

## REGULAR MEETING

Monday, June 7, 1926, 7:30 p. m.

The Common Council of the City of Indianapolis met in the Council Chamber, Monday, June 7, 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 and eight members, viz.: Walter R. Dorsett, Claude E. Negley, Austin H. Todd, Otis E. Bartholomew, Robert E. Springsteen, O. Ray Albertson, Millard W. Ferguson and Edward B. Raub.

The reading of the journal was dispensed with on motion of Mr. Bartholomew.

## COMMUNICATIONS FROM THE MAYOR

June 2, 1926.

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

Gentlemen—I am returning to you General Ordinance No. 35 which is an act declaring that Central Standard Time shall hereafter be advanced one hour in the City of Indianapolis for the purpose of daylight saving.

The matters set forth in this ordinance present a question which was in vogue during the war. At that time as a war measure it was deemed advisable to change Central Standard Time by setting the clocks ahead one hour, for the purpose of utilizing the early part of the day in which to work and help increase production to the end that our country could more efficiently aid in bringing the war to a successful close.

However, in my mind conditions have so changed that it is not only unnecessary from either an economical or business point of view to make this change in our Central Standard Time, which is the standard time universally used by the government, and so has been for centuries past.

But this ordinance will work a serious hardship upon a great many of our business concerns and individuals who are engaged in a business which already requires them to begin operations at an early hour in the morning and completely necessitates a change in the executive management of their business policies.

I can see no benefit to be derived from this ordinance, therefore

I have this day vetoed the ordinance and a returning it to you within ten days from the day upon which I received it.

Respectfully yours,  
JOHN L. DUVALL,  
Mayor.

### REPORTS OF COMMITTEES

Indianapolis, Ind., June 7, 1926.

*To the Honorable 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. 34, 1926, entitled "Making Clifton Street Preferential," beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

CLAUDE E. NEGLEY, Chairman  
AUSTIN H. TODD  
OTIS E. BARTHOLOMEW  
WALTER R. DORSETT  
M. W. FURGUSON

Indianapolis, Ind., June 3, 1926.

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

Gentlemen—We, your Committee on Law and Judiciary to whom was referred General Ordinance 38, 1926, amending the Building Code, beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

AUSTIN H. TODD, Chairman  
OTIS E. BARTHOLOMEW  
CLAUDE E. NEGLEY.

Indianapolis, Ind., June 7, 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. 33, 1926, entitled Sivi Contract, beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

OTIS E. BARTHOLOMEW, Chairman  
AUSTIN H. TODD  
EDWARD B. RAUB  
ROBERT E. SPRINGSTEEN.

### INTRODUCTION OF GENERAL ORDINANCES

By Mr. Bartholomew:

GENERAL ORDINANCE NO. 39, 1926

AN ORDINANCE, to amend Section 4 of General Ordinance No. 25, 1926, (as amended) passed by the Common Council of the City of Indianapolis on the 3rd day of May, 1926, and signed and

approved by the Mayor on the 12th day of May, 1926, entitled: "An Ordinance to Regulate the use 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 and advertising and selling; Prescribing a penalty for violation thereof; Declaring an emergency and designating a time when the same shall take effect."

**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 said person, firm, corporation or association to engage in the retail business of the 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.  
BE AMENDED TO READ AS FOLLOWS:

*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 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 licensed and regularly licensed coal dealers in carload lots, nor to the sale of fuel in carload 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 obligation, 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 the 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 beginning on the first day of January and ending on the 31st day of December of each year, excepting, however, the year 1926, which license or licenses shall date from the first day of July, 1926, until the 31st day of December, 1926. Such license fees for this year shall be paid for the full year. 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 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 a duplicate delivery ticket 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, shoveled 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 deputies 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 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 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 screening 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 \$50.00 nor more than \$200.00 and such license shall be revoked. Each individual scale 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 Committee on City Welfare.

By Mr. Dorsett:

#### GENERAL ORDINANCE NO. 40, 1926.

AN ORDINANCE, to amend Section 865 Indianapolis Building Code of 1925, of General Ordinance No. 121, known as Municipal Code of Indianapolis, 1925, and entitled "An Ordinance Concerning

the Government of the City of Indianapolis, providing penalties for its violation, with stated exceptions repealing all former ordinances."

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

Section 1. That Section 865 Indianapolis Building Code of 1925, of General Ordinance No. 121, known as "Municipal Code of Indianapolis, 1925," be amended to read as follows: "Section A-117. Penalty. Any person, firm or corporation who shall violate any of the provisions of this ordinance except as provided in specific exceptions shall be deemed guilty of misdemeanor and upon conviction thereof shall be fined in any sum not less than Two (\$2.00) Dollars and not more than Five Hundred (\$500.00) Dollars for each offense. Each day any violation shall continue shall be a separate offense."

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 Committee on Law and Judiciary.

By Mr. Ferguson:

GENERAL ORDINANCE NO. 41, 1926.

AN ORDINANCE, to amend General Ordinance No. 30, 1926, passed by the Common Council of the City of Indianapolis on the 17th day of May, 1926, and signed and approved by the Mayor on the 21st day of May, 1926, entitled: "An Ordinance transferring the sum of Two Thousand Dollars (\$2000.00) from the Garage and Motor Fund No. 33, Department of Public Works, and reappropriating the same to Equipment Fund No. 72, Department of Public Works, and recreating Equipment Fund No. 72, Department of Public Works insofar as heretofore it may have been effective, and fixing a time when the same shall take effect.

"WHEREAS the City of Indianapolis, through its authorized agents failed, refused and neglected at the time of the making of the Appropriation Budget Ordinance for 1926 to set aside any funds in Equipment Fund No. 72, Department of Public Works, and

"WHEREAS there are now no available funds in the Department of Public Works in Equipment Fund No. 72."

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

Section 1. That the sum of Two Thousand Dollars (\$2,000.00) be and the same is hereby transferred and reappropriated from Garage and Motor Fund No. 33, Department of Public Works, to Equipment Fund No. 72, Department of Public Works

Section 2. That Equipment Fund No. 72, Department of Public Works, is hereby recreated and made such fund.

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

be amended to read as follows:

“AN ORDINANCE, transferring the sum of Two Thousand (\$2,000.00) Dollars from the Garage and Motor Fund No. 33, Department of Public Works, Street Commissioner’s Unit, and reappropriating the same to Equipment Fund No. 72, Department of Public Works, Street Commissioner’s Unit, and recreating Equipment Fund No. 72, in the Department of Public Works, Street Commissioner’s Unit, insofar as heretofore it may have been effective and fixing a time when the same shall take effect.

“WHEREAS, the City of Indianapolis through its authorized agents failed, refused and neglected at the time of the making of the Appropriation Budget Ordinance for 1926 to set aside any funds in the Equipment Fund No. 72, Department of Public Works, Street Commissioner’s Unit, and

“WHEREAS, there are now no available funds in the Department of Public Works, Street Commissioner’s Unit, in Equipment Fund No. 72,

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

Section 1. That the sum of Two Thousand (\$2,000.00) Dollars be and the same is hereby now transferred and reappropriated from Garage and Motor Fund No. 33, Department of Public Works, Street Commissioner’s Unit, to Equipment Fund No. 72, Department of Public Works, Street Commissioner’s Unit.

Section 2. That Equipment Fund No. 72, Department of Public Works, Street Commissioner’s Unit, is hereby recreated and made such Fund.

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 a special committee consisting of Mr. Ferguson, Chairman; Messrs. Dorsett, Bartholomew, Todd and Raub.

#### INTRODUCTION OF MISCELLANEOUS BUSINESS

By Mr. Albertson and Mr. Bartholomew:

#### RESOLUTION NO. 5, 1926.

WHEREAS there have been numerous complaints as to certain activities of Park Board Members, under the Department of Public Parks of the City of Indianapolis, Indiana, and

WHEREAS the Public Press has been carrying articles and stories in the last few weeks relating to certain activities of members of the Department of Public Parks, and

WHEREAS charges were filed against one of the members who in the face of trial resigned, and

WHEREAS the General Public is asking that if any such irregularities exist as were so charged that they as taxpayers of the City



of Indianapolis, Indiana, be acquainted with the same, and

WHEREAS a large number of taxpayers are still seeking an explanation as to the procedure surrounding the purchase of certain ground from Butler College, the construction of Kessler Boulevard, and the purchase of certain land in Golden Hill Addition for Park purposes, and

WHEREAS it has become a general report that the Park Board members have caused the extravagant expenditures of vast sums of money in a lavish and unwarranted manner,

*Now Therefore, Be it Resolved by the Common Council of the City of Indianapolis, Indiana:*

That this body cause a committee to be appointed to investigate and make a report on the activities of the Department of Public Parks of the City of Indianapolis or any of its members as individuals as relates to any irregularities in the transacting or carrying on of the business of the Department of Public Parks or any other activities or irregularities that may come to said committee's notice and attention, to make report of their finding or findings to the Common Council in session.

Which was read a first time and referred to a special committee consisting of Mr. Albertson, Chairman; Messrs. Ferguson, Dorsett, Todd and Bartholomew.

By Mr. Dorsett:

#### RESOLUTION NO. 6, 1926.

WHEREAS there have been numerous complaints to members of the Common Council of the City of Indianapolis, and

WHEREAS the attention of the Common Council of the City of Indianapolis, Indiana, has through the Public Press been directed to the activities of the City Plan Commission, and

WHEREAS the City Plan Commission in numerous instances has been accused of hindering the development of the City of Indianapolis, Indiana, and

WHEREAS many requests have come to the Council for the establishment of a separate and distinct body known as "The Board of Zoning Appeals"

*Now Therefore, Be it Resolved by the Common Council of the City of Indianapolis, Indiana:*

That this body cause a committee to be appointed to investigate and make a report on the activities of the City Plan Commission of the City of Indianapolis, as relates to any irregularities in this body that might now or heretofore exist or any other irregularities that may come to said committee's notice or attention.

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

By Mr. Dorsett:

RESOLUTION NO. 7, 1926.

WHEREAS the funds in the Department of Public Works, Street Commissioner's Unit, are in a depleted condition at the present time, and

WHEREAS there was approximately One Hundred and Eight Thousand (\$108,000.00) Dollars recently turned over to the City Controller by the State of Indiana as the City's share of gasoline tax received during the year 1925, and

WHEREAS there are now a number of bridges and streets in the City of Indianapolis in need of imediate repair,

*Now Therefore, Be it Resolved by the Common Council of the City of Indianapolis, Indiana:*

That East Michigan Street, between Sherman Drive and Emerson Avenue, be paved between the car tracks out of said funds known as "Gasoline Tax Funds of the City of Indianapolis" now THEREFORE BE IT FURTHER

RESOLVED that if this Fund is still unexhausted after the paving of East Michigan street, as above mentioned that the following bridges be repaired, such repairs to continue until such time as the same are exhausted:

West Tenth Street Bridge  
 Harding Street River Bridge  
 West New York Street River Bridge  
 Raymond Street River Bridge

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

ORDINANCES ON SECOND READING

Mr. Bartholomew called for General Ordinance No. 33, 1926, for second reading. It was read a second time.

On motion of Mr. Bartholomew, seconded by Dr. Todd, General Ordinance No. 33 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 33 was read a third time and passed by unanimous vote of the Council.

Dr. Todd called for General Ordinance No. 34, 1926, for second reading. It was read a second time.

On motion of Dr. Todd, seconded by Mr. Bartholomew, General Ordinance No. 34 was ordered engrossed,

read a third time and placed upon its passage.

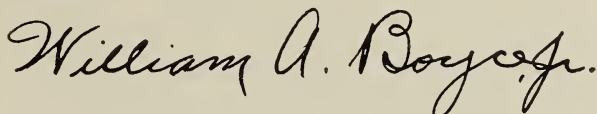
General Ordinance No. 34 was read a third time and passed by unanimous vote of the Council.

The Common Council of the City of Indianapolis at 9:10 o'clock p. m., adjourned.

A handwritten signature in cursive script that reads "Baynton J. Moore".

President.

Attest:

A handwritten signature in cursive script that reads "William A. Boyce, Jr.".

City Clerk.

