

REGULAR MEETING

Monday, February 4, 1952  
7:30 P. M.

The Common Council of the City of Indianapolis met in the Council Chamber at the City Hall, Monday, February 4, 1952, at 7:30 P. M., in regular session, President Bright in the chair.

The Clerk called the roll.

Present: Mr. Brown, Mr. Ehlers, Mr. Eltzroth, Mr. Radel, Mr. Ross, Mr. Schumacher, Mr. Wallace, President Bright.

Absent: Mr. Emhardt.

Mr. Schumacher moved that the Journal of the Common Council for the Regular Meeting of January 21, 1952, be corrected in the following manner, to-wit:

On page 34, under heading of "Planning and Construction" the second item to be made to read as follows:

"1 Park Architect ----- 4,440.00"

Which was seconded by Mr. Ross and unanimously passed by the Common Council.

## COMMUNICATIONS FROM THE MAYOR

January 22, 1952

TO THE MEMBERS OF THE COMMON COUNCIL  
OF THE CITY OF INDIANAPOLIS

Gentlemen:

I have this day approved with my signature and delivered to the City Clerk, Mrs. Grace M. Tanner, the following ordinances:

## SPECIAL ORDINANCE NO. 1, 1952

An ordinance annexing certain contiguous territory to the City of Indianapolis and fixing a time when the same shall take effect.

## RESOLUTION NO. 1, 1952

A resolution requiring specific approval of each project contemplated by the Housing Authority of the City of Indianapolis.

Respectfully,

ALEX. M. CLARK,  
Mayor

## COMMUNICATIONS FROM CITY OFFICIALS

February 4, 1952

To the Honorable President and Members of the  
Common Council of the City of Indianapolis

Gentlemen:

In Re: Appropriation Ordinances Nos. 1, 2, 3, 4, 1952

I beg leave to report that pursuant to the laws of the State of Indiana, I caused "Notice to Taxpayers" to be inserted in the following newspapers, to-wit:

A. O. Nos. 1, 2, 3, 4, 1952—Thursday, January 24 and 31,  
1952—The Marion County Mail and The Indianapolis  
Commercial

that taxpayers would have the right to be heard on the above ordi-  
nances at the meeting of the Common Council to be held at 7:30 P. M.,  
February 4, 1952 and by posting copies of said notice in the City Hall,  
Court House and Police Station in the City of Indianapolis; which  
notices remained posted for ten days or more prior to date of hearing.

Very truly yours,

GRACE M. TANNER,  
City Clerk

February 4, 1952

To the Honorable President and Members of the  
Common Council of the City of Indianapolis

Gentlemen:

In Re: General Ordinances Nos. 4 and 5, 1952

I hereby report that pursuant to the laws of the State of Indiana, I  
caused to be published on Thursday, January 24, 1952 in The Marion  
County Mail and the Indianapolis Commercial "Notice to Interested  
Citizens" and that G. O. Nos. 4 and 5, 1952 (Zoning Ordinances) were  
set for hearing before the Common Council on February 4, 1952.

Very truly yours,

GRACE M. TANNER,  
City Clerk

February 4, 1952

To the Honorable President and Members of the  
Common Council of the City of Indianapolis

Gentlemen:

In Re: Special Ordinance No. 1, 1952

I hereby report that pursuant to the laws of the State of Indiana, I caused publication to be inserted in the following newspapers:

S. O. No. 1, 1952—Thursday, January 24 and 31, 1952—  
The Indianapolis Star and The Indianapolis Commercial

and that said ordinance is in full force and effect from and after the last date of publication and compliance with any laws pertaining thereto.

Very truly yours,

GRACE M. TANNER,  
City Clerk

January 23, 1952

Mr. Noble P. Hollister  
Secretary to the City Plan Commission  
City Hall  
Indianapolis, Indiana.

Dear Mr. Hollister:

General Ordinance No. 4, 1952 proposing amendments to the zoning ordinance of the City of Indianapolis was introduced on January 21, 1952 and a copy of which is attached.

Pursuant to Sec. 48-2303, Burns Revised Statutes, I have been directed by the City Council to refer said ordinance to your commission for consideration and report before any final action shall be taken by the Council.

Sincerely yours,

GRACE M. TANNER,  
City Clerk

February 2, 1952

Councilman John A. Schumacher,  
Chairman Public Health Committee,  
Indianapolis Common Council,  
5657 North Pennsylvania Street,  
Indianapolis, Indiana.

My Dear Mr. Schumacher:

As chairman of the Public Health Committee the Department of Public Health desires to call to your attention that the Board of Public Health and Hospitals did not sponsor proposed General Ordinance No. 6, 1952, introduced at the Council meeting January 21, 1952 and considers the use of bulk milk dispensers in Indianapolis a backward step.

We cite the following objections to the use of bulk milk dispensers:

1. The outlet tubing of the proposed Norris dispenser is held by clips inside the flange at the bottom of the milk can where it is subject to contamination by surfaces on which the can is placed.
2. The tip of the outlet tube will contain milk which is exposed to flies and dust.
3. Can washing must be done by hand, particularly the outlet aperture. Cans returned from city routes will be washed after raw milk cans have been washed so that the washing equipment will have a heavy bacterial contamination when the cans from city routes are washed.
4. Cans are filled by using a manually operated valve which tends to create a foam on milk. This foam is dipped off which exposes the milk to contamination.
5. During rush hours there will be a temptation to fill several glasses of milk and set these on the counter where the milk will be exposed to dust, flies and droplet contamination.

The above objections were agreed to in a conference with members of the dairy and restaurant division of the Indiana State Board of Health.

We have to date received only five requests from restaurant operators to permit use of bulk milk dispensers.

If you desire further information on this subject I shall be glad to discuss the same with you.

Sincerely yours,

HENRY G. NESTER, M. D.,  
Director of Public Health

February 4, 1952

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

Gentlemen:

Submitted herewith are copies of General Ordinance No. 7, 1952, authorizing a switch permit for Sunshine Biscuits, Inc., at Station Street and the first alley east of Station Street and immediately north of Twenty-first Street.

It is respectfully recommended that this ordinance be passed.

Very truly yours,

CARTER W. ELTZROTH,  
Councilman

February 4, 1952

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

Gentlemen:

Transmitted herewith are copies of General Ordinance No. 8, 1952, prohibiting parking of vehicles on the south side of Nelson Street from the east curb line of Shelby Street east to the west curb line of Linden Street and the south side of 14th Street from the east curb

line of Pennsylvania Street east to the west curb line of Delaware Street.

I recommend the passage of this ordinance.

Respectfully submitted,

J. WESLEY BROWN,  
Councilman

January 18, 1952

Grace M. Tanner,  
Clerk, City of Indianapolis  
City Hall  
Indianapolis, Indiana

Dear Mrs. Tanner:

Re: Resolution of Board of Public Health & Hospitals  
Concerning New Milk Ordinance

Submitted herewith are 11 copies of the above referred to resolution and 24 copies of a draft of the proposed Milk Ordinance.

Respectfully submitted,

WARREN C. MOBERLY, Attorney,  
Board of Public Health & Hospitals

RESOLUTION NO. 2, 1952

(Board of Public Health & Hospitals Resolution—  
Re: Milk Ordinance)

WHEREAS, milk distribution has increased from approximately 250,000 pounds to approximately 743,000 pounds since the existing "Milk Ordinance" was enacted, and the area from which such milk is produced has extended to beyond the limits of practicability of inspection on daily trips by the present inspectors, the present inspection force must be increased, and,

WHEREAS, the present salary scale is not sufficient to maintain adequate inspection and has caused the loss of qualified persons as inspectors, and,

WHEREAS, expenditures for inspectors and other personnel in the Dairy Division, Department of Public Health, is derived from permit fees and not from tax money,

IT IS, THEREFORE, HEREBY RESOLVED:

That the Board of Health and Hospitals hereby authorizes and directs the drafting of a new "Milk Ordinance" to be presented for the consideration of the Common Council of the City of Indianapolis, which ordinance will provide for an increase in permit fees from two (2c) cents per hundred weight for all milk and milk products received and processed, to three (3c) cents per hundred weight for all such products received and processed, except sweet cream, purchased as such for market, in which case the fee shall be one and one-half (1½c) cents per hundred pound butter fat, and provide for reclassification of employees of the Dairy Division, Department of Public Health, so as to permit an increase in the salaries of those employees:

IT IS FURTHER RESOLVED:

That said "Milk Ordinance" draft shall be delivered to the Clerk of the City of Indianapolis in time for presentation to the Common Council of the City of Indianapolis at its meeting to be held January 21, 1952.

FRANK G. LAIRD, President      KENNETH K. WOOLLING,  
Vice- Pres.

KARL R. RUDDELL, Member      F. M. GASTINEAU, Member

LAWRENCE A. LEWIS, Member

ATTEST:

GERALD F. KEMPF, Secretary

DATED: January 17, 1952



February 4, 1952]

City of Indianapolis, Ind.

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I, Frank G. Laird, President of the Board of Public Health and Hospitals, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Board of Public Health and Hospitals at its regular meeting on January 11th, 1952.

FRANK G. LAIRD, President

January 21, 1952

Honorable President and Members of the  
Common Council, City of Indianapolis

Gentlemen:

Submitted herewith are copies of General Ordinance No. 9, 1952 concerning a new milk ordinance and repealing all ordinances in conflict herewith.

Very truly yours,

JOHN A. SCHUMACHER,  
Councilman

February 4, 1952

Honorable President and Members of the  
Common Council, City of Indianapolis

Gentlemen:

Submitted herewith are copies of Special Ordinance No. 2, 1952, amending Section 1 of Special Ordinance No. 1, 1952 (Annexation).

Very truly yours,

JOHN A. SCHUMACHER,  
Councilman

February 1, 1952

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

Gentlemen:

Transmitted herewith are copies of Resolution No. 2, 1952, approving, confirming and ratifying a certain permit granted by the Board of Works of the City of Indianapolis by its written order on January 25, 1952 to Indianapolis Railways, Inc., for use of West Tenth Street from Indiana Avenue to Pershing Street for trackless trolley cars serving the new Larue D. Carter Hospital and the new Veterans Administration Hospital.

I respectfully request its passage.

Yours very truly,

CARTER W. ELTZROTH,  
Councilman

### MISCELLANEOUS BUSINESS

President Bright announced the following Standing Committees for the remainder of the year 1952 pursuant to the order received in the Clerk's office January 28, 1952 of the Re-Count Commissioners and the Honorable Hezzie B. Pike, Judge of Superior Court of Marion County Room 2 that Joseph C. Wallace is duly elected Councilman from the Second Councilmanic District:

COMMON COUNCIL

STANDING COMMITTEES AS OF FEBRUARY 4, 1952

1. FINANCE COMMITTEE — Charles P. Ehlers, Chairman; Carter W. Eltzroth, J. Wesley Brown, Glenn W. Radel, John A. Schumacher.

2. PUBLIC WORKS COMMITTEE—Carter W. Eltzroth, Chairman; Charles P. Ehlers, John A. Schumacher, Christian J. Emhardt, Guy O. Ross.

3. PUBLIC SAFETY AND AVIATION COMMITTEE —Glenn W. Radel, Chairman; John A. Schumacher, J. Wesley Brown, Christian J. Emhardt, Joseph C. Wallace.

4. PUBLIC HEALTH COMMITTEE—John A. Schumacher, Chairman; Charles J. Ehlers, J. Wesley Brown, Guy O. Ross, Joseph C. Wallace.

5. PARKS COMMITTEE—J. Wesley Brown, Chairman; Glenn W. Radel, Carter W. Eltzroth, Christian J. Emhardt, Joseph C. Wallace.

6. LAW & JUDICIARY COMMITTEE—Joseph C. Wallace, Chairman; Guy O. Ross, Charles P. Ehlers, Carter W. Eltzroth, John A. Schumacher.

7. CITY WELFARE COMMITTEE—Christian J. Emhardt, Chairman; Guy O. Ross, J. Wesley Brown, Glenn W. Radel, Carter W. Eltzroth.

8. ELECTION COMMITTEE—Guy O. Ross, Chairman; Christian J. Emhardt, Glenn W. Radel, Charles P. Ehlers, J. Wesley Brown.

At this time those present were given an opportunity to be heard on Appropriation Ordinances Nos. 1, 2, 3, 4, 1952, and General Ordinances Nos. 1, 2, 3, 4, 5, 6, 1952.

Mr. Schumacher asked for recess. The motion was seconded by Mr. Radel and the Council recessed at 7:50 P. M.

The Council reconvened at 8:05 P. M., with the same members present as before.

## COMMITTEE REPORTS

Indianapolis, Ind., February 4, 1952

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. 1, 1952, entitled

AN ORDINANCE appropriating \$3,200.00 from the 1952 balance of Department of Aviation General Fund to Department of Aviation Fund 11, establishing a new job to be known as Cost Accountant and Statistical Control Clerk

beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

CHARLES P. EHLERS, Chairman  
CARTER W. ELTZROTH  
J. WESLEY BROWN  
GLENN W. RADEL  
JOHN A. SCHUMACHER

Indianapolis, Ind., February 4, 1952

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. 2, 1952 entitled

AN ORDINANCE transferring Funds 11-2 and 11-3 within Department of Traffic Engineer, 1952, Budget, to certain designated items and funds therein,

beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

CHARLES P. EHLERS, Chairman  
CARTER W. ELTZROTH  
J. WESLEY BROWN  
GLENN W. RADEL  
JOHN A. SCHUMACHER

Indianapolis, Ind., February 4, 1952

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. 3, 1952, entitled

AN ORDINANCE transferring from a certain designated item and fund in Public Parks to certain other designated item and funds therein, creating job of 1 Nightwatchman, which does not increase the original budget, Fund 11,

beg leave to report that we have had said ordinance under consideration, and recommend that the the same be passed.

CHARLES P. EHLERS, Chairman  
 CARTER W. ELTZROTH  
 J. WESLEY BROWN  
 GLENN W. RADEL  
 JOHN A. SCHUMACHER

Indianapolis, Ind., February 4, 1952

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. 4, 1952, entitled

AN ORDINANCE transferring \$300.00 to 1 Chief of Survey Party from 1 Instrument man within Fund No. 11—Department of Public Parks

beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed, as amended.

CHARLES P. EHLERS, Chairman  
 CARTER W. ELTZROTH  
 J. WESLEY BROWN  
 GLENN W. RADEL  
 JOHN A. SCHUMACHER

Indianapolis, Ind., January 21, 1952

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

Gentlemen:

We, your Committee on Parks to whom was referred General Ordinance No. 1, 1952, entitled

AN ORDINANCE to amend General Ordinance No. 104, 1950, commonly known as the Zoning Ordinance

beg leave to report that we have had said ordinance under consideration, and recommend that the same be held for further consideration.

J. WESLEY BROWN, Chairman  
GLENN W. RADEL  
CARTER W. ELTZROTH  
CHRISTIAN J. EMHARDT  
JOSEPH C. WALLACE

Indianapolis, Ind., February 4, 1952

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

Gentlemen:

We, your Committee on Parks to whom was referred General Ordinance No. 2, 1952, entitled

AN ORDINANCE establishing a preferential street—Troy Avenue from Shelby Street to State Avenue

beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

J. WESLEY BROWN, Chairman  
GLENN W. RADEL  
CARTER W. ELTZROTH

Indianapolis, Ind., February 4, 1952

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

Gentlemen:

We, your Committee on Parks to whom was referred General Ordinance No. 3, 1952, entitled

AN ORDINANCE establishing an automatic warning signal of the flasher type at the crossing of Lawrence Avenue and Penn. R. R.

beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

J. WESLEY BROWN, Chairman  
GLENN W. RADEL  
CARTER W. ELTZROTH

Indianapolis, Ind., February 4, 1952

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

Gentlemen:

We, your Committee on Parks to whom was referred General Ordinance No. 4, 1952, entitled

AN ORDINANCE to amend the Zoning Ordinance—P. C. C. & St. L. Railroad, Pleasant Run Parkway, Raymond Street and Ransdell Street

beg leave to report that we have had said ordinance under consideration, and recommend that the same be held for further consideration.

J. WESLEY BROWN, Chairman  
GLENN W. RADEL  
CARTER W. ELTZROTH  
CHRISTIAN J. EMHARDT

Indianapolis, Ind., February 4, 1952

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

Gentlemen:

We, your Committee on Parks to whom was referred General Ordinance No. 5, 1952, entitled



AN ORDINANCE to amend the Zoning Ordinance—23rd, 24th  
Streets and Bolton Avenue

beg leave to report that we have had said ordinance under considera-  
tion, and recommend that the same be passed.

J. WESLEY BROWN, Chairman  
GLENN W. RADEL  
CARTER W. ELTZROTH

Indianapolis, Ind., February 4, 1952

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

Gentlemen:

We, your Committee on Public Safety to whom was referred Gen-  
eral Ordinance No. 6, 1952, entitled

AN ORDINANCE to amend certain sections of G. O. No. 74, 1943,  
entitled "An Ordinance Defining Restaurants"

beg leave to report that we have had said ordinance under considera-  
tion, and recommend that the same be held for further consideration.

GLENN W. RADEL, Chairman  
JOHN A. SCHUMACHER  
J. WESLEY BROWN  
CHRISTIAN J. EMHARDT

INTRODUCTION OF GENERAL ORDINANCES

By Councilman Eltzroth:

GENERAL ORDINANCE NO. 7, 1952

SWITCH PERMIT

AN ORDINANCE approving a certain agreement and permit grant-  
ing SUNSHINE BISCUITS, INC. the right to lay and maintain  
a sidetrack or switch from Springfield Division N. Y. C. R. R.

across Station Street and 1st Alley east of Station Street north of Twenty-first Street,

according to blue print attached, in the City of Indianapolis, Indiana.

WHEREAS, heretofore, to-wit: on the 15th day of January, 1952

SUNSHINE BISCUITS, INC.

filed its petition before the Board of Public Works of the City of Indianapolis, as follows:

PETITION

To BOARD OF PUBLIC WORKS,  
City of Indianapolis

Gentlemen:

Permission is requested to install a switch track leading from the Springfield Division of the C. C. C. & St. Ry. Company, The New York Central Railroad Company, Lessee, across Station Street and the first alley east of Station Street immediately north of Twenty-first Street in the City of Indianapolis, Indiana, to serve a building now being constructed by Sunshine Biscuits, Inc. on land owned by the C. C. C. & St. L. Ry. Company.

NOW, THEREFORE, This agreement made and entered into this 25th day of January, 1952, by and between

SUNSHINE BISCUITS, INC.

of the Long Island City of the State of New York party of the first part, and the City of Indianapolis, by and through its board of Public Works, party of the second part.

WITNESSETH: That the party of the first part, being desirous of securing for a right of way for a sidetrack or switch leading from the main track of the Springfield Division of the C. C. C. & St. L. Ry., New York Central R. R., Lessee, across Station Street and the first alley east of Station Street onto property owned by the C. C. C. & St. L. Ry. in the City of Indianapolis, which is more specifically

described as follows: Beginning at the intersection of the west property line of Station Street with the north property line of Twenty-first Street measure north along the west property line of Station Street a distance of fifty-seven (57) feet to the center line of the proposed side track, thence in a straight line, in a northeasterly direction along the center line of the proposed sidetracks, a distance of fifty-two and five tenths (52.5) feet to the east property line of Station Street at a point seventy-three (73) feet north of the intersection of the east property line of Station Street with the north property line of Twenty-first Street.

ALSO

Beginning at the intersection of the west property line of the first alley east of Station Street with the north property line of Twenty-first Street measure north along the west property line of the first alley east of Station Street, a distance of ninety-four and five tenths (94.5) feet to the center line of the proposed sidetrack, thence east, along the center line of the proposed sidetrack, parallel with the north property line of Twenty-first Street a distance of fifteen (15) feet being the width of the alley,

hereby covenants and fully binds himself, his successors, legal representatives and assigns, that, in consideration of the grant of the privileges and authority herein given, it will lay, construct, maintain and pay all costs and expenses either now or hereafter connected with said track upon the terms and conditions hereinafter set forth, to-wit:

(1) They shall be so laid, maintained, improved and kept in repair as to be safe for persons on foot, in vehicles or otherwise, and shall, at all times, be subject to the orders of the Board of Public Works of the City of Indianapolis, and to all laws and ordinances, adopted and enacted pursuant to the police powers of said city.

(2) Said track and switch shall be laid upon such grade as shall be established by said Board, and shall be put down under its supervision and to its satisfaction and approval. Said track shall be raised or lowered to conform to any grade which may, from time to time, be hereafter established, whenever so ordered, in writing, by said Board, and shall be made to conform in all respects with any ordinance passed by the Common Council, or with any resolution or resolutions made by said Board, for the elevation or depression of said track, or tracks; provided further that all the costs thereof shall be paid by

the said party of the first part, who hereby waives any division of such costs as now or hereafter provided by any statute, or otherwise.

(3) The crossing where said track intersects 21st St. and the 1st Alley E. of 21st St. shall, at all times, be kept improved and in repair and free from obstructions or defects of any kind. No car or cars shall be permitted to obstruct such crossing or to be thereon except for such time as may be absolutely necessary in moving them back and forth, and they shall be at no time stopped or detained thereon in such manner as to obstruct public travel.

(4) Said party of the first part agrees, upon the written order of said Board, made for any cause affecting the interest of the City or the public welfare, to take up and remove said track, and upon said party's failure so to do, upon such notification in writing, of ten (10) days, to promptly pay the cost of having the same done, and the party of the first part hereby releases all claims for damages whatsoever that may arise by reason of such removal; and in removing said track or causing the same to be done, said Board shall in no wise become a trespasser. Said notice shall fix a day for hearing before said Board where objections to such removal may be heard; but the decision of said Board shall be final and conclusive on the party of the first part who hereby expressly waives any right to have such exercise of discretion reviewed by any court.

(5) The party of the first part agrees to pave between the rails of said track and for eighteen inches on both sides thereof, to the entire satisfaction of the second party, and in case said tracks and pavement or either thereof shall be or become out of repair or in need of being reconstructed, or become in any way defective (of which fact the said Board shall be the exclusive judge), it shall be the duty of the said party of the first part to promptly repair, reconstruct, or remove same, failing in which, after notification in writing of ten (10) days, said Board may do or cause the same to be done at the expense of said party of the first part and for which expense and cost the said party of the first part shall be liable.

(6) The said party of the first part herein binds himself to hold said party of the second part and said city harmless from any and all claims for damages growing out of the existence, maintenance or use of said track, and to pay any judgment, with costs that may on that account be rendered against the said party or said city, and

also to pay all necessary expenses that may be incurred by said city in defending against any such claims.

(7) Any violation of any of the provisions of this instrument by said party of the first part, or by any one for it or at its instance or with its permission, shall operate as an immediate and absolute forfeiture of the privileges and authority given or granted by this permit, provided, however, that the same may be terminated by said Board as hereinbefore set forth.

Said party of the second part by virtue of the provisions of an act of the General Assembly of the State of Indiana, entitled "An act concerning municipal corporations," approved March 6, 1905, and of all acts amendatory thereof or supplemental thereto, and in consideration of the things hereinbefore set forth and upon the terms and provisions stipulated, hereby grants and duly permits said party of the first part to exercise the right, privilege and authority to lay and maintain an additional sidetrack or switch across 21st St. and the 1st Alley E. of 21st St. in the City of Indianapolis, all as shown by the drawing attached hereto, filed herewith and for greater certainty marked "Exhibit A."

IN WITNESS WHEREOF, We have hereunto set our hands this 25th day of January, 1952.

SUNSHINE BISCUITS, INC.,

E. W. Kerwin,  
Vice President

By F. J. Kiefer Party of the First Part

Witness:

CITY OF INDIANAPOLIS

By H. W. Sams, president  
Thomas M. Quinn  
George P. Cafouros  
Otto H. Worley

As BOARD OF PUBLIC WORKS,  
Party of the Second Part

Approved by me,

ALEX. M. CLARK  
as Mayor.

AND WHEREAS, Said agreement and permit has been submitted by the Board of Public Works to the Common Council of the City of Indianapolis, for its consideration and action, now therefore,

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

Section 1. That such agreement and permit above set forth be, and the same is hereby in all things confirmed and approved.

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

Attest:

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Clerk of the Common Council	President of the Common Council
Approved by me, this	day of , 19
	-----
	Mayor

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

By Councilman Brown:

GENERAL ORDINANCE NO. 8, 1952

AN ORDINANCE regulating parking of vehicles on certain parts of certain streets in the City of Indianapolis, Indiana, and providing a penalty for the violation thereof, 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. It shall be unlawful for the operator of any vehicle to park the same or suffer, permit or allow the same to be parked

at any time upon certain parts of certain streets in the City of Indianapolis, described as follows:

- (a) The south side of Nelson Street from the east curb line of Shelby Street east to the west curb line of Linden Street.
- (b) The south side of 14th Street from the east curb line of Pennsylvania Street east to the west curb line of Delaware Street.

Section 2. Any person violating the provisions of this ordinance shall, upon conviction be fined in any sum not exceeding \$300.00 to which may be added imprisonment not exceeding 180 days.

Section 3. This ordinance shall be in full force and effect from and after its passage, approval by the Mayor and publication according to law.

Which was read for the first time and referred to the Committee on Public Safety.

By Councilman Schumacher:

#### GENERAL ORDINANCE NO. 9, 1952

AN ORDINANCE to repeal General Ordinance No. 47, 1941, as amended 1944, and defining "milk" and certain "milk products," "milk producer," "pasteurization," prohibiting the sale of adulterated and misbranded milk and milk products, requiring permits for the sale of milk and milk products, regulating the inspection of dairy farms and milk plants, the examination, grading, labeling, pasteurization, regarding, distribution, and sale of milk and milk products, providing for the publishing of milk grades, the construction of future dairies and milk plants, providing for the permit fees of dairies, retail and wholesale distributors, the enforcement of this ordinance, and the fixing of penalties.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF INDIANAPOLIS, INDIANA:

Section 1. **DEFINITIONS**—The following definitions shall apply to the interpretation and the enforcement of this ordinance.

A. **MILK**—Milk is hereby defined to be the lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy cows, which contains not less than  $8\frac{1}{4}$  percent of milk solids not fat and not less than  $3\frac{1}{4}$  percent of milk fat.

A-1. **Goat Milk**—Goat milk is the lacteal secretion, practically free from colostrum, obtained by the complete milking of healthy goats, and shall comply with all the requirements of this ordinance. The word "milk" shall be interpreted to include goat milk.

B. **Milk fat or butter fat**—Milk fat or butter fat is the fat of milk.

B-1. **Cream**—Cream is a portion of milk which contains not less than 18 percent milk fat.

B-2. **Sour cream**—Sour cream is cream the acidity of which is more than 0.20 percent, expressed as lactic acid.

B-3. **Light cream, coffee cream, or table cream**—Light cream, coffee cream or table cream is cream which contains less than 30 percent milk fat.

B-4. **Whipping cream**—Whipping cream is cream which contains not less than 30 percent milk fat.

B-5. **Light whipping cream**—Light whipping cream is whipping cream which contains less than 36 percent milk fat.

B-6. **Heavy cream or heavy whipping cream**—Heavy cream or heavy whipping cream is whipping cream which contains not less than 36 percent milk fat.

B-7. **Half and half**—Half and half is a milk product which contains not less than  $11\frac{1}{2}$  percent milk fat.

B-8. **Reconstituted or recombined half and half**—Reconstituted or recombined half and half is a milk product reconstituted so as to contain not less than  $11\frac{1}{2}$  percent of milk fat.

B-9. **Whipped cream**—Whipped cream is whipping cream to which a harmless gas has been added to cause whipping of the product. It



may also contain sugar, other harmless flavoring, and a harmless stabilizer.

**C. Concentrated milk**—Concentrated milk is a fluid product, unsterilized and unsweetened, resulting from the removal of a considerable portion of the water from milk. When recombined with water in accordance with instructions printed on the container, the resulting product conforms with the standards for milk fat and solids not fat of milk as defined above.

**C-1. Concentrated milk products**—Concentrated milk products shall be taken to mean and include homogenized concentrated milk, vitamin D concentrated milk, concentrated skim milk, concentrated flavored milk, concentrated flavored drink and similar concentrated products made from concentrated milk or concentrated skim milk, as the case may be, and which, when recombined with water in accordance with instructions printed on the container, conform with the definitions of the corresponding milk products in this section.

**C-2. Dry milk**—Dry milk is milk from which nearly all the water has been removed.

**D. Skim milk**—Skim milk is milk from which a sufficient portion of milk fat has been removed to reduce its milk-fat content to less than 3¼ percent.

**D-1. Nonfat, fat-free, or defatted milk**—Nonfat, fat-free, or defatted milk is skim milk which contains not more than 0.1 percent of milk fat.

**D-2. Skim milk solids**—Skim milk solids shall be deemed to include concentrated skim milk and non-fat dry milk solids.

**D-3. Nonfat dry milk solids**—Nonfat dry milk solids is nonfat milk from which nearly all the water has been removed.

**E. Flavored milk**—A flavored milk is a beverage or confection consisting of milk to which has been added a syrup or flavor made from wholesome ingredients.

**E-1. Flavored drink**—A flavored drink is a beverage or confection consisting of skim milk to which has been added a syrup or flavor made from wholesome ingredients.

**E-2. Flavored reconstituted milk**—A flavored reconstituted milk is a flavored milk made from reconstituted milk.

**E-3. Flavored reconstituted drink**—A flavored reconstituted drink is a flavored drink made from reconstituted skim milk.

**F. Buttermilk**—Buttermilk is a fluid product resulting from churning of milk or cream. It contains not less than  $8\frac{1}{4}$  percent of milk solids not fat.

**F-1. Cultured buttermilk**—Cultured buttermilk is a fluid product resulting from the souring or treatment, by a lactic acid or other culture, of pasteurized skim milk or pasteurized reconstituted skim milk. It contains not less than  $8\frac{1}{4}$  percent of milk solids not fat.

**F-2. Cultured milk**—Cultured milk is a fluid or semi-fluid product resulting from the souring or treatment, by a lactic acid or other culture, of pasteurized milk, pasteurized reconstituted milk, or pasteurized concentrated milk. It contains not less than  $8\frac{1}{4}$  percent of milk solids not fat and not less than  $3\frac{1}{4}$  percent of milk fat.

**G. Vitamin D milk**—Vitamin D milk is milk the vitamin D content of which has been increased by an approved method to at least 400 U.S.P. units per quart.

**G-1. Fortified milk and milk products**—Fortified milk is milk, other than vitamin D milk, the vitamin and/or mineral content of which has been increased by a method and in an amount approved by the health officer. Fortified milk products are those milk products defined in this ordinance, other than vitamin D milk products, the vitamin and/or mineral content of which has been increased by a method and in an amount approved by the health officer, and to which skim milk solids may or may not have been added. The label shall contain the word "fortified" and shall clearly show the amount and source of each vitamin and/or mineral added.

**H. Reconstituted or recombined milk**—Reconstituted or recombined milk is a product resulting from the recombining of milk constituents with water, and which complies with the standards for milk fat and solids not fat of milk as defined herein.

**H-1. Reconstituted or recombined cream**—Reconstituted or recombined cream is a product resulting from the combination of dry cream, butter, or butter fat with cream, milk, skim milk and/or water, and which complies with the milk fat standards of cream as defined herein.

**H-2. Reconstituted or recombined skim milk**—Reconstituted or recombined skim milk is a product resulting from the recombining of skim milk constituents with water, and which contains not less than  $8\frac{1}{4}$  percent of milk solids not fat.

**I. Homogenized milk**—Homogenized milk is milk which has been treated in such manner as to insure break-up of the fat globules to such an extent that after 48 hours of quiescent storage no visible cream separation occurs on the milk and the fat percentage on the top 1000 milliliters of milk in a quart bottle, or of proportionate volume in containers of other sizes, does not differ by more than 10 percent of itself from the fat percentage of the remaining milk as determined after thorough mixing.

**J. Milk products**—Milk products shall be taken to mean and include goat milk, cream, sour cream, half and half, whipped cream, concentrated milk, concentrated milk products, dry milk, skim milk, nonfat milk, skim milk solids, nonfat dry milk solids, flavored milk, flavored drink, flavored reconstituted milk, flavored reconstituted drink, buttermilk, cultured buttermilk, cultured milk, vitamin D milk, reconstituted or recombined milk, reconstituted cream, reconstituted skim milk, homogenized milk, and any other product made by the addition of any substance to milk or to any of these milk products and used for similar purposes and designated as a milk product by the health officer.

**K. Pasteurization**—The terms "pasteurization," "pasteurized," and similar terms shall be taken to refer to the process of heating every particle of milk or milk products to at least  $143^{\circ}$  F., and holding at such temperature continuously for at least 30 minutes, or to at least  $161^{\circ}$  F., and holding at such temperature continuously for at least 15 seconds, in approved and properly operated equipment: **Provided**, That nothing contained in this definition shall be construed as disbaring any other process which has been demonstrated to be equally efficient and is approved by the State health authority.

**L. Adulterated and misbranded milk and milk products**—Any milk or cream to which water has been added, or any milk or milk product which contains any unwholesome substance, or which if defined in this ordinance does not conform with its definition, shall be deemed adulterated. Any milk or milk product which carries a grade label unless such grade label has been awarded by the health office and not revoked, or which fails to conform in any other respect with the statements on the label shall be deemed to be misbranded.

**M. Milk producer**—A milk producer is any person who owns or controls one or more cows, a part or all of the milk or milk products from which is sold or offered for sale.

**N. Milk distributor**—A milk distributor is any person who offers for sale or sells to another any milk or milk products for human consumption as such.

**O. Producer-distributor**—A producer-distributor is a milk producer who is also a milk distributor.

**P. Dairy or dairy farm**—A dairy or dairy farm is any place or premises where one or more cows are kept, a part or all of the milk or milk products from which is sold or offered for sale.

**P-1. Producer dairy**—A producer dairy is a dairy farm which sends milk or cream to a milk plant for processing.

**P-2. Milk hauler**—A milk hauler is any person, other than a milk producer or a milk plant employee, who transports milk and/or milk products to or from a milk plant or a collecting point.

**Q. Milk plant**—A milk plant is any place or premises or establishment where milk or milk products are collected, handled, processed, stored, bottled, pasteurized, or prepared for distribution, except an establishment where milk or milk products are sold at retail only.

**R. Health officer**—The term “health officer” shall mean the health authority of the municipality of Indianapolis or his authorized representatives.

**S. Average bacterial plate count, direct microscopic count, and cooling temperature**—Average bacterial plate count and average

direct microscopic count shall be taken to mean the logarithmic average, and average cooling temperature shall be taken to mean the arithmetic average, of the respective tests results of the last four consecutive samples, taken upon separate days, irrespective of the 6-month period referred to in section 6.

T. **Person**—The word “person” shall mean any individual, partnership, corporation, company, trustee, or association.

U. **And/or**—Where the term “and/or” is used, “and” shall apply where possible, otherwise “or” shall apply.

Section 2. **THE SALE OF ADULTERATED, MISBRANDED OR UNGRADED MILK OR MILK PRODUCTS PROHIBITED**—No person shall within the municipality of Indianapolis or its police jurisdiction, produce, sell, offer or expose for sale, or have in possession with intent to sell, any milk or milk product which is adulterated, misbranded, or ungraded. It shall be unlawful for any person, elsewhere than in a private home, to have in possession any adulterated, misbranded, or ungraded milk or milk products, **PROVIDED:** That in an emergency the sale of ungraded pasteurized milk or milk products may be authorized by the health officer.

Adulterated, misbranded, and/or improperly labeled ungraded milk or milk products may be impounded by the health officer and disposed of in accordance with State Law.

Section 3. **PERMITS**—It shall be unlawful for any person to bring into, send into, or receive into the municipality of Indianapolis or its police jurisdiction for sale, or to sell, or offer for sale therein, or to have in storage where milk or milk products are sold or served, any milk or milk products defined in this ordinance, who does not possess a permit from the health officer of the municipality of Indianapolis.

Every milk producer, milk hauler, milk distributor, and operator of a milk plant shall secure a permit. Only a person who complies with the requirements of this ordinance shall be entitled to receive and retain such a permit. Permits shall not be transferable with respect to person and/or locations.

Such a permit may be temporarily suspended by the health officer upon violation by the holder of any of the terms of this ordinance, or for interference with the health officer in the performance of his duties, or revoked by the Mayor after an opportunity for a hearing by the health officer upon serious or repeated violations.

Section 3A. **PERMIT FEES**—The permit fee for the sale or disposal of milk or milk products in the City of Indianapolis shall be as follows:

Each milk distributor engaged in the distribution of pasteurized milk in the City of Indianapolis shall pay to the City of Indianapolis a distributor's permit fee of three cents per hundred weight for all milk and milk products received and processed as defined in these articles except sweet cream purchased as such for market in which case the fee shall be one and one-half cents per pound butter fat. Such milk distributors' milk fees shall be paid to the Controller of the City of Indianapolis and the income derived therefrom shall be used only in the execution of the provisions of this ordinance. The City Controller of the City of Indianapolis shall keep a record of the income derived from the fees in a separate account for the Department of Public Health of the Board of Public Health and Hospitals, and any balance accruing at the end of the year shall be retained in this account and used only as provided in this ordinance. These fees shall be based on the net weight of all milk and milk products received and purchased by the distributors. Each distributor shall on or before the tenth (10th) and twenty-fifth (25th) of each month, file with the Health Officer, on a form provided by him, a statement in duplicate, of the number of pounds of milk received during the preceding periods and the classified usage of the milk and cream as defined in this ordinance. The periods referred to herein shall be from the first (1st) to the fifteenth (15th) both inclusive, and from the sixteenth (16th) to the last day, both inclusive, of each month. The payment for the first period of each month shall be made on or before the tenth (10th) day of the next succeeding month and the payment for the second period of each month shall be made on or before the twenty-fifth (25th) day of the next succeeding month. The Health Officer is hereby authorized to investigate the correctness and accuracy of the returns of reports required and for that purpose shall have access at all reasonable times to all books and documents bearing on the amount of milk and milk products received and sold; provided that such information shall not be disclosed or made public.

**Section 4. LABELING**—All bottles, cans, packages, and other containers enclosing milk or any milk product defined in section 1 of this ordinance shall be plainly labeled or marked with (1) the name of the contents as given in the definitions in this ordinance; (2) the word "reconstituted" or "recombined" if included in the name of the product as given in the definitions; (3) the grade of the contents; (4) the word "pasteurized" only if the contents have been pasteurized; (5) the word "raw" only if the contents are raw; (6) the phrase "for pasteurization" if the contents are to be pasteurized; (7) the name of the producer if the contents are raw, and the identity of the plant at which the contents were pasteurized if the contents are pasteurized; (8) in the case of Vitamin D milk or milk products, the designation "Vitamin D", the source of the vitamin D, and the number of units per quart; (9) in the case of concentrated milk or milk products, the volume of water to be added for recombining; and (10) the words "skim milk solids added" and the percentage added, if such solids have been added: **Provided**, That only the identity of the producer dairy shall be required on cans delivered to a milk plant which received only one grade of raw milk for pasteurization and which immediately dumps, washes, and returns the cans to the producer dairy.

The label or mark shall be in letters of an approved size, kind, and color and shall contain no marks or words which are misleading.

Homogenized milk or homogenized cream shall not be mixed with milk, skim milk, or cream which has not been homogenized, unless the product is labeled "homogenized" and conforms with the standards for homogenization in Section 1 (I).

**Section 5. INSPECTION OF DAIRY FARMS AND MILK PLANTS**—Prior to the issuance of a permit and at least once every 6 months thereafter, the health officer shall inspect all dairy farms and all milk plants whose milk or milk products are intended for consumption within the municipality of Indianapolis, or its police jurisdiction: **Provided**, That the health officer may accept the results of periodic industry inspections of producer dairies which he has checked periodically and found satisfactory. In case the health officer discovers the violation of any requirement he shall make a second inspection after a lapse of such time as he deems necessary for the defect to be remedied, but not before the lapse of 3 days and the second inspection shall be used in determining compliance with the requirements of section 7 of this ordinance. Any violation of the

same requirement of this ordinance on such reinspection shall call for immediate degrading, suspension of permit and/or court action.

One copy of the inspection report shall be posted by the health officer in a conspicuous place upon an inside wall of one of the dairy farm or milk plant buildings, and said inspection report shall not be defaced or removed by any person except the health officer. Another copy of the inspection report shall be filed with the records of the health department.

Every milk producer and distributor shall, upon the request of the health officer, permit him access to all parts of the establishment, and every distributor shall furnish the health officer upon his request, for official use only, a true statement of the actual quantities of milk and milk products of each grade purchased and sold, together with a list of all sources, records of inspections and tests, and recording thermometer charts.

**Section 6. THE EXAMINATION OF MILK AND MILK PRODUCTS**—During each 6-months period at least four samples of milk and cream from each dairy farm and each milk plant shall be taken on separate days and examined by the health officer: **Provided,** That in the case of raw milk for pasteurization the health officer may accept the test results of laboratories which he has checked periodically and found satisfactory. Samples of other milk products shall be taken and examined by the health officer at least once during each 6 months period. Samples may be taken at any time prior to the final delivery of the milk or milk products. Samples of milk and milk products from stores, cafes, soda fountains, restaurants, and other places where milk or milk products are sold shall be examined as often as the health officer may require. All proprietors of such places shall furnish the health officer, upon his request, with the names of all distributors from whom their milk and milk products are obtained. Bacterial plate counts, direct microscopic counts, coliform determinations, phosphatase tests, efficiency of bactericidal treatment, and other laboratory and screening tests shall conform to the procedures in the latest edition of "Standard Methods for the Examination of Dairy Products" recommended by the American Public Health Association current at the time of adoption of this ordinance. Examinations may include such other chemical and physical determinations as the health officer may deem necessary for the detection of adulteration.



Whenever the average bacterial count, the average cooling temperature, or more than one of the last four coliform counts of samples taken on separate days is beyond the limit for the grade then held, the health officer shall send written notice thereof to the person concerned and shall take an additional sample, but not before the lapse of 3 days for determining a new average in accordance with section 1(S). Violation of the grade requirements by the new average, or by any subsequent average during the remainder of the current 6-months period, shall call for immediate degrading, suspension of the permit and/or court action, unless the last individual result is within the grade limit.

In case of violation of the phosphatase test requirement, the probable cause shall be determined and corrected before milk or milk products from the plant concerned can again be sold as pasteurized milk or milk products.

#### **Section 7. THE GRADING OF MILK AND MILK PRODUCTS**

—An immediate notice of any degrading or regrading of milk and milk products delivered by any distributor and ultimately consumed within the municipality of Indianapolis shall be reported in the press by the health officer. Grades shall be based on the following standards, the grading of milk products being identical with the grading of milk, except that the bacterial count standards shall be doubled in the case of cream and half and half and omitted in the case of sour cream, buttermilk, cultured buttermilk and cultured milk, Vitamin D milk shall be only of Grade A pasteurized, certified pasteurized. The grade of a milk product shall be that of the lowest grade milk or milk product used in its preparation.

**CERTIFIED MILK-RAW**—Certified milk-raw is raw milk which conforms with the latest requirements of the American Association of Medical Milk Commissions in force at the time of adoption of this ordinance, and is produced under the supervision of a medical milk commission reporting monthly to the health officer and of the State health authority or of the municipal or county health officer of Indianapolis.

**GRADE A RAW MILK FOR PASTEURIZATION**—Grade A raw milk for pasteurization is raw milk from producer dairies conforming with all the following items of sanitation, and the bacterial plate count or the direct microscopic clump count of which as delivered

from the farm does not exceed 200,000 per milliliter, as determined in accordance with section 6.

Item 1r. **Cows, health**—All milk for pasteurization shall be from herds which are located in a modified accredited tuberculosis-free area as determined by the United States Department of Agriculture, Bureau of Animal Industry, and which have been tested for tuberculosis not more than 6 years prior to the adoption of this ordinance and at least every 6 years after such test: **Provided**, That if located in an area that fails to maintain such accredited status or that has an incidence of bovine tuberculosis in excess of 0.2 percent, such herds shall be accredited by said Bureau of Animal Industry as tuberculosis-free or shall have passed an annual tuberculin test. All addition to such herds shall be free from tuberculosis. Said tests and re-tests shall be made and any reactors disposed of in accordance with the latest requirements approved by the United States Department of Agriculture, Bureau of Animal Industry, for tuberculosis-free accredited herds in effect as the time of the adoption of this ordinance. A certificate identifying each animal, signed by the Veterinarian or attested to by the health officer and filed as directed by the health officer, shall be evidence of the above test.

Within 5 years after the adoption of this ordinance all milk and milk products for pasteurization shall be from herds certified by the State Livestock Sanitary Authority as following either Plan A or Plan B approved by the BAI for the eradication of brucellosis. Evidence of this certification shall be filed as directed by the health officer. All additions to the herd shall be brucellosis-free. Tests and retests shall be made and any reactors disposed of in accordance with the latest requirements approved by the USDA, BAI, for brucellosis-free certified herds or areas in effect at the time of the adoption of this ordinance. A certificate identifying each animal, signed by the veterinarian and the director of the laboratory making the test and filed as directed by the health officer, shall be evidence of the above test.

Cows which show a complete induration of one quarter or extensive induration in one or more quarters of the udder upon physical examination, whether secreting abnormal milk or not, shall be permanently excluded from the milk herd: **Provided**, That this shall not apply in the case of a quarter that is completely dry. Cows giving bloody, stringy, or otherwise abnormal milk, but without entire

or extensive induration of the udder, shall be excluded from the herd until re-examination shows that the milk has become normal.

For other diseases such tests and examinations as the health officer may require after consultation with State livestock sanitary officials shall be made at intervals and by methods prescribed by him, and any diseased animals or reactors shall be disposed of as he may require.

**Item 2r. Milking stable, lighting**—A milking barn or stable or parlor shall be provided. It shall be provided with adequate light, properly distributed for day or night milking.

**Item 3r. Milking stable, air space and ventilation**—Such sections of the milking barn or stable or parlor where cows are kept or milked shall be well ventilated and shall be so arranged as to avoid overcrowding.

**Item 4r. Milking stables, stable floors and animals**—The floors and gutters of that portion of the barn or stable or parlor in which cows are milked shall be constructed of concrete or other approved impervious and easily cleaned material. Floors and gutters shall be graded to drain properly and shall be kept clean and in good repair. No swine or fowl shall be permitted in the milking stable. If horses, dry cows, calves or bulls are stabled therein, they shall be confined in stalls, stanchions, or pens which shall be kept clean and in good repair.

**Item 5r. Milking stable, walls and ceilings**—The interior walls and the ceilings of the milking barn or stable or parlor shall be smooth, shall be whitewashed or painted as often as may be necessary, or finished in an approved manner, and shall be kept clean and in good repair. In case there is a second story above the milking barn or stable or parlor, the ceiling shall be tight. If feed is ground or mixed, or sweet feed is stored, in a feed room or feed-storage space adjoining the milking space, it shall be separated therefrom by a dust-tight partition and door.

**Item 6r. Cow Yard**—The cow yard shall be graded and drained as well as practicable and so kept that there are no standing pools of water nor accumulations of organic wastes: Provided, That in loafing areas or pen type stables manure droppings shall be removed

or clean bedding added at sufficiently frequent intervals to prevent the accumulation of manure on cows' udders and flanks and the breeding of flies. Swine shall be kept out.

Item 7r. **Manure disposal**—All manure shall be removed and stored or disposed of in such manner as best to prevent the breeding of flies therein and the access of cows to piles thereof.

Item 8r. **Milk house or room construction**—There shall be provided a milk house or milk room of approved size in which the cooling, handling and storing of milk and milk products and the washing, bactericidal treatment, and storing of milk containers and utensils shall be done. (a) The milk house or room shall be provided with a tight floor constructed of concrete or other impervious material, in good repair, and graded to provide proper drainage. (b) It shall have walls and ceiling of such construction as to permit easy cleaning, and shall be well painted or finished in an approved manner. (c) It shall be well lighted and ventilated. (d) It shall have all openings effectively screened, including outward-opening, self-closing doors, unless other effective means are provided to prevent the entrance of flies. (e) It shall be used for no other purposes than those specified above except as may be approved by the health officer; shall not open directly into a stable or into any room used for domestic purposes shall have water piped into it, shall be provided with adequate facilities for the heating of water for the cleaning of utensils; shall be equipped with two-compartment stationary wash and rinse vats; and the cleaning and other operations shall be so located and conducted as to prevent any contamination of the milk or of cleaned equipment.

Item 9r. **Milk house or room, cleanliness and flies**—The floors, walls, ceilings, and equipment of the milk house or room shall be kept clean at all times. All means necessary for the elimination of flies shall be used. A placard containing section 13 shall be posted in the milk house.

Item 10r. **Toilet**—Every dairy farm shall be provided with one or more sanitary toilets conveniently located and properly constructed, operated, and maintained so that the waste is inaccessible to flies and does not pollute the surface soil or contaminate any water supply.

Item 11r. **Water supply**—Water for all dairy purposes shall be

from a supply properly located, protected and operated, and shall be easily accessible, adequate, and of a safe sanitary quality.

**Item 12r. Utensils, construction**—All multi-use containers, equipment and other utensils used in the handling, storage, or transportation of milk or milk products shall be made of smooth, non-absorbent, non-corrodible non-toxic material, of such construction as to be easily cleaned, and shall be in good repair. Joints and seams shall be welded or soldered flush. Woven wire cloth shall not be used for straining milk. If milk is strained, strainer pads shall be used and shall not be re-used. All milk pails shall be of the seamless hooded type. All single-service articles used shall have been manufactured, packaged, transported and handled in a sanitary manner.

**Item 13r. Utensils, cleaning**—All multi-use containers, equipment, and other utensils used in the handling, storage, or transportation of milk and milk products shall be thoroughly cleaned after each useage.

**Item 14r. Utensils, bactericidal treatment**—All multi-use containers, equipment, and other utensils used in the handling, storage, or transportation of milk or milk products shall, before each usage, be effectively subjected to an approved bactericidal process with steam, hot water, chemicals, or hot air.

**Item 15r. Utensils, storage**—All containers and other utensils used in the handling, storage, or transportation of milk or milk products shall, unless stored in bactericidal solutions, be so stored as to drain dry and other milk and milk products utensils shall be handled in such a manner as to prevent contamination of any surface with which milk or milk products come in contact.

**Item 17r. Milking, udders and teats, abnormal milk**—Milking shall be done in the milking barn or stable or parlor. The udders and teats of all milking cows shall be clean and wiped with an approved bactericidal solution at the time of milking. Abnormal milk shall be kept out of the milk supply and shall be so handled and disposed of as to preclude the infection of the cows and the contamination of milk utensils.

**Item 18r. Milking, flanks**—The flanks, bellies, and tails of all milking cows shall be free from visible dirt at the time of milking. All brushing shall be completed before milking commences.

Item 19r. **Milkers' hands**—Milkers' hands shall be washed, clean, rinsed with an effective bactericidal solution, and dried with a clean towel immediately before milking and following any interruption in the milking operation. Wet-hand milking is prohibited. Convenient facilities shall be provided for the washing of milkers' hands. No persons with an infected cut or lesion on hands or arms shall milk cows or handle milk or milk utensils.

Item 20r. **Clean clothing**—Milkers and milk handlers shall wear clean outer garments, while milking or handling milk, milk products, containers, utensils, or equipment.

Item 21r. **Milk stools**—Milk stools and surcingles shall be kept clean.

Item 22r. **Removal of milk**—Each pail or can of milk shall be removed immediately to the milk house or straining room. No milk shall be strained or poured in the barn unless it is protected from flies and other contamination.

Item 23r. **Cooling**—Milk for pasteurization shall be cooled immediately after completion of milking to 60° F. or less and maintained at that temperature until delivered and dumped, as determined in accordance with section 6. Milk which does not comply with this requirement shall be subject to rejection. Cooling must be done in a manner and by methods approved by the health officer.

Item 24r. **Vehicles and surroundings**—All vehicles used for the transportation of milk or milk products shall be so constructed and operated as to protect their contents from the sun, from freezing and from contamination. The immediate surroundings of the dairy shall be kept clean and free of health nuisances.

**GRADE C RAW MILK FOR PASTEURIZATION**—Grade C raw milk for pasteurization is raw milk which violates any of the requirements of this ordinance.

**CERTIFIED MILK-PASTEURIZED**—Certified milk-pasteurized is certified milk-raw which has been pasteurized, cooled, and bottled in a milk plant conforming with the requirement for Grade A pastuerized milk .

**GRADE A PASTEURIZED MILK**—Grade A pasteurized milk is Grade A raw milk for pasteurization which has been pasteurized, cooled, and placed in the final container in a milk plant conforming with all of the following items of sanitation, which in all cases shows efficient pasteurization as evidenced by satisfactory phosphatase tests, and which at no time after pasteurization and until delivery has a bacterial plate count exceeding 30,000 per milliliter or a coliform count exceeding 10 per milliliter, as determined in accordance with section 6.

The grading of a pasteurized milk supply shall include the inspection of receiving and collecting stations with respect to compliance with respect to items 1p to 15p, inclusive, and 17p, 19p, 21p, 22p, and 23p, except that the partitioning requirements of item 5p shall not apply.

**Item 1p. Floors**—The floors of all rooms in which milk or milk products are handled or stored or in which milk utensils are washed shall be constructed of concrete or other equally impervious and easily cleaned material and shall be smooth, properly drained, provided with trapped drains, and kept clean and in good repair.

**Item 2p. Walls and Ceilings**—Walls and ceilings of rooms in which milk or milk products are handled or stored or in which milk utensils are washed shall have a smooth, washable, light colored surface, and shall be kept clean and in good repair.

**Item 3p. Doors and windows.** Unless other effective means are provided to prevent the access of flies, all openings to the outer air shall be effectively screened and all doors shall be self closing.

**Item 4p. Lighting and ventilation**—All rooms shall be well lighted and ventilated.

**Item 5p. Miscellaneous protection from contamination**—The various milk plant operations shall be so located and conducted as to prevent any contamination of the milk or of cleaned equipment. All means necessary for the elimination of flies, other insects, and rodents shall be used. There shall be separate rooms for (a) the pasteurizing, processing, cooling and bottling operations, and (b) the washing and bactericidal treatment of containers. Cans of raw milk shall not be unloaded directly into the pasteurizing room. Rooms in which milk,

milk products, cleaned utensils or containers are handled or stored shall not open directly into any stable or living quarters. The pasteurization plant, milk containers, utensils, and equipment shall be used for no other purposes than the processing of milk and milk products and the operations incident thereto, except as may be approved by the health officer.

**Item 6p. Toilet facilities**—Every milk plant shall be provided with toilet facilities conforming with the ordinances of the municipality of Indianapolis. Toilet rooms shall not open directly into any room in which milk, milk products, equipment, or containers are handled or stored. The doors of all toilet rooms shall be self-closing. Toilet rooms shall be kept in a clean condition, in good repair, and well ventilated. A placard containing section 13 and a sign directing employees to wash their hands before returning to work shall be posted in all toilet rooms used by employees. In case privies or earth closets are permitted and used, they shall be separate from the building and shall be of a sanitary type, located, constructed, and operated in conformity with the requirements of item 10r.

**Item 7p. Water supply**—The water supply shall be easily accessible, adequate, and of a safe sanitary quality.

**Item 8p. Hand-washing facilities**—Convenient hand-washing facilities shall be provided, including hot and cold running water, soap and approved sanitary towels. Hand-washing facilities shall be kept clean. The use of a common towel is prohibited. No employee shall resume work after using the toilet room without first washing his hands.

**Item 9p. Sanitary piping**—All piping used to conduct milk or milk products shall be "sanitary milk piping" of a type which can be easily cleaned. Pasteurized milk and milk products shall be conducted from one piece of equipment to another only through sanitary milk piping.

**Item 10p. Construction and repair of containers and equipment**—All multi-use containers and equipment with which milk or milk products come in contact shall be of smooth, impervious, non-corrodible, non-toxic material, so constructed and located as to be easily cleaned, and shall be kept in good repair. All single-service containers, closures, gaskets, and other articles used shall have been manufactured, packaged, transported, and handled in a sanitary manner.



Item 11p. **Plumbing and disposal of wastes**—All wastes shall be properly disposed of. All plumbing and equipment shall be so designed and installed as to prevent contamination of the water supply and of milk equipment by backflow.

Item 12p. **Cleaning and bactericidal treatment of containers and equipment**—All milk and milk products containers and equipment, except single-service containers, shall be thoroughly cleaned after each usage. All containers shall be effectively subjected to an approved bactericidal process after each cleaning and all equipment immediately before each usage. When empty and before being returned to a producer by a milk plant, each container shall be thoroughly cleaned and effectively subjected to an approved bactericidal process.

Item 13p. **Storage of containers and equipment**—After bactericidal treatment, all bottles, cans, and other multi-use milk or milk products containers and equipment shall be transported and stored in such manner as to be protected from contamination.

Item 14p. **Handling of containers and equipment**—Between bactericidal treatment and usage and during usage, containers and equipment shall not be handled or operated in such manner as to permit contamination of the milk. Pasteurized milk or milk products shall not be permitted to come in contact with equipment with which unpasteurized milk or milk products have been in contact, unless the equipment has first been thoroughly cleaned and effectively subjected to an approved bactericidal process. No milk or milk products shall be permitted to come in contact with equipment with which ungraded or a lower grade of milk or milk products has been in contact, unless the equipment has first been thoroughly cleaned and effectively subjected to an approved bactericidal process.

Item 15p. **Storage of caps, parchment paper, and single-service containers**—Milk bottle caps or cap stock, parchment paper for milk cans and single service containers and gaskets shall be purchased and stored only in sanitary tubes, wrappings, and cartons, shall be kept therein in a clean, dry place until used, and shall be handled in a sanitary manner.

Item 16p. **Pasteurization**—Pasteurization shall be performed as described in section I (K) of this ordinance.

Item 17p. **Cooling**—All milk and milk products received for pasteurization shall immediately be cooled in approved equipment to 50° F. or less and maintained at that temperature until pasteurized, unless they are to be pasteurized within 2 hours after receipt; and all pasteurized milk and milk products except those to be cultured shall be immediately cooled in approved equipment to a temperature of 50° F. or less and maintained there at until delivery, as determined in accordance with section 6.

Item 18p. **Bottling and packaging**—Bottling and packaging of milk and milk products shall be done at the place of pasteurization in approved mechanical equipment.

Item 19p. **Overflow milk**—Overflow milk or milk products shall not be sold for human consumption.

Item 20p. **Capping**—Capping of milk and milk products shall be done in a sanitary manner by approved mechanical equipment. Hand-capping is prohibited. The cap or cover shall protect the pouring lip to at least its largest diameter.

Item 21p. **Personnel, health**—The health officer or a physician authorized by him shall examine and take a careful morbidity history of each person connected with a pasteurization plant, or about to be employed, whose work brings him in contact with the processing, handling, storage, or transportation of milk, milk products, containers, or equipment. If such examination or history suggests that such person may be a carrier of or infected with the organisms of typhoid or paratyphoid fever or any other communicable disease likely to be transmitted through milk, he shall secure appropriate specimens of body discharges and cause them to be examined in a laboratory approved by him or by the State health authorities for such examinations, and if the results justify such persons shall be barred from such employment.

Such persons shall furnish such information, submit to such physical examinations, and submit such laboratory specimens as the health officer may require for the purpose of determining freedom from infection.

No person with an infected cut or lesion on hands or arms shall handle milk, milk products, milk containers, or milk equipment.

Item 22p. **Personnel, cleanliness**—All persons coming in contact with milk, milk products, containers, or equipment shall wear clean outer garments and shall keep their hands clean at all times while thus engaged.

Item 23p. **Vehicles**—All vehicles used for the transportation of milk or milk products shall be so constructed and operated as to protect their contents from the sun, from freezing, and from contamination. All vehicles used for the distribution of milk or milk products shall have the name of the distributor prominently displayed.

Milk tank cars and tank trucks shall comply with the construction, cleaning, bactericidal treatment, storage, and handling requirements of items 9p, 10p, 12p, 13p, and 14p. While containing milk or cream they shall be sealed and labeled in an approved manner. For each tank shipment a bill of lading containing all necessary information shall be prepared in triplicate and shall be kept on file by the shipper, the consignee, and the carrier for a period of 6 months for the information of the health officer.

**GRADE C PASTEURIZED**—Grade C pasteurized milk is pasteurized milk which violates any of the requirements of this ordinance.

**Section 8. GRADES OF MILK AND MILK PRODUCTS WHICH MAY BE SOLD**—From the date on which this ordinance takes effect no milk or milk products shall be sold to the final consumer or to restaurants, soda fountains, grocery stores or similar establishments except certified pasteurized and Grade A pasteurized: **Provided**, That when any milk distributor fails to qualify for one of the above grades the health officer is authorized to suspend his permit and/or institute court action, or in lieu thereof to degrade his product and permit its sale during a temporary period not exceeding 30 days or in emergencies such longer periods as the health officer may deem necessary.

**Section 9. REINSTATEMENT OF PERMIT, SUPPLEMENTARY REGRADING**—If, at any time between the regular announcements of the grades of milk or milk products, a lower grade shall become justified, in accordance with sections 5, 6 and 7 of this ordinance, the health officer shall immediately lower the grade of such milk or milk products, and shall enforce proper labeling thereof.

Any producer or distributor of milk or milk products, the grade of which has been lowered by the health officer, and who is properly labeling his milk and milk products, or whose permit has been suspended may at any time make applications for the regrading of his products or the reinstatement of his permit.

Upon receipt of a satisfactory application for regrading or reinstatement of permit based on correction of a violation of any bacteriological or cooling temperature standard, the health officer shall take further samples at the rate of not more than two per week, and shall approve the application upon compliance with the grade requirements as determined in accordance with Section 6, but not before the lapse of two weeks from the date of degrading. **Provided,** That if samples are not available because of suspension of permit to operate, or for other reasons, the health officer may issue a temporary permit upon satisfying himself by inspection of the facilities and the operating methods that the conditions responsible for the violation have been corrected, with final reinstatement of permit conditional upon subsequent bacteriological or temperature findings.

In the case the lowered grade of the applicant's product or the permit suspension was due to a violation of an item other than bacteriological standards or cooling temperature, the said application must be accompanied by a statement signed by the applicant to the effect that the violated items of the specifications has been conformed with. Within one week of the receipt of such an application and statement, the health officer shall make a reinspection of the applicant's establishment and thereafter as many additional re-inspections as he may deem necessary to assure himself that the applicant is again complying with the higher grade requirements, and, in case the findings justify, shall regrade the milk or milk products upward or reinstate the permit but not before the lapse of two weeks from the date of degrading.

**Section 10. TRANSFERRING OR DIPPING MILK; DELIVERY CONTAINERS; COOLING; QUARANTINED RESIDENCES**—Except as permitted in this section, no milk producer or distributor shall transfer milk or milk products from one container to another on the street, or in any vehicle, or store, or in any place except a bottling or milk room especially used for that purpose. The sale of dip milk is hereby prohibited.

Milk and fluid milk products sold in the distributor's containers in quantities less than 1 gallon shall be delivered in standard milk bottles or in single-service containers. It shall be unlawful for hotels, soda fountains, restaurants, groceries, and similar establishments to sell or serve any milk or fluid milk products except in the individual or original container in which it was received from the distributor, **Provided**, that this requirement shall not apply to cream, whipped cream or half and half consumed on the premises which may be served from the original bottle or from a dispenser approved for such service.

It shall be unlawful for any hotel, soda fountain, restaurant, grocery, hospital, or similar establishment to sell or serve any milk or milk product which has not been maintained, while in its possession, at a temperature of 50° F. or less. If milk or milk products in non-leakproof containers are stored in water for cooling, the pouring lips of the containers shall not be submerged.

It shall be the duty of all persons to whom milk or milk products are delivered to clean thoroughly the containers in which such milk or milk products are delivered before returning such containers.

The delivery of milk or milk products to and the collection of milk or milk products containers from residences in which cases of communicable disease transmissible through milk supplies exist shall be subject to the special requirements of the health officer.

**Section 11. MILK AND MILK PRODUCTS FROM POINTS BEYOND THE LIMITS OF ROUTINE INSPECTION**—Milk and milk products from points beyond the limits of routine inspection of the municipality of Indianapolis may not be sold in the municipality of Indianapolis or its police jurisdiction, unless produced and/or pasteurized under provisions which are substantially equivalent to the requirements of this ordinance and which are enforced with equal effectiveness as determined by a milk sanitation rating.

**Section 12. FUTURE DAIRIES AND MILK PLANTS**—All dairies and milk plants from which milk or milk products are supplied to the municipality of Indianapolis which are hereafter constructed, reconstructed, or extensively altered shall conform in their construction to the Grade A requirements of this ordinance. Properly prepared plans for all dairies and milk plants which are hereafter constructed,

reconstructed, or extensively altered shall be submitted to the health officer for approval before work is begun. In the case of milk plants signed approval shall be obtained from the health officer and/or the State health authority.

**Section 13. NOTIFICATION OF DISEASE**—No person who is affected with any disease in a communicable form or is a carrier of such disease shall work at any dairy farm or milk plant in any capacity which brings him in contact with the production, handling, storage, or transportation of milk, milk products, containers, or equipment; and no dairy farm or milk plant shall employ in any such capacity any such person or any person suspected of being affected with any disease in a communicable form or being a carrier of such disease. Any producer or distributor of milk or milk products upon whose dairy farm or in whose milk plant any communicable disease occurs, or who suspects that any employee has contracted any disease in a communicable form or has become a carrier of such disease, shall notify the health officer immediately.

**Section 14. PROCEDURE WHEN INFECTION SUSPECTED**—When suspicion arises as to the possibility of transmission of infection from any person concerned with the handling of milk or milk products, the health officer is authorized to require any or all of the following measures: (1) The immediate exclusion of that person from milk handling, (2) the immediate exclusion of the milk supply concerned from distribution and use, (3) adequate medical and bacteriological examination of the person, of his associates, and of his and their body discharges.

**Section 15. ENFORCEMENT INTERPRETATION.** This ordinance shall be enforced by the health officer in accordance with the interpretations thereof contained in the 1952 edition of the United States Public Health Service Milk Code, a certified copy of which shall be on file in the municipal clerk's office.

**Section 16. ENFORCEMENT BODY**—This ordinance shall be enforced by the Dairy Division of the Department of Public Health, and positions and services hereinafter set out are hereby created and established on an annual basis and the various funds and compensation hereinafter set out are likewise created and established provided, however, that funds hereinafter set up be applicable only to the year 1952 and shall be subject to such changes as the Common Council may see fit to adopt.

## DEPARTMENT OF PUBLIC HEALTH—DAIRY DIVISION

## 1. SERVICES PERSONAL

11. 1 Supervising Dairy Sanitarian -----	\$ 3,900.00	
7 Dairy Inspectors @ \$3,200.00 -----	22,400.00	
1 Sr. Dairy Plant Engineer -----	3,600.00	
2 Dairy Plant Engineers @ \$3,200.00--	6,400.00	
1 Office Secretary -----	2,400.00	
1 Stenographer Clerk -----	2,100.00	
1 Sr. Dairy Bacteriologist -----	3,200.00	
1 Milk Laboratory Assistant -----	1,800.00	
Total Item No. 11 -----		\$45,800.00

## 2. SERVICES CONTRACTUAL

21 Communication & Transportation --	2,000.00	
24 Printing and Advertising -----	100.00	
25 Repairs -----	300.00	
26 Contractual -----	600.00	
Total -----		3,000.00

## 3. SUPPLIES

33 Garage and Motors -----	2,700.00	
34 Institutional & Medical -----	800.00	
35 Milk and Food Supplies (Samples)	100.00	
36 Office Supplies -----	1,200.00	
38 General Supplies -----	400.00	
Total -----		5,200.00

## 4. MATERIALS

45 Repair Parts -----	900.00	
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## 5. CURRENT CHARGES

55 Subscriptions & Dues -----	30.00	
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## 7. PROPERTIES

72 Equipment -----	4,500.00	
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## GRAND TOTAL—DAIRY DIVISION

ADMINISTRATION -----	\$59,430.00
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## DAIRY DIVISION LABORATORY

2. CONTRACTUAL		
25 Repairs -----		300.00
3. SUPPLIES		
32 Fuel & Ice -----		50.00
34 Institutional & Medical -----		600.00
7. PROPERTIES		
72 Equipment -----		800.00
		<hr/>
GRAND TOTAL—DAIRY DIVISION		
LABORATORY -----		1,750.00
		<hr/>
GRAND TOTAL DAIRY DIVISION ----		\$61,180.00

Section 16a. **DIFFERENCE WITH THE HEALTH OFFICER—**

If any person or persons shall refuse to comply with, or willfully connive at, or assit in a violation of any of the provisions of this ordinance, or whoever, in any manner interferes with, hinders, obstructs, delays, resists, denies, prevents or in any way interferes, or attempts to interfere with the health officer or his authorized representative in the performance of any duty herein enjoined, or shall refuse to permit such officers to perform their duty by refusing them entrance to any premises where milk or milk products are processed, handled, stored or kept, or where cows are stabled or kept, or refuse to permit any animal to be viewed or inspected, or any milk or milk products to be viewed, inspected, tested or analyzed, or sampled for any such purposes, or conceal any milk or milk products; or any milk wagon driver, milk peddler or milk vendor, who, with his wagon, carriage or vehicle, containing milk or milk products, or any persons delivering milk or milk products, by hand, runs or drives away, or attempts to run or drive away, or conceals or attempts to conceal any milk or milk products in his possession, custody, care or control, from any of the officers aforesaid, on being approached or hailed or addressed by any such officers in the performance of their duties shall be deemed guilty of a misdemeanor and fined as herein described, for violation of this ordinance.

Section 17. **ABOLITION EXISTING MILK ENFORCEMENT—**

The positions and services set up in the annual budget for the year of



1952 for the Dairy Division of the Department of Public Health are hereby eliminated and abolished and the remaining monies for the payments of such positions and services for the balance of the year 1952 are transferred and appropriated for the use of the dairy division in this ordinance created.

Section 18. **PERSONNEL**—The personnel of the Dairy Division, Department of Public Health including the supervisor, plant engineers and farm inspectors and laboratory technician should be qualified through education, experience and training to fulfill their respective positions. The above listed personnel before appointment to their respective positions shall be required to take and pass a written and oral examination given by the health officer to determine their eligibility and fitness for such positions. Such examinations shall conform to the standard of examination given by the State Merit Board of Indiana for similar positions.

The Health Officer shall certify the names of the successful applicants passing the examination to the Board of Health and Hospitals of Indianapolis. The health officer shall recommend to the Board of Health and Hospitals of Indianapolis those whom he nominates for such appointments and such appointments shall be made by the Board of Health & Hospitals without regard to political affiliation or influence.

Section 19. **REPEAL**—All ordinances or parts of ordinances, general, special or appropriation ordinances or parts of ordinances, and any and all regulations, executive orders of any Board, Commission, Department or Governing Body of any Department, or Official of said City, heretofore enacted, promulgated or issued, which are in conflict herewith are hereby repealed.

Section 20. **PENALTY**—Any person, firm, corporation or association violating any of the provisions of this ordinance shall, upon conviction for the first offense be punished by a fine of not less than ten dollars (\$10.00) and not more than twenty-five dollars (\$25.00); for the second offense a fine, of not less than twenty-five (\$25.00) nor more than fifty (\$50.00) and for a third and subsequent offense, by a fine of one hundred dollars (\$100.00) and imprisonment in the County Jail for not less than thirty (30) days nor more than ninety (90) days. Each and every violation of the provisions of this ordinance shall constitute a separate offense.

Section 21. **EFFECTIVE DATE**—This ordinance shall be in full force and effect from and after its passage, approved by the Mayor and publication according to law.

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

## INTRODUCTION OF SPECIAL ORDINANCES

By Councilman Schumacher:

### SPECIAL ORDINANCE NO. 2, 1952

AN ORDINANCE to amend Section 1 of Special Ordinance No. 1, 1952, 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 Section 1 of Special Ordinance No. 1, 1952, be and the same is hereby amended and changed to read as follows:

Section 1. That the City of Indianapolis, Indiana, be and the same is hereby extended so as to include the following described territory, which is hereby annexed to and made a part of the territory constituting the city of Indianapolis, Indiana, and described as follows, to-wit:

Beginning at a point, said point being in the east right-of-way line of Arlington Avenue and six hundred eighty and thirty-four one-hundredths (680.34) feet south of the north line of the south half of Section 35, Township 16 North, Range 4 East, in Marion County, Indiana; thence west on and along the present corporation line of the City of Indianapolis to a point, said point being a corner in said corporation line and located in the center line of Priscilla Avenue extended south across 14th street, as said streets are located in the subdivision plat known as Irvington Manor Re-Subdivision; thence south on and along the present corporation line of the City of Indianapolis a distance of six hundred fifty-five and five-tenths

(655.5) feet to the southeast corner of the tract of land owned by the Board of School Commissioners, being also a corner in the present corporation line of the City of Indianapolis; thence east and parallel to the north line of the southeast  $\frac{1}{4}$  of Section 34, Township 16 North, Range 4 East, in Marion County, Indiana, a distance of three hundred thirty-one (331) feet; thence south and parallel to the west line of the east  $\frac{1}{2}$  of said southeast  $\frac{1}{4}$  of Section 34 a distance of sixteen (16) feet; thence east and parallel to the north line of said southeast  $\frac{1}{4}$  of Section 34 to the east right-of-way line of Arlington Avenue; thence northward with the east right-of-way line of Arlington Avenue to the place of beginning.

Section 2. This ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and publication according to law.

Which was read for the first time and referred to the Committee on Public Health.

## INTRODUCTION OF RESOLUTIONS

By Councilman Eltzroth:

### RESOLUTION NO. 2, 1952

A RESOLUTION, approving, confirming, and ratifying a certain permit granted by the Board of Public Works of the City of Indianapolis by its written order on January 25, 1952, to Indianapolis Railways, Incorporated, under and pursuant to the provisions of the agreement entered into by the City of Indianapolis and Indianapolis Railways, Incorporated, dated May 25, 1936, as amended and approved by General Ordinance No. 40, 1936:

WHEREAS, in the agreement between the City of Indianapolis and Indianapolis Railways, Incorporated, dated May 25, 1936, amended and approved by General Ordinance No. 40, 1936, said city granted to Indianapolis Railways, Incorporated, subject to the terms and conditions therein set forth, the right to erect and maintain

poles, feeder lines, trolley wires and other structures necessary to the operation of trackless trolley cars on certain streets and parts of streets named and designated in said agreement, together with such other streets and parts of streets as may from time to time by the Board of Public Works by its written orders be permitted to be used by Indianapolis Railways, Incorporated, for the operation of trackless trolley cars, subject to approval of such permits by the Common Council, and to use such streets and parts of streets for transportation of passengers by means of trackless trolley cars; and

WHEREAS, pursuant to said provisions contained in said agreement, as amended and approved by said General Ordinance No. 40, 1936, for the use of additional streets and parts of streets by Indianapolis Railways, Incorporated, for said trackless trolley operation, under the terms and conditions of said agreement, the Board of Public Works did on January 25, 1952, subject to approval by the Common Council, by written order grant to Indianapolis Railways, Incorporated, the following permit contained in the following order, to-wit:

ORDER BY THE  
BOARD OF PUBLIC WORKS  
OF  
THE CITY OF INDIANAPOLIS

ENTERED January 25, 1952

RE: PETITION OF INDIANAPOLIS RAILWAYS,  
INCORPORATED, FOR APPROVAL OF THE  
USE OF PART OF WEST 10TH STREET FOR  
TRACKLESS TROLLEY OPERATION.

BE IT REMEMBERED, That on January 25, 1952, the Board of Public Works of the City of Indianapolis, Indiana, considered the Petition of Indianapolis Railways, Incorporated, heretofore filed with the Board in the above-entitled matter, requesting the Board to authorize and approve the use of a portion of West 10th Street for the operation of trackless trolley cars as a part of its West 10th Street line.

The Board having made its analysis and investigation of the facts alleged and of the requests contained in said Petition and being duly

advised in the premises, now finds that it is in the public interest to authorize the Petitioner to use the aforesaid portion of said street for the operation of trackless trolley cars and service; that the operation of trackless trolleys on said street will enable Petitioner to render service to the new Larue D. Carter Memorial Hospital, to the new Veterans' Administration Hospital, and to an area on and along said street which is now served by no public transportation line; and that said Petition should be granted.

IT IS THEREFORE HEREBY ORDERED That Indianapolis Railways, Incorporated, be, and hereby is, authorized and permitted to use for the operation of trackless trolley cars and service the following part of a street in said City:

West Tenth Street, from Indiana Avenue to Pershing Street.

and it is further authorized and permitted, for the purpose of such trackless trolley operation, to erect such poles, overhead wires and switches, and other structures on said streets as are necessary or desirable for such operation, said construction and said operation of trackless trolley cars to be made and done under and pursuant to the terms and provisions of said agreement between the City of Indianapolis and Indianapolis Railways, Incorporated, dated May 25, 1936, and approved with amendments by General Ordinance No. 40, 1936, of the City of Indianapolis; Provided, however, that no portion of said streets shall be used for said construction or for said trackless trolley operation unless and until said use is approved by the Common Council of the City of Indianapolis, as required under the terms of said contract.

BOARD OF PUBLIC WORKS OF  
THE CITY OF INDIANAPOLIS

Signed by H. W. Sams  
George P. Cafouras  
Thomas M. Quinn  
Otto W. Worley

I hereby certify that the attached is a true and correct copy of an Order adopted by the Board of Public Works of the City of Indian-

apolis, Indiana, on January 25, 1952, and appearing as a part of the official records of said Board.

(s) David H. Marsh, Executive Secretary,  
BOARD OF PUBLIC WORKS

Dated this 29th day of January, 1952.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF INDIANAPOLIS, INDIANA:

That the Common Council does hereby in all things approve, confirm and ratify the permit granted on January 25, 1952, by the Board of Public Works to Indianapolis Railways, Incorporated, as contained in said order; Provided, that the use by Indianapolis Railways, Incorporated, of the portion of the street covered by said permit for the aforesaid purpose shall in all things be subject to, and in accordance with, all of the terms, conditions and provisions of the aforesaid agreement between the City of Indianapolis and Indianapolis Railways, Incorporated, dated May 25, 1936, as the same is amended and approved in said General Ordinance No. 40, 1936.

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

#### ORDINANCES ON SECOND READING

Mr. Ehlers called for Appropriation Ordinance No. 1, 1952 for second reading. It was read a second time.

On motion of Mr. Ehlers, seconded by Mr. Eltzroth, Appropriation Ordinance No. 1, 1952 was ordered engrossed, read a third time and placed upon its passage.

Appropriation Ordinance No. 1, 1952 was read a third time by the Clerk and passed by the following roll call vote:

Ayes 8, viz: Mr. Brown, Mr. Ehlers, Mr. Eltzroth, Mr. Radel, Mr. Ross, Mr. Schumacher, Mr. Wallace, President Bright.

Mr. Ehlers called for Appropriation Ordinance No. 2, 1952 for second reading. It was read a second time.

On motion of Mr. Ehlers, seconded by Mr. Radel, Appropriation Ordinance No. 2, 1952 was ordered engrossed, read a third time and placed upon its passage.

Appropriation Ordinance No. 2, 1952 was read a third time by the Clerk and passed by the following roll call vote:

Ayes 8, viz: Mr. Brown, Mr. Ehlers, Mr. Eltzroth, Mr. Radel, Mr. Ross, Mr. Schumacher, Mr. Wallace, President Bright.

Mr. Ehlers called for Appropriation Ordinance No. 3, 1952 for second reading. It was read a second time.

On motion of Mr. Ehlers, seconded by Mr. Schumacher, Appropriation Ordinance No. 3, 1952 was ordered engrossed, read a third time and placed upon its passage.

Appropriation Ordinance No. 3, 1952 was read a third time by the Clerk and passed by the following roll call vote:

Ayes 8, viz: Mr. Brown, Mr. Ehlers, Mr. Eltzroth, Mr. Radel, Mr. Ross, Mr. Schumacher, Mr. Wallace, President Bright.

Mr. Ehlers called for Appropriation Ordinance No. 4, 1952 for second reading. It was read a second time.

Mr. Ehlers presented the following motion to amend Appropriation Ordinance No. 4, 1952:

Indianapolis, Ind., February 4, 1952

Mr. President:

I move that Appropriation Ordinance No. 4, 1952 be amended by striking out 1 Chief of Survey Party-----\$3,300.00 under Planning and Construction.

and inserting in lieu thereof the following:

1 Surveyor and Draftsman-----\$3,300.00 under Planning and Construction.

CHARLES P. EHLERS  
Councilman

The motion was seconded by Mr. Eltzroth and passed by the following roll call vote:

Ayes 8, viz: Mr. Brown, Mr. Ehlers, Mr. Eltzroth, Mr. Radel, Mr. Ross, Mr. Schumacher, Mr. Wallace, President Bright.

On motion of Mr. Ehlers, seconded by Mr. Radel, Appropriation Ordinance No. 4, 1952, As Amended, was ordered engrossed, read a third time and placed upon its passage.



Appropriation Ordinance No. 4, 1952, As Amended, was read a third time by the Clerk and passed by the following roll call vote:

Ayes 8, viz: Mr. Brown, Mr. Ehlers, Mr. Eltzroth, Mr. Radel, Mr. Ross, Mr. Schumacher, Mr. Wallace, President Bright.

Mr. Brown called for General Ordinance No. 2, 1952 for second reading. It was read a second time.

On motion of Mr. Brown, seconded by Mr. Ehlers, General Ordinance No. 2, 1952 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 2, 1952 was read a third time by the Clerk and passed by the following roll call vote:

Ayes 8, viz: Mr. Brown, Mr. Ehlers, Mr. Eltzroth, Mr. Radel, Mr. Ross, Mr. Schumacher, Mr. Wallace, President Bright.

Mr. Brown called for General Ordinance No. 3, 1952 for second reading. It was read a second time.

On motion of Mr. Brown, seconded by Mr. Ehlers, General Ordinance No. 3, 1952 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 3, 1952 was read a third time by the Clerk and passed by the following roll call vote:

Ayes 8, viz: Mr. Brown, Mr. Ehlers, Mr. Eltzroth, Mr. Radel, Mr. Ross, Mr. Schumacher, Mr. Wallace, President Bright.

Mr. Brown called for General Ordinance No. 5, 1952 for second reading. It was read a second time.

On motion of Mr. Brown, seconded by Mr. Radel, General Ordinance No. 5, 1952 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 5, 1952 was read a third time by the Clerk and passed by the following roll call vote:

Ayes 8, viz: Mr. Brown, Mr. Ehlers, Mr. Eltzroth, Mr. Radel, Mr. Ross, Mr. Schumacher, Mr. Wallace, President Bright.

## NEW BUSINESS

The Council reverted to the previous order of business.

Mr. Schumacher moved that the rules be suspended for further consideration and passage of Special Ordinance No. 2, 1952.

The motion was seconded by Mr. Ehlers and carried by the following roll call vote:

Ayes 8, viz: Mr. Brown, Mr. Ehlers, Mr. Eltzroth, Mr. Radel, Mr. Ross, Mr. Schumacher, Mr. Wallace, President Bright.

The rules were suspended.

## COMMITTEE REPORT

Indianapolis, Ind., February 4, 1952

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

Gentlemen:

We, your Committee on Public Health to whom was referred Special Ordinance No. 2, 1952, entitled

AN ORDINANCE to amend Section 1 of Special Ordinance No. 1, 1952.

beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed under suspension of rules.

JOHN A. SCHUMACHER, Chairman  
CHARLES P. EHLERS  
J. WESLEY BROWN  
GUY O. ROSS  
JOSEPH C. WALLACE

## ORDINANCES ON SECOND READING

Mr. Schumacher called for Special Ordinance No. 2, 1952 for second reading. It was read a second time.

On motion of Mr. Schumacher, seconded by Mr. Ehlers, Special Ordinance No. 2, 1952 was ordered engrossed, read a third time and placed upon its passage.

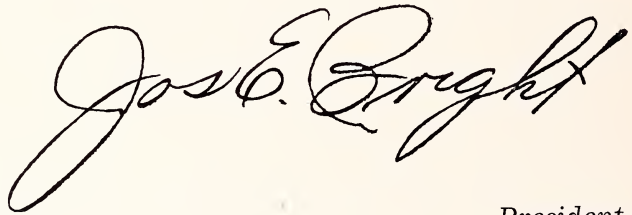
Special Ordinance No. 2, 1952 was read a third time by the Clerk and passed by the following roll call vote:

Ayes 8, viz: Mr. Brown, Mr. Ehlers, Mr. Eltzroth, Mr. Radel, Mr. Ross, Mr. Schumacher, Mr. Wallace, President Bright.

On motion of Mr. Ehlers, seconded by Mr. Schumacher, the Common Council adjourned at 9:05 P. M.

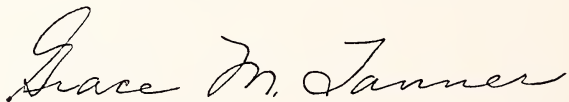
We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the Common Council of the City of Indianapolis, held on the 4th day of February, 1952, at 7:30 P. M.

In Witness Whereof, we have hereunto subscribed our signatures and caused the seal of the City of Indianapolis to be affixed.



President.

ATTEST:



City Clerk.

(SEAL)