

REGULAR MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.

Monday, November 21, 1921.

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, November 21, 1921, at 7:30 o'clock in regular session, President Russell Willson in the chair.

Present: The Hon. Russell Willson, President of the Common Council, and seven (7) members, viz.: Messrs. Brown, Carnefix, Furniss, Miller, Peake and Schmidt.

Absent: Mr. Pettijohn.

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

COMMUNICATIONS FROM THE MAYOR.

Indianapolis, Ind., November 16, 1921.

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

Gentlemen—I have this day signed and delivered to George O. Hutsell, City Clerk, the following Ordinances:

General Ordinance No. 70, repealing General Ordinance No. 48, 1921, and amending sections of General Ordinance No. 12, 1917. ✓

General Ordinance No. 79, regulating the location and etc. of buildings for the storage of automobiles and etc. ✓

Special Ordinance No. 9, changing the names of certain streets and parts of streets in the City of Indianapolis. ✓

Special Ordinance No. 11, annexing certain territories to the City of Indianapolis, and defining parts of the boundary line of said city. ✓

Resolution No. 19, fixing compensation for extra duties performed by the City Clerk during the registration of September and October, 1921.

Resolution No. 24, appointing and electing election inspectors for the election on November 8th, 1921, in the City of Indianapolis.

Resolution No. 25, declaring places of holding election for the election on November 8th, 1921.

Yours very truly,

CHARLES W. JEWETT,
Mayor.

REPORTS FROM CITY OFFICERS.

From the City Controller:

Indianapolis, Ind., November 21, 1921.

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

Gentlemen—I hand you herewith communication from the City Clerk, asking for an appropriation of Fourteen Thousand (\$14,000) Dollars to the fund known as Primary Registration and Election Expenses.

Since making up the budget last year approximately thirty-two precincts were added and additional clerks allowed, which increased the expenses necessary for the primary and election. Of this additional appropriation I have made an allowance of \$500 for each of the election officers for the Canvassing Board, and an additional allowance of \$500 each to the election commissioners.

Inasmuch as the election officials and those who served the meals desire immediate settlement. I would respectfully request that the rules be suspended and this ordinance passed, so that we may be able to pay these officers.

I submit you herewith Ordinance covering same, and recommend its passage.

Yours very truly,

ROBT. H. BRYSON,
City Controller.

Indianapolis, Ind., November 21, 1921.

Mr. Robert H. Bryson, City Controller:

Dear Sir—I would respectfully ask that you make a recommendation to the common Council for an additional appropriation of \$14,000.00 to the fund known as the Primary Election, Registration and Election Fund of the Department of Finance.

In order that all bills may be paid as soon as possible, I ask that you request suspension of the rules for passage of same.

Your very truly,

G. O. HUTSELL,
City Clerk.

Indianapolis, Ind., November 21, 1921.

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

Gentlemen—I hand you herewith communication from the Board of Public Works, asking for the transfer of the sum of Fifteen Hundred (\$1,500) Dollars from the Fire Insurance Public Buildings Fund to the Blank Book, Printing and Advertising Fund of the Board of Public Works.

I submit you herewith an ordinance calling for above transfer and recommend its passage.

Your very truly,

ROBT. H. BRYSON,
City Controller.

Indianapolis, Ind., November 21, 1921.

Mr. Robt. H. Bryson, City Controller, City of Indianapolis:

Dear Sir—I am submitting herewith, for your approval and transmission to the Common Council an Ordinance transferring the sum of \$1,500.00 from the Fire Insurance Public Buildings Fund of the Board of Public Works to and reappropriating said sum to the Blank Books Printing and Advertising Fund of the Board of Public Works.

Yours truly,

W. F. CLEARY,
Clerk, Board of Public Works.

Indianapolis, Ind., November 18, 1921.

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

Gentlemen—I hand you herewith communication from the Board of Public Safety, asking for a transfer of \$18,000 from the Police Department Pay-roll Fund to the Fire Department Pay-roll Fund. It is necessary to make this transfer in order to take care of the salaries needed for the Fire Department.

I submit Ordinance covering this transfer, and recommend its passage.

Your very truly,

ROBT. H. BRYSON,
City Controller.

Indianapolis, Ind., November 7, 1921.

Mr. Robert H. Bryson, City Controller:

Dear Sir—Herewith is an Ordinance providing for the transfer of \$18,000 from the Police Department Pay-roll Fund to the Fire Department Pay-roll Fund.

Will you kindly recommend the passage of same by the council.

Yours very truly,

BOARD OF PUBLIC SAFETY,
Geo. W. Williams, Executive Secretary.

From the Board of Public Works:

Indianapolis, Ind., November 21, 1921.

Mr. Geo. O. Hutsell, City Clerk, Board of Public Works:

Dear Sir—I am submitting herewith for transmission to the Common Council, an Ordinance requiring the C. C. C. & St. L. Ry., to establish watchmen at their crossings at Holmes avenue, Warman avenue, Harris street and Hancock street.

Yours truly,

W. F. CLEARY,
Clerk, Board of Public Works.

Indianapolis, Ind., November 21, 1921.

Mr. Geo. O. Hutsell, City Clerk, City of Indianapolis:

Dear Sir—I am submitting herewith for transmission to the Common Council, an Ordinance transferring the sum of \$1,800.00 from the Municipal Garage Maintenance Fund of the Department of Public Works to the Sprinkling Department of Road Oil Fund of the Department of Public Works.

Yours truly,

W. F. CLEARY,
Clerk, Board of Public Works.

REPORTS FROM STANDING COMMITTEES.

From the Committee on Finance:

Indianapolis, Ind., November 21, 1921.

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

Gentlemen—We, your Committee on Finance, to whom was referred Appropriation Ordinance No. 30, 1921, entitled an Ordinance appro-

priating the sum of \$500.00 to the Special City Judges' Fund of the Department of Finance and declaring a time when the same shall take effect, beg leave to report that we have had said Ordinance under consideration, and recommend that the same be passed.

J. E. MILLER.

S. A. FURNISS.

J. P. BROWN.

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

From the Committee on Public Works:

Indianapolis, Ind., November 11, 1921.

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

Gentlemen—We, your Committee on Public Works, to whom was referred General Ordinance No. 82, 1921, entitled an Ordinance transferring the sum of \$4,000.00 from the Maintenance of Equipment and Supplies, Street Cleaning and Removal of Ashes Fund under the Department of Public Works to the Salaries, Ashes Removal and Street Cleaning Fund under the Department of Public Works, and declaring a time when the same shall take effect, beg leave to report that we have had said Ordinance under consideration, and recommend that the same be passed.

S. A. FURNISS.

J. P. BROWN.

J. E. MILLER.

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

From the Committee on Public Safety:

Indianapolis, Ind., November 21, 1921.

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

Gentlemen—We, your Committee on Public Safety, to whom was referred General Ordinance No. 81, 1921, entitled an Ordinance ratifying, confirming and approving a certain contract and agreement made

and entered into on the — day of October, 1921, between the City of Indianapolis, by and through its Board of Public Works, and Bass, Knowlton & Co., beg leave to report that we have had said Ordinance under consideration, and recommend that the same be passed.

Chairman J. P. BROWN,
 J. E. MILLER.
 W. B. PEAKE.
 S. A. FURNISS.

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

INTRODUCTION OF APPROPRIATION ORDINANCES.

By the City Controller:

APPROPRIATION ORDINANCE NO. 31, 1921.

✓ AN ORDINANCE appropriating the sum of Fourteen Thousand (\$14,000) Dollars to and for the Department of Finance to the fund known as Primary Registration and Election Expense, and fixing the time when the same shall take effect.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, that the sum of Fourteen Thousand (\$14,000) Dollars be and the same is hereby appropriated to the Department of Finance to a fund known as Primary Registration and Election Expense.

Sec. 2. This Ordinance shall be in full force and effect from and after its passage.

✓ Which was read a first time.

Mr. Furniss moved that the rules be suspended and Appropriation Ordinance No. 31, 1921, be placed upon its passage.

The roll was called and the motion to suspend the rules carried by the following vote:

Ayes, 8, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Peake, Schmidt and President Russell Willson.

Mr. Furniss called for Appropriation Ordinance No. 31, 1921, for second reading. It was read a second time.

Mr. Furniss moved that Appropriation Ordinance No. 31, 1921, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 31, 1921, was read a third time and passed by the following vote:

Ayes, 8, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Peake, Schmidt and President Russell Willson.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

By the Board of Public Works:

GENERAL ORDINANCE NO. 83, 1921.

AN ORDINANCE, transferring the sum of Eighteen Hundred Dollars (\$1,800.00) from the Municipal Garage Maintenance Fund of the Department of Public Works, transferring the same to the Sprinkling Department Road Oil Fund of the Department of Public Works, and declaring a time when the same shall take effect.

Section 1. Be it Ordined by the Common Council of the City of Indianapolis, Indiana, that there be and is hereby transferred the sum of Eighteen Hundred Dollars from the Municipal Garage Maintenance Fund of the Department of Public Works, and the same be and is hereby transferred to and reappropriated to the Sprinkling Department Road Oil Fund of the Department of Public Works.

Sec. 2. This Ordinance shall be in full force and effect from and after its passage.

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

By the Board of Public Works:

GENERAL ORDINANCE NO. 84, 1921.

AN ORDINANCE amending General Ordinance No. 12, 1917, by adding thereto a new Section to be numbered Section 949- $\frac{3}{4}$ and declaring a time when the same shall take effect.

Be It Ordained by the Common Council of the City of Indianapolis, Indiana:

Section 1. That General Ordinance No. 12, 1917, be and the same is hereby amended by adding thereto a new and separate section to be denominated Section 949 $\frac{3}{4}$, which shall read as follows: Sec. 949 $\frac{3}{4}$. That the Cleveland, Cincinnati, Chicago & St. Louis Railway Company shall establish and maintain a watchman at all hours of the day and night, each and every day of the year, at the street intersection of the railroad tracks owned and operated by said railroad company at each of the following streets in the City of Indianapolis, Indiana, to-wit: Holmes avenue, Warman avenue, Harris street and Hancock street.

Sec. 2. This Ordinance shall be in full force and effect from and after its passage and publication, as required by law.

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

By the Board of Public Works:

SWITCH CONTRACT.

GENERAL ORDINANCE NO. 85, 1921.

AN ORDINANCE approving a certain contract granting The Active Coal Co., of Indianapolis, Indiana, the right to lay and maintain a sidetrack or switch from the New York Central Railway track to the property on the northeast corner of Fourteenth and Lafayette street, crossing Fourteenth street at the intersection of Lafayette street, according to blue prin attached, in the City of Indianapolis, Indiana.

WHEREAS, heretofore, to-wit: on the — day of November, 1921, filed his petition before the Board of Public Works of the City of Indianapolis, as follows:

PETITION.

To the Board of Public Works, City of Indianapolis:

Gentlemen—Kindly consent to placing a switch track into the real estate on the northeast corner of Lafayette street and West Fourteenth street, according to the attached blue print.

NOW, THEREFORE, This agreement, made and entered into this — day of November, 1921, by and between The Active Coal Co., of the City of Indianapolis, County of Marion, State of Indiana, 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 a right-of-way for a sidetrack or switch from the New York Central Railroad track to the property on the northeast corner of Fourteenth and Lafayette streets, 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, he will l.y., construct and maintain said track upon the terms and conditions hereinafter set forth, to-wit:

(1) They shall be so laid, 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.

(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 tracks.

(3) The crossing where said track intersects Fourteenth and Lafayette streets, 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 good 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.

(5) The party of the first part agrees to pave between said track to the entire satisfaction of the second party, and in case said tracks 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 or remove same, failing in which, after notification in writing of ten (10) days, said Board shall do or cause the same to be done at the expense of the 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 violations 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 contract, 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 in consideration of the things hereinbefore set forth and upon the terms and provisions stipulated, hereby gives, grants and duly vests said party of the first part the right, privilege and authority to lay and maintain an additional sidetrack or switch across Fourteenth in the City of Indianapolis, all as shown by the drawing attached hereto, filed herewith and for greater certainty marked "Exhibit A." This contract is void unless switch is laid within one year from date.

In Witness Whereof, We have hereunto set our hands this 14th day of November, 1921.

THE ACTIVE COAL CO.

Per P. M. Gale, Pres.,

Party of the First Part.

CITY OF INDIANAPOLIS,

By MARK H. MILLER, President,

I. W. LEMAUX,

R. O. SHIRLEY,

Board of Public Works,

Party of the Second Part.

And, whereas, Said contract 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,

Section 1. *Be it ordained by the Common Council of the City of Indianapolis, Indiana,* that such contract 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.

RESOLUTION NO. 27, 1921.

Whereas, It is the duty of the Common Council of the City of Indianapolis, Indiana, to fix the compensation of Board of Canvassers of the City of Indianapolis for canvassing the vote at the City Election held in said City on November 8, 1921, therefore,

Be it resolved, by the Common Council of the City of Indianapolis, Indiana: That the compensation for the Board of Canvassers, composed of Maurice E. Tennant, Thomas D. McGee and George O. Hutsell, for services rendered as a Canvassing Board at the City Election held in the City of Indianapolis, November 8, 1921, be fixed at Five Hundred Dollars (\$500.00) each, and that the City Controller be and he is hereby instructed to pay the same out of moneys appropriated for election purposes.

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

By the Board of Public Works:

SWITCH CONTRACT.

GENERAL ORDINANCE NO. 86, 1921.

AN ORDINANCE approving a certain contract granting Samuel Falender and Julius Falender the right to lay and maintain a sidetrack or switch according to blueprint attached, in the City of Indianapolis, Indiana.

Whereas, heretofore, to-wit: on the — day of —, 19—, Samuel Falender and Julius Falender filed their petition before the Board of Public Works of the City of Indianapolis, as follows:

PETITION.

To the Board of Public Works, City of Indianapolis.
Gentlemen:

We petition your honorable board to grant us the right to lay and maintain sidetracks or switches on, over and across Capitol Avenue

in the City of Indianapolis, Indiana, which said sidetracks or switches are more fully described and set out as follows:

Beginning at a point about one hundred and sixty-three (163) feet south of the south property line of Merrill Street and in the center of Capitol Avenue, thence running northeastwardly on a seventeen (17) degree curve to the right for one hundred and twenty-five (125) feet, thence along a tangent to above curve forty (40) feet, thence on a twenty (20) degree curve to the right fifty-five (55) feet to a point where center line of proposed track crosses east property line of Capitol Avenue.

Two hundred and twenty (220) feet of said track being in Capitol Avenue, as shown on plan attached.

Proposed length of track is three hundred and eighty-five (385) feet.

The blueprint hereto attached is hereby made a part of this description.

SAMUEL FALENDER,
JULIUS FALENDER.

Now, therefore, This agreement, made and entered into this — day of —, 19—, by and between Samuel Falender and Julius Falender, of the City of Indianapolis, County of Marion, State of Indiana, 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 a right of way for a sidetrack or switch from, on, over and across Capitol Avenue, in the City of Indianapolis, which is more specifically described as follows:

Beginning at a point about one hundred and sixty-three (163) feet south of the south property line of Merrill Street and in the center of Capitol Avenue, thence running northeasterly on a seventeen (17) degree curve to the right for one hundred and twenty-five (125) feet, thence along a tangent to above curve forty (40) feet, thence on a twenty (20) degree curve to the right fifty-five (55) feet to a point where center line of proposed track crosses east property line of Capitol Avenue.

Two hundred and twenty (220) feet of said track being in Capitol Avenue, as shown on plan attached.

Proposed length of track is four hundred and thirty (430) feet.

The blue print hereto attached is hereby made a part of this description.

—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, he will lay, construct and maintain said track upon the terms and conditions hereinafter set forth, to-wit:

(1) They shall be so laid, 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.

(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 tracks.

(3) The crossing where said track intersects _____ 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 good 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.

(5) The party of the first part agrees to pave between said track to the entire satisfaction of the second party, and in case said tracks 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 or remove same, failing in which, after notification in writing of ten (10) days, said Board shall do or cause the same to be done at the expense of the 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 violations 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 contract, 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 in consideration of the things hereinbefore set forth and upon the terms and provisions stipulated, hereby gives, grants and duly vests said party of the first part the right, privilege and authority to lay and maintain an additional sidetrack or switch across Capitol Avenue in the City of Indianapolis, all as shown by the drawing attached hereto, filed herewith and for greater certainty marked "Exhibit A."

This contract will be void unless said track or switch is laid within one year from the date of this contract.

In Witness Whereof, We have hereunto set our hands this — day of —, 19—.

SAMUEL FALENDER,

J. FALENDER,

Parties of the First Part.

CITY OF INDIANAPOLIS,

By MARK H. MILLER,

I. W. LEMAUX,

R. O. SHIRLEY

Board of Public Works,

Party of the Second Part.

And, whereas, Said contract 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,

Section 1. *Be it ordained by the Common Council of the City of Indianapolis, Indiana*, that such contract 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.

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

By the City Controller:

GENERAL ORDINANCE NO. 87, 1921.

AN ORDINANCE, transferring the sum of Eighteen Thousand Dollars (\$18,000) from the Salaries Fund of the Police Department under the Department of Public Safety to the Salaries Fund of the Fire Department under the Department of Public Safety, and declaring a time when the same shall take effect.

Section 1. *Be it ordained by the Common Council of the City of Indianapolis, Indiana:*

That there be and is hereby transferred the sum of Eighteen Thousand Dollars (\$18,000.00) from the Salaries Fund of the Police Department under the Department of Public Safety, and that the same be and is hereby transferred to the Salaries Fund of the Fire Department under the Department of Public Safety.

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

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

By the City Controller:

GENERAL ORDINANCE NO. 88, 1921.

AN ORDINANCE, transferring the sum of Fifteen Hundred (\$1,500.00) Dollars from the Fire Insurance Public Buildings Fund of the Board of Public Works to and re-appropriating said Fifteen Hundred Dollars (\$1,500.00) so transferred to the Blank Books Printing and Advertising Fund of the Board of Public Works and declaring a time when the same shall take effect.

Section 1. *Be it ordained by the Common Council of the City of Indianapolis, Indiana:*

That there be and is hereby transferred the sum of Fifteen Hundred (\$1,500.00) Dollars from the Fire Insurance on Public Buildings Fund of the Department of Public Works to the Blank Books Printing and Advertising Fund of the Department of Public Works and said Fifteen Hundred (\$1,500.00) Dollars is hereby transferred and re-appropriated to the Blank Books Printing and Advertising Fund of the Department of Public Works.

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

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

By Mr. Miller:

GENERAL ORDINANCE NO. 89, 1921.

AN ORDINANCE, regulating the location, construction, alteration, remodeling and use of buildings, structures or devices for the purpose of carrying on any of the following trades or industries: blacksmith shops, machine shops, boiler shops, foundries, ice houses, coal yards, lumber yards, junk dealers, steam laundries or for any manufacturing purposes, providing a penalty, repealing conflicting ordinances and fixing the time when the same shall take effect.

Section 1. *Be it ordained by the Common Council of the City of Indianapolis, Indiana,* That in order to promote the public health, safety, comfort, convenience and general welfare, it shall be unlawful to locate, construct, alter or remodel any building, structure or device designed or intended to be used in whole or part for the purpose of carrying on any of the following trades or industries: blacksmith shops, machine shops, boiler shops, foundries, ice houses, coal yards, lumber yards, junk dealers, steam laundries or for any manufacturing purposes, within any city square, if any boundary of such square is within five hundred feet of any park and ninety per cent of all buildings thereon except outbuildings are used for residence purposes, without the written consent of seventy-five per cent of the property owners of said square.

Section 2. Any building, structure or device which may be located, constructed, altered, remodeled or used in violation of the provisions of this ordinance is hereby declared to be a public nuisance and the same may be abated as is now provided by law for the abatement of other nuisances; and the owner thereof or the person or persons responsible for its maintenance and use in violation of the provisions of this ordinance shall be guilty of maintaining a public nuisance and shall be fined not less than \$10.00 or more than \$100.00 for each such offense; and each day's maintenance and use of such building, structure or device in violation of this ordinance shall be deemed a separate offense and punishable as such. This ordinance shall apply to all proposed and contemplated buildings, structures or devices mentioned in Section One of this ordinance, within the said portions of said city, whether the owner thereof, or owners thereof, or either of them, or the person or persons, or either of them, responsible therefor, has or have been issued a building permit or not, and said

building permit shall constitute no defense to any action founded on this ordinance. Provided, however, that nothing in this section is intended to apply to any building, structure or device which is now being operated or lawfully used for the purposes of carrying on any of the following trades or industries: blacksmith shops, machine shops, boiler shops, foundries, ice houses, coal yards, lumber yards, junk dealers, steam laundries, or for any manufacturing purposes, mentioned in Section One of this ordinance.

Section 3. This ordinance shall be supplemental to any and all ordinances comprising the building code of the City of Indianapolis, and requiring permits for the erection of buildings, except where the same conflict with the provisions hereof, which said conflicting parts of said ordinances, if any, are hereby expressly repealed.

Section 4. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor and publication as required by law.

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

By Mr. Schmidt:

GENERAL ORDINANCE NO. 90, 1921.

AN ORDINANCE concerning buildings fronting upon the circular street known as Monument Circle or on the parts of Meridian or Market Streets within Eighty-seven (87) feet six (6) inches therefrom in the City of Indianapolis, amending Section 324 and repealing Sections 861 and 862 of General Ordinance No. 12, 1917.

Section 1. *Be it ordained by the Common Council of the City of Indianapolis, Indiana*, that it shall be unlawful hereafter to erect any building or structure on the circular street known as Monument Place or Circle or on the parts of Meridian or Market Streets within eighty-seven (87) feet six (6) inches therefrom, in the City of Indianapolis, or to elevate any present structure thereon to a height exceeding one hundred and twenty-four (124) feet measured from the established sidewalk level at the curb line to the top of the parapet wall or roof of said building, or to erect on the top thereof, any tank, tower, or other structure, unless it be so located that a plane starting at the top of the front wall and rising at an angle of twenty (20) degrees will pass over said extension. Neither the plans for any building or structure to be erected on said Monument Place or Circle, or on the part of Meridian and Market Streets within eighty-seven (87) feet

six (6) inches, therefrom, or for the alteration, enlargement or improvement of any existing structure or building thereon, shall be approved by the building commissioner of the City of Indianapolis, nor shall any license or permit for any such building, alteration, enlargement or improvement be granted by any officer of said city, nor shall any such building, structure, alteration, enlargement or improvement be erected or made unless and until the design for that part of the exterior of such building, structure, alteration, enlargement or improvement, as shall front or face upon said Monument Place or Circle or said parts of said Meridian or Market Streets respectively, shall be of such a character as to provide their portion of a suitable and harmonious background for the Soldiers' and Sailors' Monument situate within such Monument Circle.

Section 2. Said exterior design referred to in Section 1 hereof shall be submitted for approval to the city Planning Commission.

The chairman of such commission within thirty days after receipt of said exterior design, shall cause said commission to take action on any such design submitted for its approval, and within fifteen days after such action shall have been taken, said chairman shall deliver to the Building Commissioner of said City of Indianapolis a written report showing the action of said commission, and such written report shall become a part of the permanent records of the office of said Building Commissioner.

If the commission shall not within forty-five days after the submission of any given design file report disapproving same, such failure shall in law be an approval by the Commission of such design and the Building Commissioner shall make a record of such failure in the permanent records of his office.

Upon approval, expressed or implied, of any given design, said Building Commissioner shall, subject to the general building ordinances of the City of Indianapolis, forthwith issue the proper license or permit applied for.

Section 3. That Section 324 of the General Ordinance No. 12, 1917, is hereby amended to read as follows:

(a) No building or other structure hereafter erected, except if it be a spire, tower or smokestack, shall be of a height exceeding two hundred (200) feet and if such building fronts on a street sixty (60) feet or less in width, then such building shall not exceed two and one-half ($2\frac{1}{2}$) times the width of such street, measured from the sidewalk to the top of the roof covering.

(b) The height of any tenement, lodging or apartment house, hereafter erected, exclusive of any roof appendages, shall not exceed one and one-half ($1\frac{1}{2}$) times the width of the widest street, alley, or court upon which it abuts and no existing tenement, lodging or apartment house shall be increased beyond such height: Provided, however,

that any distance the building sets back from the lot line may be added to the width of the street in making this computation. The height of a tenement, lodging or apartment house shall be the perpendicular distance measured in a straight line from the curb level to the highest point of the roof beam.

(c) All buildings exceeding sixty (60) feet in height shall be buildings of first class, as defined in Section 290.

Section 4. That Sections 861 and 862 of General Ordinance No. 12, 1917, and all ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 5. This ordinance shall be in full force and effect from and after its passage.

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

By Mr. Furniss:

SPECIAL ORDINANCE NO. 12, 1921.

AN ORDINANCE annexing territories to the city of Indianapolis, Indiana, and define part of the boundary line of said City, and fixing a time when the same shall take effect.

Section 1. *Be it ordained by the Common Council of the City of Indianapolis, Indiana:*

That the boundary lines of the City of Indianapolis, be and the same are hereby extended so as to include the following described continuous territory, all of which is hereby annexed to and made a part of the territory constituting and forming the City of Indianapolis, in Marion County, Indiana.

Section 2. Beginning in the west line of the northeast quarter of Section Nineteen (19) in Township Fifteen (15) North, of Range Four (4) East at a point which is 150 feet south of the northwest corner of said quarter section and running thence east parallel to the north line of said Section 715.56 feet; thence south to a point which is 648.8 feet south of said north line; thence east parallel to said north line 200.8 feet; thence north to a point 25 feet south of the north line of said Section; thence east parallel to and 25 feet distant from the north line of said Section 737.20 feet; thence south to a point which is 1034.22 feet west of the east line of said Section, which point is also 1120.7 feet south of the north line of said Section; thence east parallel to the north line of said Section to the east line of said Section; thence north on and along said east line of said Section to a point 25 feet north of said north line of said Section

19; thence west parallel to and 25 feet distant from said north line of said Section, to a point which is 150 feet east of the west line of the southeast quarter of Section 18, in Township 15 North, of Range 4 East; thence north 43.8 feet; thence west to the west line of the southwest quarter of said Section 18; thence south to the place of beginning.

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

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

By Mr. Furniss:

SPECIAL ORDINANCE NO. 13, 1921.

AN ORDINANCE annexing certain territory to the City of Indianapolis, Indiana, and defining parts of the boundary line of said City, and fixing a time when the same shall take effect.

Section 1. *Be it ordained by the Common Council of the City of Indianapolis, Indiana:*

That the boundary lines of the City of Indianapolis, be and the same are hereby extended so as to include the following described continuous territory, all of which is hereby annexed to and made a part of the territory constituting and forming the City of Indianapolis, in Marion County, Indiana.

Section 2. Beginning at the intersection of the center line of Raymond Street and the center line of Mars Hill Road; thence west along the center line of Raymond Street a distance of 141.5 feet more or less, to a point which is 35 feet distance measured southeastwardly perpendicularly to the center line of the main track of the I. & V. Railway; thence in a northeastwardly direction long the line and parallel to and 35 feet southeastwardly from the center line of the main track of the I. & V. Railway, which line is the south right of way line and the south right of way line produced of said I. & V. Railway to a point in the west line of Reisner Street; thence south along the west line of Reisner Street parallel to 25 feet west of the east line of Reisner Street to a point in the center line of Kentucky Avenue; thence northeastwardly along the center line of Kentucky Avenue to the east line of Harding Street; thence south along the east line of Harding Street to the south line of Kentucky Avenue; thence southwestwardly along the south line of Kentucky Avenue to a point in the west line of Reisner Street which is 25 feet west of the east line of Reisner Street; thence south along the line of 25

feet west of and parallel to the east line of Reisner Street, produce a line south to a point which is 140 feet distance, measured southeastwardly and perpendicularly to the south line of Kentucky Avenue; thence in a southwestwardly direction along the line parallel to and 140 feet southwestwardly from the south line of Kentucky Avenue to a point in the south line of Raymond Street; thence west along the south line of Raymond Street to the center line of Mars Hill Road; thence northeastwardly along the center line of Mars Hill Road to the center line of Raymond Street, and the place of beginning, containing an area of 27.82 acres.

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

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

By Mr. Furniss:

SPECIAL ORDINANCE NO. 14, 1921.

AN ORDINANCE annexing certain territory to the City of Indianapolis, Indiana, and defining a part of the boundary line of said City, and fixing a time when the same shall take effect.

Section 1. *Be it ordained by the Common Council of the City of Indianapolis, Indiana:*

That the boundary lines of the City of Indianapolis be and the same are hereby extended so as to include the following described continuous territory, all of which is hereby annexed to and made a part of the territory constituting and forming the City of Indianapolis, in Marion County, Indiana.

Section 2. Beginning at a point at the intersection of the north line of English Avenue and the west line of Grace Street; thence south along the west line of Grace Street extended south, to the south line of Pleasant Street, extended west; thence east along the south line of Pleasant Street and the south line of Pleasant Street extended west, to the east line of the right of way to the Belt Railroad Company; thence north with the east line of the right of way of the Belt Railroad Company to the south line of English Avenue; thence east along the south line of English Avenue to the center line of Emerson Avenue; thence north along the center line of Emerson Avenue to the north line of the Brookville Free Gravel Road; thence northwest along the north line of the Brookville Free Gravel Road to the east line of Worchester Avenue extended north; thence north along the east line of Worchester Avenue extended north to the south

line of the right of way of the Chicago, Indianapolis & Western Railroad; thence north and west along the south line of said right of way of said Chicago, Indianapolis & Western Railroad to the east line of Sherman Drive; thence south along the east line of Sherman Drive to the north bank of Pleasant Run; thence west with the north bank of Pleasant Run to the west line of Sherman Drive; thence south with the west line of Sherman Drive to the north line of English Avenue; thence west along the north line of English Avenue to the place of beginning.

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

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

By Mr. Furniss:

SPECIAL ORDINANCE NO. 15, 1921.

AN ORDINANCE annexing certain territory to the City of Indianapolis, Indiana, and defining a part of the boundary line of said City and fixing a time when the same shall take effect.

Section 1. *Be it ordained by the Common Council of the City of Indianapolis, Indiana:*

That the boundary line of the City of Indianapolis be and the same are hereby extended so as to include the following continuous territory all of which is hereby annexed to and made a part of the territory constituting and forming the city of Indianapolis, in Marion County, Indiana.

Section 2. Beginning at a point at the intersection of the south line of Prospect Street as now laid out and the east line of Keystone Avenue, then east along the south line of Prospect Street to the center line of Maderia Street; thence south along the center line of Maderia Street to the center line of Orange Street; thence east along the center line of Orange Street extended east to the center line of Sherman Drive; thence north along the center line of Sherman Drive to the north line of Prospect Street; thence west along the north line of Prospect Street to the east line of Keystone Avenue; thence south along the east line of Keystone Avenue to the south line of Prospect Street to the place of beginning.

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

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

INTRODUCTION OF MISCELLANEOUS BUSINESS.

By Mr. Willson.

RESOLUTION NO. 26, 1921.

Whereas, It is the duty of the Common Council of the City of Indianapolis, Indiana, to fix the compensation of the appointive members of the Board of City Election Commissioners for the City of Indianapolis, Indiana, therefore,

Be it resolved, by the Common Council of the City of Indianapolis, Indiana: That the compensation of Maurice E. Tennant and Thomas D. McGee, the appointive members of the Board of City Election Commissioners of the City of Indianapolis, Indiana, for services rendered by them as such Board of City Election Commissioners for the City Election held in the City of Indianapolis, Indiana, November 8, 1921, be fixed at Fifteen Hundred Dollars (\$1,500.00) each, and that the City Controller be and he is hereby instructed to pay the same out of the moneys appropriated for election purposes.

Which was read a first time.

Mr. Schmidt moved that the rules be suspended and Resolution No. 26, 1921, be placed upon its passage.

The roll was called and the motion to suspend the rules was carried by the following vote:

Ayes, 8, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Peake, Schmidt and President Russell Willson.

Mr. Schmidt called for Resolution No. 26, 1921, for second reading. It was read a second time.

Mr. Schmidt moved that Resolution No. 26, 1921, be adopted. Resolution No. 26, 1921, was read a third time and adopted by the following vote:

Ayes, 8, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Peake, Schmidt and President Russell Willson.

By Mr. Willson:

RESOLUTION NO. 27, 1921.

Whereas, It is the duty of the Common Council of the City of Indianapolis, Indiana, to fix the compensation of the Board of Canvassers of the City of Indianapolis for canvassing the vote at the City Election held in said city on November 8, 1921, therefore,

Be it resolved by the Common Council of the City of Indianapolis, Indiana: That the compensation for the Board of Canvassers, composed of Maurice E. Tennant, Thomas D. McGee and George O. Hutsell, for services rendered as a Canvassing Board at the City Election held in the City of Indianapolis, November 8, 1921, be fixed at Five Hundred Dollars (\$500.00) each, and that the City Controller be and he is hereby instructed to pay the same out of moneys appropriated for election purposes.

Which was read a first time.

Mr. Carnefix moved that the rules be suspended and Resolution No. 27, 1921, be placed upon its passage.

The roll was called and the motion to suspend the rules was carried by the following vote:

Ayes, 8, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Peake, Schmidt and President Russell Willson.

Mr. Carnefix called for Resolution No. 27, 1921, for second reading. It was read a second time.

Mr. Carnefix moved that Resolution No. 27, 1921, be adopted. Resolution No. 27, 1921, was read a third time and adopted by the following vote:

Ayes, 8, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Peake, Schmidt and President Russell Willson.

ORDINANCES ON SECOND READING.

Mr. Miller called for Appropriation Ordinance No. 30, 1921, for second reading. It was read a second time.

Mr. Miller moved that Appropriation Ordinance No. 30, 1921, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 30, 1921, was read a third time and passed by the following vote:

Ayes, 8, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Peake, Schmidt and President Russell Willson.

Mr. Furniss called for General Ordinance No. 82, 1921, for second reading. It was read a second time.

Mr. Furniss moved that General Ordinance No. 82, 1921, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 82, 1921, was read a third time and passed by the following vote:

Ayes, 8, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Peake, Schmidt and President Russell Willson.

Mr. Brown called for General Ordinance No. 81, 1921, for second reading. It was read a second time.

Mr. Brown moved that General Ordinance No. 81, 1921, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 81, 1921, was read a third time and passed by the following vote:

Ayes, 8, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Peake, Schmidt and President Russell Willson.

On motion of Mr. Peake the Common Council at 9:55 o'clock P. M. adjourned.

Russell Willson

President.

Attest:

J. W. Peck

City Clerk.