

## REGULAR MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.,

MONDAY, September 3, 1917.

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, September 3, 1917, at 7:30 o'clock in regular session, President Michael J. Shea in the chair.

Present: The Hon. Michael J. Shea, President of the Common Council, and 7 members, viz.: Messrs. Barry, Young, McGuff, Miller, Porter, Connor and Graham.

Absent, 1, viz.: Mr. Lee.

Mr. Miller moved that the reading of the Journal be dispensed with. Carried.

## COMMUNICATIONS FROM THE MAYOR.

EXECUTIVE DEPARTMENT,

CITY OF INDIANAPOLIS.

INDIANAPOLIS, IND., August 28, 1917.

*To the President and Members of the Common Council, Indianapolis, Ind.:*

GENTLEMEN—I return herewith without my approval General Ordinance No. 63, 1917, the same being an ordinance entitled "An ordinance amending Section 290 of 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.'"

The particular ordinance in question is an amendment to the building code of this city, and the effect of it is to permit the erection of buildings of non-fireproof construction in the congested business portions of the city. In other words, the effect of this ordinance is to permit the construction of non-fireproof buildings within the fire limits. It has been and is now the policy of the city to prevent the erection of any kind of buildings that will in any way increase the dangers from fire and make fire fighting more difficult.

Under the preceding administration the insurance rates charged for insurance in this city were reduced as the result of an agreement made between representatives of the Chamber of Commerce, the city administration and representatives of the insurance companies. As the result of that

conference Indianapolis was advanced to its present classification, and one of the conditions of this advancement and reduction of insurance rates was that a satisfactory building code should be adopted, all of which was done.

Of course, in order that the city may be kept in this advanced classification, the standard of this code must also be maintained. Any change in the code which would permit the construction of non-fireproof buildings to a greater extent than was provided in the code adopted would be a violation of the spirit of the agreement which resulted in the reduction of insurance rates in this city.

The question of the height of buildings becomes a very serious one in connection with the work of the Fire Department upon the occasion of a fire in the down-town district.

I call your attention to the serious fire which occurred under this administration, being the building occupied by the Capital Paper Company, on South Pennsylvania Street. This building was of slow-burning or mill construction, and was probably less than sixty feet in height; yet, on account of the fact that it was filled with paper and highly combustible material, the Fire Department, notwithstanding its equipment, was unable to stop this fire until the building was totally destroyed, together with its contents.

The height of the buildings now provided under this provision of the ordinance which is sought to be changed is sixty feet, and the ordinance as amended would allow buildings of a height of seventy-five feet.

The Fire Department, with the present limit as to sixty feet, has difficulty in handling a fire which occurs in a building of slow-burning material.

The change provided for in this amendatory ordinance is seriously objected to by Mr. Hilkene, Commissioner of Buildings. His letter to me is, in part, as follows:

"It is the opinion of the writer that the increasing of the height of a non-fireproof building is a dangerous precedent to establish, especially if such building should be located in the congested district, as to fire and life hazard. The Fire Department \* \* \* would have great difficulty in fighting a fire in a building of this character, which was demonstrated by the recent fire of the Capital Paper Company, on South Pennsylvania Street. This building was of slow-burning or mill construction, and probably less than sixty (60) feet in height.

It is my opinion that this amendment was made by the Council without any thought as to the danger of allowing a building of that character to be erected, and I would respectfully suggest to you that this ordinance be vetoed by you."

I have before me a copy of a letter written to Mr. Hilkene, Commissioner of Buildings, by Mr. E. M. Sellers, of the Indiana Inspection Bureau, in which he seriously objects to this ordinance. I call your attention to the following paragraphs from his letter:

"The enactment of this ordinance means that within time large-area buildings of combustible construction will be erected in our congested value districts, with the consequent increase in the fire hazard of these districts, in addition to which our firemen will be confronted with the

problem of fighting fire in combustible buildings of excessive height, the difficulty of successfully handling such fires being aptly illustrated by the recent fire in the building of the Capital Paper Company, of this city.

We trust that in view of these facts the ordinance will not be approved, and we think it entirely proper for us to remind you that when the City of Indianapolis was advanced to its present classification one of the conditions was the adoption of a satisfactory building code, and it is but fair to assume that the weakening of the present code will not be looked upon with favor by the fire insurance companies."

In view of the fact that this amendment is directly contrary to the policy of the Fire Department and the Insurance Bureau in that it would have a tendency to encourage the construction of buildings which would add to the difficulties of the Fire Department, rather than reduce them, and also the serious objection to the ordinance upon the part of the Commissioner of Buildings and the Indiana Inspection Bureau, I deem it my duty to not approve the same. I therefore return the ordinance without my signature.

Yours very truly,

J. E. BELL,

Mayor.

By Mr. Miller:

September 3rd, 1917.

Mr. President, I move that General Ordinance No. 63, 1917, be passed over the veto of the Mayor.

E. R. MILLER.

The roll was called and General Ordinance No. 63, 1917, was passed over the Mayor's veto by the following vote:

Ayes, 7, viz.: Messrs. Barry, Young, McGuff, Miller, Porter, Graham and President Michael J. Shea.

Noes, 1, viz.: Mr. Connor.

EXECUTIVE DEPARTMENT,

CITY OF INDIANAPOLIS.

INDIAANAPOLIS, IND., August 27, 1917.

*To the President and Members of the Common Council, Indianapolis, Ind.:*

GENTLEMEN—I have approved and signed the following ordinances:

1. General Ordinance No. 45, 1917, the same being an ordinance entitled "An ordinance amending Section 748 of General Ordinance No. 12, 1917, and fixing a license for baseball."

2. General Ordinance No. 71, 1917, the same being an ordinance entitled "An ordinance transferring funds of the Department of Public Works, reappropriating the same and fixing a time when the same shall take effect."

I have also approved and signed Resolution No. 6, 1917, concerning the action to be taken by the Board of Safety relating to certain market stand leases held by persons entering the military service of the United States.

I return the said ordinances and resolution herewith.

Yours very truly,

J. E. BELL,  
*Mayor.*

EXECUTIVE DEPARTMENT,  
CITY OF INDIANAPOLIS.

INDIANAPOLIS, IND., September 1, 1917.

*To the President and Members of the Common Council, Indianapolis, Ind.:*

GENTLEMEN—I have approved and signed the following ordinances:

1. Appropriation Ordinance No. 17, 1917, the same being an ordinance entitled "An ordinance appropriating money to the Department of Finance for the purpose of purchasing signal lighting equipment and fixing a time when the same shall take effect."

2. General Ordinance No. 61, 1917, the same being an ordinance entitled "An ordinance amending paragraph (b) of Section 983 of General Ordinance No. 12, 1917, of the City of Indianapolis, Indiana. An ordinance concerning the government of the City of Indianapolis, providing penalties for its violation and, with stated exceptions, repealing all former ordinances."

I enclose the said ordinances herewith.

Yours very truly,

J. E. BELL,  
*Mayor.*

#### REPORTS FROM STANDING COMMITTEES.

From the Committee on Finance:

INDIANAPOLIS, IND., September 3, 1917.

*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. 81, 1917, entitled "An ordinance ordering and directing the levy of an annual tax and fixing the rate of levy or levies and taxation for the city of Indianapolis for the year 1917, to be collected and expended in the year 1918, and fixing a time when the same shall take effect," beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

A. D. PORTER,  
JOHN F. CONNOR,  
EDWARD P. BARRY.

Mr. Porter moved that the report of the Committee be concurred in. Carried.

From the Committee on Finance:

INDIANAPOLIS, IND., September 3, 1917.

*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. 82, 1917, entitled "An ordinance ordering and directing a special assessment on lots and lands in the City of Indianapolis, Indiana, for the cost of street intersections of improved streets and alleys in said city, improved in the years 1916 and a part of year 1917," beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

A. D. PORTER,  
FRANK GRAHAM,  
EDWARD P. BARRY,  
JOHN F. CONNOR.

Mr. Porter moved that the report of the Committee be concurred in. Carried.

From the Committee on Finance:

INDIANAPOLIS, IND., September 3, 1917.

*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 Special Ordinance No. 17, 1917, entitled "An ordinance annexing certain territory to the City of Indianapolis, and defining part of the boundary line of said city and fixing a time when the same shall take effect," beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

A. D. PORTER,  
JOHN F. CONNOR,  
EDWARD P. BARRY,  
FRANK GRAHAM,

Mr. Porter moved that the report of the Committee be concurred in. Carried.

## From the Committee on Finance:

INDIANAPOLIS, IND., September 3, 1917.

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

GENTLEMEN—We, your Committee on Finance, to whom was referred Appropriation Ordinance No. 18, 1917, entitled "An ordinance appropriating moneys for the purpose of defraying current expenses of the city government of the City of Indianapolis, Indiana, and for the use of the several executive departments thereof, for the fiscal year beginning January 1, 1918, and ending December 31, 1918, including all outstanding claims and obligations, and fixing a time when the same shall take effect," beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

A. D. PORTER,  
JOHN F. CONNOR,  
EDWARD P. BARRY,

Mr. Porter moved that the report of the Committee be concurred in. Carried.

## From the Committee on City's Welfare:

INDIANAPOLIS, IND., September 3, 1917.

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

GENTLEMEN—We, your Committee on City's Welfare, to whom was referred Special Ordinance No. 18, 1917, entitled "An ordinance changing and defining a part of the boundary line of the corporate limits of the City of Indianapolis, Indiana, extending the same and annexing to the City of Indianapolis certain territory, providing for the publication thereof, and fixing the time when the same shall take effect," beg leave to report that we have had said ordinance under consideration, and recommend that the same be not passed.

EDWARD R. MILLER,  
JOHN F. CONNOR,  
ED MCGUFF,  
EDWARD P. BARRY.

Mr. Miller moved that the report of the committee be concurred in. Carried.

By Mr. Miller:

INDIANAPOLIS, IND., September 3, 1917.

*Mr. President:*

I move that Special Ordinance No. 18, 1917, be stricken from the files.

EDWARD R. MILLER,

The roll was called Special Ordinance No. 18, 1917, was stricken from the files by the following vote:

Ayes, 8, viz.: Messrs. Barry, Young, McGuff, Miller, Porter, Connor, Graham and President Michael J. Shea.

Noes, none.

From the Committee on City's Welfare:

INDIANAPOLIS, IND., August 27, 1917.

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

GENTLEMEN—We, your Committee on City's Welfare, to whom was referred General Ordinance No. 78, 1917, entitled "An ordinance approving a certain contract granting the Cleveland, Cincinnati, Chicago & St. Louis Railway Company the right to lay and maintain sidetracks or switches from the present terminus of the track in Capitol Avenue at a point 202 feet south of Merrill Street to a point 470.94 feet south, and from the south line of Merrill Street in Capitol Avenue to a point 150 feet north of the north line of Merrill Street, and across the first alley west of Capitol Avenue at a point about 227 feet north of the north line of Merrill Street, according to blue print attached, in the City of Indianapolis, Indiana," beg leave to report that we have had said ordinance under consideration; and recommend that the same be passed.

EDWARD R. MILLER,

JOHN F. CONNOR,

ED MCGUFF,

THOS. C. LEE.

Mr. Miller moved that the report of the committee be concurred in. Carried.

#### INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

By Mr. Graham:

General Ordinance No. 83, 1917. An ordinance regulating and requiring licenses for the operation of motor driven commercial vehicles used in the City of Indianapolis, Indiana, for public hire, and providing for

revocation of the licenses therefor and penalties for the violation thereof.

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

*Classification.*

SECTION 1. Every person, firm or corporation operating any motor driven vehicle along and upon any public street or highway within the City of Indianapolis, Indiana, for the purpose of public hire and affording a means of local street or highway transportation, by indiscriminately accepting and discharging such persons as may offer themselves for transportation, either at temporary stands or parking places at or along the course or within the territory such motor vehicle is or may be running or operated, is hereby declared to be a motor driven commercial vehicle and hereinafter referred to as "motor vehicles," provided, however, this section does not include motor driven vehicles known as "taxicabs" operated from an advertised or designated stand, as from an office or garage upon call, nor busses or motor driven vehicles operating between hotels and depots for the exclusive use or benefit of such hotels.

*Provisions of Bond.*

SECTION 2. No person, firm or corporation shall operate any such motor vehicle, unless there shall have been filed with the City Controller of said City, duly approved and accepted by the Mayor thereof, a good and sufficient indemnity bond issued by some surety or indemnity company, created under the laws of the State of Indiana or duly authorized to transact business thereunder, which said bond shall describe such motor vehicle by factory number, maker's name, rated seating capacity and number of passengers capable of being accommodated therein at one time and number of state and city license under which the same is operated (when said licenses or either of them are changed by the issuance of a new one, it shall be indicated upon such bond by the attachment of a rider thereto), said bond shall provide, among other things, that the company issuing the same shall be liable for and pay all damages not exceeding \$2,500.00 to any one person or \$5,000.00 for any one accident, that may be recovered in any action against the person, firm or corporation so licensed to operate said motor vehicle, by reason of the negligent use and operation of the same. However, when any claim or claims have been made or an action commenced against such person, firm or corporation operating such motor vehicle, described in said bond, growing out of an accident by reason of the operation thereof and while operating hereunder, such person, firm or corporation shall not further operate said motor vehicle hereunder, until another bond meeting the requirements of this section shall have been filed; or in lieu of the furnishing and filing of such bond such person, firm or corporation shall have filed with the City Controller of said City, a liability contract of insurance, issued to him, by an insurance company, organized under the laws of the State of Indiana, or authorized to transact business therein, providing, among other things, for the payment of any final judgment against the insured for damages to property or by bodily injury or death to others resulting from accident or collision for which said person, firm or corporation may be liable as a common carrier while operating the motor vehicle described therein, within the provisions hereof, by reason of and growing out of the negligent operating of such motor vehicle, in a sum not exceeding \$2,500.00 to any one person or \$5,000.00 for any one accident. Said policy contract of insurance shall further, among other things, provide by a suitable provision therein, whereby within a stated time a judgment creditor, holding a judgment rendered against the insured within the



company's assumed liability thereunder, may be subrogated to the rights, conditions and obligations of the insured, upon his failure to enforce payment thereof or that he has absconded. It shall be the duty of every person, firm or corporation to keep such insurance in force during the full period of time for which he may be operating hereunder, and in case said policy contract of insurance is cancelled said city to be notified, and if any such bond so filed shall become inoperative or said policy of insurance cancelled, such motor vehicle shall not be operated until a bond or policy of insurance meeting the requirements of this section shall have been filed.

#### *Application.*

SECTION 3. Said bond or policy contract of insurance shall be accompanied by an application upon blanks furnished by the City, stating the name, age, business and residence of the applicant and the length of time within which he has operated motor driven vehicles; the territory within which it is proposed to operate the motor vehicle or the manner and method of operation and the proposed hours; the character of operation and the rate of fare to be charged for carriage therein; state license number and a description of the same by factory number and maker's name, rated seating capacity and number of persons capable of being carried therein at one time.

#### *License.*

SECTION 4. If the application, bond or policy contract of insurance complies with the provisions hereinbefore set forth, and the applicant has paid the hereinafter required license fee, the City Controller of said City, shall thereupon issue to said applicant, a license permitting the operation of said motor vehicle therein described, under the provisions of this ordinance, which license shall be numbered serially, and to contain the number of such motor vehicle, state license number, date of its issuance and expiration thereof. It shall be the duty of the person, firm or corporation, receiving such license, to plainly mark in a permanent manner each such motor vehicle covered thereby, by painting or securely fastening upon the sides thereof in letters not less than two (2) inches in height and the lines of which shall not be less than one-quarter ( $\frac{1}{4}$ ) inch in width, the words "*Bonded Carrier*" or "*Insured Carrier*" (as the case may be) followed by the city license number, so that all such motor vehicles claimed to be operated under the provisions of this ordinance may be readily identified.

#### *Amount of License.*

SECTION 5. Any person, firm or corporation desiring to obtain a license hereunder, shall pay to the City Controller for the benefit of said City, for each motor vehicle, to be so driven or operated an annual license fee as follows:

- (a) \$10.00 for one having a rated seating capacity of five (5) passengers or less;
- (b) \$15.00 for one having a rated seating capacity of seven (7);
- (c) \$20.00 for one having a rated seating capacity of more than seven (7) and not to exceed twelve (12) passengers;
- (d) \$25.00 for one having a rated seating capacity of more than twelve (12) passengers.

*Changing of Route and Motor Vehicles.*

SECTION 6. The route, territory or motor vehicle may at any time be changed by the licensee herein, upon filing with the City Controller of said City, a statement in writing, dated and signed by such licensee, setting forth the proposed changed route or territory or a description of the proposed changed motor vehicle, which statement shall be attached to the application of such licensee.

If the proposed changed motor vehicle is of a greater rated seating capacity than the one operated prior to that time, the said licensee shall pay to said City Controller of said City, the difference in amount of license for that proportionate part of the unexpired license period.

*Qualification for License.*

SECTION 7. No license shall be issued to any person under the age of eighteen (18) years, and it shall be unlawful for any person under the age of eighteen (18) years to drive or operate any such motor vehicle or for any such licensee, to cause or permit any person under said age, to drive or operate such motor vehicle so licensed for the purpose herein provided. And no license shall be issued to any person not a resident of said City and who has not had at least ninety (90) days actual experience in operating motor driven vehicles.

*Conduct of Operation.*

SECTION 8. Every person, firm or corporation operating motor vehicles hereunder, shall receive and discharge passengers as close to the near side of street intersections and to the right hand curb thereof and shall at all times keep said motor vehicle in a clean and sanitary condition, and permit no person to sit or stand on the running-board or fenders, nor sit on the door or doors, unless they are securely fastened, while the same is in motion. The left rear door while such motor vehicle is being operated hereunder, shall be locked or otherwise fastened so that it cannot be opened. The rear or topmost part of every such motor vehicle while in operation, shall be lighted during the night time, when a winter top is used thereon and the sides thereof closed. No motor vehicle to be parked along any street or highway except that it be parked close to the curb thereof and more than fifteen (15) feet from any other motor vehicle, licensed and operated hereunder, and then for not more than a period of twenty (20) minutes, unless the signs thereon have been removed.

*Fare—Going to End of Route.*

SECTION 9. The rate of fare of any motor vehicle operated hereunder, while transporting passengers on its regular or designated route or within the territory for the first distance or zone traveled, as set forth in the application on file, shall not exceed five (5c) cents for one passenger, one way, within such distance, unless the rate of fare is posted in a conspicuous place, on such motor vehicle, so that the same may be plainly seen and read by passengers upon entering. This section shall not prohibit the charge of a higher rate of fare for any trips off from the regular route or territory of such motor vehicle, but in no case shall rates charged, exceed those fixed in the application filed hereunder, unless by special agreement. Every motor vehicle shall be operated and proceed as far on its route or within its territory as any person riding therein desires to go.

*Lost Articles.*

SECTION 10. It shall be the duty of every person, firm or corporation operating under the provisions hereof to promptly notify the Police Department of said City of all articles found in any such motor vehicles operated by them, and of a description thereof, where they are kept and may be found, so as to be returned to the owner.

*Revocation of License.*

SECTION 11. The Common Council of said City may revoke any license issued hereunder upon notice to the licensee, and a due hearing had, for the violation of any of the provisions of this ordinance, and when any person has been convicted for three successive times, within a period of six months, for violation of any of the provisions of this ordinance or any other ordinance of the City of Indianapolis, regulating street travel of motor vehicles, the license of such person, may be by the Mayor suspended for a period, not to exceed ninety (90) days nor less than thirty (30) days, during which time such motor vehicle, shall not be operated hereunder, provided, such licensee may appeal from such suspension to the Common Council of said City, and upon hearing thereof, the Common Council, in its discretion, may either affirm or overrule the suspension of the Mayor, if overruled such motor vehicle, may continue operating under such license.

*Penalties.*

SECTION 12. Any person, firm or corporation upon conviction for the violation of any provisions of this ordinance shall be fined in a sum of not less than five dollars (\$5.00) and not more than twenty-five dollars (\$25.00) for each and every offense hereunder.

*Repealing Clause.*

SECTION 13. Be it further ordained, that all ordinances in conflict herewith shall be repealed.

*Enacting Clause.*

SECTION 14. This ordinance shall be in force from and after its passage and publication according to law.

*Approved.*

Duly prescribed to and approved by me, this-----day of-----, 1917.

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*Mayor of the City of Indianapolis, Indiana.*

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

ORDINANCES ON SECOND READING.

Mr. Porter called for Special Ordinance No. 17, 1917, for second reading. It was read a second time.

Mr. Porter moved that Special Ordinance No. 17, 1917, be ordered engrossed, read a third time and placed upon its passage. Carried.

Special Ordinance No. 17, 1917, was read a third time and passed by the following vote:

Ayes, 8, viz.: Messrs. Barry, Young, McGuff, Miller, Porter, Connor, Graham and President Michael J. Shea.

Noes, none.

Mr. Porter called for General Ordinance No. 81, 1917, for second reading. It was read a second time.

Mr. Porter moved that General Ordinance No. 81, 1917, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 81, 1917, was read a third time and passed by the following vote:

Ayes, 8, viz.: Messrs. Barry, Young, McGuff, Miller, Porter, Connor, Graham and President Michael J. Shea.

Noes, none.

Mr. Porter called for General Ordinance No. 82, 1917, for second reading. It was read a second time.

Mr. Porter moved that General Ordinance No. 82, 1917, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 82, 1917, was read a third time and passed by the following vote:

Ayes, 8, viz.: Messrs. Barry, Young, McGuff, Miller, Porter, Connor, Graham and President Michael J. Shea.

Noes, none.

Mr. Porter called for Appropriation Ordinance No. 18, 1917, for second reading. It was read a second time.

Mr. Miller moved that the Council refer back to the order of business: "Reading and Correcting Journal." Carried.

Mr. Miller moved that the Journal of the meeting of the Council, held August 27, 1917, be corrected by striking out the words and figures "seventy-five dollars \$75.00" in line 8, on page 461, and inserting instead the words and figures "two hundred dollars \$200.00". When so corrected further reading of the Journal be dispensed with. Carried.

Mr. Porter moved that Appropriation Ordinance No. 18, 1917, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 18, 1917, was read a third time and passed by the following vote:

Ayes, 8, viz.: Messrs. Barry, Young, McGuff, Miller, Porter, Connor, Graham and President Michael J. Shea.

Noes, none.

Mr. Miller called for General Ordinance No. 78, 1917, for second reading. It was read a second time.

Mr. Miller moved that General Ordinance No. 78, 1917, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 78, 1917, was read a third time and passed by the following vote:

Ayes, 8, viz.: Messrs. Barry, Young, McGuff, Miller, Porter, Connor, Graham and President Michael J. Shea.

Noes, none.

On motion of Mr. Miller the Common Council, at 9:45 o'clock P. M., adjourned.

*Michael J. Brennan*

.....

*President.*

ATTEST :

*Thomas A. Riley*

.....

*City Clerk.*

