

REGULAR MEETING

Monday, May 3, 1926, 7:30 p. m.

The Common Council of the City of Indianapolis met in the Council Chamber, May 3, 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.: Robert E. Springsteen, Edward B. Raub, O. Ray Albertson, Claude E. Negley, Walter R. Dorsett, Otis E. Bartholomew and Austin H. Todd.

Absent: Millard W. Ferguson.

The reading of the journal was dispensed with on motion of Mr. Bartholomew, seconded by Mr. Dorsett.

COMMUNICATIONS FROM THE MAYOR

April 20, 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 and delivered to William A. Boyce, Jr., City Clerk, General Ordinance No. 20, 1926. An Ordinance to amend General Ordinance No. 114, 1922. Be it ordained by the Common Council of the City of Indianapolis, that Section 18 of General Ordinance No. 114, 1922, be amended to read as follows: "Section 18. FRONT YARDS IN RESIDENCE DISTRICTS: (a) Between a front yard line as herein established and the street line no building or portion of a building rather than a one-story unenclosed porch or a fence or wall not exceeding 3½ feet in height may be erected."

JOHN L. DUVALL,
Mayor.

April 20, 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 and delivered to William A. Boyce, Jr., City Clerk, General Ordinance No. 21, 1926.—"An Ordinance transferring the sum of Five Hundred (\$500.00) Dollars in the department of the City Controller from the fund known as Item No. 61, therein of the Controller's fund, 'Interest on Bonded Debt,' and reappointing the same to the fund known as Item No. 241, in the department of the City Controller, Controller's fund, 'Advertising and Publication,' and declaring a time when the same shall take effect."

General Ordinance No. 22, 1926—"An Ordinance, transferring

the sum of Two Hundred (\$200.00) Dollars in the department of the City Controller from the fund known as Item No. 61, 'Interest on Bonded Debt,' Controller's fund, and reappropriating the same to the funds as follows: One Hundred (\$100.00) Dollars of the same to the fund known as Item No. 212, 'Postage, Telegraph and Telephone,' and One Hundred (\$100.00) Dollars of the same to the fund known as Item No. 36, 'Office Supplies,' said funds being known as Item No. 212 and Item No. 36 in and of the department of the City Clerk of the City of Indianapolis, and declaring a time when the same shall take effect."

JOHN L. DUVALL,
Mayor.

REPORTS FROM STANDING COMMITTEES

Indianapolis, Ind., May 3, 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 General Ordinance No. 25, 1926: "Retail sale and distribution of coal and coke," beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed as amended.

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

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES

By Mr. Dorsett:

GENERAL ORDINANCE NO. 26, 1926.

AN ORDINANCE to repeal Sections 381 and 382 of General Ordinance numbered 121, being an ordinance entitled "An Ordinance concerning the government of the City of Indianapolis, providing penalties for its violation and, with stated exceptions, repealing all former ordinances," being known as "Municipal Code of Indianapolis, 1925."

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

That Sections 381 and 382 of General Ordinance No. 121, entitled "An Ordinance concerning the government of the City of Indianapolis, providing penalties for its violation and, with stated exceptions, repealing all former ordinances," and being known as "Municipal Code of Indianapolis, 1925," be and they are each hereby repealed.

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

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

By Mr. Bartholomew :

GENERAL ORDINANCE NO. 27, 1926.

AN ORDINANCE, prohibiting the use by Interurban Companies between the hours of 5:00 a. m. and 12:00 p. m. of more than one freight trailer operating over and on the streets of the City of Indianapolis, fixing a penalty for the violation of the same, 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 it shall be unlawful for any interurban or other electrically operated utility operating in and over the streets of the City of Indianapolis to draw more than one trailer between the hours of 5:00 a. m. and 12:00 p. m.

Section 2. That any corporation, firm, partnership or individual violating the same shall be fined in any sum not to exceed Fifty (\$50.00) Dollars, or imprisoned in the Marion County Jail for a period not to exceed thirty days, or both.

Section 3. This ordinance shall be in full force and effect from and after its passage.

Which was read a first time and referred to the Board of Safety.

By Mr. Dorsett :

GENERAL ORDINANCE NO. 28, 1926.

AN ORDINANCE, amending Section 476 of General Ordinance No. 121, an ordinance entitled, "An Ordinance creating the government of the City of Indianapolis providing penalties for its violation and with stated exceptions, repealing all former ordinances," being known as "Municipal Code of Indianapolis, 1925."

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

Section 1. That Section 476 of General Ordinance No. 121, paragraph 15, pertaining to Wholesale Junk Dealers' annual license fees which reads "wholesale junk dealer, one hundred and fifty dollars," be amended to read "wholesale junk dealer, one thousand dollars."

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 a special committee appointed by the President of the Council consisting of Mr. Negley, Chairman; Mr. Ferguson, Mr. Bartholomew, Dr. Todd and Mr. Dorsett.

By Dr. Todd:

GENERAL ORDINANCE NO. 29, 1926.

AN ORDINANCE, prohibiting the use of sidewalks for the sale, display, or storage of goods, wares, merchandise, fruits or vegetables, providing a penalty for the violation of the same, 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 any person, firm or corporation using the public sidewalks in the City of Indianapolis for the purpose of selling, displaying, or storing any fruits, vegetables, goods, wares or merchandise shall be held to be in violation of this ordinance.

Section 2. Any individual, firm or corporation found guilty of the violation of this ordinance shall be fined in any sum not to exceed Fifty (\$50.00) Dollars, or sentenced to the Marion County Jail for not more than thirty days, or both.

Section 3. This ordinance shall be in full force and effect from and after its passage.

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

INTRODUCTION OF MISCELLANEOUS BUSINESS

By Mr. Raub:

RESOLUTION NO. 4, 1926.

WHEREAS the General Assembly of the State of Indiana Acts 1925, p. 367, enacted a general law, amending Sections 1 and 6 of the Act of 1923, providing for a tax on gasoline; and

WHEREAS, Section 2 of said amendment allots a certain portion of said funds to cities and towns, to be used to maintain and repair streets or bridges, but preference to be given to those streets connecting with State Highways; and

WHEREAS, said Act provided that said fund shall be used as directed by the Common Council; and

WHEREAS, it is the opinion of this Council that said funds should be applied to repair, or resurface the following streets in the City of Indianapolis:

(a) South Meridian Street from Belt Railroad to Pleasant Run Boulevard.

(b) East Washington Street from Audubon Road to Sheridan Drive.

(c) North West Street from about Eleventh Street north to the Canal; and

WHEREAS, the thoroughfare plan heretofore adopted by this Council provides that North West Street shall be one of the major thoroughfares of the City of Indianapolis, and requires the straightening and extending of North West Street across the canal and changing the location of the bridge across the canal.

NOW, THEREFORE, BE IT RESOLVED that the Board of Works of the City through the City Engineer prepare plans and specifications, together with estimates of the costs for the repairs and improvements above mentioned, including the required expense of moving the canal bridge; and be it further

RESOLVED that said Board make such recommendations as it may deem proper in connection with said work and make report to this Council of the City's share of the cost of said repairs and improvements; and be it further

RESOLVED that this Council will, on receiving said report and estimate, give same due consideration, and by proper procedure direct that the funds now in the treasurer's hands shall be applied in whole or in part toward said work or portions thereof, all as this Council may decide.

Resolution No. 4, 1926, was unanimously adopted on first reading on motion of Mr. Raub, seconded by Mr. Bartholomew.

ORDINANCES ON SECOND READING

Mr. Bartholomew called for General Ordinance No. 25, 1926, for second reading. It was read a second time.

On motion of Mr. Bartholomew, seconded by Mr. Raub, General Ordinance No. 25 was ordered amended to read as follows:

GENERAL ORDINANCE NO. 25, 1926 (As Amended)

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 the 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, plus \$15 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 as 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 a 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 the 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 if 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 such 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 forthwith 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, which cost to him shall at no time exceed one dollar; otherwise such cost shall be borne 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 said 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. This section shall be cumulative with all other ordinances of this city and of the laws of the state in such respects, and nothing herein shall be construed to prevent the Inspector of Weights and Measures

or his dupties from making inspections in their regular manner and demanding a verification at any time.

Section 7. **SUBSTITUTION AND MIXING PROHIBITED AND EXCEPTIONS.** The substitution or mixing of fuel is hereby declared illegal and subject to the penalties provided in this ordinance, except when the fuel has been sold as such and 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 association to sell, 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 without giving 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, and also a description which will indicate the size of its perparation 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.).

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 dealers' daily tare weight records of hauling equipment to be subject to inspection of City Inspector of Weights and Measures 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, be subject to a fine of not less than \$50 nor more than \$200 and such license shall be revoked. Each individual sale or transaction of any quantity shall constitute a seperate 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.

On motion of Mr. Bartholomew seconded by Dr. Todd, General Ordinance No. 25 was ordered engrossed as amended, read a third time and placed upon its passage.

General Ordinance No. 25 was read a third time, as amended and passed by the following vote:

Ayes, 7, viz.: Bartholomew, Springsteen, Raub, Todd, Dorsett, Negley and President Moore.

Noes, 1, viz.: Albertson.

Mr. Dorsett called for General Ordinance No. 23, 1926 for second reading. It was read a second time.

On motion of Mr. Bartholomew, seconded by Dr. Todd, General Ordinance No. 23 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 23 was read a third time and passed by the following vote:

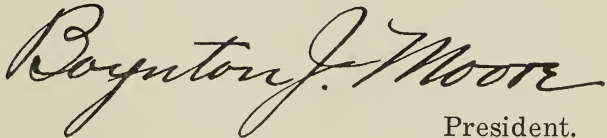
Ayes, 8, viz.; Messrs. Sprinsteen, Raub, Albertson, Negley, Dorsett, Bartholomew, Todd and President Boynton J. Moore.

On motion of Mr. Raub, seconded by Dr. Todd, Resolution No. 3, 1926 was stricken from the files.

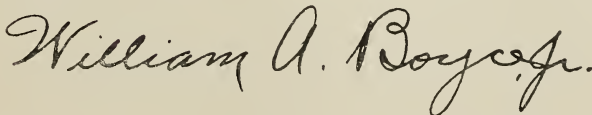
On motion of Mr. Bartholomew, seconded by Dr. Todd, General Ordinances Nos. 11 and 13 were stricken from the files.

On motion of Dr. Todd, seconded by Mr. Raub, Special Ordinance No. 1, 1926, and General Ordinance No. 19, 1926, were stricken from the files.

On motion of Mr. Albertson, seconded by Dr. Todd, the Common Council of the City of Indianapolis at 8:30 o'clock p. m., adjourned.


President.

Attest:



City Clerk.



