

REGULAR MEETING

Monday, November 6, 1939

7:30 P. M.

The Common Council of the City of Indianapolis met in the Council Chamber at the City Hall, Monday, November 6, 1939, at 7:30 P. M. in regular session. President Joseph G. Wood in the chair.

The clerk called the roll.

Present: Ollie A. Bach, Harmon A. Campbell, Albert O. Deluse, Dr. Walter E. Hemphill, Ralph F. Moore, F. B. Ransom, Guy O. Ross, Ernest C. Ropkey, President Joseph G. Wood.

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

COMMUNICATIONS FROM THE MAYOR

October 19, 1939.

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

Gentlemen:

I have this day approved with my signature and delivered to Mr. John M. Layton, City Clerk, the following ordinances:

GENERAL ORDINANCE No. 78, 1939

AN ORDINANCE authorizing the Board of Health of the City of Indianapolis, through its duly authorized purchasing agent, to purchase materials, supplies and merchandise to be used in the operation of the Indianapolis City Hospital, and fixing a time when the same shall take effect.

GENERAL ORDINANCE No. 79, 1939

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

GENERAL ORDINANCE No. 80, 1939

AN ORDINANCE amending Section 44 of General Ordinance No. 96, 1928, as amended, by amending sub-section (41) and by adding thereto sub-section (47); and fixing a time when the same shall take effect.

GENERAL ORDINANCE No. 81, 1939

AN ORDINANCE prohibiting the parking of vehicles upon a certain part of Merrill Street, a street in the City of Indianapolis, providing a penalty for the violation thereof; and fixing a time when the same shall take effect.

GENERAL ORDINANCE No. 82, 1939

AN ORDINANCE ratifying and approving a certain contract by and between the City of Indianapolis, Marion County, Indiana, by and through its Board of Public Safety, with the approval of its Mayor and the Town of Woodruff Place, Marion County, Indiana, by and through its Board of Trustees, entered into the 12th day of September, 1939.

GENERAL ORDINANCE No. 83, 1939

AN ORDINANCE transferring moneys from a certain designated fund in the Department of Public Sanitation of the City of Indianapolis to a certain other designated fund in said department, as the same appears in the annual budget of the City of Indianapolis, Indiana, for the, fiscal year 1939; and fixing a time when the same shall take effect.

SPECIAL ORDINANCE No. 10, 1939

AN ORDINANCE annexing certain territory to the City of Indianapolis, defining a part of the boundary line of said city, and repealing Special Ordinance No. 11, 1925; and fixing a time when the same shall take effect.

SPECIAL ORDINANCE No. 11, 1939

AN ORDINANCE annexing certain contiguous territory to the City of Indianapolis, and fixing a time when the same shall take effect.

Respectfully,

R. H. SULLIVAN,
Mayor.

COMMUNICATIONS FROM CITY OFFICIALS

October 20, 1939.

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

Gentlemen:

Re: A. O. No. 10 and G. O. No. 86, 1939.

I beg leave to report that pursuant to the laws of the State of Indiana, I caused notice by publication to be inserted in the Indianapolis Star and the Indianapolis Commercial on October 19, 1939, that taxpayers would have a right to be heard on the above ordinances at the regular meeting of the Common Council, to be held on the 6th day of November, 1939, and by posting a copy of said notices in the City Hall, Court House and Police Station.

Very truly yours,

JOHN M. LAYTON,
City Clerk.

November 6, 1939.

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

Gentlemen:

Submitted herewith is General Ordinance No. 89, 1939, to amend clause (d) of sub-section (2) of Section A-503 of General Ordinance No. 121, 1925, and I respectfully recommend its passage.

Respectfully submitted,

OLLIE A. BACH,
City Councilman.

November 6, 1939.

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

Gentlemen:

Attached please find copies of General Ordinance No. 90, 1939, transferring moneys from certain designated funds in certain departments of the City of Indianapolis to certain other designated funds in such departments.

I respectfully recommend the passage of this general ordinance.

Yours very truly,

JAMES E. DEERY,
City Controller.

November 6, 1939.

Members of the Common Council,
City of Indianapolis.

Gentlemen:

Re: G. O. No. 91.

Acting under instructions of the members of the Board of Health, I am submitting herewith a milk ordinance to be passed as a city ordinance.

Personally I am of the opinion if the recommended ordinance is passed by the Council it will result in a higher quality of milk reaching the consumers in Indianapolis.

I would be pleased to appear before the council or committee to answer questions or explain the ordinance in detail.

Respectfully submitted,

H. G. MORGAN,
Secretary, Board of Health.

November 6, 1939.

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

Gentlemen:

Attached please find copies of Resolution No. 6, 1939, accepting the proposal of the United States Housing Authority to make annual payments in lieu of taxes with respect to the Lockefield Garden Apartments.

I respectfully recommend the adoption of this resolution.

Yours very truly,

JAMES E. DEERY,
City Controller.

At this time those present were given an opportunity to speak on matters pending before the Council.

Mr. Moore asked for a recess. The motion was seconded by Mr. Ross, and the Council recessed at 7:50 P. M.

The Council reconvened at 9:50 P. M. with the same members present as before.

COMMITTEE REPORTS

Indianapolis, Ind., November 6, 1939.

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. 10, 1939, entitled:

AN ORDINANCE appropriating Five Hundred Dollars from the unappropriated and unexpended 1938 balance of the general fund of the City of Indianapolis and allocating the same to a certain designated fund of the Department of Finance, for the purpose of providing the office of the City Clerk with sufficient funds to pay for printing and advertising, as required by law;

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

ERNEST C. ROPKEY, Chairman
F. B. RANSOM
ALBERT O. DELUSE
OLLIE A. BACH
GUY O. ROSS

Indianapolis, Ind., November 6, 1939.

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. 50, 1939, entitled:

AN ORDINANCE providing for certain licenses, providing a penalty for failure to obtain such license;

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

ERNEST C. ROPKEY, Chairman
F. B. RANSOM
ALBERT O. DELUSE
OLLIE A. BACH
GUY O. ROSS

Indianapolis, Ind., November 6, 1939.

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. 60, 1939, entitled:

AN ORDINANCE regulating traffic upon certain streets in
the City of Indianapolis, providing a penalty for violation
thereof, providing for the issuance of special permits and
the payment of fees, repealing certain ordinances;

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

ALBERT O. DELUSE, Chairman
ERNEST C. ROPKEY
F. B. RANSOM
RALPH F. MOORE

Indianapolis, Ind., November 6, 1939.

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. 75, 1939, entitled:

AN ORDINANCE to repeal General Ordinance No. 97, 1937,
entitled "An ordinance concerning the issuance of dog
licenses, and fixing a time when the same shall take
effect";

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

ALBERT O. DELUSE, Chairman
ERNEST C. ROPKEY
F. B. RANSOM
HARMON A. CAMPBELL
RALPH F. MOORE

Indianapolis, Ind., November 6, 1939.

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. 84, 1939, entitled:

AN ORDINANCE prohibiting any person harboring a dog to
allow, permit or suffer such dog to be in certain places
unless muzzled or on a leash, providing a penalty for
the violation thereof, providing for the impounding of
dogs;

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

ALBERT O. DELUSE, Chairman
ERNEST C. ROPKEY
F. B. RANSOM
HARMON A. CAMPBELL
RALPH F. MOORE

Indianapolis, Ind., November 6, 1939.

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

Gentlemen:

We, your Committee on Public Safety, to whom was referred
General Ordinance No. 85, 1939, entitled:

AN ORDINANCE regulating the parking of vehicles upon cer-
tain streets in the City of Indianapolis, providing a pen-
alty for violation thereof;

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

ALBERT O. DELUSE, Chairman
ERNEST C. ROPKEY
F. B. RANSOM
HARMON A. CAMPBELL
RALPH F. MOORE

Indianapolis, Ind., November 6, 1939.

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

Gentlemen:

We, your Committee on Public Health, to whom was referred
General Ordinance No. 86, 1939, entitled:

AN ORDINANCE transferring moneys from certain designated
funds in certain departments of the City of Indianapolis
to certain other designated funds in such departments as
the same appear in the annual budget of the City of
Indianapolis, Indiana, for the fiscal year 1939;

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

OLLIE A. BACH, Chairman
ALBERT O. DELUSE
GUY O. ROSS
WALTER E. HEMPHILL
HARMON A. CAMPBELL

Indianapolis, Ind., November 6, 1939.

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. 87, 1939, entitled:

AN ORDINANCE amending section 44 of General Ordinance
No. 96, 1928, as amended, by adding thereto sub-sections
(48), (49) and (50);

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

ALBERT O. DELUSE, Chairman
ERNEST C. ROPKEY
F. B. RANSOM
HARMON A. CAMPBELL
RALPH F. MOORE

Indianapolis, Ind., November 6, 1939

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. 88, 1939, entitled:

AN ORDINANCE establishing a certain passenger and/or load-
ing zone in the City of Indianapolis, pursuant to the pro-
visions 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;

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

ALBERT O. DELUSE, Chairman
ERNEST C. ROPKEY
F. B. RANSOM
HARMON A. CAMPBELL
RALPH F. MOORE

INTRODUCTION OF GENERAL ORDINANCES

By Councilman Bach:

GENERAL ORDINANCE No. 89, 1939

AN ORDINANCE to amend clause (d) of sub-section (2) of Section
A-503 of General Ordinance No. 121, 1925, and fixing a time
when the same shall take effect.

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

Section 1. That clause (d) of sub-section (2) of Section A-503
of General Ordinance No. 121, 1925, shall be amended to read as
follows:

(d) Outside of the fire zones no public garage shall be
located or maintained within one hundred and fifty (150) feet
of any lot where there is situated a church, hospital or school
building unless such garage was established prior to the estab-
lishment of the said church, hospital or school building or

unless such garage is primarily used for the display and sale of automobiles, and the storage and repair of automobiles is merely incidental to such use.

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 Health.

By the City Controller:

GENERAL ORDINANCE No. 90, 1939

AN ORDINANCE transferring moneys from certain designated funds in certain departments of the City of Indianapolis to certain other designated funds in such departments as the same appear in the annual budget of the City of Indianapolis, Indiana, for the fiscal year 1939; and fixing a time when the same shall take effect.

WHEREAS, certain funds in the Department of Public Safety and in the Department of Public Works and Sanitation are near depletion and are insufficient to meet the needs of said departments for the remainder of the year 1939; and

WHEREAS, an extraordinary emergency has arisen in that sundry vital functions of government for which such funds were established, will be retarded and halted unless additional moneys are transferred to said respective funds; NOW, THEREFORE,

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

Section 1. That the sum of money hereinafter designated, now in the following fund of the Department of Public Safety, to-wit:

FIRE DEPARTMENT

Fund No. 11—Salaries and Wages, Regular	
1st Grade Private	\$1,500.00
	<hr/>
Total	\$1,500.00

be and the same is hereby transferred therefrom, reappropriated and reallocated to the following designated funds in the amounts specified of said department, to-wit:

FIRE DEPARTMENT

Fund No. 38—General Supplies	\$ 300.00
Fund No. 45—Repair Parts	1,200.00
	<hr/>
Total	\$1,500.00

Section 2. That the sums of money hereinafter designated, now in the following funds of the Department of Public Works and Sanitation, to-wit:

GARBAGE REDUCTION

Fund No. 11—Salaries and Wages, Regular.....	\$3,058.68
Fund No. 21—Communication and Transportation..	56.04
Fund No. 22—Heat, Light, Power and Water.....	100.00
Fund No. 34—Institutional and Medical.....	20.00
Fund No. 38—General	96.32
Fund No. 53—Refunds, Awards and Indemnities...	219.53
Fund No. 72—Equipment	321.67

SEWAGE DISPOSAL

Fund No. 11—Salaries and Wages, Regular.....	1,159.82
Fund No. 21—Communication and Transportation..	19.17
Fund No. 22—Heat, Light, Power and Water.....	381.68
Fund No. 25—Repairs	641.57
Fund No. 34—Institutional and Medical.....	9.82
Fund No. 51—Insurance and Premiums.....	1,840.00
Fund No. 53—Refunds, Awards and Indemnities....	217.57
	<hr/>
Total	\$8,141.87

be and the same are hereby transferred therefrom, reappropriated and reallocated to the following designated funds in the amounts specified of said department, to-wit:

SEWAGE DISPOSAL

Fund No. 12—Salaries and Wages, Temporary.....	\$ 640.00
Fund No. 32—Fuel and Ice.....	6,301.87

GARBAGE REDUCTION

Fund No. 12—Salaries and Wages, Temporary.....	1,200.00
	<hr/>
Total	\$8,141.87

Section 3. That the sum of money hereinafter designated, now in the following fund of the Department of Public Safety, to-wit:

POLICE DEPARTMENT

Fund No. 11—Salaries and Wages, Regular
1st Grade Patrolmen\$2,000.00

be and the same is hereby transferred therefrom, reappropriated and reallocated in a like sum to the following designated fund of said department, to-wit:

GAMEWELL DIVISION

Fund No. 22—Heat, Light, Power and Water.....\$2,000.00

Section 4. This ordinance shall be in full force and effect from and after its passage and approval by the mayor.

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

By the Board of Health:

GENERAL ORDINANCE No. 91, 1939

AN ORDINANCE defining certain terms; prohibiting the sale of adulterated, misbranded, or ungraded milk or milk products; providing for the issuance of licenses and fees to be charged therefor; providing for the grading of milk and the inspection of dairy farms and milk plants; providing for the labeling and placarding of milk and milk products; prohibiting the sale of all milk or milk products to certain persons after May 16, 1940, except grade "A" pasteurized milk; providing for certain duties of the health officer of Indianapolis; providing for the repeal of certain ordinances and all ordinances in conflict herewith; providing for certain penalties; 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. **Definitions.** That the following definitions shall apply in the interpretation and the enforcement of this ordinance:

A. **Milk.** Milk is hereby defined to be the lacteal secretion obtained by the complete milking of one or more healthy cows, excluding that obtained within fifteen (15) days before and five (5)

days after calving, or such longer period as may be necessary to render the milk practically colostrum free; which contains not less than eight and one-half per cent ($8\frac{1}{2}\%$) of milk solids not fat, and not less than three and one-fourth per cent ($3\frac{1}{4}\%$) of milk fat.

B. **Milk fat or butter fat.** Milk fat or butter fat is the fat of milk.

C. **Cream and sour cream.** Cream is a portion of milk which contains not less than eighteen per cent (18%) milk fat. Sour cream is cream the acidity of which is more than 0.20 per cent, expressed as lactic acid.

D. **Skimmed milk.** Skimmed milk is milk from which a sufficient portion of milk fat has been removed to reduce its milk-fat percentage to less than three and one-fourth per cent ($3\frac{1}{4}\%$).

E. **Milk or skimmed-milk beverage.** A milk beverage or a skimmed-milk beverage is a food compound or confection consisting of milk or skimmed milk, as the case may be, to which has been added a sirup or flavor consisting of wholesome ingredients.

F. **Buttermilk.** Buttermilk is a product resulting from the churning of milk or cream, or from the souring or treatment by a lactic acid or other culture of milk, skimmed milk, reconstituted skimmed milk, evaporated or condensed milk or skimmed milk, or milk or skimmed-milk powder. It contains not less than eight and one-half per cent ($8\frac{1}{2}\%$) of milk solids not fat.

G. **Vitamin D Milk.** Vitamin D Milk is milk the vitamin D content of which has been increased by a method and in an amount approved by the health officers.

H. **Reconstituted or recombined milk and cream.** Reconstituted or recombined milk is a product resulting from the recombining of milk constituents with water, and which complies with the standards for milk fat and solids not fat of milk as defined herein. Reconstituted or recombined cream is a product resulting from the combination of dried cream, butter, or butter fat with cream, milk, skim milk, or water.

I. **Goat milk.** Goat milk is the lacteal secretion, free from colostrum, obtained by the complete milking of healthy goats, and shall comply with all the requirements of this ordinance. The word "cows" shall be interpreted to include goats.

J. Homogenized milk. Homogenized milk is milk which has been treated in such manner that after a storage period of forty-eight (48) hours tests of the 100 cc. portion decanted from the top of a quart bottle of milk will not show a difference in fat content over tests of the remainder of the milk after thorough mixing exceeding five per cent (5%) of the total fat content. For example, on four per cent (4%) milk the difference shall not exceed 0.2 per cent.

K. Milk products. Milk products shall be taken to mean and include cream, sour cream, homogenized milk, goat milk, vitamin D milk, buttermilk, skimmed milk, reconstituted or recombined milk and cream, milk beverages, and skimmed-milk beverages.

L. Pasteurization. The terms "pasteurization," "pasteurized," and similar terms shall be taken to refer to the process of heating every particle of milk or milk products to at least 143° F., and holding at such temperature for at least thirty (30) minutes, or to at least 160° F., and holding at such temperature for at least fifteen (15) seconds, in approved and properly operated equipment; provided that nothing contained in this definition shall be construed as dis-barring any other process which has been demonstrated to be equally efficient and is approved by the state health authority.

M. Adulterated milk and milk products. Any substance claimed to be any milk or milk product defined in this ordinance, but not conforming with its definition as given in this ordinance, or which carries a grade label unless such grade label has been awarded by the health officer and not revoked, shall be deemed adulterated and misbranded.

N. Milk producer. A milk producer is any person who owns or controls one or more cows a part or all of the milk or milk products from which is sold or offered for sale.

O. Milk distributor. A milk distributor is any person who offers for sale or sells to another any milk products for human consumption as such.

P. Dairy or dairy farm. A dairy or dairy farm is any place or premises where one or more cows are kept a part or all of the milk or milk products from which is sold or offered for sale.

Q. Milk plant. A milk plant is any place or premises or establishment where milk or milk products are collected, handled, processed, stored, bottled, pasteurized, or prepared for distribution.

R. **Health officer.** The term "health officer" shall mean the health officer of the City of Indianapolis, as provided for by the laws of the State of Indiana, or his authorized representatives.

S. **Average bacterial plate count, direct microscopic count, reduction time, and cooling temperature.** Average bacterial plate count shall be taken to mean the logarithmic average of the bacterial plate counts of the last four consecutive samples, taken upon separate days, irrespective of periodic grade announcements. Average direct microscopic count shall be taken the logarithmic average of the direct microscopic counts of the last four consecutive samples, taken upon separate days, irrespective of periodic grade announcements. Average reduction time shall be taken to mean the arithmetic average of the reduction times of the last four consecutive samples, taken upon separate days, irrespective of periodic grade announcements. Average cooling temperature shall be taken to mean the arithmetic average of the temperatures of the last four consecutive samples, taken upon separate days, irrespective of periodic grade announcements.

T. **Grading period.** The grading period shall be such period of time as the health officer may designate within which grades shall be determined for all milk and milk products, provided that the grading period shall in no case exceed six (6) months.

U. **Person.** The word "person" as used in this ordinance shall mean "person, firm, corporation, or association."

V. **And/or.** Where the term "and/or" is used "and" shall apply where possible, otherwise "or" shall apply.

Section 2. The sale of adulterated, misbranded, or ungraded milk or milk products prohibited. No person shall within the City of Indianapolis, or its police jurisdiction, produce, sell, offer, or expose for sale, or have in possession with intent to sell, any milk or milk product which is adulterated, misbranded, or ungraded. It shall be unlawful for any person, elsewhere than in a private home, to have in possession any adulterated, misbranded, or ungraded milk or milk product.

Section 3. Permits. It shall be unlawful for any person to bring into or receive into the City of Indianapolis, or its police jurisdiction, for sale, or to sell, or offer for sale therein, or to have in storage where milk or milk products are sold or served, any milk or milk products defined in this ordinance, who does not possess a permit from the health officer of the City of Indianapolis.

Only a person who complies with the requirements of this ordinance shall be entitled to receive and retain such a permit.

Such a permit may be suspended by the health officer, or revoked after an opportunity for a hearing by the health officer, upon the violation by the holder of any of the terms of this ordinance.

Section 4. Licenses. Every person, firm, corporation or association who shall bring into the City of Indianapolis, for sale who shall within said city expose for sale, dispose of, exchange or deliver or with the intent to do as aforesaid, have in his or their possession, care, custody, or control within said city, milk, skimmed milk, cream, buttermilk, or milk processed by fermentation or other process, shall first make application to do so in the office of the health officer. After any such application is made as herein provided and such application has been approved by said officer, said officer shall deliver a receipt showing the date of filing said application and the date of approval stated thereon; said applicant shall then apply to the controller of said city for license, and upon the production of the receipt issued by the health officer as aforesaid, for which the following fees shall be charged, to-wit: All distributors of milk or milk products, operating within the City of Indianapolis, the sum of five dollars (\$5.00) per year for each wagon, up to and including the first five wagons, and for each additional wagon, over and above the first five wagons, the sum of two dollars (\$2.00) for each wagon per year.

All license fees provided for by this ordinance shall be paid into the office of the city controller and shall be accounted for by the city controller in the same manner as other license fees. Said health officer shall keep a record of all applications filed and the date of the filing, approval or disapproval by said officer.

All licenses shall be dated on date of issuance and all annual licenses shall be dated on the first day of January and all licenses expire on December 31, following date of issuance. All licenses issued after July first of any year, the fee to be charged shall be one-half of the annual fees as herein provided, and no license shall be issued for any greater period than one year.

Any person making such application shall file a sworn statement on a printed form provided by the health officer for the purpose, stating:

- (1) The name, residence and location of place or places of business of applicant.
- (2) If the applicant be a firm, the name of each member of the firm and location of the place or places of the business.

(3) If the applicant be a corporation or association, the name of the president, secretary, manager or superintendent thereof.

(4) The name of the person in charge of each business place of applicant.

(5) The precise nature of the business to be carried on by the applicant.

Licenses to sell milk or milk products granted on the approval of the health officer are issued subject to the following conditions:

(1) The health officer may in his discretion refuse to issue or approve an application of any one who or which shall have been repeatedly convicted of violating the ordinances of the City of Indianapolis or the laws of the State of Indiana, as they relate to the inspection and regulation of dairies and milk plants and the inspection and sale of milk and milk products or for any other reason in the interest of the health of the inhabitants of the city, it would be inadvisable to approve the application of such applicant.

(2) Licenses may be revoked on order of the health officer for the same reason it may refuse to approve an application.

(3) Licenses are not transferable. A license is issued to a particular person, firm, corporation or association and no other person, firm, corporation or association is authorized and empowered to sell milk or milk products under and by virtue of its terms.

(4) Willful or continuous violation of the provisions of this ordinance may result in the permanent revocation of the license.

(5) Such license shall show the date when issued and shall be posted in a conspicuous place in the office or other appropriate place on the premises of the person, firm, corporation or association to whom it is issued.

Section 5. Labeling and placarding. All bottles, cans, packages, and other containers enclosing milk or any milk product defined in this ordinance shall be plainly labeled or marked with (1) the name of the contents as given in the definitions in this ordinance; (2) the grade of the contents if said contents are graded under the provisions of this ordinance; (3) the word "pasteurized" only if the contents have been pasteurized; (4) the phrase "for pasteurization" if the contents are to be pasteurized; (5) the name of the plant at which the contents were pasteurized, if the contents are pasteurized; and (6)

in the case of vitamin D milk, the designation "Vitamin D Milk" and the source of the vitamin D. The label or mark shall be in letters of a size, kind, and color approved by the health officer and shall contain no marks or words which are misleading.

Section 6. Inspection of dairy farms and milk plants for the purpose of grading or regrading. At least once during each grading period the health officer shall inspect all dairy farms and all milk plants whose milk or milk products are intended for consumption within the City of Indianapolis, or its police jurisdiction. In case the health officer discovers the violation of any item of sanitation, he shall make a second inspection after a lapse of such time as he deems necessary for the defect to be remedied, but not before the lapse of three (3) days; and the second inspection shall be used in determining the grade of milk and/or milk products. Any violation of the same item of this ordinance on two consecutive inspections shall call for immediate degrading.

One copy of the inspection report shall be posted by the health officer in a conspicuous place upon an inside wall of one of the dairy farm or milk plant buildings, and said inspection report shall not be defaced or removed by any person except the health officer. Another copy of the inspection report shall be filed with the records of the health department.

Section 7. The examination of milk and milk products. During each grading period at least four samples of milk and cream from each dairy farm and each milk plant shall be taken on separate days and examined by the health officer. Samples of other milk products may be taken and examined by the health officer as often as he deems necessary. Samples of milk and milk products from stores, cafes, soda fountains, restaurants, and other places where milk or milk products are sold shall be examined as often as the health officer may require. Bacterial plate counts and direct microscopic counts shall be made in conformity with the regulations of the health officer. Examinations may include such other chemical and physical determination as the health officer may deem necessary for the detection of adulteration, these examinations to be made in conformity with the regulations of the health officer. Bacterial plate count, direct microscopic count, reductase test, and cooling temperature results shall be given to the producer or distributor concerned as soon as determined if said results fall without the limits prescribed for the grade then held. Samples may be taken by the health officer at any time prior to the final delivery of the milk or milk products. All proprietors of stores, cafes, restaurants, soda fountains, and other

similar places shall furnish the health officer, upon his request, with the names of all distributors from whom their milk and milk products are obtained. Bio-assays of the vitamin D content of vitamin D milk shall be made when required by the health officer in a laboratory approved by him for such examinations.

Section 8. The grading of milk and milk products. At least once every six (6) months the health officer shall announce the grades of all milk and milk products delivered by all producers or distributors and ultimately consumed within the City of Indianapolis, or its police jurisdiction. Said grades shall be based upon the following standards, the grading of milk products being identical with the grading of milk except that the bacterial standards shall be doubled in the case of cream, and omitted in the case of sour cream and buttermilk. Vitamin D milk shall be only of grade A quality.

(a) **Certified milk-raw.** Certified milk-raw is raw milk which conforms with the requirements of the American Association of Medical Milk Commissions in force at the time of production and is produced under the supervision of the Medical Milk Commission of the Medical Society of Marion County, and of the state board of health or of the city health officer of Indianapolis.

(b) **Grade A raw milk.** Grade A raw milk is raw milk the average bacterial plate count of which is determined under sections 1(S) and 6 of this ordinance does not exceed 200,000 per cubic centimeter, or the average direct microscopic count of which does not exceed 200,000 per cubic centimeter if clumps are counted or 800,000 per cubic centimeter if individual organisms are counted, or the average reduction time of which is not less than six (6) hours; and provided further that said milk is produced at a dairy farm conforming to regulations set forth in item 1r through 24r as follows, to-wit:

Item 1r. Cows, tuberculosis and other diseases. Except as provided hereinafter, a tuberculin test of all herds and additions thereto shall be made before any milk therefrom is sold, and at least once every twelve (12) months thereafter, by a licensed veterinarian approved by the state livestock sanitary authority. Said tests shall be made and any reactors disposed of in accordance with the requirements approved by the United States Department of Agriculture, Bureau of Animal Industry, for accredited herds. A certificate signed by the veterinarian or attested to by the health officer and filed with the health officer shall be evidence of the above tests. Provided that in modified accredited counties in which the modified accredited

area plan is applied to the dairy herds the modified accredited area system approved by the United States Bureau of Animal Industry shall be accepted in lieu of annual testing.

Cows giving bloody, stringy, or otherwise abnormal milk, but with only slight induration of the udder, shall be excluded from the herd until re-examination shows that the milk has become normal.

For other diseases such tests and examinations as the health officer may require shall be made at intervals and by methods prescribed by him, and any diseased animals or reactors shall be permanently excluded from the milking herd.

Item 2r. Dairy barn, lighting. A dairy or milking barn shall be required and in such sections thereof where cows are milked windows shall be provided and kept clean and so arranged as to insure adequate light properly distributed, and when necessary shall be provided with adequate supplementary artificial light.

Item 3r. Dairy barn, air space and ventilation. Such sections of all dairy barns where cows are kept or milked shall be well ventilated and shall be so arranged as to avoid overcrowding.

Item 4r. Dairy barn, floors. The floors and gutters of such parts of all dairy barns in which cows are milked shall be constructed of concrete or other approved impervious and easily cleaned material, shall be graded to drain properly, and shall be kept clean and in good repair. No horses, pigs, fowl, calves, etc., shall be permitted in parts of the barn used for milking.

Item 5r. Dairy barn, walls and ceilings. The walls and ceilings of all dairy barns shall be whitewashed once each year or painted once every two (2) years, or oftener if necessary, or finished in an approved manner, and shall be kept clean and in good repair. In case there is a second story above that part of the barn in which cows are milked, the ceiling shall be tight. If the feed room adjoins the milking space, it shall be separated therefrom by a dust-tight partition and door. No feed shall be stored in the milking portion of the barn.

Item 6r. Dairy barn, cow yard. All cow yards shall be graded and drained as well as practicable and kept clean.

Item 7r. Manure disposal. All manure shall be removed and stored or disposed of in such manner as best to prevent the breeding of flies therein or the access of cows to piles thereof.

Item 8r. Milk house or room, construction. There shall be provided a milk house or milk room in which the cooling, handling, and storing of milk and milk products and the washing, bactericidal treatment, and storing of milk apparatus and utensils shall be done. (a) The milk house or room shall be provided with a tight floor constructed of concrete or other impervious material, in good repair, and graded to provide proper drainage. (b) It shall have walls and ceilings of such construction as to permit easy cleaning, and shall be well lighted and ventilated. (d) It shall have all openings effectively screened including outward-opening, self-closing doors, unless other effective means are provided to prevent the entrance of flies. (e) It shall be used for no other purposes than those specified above except as may be approved by the health officer; shall not open directly into a stable or into any room used for domestic purposes; shall have water piped into it; shall be provided with adequate facilities for the heating of water for the cleaning of utensils; shall be equipped with two-compartment stationary wash and rinse vats. Stationary shall mean stationary with respect to frame and legs holding vat, rather than position in milk house.

Item 9r. Milk house or room, cleanliness and flies. The floors, walls, ceilings, and equipment of the milk house or room shall be kept clean at all times. All means necessary for the elimination of flies shall be used.

Item 10r. Toilet. Every dairy farm shall be provided with one or more sanitary toilets conveniently located and properly constructed, operated, and maintained, so that the waste is inaccessible to flies and does not pollute the surface or contaminate any water supply.

Item 11r. Water supply. The water supply for the milk room and dairy barn shall be properly located, constructed, and operated, and shall be easily accessible, adequate, and of a safe sanitary quality.

Item 12r. Utensils, construction. All multi-use containers or other utensils used in the handling, storage, or transportation of milk or milk products must be made of smooth nonabsorbent material and of such construction as to be easily cleaned, and must be in good repair. Joints and seams shall be soldered flush. Woven wire cloth shall not be used for straining milk. All milk pails shall be of a small-mouth design approved by the health officer.

Item 13r. Utensils, cleaning. All multi-use containers, equipment and other utensils used in the handling, storage, or transportation of milk and milk products must be thoroughly cleaned after each usage.

Item 14r. **Utensils, bactericidal treatment.** All multi-use containers, equipment, and other utensils used in the handling, storage, or transportation of milk or milk products shall between each usage be subjected to an approved bactericidal process with steam, hot water, chlorine, or hot air.

Item 15r. **Utensils, storage.** All containers and other utensils used in the handling, storage, or transportation of milk or milk products shall be stored so as not to become contaminated before being used.

Item 16r. **Utensils, handling.** After bactericidal treatment no container or other milk or milk product utensil shall be handled in such manner as to permit any part of any person or his clothing to come in contact with any surface with which milk or milk products come in contact.

Item 17r. **Milking, udders and teats, abnormal milk.** The udders and teats of all milking cows shall be clean and rinsed with a bactericidal solution at the time of milking. Abnormal milk shall be kept out of the milk supply and shall be so handled and disposed of as to preclude the infection of the cows and the contamination of milk utensils.

Item 18r. **Milking, flanks.** The flanks, bellies, and tails of all milking cows shall be free from visible dirt at the time of milking.

Item 19r. **Milkers' hands.** Milkers' hands shall be clean, rinsed with a bactericidal solution, and dried with a clean towel immediately before milking and following any interruption in the milking operation. Wet-hand milking is prohibited. Convenient facilities shall be provided for the washing of milkers' hands.

Item 20r. **Clean clothing.** Milkers and milk handlers shall wear clean outer garments while milking or handling milk, milk products, containers, utensils, or equipment.

Item 21r. **Milk stools.** Milk stools shall be kept clean.

Item 22r. **Removal of milk.** Each pail of milk shall be removed immediately to the milk house or straining room. No milk shall be strained or poured in the dairy barn.

Item 23r. **Cooling.** If milk is delivered to a milk plant or receiving station for pasteurization or separation, it must be delivered within two (2) hours after completion of milking or cooled to 70° F. or less and maintained at that average temperature until delivered.

Item 24r. **Miscellaneous.** All vehicles used for the transportation of milk or milk products shall be insulated and so constructed and operated as to protect their contents from the sun and from contamination.

The immediate surroundings of the dairy shall be kept in a neat, clean condition.

(c) **Grade B raw milk.** Grade B raw milk is raw milk which violates the bacterial standard for grade A raw milk, provided that its average bacterial plate count, as determined under sections 1(S) and 6, does not exceed 1,000,000 per cubic centimeter, or its average direct microscopic count does not exceed 1,000,000 per cubic centimeter if clumps are counted or 4,000,000 per cubic centimeter if individual organisms are counted, or its average reduction time is not less than three and one-half ($3\frac{1}{2}$) hours, and which complies with all other requirements for grade A raw milk except the provision for abortion testing of item 1r.

(d) **Grade C raw milk.** Grade C raw milk is raw milk which violates any of the requirements for grade B raw milk, and which shall be plainly labeled "cooking only."

(e) **Certified milk-pasteurized.** Certified milk pasteurized is certified milk-raw which has been pasteurized, cooled and bottled in a milk plant conforming with the requirements for grade A pasteurized milk.

(f) **Grade A pasteurized milk.** Grade A pasteurized milk is grade A raw milk which has been pasteurized thirty-six (36) hours after production, cooled, and bottled in a milk plant conforming with all of the following items of sanitation and the average bacterial plate count of which at no time after pasteurization and until delivery exceeds 30,000 per cubic centimeter, as determined under sections 1 (S) and 6.

The grading of a pasteurized milk supply shall include the inspection of receiving and collecting stations with respect to items 1p to 14p, inclusive, and 17p, 19p, 22p, and 23p, except that the partitioning requirement of item 5p shall not apply.

Item 1p. **Floors.** The floors of all rooms in which milk or milk products are handled or stored or in which milk utensils are washed shall be constructed of concrete or other equally impervious and easily cleaned material and shall be smooth, properly drained, provided with trapped drains, and kept clean.

Item 2p. **Walls and ceilings.** Walls and ceilings of rooms in which milk or milk products are handled or stored or in which milk utensils are washed shall have a smooth, washable, light-colored surface and shall be kept clean.

Item 3p. **Doors and windows.** Unless other effective means are provided to prevent the access of flies, all openings into the outer air shall be effectively screened and doors shall be self-closing.

Item 4p. **Lighting and ventilation.** All rooms shall be well lighted and ventilated.

Item 5p. **Miscellaneous protection from contamination.** The various milk-plant operations shall be so located and conducted as to prevent any contamination of the milk or of the cleaned equipment. All means necessary for the elimination of flies shall be used. There shall be separate rooms for (a) the pasteurizing, processing, cooling, and bottling operations, and (b) the washing and bactericidal treatment of containers. Cans of raw milk shall not be unloaded directly into the pasteurizing room. Pasteurized milk or milk products shall not be permitted to come in contact with equipment with which unpasteurized milk or milk products have been in contact, unless such equipment has first been thoroughly cleaned and subjected to bactericidal treatment. Rooms in which milk, milk products, cleaned utensils, or containers are handled or stored shall not open directly into any stable or living quarters. The pasteurization plant shall be used for no other purposes than the processing of milk and milk products and the operations incident thereto, except as may be approved by the health officer.

Item 6p. **Toilet facilities.** Every milk plant shall be provided with toilet facilities conforming with the ordinances of the City of Indianapolis. Toilet rooms shall not open directly into any room in which milk, milk products, equipment, or containers are handled or stored. The doors of all toilet rooms shall be self-closing. Toilet rooms shall be kept in a clean condition, in good repair, and well ventilated. In case privies or earth closets are used, they shall be separate from the building, and shall be of a sanitary type constructed and operated in conformity with the requirements of item 10r grade A raw milk.

Item 7p. **Water supply.** The water supply shall be easily accessible, adequate, and of a safe, sanitary quality.

Item 8p. **Hand-washing facilities.** Convenient hand-washing facilities shall be provided, including warm running water, soap, and approved sanitary towels. The use of a common towel is prohibited.

Item 9p. **Sanitary piping.** All piping used to conduct milk or milk products shall be "sanitary milk piping" of a type which can be easily cleaned with a brush.

Item 10p. **Construction and repair of containers and equipment.** All multi-use containers and equipment with which milk or milk-products come in contact shall be construed in such manner as to be easily cleaned and shall be kept in good repair.

Item 11p. **Disposal of wastes.** All wastes shall be properly disposed of.

Item 12p. **Cleaning and bactericidal treatment of containers and equipment.** All milk and milk products containers and equipment except single-service containers, shall be thoroughly cleaned after each usage. All containers shall be subjected to an approved bactericidal process after each cleaning and all equipment immediately before each usage. When empty and before being returned to a producer by a milk plant each container shall be effectively cleaned and subjected to bactericidal treatment.

Item 13p. **Storage of containers and equipment.** After bactericidal treatment all bottles, cans, and other multi-use milk or milk-products containers and equipment shall be stored in such manner as to be protected from contamination.

Item 14p. **Handling of containers and equipment.** Between bactericidal treatment and usage, and during usage, containers and equipment shall not be handled or operated in such manner as to permit contamination of the milk.

Item 15p. **Storage of caps, parchment paper, and single-service containers.** Milk bottle caps or cap stock, parchment paper for milk cans, and single-service containers shall be purchased and stored only in sanitary tubes and cartons, respectively, and shall be kept therein in a clean dry place.

Item 16p. **Pasteurization.** Pasteurization shall be performed as described in section 1 (L) of this ordinance.

Item 17p. **Cooling.** All milk and milk products received for pasteurization shall immediately be cooled in approved equipment to 50° F. or less and maintained at that temperature until pasteurized, unless they are to be pasteurized within two (2) hours after receipt; and all pasteurized milk and milk products shall be immediately cooled in approved equipment to an average temperature of 50° F. or less, as defined in section 1 (S), and maintained thereat until delivery.

Item 18p. **Bottling.** Bottling of milk and milk products shall be done at the place of pasteurization in approved mechanical equipment.

Item 19p. **Overflow milk.** Overflow milk or milk products shall not be sold for human consumption.

Item 20p. **Capping.** Capping of milk and milk products shall be done by approved mechanical equipment. Hand capping is prohibited. The cap or cover shall cover the pouring lip to at least its largest diameter within thirty-six (36) months after passage of this ordinance.

Item 21p. **Personnel, health.** The health officer or a physician authorized by him shall examine and take a careful morbidity history of every person connected with a pasteurization plant, or about to be employed, whose work brings him in contact with the production, handling, storage, or transportation of milk, milk products, containers, or equipment. If such examination or history suggests that such person may be a carrier of or infected with the organisms of typhoid or paratyphoid fever or any other communicable diseases likely to be transmitted through milk, he shall secure appropriate specimens of body discharges and cause them to be examined in a laboratory approved by him or by the state health authorities for such examinations.

Such persons shall furnish such information, submit to such physical examinations, and submit such laboratory specimens as the health officer may require for the purpose of determining freedom from infection.

Item 22p. **Personnel, cleanliness.** All persons coming in contact with milk, milk products, containers, or equipment shall wear clean outer garments and shall keep their hands clean at all times while thus engaged.

Item 23p. **Miscellaneous.** All vehicles used for the transportation of milk or milk products shall be so constructed and operated as to protect their contents from the sun and from contamination. All vehicles used for the transportation of milk or milk products in their final delivery containers shall be constructed with permanent tops and with permanent sides and back, provided that openings of the size necessary to pass the delivery man may be permitted in the sides or back for loading and unloading purposes. All vehicles shall be kept clean, and no substance capable of contaminating milk or

milk products shall be transported with milk or milk products in such manner as to permit contamination. All vehicles used for the distribution of milk or milk products shall have the name of the distributor prominently displayed. This section shall not be construed as permitting the use of a pleasure car or sedan.

The immediate surroundings of the milk plant shall be kept in a neat, clean condition.

(g) **Grade B pasteurized milk.** Grade B pasteurized milk is grade B raw milk which has been pasteurized, cooled, and bottled in a milk plant conforming with all of the requirements for grade A pasteurized milk, except the provision of lip-cover caps in item 20p, and the average bacterial plate count of which at no time after pasteurization and before delivery exceeds 50,000 per cubic centimeter, as determined under sections 1 (S) and 6.

(h) **Grade C pasteurized milk.** Grade C pasteurized milk is pasteurized milk which does not meet the requirements of grade B pasteurized milk, and which shall be plainly labeled "cooking only."

Section 9. Prohibiting sale of milk or milk products except Grade "A" Pasteurized after May 16, 1940. From and after May 16, 1940, no milk or milk products shall be sold to the final consumer, or to restaurants, soda fountains, grocery stores, or similar establishments except grade A pasteurized milk. This section shall not be construed as forbidding the sale of lower grades of milk and milk products during temporary periods of degrading not exceeding thirty (30) consecutive days or in emergencies such longer periods as the health officer may deem necessary.

Section 10. Supplementary grading prescribed and regrading authorized. If, at any time between the regular announcements of the grades of milk or milk products, as the result of the findings of two consecutive inspections of any dairy or milk plant, or because the average bacterial plate count, the average direct microscopic count, the average reduction time, or the average cooling temperature exceeds the limit fixed for the grade currently held by the milk supply in question, a lower grade shall become justified, in accordance with section 8 of this ordinance, the health officer shall immediately lower the grade of such milk or milk products, and shall enforce proper labeling and placarding thereof.

Any producer or distributor of milk or milk products the grade of which has been lowered by the health officer, and who is properly labeling his milk and milk products, may at any time make application for the regrading of his product.

Upon receipt of a satisfactory application, in case the lowered grade is the result of an excessive average bacterial plate count, direct microscopic count, reduction time, or cooling temperature, the health officer shall take further samples of the applicant's output, at a rate of not more than two samples per week. The health officer shall immediately regrade the milk or milk product upward whenever the average of the last four sample results indicates the necessary quality.

In case the lowered grade of the applicant's product is due to a violation of an item of the specifications prescribed in section 8, other than average bacterial plate count, direct microscopic count, reduction time, or cooling temperature, the said application must be accompanied by a statement signed by the applicant to the effect that the violated item of the specifications has been conformed with. Within one week of the receipt of such an application and statement the health officer shall make a reinspection of the applicant's establishment, and thereafter as many additional reinspections as he may deem necessary to assure himself that the applicant is again complying with the higher grade requirements, and, in case the findings justify, shall regrade the milk or milk products upward.

Section 11. Transferring or dipping milk; delivery containers; handling of more than one grade; delivery of milk at quarantined residences. Except as permitted in this section, no milk producer or distributor shall transfer milk or milk products from one container to another on the street, or in any vehicle or store, or in any place except a bottling or milk room especially used for that purpose. The sale of dip milk is hereby prohibited.

All pasteurized milk and milk products shall be placed in their final delivery containers in the plant in which they are pasteurized. Milk and milk products sold in the distributor's containers in quantities less than one (1) gallon shall be delivered in standard milk bottles. It shall be unlawful for hotels, soda fountains, restaurants, groceries, and similar establishments to sell or serve any milk or milk product except in the original container in which it was received from the distributor or from a bulk container equipped with an approved dispensing device; provided that this requirement shall not apply to cream consumed on the premises, which may be served from the original bottle or from a dispenser approved for such service.

No milk or milk products shall be permitted to come in contact with equipment with which a lower grade of milk or milk products has been in contact unless such equipment has first been thoroughly cleaned and subjected to bactericidal treatment.

Bottled milk or milk products, if stored in water, shall be so stored that the tops of the bottles will not be submerged.

It shall be the duty of all persons to whom milk or milk products are delivered to clean thoroughly the containers in which such milk or milk products are delivered before returning such containers. Apparatus, containers, equipment, and utensils used in the handling, storage, processing, or transporting of milk or milk products shall not be used for any other purpose without the permission of the health officer.

The delivery of milk or milk products to and the collection of milk or milk-products containers from quarantined residences shall be subject to the special requirements of the health officer.

Section 12. Milk and milk products from points beyond the limits of routine inspection of the City of Indianapolis. Milk and milk products from points beyond the limits of routine inspection of the City of Indianapolis may not be sold in the City of Indianapolis, or its police jurisdiction, unless produced and/or pasteurized under provisions equivalent to the requirements of this ordinance; provided that the health officer shall satisfy himself that the health officer having jurisdiction over the production and processing is properly enforcing such provisions.

Section 13. Notification of disease. Notice shall be sent to the health officer immediately by any producer or distributor of milk or milk products upon whose dairy farm or in whose milk plant any infectious, contagious, or communicable disease occurs.

Section 14. Future dairies and milk plants. All dairies and milk plants from which milk or milk products are supplied to the City of Indianapolis which are hereafter constructed, reconstructed, or extensively altered shall conform in their construction to the requirements of this ordinance for grade A pasteurization plants. Properly prepared plans for all dairies and milk plants which are hereafter constructed, reconstructed, or extensively altered shall be submitted to the health officer for approval before work is begun. In the case of milk plants signed approval shall be obtained from the health officer and/or the state health department.

Sec. 15. Procedure when infection suspected. When suspicion arises as to the possibility of transmission of infection from any person concerned with the handling of milk or milk products, the health officer is authorized to require any or all of the following

measures: (1) the immediate exclusion of that person from milk handling, (2) the immediate exclusion of the milk supply concerned from distribution and use, (3) adequate medical and bacteriological examination of the person, of his associates, and of his and their body discharges.

Section 16. Enforcement. This ordinance shall be enforced by the health officer in accordance with the provisions of this ordinance and any rules and regulations which may be adopted by the Board of Health not inconsistent with the provisions of this ordinance.

Section 17. Unconstitutionality clause. Should any section, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

Section 18. Repeal. Sections 544 through 563, inclusive, of General Ordinance No. 121, 1925, all sections of General Ordinance No. 93, 1927, except sections 7, 8, 9, 10 and 19, General Ordinance No. 18, 1928, and all ordinances or parts of ordinances in conflict herewith, are hereby repealed.

Section 19. Penalty. Any person, firm, corporation or association violating any of the provisions of this ordinance shall, upon conviction, for the first offense be punished by a fine of not less than ten dollars (\$10.00) and not more than twenty-five dollars (\$25.00); for the second offense, a fine of not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00); and for a third and subsequent offenses, by a fine of one hundred dollars (\$100.00) and imprisonment in the County Jail for not less than thirty (30) days nor more than ninety (90) days.

Section 20. Effective Date. 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 Health.

INTRODUCTION OF RESOLUTIONS

By the City Controller:

RESOLUTION No. 6, 1939

A RESOLUTION accepting the proposal of the United States Housing Authority to annual payments in lieu of taxes with respect to the Lockefield Garden Apartments.

WHEREAS, the United States Housing Authority under date of May 11, 1939, addressed a written proposal to Mayor Reginald H. Sullivan in which that Authority offered to pay the State of Indiana, the City of Indianapolis, the Board of Commissioners of the County of Marion, the Board of School Commissioners of the City of Indianapolis, and Center Township of Marion County an annual sum in lieu of any and all ad valorem real estate taxation against the PWA Housing Division Project known as the Lockefield Garden Apartments in the City of Indianapolis; and

WHEREAS, according to such proposal the annual payment to be made in lieu of taxes is to be in an amount equal to five per centum (5%) of the total annual shelter rentals received from the operation of the said Lockefield Garden Apartments based upon one hundred per centum (100%) occupancy of the said Lockefield Garden Apartments, which annual payment amounts to \$7,074.00 for the period from February 16, 1938, to February 16, 1939; and

WHEREAS, the aforementioned proposal was modified by a letter from the United States Housing Authority addressed to Mayor Reginald H. Sullivan under date of May 24, 1939, so as to provide that the said annual payment in lieu of taxes shall be paid to the Treasurer of Marion County, Indiana, for distribution to the State of Indiana and said taxing bodies in lieu of having the payment made to the City of Indianapolis; and

WHEREAS, the City of Indianapolis is authorized by the Housing Cooperation Act of Indiana, Chapter 209, Acts of 1937, approved March 11, 1937, to accept the aforementioned proposal of the United States Housing Authority, as amended; and

WHEREAS, the Common Council of the City of Indianapolis desires and hereby determines to accept said proposal as amended;

NOW, THEREFORE,

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

Section 1. That the proposal of the United States Housing Authority to make annual payments to the Treasurer of Marion County for distribution to the State of Indiana, the City of Indianapolis, the Board of Commissioners of the County of Marion, the Board of School Commissioners of the City of Indianapolis, and Center Township of Marion County in lieu of any and all ad valorem

real estate taxation against the PWA Housing Division Project known as the Lockefield Garden Apartments in the City of Indianapolis set forth in a letter addressed to Mayor Reginald H. Sullivan under date of May 11, 1939, as amended by a letter addressed to Mayor Reginald H. Sullivan under date of May 24, 1939, be and the same hereby is approved and accepted on behalf of the City of Indianapolis.

Section 2. That said proposal of the United States Housing Authority as amended, which is hereby approved and accepted, is as follows:

(1) The United States Housing Authority will pay in lieu of any and all ad valorem real estate taxation against the Lockefield Garden Apartments by the State of Indiana and its political subdivisions, an annual sum equal to 5% of the total annual shelter rentals, based upon 100% occupancy of the project.

(2) Such payments in lieu of taxes shall accrue from February 16, 1938, the date of the initial occupancy of Lockefield Garden Apartments by tenants.

(3) Such payments in lieu of taxes shall be made solely from revenues derived from the operation of Lockefield Garden Apartments.

(4) Payment of the first annual sum for the period from February 16, 1938, to February 16, 1939, shall be made immediately upon the acceptance of this proposal in the manner hereinafter set forth and the dates of the payments for subsequent years shall be made at such times as are mutually satisfactory.

(5) Lockefield Garden Apartments and the tenants thereof shall be furnished all of the public services which are furnished to other property owners and inhabitants of the City of Indianapolis, including, but not limited to, fire, police and health protection and services, school and other educational facilities, sewer facilities and street maintenance and cleaning.

(c) This proposal shall be effective upon its valid acceptance by the State of Indiana, the City of Indianapolis, Marion County, Indiana, the Board of School Com-

missioners of the City of Indianapolis, and Center Township of Marion County, Indiana. The annual payments in lieu of taxes to be made pursuant to this proposal shall be paid to the Treasurer of Marion County and shall be distributed by the Treasurer of Marion County to the above-mentioned taxing bodies in such proportion that each taxing body will receive from the total payment hereunder, the same proportion as said taxing bodies' ad valorem tax rate bears to the total ad valorem tax rate which would be levied against the Lockefield Garden Apartments if the project were subject to normal taxation.

(7) This proposal if accepted shall be effective for a period of three years from the date of initial occupancy of Lockefield Garden Apartments, by tenants, viz., from February 16, 1938.

Section 3. This Resolution shall take effect immediately upon its passage and approval by the mayor.

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

ORDINANCES ON SECOND READING

Mr. Ropkey called for Appropriation Ordinance No. 10, 1939, for second reading. It was read a second time.

On motion of Mr. Ropkey, seconded by Mr. Deluse, Appropriation Ordinance No. 10, 1939, was ordered engrossed, read a third time by the Clerk and placed upon its passage.

Appropriation Ordinance No. 10, 1939, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 6, viz: Mr. Bach, Mr. Deluse, Mr. Ransom, Mr. Ropkey, Mr. Ross, President Wood.

Noes, 3, viz: Mr. Campbell, Dr. Hemphill, Mr. Moore.

Mr. Ropkey called for General Ordinance No. 50, 1939, for second reading. It was read a second time.

Mr. Ropkey made a motion to strike General Ordinance No. 50, 1939, from the files. The motion was seconded by Mr. Deluse and passed by the following roll call vote:

Ayes, 5, viz: Mr. Deluse, Mr. Ransom, Mr. Ropkey, Mr. Ross, Mr. Wood.

Noes, 4, viz: Mr. Bach, Mr. Campbell, Dr. Hemphill, Mr. Moore.

Mr. Deluse called for General Ordinance No. 60, 1939, for second reading. It was read a second time.

Mr. Deluse presented the following written motion to be considered by the Council concerning General Ordinance No. 60, 1939:

November 6, 1939.

Mr. President:

I move that Section 3 of General Ordinance No. 60, 1939, be amended to read as follows, to-wit:

Section 3. The owner of any motor vehicle truck of more than one and one-half (1½) tons capacity that is registered in the office of the Secretary of State of Indiana at the time of the passage of this ordinance and used principally for the delivery of property between two or more points situated within the City of Indianapolis, may file with the City Controller an application, on a form prescribed by the City Controller, for a special permit to allow any such motor vehicle to use the streets described in Section 2 of this ordinance. Upon the proper execution and filing of any such application and the payment of a fifty cent (\$.50) fee into the office of the City Controller, the City Controller shall issue a special permit for such vehicle, appropriately describing such vehicle by motor number and license number. Such special permit shall not be transferable from one vehicle

to another vehicle, and shall be exhibited by the operator of any such vehicle upon the request of any police officer. The granting of any such special permit shall not be subject to the issuance fee applicable to licenses as provided by Section 475 of General Ordinance No. 121, 1925, as amended.

A. O. DELUSE,
Member of the Common Council.

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

Ayes, 6, viz: Mr. Bach, Mr. Deluse, Mr. Ransom, Mr. Ropkey, Mr. Ross, President Wood.

Noves, 3, viz: Mr. Campbell, Dr. Hemphill, Mr. Moore.

On motion of Mr. Deluse, seconded by Mr. Bach, General Ordinance No. 60, 1939, as amended, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 60, 1939, as amended, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 6, viz: Mr. Bach, Mr. Deluse, Mr. Ransom, Mr. Ropkey, Mr. Ross, President Wood.

Noes, 3, viz: Mr. Campbell, Dr. Hemphill, Mr. Moore.

Mr. Deluse called for General Ordinance No. 75, 1939, for second reading. It was read a second time.

On motion of Mr. Deluse, seconded by Mr. Bach, General Ordinance No. 75, 1939, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 75, 1939, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 9, viz: Mr. Bach, Mr. Campbell, Mr. Deluse, Dr. Hemphill, Mr. Moore, Mr. Ransom, Mr. Ropkey, Mr. Ross, President Wood.

Mr. Deluse called for General Ordinance No. 84, 1939, for second reading. It was read a second time.

On motion of Mr. Deluse, seconded by Mr. Bach, General Ordinance No. 84, 1939, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 84 1939, was read a third time by the Clerk but failed of passage as shown by the following roll call vote:

Ayes, 4, viz: Mr. Bach, Mr. Deluse, Mr. Ransom, Mr. Ropkey.

Noes, 5, viz: Mr. Campbell, Dr. Hemphill, Mr. Moore, Mr. Ross, President Wood.

Mr. Deluse called for General Ordinance No. 85, 1939, for second reading. It was read a second time.

Mr. Deluse presented the following written motion to be considered by the Council concerning General Ordinance No. 85, 1939:

November 6, 1939.

Mr. President:

I move that Sub-section (c) of Section No. 1 of General Ordinance No. 85, 1939, be amended to read:

- (c) Both sides of Shelby Street between Wood-lawn Avenue and Sanders Street.

A. O. DELUSE,
Member of the Common Council.

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

Ayes, 9, viz: Mr. Bach, Mr. Campbell, Mr. Deluse, Dr. Hemphill, Mr. Moore, Mr. Ransom, Mr. Ropkey, Mr. Ross, President Wood.

On motion of Mr. Deluse, seconded by Mr. Moore, General Ordinance No. 85, 1939, as amended, was ordered engrossed, read a third time by the clerk and placed upon its passage.

General Ordinance No. 85, 1939, as amended, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 9, viz: Mr. Bach, Mr. Campbell, Mr. Deluse, Dr. Hemphill, Mr. Moore, Mr. Ransom, Mr. Ropkey, Mr. Ross, President Wood.

Mr. Bach called for General Ordinance No. 86, 1939, for second reading. It was read a second time.

On motion of Mr. Bach, seconded by Mr. Ransom, General Ordinance No. 86, 1939, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 86, 1939, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 9, viz: Mr. Bach, Mr. Campbell, Mr. Deluse, Dr. Hemphill, Mr. Moore, Mr. Ransom, Mr. Ropkey, Mr. Ross, President Wood.

Mr. Deluse called for General Ordinance No. 87, 1939, for second reading. It was read a second time.

On motion of Mr. Deluse, seconded by Mr. Moore, General Ordinance No. 87, 1939, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 87, 1939, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 9, viz: Mr. Bach, Mr. Campbell, Mr. Deluse, Dr. Hemphill, Mr. Moore, Mr. Ransom, Mr. Ropkey, Mr. Ross, President Wood.

Mr. Deluse called for General Ordinance No. 88, 1939, for second reading. It was read a second time.

On motion of Mr. Deluse, seconded by Mr. Moore, General Ordinance No. 88, 1939, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 88, 1939, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 9, viz: Mr. Bach, Mr. Campbell, Mr. Deluse, Dr. Hemphill, Mr. Moore, Mr. Ransom, Mr. Ropkey, Mr. Ross, President Wood.

On motion of Mr. Deluse, seconded by Mr. Ross, the Common Council adjourned at 10:30 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 6th day of November, 1939, at 7:30 P. M.

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

Joseph L. Wood

Attest:

President.

John M. Layton

City Clerk

(SEAL)