

REGULAR MEETING

Monday, December 2, 1968, 7:30 P.M.

The regular meeting of the Common Council of the City of Indianapolis convened in the Council Chambers of the City-County Building at 7:30 P.M. on Monday, December 2, 1968.

President Hasbrook in the chair.

The Clerk called the roll:

Present: Mr. Broderick, Mr. Egenes, Mr. Forestal, Mr. Gorham, Mr. Leak, Mr. McPherson, Mr. Moriarty, Rev. Williams, and President Hasbrook.

Mr. Moriarty moved, seconded by Mr. Gorham, to dispense with the reading of the Journal of the previous meeting.

President Hasbrook called for the reading of communications from the Mayor and other City Officials.

COMMUNICATIONS FROM THE MAYOR AND
OTHER CITY OFFICIALS

December 2, 1968

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

Gentlemen:

Transmitted herewith are 28 copies of General Ordinance No. 43,

1968, amending the Municipal Code of Indianapolis, Indiana, 1951, General Ordinance No. 140, 1951, as amended, and more particularly Title 7, Chapter 4, to increase penalties for violation of these sections of the Municipal Code, to increase the fees for licensing, to redefine and revise the term billiard or pool room to repeal Sections 7-411 and 7-412 and fixing a time when the same will take effect.

WILLIAM A. LEAK
Councilman

November 25, 1968

MASS TRANSPORTATION AUTHORITY OF
GREATER INDIANAPOLIS

Mrs. Marjorie H. O'Laughlin
City Clerk
2542 City-County Building
Indianapolis, Indiana

Dear Mrs. O'Laughlin:

This is to notify you that the Mass Transportation Authority of Greater Indianapolis will have its Board's first 1969 meeting in early January. The Common Council should appoint two members to this Board who are not affiliated with the same political party.. Such appointees need not be members of said council. The term of office of each director shall begin upon qualification and continue until he is no longer qualified but no longer than a period of four (4) years. This term may be terminated at any time by the appointing body in its discretion without cause.

A written appointment should be forwarded to the Mass Transportation Authority. The present common council appointees shall serve until you make the new appointments.

Very truly yours,

JACOB E. HALL,
Executive Director

Upon motion of Mr. Gorham, seconded by Mr. Leak

the Council recessed at 7:55 P.M. for Committee Hearings.

At that time, those present were permitted to be heard on General Ordinance No. 42, 1968, and Special Ordinance No. 5, 1968.

The Council reconvened at 8:05 P.M.

President Hasbrook called for the reading of Committee Reports by the Clerk.

COMMITTEE REPORTS

Indianapolis, Ind., December 2, 1968

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. 19, 1968, entitled

AN ORDINANCE transferring, reappropriating and reallocating the sum of One Hundred Fifty-three Thousand Dollars (\$153,000.00) from certain designated items and funds in the Department of Public Parks to certain designated items and funds in the same department. All of said funds and items created by virtue of and appropriated in the 1968 Budget, General Ordinance No. 97, 1967, as amended from tax levy and from motor vehicle highway tax declaring an emergency and fixing a time when the same shall take effect.

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

WILLIAM A. LEAK, Chairman
HAROLD J. EGENES
DONALD R. McPHERSON

Indianapolis, Ind., December 2, 1968

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

Gentlemen:

We, your Committee on Finance to whom was referred General Ordinance No. 38, 1968, entitled

AN ORDINANCE to amend the Municipal Code of Indianapolis, 1951, General Ordinance 140, 1951, as amended, and more particularly Title 7, Chapter 4, Sections 7-401, 7-402, 7-404, 7-405, 7-406, 7-407, 7-408, 7-409, 7-410, 7-411 and 7-412, to increase penalties for violation of certain sections of the Municipal Code, to increase the fees for licensing and to redefine and revise the term billiard or pool room, and fixing a time when the same shall take effect.

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

WILLIAM A. LEAK, Chairman

Indianapolis, Ind., December 2, 1968

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

Gentlemen:

We, your Committee on Finance to whom was referred General Ordinance No. 42, 1968, entitled

AN ORDINANCE authorizing the City of Indianapolis to make temporary loans for the use of the General Fund, Park General Fund, Police Pension Fund, and Firemen's Pension Fund of the City of Indianapolis during the period January 1, 1969, to June 30, 1969, in anticipation of current taxes of the City of Indianapolis levied in the year 1968 and collectible in the year 1969; authorizing the issuance of tax anticipation time warrants to evidence such loans, fixing the maturity date thereof and maximum interest rate thereon; pledging and appropriating the taxes to be received in said funds to the payment of said tax anticipation time warrants

including the interest thereon; and fixing the time when this ordinance shall take effect.

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

WILLIAM A. LEAK, Chairman
HAROLD J. EGENES
DONALD R. McPHERSON

Indianapolis, Ind., December 3, 1968

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

Gentlemen:

We, your Committee on Finance to whom was referred Special Ordinance No. 5, 1968, entitled

AN ORDINANCE annexing certain contiguous territory to the City of Indianapolis, and fixing a time when the same shall take effect.

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

WILLIAM A. LEAK, Chairman
HAROLD J. EGENES
DONALD R. McPHERSON

Indianapolis, Ind., December 2, 1968

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

Gentlemen:

We, your Committee on Finance to whom was referred Special Ordinance No. 6, 1968, entitled

AN ORDINANCE annexing certain contiguous territory to the City of Indianapolis, and fixing a time when the same shall take effect.

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

WILLIAM A. LEAK, Chairman

President Hasbrook called for the introduction of new ordinances.

INTRODUCTION OF NEW ORDINANCES

GENERAL ORDINANCE NO. 43, 1968

Introduced by Councilman Leak:

AN ORDINANCE to amend the Municipal Code of Indianapolis, 1951, General Ordinance No. 140, 1951, as amended, and more particularly Title 7, Chapter 4, to increase penalties for violation of these sections of the Municipal Code, to increase the fees for licensing, to redefine and revise the term billiard or pool room to repeal Sections 7-411 and 7-412 and fixing a time when the same shall take effect.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF INDIANAPOLIS

Section 1. That Title 7, Chapter 4, Section 7-401, 7-402, 7-403, 7-404, 7-405, 7-406, 7-407, 7-408, 7-409, and 7-110 of the Municipal Code of Indianapolis, 1951, General Ordinance 140, 1951, as amended, be and the same are hereby amended to read as follows, to-wit:

7-401. **Definitions. Pool table.** The term "pool table" as used in this chapter shall mean and include all tables of any size the tops of which are surrounded by an elastic ledge or cushions, coin operated or otherwise, on which a game is or may be played where balls are impelled by stick or cue including all forms of the game commonly known as POOL or BILLIARDS.

7-402. **License Required.** (1) Each and every pool table which is located in a public place or place of public accommodation within the City of Indianapolis shall have a license issued therefor as provided

in this chapter; Provided however, that this chapter shall not include pool tables which are displayed for the purpose of sale or which are used for recreation without pecuniary profit for the owner or operator thereof. Every person, partnership or corporation that owns, possesses or is otherwise in control of any pool table which is located in a public place or places of public accommodation shall annually make application for and obtain a license for each pool table from the City Controller. It shall be unlawful for any person, partnership or corporation to permit or allow in his place of business, public place, or place of public accommodation, the presence of a pool table which does not have affixed thereto a valid license tag, disc or insignia as issued by the City Controller, for which there has not been issued a license, certificate by the City Controller.

(2) Every person, partnership, or corporation desiring to open or maintain a pool room shall make application to the Board of Public Safety of the City of Indianapolis for a permit therefor, which application shall be in the form prescribed herein. Said application shall be filed at least fifteen (15) days prior to the time of granting such permit. It shall be unlawful for any person, partnership or corporation to operate or maintain a pool room without first obtaining a permit therefor from said Board. If such permit is issued by the Board, it shall entitle the applicant to obtain a license for such Pool Room from the City Controller.

7-403. **Application.** (1) Every applicant for a pool room license shall file with the Board of Public Safety a written application, provided for this purpose, stating the full name and address, including street and number, of the applicant, or other persons associated therewith, and shall give the state in which any artificial person is organized, and the names of one or more persons designated as its manager, or person to be in charge, with their addresses.

2) The application shall also state the following:

(a) The premises where said pool room is to be located, including street and number.

(b) The number of pool tables installed or to be installed on the premises.

(c) The age of the applicant in the case of individuals, and the age of the manager and officers in the case of an artificial person.

(d) Whether the applicant has ever been engaged in operating a pool room and when, where, and how long, in each place, and whether any such license has ever been revoked.

(e) The name and full address of the owner of the premises in which said pool room is located. The application shall be signed by the applicant or applicants, or in the case of an artificial person, the application shall be signed by its officers.

7-404. **Investigation, rejection, revocation, notification.** Said Board of Public Safety, before issuing a permit for a pool room shall cause an investigation to be made into the character of the applicant or applicants, and the character of the general manager of said pool room and of the physical condition of the premises where the pool room is to be located. If after such investigation, said Board finds that any of said persons have previously been connected with any pool room where the license has been revoked, or that the room sought to be licensed does not comply in every way with the regulations, ordinances and laws applicable thereto then said Board may deny said application. If an application be denied, the applicant applying for such permit, shall be notified in writing of the reasons for denial within fifteen (15) days after filing and shall thereafter have the right to request of and obtain from said Board a full hearing on said application within thirty (30) days of the date of denial. Said Board of Public Safety shall have the authority at any time to conduct a full hearing for the purpose of determining whether a pool room is being operated in conformity with this chapter and other provisions of law after giving the permit holder written notice at least fifteen (15) days prior to said hearing. If said Board shall determine at such hearing that the pool room is being operated unlawfully or that any of the provisions of this chapter are being violated therein, then said Board shall revoke the permit then existing.

7-405. **Inspection.** The Board of Public Safety may delegate to one or more police officers of the City of Indianapolis the duty of inspecting pool rooms. Such officers shall obtain information pertaining to the character of all applicants for permits, the physical condition of the premises where a pool room is located or is to be located and all other information required by said Board. Such officers shall investigate all complaints concerning the operation of all pool rooms and any violation of city ordinance or state law which occur in pool rooms and at intervals, make an inspection and a writ-

ten report of such inspection and of any investigations of law violations occurring in pool rooms to said Board. Such officers shall also have the duty to inspect all pool tables, for which a license is required by this chapter to determine whether a current valid license insignia is affixed thereto or whether the City Controller has issued a current license certificate for such pool table. It shall be unlawful for any person to deny to such officers admittance to any pool room or to any room or part of a building where there is located a pool table which is subject to the provision of this chapter.

7-406. Persons Prohibited. It shall be unlawful for any person who has not reached the age of sixteen (16) years, to be present in a pool room during the hours in which public schools are in session or after the hour established by this code for juvenile curfew.

7-407. License Fee. Every person, partnership or corporation to whom a permit is granted by the Board of Public Safety for the operation of a pool room shall, upon obtaining such permit, obtain a license from and pay an annual fee therefor to the City Controller in the sum of Ten Dollars (\$10.00) for the operation of said pool room. Any person, partnership or corporation that is the owner or possessor of a pool table which must be licensed pursuant to the provisions of this chapter, shall obtain a license for each of said pool tables and an annual fee therefor to the City Controller, which fee shall be based on the number of pool tables located within a particular business place, public place or place of public accommodation. Said fee schedule shall be as follows: For the first table, Seventy-five Dollars (\$75.00), and for each additional table One Dollar.

7-408. Gambling, etc., forbidden. There shall not be permitted any form of gambling, in any pool room in which a pool table is located, or in any other room from which access may be had directly to the room or rooms in which the pool table or tables are located.

7-409. Sanitation. All pool rooms shall be kept in a clean, healthful and sanitary condition at all times and the Board of Public Safety shall have the power to determine if such a room or rooms are so kept and for such purpose, when desired, have the assistance of the City Commissioner of Buildings and the Health and Hospital Corporation of Marion County, or its successor. If said Board of Public Safety shall determine that an unsanitary condition exists within a pool room it shall have the power to suspend the pool room permit for such premises until such sanitary condition is rectified.

7-410. **Penalty.** Any person or corporation who shall violate any of the provisions of this chapter, upon conviction thereof, shall be fined in any sum not to exceed Three Hundred Dollars (\$300.00); to which may be added imprisonment not exceeding thirty (30) days.

Section 2. That Title 7, Chapter 4, Section 7-411 and 7-412 of the Municipal Code of Indianapolis, 1951, General Ordinance 140, 1951, as amended be and the same are hereby repealed.

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.

ORDINANCES ON SECOND READING

Mr. Leak called for a second reading of Appropriation Ordinance No. 19, 1968.

The Clerk read the Ordinance for the second time.

Mr. Leak moved, seconded by Mr. Egenes, to amend Appropriation Ordinance No. 19, 1968, as follows:

Indianapolis, Ind., November 18, 1968

Mr. President:

I move that Appropriation Ordinance No. 19, 1968 be amended by striking out \$103,000 in INCREASE: 2. SERVICES—CONTRACTUAL 22. Heat, Light, Power & Water and inserting in lieu thereof \$95,800; and by adding 6. CURRENT OBLIGATIONS 61. Interest—Temporary Loans \$7,200.

WILLIAM A. LEAK, Councilman

The amendment was passed by unanimous vote of the Council.

Mr. Leak moved, seconded by Mr. Gorham, to strike General Ordinance 38, 1968 from the files.

The motion was passed on the following roll call vote:

Ayes 9, viz: Mr. Broderick, Mr. Egenes, Mr. Forestal, Mr. Gorham, Mr. Leak, Mr. McPherson, Mr. Moriarty, Rev. Williams, and President Hasbrook.

Mr. Leak called for second reading of General Ordinance No. 42, 1968.

The Clerk read the Ordinance for the second time.

Mr. Leak moved, seconded by Mr. Egenes, that General Ordinance No. 42, 1968, be engrossed, read a third time and placed upon its passage.

After third reading, the Ordinance passed on the following roll call vote:

Ayes 9, viz: Mr. Broderick, Mr. Egenes, Mr. Forestal, Mr. Gorham, Mr. Leak, Mr. McPherson, Mr. Moriarty, Rev. Williams, and President Hasbrook.

Mr. Leak called for second reading of Special Ordinance No. 5, 1968.

The Clerk read the Ordinance for the second time.

Mr. Leak moved, seconded by Rev. Williams, that Special Ordinance No. 5, 1968, be engrossed, read a third time and placed upon its passage.

After third reading, the Ordinance passed on the following roll call vote:

Ayes 9, viz: Mr. Broderick, Mr. Egenes, Mr. Forestal, Mr. Gorham, Mr. Leak, Mr. McPherson, Mr. Moriarty, Rev. Williams, and President Hasbrook.

Mr. Leak moved, seconded by Mr. Egenes to strike Special Ordinance No. 6, 1968 from the files.

The motion was passed by the following roll call vote:

Ayes 9, viz: Mr. Broderick, Mr. Egenes, Mr. Forestal, Mr. Gorham, Mr. Leak, Mr. McPherson, Mr. Moriarty, Rev. Williams, and President Hasbrook.

On motion of Mr. Moriarty, seconded by Rev. Williams, the Council adjourned at 8:45 P.M. by unanimous vote.

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 2nd day of December, 1968, 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.



ATTEST:

President



(SEAL)

City Clerk