

REGULAR MEETING

Monday, June 21, 1926, 7:30 p. m.

The Common Council of the City of Indianapolis met in the Council Chamber, Monday, June 21, 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 seven members, viz.: Walter R. Dorsett, Austin H. Todd, Otis E. Bartholomew, Robert E. Springsteen, O. Ray Albertson, Millard W. Ferguson and Edward B. Raub.

Absent: Claude E. Negley.

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

COMMUNICATIONS FROM THE MAYOR

June 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 and delivered to Wm. A. Boyce, Jr., City Clerk, General Ordinance No. 33, 1926:

An Ordinance granting to the Link Realty Company the right to lay and maintain a sidetrack or switch, from the east line of Koehne Street to the west line of Koehne Street, according to the blueprint attached hereto, in the City of Indianapolis, Indiana.

J. L. DUVALL,
Mayor.

June 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 and delivered to Wm. A. Boyce, Jr., City Clerk, General Ordinance No. 34, 1926.

An Ordinance to amend section 760 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, and with stated exceptions repealing all former ordinances.

J. L. DUVALL,
Mayor.

REPORTS FROM CITY OFFICERS

June 21, 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 Three Hundred (\$300.00) Dollars from Fund No. 61, Interest on Bonded Debt, Controller's Office, to Fund No. 62, Grants and Subsidies in Controller's Office, to be used for the general Memorial Association for the old soldiers of the Republic and for defraying expenses of Memorial Day.

I respectfully recommend the passage of this ordinance.

Yours,

W. C. BUSER,
City Controller.

June 21, 1926.

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

Gentlemen—I am handing you herewith communication from the Board of Public Works asking for the passage of a General Ordinance transferring the sum of One Thousand (\$1,000.00) Dollars from Municipal Garage, Services Contractual, Account No. 25, Repairs, and reappropriating the same to Municipal Garage, Materials, Account No. 45, Repair Parts, in the Department of Public Works.

I respectfully recommend the passage of this ordinance.

Yours,

W. C. BUSER,
City Controller.

June 21, 1926.

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

Dear Sir—I am directed by the Board of Public Works to submit to you the attached ordinance for the transfer of One Thousand (\$1,000.00) Dollars from Municipal Garage, Services Contractual, Account No. 25, to the Municipal Garage, Materials, Account No. 45, Repair Parts in the Department of Public Works, and request that you submit the same, together with your recommendation, to the Common Council for its consideration.

Yours truly,
Clerk, Board of Public Works.

June 21, 1926.

To Mr. William A. Boyce, Jr., Clerk of the Common Council, City of Indianapolis:

Dear Sir—At the last regular meeting of the City Council held June 7th, there was presented an amendment on General Ordinance No. 25, 1926. This ordinance relates to the regulation of the retail selling and distribution of coal and coke.

Since the last regular meeting of the Council, when the amendment was introduced, Mr. T. M. Overley, Manager of the Better Business Bureau, has made two or three minor changes in the wording and phrasing of this ordinance and I am very anxious that these changes be made

in the amendment which will probably be acted upon at tonight's Council meeting.

As it will take me several weeks to get the license books printed I would appreciate very much that tonight if this amendment comes up for the third reading that you state that this amendment shall be passed as read, which will include these last changes.

Appreciating your assistance in this, I am,

Yours truly,

WM. C. BUSER,

City Controller.

REPORTS OF COMMITTEES

Indianapolis, Ind., June 21, 1926.

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. 32, 1926, request more time to consider same.

O. RAY ALBERTSON, Chairman

OTIS E. BARTHOLOMEW

AUSTIN H. TODD

WALTER R. DORSETT

Indianapolis, Ind., June 2, 1926.

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

Gentlemen—We your Special Committee to whom was referred General Ordinance No. 41, 1926, beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

M. W. FERGUSON

EDWARD B. RAUB

A. H. TODD

WALTER R. DORSETT

OTIS E. BARTHOLOMEW

INTRODUCTION OF GENERAL ORDINANCES

By the City Controller:

GENERAL ORDINANCE NO. 42, 1926

AN ORDINANCE, transferring the sum of One Thousand (\$1,000.00) Dollars from Municipal Garage, Services Contractual, Account No. 25, Repairs, and reappropriating the same to Municipal Garage, Materials, Account No. 45, Repair Parts, in the Department of Public Works.

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

Section 1. That the sum of One Thousand (\$1,000.00) be and the same is hereby now transferred and reappropriated from Municipal Garage, Services Contractual, Account No. 25, Repairs, to Municipal Garage, Materials, Account No. 45, Repair Parts, in the Department of Public Works.

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 Finance.

By the City Controller:

GENERAL ORDINANCE NO. 43, 1926

AN ORDINANCE, to transfer the sum of Three Hundred (\$300.00) Dollars from Fund No. 61, Interest on Bonded Debt, Controller's Office, to Fund No. 62, Grants and Subsidies in Controller's Office, to be used for the general Memorial Association for the old soldiers of the Republic and for defraying expenses of Memorial Day.

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

Section 1. That whereas there are not funds for the celebration of patriotic occasions and for defraying expenses for such occasions in which the Grand Army of the Republic patriotically celebrates Memorial Day and other occasions of patriotic nature and whereas for the sake of patriotism and the inculcation of patriotic principles in the youth of the city and land, the same is necessary and proper.

Section 2. Now Therefore, a sum of Three Hundred (\$300.00) Dollars is transferred hereby from Fund No. 61, Interest on Bonded Debt, Controller's Office, to Fund No. 62, Grants and Subsidies in Controller's Office, to be used for the General Memorial Association of the old soldiers to defray the expense of Memorial Day of such Association and for other patriotic occasions and celebrations of such Association.

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 Finance.

By Mr. Dorsett:

GENERAL ORDINANCE NO. 44, 1926

AN ORDINANCE, to amend General Ordinance No. 114, 1922, and amendments (exclusive of maps) entitled: "An ordinance dividing the City of Indianapolis into districts for the purposes of regulating and restricting the location of trades, callings, industries, commercial advertisings and location of buildings designed for specific uses, of classifying, regulating and determining the area, of front, rear and side yards and other open spaces about buildings; of regulating and determining the use and intensity of use of land and lot areas within such city; creating a Board of Zoning Appeal; defining certain terms used in said ordinance; providing a penalty for its violation and designating the time when the same shall take effect," 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 General Ordinance No. 114, 1922, and amendments

(exclusive of maps) be amended to read as follows: That Section 879½ entitled "Prohibition of Signboards 9½" be inserted after Section 879, entitled: "Prohibition and Special Permit Uses 9." That said Section 879½ entitled: "Prohibition of Sign Boards 9½" read as follows: "No Signboard shall be erected on any premises within the limits of the City of Indianapolis. The above prohibition applies solely to signboards which are erected on real estate and the above prohibition does not in any sense apply to signboards hanging from or erected upon any building or buildings."

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 City Welfare.

By Mr. Bartholomew:

GENERAL ORDINANCE NO. 45, 1926

AN ORDINANCE to amend General Ordinance No. 114, 1922, and amendments (exclusive of maps) entitled: "An Ordinance dividing the City of Indianapolis into districts for the purposes of regulating and restricting the location of trades, callings, industries, commercial advertisings and location of buildings designed for specific uses, of classifying, regulating and determining the area, of front, rear and side yards and other open spaces about buildings; of regulating and determining the use and intensity of use of land and lot areas within such city; creating a Board of Zoning Appeal; defining certain terms used in said ordinance; providing a penalty for its violation and designating the time when the same shall take effect," and fixing the time when the same shall take effect.

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

Section 1. That General Ordinance No. 114, 1922, and amendments (exclusive of maps) be amended as follows: That Section 892, entitled: "Enforcement, Board of Zoning Appeals, 22," be amended by striking out the following provision: "The City Planning Commission is hereby constituted a Board of Zoning Appeals for the purposes of this ordinance." Further said Section 892, entitled: "Enforcement, Board of Zoning Appeals 22," be amended by inserting in lieu of the above provision stricken out, the following: "The Board of Zoning Appeals shall consist of five members to be appointed by the Mayor of the City of Indianapolis, at least two of whom shall be members of the City Plan Commission and not more than two of whom shall hold elective or appointive office in such city government.

Section 2. Any provision in the ordinances governing the city of Indianapolis whereby the City Plan Commission is authorized to act as a Board of Zoning Appeals is hereby repealed and the Board of Zoning Appeals made up of the members of the City Plan Commission is hereby abolished.

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

Which was a first time and referred to a Special Committee consisting of Mr. Ferguson, Chairman; Messrs. Dorsett, Bartholomew, Todd and Springsteen.

By Mr. Dorsett:

GENERAL ORDINANCE NO. 46, 1926

AN ORDINANCE, to amend Sections B-105, B-204 and B-208, entitled "Indianapolis Building Code" of General Ordinance No. 121, 1925, being an ordinance concerning the government of the City of Indianapolis, providing penalties for its violation, with stated exceptions, repealing all former ordinances, which sections pertain to "concrete blocks," their quality, crushing strength, requirements for marking, approval by Building Commissioner, and fees.

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

Section 1. That Section B-105 of General Ordinance No. 121, 1925, be amended to read as follows:

QUALITY OF CONCRETE BLOCK. STRESSES.

(a) Concrete block or concrete building tile of whatever mixture shall be so made that they will meet the following tests in ultimate compression as laid in the wall:

Ultimate Compression
for load bearing

Average of four tests in pounds per square inch gross area....1,000

Minimum for any one test pounds per square inch gross area 800

No concrete block shall fall below the minimum as shown above.

Section 2. That Section B-204 of General Ordinance No. 121, 1925, be amended to read as follows:

CRUSHING STRENGTH

"Concrete Blocks" shall not be used in any case unless they stand, without showing signs of failure, the ultimate crushing strength of the block twenty-eight (28) days old resulting from an average of three (3) or more units tested by a recognized testing laboratory or any testing laboratory satisfactory to the Commissioner of Buildings, as follows, to wit:

Ultimate crushing strength in pounds per square inch of gross area as laid in the wall:

Average of three (3) tests, 1,000 pounds.

Minimum for any one block, 800 pounds.

The above tests shall be computed over the gross area of the "Concrete Block" as laid up in mortar in any wall with no reduction for hollow spaces, by taking the product of the width and the length of the unit. No single "Concrete Block" shall fall below the amount of strength per square inch of gross area indicated in the second column.

No single "Concrete Block" shall fall below one thousand (1,000) pounds per square inch ultimate compressive strength when calculated on the minimum cross section area bearing either at the top or base of the "Concrete Block."

Section 3. That Section B-208 of General Ordinance No. 121, 1925, be amended to read as follows:

IDENTIFICATION OR BRANDING

(a) Every concrete block used in the City of Indianapolis for building construction purposes, shall have designated thereon such mark of identification as will indicate the name of the manufacturer and the principal place of business of such manufacturer, and a facsimile of such mark of identification shall be filed with and approved by the commissioner of buildings, upon the adoption of same by the manufacturer.

APPROVAL AND FEE

(b) All concrete block used in the city of Indianapolis shall be approved in writing by the Commissioner of Buildings. Such written approval may be obtained upon application for the same and submitting the certificate of tests in accordance with the provisions of Section B-105 and Section B-203-204-212. When the block are found to comply with all the requirements of said sections the written approval shall be issued upon payment of One Hundred (\$100.00) Dollars to the City Treasurer, which amount is to be credited to the current expense fund. Each approval is to expire on the 1st day of July of each year. The name of the person, firm, or corporation and its officers who manufacture the block must be placed on file with the commissioner of buildings as a record. All changes of ownership or management of any plant whose block is approved under this section must be reported in writing to the commissioner of buildings.

SUBSEQUENT TESTS

(c) If at any time after the approval of the concrete blocks the commissioner of buildings finds it necessary to require subsequent tests in accordance with Section B-212 and such tests disclose that said blocks do not meet the requirements of said section, then the commissioner of buildings shall forthwith revoke the approval of such block, heretofore given.

Section 4. This ordinance shall take effect and be enforced from and after its passage.

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

By Mr. Ferguson:

GENERAL ORDINANCE NO. 47, 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, Ind.:

Section 1. That Section 476 of General Ordinance No. 121, paragraph 35, pertaining to taxicabs annual license fees, which reads: "35. Each taxicab \$8.00," be amended to read: "35. Each taxicab \$100. After

the first license fee is paid, the owner of such taxicab will pay a fee of \$25.00 for all other taxicabs."

Section 2. This ordinance shall be in full force and effect from and after January 1, 1927.

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

By Mr. Dorsett :

RESOLUTION NO. 8, 1926

WHEREAS, it is deemed by the Common Council of the City of Indianapolis to be a matter of public utility and concern whether or not a Municipal corporation known as the City of Indianapolis has any legal title, right or interest in the Canal now purported to be owned by the Indianapolis Water Company, 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 as to any legal title, right or interest that might at this time be vested in the City of Indianapolis, and that the findings of this committee be submitted to the Common Council of the City of Indianapolis in session.

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

At 8:20 o'clock, Mr. Negley took his seat in the Council Chamber.

ORDINANCES ON SECOND READING

Dr. Todd called for General Ordinance No. 38 for second reading. It was read a second time.

Dr. Todd presented the following amendment to General Ordinance No. 38:

Indianapolis, Ind., June 21, 1926.

Mr. President:

I move that General Ordinance No. 38, 1926, be amended by adding the two words "or wood" in the last sentence of paragraph two of Section 1, making it read as follows: "All partitions shall be fire-blocked midway between each floor and ceiling with improved metal or wood fire blocking thoroughly fastened."

AUSTIN H. TODD, Councilman.

On motion of Mr. Springsteen, seconded by Dr. Todd, the above amendment was adopted.

On motion of Dr. Todd, seconded by Mr. Bartholomew, Gen-

eral Ordinance No. 38, as amended, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 38 was read a third time and passed by the following vote:

Ayes, 8, viz.: Messrs. Dorsett, Todd, Bartholomew, Springsteen, Albertson, Ferguson, Negley and President Moore.

Noes, 1, viz.: Mr. Raub.

Mr. Bartholomew called for General Ordinance No. 28 for second reading. It was read a second time.

On motion of Mr. Bartholomew, seconded by Dr. Todd, General Ordinance No. 28 was ordered, read a third time and placed upon its passage.

General Ordinance No. 28 was read a third time and failed to pass by the following vote:

Ayes, 4, viz.: Messrs. Bartholomew, Dorsett, Todd and President Moore.

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

Mr. Bartholomew called for General Ordinance No. 39 for second reading. It was read a second time.

On motion of Mr. Bartholomew, seconded by Dr. Todd, General Ordinance No. 39 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 39 was read a third time and passed by the following vote:

Ayes, 8, viz.: Messrs. Dorsett, Negley, Todd, Bartholomew, Springsteen, Ferguson, Raub and President Moore.

Noes, 1, viz.: Mr. Albertson.

Mr. Bartholomew called for General Ordinance No. 40 for second reading. It was read a second time.

On motion of Mr. Bartholomew, seconded by Mr. Raub, General Ordinance No. 40 was stricken from the files.

Mr. Bartholomew called for General Ordinance No. 41 for second reading. It was read a second time.

On motion of Mr. Bartholomew, seconded by Dr. Todd, General Ordinance No. 41 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 41 was read a third time and passed by the following vote:

Ayes, 8, viz.: Messrs. Dorsett, Negley, Todd, Bartholomew, Springsteen, Ferguson, Raub and President Moore.

Noes, 1, viz.: Mr. Albertson.

Mr. Bartholomew called for Resolution No. 5. It was read a second time.

On motion of Mr. Bartholomew, seconded by Dr. Todd, Resolution No. 5 was ordered stricken from the files.

Resolution No. 5 was stricken from the files by the following vote:

Ayes, 6, viz.: Messrs. Dorsett, Negley, Todd, Bartholomew, Ferguson and President Moore.

Noes, 3, viz.: Messrs. Raub, Springsteen and Albertson.

Mr. Raub called for Resolution No. 6. It was read a second time.

On motion of Mr. Bartholomew, seconded by Mr. Dorsett, the Law and Judiciary Committee, to which Resolution No. 6 was referred, was given more time for the consideration of Resolution No. 6.

The motion was passed by the following vote:

Ayes, 7, viz.: Messrs. Dorsett, Negley, Todd, Bartholomew, Albertson, Ferguson and President Moore.

Noes, 2, viz.: Messrs. Springsteen and Raub.

President Moore notified the Council that the next regular meeting of the Council would be held on July 6th instead of July 5th, which will be a legal holiday.

On motion of Mr. Bartholomew, seconded by Mr. Springsteen, the Common Council of the City of Indianapolis, Indiana, adjourned at 8:45 o'clock p. m.

Raynton J. Moore

President.

Attest:

William A. Boyce, Jr.

City Clerk.

