

REGULAR MEETING

Monday, April 19, 1926, 7:30 p. m.

The Common Council of the City of Indianapolis met in the Council Chamber, April 19, 1926, at 7:30 p. m., in regular session, President Boynton J. Moore in the chair.

The Clerk called the roll.

Present: Hon. Boynton J. Moore, President, and seven members, viz.: Otis E. Bartholomew, Claude E. Negley, Robert E. Springsteen, Millard W. Ferguson, Edward B. Raub, Austin H. Todd and O. Ray Albertson.

Absent: Walter R. Dorsett.

The reading of the journal was dispensed with on motion of Mr. Raub, seconded by Dr. Todd.

COMMUNICATIONS FROM THE MAYOR

April 8, 1926.

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

Gentlemen—I have today approved with my signature General Ordinance No. 18, 1926—"An Ordinance, authorizing the City Controller to make a permanent loan or loans in the sum of \$210,000.00 for the purpose of securing money to be used for the purposes of the payment of corporate debts of said city accrued or incurred before the first day of January, 1926, by the the last preceding administration and thus in and for the legitimate exercise of the corporate power of said city."

Respectfully yours,

JOHN L. DUVALL,
Mayor.

REPORTS FROM CITY OFFICERS

April 19, 1926.

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

Gentlemen—I am handing you herewith a General Ordinance transferring the sum of Seventy-five (\$75.00) Dollars from the fund known as Item No. 53, "Refunds, Awards and Indemnities," and reappropriating the same to Item No. 21, "Communication and Transportation," all in the Department of Law.

I respectfully recommend the passage of this Ordinance.

Respectfully,

W. C. BUSER,
City Controller.

April 19, 1926.

Mr. William C. Buser, City Controller, City of Indianapolis, Indiana.

Dear Sir—I am handing you herewith copies of an Ordinance asking that the sum of Seventy-five (\$75.00) Dollars be transferred from Item No. 53, "Refunds, Awards and Indemnities," and reappropriating the same to Item No. 21, "Communication and Transportation," in the Department of Law.

I respectfully request that you recommend the passage of this Ordinance to the Common Council.

Respectfully submitted,

ALVAN J. RUCKER,
Corporation Counsel.

REPORTS FROM STANDING COMMITTEES

Indianapolis, Ind., April 19, 1926.

To the Honorable 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. 19, 1926, beg to report that we have had said ordinance under consideration, and recommend that the same be passed after being amended to read Fund 38 instead of 33 and Fund No. 71 instead of Fund No. 72.

OTIS E. BARTHOLOMEW
AUSTIN H. TODD
CLAUDE E. NEGLEY
O. RAY ALBERTSON, Chairman

Indianapolis, Ind., April 19, 1926.

To the Honorable 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. 21, 1926, to transfer \$500.00 to Finance Department, beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

OTIS E. BARTHOLOMEW
AUSTIN H. TODD
CLAUDE E. NEGLEY
O. RAY ALBERTSON, Chairman

Indianapolis, Ind., April 19, 1926.

To the Honorable 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. 22, 1926, to transfer \$200.00 to City Clerk's Department, beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

OTIS E. BARTHOLOMEW
AUSTIN H. TODD
CLAUDE E. NEGLEY
O. RAY ALBERTSON, Chairman

Indianapolis, Ind., April 19, 1926.

To the Honorable 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. 23, 1926, to transfer \$5,000 to the City Engineer's Department, beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

OTIS E. BARTHOLOMEW
AUSTIN H. TODD
O. RAY ALBERTSON, Chairman

Indianapolis, Ind., April 19, 1926.

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

Gentlemen—We, your Committee on City Welfare, to whom was referred Ordinance No. 20, 1926, entitled An Ordinance to amend General Ordinance No. 114, 1920, beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

AUSTIN H. TODD
OTIS E. BARTHOLOMEW, Chairman
EDWARD B. RAUB
CLAUDE E. NEGLEY.

Indianapolis, Ind., April 3, 1926.

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

Gentlemen—We, your Committee on Public Health and Charities to whom was referred General Ordinance No. 13, 1926, being an ordinance to regulate, beg leave to report that we have had said ordinance under consideration, and recommend that same be not passed.

AUSTIN H. TODD
OTIS E. BARTHOLOMEW
EDWARD B. RAUB
ROBT. E. SPRINGSTEEN.

Indianapolis, Ind., April 19, 1926.

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

Gentlemen—We, your Committee on Public Works, to whom was referred Resolution No. 3, 1926, placing any funds derived from the State gasoline tax to the credit of the Street Commissioner's Department, beg leave to report that we have had said ordinance under consideration, and recommend that the same be not passed.

O. RAY ALBERTSON
O. E. BARTHOLOMEW
AUSTIN H. TODD.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES

By the City Controller:

GENERAL ORDINANCES NO. 24, 1926

AN ORDINANCE, transferring the sum of Seventy-five (\$75.00) Dollars in the Department of Law from the fund known as Item No. 53, therein, "Refunds, Awards and Indemnities," and reappropriating the same to the fund known as Item No. 21, "Communication and Transportation," in the Department of Law, and declaring a time when the same shall take effect:

Be it Ordained by the Common Council of the City of Indianapolis, Indiana:

Section 1. That the sum of Seventy-five (\$75.00) Dollars in the fund known as Item No. 53, "Refunds, Awards and Indemnities," in the Department of Law be and the same is hereby transferred and reappropriated to the fund known as Item No. 21, "Communication and Transportation," in the Department of Law.

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

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

By Otis E. Bartholomew:

GENERAL ORDINANCE NO. 25, 1926

AN ORDINANCE to regulate the retail sale and distribution of coal and coke, in the City of Indianapolis; To provide for the licensing of dealers in such fuel products; To provide for delivery tickets giving the weight and description thereon; To provide for truthfully describing such products in advertising and selling; Prescribing a penalty for violation thereof; declaring an emergency, and designating a time when the same shall take effect.

Be it Ordained by the Common Council of the City of Indianapolis, Indiana:

Section 1. That no person, firm, corporation, association or organization of any kind, shall engage in the distribution or retail sale, or in offering for sale or distribution, or in selling and distributing or attempting to distribute, to the ultimate consumer, within the City of Indianapolis, any bituminous coal, anthracite coal, or coke (each and all of which are hereinafter known and termed as fuel, and such person, firm, corporation, association or organization shall be known as a fuel merchant), without having first duly secured a license for that purpose, as hereinafter provided by this ordinance.

Provided, that this ordinance shall not apply to the sale of fuel to recognized and regularly licensed coal dealers in car load lots, nor to the sale of fuel in car load lots to industries, institutions, firms, individuals, or other purchasers that receive delivery of such fuel for their own use and consumption, without it being necessary to reweigh for proper delivery to them, and

PROVIDED FURTHER that this ordinance shall not apply to so

called basket peddlers selling in lots of less than one hundred pounds.

Section 2. APPLICATION FOR A LICENSE. Any person, firm, corporation or association desiring to conduct or engage in the business of a fuel merchant, or to engage in the sale or distribution of coal at retail, shall make application in writing to the City Controller for a license so to do, on blanks which shall be supplied for that purpose, specifying and giving the following information:

The name under which such business is to be operated.

The address of the principal office from which such business will be conducted.

Nature of the organization, as to whether or not the applicant is a person, firm, corporation or association.

The name of the owner or officers of such organization.

The location or address of all storage or delivery yards.

Location of scales used and their capacity; Number of railroad switches, and the name of railroads serving same.

That applicant is familiar with the terms of this ordinance regulating the sale and distribution of fuel.

That applicant possesses, leases or has continuous access to sufficient and necessary scales and weighing facilities that have been sealed by Inspector of Weights and Measures.

Section 3. LICENSE FEE. The license fee for a fuel merchant's license, as contemplated in this ordinance, shall be \$50.00, plus \$15.00 for each and every additional branch delivery yard and office operated and maintained for the sale and distribution of coal. All moneys received from the sale of such licenses shall be placed to the credit and use of the current expense fund of this city.

Section 4. SERIAL NUMBER, FORM, TRANSFER, AND TERM OF LICENSE. Each fuel merchant's license shall have a serial number affixed and given by the City Controller, which serial number may be retained by the licensee from year to year, provided the license of said fuel merchant is properly renewed and granted. Said license shall authorize such person, firm, corporation or association to engage in the retail business of fuel merchant as hereinbefore set out and defined, for a period of one year from the date of its issuance. No license shall be granted for a period of less than one year, and the full year's license fee shall be paid in each case. Under no circumstances shall any license be transferable or assignable.

Section 5. DISPLAYING LICENSE. Each licensee operating under this ordinance, shall place and maintain conspicuously upon each delivery vehicle used, the serial number of said license, and the name of the said individual, firm, corporation, or association, in letters and figures no less than three inches in height.

Section 6. DELIVERY TICKETS AND DUTIES. It shall be unlawful for any person, firm, corporation or association to sell or deliver, or attempt to sell or deliver within this city, any coal or coke, without providing the driver of the wagon or other conveyance containing any such fuel, with duplicate delivery tickets for each lot of fuel contained therein, and without each of said duplicate tickets bearing thereon clearly, plainly and legibly, each of the following items pertaining to the lot of fuel in said wagon or conveyance to which said tickets shall relate: (a) The date of such delivery; (b) The name and address of the person, firm, corporation or association selling and delivering or attempting to sell or deliver

such fuel; (c) The name or identifying initials of the party who weighed it; (d) The total weight of said wagon or conveyance and its contained fuel; (e) The net weight of said fuel; (f) The name and address of the person, firm, corporation or association to whom such fuel is to be delivered; (g) Either the true, usual and customary name of such fuel, or the name of the State from which it comes, together with the name or number of the district, mine or seam from which it was mined; (h) A description which will clearly indicate the size of its preparation and the character of its preparation (i. e. whether six inch lump, four inch lump, egg, nut, pea, mine run, shovelled lump, slack or screenings, etc.). Before unloading any of a lot of fuel therefrom, it shall be the duty of the driver of said wagon or conveyance to deliver one of said duplicate delivery tickets, pertaining to the lot of fuel to be delivered, to the purchaser thereof, or to the party to whom delivery thereof is to be made; and upon any demand or request of such purchaser or party, or of any police officer, or of the Inspector of Weights and Measures of this city or his deputy, it is hereby made the lawful duty of said driver and of said seller to promptly convey said loaded wagon or conveyance to a public scale that may then be agreed upon by the parties present in interest, or, in the absence of such agreement, to a public scale selected by any such officer or vendee or his representative, or to any private scale whose owner consents to the provision hereof, where said driver shall deliver, to any such officer, or to the person in charge of said scale, one of said duplicate delivery tickets, and where the total weight of said wagon or conveyance and its contained fuel shall be ascertained, and to thereupon deliver said fuel to the place where its delivery is to be made, and to thereupon forth with return to said same scale and permit the weight of said wagon or conveyance to be ascertained and the verification of said weights shown by said delivery ticket completed.

If, upon such verification, the net weight of such fuel, as shown by said ticket pertaining thereto, be found true and correct, such vendee shall pay the cost of and incident to such verification; otherwise such cost shall be born by the vendor of said fuel; provided however, that in the event such verification discloses the net weight of said fuel to be incorrect the vendor of such fuel may, within 24 hours after such verification, duly request an inspection of his scale and the scale used in such verification, and if such inspection discloses that the scale of said vendor was correct and said verification scale incorrect, the owner of said verification scale shall pay the cost of said verification and inspection of both scales; and provided further, that if both said scales be found by said inspection to be inaccurate in any substantial respect, in the judgment of said inspector, said vendor shall pay the cost of said verification, and the owner of each of said scales shall pay the cost of said inspection and resealing of his own scales; and this section shall be cumulative with all other ordinances of this city and of the laws of the State in such respects.

Section 7. SUBSTITUTION AND MIXING PROHIBITED AND EXCEPTIONS. The substitution and, or mixing of fuel, is hereby declared illegal when the fuel has been sold as such, is correctly understood by the purchaser, and clearly indicated on the delivery ticket as provided in Section 6 of this ordinance.

Section 8. DESCRIBING AND ADVERTISING FUEL. It is hereby declared unlawful for any person, firm, corporation or asso-

ciation to sell, or offer for sale, to deliver, or attempt to deliver, or to advertise in any newspaper, circular letter, handbill, or to advertise in any way, any coal, coke or fuel by any name which is not the true, usual and customary name of such fuel; or the name of the State, and district, mine or seam from which it comes, together with a description which will clearly indicate the size of its preparation and the character of its preparation (such as mine run, shovelled lump, slack, etc.)

Section 9. RECORD OF TARE WEIGHTS. Every licensee operating under this ordinance shall compute delivery ticket weight by using the last tare weight of delivery equipment taken at least once a day for every day of dry weather and twice a day in rainy or wet weather; daily record of tare weights of equipment to be kept for reference by dealer, covering a period of the past ten days at all times; all dealer's daily tare weight records of hauling equipment to be subject to inspection of City Inspector of Weights and Measurers, or his deputies.

Section 10. PENALTIES PRESCRIBED. Any individual, firm, corporation or association who shall violate any provision of this ordinance, shall, upon conviction for the first offense be subject to a fine of not less than Twenty-five (\$25.00) Dollars, nor more than One Hundred (\$100.00) Dollars, and for the second or any subsequent offense to be subject to a fine of not less than Fifty (\$50) Dollars nor more than Two Hundred (\$200.00) Dollars, and such license shall be revoked. Each individual sale or transaction of any quantity shall constitute a separate and distinct offense.

Section 11. REPEALING ORDINANCES WHICH CONFLICT. All ordinances or parts of ordinances which may be in conflict with this ordinance, are, insofar as they so conflict, hereby repealed.

Section 12. CONSTITUTIONAL PROVISION. If any section or part of any section of this ordinance shall be declared unconstitutional by a court of competent jurisdiction, then the remainder shall not be affected thereby, and as to such other provisions, shall continue in full force and effect.

Section 13. EMERGENCY DECLARED. WHEREAS, an emergency has been declared to exist, this ordinance shall be in full force and effect from and after its passage.

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

ORDINANCES ON SECOND READING

Mr. Bartholomew called for General Ordinance No. 19, 1926, for second reading. It was read a second time.

Mr. Albertson presented the following written motion which was read:

Indianapolis, Ind., April 19, 1926.

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

I move that General Ordinance No. 19, 1926, be amended by

striking out the figure 33 wherever it appears in said ordinance, and inserting in lieu thereof the figure 71.

O. RAY ALBERTSON,
Councilman.

The above motion was seconded and carried unani-
mously.

On motion of Mr. Bartholomew, seconded by Dr. Todd, General Ordinance No. 19, 1926, was ordered engrossed, read a third time and placed upon its passage as amended.

General Ordinance No. 19 was read a third time and passed unanimously by roll call vote as amended.

Mr. Bartholomew called for General Ordinance No. 20 for second reading. It was read a second time.

On motion of Mr. Raub, seconded by Mr. Negley, General Ordinance No. 20 was ordered, engrossed, read a third time and placed upon its passage.

General Ordinance No. 20 was read a third time and passed unanimously by roll call vote.

Mr. Bartholomew called for General Ordinance No. 21 for second reading. It was read a second time.

On motion of Mr. Bartholomew, seconded by Dr. Todd, General Ordinance No. 21 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 21 was read a third time and passed unanimously by roll call vote.

Mr. Bartholomew called for General Ordinance No. 22 for second reading. It was read a second time.

On motion of Mr. Bartholomew, seconded by Dr. Todd, General Ordinance No. 22 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 22 was read a third time and passed unanimously by roll call vote.

Mr. Bartholomew called for General Ordinance No. 23 for second reading. It was read a second time.

On motion of Mr. Raub, seconded by Mr. Negley, further consideration of General Ordinance No. 23 was

postponed until the next regular session of the Council.

The above motion was carried unanimously.

Dr. Todd called for General Ordinance No. 13 for second reading. It was read a second time.

On motion of Dr. Todd, seconded by Mr. Bartholomew, General Ordinance No. 13 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 13 was read a third time and failed to pass by the following vote:

Ayes, 2, viz: Messrs. Negley and Ferguson.

Noes, 6, viz: Messrs. Bartholomew, Springsteen, Raub, Todd, Albertson and President Boynton J. Moore.

ORDINANCES ON THIRD READING

Mr. Raub called for Resolution No. 2, 1926.


Resolution No. 2 was read a third time and passed by the following vote:

Ayes, 5, viz.: Messrs. Negley, Springsteen, Raub, Ferguson and Albertson.

Noes, 3, viz.: Messrs. Bartholomew and Todd, and President Boynton J. Moore.

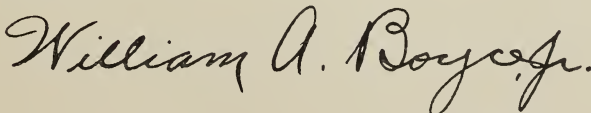
Immediately after the vote was taken Messrs. Bartholomew and Todd and President Moore changed their vote from no to aye.

On motion of Mr. Bartholomew, seconded by Dr. Todd, the Common Council of the City of Indianapolis adjourned at 8:35 o'clock p. m.



President.

Attest:



City Clerk.

