling stations to be inspected every six (6) months, and to make due written reports of such inspections to the City Controller.

No fee shall be charged or collected for any of the inspections required by this section.

Section 12. Any license issued under the terms of this ordinance may be revoked by the Mayor, in the manner provided by law,

upon proof that such licensee has violated any of the provisions of this ordinance, or any of the laws of the State of Indiana or any of the ordinances of the City of Indianapolis enacted for the purpose of protecting life, limb or property or for the purpose of safeguarding the health and safety of the citizens.

Section 13. This ordinance shall be deemed and construed to be supplemental to all of the divisions, subsections and provisions of Section 865 of General Ordinance No. 121, 1925 (Municipal Code of Indianapolis, 1925), which section is designated and known as the Indianapolis Building Code of 1925, and all ordinances amendatory thereof and supplemental thereto; but in all cases where the provisions of this ordinance are different from, or in conflict with, the provisions of said Section 865 and all ordinances amendatory thereof or supplemental thereto, the provisions of this ordinance shall govern.

Section 14. Any person, persons or corporation violating any of the provisions of this ordinance, upon conviction thereof shall be fined not to exceed the sum of One Hundred Dollars (\$100.00), to which may be added imprisonment not to exceed thirty (30) days.

Section 15. This ordinance shall be in full force and effect from and after its passage, approval by the Mayor and publication according to law.

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

By the Legal Department:

GENERAL ORDINANCE NO. 22, 1935

AN ORDINANCE amending sub-section (g) of Section 3, and Sections 4, 5 and 6 of General Ordinance No. 13, 1934, and fixing a time when the same shall take effect.

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

Section 1. That sub-section (g) of Section 3 of General Ordinance No. 13, 1934, be and the same is hereby amended to read as follows:

“(g) The time when such solicitations shall be made, giving the proposed dates for the beginning and ending of such solicitation.”

IND. U. LAW LIB. IND. P. 13

Section 2. That Section 4 of General Ordinance No. 13, 1934, be and the same is hereby amended to read as follows:

"Section 4. CONDITIONS OF LICENSING AND LICENSE FEE.

"(a) INVESTIGATION; CONDITIONS OF APPROVAL OF APPLICATION; CERTIFICATION TO THE CITY CONTROLLER. Upon receipt of an application as provided in Section 3 hereof, the Charity Solicitations Commission shall make, or cause to be made, such investigation as shall by the commission be deemed necessary in regard thereto, in order to determine that such proposed solicitation is in fact to be conducted for a charitable, philanthropic or patriotic purpose; and that the proceeds from such solicitation shall be so used; and if the commission shall be satisfied that such cause for which such solicitation is to be made is in fact for a charitable, religious, patriotic or philanthropic purpose; and that the proceeds derived from such solicitation will be used for such purpose; and that not more than 25% of the gross proceeds from such solicitation shall be used in the promotion expenses of such solicitation; and that such solicitation is not promoted or conducted primarily for private profit of its promoters; and that such solicitation will not be incompatible with the public welfare, then the commission shall approve such application and shall certify such fact to the City Controller of the City of Indianapolis.

"(b) LICENSE ISSUANCE AND FEE. Upon receipt of written notification of approval from the Charity Solicitations Commission, as provided in paragraph (a) of this section; and upon receipt from the applicant of an issuance fee of One Dollar (\$1.00), the City Controller shall issue a license to such applicant for the period designated in such notification.

"(c) LICENSE DURATION AND RENEWAL. The Charity Solicitations Commission shall determine from the application, and from such facts as may be developed in connection with such application, the period for which such license shall be approved and granted, provided that such period shall not exceed three (3) calendar months; and the commission shall certify to the City Controller the period for which said controller shall issue such license;

provided, however, that the commission, upon the receipt of such further application, information or reports as it may deem necessary to safeguard the interests of the public and carry out the purposes of this ordinance, may renew and extend such license for additional periods of not to exceed three (3) months.

“(d) **REQUIRING REPORTS.** The Charity Solicitations Commission may require from any licensee hereunder any reports or information at any time and at such intervals as in the discretion of the commission shall be necessary for the successful administration of the provisions of this ordinance and the protection of the public welfare of the City of Indianapolis.

“(e) **LICENSE NON-TRANSFERABLE.** Any license approved and issued under this ordinance shall be non-transferable; provided, however, that this shall not prevent any licensee from using any number of solicitors and representatives as shall be reported to the commission.”

Section 3. That Section 5 of General Ordinance No. 13, 1934, be and the same is hereby amended to read as follows:

“Section 5. **REVOCAION OF LICENSE.** If, upon receipt of written information, or upon its own investigation, the Charity Solicitations Commission shall find that any agent or representative of the licensee is misrepresenting or making untrue statements with regard to the solicitation, or has made untrue statements in the application, or that in any other way the solicitation has been conducted, or is being conducted, in a manner inimical to the public welfare of the community and not in conformity with the intent and purpose of this ordinance, or representing in any way that any license granted hereunder is an endorsement of such solicitation, then the Charity Solicitations Commission shall certify such fact to the Mayor of the City of Indianapolis, who shall proceed to revoke such license in the manner made and provided by law in such cases.”

Section 4. That Section 6 of General Ordinance No. 13, 1934, be and the same is hereby amended to read as follows:

“Section 6. **PENALTY.** Any person, organization, society, association or corporation, or any agent or

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representative thereof violating any of the provisions of this ordinance, shall, upon conviction thereof, be fined any sum not to exceed one hundred dollars (\$100.00), or imprisoned not to exceed sixty (60) days, or both."

Section 5. This ordinance shall be in full force and effect from and after its passage, approval by the Mayor and publication according to law.

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

By Councilman Oren:

GENERAL ORDINANCE NO. 23, 1935

AN ORDINANCE regulating furniture and upholstering shops of the City of Indianapolis, defining the same, providing a license therefor, defining violations thereof, declaring a penalty for violation thereof, and designating a time when the same shall take effect.

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

That the following Ordinance be adopted for the City of Indianapolis, Indiana:

ARTICLE I.

Section 1. Wherever in this Ordinance the following terms are used, they shall have the meanings respectfully ascribed to them in this Section.

(a) Furniture—Beds, bedding, stools, desks, lamps, chairs, tables, cabinets, chests.

(b) Upholstering—Application of fabric or leather to furniture, or repairing of any upholstered furniture.

(c) Shop—A building or section thereof where upholstering, or furniture repair may be carried on, but which shall not be a room or section of a room used as a habitation for people.

(d) Repairman—Shall apply to any person, firm or corporation engaged in furniture repair, or upholstering, either in person or by employer.

ARTICLE II.

AUTHORITY OF POLICE

Section 1. It shall be the duty of the police department of the City of Indianapolis, Indiana, and the officers thereof to enforce the provisions of this Ordinance, and for such purposes such officers are authorized and directed to enter such shops for the purpose of inspecting the same.

LICENSING

Section 2. Whoever shall hereafter solicit for, or carry on an upholstering repair business within the City of Indianapolis, or establish or operate, or maintain a furniture repair or upholstering shop, or a combination thereof, within the City of Indianapolis, Indiana, shall first procure a license therefor from the City Controller of the City of Indianapolis, Indiana.

Section 3. Whoever shall procure a furniture repair and upholstering license for the City of Indianapolis, Indiana, shall pay and the said City Controller shall receive therefor the sum of \$25.00, which shall become a part of the general fund of the City of Indianapolis, Indiana, and subject to appropriation.

Section 4. Such license shall be good for a term of one year from date of issuance.

Section 5. Such license shall be displayed at all times in such upholstering and furniture repair shop.

ARTICLE III.

PENALTY

Section 1. Any person violating any of the provisions of this Ordinance as designated and defined herein shall be guilty of a misdemeanor and upon conviction shall be fined in a sum not exceeding Fifty Dollars.

ARTICLE IV.

Section 1. This ordinance shall be in full force and effect from and after its passage, approval by the Mayor and publication according to law.

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

IND. U. LAW LIB. IND. P. C.

ORDINANCES ON SECOND READING

Mr. Wallace called for General Ordinance No. 12, 1935, for second reading. It was read a second time.

On motion of Mr. Wallace, seconded by Mr. Carr, General Ordinance No. 12, 1935, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 12, 1935, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 9, viz: Mr. Cable, Mr. Carr, Mrs. Dowd, Mr. Fritz, Mr. Kealing, Mr. Oren, Mr. Schumacher, Mr. Wallace, President Raub.

Mr. Wallace called for General Ordinance No. 17, 1935, for second reading. It was read a second time.

On motion of Mr. Wallace, seconded by Mr. Carr, General Ordinance No. 17, 1935, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 17, 1935, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 9, viz: Mr. Cable, Mr. Carr, Mrs. Dowd, Mr. Fritz, Mr. Kealing, Mr. Oren, Mr. Schumacher, Mr. Wallace, President Raub.

Mr. Wallace called for General Ordinance No. 18, 1935, for second reading. It was read a second time.

On motion of Mr. Wallace, seconded by Mr. Kealing, General Ordinance No. 18, 1935, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 18, 1935, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 9, viz: Mr. Cable, Mr. Carr, Mrs. Dowd, Mr. Fritz, Mr. Kealing, Mr. Oren, Mr. Schumacher, Mr. Wallace, President Raub.

Mr. Schumacher called for General Ordinance No. 15, 1935, for second reading. It was read a second time.

On motion of Mr. Schumacher, seconded by Mr. Oren, General Ordinance No. 15, 1935, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 15, 1935, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 9, viz: Mr. Cable, Mr. Carr, Mrs. Dowd, Mr. Fritz, Mr. Kealing, Mr. Oren, Mr. Schumacher, Mr. Wallace, President Raub.

Mr. Carr called for General Ordinance No. 4, 1935, for second reading. It was read a second time.

Mr. Carr made a motion that General Ordinance No. 4, 1935, be stricken from the files. The motion was seconded by Mr. Schumacher and passed by the following roll call vote:

Ayes, 9, viz: Mr. Cable, Mr. Carr, Mrs. Dowd, Mr. Fritz, Mr. Kealing, Mr. Oren, Mr. Schumacher, Mr. Wallace, President Raub.

President Raub ordered General Ordinance No. 4, 1935, stricken from the files. Which ordinance was stricken from the files by the Clerk.

Mr. Wallace called for Appropriation Ordinance No. 4, 1935, for second reading. It was read a second time.

On motion of Mr. Wallace, seconded by Mr. Carr, Appropriation Ordinance No. 4, 1935, was ordered engrossed, read a third time and placed upon its passage.

Appropriation Ordinance No. 4, 1935, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 9, viz: Mr. Cable, Mr. Carr, Mrs. Dowd, Mr. Fritz, Mr. Kealing, Mr. Oren, Mr. Schumacher, Mr. Wallace, President Raub.

Mr. Schumacher called for Resolution No. 1, 1935, for second reading. It was read a second time.

On motion of Mr. Schumacher, seconded by Mr. Kealing, Resolution No. 1, 1935, was ordered engrossed, read a third time and placed upon its passage.

Resolution No. 1, 1935, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 9, viz: Mr. Cable, Mr. Carr, Mrs. Dowd, Mr. Fritz, Mr. Kealing, Mr. Oren, Mr. Schumacher, Mr. Wallace, President Raub.

MISCELLANEOUS BUSINESS

Mr. Wallace announced that the Committee on Finance was not ready to report on General Ordinance No. 8, and Appropriation Ordinance No. 3, 1935, and asked for further time for consideration of said ordinances, which was granted.

Mr. Cable announced that the Committee on Public Works was not ready to report on General Ordinance No. 7, 1935, and asked for further time for consideration of said ordinance, which was granted.

On motion of Mr. Schumacher, seconded by Mr. Cable, the Common Council adjourned at 8:30 p. m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the Common Council of the City of Indianapolis, held on the 4th day of March, 1935, at 7:30 p. m.

March 4, 1935]

City of Indianapolis, Ind.

107

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

Edward R. Raub,

President.

Attest:

Samuel J. Orvis Jr.

City Clerk.

(SEAL)