

ADJOURNED MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, }  
 May 23, 1892. }

The Common Council of the City of Indianapolis met in the Council Chamber Monday evening, May 23, at 8 o'clock P. M., in adjourned meeting.

Present, Hon. Martin J. Murphy, President of the Common Council, in the Chair, and 20 members, viz.: Messrs. Allen, Colter, Cooper, Costello, Gasper, Gauss, Holloran, Laut, Linn, McGill, McGuffin, Olsen, Puryear, Rassmann, Ryan, Schmidt, Schrader, Sherer and White.

Absent, one, viz.: Councilman Young.

The Proceedings of the Common Council for the regular meeting held Monday, May 16, 1892, having been printed and placed upon the desks of the Councilmen, said Journal was approved as published.

The Clerk proceeded to read the Journal, whereupon Councilman Rassmann moved that the further reading of the Journal be dispensed with.

Which motion prevailed.

COMMUNICATIONS, ETC., FROM MAYOR.

His Honor, the Mayor, presented the following communication:

EXECUTIVE DEPARTMENT, }  
 CITY OF INDIANAPOLIS, }  
 INDIANAPOLIS, IND., May 23, 1892. }

To the Members of the Common Council:

GENTLEMEN—I have approved General Ordinance No. 19, passed at your meeting held May 16, 1892.

Respectfully submitted,

T. L. SULLIVAN,  
 Mayor.

Which was received and ordered spread on the minutes.

His Honor, the Mayor, presented the following communication:

EXECUTIVE DEPARTMENT, }  
 CITY OF INDIANAPOLIS, }  
 INDIANAPOLIS, IND., MAY 23, 1892. }

Gentlemen of the Common Council:

General Ordinance No. 8, 1892, provides, among other things, that the Comptroller shall sign and deliver to the Inspector blank certificates, to be given by the Inspector to the owners of boilers that have passed inspection, for which they shall

pay a certain fee to the Inspector, who shall once each month pay the same into the City Treasury. These certificates certify to the inspection, and license the running of the boiler with not more than a certain designated amount of steam. This provision of the ordinance is, in my opinion, in direct conflict with the Charter, which provides that no license shall be issued by the Comptroller until the fee therefor has been paid into the City Treasury and the Treasurer's receipt therefor filed with the Comptroller, and because of this conflict between the Charter and the ordinance, the latter would be inoperative and of no effect. This ordinance is also not in harmony with itself as to the number of inspections per year; in one place that number being designated as once and in another place as twice per year.

I therefore return to your honorable body this ordinance not approved.

Respectfully submitted,

T. L. SULLIVAN,  
*Mayor.*

Which was received and ordered spread on the minutes.

#### REPORTS, ETC., FROM CITY OFFICERS.

The City Clerk submitted the following report :

*To the President and Members of the Common Council :*

GENTLEMEN—I beg to call your attention to the condition of the city records, and to urge that suitable racks may be constructed to preserve them from the exposure and dust to which they are now subjected and are liable to be destroyed.

I also submit for your consideration a matter pertaining to the necessary expenses of the City Clerk's office. I am in need of records and stationery and am without the funds to provide them. I also add that the proceedings of the Common Council for the year 1891 have not been bound because of the lack of funds.

I also inform you that the appropriation made by the Common Council September, 1891, for the printing of the proceedings of the said Council, has been expended, the amount being only five hundred dollars (\$500), which was inadequate for that purpose. I therefore decline to have the proceedings printed until an appropriation has been made for that purpose. My reason for declining to have the said printing done will be made apparent by sections 51 and 52 of the City Charter, which reads as follows:

"SEC. 51. No executive department, officer or employe thereof shall have power to bind such city by any contract, agreement, or in any other way, to any extent beyond the amount of money at the time already appropriated by ordinance for the purpose of such department, and all contracts and agreements, express or implied, and all obligations of any and every sort, beyond such existing appropriations, are declared to be absolutely void.

"SEC. 52. Any city official who shall issue any bond, certificate or warrant for the payment of money which shall perport to be an obligation of such city, and be beyond the unexpended balance of any appropriation made for such purpose, or who shall attempt to bind such city by any contract, agreement, or in any other way, to any extent beyond the amount of money at the time already appropriated by ordinance for such purpose, and remaining at the time unexpended, shall be liable on his official bond to any person injured thereby, and shall be fined in any sum not more than one thousand dollars (\$1,000), and imprisoned in the county jail not more than six months, either or both."

Respectfully submitted,

R. J. ABRAMS,  
*Clerk.*

## REPORTS, ETC., FROM STANDING COMMITTEES.

Mr. Laut, on behalf of the Committee on Public Health, to whom was referred G. O. Nos. 10, 20 and 18, 1892, made the following report:

*Mr. President and Gentlemen of the Common Council:*

Your Committee to whom was referred G. O. Nos. 10, 20 and 18, report as follows:

That G. O. 20 be stricken from file.

That G. O. 10 be deferred until the bounded territory is properly sewered.

That on G. O. 18, we have agreed to disagree.

H. W. LAUT,  
JOHN B. MCGUFFIN,  
T. B. LINN,  
*Committee on Health.*

Which was read and concurred in.

Mr. Gauss, on behalf of the Committee on Railroads, to whom was referred G. O. No. 21, 1892, "An ordinance approving a certain contract granting the Indiana Lumber and Vaneer Company the right to lay and maintain a switch or side-track across Fifteenth street, in the City of Indianapolis, Ind.," made the following report:

INDIANAPOLIS, May 23, 1892.

*Mr. President:*

Your Committee on Railroads, to whom was referred G. O. No. 21 in Council May 16, grant the Indiana Lumber and Vaneer Company the right to lay and maintain a switch across Fifteenth Street in the City of Indianapolis, respectfully recommend its passage.

C. A. GAUSS,  
W. H. COOPER,  
GEO. R. COLTER.

Which was read and concurred in.

## INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

Under this order of business the following entitled ordinances were introduced:

By Mr. Olsen:

G. O. No. 24, 1892. An ordinance providing for the inspection of steam boilers and all steam generating apparatus under pressure.

Read first time and referred to Committee on Public Safety and Comfort.

## ORDINANCES ON SECOND READING.

Mr. Linn called up G. O. No. 21, 1892, on second reading.

Mr. Linn moved that G. O. No. 21, 1892, be ordered engrossed, read third time and placed on its final passage.

Which motion was adopted.

The question being on the passage of G. O. No. 21, 1892.

Which was passed by the following vote:

AYES 20—viz.: Councilmen Allen, Colter, Cooper, Costello, Gasper, Gauss, Hal-loran, Laut, Linn, McGill, McGuffin, Olsen, Puryear, Rassmann, Ryan, Schmidt, Schrader, Sherer, White and President Murphy.

NAYS--None.

## MISCELLANEOUS BUSINESS.

Under this order of business the following communication was read and referred to the Committee on Elections:

OFFICE OF PUBLIC SCHOOLS, INDIANAPOLIS, May 16, 1892.

*Hon. Randall J. Abrams, Clerk of the City of Indianapolis:*

DEAR SIR—The election for School Commissioners of the City of Indianapolis will be held June 11, 1892—being the second Saturday—in the Districts at the voting places as follows:

District No. 4—School Building No. 4, corner of Blackford and Michigan streets.

District No. 7—School Building No. 7, corner of Bates and Benton streets.

District No. 8—High School Building No. 2, Virginia avenue.

The Inspectors and Judges for the several Districts should be appointed by the Common Council.

Very respectfully,

EMMA B. RIDENOUR, *Assistant Secretary  
of the Board of School Commissioners.*

Mr. Rassmann gave the following notice:

*Mr. President:*

The undersigned hereby gives notice that he will, at the next regular meeting of the Common Council, move to reconsider the vote by which G. O. No. 18, 1892, was lost for want of a constitutional majority.

RASSMANN.

Mr. White moved that the Council go into a Committee of the Whole for the purpose of considering G. O. No. 11, 1892, "An ordinance authorizing the Board of Public Safety to establish a Bureau of Inspection; enlarging the powers of the Building Inspector, providing for the

appointment of an Inspector of Plumbing and House Drainage, a Boiler Inspector and for the inspection of elevators and electric wires, and relating to all other matters properly connected therewith; fixing penalties for the violation of the provisions of this ordinance, and repealing all ordinances in conflict therewith."

Which motion was adopted by the following vote :

AYES, 20—viz.: Councilmen Allen, Colter, Cooper, Costello, Gasper, Gauss, Holloran, Laut, Linn, McGill, McGuffin, Olsen, Puryear, Rassmann, Ryan, Schmidt, Schrader, Sherer, White and President Murphy.

NAYS—None.

Thereupon the Common Council went into Committee of the Whole.

Present, 20—viz.: Messrs. Allen, Colter, Cooper, Costello, Gasper, Gauss, Holloran, Laut, Linn, McGill, McGuffin, Murphy, Olsen, Puryear, Rassmann, Ryan, Schmidt, Schrader, Sherer and White.

Absent, one—viz.: Mr. Young.

Mr. Rassmann moved that Mr. Murphy be chairman of the committee.

Which motion was adopted.

Mr. White moved that G. O. No. 11 be divided into three separate ordinances.

Which motion was adopted.

Mr. White moved that all that portion of G. O. No. 11, 1892, referring to the Building Inspector, be numbered G. O. No. 11, 1892.

Which motion was adopted.

The committee instructed the Clerk to report G. O. No. 11, 1892, back to the Council, with the recommendation that the same be amended to read as follows, and when so amended that the same be passed :

#### GENERAL ORDINANCE No. 11, 1892.

AN ORDINANCE enlarging the powers of the Building Inspector; providing for the establishing of fire escapes, and amending an ordinance entitled, "An ordinance creating the office of Building Inspector, defining the powers and duties attached thereto," etc., passed May 5, 1891, and approved by the Mayor May 7, 1891; providing penalties for the violation of the provisions thereof, and repealing all ordinances or parts of ordinances in conflict therewith.

SECTION 1. *Be it ordained by the Common Council of the City of Indianapolis, Indiana,* That all buildings three or more stories in height used or occupied for business or manufacturing purposes, tenement houses, boarding houses, hotels, asylums and hospitals shall be provided with one or more metallic fire escapes with balcony at each story, extending from the first story to the upper stories of such building and above the roof and on the outer walls thereof, in such location and number as the Building Inspector may determine. After such determination

by the said Inspector he may at any time, by a notice served upon the owner, agent, lessee or occupant of any such building by leaving with such owner, agent, lessee or occupant, or at his or their residence or place of business, require such owner, lessee or occupant, or either of them, to cause such fire escape to be placed upon such building within thirty days after the service of such notice: *Provided, however,* That all buildings more than two stories high used for manufacturing purposes shall have one such fire escape, or a fire-proof stairway, for every twenty-five persons, or less, employed above the second story: *Provided, further,* That all persons effected by the provisions of this section shall have the right of appeal to the Board of Public Safety. Any person or persons violating any of the provisions of this section shall, upon conviction, be fined in any sum not less than five dollars (\$5) and not exceeding one hundred dollars (\$100), and each day's continuance of such violation shall be a separate offense.

SEC. 2. All partition or party fences shall be kept in good and sufficient repair by the owners of the ground on each side at their joint expense: *Provided,* That the ground on each side shall be inclosed, used or occupied. And if any person whose duty it shall be to make or keep in good repair any fence or part of a fence, shall neglect or refuse to do so for five days after the request being made by the other party interested, or his agent, then it shall be lawful for the party so making the request as aforesaid to make or repair the whole fence, or part of the fence, and to recover one-half of the expense thereof from the person so refusing or neglecting: *Provided,* That no fence erected under the authority of these regulations shall be less than five nor more than seven feet in height, except by consent of the parties interested on both sides of such fence and the permission of Building Inspector. If any person shall inclose ground adjoining to that already inclosed, and shall thereby be benefited by any fence before erected, the person so benefited shall pay therefor a just and reasonable compensation, regard being had as to the condition of the fence at the time.

SEC. 3. All aisles and passage ways in any building devoted to the purpose of amusement or instruction shall be kept free of camp stools, chairs, sofas, stoves or other obstructions; and no person or persons shall be allowed to stand in or occupy, in such way as to obstruct, any of the aisles or passage ways during any performance, service, exhibition, lecture, concert, ball or any public assemblage; and no seat in the auditorium shall have more than six seats intervening between it and the aisle. Every building used for the purpose of public entertainment shall have at least one stand-pipe and water-plug connected with the water pipes of the city placed on the stage or platform, or in its immediate vicinity, the same to be put in under the direction and to the satisfaction of the Chief of the Fire Force. Hose, with nozzle, shall be attached to such stand-pipe, and said hose shall be of sufficient length to extend to the farthest limit of such building, and shall be kept in good order and ready for use at all times.

SEC. 4. The face of any pilaster, column, window or door dressing above the main water table shall not project beyond the line of lot. Balconies, or bay, or aerial windows shall not have the bodies of such windows or balconies built over the street line more than three (3) feet; and no part of such window or balcony shall be at a less height than twelve (12) feet above the grade of sidewalk in business buildings, and not less than ten (10) in dwelling houses.

SEC. 5. It shall be unlawful to maintain any chimney flue, fire-place or heating apparatus on any premises when, in the opinion of the Building Inspector, they shall be dangerous or unsafe by reason of endangering the buildings on said or adjoining premises by fire or otherwise. In all such cases the Inspector shall at once notify, in writing, the owner, agent or other party having an interest in said premises, and shall require him to make the same safe; and upon the neglect of said person so notified to comply with the provisions of said notices for a period of 15 days after the service of said notice upon him, he shall be subject to a fine of not less than one dollar, and not more than fifty dollars, and each day's continuance of such violation shall constitute a separate offense.

SEC. 6. Every exterior cornice of gutter on brick, stone or iron buildings that may hereafter be damaged by fire or the elements to a greater extent than one-half of the whole value thereof shall be taken down, and if replaced shall be constructed in accordance with the provisions of this ordinance.

SEC. 7. Foundation walls for frame dwelling houses shall not be less than eight (8) inches thick, and for one-story dwelling houses not less than twelve (12) inches below the surface of ground, and for two-story dwelling houses not less than eighteen (18) inches below the surface of ground.

SEC. 8. Amend section 29 of an ordinance entitled, "An ordinance creating the office of Building Inspector, defining the powers and duties attached thereto," passed May 5, 1891, and approved by the Mayor May 7, 1891, to read as follows:

Section 29. All chimneys with flues larger than eighteen hundred square inches shall be at least ten (10) feet above the highest building within a radius of sixty feet. All smoke-stacks, the diameter shall not be less than one-tenth of the height, and the fire flue shall be neatly plastered or have struck joints.

SEC. 9. Amend section 36 of an ordinance entitled, "An ordinance creating the office of Building Inspector, defining the powers and duties attached thereto," passed May 5, 1891, and approved by the Mayor May 7, 1891, to read as follows:

Section 36. All hearths for fire-places shall rest on brick trimmer arches not less than four inches thick, the header kept at least two feet from face of chimney breast. The backs of all fire places shall not be less than eight inches thick, all stove-pipe holes to have proper thimbles and stoppers. All centers shall be taken out under hearths before the floor is laid, and no person shall lay any hearth or any other than a brick arch. The jambs on each side of fire-place shall not be less than thirteen (13) inches wide, and not less than seventeen (17) inches thick, and fire-place fronts to be built up the full width of the breast to the bottom of the joint; no wood-work to be used in constructing the chimney.

SEC. 10. Amend Section 6 of an ordinance entitled "An ordinance creating the office of Building Inspector, defining the powers and duties attached thereto," etc., passed May 5, 1891, and approved by the Mayor May 7, 1891, to read as follows:

Section 6. Whenever any such license or permit shall be issued in accordance with the terms of this ordinance, it shall particularly specify the space in the street upon the line of which such proposed building fronts that may be occupied by the builders with building material: *Provided*, That no permit shall be issued allowing the use of a greater space on Washington street than twenty-five (25) feet, or on any ninety (90) foot street more than fifteen (15) feet; but in no case shall a greater space be allowed nearer to the street-car tracks than five (5) feet, all distances measuring from the curb line of such streets immediately fronting the property proposed to be improved; and a space five (5) feet wide on the outer edge of sidewalks shall be kept clear for pedestrians, and from this line to the line of building to be inclosed with a fence four (4) feet high: *Provided, further*, That if at any time the Building Inspector shall deem it wise and proper he is hereby authorized and empowered to make such modifications of or add such new terms to the conditions set forth in this section with reference to the space of streets to be occupied by building material as he may deem proper. No permit shall be issued allowing the placing of any building materials in any street, alley or gutter in such a manner as to obstruct the free passage of vehicles or to hinder the free passage of persons or water upon or along any street, alley or gutter.

SEC. 11. Amend Section 20 of an ordinance entitled "An ordinance creating the office of Building Inspector, defining the powers and duties attached thereto," passed May 5, 1891, and approved by the Mayor May 7, 1891, to read as follows:

Section 20. Brick or stone business buildings more than two stories high, having flat roofs, shall have their party walls carried two (2) feet above the roof, forming fire walls not less than twelve (12) inches thick, and must have a coping, to be either galvanized iron, stone or terra cotta. All other outside and inside walls shall extend their full thickness to the under side of roof sheathing. No wood cornices or lookouts shall be allowed on business buildings which are more than two stories in height.

It shall be unlawful for any person or persons to move any frame building from one place to another within the fire limits of the city without the permission of the Building Inspector, all other laws having been complied with: *Provided*, That such person or persons shall have the right of appeal to the Board of Public Works.

SEC. 12. Amend Section 23 of an ordinance entitled "An ordinance creating

the office of Building Inspector, defining the powers and duties attached thereto," passed May 5, 1891, and approved by the Mayor May 7, 1891, to read as follows:

Section 23. In brick or stone two-story dwelling houses the inner and outer walls of basement shall be of brick or stone; partition or division walls above the basement story may be of wood.

SEC. 13. Amend Section 24 of an ordinance entitled "An ordinance creating the office of Building Inspector, defining the powers and duties attached thereto," passed May 5, 1891, and approved by the Mayor May 7, 1891, to read as follows:

Section 24. In brick or stone three-story dwelling houses no outside walls above the basement shall be less than twelve (12) inches thick; division or partition walls must be of brick, nine (9) inches, or equivalent hollow tile construction, in the first story, and may be of frame in upper stories.

The Building Inspector is hereby empowered and directed to order the placing of safety gates or other protection at all elevator openings above the first floor. He is also empowered to order such other repairs made to elevators as in his judgment may be necessary.

SEC. 14. Where not otherwise provided for all persons violating the provisions of this ordinance shall be subject to the penalties prescribed in the ordinance creating the office of Building Inspector, passed May 5, 1891, and approved by the Mayor May 7, 1891.

SEC. 15. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SEC. 16. This ordinance shall take effect from and after its passage and publication in pamphlet form by the Board of Public Safety, and said Board is also directed to embody in said publication such parts of the ordinance creating the office of Building Inspector, passed May 5, 1891, as are not effected by this ordinance, and copies of such pamphlet shall be constantly kept on hand for distribution among persons desiring the same.

Mr. McGill moved that the committee rise and report progress to the Council.

Which motion was adopted.

M. J. MURPHY,  
*Chairman.*

Attest: R. J. ABRAMS,  
*Clerk.*

Mr. White moved that G. O. No. 11, 1892, be taken up and read a second time.

Mr. McGill moved that the Council do now adjourn.

Which motion was adopted by the following vote:

AYES 13—viz.: Councilmen Allen, Cooper, Costello, Gauss, Holloran, McGill, McGuffin, Olsen, Puryear, Rassmann, Schmidt, Schrader and Sherer.

NAYS 7—viz.: Councilmen Colter, Gasper, Laut, Linn, Ryan, White and President Murphy.

The Common Council, at 9:45 o'clock P. M., adjourned.

ATTEST:

*M. J. Murphy*  
.....  
*R. J. Abrams*  
.....  
*City Clerk.*

*President.*