

**CITY-COUNTY COUNCIL
INDIANAPOLIS, MARION COUNTY, INDIANA
REGULAR MEETING
Monday, May 8, 1978**

A Regular Meeting of the City-County Council of Indianapolis, Marion County, convened in the Council Chambers of the City-County Building at 7:20 p.m., Monday, May 8, 1978, President SerVaas in the chair. Councilman George Tintera opened the meeting with a prayer followed by the Pledge of Allegiance.

ROLL CALL

President SerVaas instructed the Clerk to take the roll. Twenty-nine members being present, he announced a quorum.

PRESENT: Mr. Anderson, Mr. Bayt, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Cantwell, Mrs. Chambers, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. Howard, Mrs. Journey, Mr. Kimbell, Mr. McGrath, Mr. Miller, Mr. Patterson, Mr. Pearce, Mr. Rippel, Mr. Schneider, Mr. SerVaas, Mrs. Stewart, Mr. Tinder, Mr. Tintera, Mr. Vollmer, Mr. Walters and Mr. West.

CORRECTION OF JOURNAL

The Chair called for additions or corrections to the Journal of April 10, 1978. There being no additions or corrections, the minutes were approved as distributed.

OFFICIAL COMMUNICATIONS

The Chair called for reading of Official Communications. The Clerk read the following:

**TO THE MEMBERS OF THE CITY-COUNTY COUNCIL
OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:**

Ladies and Gentlemen:

You are hereby notified that there will be a **REGULAR MEETING** of the City-County Council held in the City-County Building, in the Council Chambers on Monday, May 8, 1978, at 7:00 p.m., the purpose of such **MEETING** being to conduct any and all business that may properly come before the regular meeting of the Council.

Respectfully,

s/Beurt SerVaas, President
City-County Council

April 25, 1978

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE CITY—COUNTY
COUNCIL OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the Indianapolis COMMERCIAL and the Indianapolis NEWS on April 27, 1978 and May 4, 1978, a NOTICE TO TAXPAYERS on Proposals No. 181, 182, 183, 184, 187, and 188, 1978 (with a corrected Notice of Proposal No. 181 on May 8), for a Public Hearing to be held on Monday, May 8, 1978, at 7:00 p.m., in the City-County Building.

Respectfully,

s/Beverly S. Rippy
City Clerk

April 27, 1978

TO THE HONRALBE PRESIDENT AND MEMBERS OF THE CITY—COUNTY
COUNCIL OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the Indianapolis COMMERCIAL and the Indianapolis NEWS on May 1, 1978 and May 8, 1978, and posted in three public places, a NOTICE OF PETITION FOR AND DETERMINATION TO ISSUE BONDS.

Respectfully,

s/Beverly S. Rippy
City Clerk

April 27, 1978

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE CITY—COUNTY
COUNCIL OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have this day approved with my signature and delivered to the Clerk of the City-County Council, Mrs. Beverly S. Rippy, the following ordinances:

FISCAL ORDINANCE NO. 44, 1978, amending the City-County Annual Budget for 1978 and appropriating an additional four hundred one thousand six hundred sixty-three dollars in the Redevelopment General Fund for purposes of Urban Renewal Division, Department of Metropolitan Development and reducing certain other appropriations for that division and the unappropriated and unencumbered balance in the Redevelopment General Fund.

FISCAL ORDINANCE NO. 45, 1978, amending the City-County Annual Budget for 1978 and appropriating an additional one hundred eighty-nine thousand six hundred twelve dollars in the Consolidated County Fund for purposes of Planning and Zoning Division, Department of Metropolitan Development and reducing the unappropriated and unencumbered balance in the Consolidated County Fund.

FISCAL ORDINANCE NO. 46, 1978, appropriating the sum of four million dollars for the purpose of providing funds to be applied to the costs of acquiring interests in real

estate, constructing and equipping a multi-purpose stadium and sports facility, and related improvements of real estate, to be available for general public use, in the general area bounded by Indiana University—Purdue University at Indianapolis, Military Park, Market Street, and White River, together with expenses incidental to all of the foregoing, including expenses in connection with the issuance of bonds.

FISCAL ORDINANCE NO. 47, 1978, appropriating the sum of two million five hundred thousand dollars for the purpose of providing funds to be applied to the costs of acquiring interests in real estate, constructing and equipping a multi-purpose stadium and sports facility, and related improvements of real estate, to be available for general public use, in the general area bounded by Indiana University—Purdue University at Indianapolis, Military Park, Market Street, and White River; together with expenses incidental to all of the foregoing, including expenses in connection with the issuance of bonds.

FISCAL ORDINANCE NO. 48, 1978, amending the City-County Annual Budget for 1978 and appropriating an additional one million eight hundred twenty-four thousand six hundred eighteen dollars in the Transportation Fund for purposes of the Department of Transportation and reducing the unappropriated and unencumbered balance in the Transportation Fund.

FISCAL ORDINANCE NO. 49, 1978, amending the City-County Annual Budget for 1978 and appropriating an additional one hundred twenty thousand nine hundred sixteen dollars in the Transportation Fund for purposes of the Department of Transportation and reducing the unappropriated and unencumbered balance in the Transportation Fund.

FISCAL ORDINANCE NO. 55, 1978, amending the City-County Annual Budget for 1978 and appropriating an additional six hundred five thousand two hundred sixty-eight dollars in the Community Services Programs Fund for purposes of the Community Services Division of the Department of Administration and reducing the unappropriated and unencumbered balance in the Community Services Programs Fund.

FISCAL ORDINANCE NO. 56, 1978, amending the City-County Annual Budget for 1978 transferring and appropriating seven thousand dollars in the Consolidated County Fund for purposes of the Dog Pound Division, Department of Public Safety and reducing certain other appropriations for that division.

GENERAL ORDINANCE NO. 57, 1978, authorizing the issuance and sale of bonds of the City for the purpose of procuring funds to be applied to the costs of acquiring interests in real estate, constructing and equipping a multi-purpose stadium and sports facility, and related improvements of real estate, to be available for general public use, in the general area bounded by Indiana University—Purdue University at Indianapolis, Military Park, Market Street, and White River; together with expenses incidental to all of the foregoing, including expenses in connection with the issuance of bonds.

GENERAL ORDINANCE NO. 58, 1978, amending Chapter 29, Article VI of the Code of Indianapolis and Marion County to add new provisions for the removal from public property of vehicles which constitute a traffic hazard and are a public nuisance.

GENERAL ORDINANCE NO. 59, 1978, amending City-County General Ordinance No. 61, 1977, authorizing additional employees for the Center Township Trustee financed by CETA grants.

GENERAL ORDINANCE NO. 60, 1978, repealing Section 19-5 of the Code of Indianapolis and Marion County, wherein certain debt-adjusting businesses were declared a nuisance.

Respectfully submitted,

s/William H. Hudnut, III
Mayor

PRESENTATION OF PETITIONS, MEMORIALS,
SPECIAL RESOLUTION AND COUNCIL RESOLUTIONS

At this time, Mr. Boyd read the following statement concerning the appointment of Mr. Don E. Christensen to serve on the Indianapolis Human Rights Commission, to wit:

**CONCERNS REALTED TO THE NOMINATION AND APPOINTMENT OF
MR. DON E. CHRISTENSEN TO THE
INDIANAPOLIS COMMISSION ON HUMAN RIGHTS**

The Administration Committee of the Indianapolis City-County Council met on April 20, 1978 and, under the chairmanship of the twenty-fifty district councilman, considered proposed ordinance 166 — a proposal to appoint Mr. Don Christensen to the Indianapolis Commission on Human Rights. The attached minutes of that meeting have been approved by the chairman as an accurate record of the proceedings.

Although it cannot be determined from the records of the meeting whether biographical information was considered by the committee, it can now be determined that the resume' which was distributed to some councilpersons on April 24, is seriously lacking as a document designed to help in the consideration of a candidate for a public position.

On April 24, at a regularly scheduled meeting of the City-County Council proposal 166, sponsored by the councilman from the 15th district, was put before the council for final approval. This item appeared as the final formal action on an agenda which ran nearly to the midnight hour. The public assembly room which was full earlier in the evening was then nearly empty and even the media, reacting to thier own deadline and a very long day, were generally not available to witness the clumsy explanations and defense of this "midnight appointment."

The greatest insult here is not to procedural dignity of this body nor is it to the private and corporate citizens of this community who look to the Commission for a redress of grievances. The greatest insult is to Mr. Christensen himself — slipperhorned as it were, into a public position midst the speculation and questionable motives of his sponsors and engineers. Indeed, his sponsors and engineers have done him a great disservice by maneuvering him into position and expecting him to perform with efficiency and the helpful respect of his colleagues. If on the other hand, greater efficiency is not a concern, then other assessments need to be made. Although these circumstances alone might not be totally incriminating to the process by which this appointment was consummated, the deliberate and apparent control of information is.

In order that attention might not be diverted away from the substance of this issue, let me reestablish the public position I took when this nomination came before the full Council. The process issue is not whether Mr. Christensen is still actively a member of the American Party. The process issue is whether those persons responsible for bringing the nomination before the Council acted with integrity and responsibility either in deliberately withholding information from the Council or in making the assessment themselves that the information was unimportant.

It would seem important that Mr. Christensen has served as Eleventh Congressional District Chairman for the American Party, that he at one time announced his intention to run for Secretary of State on the American Party ticket, and that he was the American Party candidate for the fifteenth district City Council seat. This is not incidental information and its omission from Council proceedings should present many questions. This is not an effort to prescribe what a person believes. It is, rather, concern that these beliefs do not find expression in the specific places where they have been constitutionally and legislatively excluded. In the same manner that one would have to question the wisdom of electing to a public school board a person who does not believe in free public education or appointing to a zoning commission one who considers zoning

laws to be government interference in the free movement of citizens, so it would seem equally unwise to appoint to a human rights commission one whose identifiable beliefs contradict the purpose of that commission. Outside a persons religious foundation, few elements identify him/her better than his/her political existence.

As any voter can attest, it is often hard to determine the basic character of a political party. It is possible, however, to determine a generally accepted core philosophy by examining official party platform positions, general media coverage and pronouncements by major party personalities. I invite your attention to the following.

1. In the American Party's 1968 platform the party indicated that the average American (whom they purport to represent) was "dismayed when they (political leaders) desert the principles of government and dedicate themselves to minority appeasement as the country decays."
2. The 1972 Platform suggests that the U.S. use as its sole criteria in establishing international friendships whether the country is Communistic and that this country should not concern itself with the human rights problems of Rhodesia, South Africa or any other nation.
3. The 1972 Platform refers to women's liberation as an "insidious socialistic plan designed to take women for their homes, family, and property."
4. The general themes of all their platforms have been:
 - a. that it is a function of state government to determine voting eligibility and the Federal government should not be involved.
 - b. that government should not regulate the manner in which private property is sold, rented or otherwise disposed of— that there should be no intervention in determining housing patterns.
 - c. that there should be minimal effort made to integrate minorities into the work force by impacting trade and union practices. In short, their position is against the 1964 Civil Rights Act, one of the landmark pieces of civil rights legislation.
5. During a press conference in 1970 Don Mantooth, then the American Party's Marion County Chairman, and Dan L. Lee, Sixth District Chairman and 1968 elector for Gov. George Wallace, both confirmed that they accepted George Wallace as their national leader. The positions of Gov. Wallace on race are well chronicled and need no elaboration here.
6. Don Mantooth, on more than one occasion, put the American Party on record as being against forced integration.
7. As recently as the last general election, Lee, who became state chairman in 1973, referenced "welfare loafers" as one of our biggest tax burdens.

The following is excerpted from chapter 16, Sec. 2 of the Indianapolis Code and represents this city's official and statutory mission in the area of human rights. There are areas of both apparent and possible conflict with the posture of the American Party.

The purpose of this chapter shall be as follows:

- (1) To promote equality of opportunity for education, employment, access to public conveniences and accomodation, and acquisition through purchase or rental of real property, including but not limited to housing, without regard to race, sex, religion, color, national origin or ancestry, through reasonable methods that do not create that which is sought to be eliminated;
- (2) To eliminate segregation or separation based solely on race, sex, color, religion or national origin, since segregation is an impediment to equal opportunity;
- (3) To protect employers, labor organization, employment agencies, property owners, real estate brokers, builders, lending institutions, governmental and educational agencies and other persons from unfounded charges of discrimination.

For those who would suggest that my whole consideration of this issue may be unfair indictment or that there is no way to determine whether the concerns I raise really apply, I would grant that possibility. This situation only serves to underline, however, the basic criticism, viz., that Republican blatant disregard for the committee system, the Human Rights Commission, and due process of this council did not allow the full and sober consideration of these concerns at the time and in the place where they should have been considered. No effort has been made to determine whether Mr. Christensen's membership separation from the American Party was also a basic philosophical separation.

I would respectfully ask of Republican leadership that there be formal response to the concerns I here raise. If formal response seems unwarranted, I hope that the Human Rights Commission will take note. The Commission will have to decide for itself whether there has been encroachment upon its integrity, deliberate effort toward the slow erosion of its effectiveness, or merely toy-like and casual regard for its role.

Following Mr. Boyd's statement, discussion ensued during which Mr. Miller stated that Mr. Christensen's appointment was discussed during a public hearing at the Administration Committee meeting on April 20. He further noted that the minority members of the committee voted to recommend the appointment of Mr. Christensen to the Human Rights Commission. Following further discussion, Mrs. Chambers moved, seconded by Mr. Gilmer, to proceed with the agenda. The motion carried by unanimous voice vote.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 201, 1978. Introduced by Mr. Miller. The Clerk read the Proposal entitled: "A Proposal for A General Ordinance amending Chapter 17, Article XXIV of the Code of Indianapolis and Marion County to make certain technical changes in the ordinance prohibiting the display of certain presentations in establishments the stage or screen of which is visible from any public street or highway;" and the President referred it to the Administration Committee.

PROPOSAL NO. 202, 1978. Introduced by Mr. Schneider. The Clerk read the Proposal entitled: "A Proposal for a Fiscal Ordinance amending the City-County Annual Budget for 1978 (City-County Fiscal Ordinance No. 70, 1977) and appropriating an additional thirty-five thousand two hundred ninety-one dollars (\$35,291) in the County General Fund for purposes of the Cooperative Extension Service and reducing the unappropriated and unencumbered balance in the County General Fund;" and the President referred it to the County & Townships Committee.

PROPOSAL NO. 203, 1978. Introduced by Mr. Schneider. The Clerk read the Proposal entitled: "A Proposal for a Fiscal Ordinance authorizing Marion County to borrow on a temporary loan for the use of the County General Fund during the period July 1, 1978, to December 31, 1978, in anticipation of current taxes levied in the year 1977 and collectible in the year 1978, authorizing the issuance of tax anticipation time warrants to evidence such loan, pleding and appropriating the taxes to be received in said fund to the payment of said tax anticipation time warrants including the interest thereon;" and the President referred it to the County & Townships Committee.

PROPOSAL NO. 204, 1978. Introduced by Mr. Durnil. The Clerk read the Proposal entitled: "A Proposal for a General Ordinance amending Chapter 8 of the Code of Indianapolis and marion County concerning requirements for building permits;" and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 205, 1978. Introduced by Mr. Durnil. The Clerk read the proposal entitled: "A Proposal for a Council Resolution authorizing the Housing Authority of the City of Indianapolis, Indiana, to develop and construct scattered-site housing within the area of its operations in Marion County, Indiana, under restrictions as to location and procedure for developing such housing;" and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 206, 1978. Introduced by Mr. West. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance amending the City-County Annual Budget for 1978 (City-County Fiscal Ordinance No. 70, 1977) and appropriating an additional twelve thousand seventy-three dollars and fifty-four cents (\$12,073.54) in the Crime Control Fund for purposes of the Municipal Court and reducing the unappropriated and unencumbered balance in the Crime Control Fund;" and the President referred it to the Public Safety & Criminal Justice Committee.

PROPOSAL NO. 207, 1978. Introduced by Mr. Rippel. The Clerk read the proposal entitled: "A Proposal for a General Ordinance creating intersection controls at certain intersections [Amends Code Section 29-92];" and the President referred it to the Transportation Committee.

PROPOSAL NO. 208, 1978. Introduced by Mr. Rippel. The Clerk read the proposal entitled: "A Proposal for a General Ordinance amending the Code of Indianapolis and Marion County to make changes in the manner of awarding passenger and loading zone permits;" and the President referred it to the Transportation Committee.

PROPOSAL NO. 209, 1978. Introduced by Mr. Clark. The Clerk read the proposal entitled: "A Proposal for a Council Resolution appointing a member of the Board of Trustees of the Indianapolis-Marion County Building Authority;" and the President referred it to the Rules & Public Policy Committee.

PROPOSAL NO. 210, 1978. Introduced by Councilmen Clark, Kimbell, Howard and Bayt. The Clerk read the proposal entitled: "A Proposal for a General Ordinance authorizing payroll deductions of voluntary contributions to certain political party committees [Adds Code Section 23-7];" and the President referred it to the Rules & Public Policy Committee.

PROPOSAL NOS. 211-213, 1978. Introduced by Mr. Durnil. The Clerk read the proposals entitled: "Proposals for Rezoning Ordinances certified from the Metropolitan Plan Commission on May 4, 1978;" and the President referred them to the Committee of the Whole to be heard under Special Orders - Final Adoption.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 145, 1978. Mr. West requested consent to postpone this proposal until the June 5, 1978, Council meeting in order to receive approval from Washington, D.C., for the uses of this EDA grant. Consent was given.

PROPOSAL NO. 146, 1978. Mr. Tintera moved, seconded by Mr. Kimbell, to postpone this proposal until the May 22, 1978, Council meeting in order to be assured of adequate funding for the 1978 reassessment. The motion carried by unanimous voice vote.

PROPOSAL NO. 181, 1978. Mr. Miller reported that the Administration Committee recommended striking this proposal so that the housing program could get full funding in 1979. This program will be heard in conjunction with the budget hearings. He then moved, seconded by Mrs. Chambers, to strike the proposal. The motion carried by voice vote.

PROPOSAL NO. 182, 1978. Mr. Miller explained this proposal which appropriated \$8,428,311 for the Employment and Training Division, was in three sections: (1) corrects Fiscal Ordinance No. 8, 1978, by transferring \$85,738 from character 10 to character 21; (2) re-encumbers 1975, 1976, and 1977 unspent funds of \$6,010,000 by cancelling unused purchase orders; and, (3) adds approximately \$1,566,000 based on a letter of credit availability from the Department of Labor.

Mr. Miller then moved to amend Proposal No. 182, 1978, by reducing the total to \$6,000,000 and changing line 6, of Section 4, to read "5,149,262". The motion was seconded by Mr. Gilmer. Mr. Miller's reasoning behind the proposed cut was disagreement of some of the programs funded. Mr. Howard and Mr. Walters suggested returning the proposal to the committee for further study. At Mr. West's request, Mr. Fred Armstrong, City Controller, stated that no city summer program would be cut because of the reduction. Mr. Miller's amendment was then adopted on the following roll call vote; viz:

20 AYES: Mr. Anderson, Mrs. Brinkman, Mrs. Chambers, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. Kimbell, Mr. McGrath, Mr. Miller, Mr. Patterson, Mr. Rippel, Mr. Schneider, Mr. SerVaas, Mrs. Stewart, Mr. Tinder, Mr. Tintera and Mr. West.

9 NOES: Mr. Bayt, Mr. Boyd, Mr. Campbell, Mr. Cantwell, Mr. Howard, Mrs. Journey, Mr. Pearce, Mr. Vollmer and Mr. Walters.

The Council recessed to a Committee of the Whole at 8:07 p.m. for public hearing, and reconvened at 8:08 p.m. Following discussion, Proposal No. 182, 1978, As Amended, was adopted on the following roll call vote; viz:

21 AYES: Mr. Bayt, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mrs. Chambers, Mr. Clark, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mrs. Journey, Mr. Kimbell, Mr. McGrath, Mr. Miller, Mr. Patterson, Mr. Pearce, Mr. SerVaas, Mrs. Stewart, Mr. Tinder, Mr. Tintera, Mr. Vollmer and Mr. West.

4 NOES: Mr. Anderson, Mr. Howard, Mr. Rippel, and Mr. Schneider.

4 NOT VOTING: Mr. Cantwell, Mrs. Coughenour, Mr. Dowden and Mr. Walters.

Proposal No. 182, 1978, was retitled FISCAL ORDINANCE NO. 57, 1978, and reads as follows:

CITY—COUNTY FISCAL ORDINANCE NO. 57, 1978

A FISCAL ORDINANCE amending the CITY—COUNTY ANNUAL BUDGET FOR 1978 (City-County Fiscal Ordinance No. 70, 1977) and appropriating an additional six million dollars (\$6,000,000) in the Manpower Federal Programs Fund for purposes of the Employment and Training Division, Department of Administration and reducing certain other appropriations for that division and the unappropriated and unencumbered balance in the Manpower Federal Programs Fund.

**BE IT ORDAINED BY THE CITY—COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.03 of the City-County Annual Budget for

1978, be, and is hereby, amended by the increases and reductions hereinafter stated for the purposes of reappropriation, budgetary corrections and increased federal funding.

SECTION 2. The sum of six million dollars (\$6,000,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the appropriations and the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

DEPARTMENT OF ADMINISTRATION EMPLOYMENT & TRAINING DIVISION	MANPOWER FEDERAL PROGRAMS FUND
21. Contractual Services	\$ 6,000,000
TOTAL INCREASES	\$ 6,000,000

SECTION 4. The said additional appropriations are funded by the following reductions:

DEPARTMENT OF ADMINISTRATION EMPLOYMENT & TRAINING DIVISION	MANPOWER FEDERAL PROGRAMS FUND
10. Personal Services	\$ 850,738
Unappropriated and unencumbered Manpower Federal Programs Fund	5,149,262
TOTAL REDUCTIONS	\$ 6,000,000

SECTION 5. The City-County Council has no intention of supplementing or financing the agency and/or projects approved herein by use of revenues from any local tax regardless of source. At anytime that knowledge is received that the state or federal financing of this agency or project is, or will be, reduced or eliminated, the supervisor or the City Controller, or both, are directed to notify the City-County Council in writing of such proposed loss of revenue.

SECTION 6. This Ordinance shall be in full force and effect upon adoption and compliance with IC 18-4-5-2.

PROPOSAL NOS. 183 and 184, 1978. By consent, these proposals were postponed until the meeting of May 22, 1978.

PROPOSAL NO. 187, 1978. By consent, this proposal was postponed until the Council meeting of May 22, 1978.

PROPOSAL NO. 188, 1978. Mr. Rippel reported for the Transportation Committee. This proposal appropriates \$250,000 for resurfacing within the Community Development Area. The Council recessed to a Committee of the Whole at 8:10 p.m for public hearing, and reconvened at 8:11 p.m. Following discussion, Proposal No. 188, 1978, was adopted on the following roll call vote; viz:

29 AYES: Mr. Anderson, Mr. Bayt, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Cantwell, Mrs. Chambers, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. Howard, Mrs. Journey, Mr. Kimbell, Mr. McGrath, Mr. Miller, Mr. Patterson, Mr. Pearce, Mr. Rippel, Mr. Schneider, Mr. SerVaas, Mrs. Stewart, Mr. Tinder, Mr. Tintera, Mr. Vollmer, Mr. Walters and Mr. West.
NO NOES.

Proposal No. 188, 1978, was retitled FISCAL ORDINANCE NO. 58, 1978, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 58, 1978

A FISCAL ORDINANCE amending the CITY-COUNTY ANNUAL BUDGET FOR 1978 (City-County Fiscal Ordinance No. 70, 1977) and appropriating an additional two hundred fifty thousand dollars (\$250,000) in the Transportation Fund for purposes of the Department of Transportation and reducing the unappropriated and unencumbered balance in the Transportation Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.03 of the City-County Annual Budget for 1978, be, and is hereby, amended by the increases and reductions hereinafter stated for the purposes of resurfacing financed by a C.D.A. grant.

SECTION 2. The sum of two hundred fifty thousand dollars (\$250,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

DEPARTMENT OF TRANSPORTATION		TRANSPORTATION FUND	
21.	Contractual Services	\$	250,000
	TOTAL INCREASES	\$	250,000

SECTION 4. The said additional appropriations are funded by the following reductions:

UNAPPROPRIATED AND UNENCUMBERED		TRANSPORTATION FUND	
	Transportation Fund	\$	250,000
	TOTAL REDUCTIONS	\$	250,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 18-4-5-2.

PROPOSAL NO. 16, 1978. Mr. West, Chairman of the Public Safety & Criminal Justice Committee reported this proposal revised the penal code so that it conformed with state law. He then moved, seconded by Mr. Rippel, to amend Proposal No. 16, 1978, by deleting the introduced copy and inserting therefor the Revised Committee Version and by inserting the words "Within the Police Special Service District, it" in line 888 of Sec. 20-187. The words "and to repair facilities" would be added after the word "manufacturers" in line 903 of Sec. 20-187. The motion carried by voice vote.

Mr. Tintera then moved, seconded by Mr. Dowden, to strike Sec. 20-187, which prohibited the use of firearms within the Police Special Service District. He believed this section was unnecessary and could be dictated by state law. The motion failed upon first vote for a lack of majority; viz:

14 AYES: Mr. Anderson, Mr. Bayt, Mr. Boyd, Mrs. Brinkman, Mrs. Chambers, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Howard, Mrs. Journey, Mr. McGrath, Mr. Rippel, Mrs. Stewart, and Mr. Tintera.

14 NOES: Mr. Campbell, Mr. Cantwell, Mr. Clark, Mr. Gilmer, Mr. Hawkins, Mr. Kimbell, Mr. Miller, Mr. Patterson, Mr. Pearce, Mr. SerVaas, Mr. Tinder, Mr. Vollmer, Mr. Walters and Mr. West.

1 NOT VOTING: Mr. Schneider.

The Chair called a revote in order to give all members sufficient time in order to cast their vote. Mr. Tintera's amendment was then adopted on the following roll call vote; viz:

15 AYES: Mr. Anderson, Mr. Bayt, Mr. Boyd, Mrs. Brinkman, Mrs. Chambers, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Howard, Mrs. Journey, Mr. McGrath, Mr. Rippel, Mr. Schneider, Mrs. Stewart and Mr. Tintera.

14 NOES: Mr. Campbell, Mr. Cantwell, Mr. Clark, Mr. Gilmer, Mr. Hawkins, Mr. Kimbell, Mr. Miller, Mr. Patterson, Mr. Pearce, Mr. SerVaas, Mr. Tinder, Mr. Vollmer, Mr. Walters and Mr. West.

[Clerk's Note: At this time consent was given to move on to other agenda items and continue hearing Proposal No. 16, 1978, at 9:00 p.m. when members of the Legal Division could answer any questions. For continuity, the continuance of discussion will follow.]

Mr. West called Mr. Steve Goldsmith, City Legal Division, to testify as to the ramifications of deleting Sec. 20-187 from the penal code. Mr. Goldsmith stated that firing a gun could be done anywhere in the city because state law was lenient concerning this provision. Mr. Durnil then moved, seconded by Mr. West, to reconsider Mr. Tintera's amendment to delete Sec. 20-187. The motion carried on the following roll call vote; viz:

16 AYES: Mr. Anderson, Mrs. Brinkman, Mr. Campbell, Mrs. Chambers, Mr. Clark, Mr. Durnil, Mr. Gilmer, Mr. Kimbell, Mr. McGrath, Mr. Miller, Mr. Patterson, Mr. SerVaas, Mrs. Stewart, Mr. Tinder, Mr. Walters and Mr. West.

11 NOES: Mr. Boyd, Mr. Cantwell, Mrs. Coughenour, Mr. Dowden, Mr. Howard, Mrs. Journey, Mr. Pearce, Mr. Rippel, Mr. Schneider, Mr. Tintera and Mr. Vollmer.

2 NOT VOTING: Mr. Bayt and Mr. Hawkins.

Mr. Tintera's amendment to delete Sec. 20-187 then failed on the following roll call vote; viz:

12 AYES: Mr. Anderson, Mrs. Brinkman, Mrs. Chambers, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Howard, Mrs. Journey, Mr. McGrath, Mr. Rippel, Mr. Schneider, and Mr. Tintera.

16 NOES: Mr. Bayt, Mr. Boyd, Mr. Campbell, Mr. Cantwell, Mr. Clark, Mr. Gilmer, Mr. Kimbell, Mr. Miller, Mr. Patterson, Mr. Pearce, Mr. SerVaas, Mrs. Stewart, Mr. Tinder, Mr. Vollmer, Mr. Walters and Mr. West.

1 NOT VOTING: Mr. Hawkins.

Proposal No. 16, 1978, As Amended, was then adopted on the following roll call vote; viz:

24 AYES: Mr. Bayt, Mrs. Brinkman, Mr. Campbell, Mrs. Chambers, Mr. Clark, Mrs. Coughenour, Mr. Dumil, Mr. Gilmer, Mr. Howard, Mrs. Journey, Mr. Kimbell, Mr. McGrath, Mr. Miller, Mr. Patterson, Mr. Pearce, Mr. Rippel, Mr. Schneider, Mr. SerVaas, Mrs. Stewart, Mr. Tinder, Mr. Tintera, Mr. Vollmer, Mr. Walters and Mr. West.

2 NOES: Mr. Anderson and Mr. Boyd.

3 NOT VOTING: Mr. Cantwell, Mr. Dowden and Mr. Hawkins.

Proposal No. 16, 1978, As Amended, was retitled GENERAL ORDINANCE NO. 61, 1978, and reads as follows:

CITY—COUNTY GENERAL ORDINANCE NO. 61, 1978

A GENERAL ORDINANCE amending Chapter 20 of the Code of Indianapolis and Marion County to conform to Indiana state law and the provisions thereof.

BE IT ORDAINED BY THE CITY—COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Chapter 20 of the Code of Indianapolis and Marion County is hereby amended by inserting the words underlined and deleting the words cross-hatched so as to read as follows:

Sec. 20-1. False reports of crime.

It shall be unlawful for any person to willfully report in any manner to the police or other public authorities, or report to other persons, the commission of any ~~crime act or acts~~ constituting a violation of ~~any statute, this Code or any other ordinance~~, knowing the report to be false.

Sec. 20-2. Abandoned refrigerators.

(a) It shall be unlawful for any person to store, place or permit any discarded, abandoned or unused icebox, refrigerator, deep freeze or similar container of an airtight character in any place where it is accessible to children, without first ~~removing and rendering completely inoperable all automatic catches or locks on the exterior of all doors~~ taking the following actions: (1) locking the door and removing the key, or (2) removing all automatic catches and locks on the exterior of all doors and rendering such locks completely inoperable, or (3) completely removing the door thereof so as in each case to prevent any person or child from becoming imprisoned therein.

(b) This section shall not apply to the delivery, transfer or removal of any icebox, refrigerator, deep freeze or similar container from one location to another while in transit; provided, however, the icebox, refrigerator or container shall not be left unattended for longer than fifteen (15) minutes at any one time, and shall be checked for the presence of persons or children therein.

Sec. 20-3. Stench bombs.

(a) It shall be unlawful for any person to throw or deposit, or attempt to throw or deposit, or aid or abet in the throwing or depositing, in any public street or place or upon the person or property of another any vile, noxious or offensive smelling or injurious liquid, gas, chemical or solid commonly known or termed as a "stench bomb," in any form or device, from which a liquid, gas, chemical or solid is liberated, or is likely to be liberated, and which upon being liberated would molest, discomfort, offend, discommode or injure any person or damage any property.

(b) It shall be unlawful for any person to have in his possession or under his control any stench bomb or other device prescribed by subsection (a), with the intent to use it in violation of this section.

Sec. 20-4. Interference with radio and television reception.

(a) It shall be unlawful for any person knowingly and willfully to operate or cause to be operated any machine, device, apparatus or instrument of any kind whatsoever within the city between the hours of 8:00 a.m. and 11:00 p.m., the operation of which shall cause reasonably preventable electrical interference with radio or television reception within the city; provided, however, x-ray pictures, examinations or treatments may be made at any time if the machines or apparatus used therefor are properly equipped and grounded to avoid all unnecessary or reasonably preventable interference with radio reception, and are not negligently operated.

(b) Subsection (a) shall not be applicable to any transmitting, broadcasting or receiving instrument, apparatus or device used or useful in interstate commerce or the operation or any such instrument, apparatus or device which is licensed or authorized by or under the provisions of any act of the Congress of the United States.

Sec. 20-5. Professional strikebreakers prohibited.

(a) It is hereby declared to be the policy of the city, in the exercise of its police power for the protection of the public safety, for the maintenance of peace and good order, and for the promotion of the city's trade, commerce and manufacturing, to assure all persons involved in labor disputes, freedom of speech and freedom from bodily harm, and to prohibit the occasion of violence and disorder, and in furtherance of these policies, to prohibit the recruitment and furnishing of professional strikebreakers to replace the employees involved in labor disputes.

(b) No person, partnership, firm or corporation, or any officer, employee or agent thereof, shall recruit, procure, supply or refer any person for employment who customarily and repeatedly offers himself for employment in place of any employee involved in a labor dispute in which the person, partnership, agency, firm or corporation is not directly involved.

(c) No person, partnership, firm or corporation involved in a labor dispute shall, directly or indirectly:

(1) Employ in the place of an employee involved in such dispute any person who customarily and repeatedly offers himself for employment in the place of an employee involved in a labor dispute;

(2) Contract or arrange with any other person, partnership, agency, firm or corporation to recruit, procure, supply or refer persons for employment who customarily and repeatedly offer themselves for employment in place of employees involved in a labor dispute.

(d) No person who customarily and repeatedly offers himself for employment in place of an employee involved in a labor dispute shall take or offer to take the place of employment of such employee.

(e) It shall be prima facie evidence that a person customarily and repeatedly offers himself for employment in place of an employee involved in a labor dispute, if such person shall have two (2) times previously offered to take the place of employment of a person involved in a labor dispute.

~~**Sec. 20-6. Dangerous objects in public places.**~~

~~No person shall throw, place or cause to be placed on any street, boulevard, sidewalk or pavement in any park, swimming pool, playground or other public place or waters of the city, or throw or deposit upon any private premises, any glass, nails, tacks, wire, screws, sharp objects or any other materials, chemicals or substances that may cause injury to any person or damage to any vehicle or property.~~

~~**Sec. 20-7. Throwing confetti and similar substances.**~~

~~It shall be unlawful for any person in any street, alley, public way, public building or any other public place within the city to cast or throw at or against any other person any confetti or any other substance littering his clothing, face or body.~~

Sec. 20-8. 6. Throwing stones or other missiles.

It shall be unlawful for any person to throw any stone or other missile at any bird or any animal, except in self-defense, or to throw a stone or other missile on or across any street, alley or public place of the city.

Sec. 20-9. 7. Spiritualism involving deception.

No person shall hold or give any public or private meeting, gathering, circle or seance of any kind in the name of spiritualism, or of any other religious body, society, cult or denomination, wherein such person ~~practices or permits to be practiced~~ fraud or deception of any kind makes false or misleading statements or fails to reveal material facts with intent to defraud or deceive another.

Sec. 20-10. ~~False marriage brokerage and similar activities:~~

~~(a) No person, not so authorized by law, shall seek, solicit, accept or receive any fee, charge, commission, brokerage or any other financial or valuable consideration from another, for any pretended and false services in aiding, encouraging, interfering or negotiating between a man and a woman for the purpose of promoting a marriage or an acquaintanceship intended to result in marriage;~~

~~(b) No person shall falsely advertise by display, sign, circular, handbill or in any newspaper, periodical, magazine or other publication, or by any other means, to act as agent, assistant, go-between or mediator between a man and woman for any fee, charge, commission, brokerage or other financial or valuable consideration, for a pretended and false purpose of promoting a marriage or acquaintanceship intended to result in marriage.~~

Sec. 20-11. ~~False advertising or psychic or magical powers.~~

~~No person shall falsely advertise by display, sign, circular or handbill, or in any newspaper, periodical, magazine or other publication, or by any other means, to tell fortunes or reveal the future by means of alleged occult or psychic power, faculties or forces, clairvoyance, psychology, psychometry, spiritism, mediumship, seerism, prophecy, astrology, palmistry, or necromancy, or by any like art, cards, talismans, charms, pebbles, magnetism, magnetized articles or substances, oriental mysteries or magic of any kind or nature, to find or restore lost or stolen property, to locate oil wells, gold, silver or other ore, metal or natural products, to restore lost love, friendship or affection, to reunite or procure lovers, husbands, wives, lost relatives or friends, to give advice in business affairs or advice of any kind or nature to others, either with or without pay.~~

Sec. 20-12. 8. Begging on streets and public places.

(a) No person shall, directly or indirectly, upon any street, public place or park in the city, solicit alms or gratuities; or seek donations by silent or vocal appeal to sympathy through attention to physical or mental infirmities of such person or of another person; or seek donations by means of music, singing, selling small articles or any other aids or devices to accomplish such purpose.

(b) Any practice prohibited by subsection (a) shall constitute a public nuisance and a violation of this section, which shall be punishable, upon conviction, as provided in section 1-8, and any such persons shall not be permitted by the police to continue or resume such practices on or at any public place or in any public building or structure in the city.

Sec. 20-13. 9. Loitering.

(a) It shall be unlawful for any vagrant, mendicant, beggar, prostitute or criminal, or person known or reputed to be such, to loiter at any place in the city in or upon any street, alley, highway, park or other public place, or around any public assemblage; or in or about any shed, car, carshop, outhouse, railroad depot or switchhouse; or in any place where intoxicating liquors are sold; or in any hotel or theater entrance; or in any place of business or structure in any business block, or in the entrance or stairway leading thereto; or on any private premises without the consent of the person in control thereof.

~~(b) Rogues and vagabonds or dissolute persons who go about begging, common gamblers, persons who use juggling, cheating or unlawful schemes, games or plays;~~

~~common drunkards; common streetwalkers; thieves, pilferers or pickpockets; traders in stolen property; lewd, wanton and lascivious persons; keepers of gambling places; common brawlers; persons wandering or strolling around from place to place without any lawful purpose or object; habitual loafers; obscene or disorderly persons; persons neglecting all lawful business and habitually spending their time by frequenting houses of ill fame; gaming houses; billiard or pool rooms; taverns or tipping shops; persons able to work, but habitually living upon the earnings of their wives; minor children or other relatives; shall be deemed as common loiterers and shall be guilty of a violation of this chapter.~~

~~(c) It shall be unlawful for any person unnecessarily to associate, at any place referred to in subsection (b), with any person known or reputed to be a common loiterer, as set out in subsection (b).~~

(d) It shall be unlawful for any person to linger, loiter, sit or stand in any public room in any hotel, office or manufacturing building in the city, or any courthouse corridor, or the hallways or entranceways of any public building, or to use any public room for business or social purposes, except for some lawful purpose, or if contrary to the expressed wish of the owner, lessee, managing agent or person in control or charge of the building in which such public room or area may be situated.

(c) It shall be unlawful for any person to solicit customers or patronage for himself or on behalf of any other person to distribute advertising or advertising matter upon the premises in any hotel, office building or public building in the city, or to solicit, seek or beg alms or donations or charity for himself or on behalf of any person upon the premises of any hotel, office building or public building, without first having secured the written consent to do so from the owner, lessee, managing agent or person in control or charge of the operation of such hotel, office building or public building, and otherwise complying with any relevant provision of this Code.

(d) For the purposes of this section the words "public rooms" shall be deemed to include any basement, attic, building entrance or doorway, lobby, hallway, stairway, mezzanine, elevator, foyer, public rest room, sitting room or any other place used in common by the public, tenants, occupants or guests, and situated in a hotel, office building or public building in the city.

(e) The provisions of subsections (d) (b) and (3) shall not apply to solicitations for any lawful business or for any charity licensed by the charities solicitation commission of the city.

(f) It shall be unlawful for any person having no business or reason to be in such place to be found lingering or loitering unnecessarily in the area of any plant supplying defense equipment or materials or articles of war, directly or indirectly, to or for the government of the United States, or its agencies or allies in any time of public emergency; or in any area where there are large payrolls or the transportation of currency, jewelry or valuables; or in any emergency area so marked in time of catastrophe or war. It shall be an added offense to linger or loiter at such places after being warned or ordered away by lawful authority.

Sec. 20-14. 10. Detention and search of suspicious persons.

(a) It shall be the duty of all police officers to stop and require of affected persons an accounting and the corresponding duty of all persons to account for themselves when so stopped and asked by duly constituted law enforcement officers, under any of the following circumstances:

(1) When any person, ~~after nightfall and without lawful business therein, is found in any alleyway~~ is found or suspected to be loitering or lingering questionably in a public place;

(2) ~~When any person, not being the owner or his permittee, is found tarking in or near private premises;~~

(3) (2) When any person appears to be under the influence of liquor or drugs;

(4) ~~When it is evident to any police officer that a person is loitering or lingering questionably, or is apparently bent on mischief, upon any street, alley, highway, park or other public place, shed, car, earshop, outhouse, railroad depot, switchhouse, tavern or place of business, or in any business or residence block, or in an alley or public way, or near any entrance or stairway in the city;~~

~~(6) (3) Where any person appears to be deprived, or seized with anger, excitement, fear, hatred or other emotion, such as might result in harm to the person or to others;~~

~~(6) When a person is found tampering with any motor vehicle, building or structure, or property of another person, or when the conduct of such person appears to deviate from the normal state or he is violating any motor vehicle statute or ordinance so that preventive police measures require restraint and an investigation.~~

(b) In any of the instances described in subsection (a), the police officer shall elicit the following information from such person or others:

(1) His name, address and occupation; and

(2) An explanation of his present whereabouts and of his purpose and conduct in such location; if such accounting shall not be accurate, prompt, and straight-forward, the officer shall search the person and inquire if there is any criminal record of such person. It shall thereupon be the duty of the accosted person to account to such officer, and if a proper accounting is made, the police officer shall desist from further detention of such person; however, should any person so accosted fail or refuse to so account, such conduct shall be unlawful and a violation of this section, and he may be arrested and be subject to punishment for a violation of this chapter.

Sec. 20-15. 11. Rag and paper collecting.

No person shall engage in the occupation of paper or rag collecting or general junking on foot, or by handcart, automobile or other vehicle, before the hour of 7:30 a.m. or after the hour of 5:30 p.m., except in the area of the city bounded on the north by North Street, on the south by South Street, on the east by East Street, and on the west by West Street, provided, however, no paper or rag collecting shall be permitted at any time of the day or night on Sundays or legal holiday.

~~Sec. 20-16. Premises used for sale of narcotics.~~

~~It shall be unlawful for any person, owning or in control of any premises in the city, to rent or permit the use thereof for the unlawful sale, disposition or use of any narcotic drug, having notice of such unlawful use.~~

~~Sec. 20-17. Wearing hats in public assemblages prohibited.~~

~~No person shall wear any hat in a theater or other place of public assemblage while any performance or other proceedings are going on in such place. Any hat so worn shall be removed at the request of any other person.~~

Sec. 20-18. 12. Charitable promotions.

It shall be unlawful for any person to sell, dispose of, publish or use any ticket, poster, placard, badge or any other form of advertisement or device in the promotion or conduct of any dance, bazaar, picnic, game, concert, theater, athletic contest or any other form of entertainment or performance purporting to be sponsored or given for any charitable, educational, religious, fraternal or public purpose or benefit, unless the correct names of the organizations or persons so represented as intended to be benefited by the receipts or profit from such entertainment or performance are set out on the tickets or devices so sold, disposed of or used, and unless the beneficiary has actually authorized such conduct.

~~Sec. 20-19. Endurance contests.~~

~~(a) It shall be unlawful for any person to manage, conduct or operate any endurance contest within the city, or for any person to participate in any such endurance contest, or for any person knowingly to lease or rent any room, hall, auditorium or theater knowingly to permit the premises to be so used.~~

~~(b) For the purpose of this section, any contest participated in by two (2) or more persons, which contest shall continue at any place or places for more than twelve (12) hours, is hereby declared to be an endurance contest, regardless of whether or not there are regular rest periods for the participants during the continuance of such contest.~~

Sec. 20-20. — Preventive duties of police.

(a) ~~In addition to the duties imposed on the members of the police force to arrest and assist in the prosecution of violators of the laws of the state and of the ordinances of the city, it shall be their duty, in aid and promotion of the public policy thereon of the state, to exercise, the preventive and restraining police measures set out in this chapter.~~

(b) ~~The police force of the city shall exercise vigilance to keep crime and those with criminal records or intent under control and to lawfully apprehend miscreants, where possible, before they can commit a planned crime or accomplish unlawful mischief, and to exercise diligent supervision over those so engaged, or reasonably suspected of unlawful intent, including those who loiter in public places with insufficient or dubious means of livelihood, or such persons who associate or habitate or loiter with any such persons, or who loiter in places of criminal or immoral repute, or who are acting under questionable and suspicious circumstances.~~

Sec. 20-21. — Registration of persons previously convicted of crimes.

~~Every person who has been convicted in any federal or state court, within ten (10) years prior to the effective date of this Code, of any of the crimes of treason, murder, counterfeiting, grand larceny, embezzlement, forgery, obtaining property by false pretenses, burglary, felonious assault, robbery, arson, kidnapping, rape, extortion, the carrying of deadly weapons, taking control of or enticing any person for the purpose of obtaining ransom, or for the violation of any national or state law relating to the possession, sale or transportation of any narcotic, and who comes into the city from any point outside thereof, shall report promptly, upon arrival, to the chief of police and sign a written statement giving his true name and each other name or alias by which he is or had been known, a full and complete description of himself, the name or nature of each crime enumerated in this subsection or any other crime of which he has been convicted, together with the place and date where each such crime was committed, the name under which and date when he was convicted, the court in which convicted and the name and location of each prison, reformatory or other penal institution in which he has been confined as punishment therefor, his correct permanent residence address, if any, and the addresses of his residence, or living quarters, in all other cities, or living quarters in the city, indicating whether each such place was a hotel, apartment house, dwelling house or otherwise, and if he does not know its address shall describe its location so that it can be found, and stating the length of time he intends to reside in this city or in any other city to which he plans to go.~~

~~(b) At the time of furnishing the information required by subsection (a), such person shall be photographed and fingerprinted as ordered by the chief of police, which photograph and fingerprints shall be made a part of the permanent records of the city police.~~

~~(c) Every person residing within the city who has been convicted within such ten-year period, in any such court, of any crime enumerated in subsection (a), shall furnish to the chief of police, in a signed, written statement, all of the information required to be furnished under the provisions of this section, and his photographs and fingerprints shall be taken and filed.~~

~~(d) In the event any person required to register by this section changes his place of residence within the city to any other place than that shown in the report to the chief of police, within twenty-four (24) hours after such change, he shall notify the chief thereof in a signed, written statement, giving his new address, and each thereof, since his prior statement.~~

~~(e) It shall be unlawful for any person required to register by this section to furnish in any such report any false or fictitious address, or any address other than his present or intended true address, or any false, untrue or misleading information or statement as to any matters required in this section, or to fail, neglect or refuse to make such report, or to furnish all the information relating to any matters required by this section, or to allow his photograph or fingerprints to be taken.~~

~~(f) The chief of police shall have made a permanent record of all information, photographs and fingerprints required by this section, which, at all reasonable times, shall be open to the inspection of any peace officer or as directed by the chief of police.~~

~~(g) Nothing in this section relating to reports shall be deemed or construed to apply to any person who has received a full pardon for each crime of which he has been convicted, or to any person, so convicted, who is on parole or probation under the laws of the state.~~

~~Sec. 20-22.~~ 13. Notice of police of unknown corpses by undertakers.

All morticians, undertakers and other engaged in the burial or cremation of the dead, in all cases where unknown and unidentified deceased persons are handled by them, shall promptly notify the police department of such fact and request the police department to take a complete set of fingerprints and photographs of the deceased person and investigate the same. Upon such request, it shall be the duty of the police department promptly to comply therewith by taking and investigating such fingerprints and photographs, and to report accordingly to the chief of police and to the mortician or funeral director.

~~Sec. 20-23.~~ 14. Unlawful use of police radio messages.

It shall be unlawful for any person, whether engaged in the automobile-wrecking business or otherwise, who is not lawfully entitled to do so, to use, directly or indirectly, any police information received over any radio receiving set for his own benefit, or to aid or abet anyone else in the perpetration or planning of any crime; or to give, directly or indirectly, any information derived therefrom to any fugitive from law enforcement officers.

~~Sec. 20-24.~~ ~~Police officer visiting unlawful places outside the time of duty.~~

~~Any police officer, while on or off duty, who shall go into any known or reputed house or place of ill-fame, prostitution, assignation, bookmaking, pool-selling, gambling or other known place of unlawful practices, except in the course and discharge of his official duty, shall be guilty of a violation of this chapter, and in such cases it shall be the duty of the chief of police to report the same to the board of public safety for such action as the facts may warrant.~~

~~Sec. 20-25.~~ 15. Disposition of property in possession of arrested persons.

When any person is placed under detention or arrested by any law enforcement officer of the city, and such persons is in the possession of a vehicle, paraphernalia or goods too bulky or of such nature as not to be detainable in the police property room, which is not necessary as evidence in the trial of the person, the arresting officer may, before removing the arrested person to the jail or other place of detention, order such person to make immediate arrangements for the care and disposition of the article to be placed in the safekeeping and, if the arrested persons refuses or fails to do so, the arresting officer shall order the article to be stored and placed, in the name of the arrested person, at any place of safekeeping, or cause it to be removed to any municipal pound, lot or storage place, and stored therein the name of the arrested person, or to any other place designated by the city for such purpose; however, should any such article be necessary in evidence or need to be retained temporarily in disciplinary police work, or as provided by any ordinance or statute, the storage thereof may be upon the condition that it shall not be removed or released except with the joint consent of the chief of police, or his designee in such instances, and of the arrested person, or by order of a court.

~~Sec. 20-26.~~ 16 Prerequisites to the installation of burglar alarms.

It shall be unlawful for any person having the control of any office, store, storeroom building or other establishment to equip any such place with an automatic burglar alarm or to maintain thereon any such burglar alarms, unless the person, prior to installing any such equipment or its maintenance in any such place, has filed with the chief of police a notice thereof together with a list of the names, addresses and telephone number of all persons having a key to the premises.

~~Sec. 20-27.~~ ~~Quarantine of narcotic addicts.~~

~~(a) Persons addicted to the unlawful use of drugs and narcotics are hereby declared dangerous to the public peace, welfare and order and such persons shall not go on, into or upon any street or public highway, alley or public place without at all times taking reasonable measures to effect a cure of the addiction. Such person shall at all times be under the care of licensed physician for the treatment of such addiction.~~

~~(b) Any person habitually or frequently using narcotics, drugs or "dope" as defined by the narcotic statutes of the state, without lawful prescription, or any person who habitually or with regularity obtains such drugs from sources of supply prohibited by any law or ordinance, and who is not under medical care either for his addiction or otherwise, if found in any public place and/or in any disorderly place or dive in the city shall be found to be a common drug addict and deemed in need of protective custody and quarantine, and in violation of the peace, safety and good order of the city. The unlawful possession by any such person of any narcotics, syringes or needles, or the physical presence of needle marks on his body or the presence of narcotics in his urine shall be prima facie evidence that such person is a common drug addict.~~

~~(c) Any person found to be in violation of the provisions of this section shall be deemed guilty of a violation thereof and shall be punished as prescribed in section 1-8, however, the judge of the court wherein such person was convicted may, in his discretion, if the common drug addict shall prove that he intends to be cured of his addiction and has been accepted for treatment by some proper institute, state, federal or private, specializing in the treatment and cure of narcotics or drug addicts, withhold or suspend judgment pending the outcome of such treatment. The principal purpose of this section is to bring about a segregation and quarantine of narcotic addicts in the city and to promote the public peace, order and safety thereby.~~

Sec. 20-28: 17. Interfering with traveling public.

It shall be unlawful for any person or persons to stand within the any public s treet, traffic lane, or upon a traffic median or boulevard for the purpose of soliciting, peddling, or distributing handbills, newspapers or other printed matter, or engaging in conversation or discourse with the occupant of a vehicle within a traffic lane so as to endanger the life of the person so standing or as to impede the free flow of traffic, or obstruct or distract the view of the driver of any such vehicle on such street.

Sec. 20-29: 18. Mounting moving vehicles.

It shall be unlawful for any person to mount, climb, jump upon, cling to or in any way attach himself to any bus, railroad, locomotive, railroad car, open truckbed, motor vehicle or aircraft, while such conveyance is in motion unless such person has the permission of the person operating such conveyance.

Sec. 20-43. — Public peace and order to be maintained.

It shall be unlawful for any person to act in a violent, turbulent, quarrelsome, boisterous, indecent or disorderly manner, or to use profane, vulgar, lewd or obscene language, or to do anything tending to disturb the good order, peace or dignity of the city and of its inhabitants or other persons.

Sec. 20-44. — Disorderly persons.

Any person doing any of the following acts shall be deemed a disorderly person.

- (1) Causing, making or assisting in making any loud noise or shouting within the city, intending thereby to create an unreasonable disturbance which is offensive to the dignity of the city and of its inhabitants or other persons;
- (2) Conducting himself in a noisy, boisterous or loud manner, by either words or acts toward any other person, intending to abuse or annoy such person or intending to cause or provoke a general disturbance within the city;
- (3) Using obscene, indecent or profane language on any street, alley or other public place in the city with the intent to insult, provoke, or disturb the peace of the inhabitants or other persons;
- (4) Congregating with others on a public street, alley or sidewalk so as to obstruct the orderly flow of other persons or traffic, and refusing to move on when ordered to do so by the police.

Sec. 20-45 20-43. Keeping and refrequenting disorderly house or a dive.

(a) A "dive" as used in this ordinance shall include the following:

- (1) Any unlicensed place where alcoholic, malt or vinous liquors or narcotics are kept, sold, dispensed or disposed of, in violation of law and where adults or minors

persons are permitted to come and drink/ or to obtain alcoholic, malt or vinous liquors, or to use or obtain narcotics, either in the place or room where such liquors or narcotics are kept, sold, dispensed or disposed of, or in a place of business or other place connected therewith, or in a place not directly connected with such place, but where liquors or narcotics are kept, sold, dispensed, delivered or disposed of for any such purposes, or any place where adults or minors drink intoxicants, use narcotics or commit or aid and abet others therein to commit any acts of immorality in any such place, shall be known as a "dive."

(2) Any place where persons are allowed or encouraged to congregate and loiter or to gather for purposes of gambling or for any other unlawful purpose.

(3) Any place in which gambling devices are operated, stored, possessed, sold, manufactured, rented, leased, or repaired. For purposes of this section, "gambling device" shall include but not be limited to dice, dice table, bank clearing slips, baseball, basketball, or football betting tickets, counters, policy tickets, money or merchandise pushcards, punchboards, drawing jars, lottery tickets, or wheels.

(4) Any place where persons are allowed or encouraged to observe or participate in acts of "public indecency" as that phrase is defined by state law.

(b) It shall be unlawful for any person to keep or maintain a dive as defined by subsection (a); and it shall be unlawful for any person to go to, enter or frequent any such place knowing it is to be used for such purpose, or engage in or aid and abet other persons to engage in any such acts, or for any person at such place to commit or aid and abet others in committing any acts of immorality.

Sec. 20-46 20-44. Acts and conduct tending to cause a breach of the peace.

Any person who utters any obscene or licentious language, where there are persons other than males to be offended thereby; or who applies words to the person of another, or who uses in the presence of another any opprobrious or vile epithet involving moral turpitude or profaning God, Jesus Christ or the Holy Ghost; or who by the use of profane, vile or indecent language, or loud and unusual noises, collects or causes to be collected upon any of the streets, ways or public places of the city, a crowd of three (3) or more persons; or who disturbs the peace and quiet of the city or of its inhabitants by loud talking, making unusual noises or by crying any alarm without good cause, or by threatening any person, or challenging him to fight, or menacing him with physical injury or pecuniary loss; or who accosts or approaches any person of the opposite sex unknown to the person, and by words, sign or gesture attempts to speak to or become acquainted with such person against his or her will in a public street or in any public place in the city, except in the transaction of legitimate business; or who attempts to entice or procure a person of the opposite or same sex to commit an unlawful act; or who accosts or approaches any person and by word, sign or gesture suggests or invites the doing of any indecent or unnatural act; shall be guilty of an offense.

Sec. 20-47 — Disturbance of peace by assault and battery.

~~It shall be unlawful for any person to disturb the public peace by committing an assault or an assault and battery upon any person in any place in the city when such assault or assault and battery shall tend to disturb any person residing or being in the vicinity of the assault or assault and battery.~~

Sec. 20-45. Assault.

It shall be unlawful for any person with the present ability to inflict harm upon another person, to:

- (1) threaten or menace another person;
- (2) challenge another to fight, or;
- (3) place any person in fear or apprehension of physical pain, injury, or danger by work, sign or gesture.

Any person who violates any provision of this section shall be guilty of the offense of assault.

~~Sec. 20-48. — Aiding, abetting or promoting disturbance of the peace.~~

~~It shall be unlawful for any person to disturb the public peace by promoting, encouraging, aiding or abetting any assault, battery, fight, riot or noisy and turbulent proceeding in any street, other public place or place of general resort within the city, or in any dwelling house or other private building, when such fight, riot or other noisy or boisterous proceeding committed therein shall tend to disturb any person residing or being in the vicinity of such private house or building.~~

~~Sec. 20-49. — Interference with law enforcement officers.~~

~~All persons arrested and those in the vicinity of any police officer who is engaged in making an arrest or in the conduct of a police investigation shall respect the authority and lawful conduct of any such officer and the authority and dignity of the local and state governments and their enforcement agencies. It shall be unlawful for any arrested person or any person nearby to belittle, jeer, taunt, ridicule, curse or make remarks of a disparaging or insulting nature, or in any way be disrespectful of any such law enforcement officer or agency in the conduct of an arrest, or when an investigation is being made under lawful authority by any duly empowered law enforcement officers.~~

~~Sec. 20-50. — Obscene or harassing telephone calls.~~

~~(a) Whoever, by means of a telephone:~~

~~(1) Makes any comment, request, suggestion or proposal which is obscene, lewd, lascivious, filthy or indecent;~~

~~(2) Makes a telephone call, whether or not conversation ensues, without disclosing his identity and with intent to annoy, abuse, threaten, molest or harass any person at the called number;~~

~~(3) Makes or causes the telephone of another repeatedly or continuously to ring with intent to harass any person at the called number;~~

~~(4) Makes repeated telephone calls, during which conversation ensues, solely to harass any person at the called number;~~

~~(5) Knowingly permits any telephone under his control to be used for any purpose prohibited by this section;~~

~~shall be guilty of a violation of this chapter.~~

~~(b) The use of a telephone facility as described in subsection (1) shall include all use made of such a facility between the points of origin and reception. Any offenses committed under subsection (a) shall be a continuing offense and shall be deemed to have been committed at either the place of origin or the place of reception.~~

~~(c) The use of obscene, lewd, filthy, lascivious or indecent language or the making of a threat, statement or proposal as set forth in subsection (a) shall be prima facie evidence of intent to terrify, intimidate, threaten, harass, annoy, or offend.~~

~~(d) Each telephone call prohibited by subsection (a) shall constitute a separate offense.~~

~~Sec. 20-51-20-46. Noisy houses disturbing the peace.~~

~~It shall be unlawful for any person to permit noisy or riotous persons, or persons of disorderly character, to assemble in any house owned, occupied or controlled by him/ or to permit loud noises to emanate from such property, to the annoyance or disturbance of the neighbors or the neighborhood.~~

~~Sec. 20-52-20-46. Display of inflammatory flags, banners or signs.~~

~~It shall be unlawful for any person to carry in any parade on any public way in the city, or exhibit in any licensed hall or public place of amusement, or display or exhibit on any vehicle, on any building or premises or in any other manner in public within the city, any flag, banner, ensign or sign having upon it any inscription generally known as symbolizing opposition to this nation's form of organized government, or which is sacrilegious, or which may be derogatory to the public welfare or morals; or to display any flag other than the national flag, standard, color or ensign of the United States, or a state flag, or the flag of a friendly foreign nation, or of the dependencies of such a nation.~~

~~Sec. 20-53. — Disturbing religious worship.~~

~~(a) It shall be unlawful for any person to disquiet or disturb any congregation of assembly met for religious worship by making a noise or by rude and indecent behavior or profane discourse within the place of worship or so near thereto as to disturb the order and solemnity of the meeting.~~

~~(b) It shall be unlawful for the operator or person in charge of any business enterprise, after being advised as to the hours, times and places of religious services, to advertise his business or enterprise with music or by loud hawking, outcry or other means, or by making noises incidental to such business whereby he disturbs any religious service or assembly.~~

~~Sec. 20-69 — Vandalism generally.~~

~~It shall be unlawful for any person to mar, deface or in any way injure any public building, public place or public property of the city, including that of all its departments and divisions, together with the approaches thereto, the trees, shrubbery, flowers, lawns or grounds belonging to the city, or any of the furniture, fixtures, equipment, materials or any other property therein, including the city gamewell police and fire alarm system. It shall also be unlawful for any person, including any minor, to remove any lid or all or any part of any sewer inlet of the city, or the cover of any box of a public utility, or to remove all or any part of any fixture, post, pole, wire, conduit or any other parts of the equipment of any public utility, or to damage in any manner any city property or that of any public utility or other person, including parking meters, pay telephones and vending machines, any of which are operated by coins, by clogging, placing slugs or other improper objects therein, or by the removal, overturning, cutting, severing or purloining all or any parts thereof. Parents, custodians or legal guardians of minors under the age of sixteen (16) years, who willfully fail to control and restrain such minors, after notice of their previous vandalism, shall be deemed guilty of aiding and abetting such vandalism and delinquency of the child or minor for whose care they are legally responsible, and when such vandalism occurs again after notice thereof, they shall be subject to the same penalties therefor.~~

~~Sec. 20-70. — Defacing structures.~~

~~It shall be unlawful for any person, in any way, to mutilate, deface, injure or destroy any part of any church, school, public or private building, house, wall, fence, gate, sign, seat or other structure belong to another.~~

~~Sec. 20-71. — Breaking, injuring or defacing streetlights or fixtures.~~

~~It shall be unlawful for any person to break, injure, deface, remove or otherwise wantonly or improperly interfere with any of the streetlamps, lampposts or lighting fixtures belonging to the city or to any utility company.~~

~~Sec. 20-72. — Defacing telegraph or light poles, trees or highway posts.~~

~~No person shall mar or deface any telephone, telegraph or electric light poles, or highway posts or markers, or trees.~~

~~Sec. 20-73. — Defacing city equipment.~~

~~It shall be unlawful for anyone, without authority therefor from the city, to place, attach, paint or inscribe any initial, sign, insignia or advertisement of any kind or character upon any personal property of the city, including vehicles.~~

~~Sec. 20-73.1 — Riding or leading horse, mule or pony on public or private property prohibited, exceptions, penalty.~~

~~(a) It shall be unlawful for any person to ride, lead or otherwise force any horse, mule or pony upon any private property or public property within the consolidated city except:~~

~~(1) With the express permission of the owner or lawful tenant of such property, or~~

~~(2) Upon or along the public roadways, rights-of-way and thoroughfares, unless otherwise prohibited, or~~

~~(3) Upon such public property as may be designated and posted to allow such activity on such property.~~

~~(b) Any person violating the provisions of this section shall be liable to the property owner for any damage caused as a result of such violation, and in addition, upon conviction, shall be subject to fine not exceeding two hundred fifty dollars (\$250.00):~~

~~Sec. 20-74. — Trespassing on private property generally.~~

~~It shall be unlawful for any person, willfully and without authority therefor, to injure, deface or destroy any tree, shrub, plant, flower, lawn or garden of any kind on any private property in the city, or to willfully ride, drive or walk upon or over any lawn, grassplot, flower bed or garden, or in any other manner to willfully injure or cause injury thereto.—~~

~~Sec. 20-75. — Trespassing on vacant property.~~

~~It shall be unlawful for any person, without a lawful purpose, to enter or occupy any vacant or used house, shed, barn, garage, outbuilding, storeroom, factory or other building, or part thereof, or railroad freight car, without permission from the owner, lawful occupant or other competent authority.~~

~~Sec. 20-76. — Defacing city notices.—~~

~~It shall be unlawful for any person, without authority therefor, to pull down, deface or destroy any written or printed advertisement or notice which is posted or given under authority of the city at any proper place within the city.~~

~~Sec. 20-77. — Obliterating identification marks on vehicles and components.—~~

~~It shall be unlawful for any person to deface or remove any identification numbers or marks from any electric storage battery, or from any motor vehicle or equipment thereof, which have been affixed thereto for the purpose of identifying the manufacturer or tracing the ownership thereof.~~

~~Sec. 20-78. — Condition and use of private premises:~~

~~Every person owning, renting, controlling, using or occupying any building or private premises in the city which is not subject to other provisions of this Code or other ordinances shall have the following duties:~~

~~(1) He shall not permit the accumulation thereon and shall remove and keep clear therefrom all filth, refuse, waste, trash, ashes, garbage, brush or other unsightly, offensive or unsanitary matter, articles or materials, and he shall not allow thereon any other uses prohibited by this Code or by state law—~~

~~(2) He shall leave any building or premises vacated by him in a reasonably clean and good condition, as to any such conditions created or caused by him, and clear of all such matter referred to in subsection (1);~~

~~(3) He shall comply at all times with all provisions of this Code, or any other ordinances or statutes, and with all rules and regulations of any authorities applicable to his duties in respect to his occupancy and use of such building and premises.—~~

~~Sec. 20-93. Curfew. . .~~

~~(a) It shall be unlawful for any parent, guardian or other person having the authorized custody, care and control of any minor person to permit such minor, if under the age of eighteen (18) years, and it is also unlawful for such minor, to loiter, idle, congregate, stroll, play or remain in or upon any of the streets, alleys, parks or public places, either on foot or in vehicles of any type, within the city between the hours of 11:00 p.m. and 5:00 a.m. of any day. However, this subsection shall not apply to any such minor when accompanied by his parents or guardian or other person having the authorized custody, care and control of the minor, or if such minor is engaged in the performance of a lawful errand or employment, if authorized or directed by such parent, guardian or other person having the authorized care and custody of any such minor, or when returning home from school and church-sponsored activities or other legal and authorized assemblages, when the minor's presence was authorized by his parent, guardian or such person having~~

~~authorized custody of said minor; provided, however, the minor shall not be permitted to loiter during prohibited hours in returning to his home from such activities and assemblages.~~

~~(b) Any member of the police force may question any minor suspected of violating any state or City-County curfew law this section and, if found to be in violation thereof, such minor person shall be taken into custody and taken, or caused to be taken, to the juvenile aid division of the police department, whereupon the name of the parent, guardian or other person having the authorized custody or the employer of such minor person shall be ascertained. Upon such determination, by any member of the Police or Sheriff Departments, the parent, guardian or other person having the authorized custody of such minor person shall be notified or summoned by the investigating officer to appear at the juvenile aid division of the police department to complete the investigation. It shall be the duty of the apprehending officer or investigating officers, if so satisfied of a violation of this section, thereafter to cause a warrant to be issued for the arrest and appearance of the parent, guardian or any other person having the authorized custody of the minor person to appear in the Municipal Court of Marion County to answer the charge of a violation of the provisions of this section.~~

Sec. 20-94. Child employment.

~~(a) Definition. As used in this section, the term "street trade" shall mean any employment of a male minor who is under the age of sixteen (16) years, or of a female minor under the age of eighteen (18) years, as a bootblack, or in the business or occupation of distributing, selling, displaying or offering for sale any newspapers, magazines, periodicals, handbills, circulars, flowers, candy, chewing gum or any other goods or articles of merchandise, or soliciting money or any other thing of value, or engaging in any other business or trade, in any street, alley, public place, public market, poolroom or bus, or railway or bus terminal, however, the term shall be construed to mean and include the delivery of newspapers and periodicals to subscribers at specified addresses, or soliciting for such subscribers by male carriers duly appointed by newspapers, which carriers, if under eleven (11) years of age, shall secure and carry a special carrier permit issued by the newspaper which he represents. It shall be unlawful for any such minor to engage in any such street trade or for any person so to employ any minor, except as permitted by the provisions of this section.~~

~~(b) Children employed within Mile Square. No boy under eleven (11) years of age and no girl under eighteen (18) years of age, except as otherwise provided in this section, shall at any time be engaged in any street trade within the territory bounded by the south side of North Street, the west side of East Street, the east side of West Street and the north side of South Street.~~

~~(c) Permit. No boy between the ages of eleven (11) and sixteen (16) years shall be engaged in any street trade within the limits described in subsection (b), unless a permit as provided in this section has been issued to him by the mayor or by a city official so authorized by the mayor, upon the application of the parent, guardian or other person having the custody of the child desiring the permit, or in case such child has no parent, guardian or custodian, upon the application of his next friend, who must be an adult householder in the city. Such permit shall be issued free of charge and shall state the name, the date and place of birth of the child, the name and address of his parents, guardian, custodian or next friend, as the case may be, and shall describe his color of hair and eyes, the height and approximate weight, and any distinguishing marks of the child. It shall state that the child has presented, at the time of the application for such permit, a certificate issued by the state board of education or other proper school authorities, showing the name of the school which he attends and that he has complied with all the laws regarding school attendance and is of apparent normal development for a child of his age. It shall further state that the child has presented a duly attested certificate of birth, or in case such certificate cannot be secured, a verified baptismal certificate, or in case that cannot be secured, a record of age stated in the first school enrollment of the child, or as otherwise established by the law. Possession of an employment certificate shall be sufficient evidence of the age therein stated. The permit shall further state that the child named~~

~~therein has personally appeared before the mayor or other authorized city official. The permit thus issued shall be signed by the child to whom it is issued, and by the parent, guardian or other person making the application for him, in the presence of the mayor or other authorized official. The permit shall be made in duplicate and a copy on such durable card as may be selected by the mayor or other authorized city official shall be issued to the child and must be carried by him at all times while engaged in the occupation for which the permit is issued. Such card must be exhibited upon the demand of any police officer or other person authorized to enforce any of the provisions of this chapter.~~

~~(d) Time limit of street trade. No boy under twelve (12) years of age, or girl under eighteen (18) years of age, shall engage in any street trade before the hour of 5:00 a.m. or after the hour of 8:00 p.m., except that a boy may so engage in the selling of extra editions of the daily papers at any hours when items of great news importance demand and cause such extra editions.~~

~~(e) Revocation of permit. The permit issued pursuant to this section of any child who violates any of the provisions of this code or any of the laws of the state may be revoked, after a hearing and order by the juvenile court, upon application of any police officer, attendance officer, probation officer or recognized representative of an accredited social welfare organization, and such child shall thereupon surrender to such court the permit so revoked, or shall do so upon demand of any officer charged with the duty of enforcing the provisions of this chapter.~~

~~(f) Violations. Any girl under the age of eighteen (18) years or any boy under the age of sixteen (16) years, who shall violate any of the provisions of this section, shall be warned by any police officer who shall discover such violation, to comply forthwith with the provisions of this section and to desist from further violations thereof. The officer shall also, without delay, report the violation to his superior officer, who shall cause a written notice to be served upon the parent, guardian or person in control or charge of any such boy or girl, setting forth the manner in which this section has been violated. In case any girl under the age of eighteen (18) years, or any boy under the age of sixteen (16) years, after such warning shall again pursue any such occupation contrary to or in violation of any provision of this section, he or she shall be subjected, upon conviction, to the penalty herein provided.~~

~~(g) Penalty. In case any parent, guardian or person in control or charge of any boy or girl who has received notice as provided in subsection (f) shall knowingly permit such boy or girl again to violate the provisions of this section, or shall procure or engage such boy or girl, after any such notice, to pursue an occupation in a manner contrary to this provision of this section, the parent, guardian or person in control or charge of any such child shall also be subject to the penalty provided for in section 1-8.~~

~~Sec. 20-95. Mounting moving vehicles.~~

~~It shall be unlawful for any person under the age of eighteen (18) years to mount, climb, jump upon, cling to or in any way attach himself to any bus, railroad, locomotive, railroad car of any kind, motor vehicle or aircraft, not owned or being operated by him, or as so directed and permitted by the person controlling the vehicle, while such vehicle is in motion.~~

~~Sec. 20-96. Alcoholic beverages; narcotics.~~

~~It shall be unlawful for any minor to purchase, offer to purchase, or in any manner obtain unlawfully for his personal use, any narcotic or intoxicating liquor within the city.~~

~~Sec. 20-97. Playing with gaming devices.~~

~~No minor shall play with dice, dominoes, cards, balls, or any other articles which are used in gaming, in any place where intoxicating liquors are sold or given away, or which are so used in any poolroom, billiard hall, cigar store, bowling alley or other store or public place.~~

~~Sec. 20-98. Firearms for minors.~~

~~No person shall sell, loan or furnish to any minor under the age of eighteen (18) years any gun, pistol or other firearm, or any toy gun, toy pistol or other toy firearm,~~

~~in which an explosive substance is or can be used, within the city; however, minors over fifteen (15) years of age may be permitted, with the consent of their parents or guardians, to use firearms on the premises of a duly licensed shooting gallery, gun club or rifle club, or to shoot game birds in accordance with other provisions of this Code or state law.~~

~~Sec. 20-99. — Comic or picture books or exhibits detrimental to minors.~~

~~It shall be unlawful for any person to exhibit, sell or offer to sell, give away, circulate or distribute any indecent or lewd book, pamphlet, article, picture or other thing of an immoral or scandalous nature, or which glorifies or makes crime or any kind of law violation appear attractive or desirable, or to exhibit in any place where it can be seen.~~

~~Sec. 20-100. 94 Proprietor of public or other place permitting minors to become loiterers. Permitting minors to become loiterers.~~

~~(a) It shall be unlawful for the proprietor, manager or other person having charge or control of any business or place of public resort to permit, allow or encourage any minor, who is not legally employed therein, to become a common loiterer in or around such place, or otherwise to contribute to the encouragement of indolent, delinquent, evil or unlawful habits by the minor.~~

~~Sec. 20-101. — Parents or guardians permitting minors to become loiterers.~~

~~(b) It shall be unlawful for any parent, guardian or other person having the custody or control of any minor to permit, allow or encourage such minor to become a common loiterer on any street, alley or other public place, or any business or commercial establishment, or in any place of public resort.~~

Sec. 20-117. Strict enforcement of this article.

The preservation of the public morals for debasing influences is declared essential to the welfare and order of the city; therefore, the suppression and control of immorality in the matters set out in this article shall be strictly enforced.

~~Sec. 20-110. — Public indecency.~~

~~It shall be unlawful for any person to be guilty of an act of public indecency, tending to debauch the morals or offend the senses, of any other person who observes the act.~~

Sec. 20-119. 118. Exhibitions of the human form.

It shall be unlawful for any person to open, maintain or operate a museum or exhibition of human anatomy as a source of profit or business; it shall also be unlawful for any person to cause the display or exhibit of the human form, or parts thereof, as a business or as a source of private profit.

~~Sec. 20-120. — Indecent songs or dances in theaters.~~

~~It shall be unlawful for any person to sing or repeat, or cause to be sung or repeated, any song or words, or to dance or indulge in movements of the body simulating a dance, before a public audience in any theater or public place in the city, of a vulgar, lewd, immoral, indecent or lascivious nature.~~

~~Sec. 20-121. — Streetwalking.~~

~~It shall be unlawful for any prostitute or woman of notoriously lewd character to walk the streets, alleys or other public places of the city, or to ride around the public ways during the night, or to solicit her trade in such places at any time, and it shall be unlawful for any male person to associate in any such places, for immoral purposes, with any such female person, knowing her to be of such character.~~

Sec. 20-122. — Renting house for use as house of ill fame prohibited.

No person being the owner of any house or structure or an agent of such owner, shall rent or cause to be rented or allow to be occupied or used any such house or structure, or portion thereof, in the city, for immoral purposes or as a house of

~~ill-fame, knowing or have reason to suspect that such use is being made thereof, nor suffer or permit any woman reputed to be a prostitute to occupy such house for the purpose of fornication or adultery, after notice by the chief of police that the house is being occupied and used for such purpose, but immediate notice to vacate such premises shall be filed, if necessary.~~

~~Sec. 20-123. Summary abatement of house of ill-fame as nuisance.~~

~~No person being the owner or occupant of a house of ill-fame, shall continue such use or allow such use to be continued for more than two (2) days after it has been so adjudged by a court, and it shall be unlawful for the chief of police, by the order of the judge or of the mayor, to abate the nuisance summarily by closing up such house, and any tenants thereof shall be ejected therefrom.~~

~~Sec. 20-124. Soliciting for prostitute.~~

~~It shall be unlawful for any person knowingly to direct, take or transport, or offer to direct, take or transport, or to solicit any person to engage in immoral conduct with or for another person, or to assist any person by any other means to seek or to find any prostitute or other person for the purpose of engaging in immoral practices; or to visit any known or reputed house of ill-fame, assignation or prostitution for immoral purposes.~~

~~Sec. 20-125. Transportation for the purpose of prostitution or lewdness in conveyances.~~

~~It shall be unlawful for any person either to solicit or to knowingly receive another person, for purposes or use of lewdness, prostitution or assignation, into or upon any vehicle or conveyance, or to permit any person to remain for any of such purposes or use in or upon any such vehicle or conveyance.~~

~~Sec. 20-126- 20-119. Sale of contraceptive devices.~~

~~(a) In promoting the public morals, health, peace and security in the city, each of the following acts and things in the city are hereby prohibited and declared to be unlawful:~~

~~(1) For any person to sell, offer for sale, give away or otherwise dispose of in the city, through the medium of any kind of vending machines or devices, wherever any such machines or devices are located and so used, any kind of sex-exciting device or substance, or any contraceptive device whether of rubber or of any other material, or any other devices or articles, any of which are designed for or capable of or intended to be used by persons of either sex for either the prevention of venereal disease or the prevention or hindrance of conception.~~

~~(2) The possession and use by any person of any vending machines selling contraceptive devices described in paragraph (1).~~

~~(3) (1) For any person, except upon the prescription of or when delivered by a duly licensed physician, to sell or otherwise dispose of, or to permit the sale or other disposition of, any of the devices described in paragraph (1) herein to any person who is known by such seller to be under the age of eighteen (18) years; and any person so receiving any such devices, whenever his true age is in doubt to the seller, shall sign a statement giving his true age, name and address, which statement shall be preserved by the seller. Any false statement by any such person shall be a violation of this chapter.~~

~~(4) (2) For any person to sell, offer for sale, give away, or otherwise dispose of in any manner, any kind of device or substance described in paragraph (1); herein except a duly registered pharmacist or licensed physician, in which case such devices are to be sold or disposed of by them only in their respective authorized places of business, while there and therein so acting as such pharmacist or physician; provided, however, this paragraph shall not apply to wholesale druggists, jobbers or manufacturers who sell any such goods in their regular business to retail drugstores or physicians only.~~

~~(5) For any person openly to display or expose for sale or other disposition any of the articles described in paragraph (1), or any containers or packages containing or advertising such devices, in any place where prospective purchasers and other customers can readily see such packages.~~

~~(6) For any person, pharmacist dealing at retail, or physician in his profession, to promote or advertise the sale or other disposition of any of the articles described in paragraph (1), by any placard, billboard, handbill, newspaper, periodical or sign, or any other printed, typed or written matter, or in any other manner; provided; however, this paragraph shall not be construed to apply to any such advertising in and confined to bona fide recognized medical and pharmaceutical journals or publications, or to other acts of any pharmacist or physician which are authorized in this section.~~

~~(b) Upon the execution of a search warrant for any vending machine prohibited by subsection (a), or upon the arrest of any person who is found possessing and using the vending machine, and consequently is charged with an offense under this chapter for the possession or use thereof, any such vending machine then found in his possession or under his control and being so used by or for him, or having therein and available for such unlawful use any of the articles described in subsection (a) of this section, shall be seized by the arresting officer and be delivered to the sheriff of the county for storage, as required by state law upon seizures on search warrants, and shall be kept by him for use as evidence upon the trial of such person. If such person is convicted or pleads guilty to any offense under this section involving the possession and use of a vending machine, the court shall order the destruction of the vending machine so seized, under the provisions for such destruction as prescribed by the state law relating to slot machines. Device as used herein shall include any kind of sex-exciting device or substance; or any contraceptive device whether of rubber or of any other material; or any other devices or articles, any of which are designed or capable of or intended to be used by persons of either sex for either the prevention of venereal disease or the prevention or hindrance of conception.~~

Sec. 20-142. What constitutes obscenity.

Material under this division shall be considered obscene and unlawful if:

- (a) The average person applying contemporary community standards would find the material, taken as a whole, appeals to the prurient interest; and
- (b) The material depicts or describes patently offensive representation or description of ultimate sex acts, normal or perverted, actual or simulated, or patently offensive representations or description of masturbation, excretory functions, and lewd exhibition of the genitals; and
- (c) The material, taken as a whole, lacks serious literary, artistic, political or scientific value.

Sec. 20-143. Dealing in, sale, loan, rent or lease of obscene film and material unlawful.

It shall be unlawful for any person, corporation, officer, agent, director or employee of a corporation, knowingly, to deal in, sell, loan, rent or lease any material in the form of a motion picture film, or other material defined by this division to be obscene.

Sec. 20-144. Public possession, exhibition and performance of obscene film and live material unlawful.

It shall be unlawful for any person, corporation, or officer, agent, director or employee of a corporation, knowingly, to possess in public or exhibit or perform in any public place, a motion picture film, stage show, live act or production defined in this division to be obscene.

Sec. 20-145. Sale, loan, exhibition or public possession of obscene literature unlawful.

It shall be unlawful for any person, corporation, or officer, agent, director or employee of a corporation, knowingly, to sell, loan, exhibit or possess in public any book, magazine, pamphlet, paper, writing, card, advertisement, circular, print, picture, photograph, instrument, statue, drawing or other similar material defined by this division to be obscene.

Sec. 20-146. Judicial determination before seizure of film and provision for adversary proceedings available after seizure.

(a) Upon request from the city corporation counsel, or his designee, a neutral municipal court judge may view a motion picture film and focus searchingly on the question of obscenity:

(1) If the said judge views the film and determines that probable cause exists that the film is obscene, he shall issue a warrant to seize the film. The said neutral municipal court judge shall not serve as trial court in any subsequent proceedings.

(2) After the seizure warrants are executed all and necessary equipment housing the film, if the film cannot be segregated, shall be preserved as evidence.

(b) After seizure of the film, but before a requested adversary proceeding, upon a showing to the trial court that other copies of the film are not available to the exhibitor, the trial court shall permit the seized film to be copied so that showing can be continued pending a judicial determination of the obscenity issue in an adversary proceeding.

(1) The trial court shall, upon granting a request to so copy, permit the seized film to be copied, under circumstances which assure that there will be no tampering with the film.

(2) The trial court shall order the original film to be return within twenty-four (24) hours after the granting of the request to copy.

(3) The copy shall be preserved by the city as evidence.

(c) After seizure of a film, a prompt judicial determination of the obscenity issue shall be available in an adversary proceeding, before a trial court, at the request of an interested party. Adversary proceedings shall also be available at the request of an interested party, where there has been no seizure of a film, pursuant to a prior judicial determination.

(1) The adversary proceeding shall occur within ten (10) days after request.

(2) All parties may subpoena witnesses and present evidence.

(3) If the trial court finds the film obscene at the adversary proceeding, the cause shall proceed on the court docket to trial, and he shall issue a warrant to seize the original film and any copies not being preserved by the city as evidence.

(4) If the trial court finds the film not to be obscene at the adversary proceeding, all charges pending against any party for violation of this division shall be dismissed, and he shall order the return of the original film being preserved by the city as evidence.

Sec. 20-147. Adversary proceedings available before seizure of any book, magazine, pamphlet, paper, writing, card, advertisement, circular, print, picture, photograph, instrument, statue, drawing or other similar material.

An adversary proceeding for judicial determination of obscenity shall be conducted by the trial court before seizure of any book, magazine, pamphlet, writing, card, advertisement, circular, print, picture, photograph, instrument, statue, drawing or other similar material, at the request of an interested party.

(a) The adversary proceeding shall occur within ten (10) days after request.

(b) All parties may subpoena witnesses and present evidence.

(c) If the trial court finds the book magazine, pamphlet, writing, card, advertisement, circular, print, picture, photograph, instrument, statue, drawing or other similar material to be obscene the cause shall proceed on the court docket to trial, and the trial court shall issue a warrant for the seizure of the said material found to be obscene and any copy thereof. All of the said material seized shall be preserved by the city as evidence and disposed of in accordance with the provisions of this division.

(d) If the trial court finds the said material not to be obscene at the adversary proceeding, all charges pending against any party for violation of this division shall be dismissed.

Sec. 20-148. Destruction of obscene material.

After a trial and a finding that any material enumerated under this division is obscene and after exhaustion of appellate remedies, if said finding of obscenity is unchanged, the trial court may order the said material destroyed upon petition of the corporation counsel or his designee.

Sec. 20-149. Pre-emption by state law as to minors.

This division shall be inapplicable to the exhibition of obscenity in the form of a motion picture film or sale or loan for monetary consideration of obscenity in the form of a picture, photograph, drawing, sculpture, book, pamphlet, magazine, sound recording or similar material to minors seventeen (17) years of age or younger, as this is made unlawful by state law.

Sec. 20-150. Penalty.

Any person or corporation violating any provision of this division shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00).

Sec. 20-162. Legislative intent.

Gambling in the city is declared to be contrary to the municipal welfare; a cause of hardship to the families of those who gamble; and a detriment to municipal and official morality, and the provisions of this article are intended and shall be construed to aid and supplement the statutes and policy of the state thereon.

Sec. 20-163. Pools, policy or lotteries.

(a) No person shall, directly or indirectly, keep, occupy, use, rent, lease or permit the use of any street, park or other public place, or any private vacant land, tent, place or structure in the city upon which he, or any other person acting for him or with his knowledge, uses or controls any device, table or apparatus for and in any scheme conducted as a lottery, or for pool or policy playing or for the purchase, sale, exchange or redemption at any such places of what are commonly called lottery, pool or policy tickets, which tickets are to be used by him for his participation in or in the conduct of a policy game, pool or lottery in the city.

(b) It shall be unlawful for any person to receive money or any other valuable consideration as the owner, operator or agent of any activity prohibited by subsection (a), or to pay anything for the privilege of playing or participating in any lottery, pool or policy scheme by means of tickets or any writing, paper or documents to be used therein in the nature of a bet, wager or insurance for the chance of winning anything of value, dependent upon the drawing or drawn numbers of any lottery, pool or policy game, or based on the outcome, real or fictitious, of any race or of any event or combination of events, athletic or otherwise.

(c) It shall be unlawful for any person, except a police or other public officer so acting in the course of his duties, to have in his possession or control any ticket, slip, sheet, writing, paper, print, numbers or device to be used by him in either operating or participating in any pool, policy or lottery scheme, or which were purchased by or for him as representing or being a record of any chance, share or interest so held by him or for his benefit and to be used by or for him for participation in numbers sold, drawn or to be drawn, or otherwise determined, in a scheme which is commonly called "policy," or "pool," or upon the outcome of a race or athletic event.

(d) It shall be unlawful for any person, except a police officer in the line of duty, to possess any slip, sheet, ticket or record containing information thereon as to when, where and how such ticket is to be so used by him in the nature of a bet, wager, insurance or chance of winning any kind of reward or prize, based upon the drawing or drawn numbers or symbols, and dependent upon the outcome of any race, athletic game or event, or on the drawing for the prizes or awards in any public or private lottery, pool or policy game operated in any manner in the city.

Sec. 20-164. Football or basketball pool or lottery tickets.

Any ticket or slip sold and used in a scheme of chance containing a list of the names of colleges or other schools playing games of football, basketball or other athletic events, or a list of professional football, hockey or basketball teams, and containing a statement that a certain number of colleges, school or professional teams shall be selected from the total thereof, or containing some symbol or name identifying the operator or promoter of such scheme and referring to the result of any such game or games on a certain day, shall constitute, prima facie, a gaming device, usable and intended for such use, by any person buying and so possessing it for no other purpose except to confer an interest in a football, hockey or basket ball pool, policy or lottery, and payable on the outcome of a certain combination of any or all such athletic contests or events.

Sec. 20-165. Objects constituting prima facie pool, policy or lottery tickets.

Any ticket or slip which is so designed as to contain the names, or the abbreviations thereof, of the cities having baseball teams in the American, National, American Association or any other baseball leagues, and is based upon any combination, in a list containing the days of the week, of scores designating or identifying any pool, policy or lottery by the name of a person or any group thereof or organization, or of a physical characteristic or nickname of a person or anything else, or any symbol such as a moon or part moon, a horseshoe, a four-leaf clover, lightning or any other identifying symbol, or indicating a number of winners, such as "3 in 24," "2 out of 3," "3 high," or "high 2," "3 way," or any other combination, and where any such ticket or slip is so made, designed and used by being folded or arranged adhesively or otherwise so that the combination of the names of the cities so listed, or the abbreviations thereof, or any such aforesaid kind of symbol thereon, cannot be seen when so folded, shall constitute, prima facie, a gaming device usable and so intended for such use by any person buying and possessing the same, for no other purpose than as a representation of an interest or share by him in the result of any baseball pool, policy or lottery scheme.

Sec. 20-166. Horseracing gambling devices.

(a) Any sheet, pamphlet, paper or other device containing the racing record of certain horses identified as racing at certain racetracks on certain days, but any of which is marked additionally with any kind of notations or figures indicating the odds or prices that would be paid upon such horses if winning certain places in such race on the basis of a bet placed thereon at the track on that day shall constitute, prima facie, an instrument or device for such kind of gambling.

(b) Any ticket or slip listing the name of a certain race horse, together with the number of the race and the name of the track or indicating such by numerals, abbreviations or symbols, when used in conjunction with marked racing forms, whether or not marked with the amount wagered, shall constitute, prima facie, a writing or device evidencing a bet or wager on the outcome of the horse race, and the possession of such writing or device by anyone so intending to use the same shall be a violation of this section.

Sec. 20-167. Other gambling, pool or lottery tickets.

Any ticket or slip which is so intended and designed that a number thereon will win something of value when figures on the ticket or slip correspond with certain figures representing the total of certain daily statistics, such as the federal treasury balance, Indianapolis Clearing House total figure, or any like daily statistics, and where the holder will thereupon receive out of a pool or lottery a certain award; also, any card, ticket or slip with a number thereon or containing a symbol, name or mark identifying it with any known pool, policy or lottery in operation in the city and designed to be so used by the holder; shall constitute, prima facie, in each instance, pool, policy or lottery tickets and devices for such gambling.

Sec. 20-168. Transporting gambling devices.

It shall be a violation of this article for any person to transport, or bring into this city, for any of the purposes or uses prohibited by this article any prima facie instrument or device for any such use by him in operating or participating in any kind of gambling.

Sec. 20-169 Confiscation of devices; action to destroy.

(a) Any member of the police department, upon finding any gambling slips, writing, record, tickets, forms or devices described in this article in the possession of any person for his use, shall forthwith bring such articles to the police station and impound them as evidence at the trial of such person.

(b) The corporation counsel shall thereupon file an action in the municipal court, or other court having jurisdiction of such offenses, for the destruction of such tickets, devices or other implements of gambling, as prescribed in state law.

Sec. 20-170. Penalty for violation, destruction of devices.

(a) Any person possessing for his use any ticket or other device prohibited by this article shall be punished as prescribed in section 1-8.

(b) Upon conviction for any violation of this article, all such tickets or other devices named or referred to in this article, if so ordered by the court, shall be destroyed.

Sec. 20-186. ~~Hatpins and sharp objects. Sharp objects or instruments on the person.~~

(a) It shall be unlawful for any person ~~not lawfully having and using it~~, to carry around or have in his manual possession or control, any ice pick or similar kind of sharp instrument, other than ordinary pocketknives, and such instruments described in part (b) of this ordinance, unless the object is a necessary instrument of his lawful trade or occupation or for lawful use in his home, and is ~~actually being carried and intended to be used for use~~ in the performance of such trade or occupation, or for use in his home.

(b) It shall be unlawful for any person to wear or carry in any public street or place, elevator, public vehicle or place of assemblage, any hatpin, ornament or sharp or pointed object, which has an exposed point or edge of more than one-half inch, unless the point or edge is protected with a guard so as to cover it and prevent injury ~~to any person coming in contact therewith.~~

Sec. ~~20-188-~~ 20-187. Firearms generally.

(a) ~~Within the Police Special Service District, it shall be unlawful for any person over ten (10) years of age to handle or use any firearm in the presence or sight of any other person, whether the firearm is loaded or unloaded, in such a manner and with the purpose and effect thereby to intimidate, alarm or frighten such other person, to fire off, shoot at another person or otherwise use any dangerous weapon for any purpose other than in defense of his life or the life of another person, or the protection of his property or property entrusted to him by another person, or for practice at a range under the supervision and operating of a governmental entity, or without the prior written approval of the Department of Public Safety.~~

~~(b) It shall be unlawful for any person to discharge or assist in discharging any gun, revolver, cannon, anvil or other instrument producing a similar noise and effect within the police special service district of the city, other than in the lawful defense of his person or property, or as otherwise permitted by law. However, nothing in this subsection shall apply to duly authorized law enforcement officers while using a firearms range as established by the police department within the city for practice, training and competing in the use of firearms under the control, supervision and maintenance of the police department. This section shall not apply to the United States Army, Navy or other armed forces, the National Guard, or to any duly constituted and authorized law enforcement and peace officer of any governmental unit, or to manufacturers and to repair facilities for testing purposes within a private range.~~

~~(c) Any person or organization, individually, severally or jointly, seeking authorization for the use of firearms shall first submit to the board of public safety proof of responsibility by showing of liability insurance or placing a bond in such amount as shall be set by the board of public safety.~~

~~(d) The use of firearms within the police special service district of the city shall be under the supervision of the police department at all times.~~

Sec. ~~20-189~~ 20-188. Discharge of weapons across public ways.

It shall be unlawful to shoot across or upon any public street or place, or toward a public way from any private premises, any bullet, pellet, missile or object impelled from any gun, pistol or weapon operated by means of any explosive charge, or by springs, air pressure or other means, or impelled from a slingshot, or any other device having force directly by the user thereof.

Sec. ~~20-189.1~~ Hunting, shooting.

~~(a) It shall be unlawful to hunt game or to shoot at any object with a firearm, bow and arrow, crossbow or any other projectile weapon except that the owner or lawful tenant of real property, his immediate family and invited guests may hunt and shoot on the property so owned or lawfully possessed.~~

~~(b) Any person convicted of a violation of this section shall be subject to a penalty of fine or imprisonment or both, the fine not to exceed five hundred dollars (\$500.00) and the imprisonment not to exceed six (6) months.~~

~~Sec. 20-190~~ 20-189. Display of dangerous weapons.

No pistol, revolver or other dangerous weapon of a similar character, which may be concealed and carried upon the person, shall be displayed for sale where it can be seen in or through any window of any structure fronting on any street, or alley in the city.

~~Sec. 20-191~~ 20-190. Unlawful disposition of dangerous weapons.

No person shall sell, give, barter, exchange, lend or otherwise dispose of, or place in the possession of known or suspected habitual user of narcotics or any known or suspected criminal or a person with criminal purpose, any type of machine gun, sawed-off shotgun, pistol or revolver, or ammunition therefor, or any knucks, billy, sandbag, dagger, dirk, bowie knife or stiletto, or any spring gun, sword cane or any other dangerous weapon of any similar character, which may be carried or concealed on or about the person and which are commonly used and fit to be used unlawfully to inflict harm on or to any person; or any tools, devices or jimmies commonly used for burglary. However, ordinary pocketknives with blades not exceeding five (5) inches in length and so known and sold in legitimate trade shall not be included in the terms of this section, and the provisions of this section shall not apply to any military forces, peace officers or other persons so excepted by law for the possession, use or disposal of any such things.

~~Sec. 20-192.~~ Automatic weapons.

~~It shall be unlawful for any person to fire off, shoot at another person or otherwise use for an unlawful purpose any machine gun, submachine gun, sawed-off shotgun, pistol or any similar firearm within the city; provided, however, the provisions of this section shall not apply to the United States Army, Navy or other armed forces, the National Guard, or to any duly constituted and authorized law enforcement and peace officer of any governmental unit, or to authorized manufacturers of or dealers in such articles lawfully having any such weapons.~~

SECTION 2. This ordinance shall be in full force and effect from the time of its adoption and compliance with IC 18-4-5-2.

PROPOSAL NO. 165, 1978. Mr. West explained that this proposal consolidated positions of the Juvenile Court and Center into a consistent salary structure with fewer line items. He then moved, seconded by Mr. Kimbell, the following amendment:

CITY-COUNTY COUNCIL MOTION

Mr. President:

I move to amend Proposal No. 165, 1978, as follows:

In Section 1, the line numbered "4", delete the words "Administrative Assistants" and insert in lieu thereof the word "Administrators".

In Section 1, renumber line "22" to be "23" and insert new lines 22 and 23 which read as follows:

PERSONNEL	MAXIMUM NUMBER	MAXIMUM SALARY	MAXIMUM PER CLASSIFICATION
22. Overtime			7,500
23. TOTAL	266		2,446,562

s/Stephen R. West

The motion carried by unanimous voice vote. Following discussion, Proposal No. 165, 1978, As Amended, was adopted on the following roll call vote; viz:

25 AYES: Mr. Anderson, Mr. Bayt, Mr. Boyd, Mr. Campbell, Mr. Cantwell, Mrs. Chambers, Mr. Clark, Mrs. Coughenour, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. Kimbell, Mr. McGrath, Mr. Miller, Mr. Patterson, Mr. Pearce, Mr. Rippel, Mr. Schneider, Mr. SerVaas, Mrs. Stewart, Mr. Tinder, Mr. Tintera, Mr. Vollmer, Mr. Walters and Mr. West.

NO NOES.

4 NOT VOTING: Mrs. Brinkman, Mr. Dowden, Mr. Howard and Mrs. Journey.

Proposal No. 165, 1978, As Amended, was retitled FISCAL ORDINANCE NO. 59, 1978, and reads as follows:

CITY—COUNTY FISCAL ORDINANCE NO. 59, 1978

A FISCAL ORDINANCE amending the City-County Annual Budget for 1978 (City-County Fiscal Ordinance No. 70, 1977) to reclassify the salaries and numbers of employees of the Juvenile Court and Center.

BE IT ORDAINED BY THE CITY—COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Section 2.02(c)(4) of City-County Fiscal Ordinance No. 70, 1977, be, and is hereby, amended by deleting lines 1 through 73 (inclusive) and inserting in lieu thereof the following:

(4) JUVENILE COURT AND CENTER

PERSONNEL	MAXIMUM NUMBER	MAXIMUM SALARY	MAXIMUM PER CLASSIFICATION
Referees	6	12,000	72,000
Court Reporters	6	13,501	81,006
Bailiffs	8	10,584	67,314
Administrators	2	19,830	38,975
Asst. Administrators	4	18,042	55,764
Managers	13	16,624	185,541
Asst. Managers	17	12,984	169,760
Secretaries	6	9,724	46,915
Clerk-Typists	27	8,211	180,604
Household	11	8,619	80,395
Nurses	4	9,555	33,573
Probation	65	15,236	648,687
Child Care Workers	60	11,815	449,206
Professional Staff	7	18,947	99,425
Maintenance	14	8,033	89,061
Misc. Temporary			20,000
Maintenance (CETA)	3	7,288	21,863
Clerk-Typist (CETA)	4	7,651	28,198
Child Care (CETA)	4	7,560	30,240
Household (CETA)	2	6,946	13,892
Probation (CETA)	3	9,028	26,643
Overtime			7,500
TOTAL	266		2,446,562

SECTION 2. This Ordinance shall be in full force and effect after adoption and compliance with IC 18-4-5-2.

PROPOSAL NO. 186, 1978. Reporting for the Public Safety & Criminal Justice Committee, Mr. West explained that this proposal authorized positions and salaries for the Prosecutor's office and the Juvenile Court and Center for positions financed through L.E.A.A. grants. He then moved, seconded by Mr. Kimbell, the following amendment:

CITY—COUNTY COUNCIL MOTION

Mr. President:

I move to amend Proposal No. 186, 1978, by deleting Proposal No. 186, 1978, as introduced, and substituting therefor, Proposal No. 186, 1978, Committee Recommendations.

s/Stephen R. West

The motion carried by unanimous voice vote. Following discussion, Proposal No. 186, 1978, As Amended, was adopted on the following roll call vote; viz:

20 AYES: *Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mrs. Chambers, Mr. Clark, Mr. Gilmer, Mr. Hawkins, Mr. Howard, Mrs. Journey, Mr. Kimbell, Mr. McGrath, Mr. Patterson, Mr. Pearce, Mr. SerVaas, Mrs. Stewart, Mr. Tinder, Mr. Tintera, Mr. Vollmer, Mr. Walters and Mr. West.*

2 NOES: *Mr. Anderson and Mr. Schneider.*

7 NOT VOTING: *Mr. Bayt, Mr. Cantwell, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Miller and Mr. Rippel.*

Proposal No. 186, 1978, As Amended, was retitled FISCAL ORDINANCE NO. 60, 1978, and reads as follows:

CITY—COUNTY FISCAL ORDINANCE NO. 60, 1978

A FISCAL ORDINANCE amending the City-County Annual Budget for 1978 (City-County Fiscal Ordinance No. 70, 1977) to add a section authorizing the addition of certain employees paid from the Crime Control Fund.

BE IT ORDAINED BY THE CITY—COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Section 2.02 of the City-County Annual Budget for 1978 (City-County Fiscal Ordinance No. 70, 1977, as amended) be, and is hereby amended by renumbering paragraphs (g) and (h) as (h) and (i) respectively, and adding a new paragraph (g) as follows:

Sec. 204(g). Compensation of Officers and Employees Limited.

(1) The City-County Council, having received the proposals of the various county employees with respect to salaries paid from the Crime Control Fund and the number of such employees, and having considered the recommendations of the Mayor of the Consolidated City, adopt this section of the ordinance pursuant to IC 17-1-24-18.3. The salaries fixed by this section of this ordinance are maximum salaries stated on an annual basis, and no salary is less than the minimum provided by law. For the calendar year 1978, the maximum salary, wages, and compensation of each of the various employees of Marion County, whose salaries are paid from the Crime Control Fund (except judges of courts, attaches of courts, the prosecuting attorney, and his deputies, whose minimum salaries are established by law) and the maximum number of employees authorized for each county office, department, commission, and agency so paid are fixed, pursuant to provisions of IC 17-1-24-18.3 and 18-4-5-2.1, as provided in this section.

CRIMINAL COURT PROBATION

Personnel Classification	Maximum Number	Maximum Salary	Maximum Per Classification
Probation Interns	4	7,000.00	28,000.00
Responsibility Training Spec.	1	11,500.00	11,500.00
Drug Abuse Specialist	1	10,500.00	10,500.00
Employment Placement Specialist	1	10,500.00	10,500.00
Minimum Supervision Specialist	<u>1</u>	10,500.00	10,500.00
	8		

PROSECUTOR

The following positions are in effect from January 1, 1978 through June 30, 1978.

Personnel Classification	Maximum Number	Maximum Salary	Maximum Per Classification
Project Supervisors	4	20,750.00	65,211.50
Deputy Prosecutors	13	18,742.00	222,214.12
Witness Coordinators	5	12,000.00	37,961.50
Paralegals	5	11,521.12	52,563.20
Legal Interns	12	7,000.00	74,307.48
Non-Legal Interns	2	5,000.00	9,615.50
Secretaries	4	8,400.00	28,399.80
Research Director	1	14,000.00	14,000.00
Research Associate	1	11,531.12	11,531.12
Research Associates (part time)	2	6,299.80	12,599.60
Computer Programmer	1	11,250.00	11,250.00
Data Collector	1	9,000.00	9,000.00
Demonstrative Evidence Investigator	1	13,000.00	13,000.00
Investigators	2	12,600.02	25,200.04
Law Clerks	<u>2</u>	8,400.00	15,500.00
	56		

PROSECUTOR

The following positions are in effect from July 1, 1978 through December 31, 1978.

Personnel Classification	Maximum Number	Maximum Salary	Maximum Per Classification
Project Supervisors	4	20,750.00	65,211.50
Deputy Prosecutors	10	18,742.00	222,214.12
Witness Coordinators	5	12,000.00	37,961.50
Paralegals	4	11,521.12	52,563.20
Legal Interns	12	7,000.00	74,307.48
Non-Legal Interns	2	5,000.00	9,615.50
Secretaries	3	8,400.00	28,399.80
Research Director	1	14,000.00	14,000.00
Research Associate	1	11,531.12	11,531.12
Research Associates (part time)	2	6,299.80	12,599.60
Computer Programmer	1	11,250.00	11,250.00
Data Collector	1	9,000.00	9,000.00
Demonstrative Evidence Investigator	1	13,000.00	13,000.00
Investigators	<u>2</u>	12,600.02	25,200.04
	49		

JUVENILE COURT AND CENTER

Personnel Classification	Maximum Number	Maximum Salary	Maximum Per Classification
Court Administrator	1	23,792.00	23,792.00
Probation Officers — High Delinquency Aread	5	12,000.00	50,000.00
Probation Officers — Intensified Probation Program (Master's Degrees)	2	12,982.00	25,964.00
Probation Officers — Drug Abuse Program Unit (Master's Degrees)	2	11,776.00	23,552.00
Probation Officers — Referral Office Program	4	12,461.00	49,844.00
Legal Interns	6	4,500.00	27,300.00

MUNICIPAL COURT

Personnel Classification	Maximum Number	Maximum Salary	Maximum Per Classification
Information Systems Coordinator	1	20,150.00	15,215.00
Probation Specialist	1	10,816.00	10,816.00
Director — CSTA	1	15,002.00	3,462.00
Court Liaison — CSTA	1	9,516.00	9,516.00
Secretary — CSTA	1	8,398.00	8,398.00
Caseworker Supr. — CSTA	1	12,909.00	11,427.00
Unit Supervisor — CSTA	1	9,178.00	1,230.00
Caseworker — CSTA	2	10,816.00	20,254.00
Probation Interns	2	4,500.00	9,000.00
Legal Interns	4	4,264.00	17,056.00
Manual Systems Coord.	1	14,400.00	10,524.00
	<u>16</u>		

(6) Nothing in this section shall be construed to permit an expenditure of funds for any salary or any total of salaries paid from the Crime Control Fund for employees listed in this section in excess of that contemplated by the relevant L.E.A.A. grant as approved by state and/or federal authorities. The responsible official shall arrange the affairs of his office to implement subsection (g).

SECTION 2. Section 2.02(c)(5) of City-County Fiscal Ordinance No. 70, 1977, be, and is hereby amended to read as following by inserting the words and figures underlined and deleting the figures crosshatched, being in effect as of July 1, 1978 through December 31, 1978, to wit:

PROSECUTOR

Personnel Classification	Maximum Number	Maximum Salary	Maximum Per Classification
Chief Counsel	1	19,000	19,000
Administrator	1	19,000	19,000
Bkpr./Payroll Clerk	1	10,500	10,500
Trial Tem Suprs.	6	20,500	112,500
Deputy Prosecutors	28 <u>31</u>	18,000	476,000
Special Trial Deputy	1	17,800	17,800
Part-time Deputy	8	10,000	80,000
Chief Investigator	1	15,500	15,500
Secretarial Supr.	1	10,000	10,000
Support Division Assistant	1	14,000	14,000
Promis Supr.	1	12,800	12,800
Paralegals	8 <u>9</u>	10,700 <u>11,000</u>	85,600 <u>92,000</u>

Paralegal Supr.	1	12,000	12,000
Data Collectors	3	10,700	32,100
Investigators	4	14,500	58,000
Child Support Investigators	2	10,500	21,000
Law Clerks	3 5	6,500 7,000	19,500 26,500
Exec. Secretary	1	10,000	10,000
Admin. Secretaries	4 5	8,500	32,500 40,500
Grand Jury Stenos	2	10,000	19,000
Receptionists	2	7,000	14,000
General Secretaries	18	7,500	126,000
	<u>98</u>		
	<u>105</u>		

The official responsible for hiring and fixing salaries for this office shall limit the number of personnel or the salaries or both so that the total salaries paid shall not exceed the amount of the total personal services appropriation of \$1,152,642.

PROPOSAL NO. 59, 1978. Mrs. Coughenour stated the Public Works Committee voted unanimously to recommend this proposal "do pass". The proposal establishes a section in the Code which requires certain standards be met concerning storm water drainage and sediment control. She then moved, seconded by Mr. Durnil, the following amendment:

CITY-COUNTY COUNCIL MOTION

Mr. President:

I move to amend Proposal No. 59, 1978, be deleting Sections 10½-3, 10½-40, 10½-41, 10½-75 and 10½-125 and inserting new Sections 10½-3, 10½-40, 10½-41, 10½-75 and 10½-125 as outlined on the attached pages.

s/Beulah Coughenour

The amendment was adopted by unanimous voice vote. Following brief discussion, Proposal No. 59, 1978, As Amended, was adopted on the following roll call vote; viz:

26 AYES: Mr. Anderson, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Cantwell, Mrs. Chambers, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. Howard, Mrs. Journey, Mr. Kimbell, Mr. McGrath, Mr. Miller, Mr. Pearce, Mr. Rippel, Mr. SerVaas, Mrs. Stewart, Mr. Tinder, Mr. Tintera, Mr. Vollmer, Mr. Walters and Mr. West.

NO NOES.

3 NOT VOTING: Mr. Bayt, Mr. Patterson and Mr. Schneider.

Proposal No. 59, 1978, As Amended was retitled GENERAL ORDINANCE NO. 62, 1978, and reads as follows:

CITY—COUNTY GENERAL ORDINANCE NO. 62, 1978

A GENERAL ORDINANCE establishing drainage and sediment control [Establishes Code Chapter 10 1/2] .

BE IT ORDAINED BY THE CITY—COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Code of Indianapolis and Marion County be, and is hereby amended by adding a new Chapter 10 1/2 which reads as follows, to wit:

ARTICLE I. IN GENERAL

SEC. 10 1/2-1. PURPOSE OF THIS CHAPTER.

The purpose of this chapter is to protect the safety, health and general welfare of the citizens of Marion County by requiring compliance with standards and practices which result in proper storm water drainage and sediment control in the accomplishment of land alterations.

SEC. 10 1/2-2. TERRITORIAL APPLICATION OF THIS CHAPTER.

The provisions of this chapter shall be applicable throughout Marion County.

SEC. 10 1/2-3. LAND ALTERATIONS TO BE ACCOMPLISHED IN ACCORDANCE WITH DRAINAGE REQUIREMENTS.

Any land alteration must be accomplished in conformity with drainage requirements. Where any apparent conflict exists between drainage requirements of this chapter and similar requirements of any state or federal agency which has jurisdiction of the work involved, the most stringent requirements shall be applicable. Except for the foregoing, compliance with any other applicable provision of law, ordinance or regulation shall not excuse non-compliance with this chapter.

SEC. 10 1/2-4. "DIRECTOR" DEFINED.

As used herein, "Director" shall mean the Director of the Department of Public Works of the City of Indianapolis and any subordinate employee to whom he shall specifically delegate a responsibility authorized by this Chapter 10 1/2.

SEC. 10 1/2-5. "DIVISION OF BUILDINGS" DEFINED.

As used herein, "Division of Buildings" shall mean the Division of Buildings of the Department of Metropolitan Development of the City of Indianapolis.

SEC. 10 1/2-6. "DRAINAGE FACILITIES" DEFINED.

As used herein, "Drainage Facilities" shall mean all ditches, channels, conduits, retention-detention systems, tiles, swales, sewers, and other natural or artificial means of draining storm water from land.

SEC. 10 1/2-7. "DRAINAGE REQUIREMENTS" DEFINED.

As used herein, "Drainage Requirements" shall mean:

- (1) Minimum drainage standards stated in Article III of this chapter.
- (2) Regulations promulgated by the Board of Public Works.
- (3) Obligations and requirements relating to drainage established under the Subdivision Control Ordinance of Marion County, Indiana.
- (4) Requirements stated under the Flood Control Districts Zoning Ordinance of Marion County.
- (5) Commitments relating to drainage made pursuant to Chapter 185 of the Indiana Acts of 1973.
- (6) Conditions relating to drainage attached to a grant of variance by the Metropolitan Board of Zoning Appeals or any Board of Zoning Appeals.

SEC. 10 1/2-8. "IMPACTED DRAINAGE AREAS" DEFINED.

As used herein, "Impacted Drainage Areas" shall be those areas defined and mapped by the Board of Public Works pursuant to Sec. 10 1/2-37, which are unlikely to be easily drained because of one or more factors such as topography, soil type or distance from adequate drainage facilities.

SEC. 10 1/2-9. "LAND ALTERATION" DEFINED.

As used herein, "Land Alteration" shall mean any action taken relative to land which either:

- (1) Changes the contour, or
- (2) Increases the run-off rate, or
- (3) Changes the elevation, or
- (4) Decreases the rate at which water is absorbed, or
- (5) Changes the drainage pattern, or
- (6) Creates or changes a drainage facility, or
- (7) Involves construction, enlargement or location of any building on a permanent foundation, or
- (8) Creates an impoundment.

Land alteration includes (by way of example and not of limitation) terracing, grading, excavating, constructing earthwork, draining, installing drainage tile, filling and paving.
SEC. 10 1/2-10. "MAINTENANCE" DEFINED.

As used herein, "Maintenance" shall mean cleaning out of, spraying, removing obstructions from and making minor repairs in a drainage facility so that it will perform the function for which it was designed and constructed.
SEC. 10 1/2-11-19. RESERVED.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

DIVISION 1. Generally. Reserved.

SEC. 10 1/2-20-29. RESERVED.

DIVISION 2. Drainage Permits.

SEC. 10 1/2-30. DRAINAGE PERMIT REQUIRED.

No person, partnership or corporation shall undertake or accomplish any land alteration without having in force a written drainage permit obtained from the Department of Public Works of the City of Indianapolis; provided, however, that a drainage permit shall not be required for:

- (a) Excavation of cemetery graves;
- (b) Refuse disposal sites where storm drainage is controlled by other regulations;
- (c) Excavation for wells, excavation and backfills for poles, conduits and wires of utility companies;
- (d) Exploratory excavation or soil testing under the direction and control of professional engineers, soil engineers, geologists, civil engineers, architects or land surveyors, which are backfilled;
- (e) Ordinary cultivation of agricultural land including tilling, terracing, construction of minor open ditches and crop irrigation;
- (f) The planting and tilling of gardens, flower beds, shrubs, trees and other common uses and minor landscaping of land appurtenant to residences;
- (g) Fill and grading of former basement site after the demolition of a structure, to conform to adjacent terrain;
- (h) Fill of small holes caused by erosion, settling of earth or the removal of such materials as dead trees, posts or concrete;
- (i) A fill less than one (1) foot in depth, and placed on natural terrain with a slope flatter than 10%, not intended to support structures, which does not exceed 50 cubic yards per acre and does not obstruct drainage;
- (j) Maintenance of drainage facilities;
- (k) Installation of septic systems, when a proper permit has been obtained;
- (l) Construction of a driveway, when a proper permit has been obtained;
- (m) Installation of building, sewers, when a proper permit has been obtained;

The drainage permit must be obtained before any work is initiated with the exception of testing to determine procedures or materials.

SEC. 10 1/2-31. ELIGIBILITY TO OBTAIN A DRAINAGE PERMIT.

In order to obtain a drainage permit a person, partnership or corporation must be the person, partnership or corporation that will be responsible for accomplishing the land alteration for which the drainage permit was issued.

SEC. 10 1/2-32. ISSUANCE OF DRAINAGE PERMIT.

Application for a drainage permit shall be made to the Department of Public Works. The application shall be in writing on a form prescribed by the Department. A drainage permit shall be issued if:

- (a) The person, partnership or corporation is eligible to apply for and obtain a drainage permit under Sec. 10 1/2-31;

(b) The application required by the Sec. 10 1/2-32 and supporting information required by either Sec. 10 1/2-33 or Sec. 10 1/2-34 have been properly prepared and submitted;

(c) The drainage plan, together with supplemental information required by either Sec. 10 1/2-33 or Sec. 10 1/2-34, reflect compliance with drainage requirements;

(d) A Certificate of Sufficiency of Plan and a Certificate of Obligation to Observe has been filed by a registered professional engineer, land surveyor or architect, engaged in storm drainage design.

(e) If required by the Director, a bond has been posted pursuant to Sec. 10 1/2-40;

(f) If required by the Director, a covenant has been executed pursuant to Sec. 10 1/2-41;

(g) If required by the Director, an easement has been dedicated pursuant to Sec. 10 1/2-42;

(h) The applicable fee, computed in accordance with Division 8 of Article II of the Chapter, has been paid.

SEC. 10 1/2-33. PROFESSIONALLY PREPARED AND CERTIFIED DRAINAGE PLANS.

A drainage plan fulfilling the requirements of this section shall be submitted to the Department of Public Works for approval before a drainage permit can be obtained to accomplish a land alteration, unless the land alteration is such that a drainage permit can be obtained in accordance with Sec. 10 1/2-34.

The drainage plan must be submitted in duplicate, and shall indicate in a precise way the work to be accomplished pursuant to the drainage permit. One copy of the drainage plan will remain on file in the Department of Public Works. The Following information must be submitted for approval:

(a) Construction features. The drainage plan shall demonstrate and describe surface and subsurface drainage and include the following:

(1) Scale; arrow; contours and USGS bench marks. The drainage plan shall be drawn to scale, preferably one inch per 50 feet, and an arrow indicating North shall appear on each page. Existing land contours shall be shown, with one foot contours for land with a slope flatter than 10%, two foot contours for slopes equal to or greater than 10% but flatter than 20% and five foot contours for slopes equal to or greater than 20%. A bench mark, which is easily accessible and relocatable, shall be shown. The bench mark may be assumed at the discretion of the Director if the area contains less than three (3) acres, but otherwise shall be determined by USGS Datum.

(2) Location and vicinity map. A map which indicates the location and vicinity of the proposed land alteration shall be included in the drainage plan.

(3) Existing and proposed drainage facilities. The drainage plan shall show the locations of all existing and proposed drainage facilities. Storm drains and manholes and other structures shall be located in the plans by dimensions from traverse lines, property markers or road center lines. However, the areas where physical features are not available, coordinates of manholes and bearings of storm drains shall be based either on the State of Indiana's coordinate system or other acceptable horizontal and vertical datum. If applicable, the drainage plan should show the direction of flow, elevation of inverts, gradient, size and capacity of existing and proposed storm drains. When using existing storm drains, the capacity shall be indicated.

(4) Plan and profile. The plan shall be shown at the upper portion of the drawing. The plan, generally, shall be drawn on a scale of one (1) inch equals 50 feet. The plan shall show appropriate right-of way and easement limits. The profile shall be shown under the plan and shall extend a sufficient distance downstream of the outlet to allow any pertinent information concerning the outfall channel to be shown.

The storm drain and inlet profile shall generally be drawn on a scale of one (1) inch equals 50 feet horizontal, one (1) inch equals five (5) feet vertical.

Where a storm drain is located in an existing or proposed pavement or shoulder, the centerline grade of the road shall be shown. Where a storm drain is located outside pavement or shoulder, existing ground over the storm drain with proposed grading shall be shown.

If the storm drain is to be constructed on fill, the profile of the undisturbed earth (at drain location) shall be shown.

(b) Design calculations. Design calculations are required as part of the drainage plan and shall specifically include:

(1) Estimation of Storm Water Run-off:

- a. Drainage Area Map (scale 1-inch 200 feet) indicating contours at 2 foot intervals and limits of 100 year flood plain, where applicable.
- b. Weighted Run-off Coefficient Computations.
- c. Time of concentration computation indicating overland flow time and flow time in swale, gutter, pipe or channel.

(2) Close Conduit and Open Channel Design Computations:

- a. Size of pipe or channel cross-section.
- b. Pipe or channel invert's slope in percent.
- c. Roughness coefficient.
- d. Flowing velocities in feet per second.
- e. Design capacity in cubic feet per second.

(3) Head Loss Computations in Manholes and Junction Chambers.

(4) Hydraulic Gradient Computations, wherever applicable.

(5) Erosion Control Methods.

Such design calculations shall conform with the standards of Article III, Division 5 of this Chapter 10 1/2 and all regulations promulgated thereunder.

(c) Additional information. The Director shall be empowered to require such additional information to be included in a drainage plan that is necessary to evaluate and determine the adequacy of the proposed drainage facility.

(d) Certification required. All drainage plans submitted under this section to the Department of Public Works for approval must be certified by a registered professional engineer, land surveyor or architect, engaged in storm drainage design under whose supervision the plans were prepared. The Certificate shall be in the following form:

CERTIFICATE OF SUFFICIENCY OF PLAN

Permit Number _____

Address where land alteration is occurring _____

Plan Date _____

I hereby certify that to the best of my knowledge and belief:

(1) The drainage plan for this project is in compliance with drainage requirements (as set forth in Chapter 10 1/2 of the Code of Indianapolis and Marion County) pertaining to this class of work.

(2) The calculations, designs, reproducible drawings, masters and original ideas reproduced in this drainage plan are under my dominion and control and they were prepared by me and my employees.

Signature _____ Date _____

Typed or Printed Name _____ Phone _____

(SEAL) Business Address _____

Surv. ___ Eng. ___ Arch. ___ Indiana Registration No. _____

(e) Obligation to observe. All drainage plans submitted under this section to the Department of Public Works must include a certificate of obligation to observe a registered professional engineer land surveyor or architect, engaged in storm drainage design.

The certificate shall be in the following form:

CERTIFICATE OF OBLIGATION TO OBSERVE

Permit Number _____

Address where land alteration is occurring _____

Plan Date _____

I will perform periodic observations of this project during construction to determine that such land alteration is in accordance with both the applicable drainage requirements

and the drainage plan for this project submitted for a drainage permit to the Department of Public Works.

Signature _____ Date _____
SEAL Typed or Printed Name _____ Phone _____
Business Address _____
Surv. _____ Eng. _____ Arch. _____ Indiana Registration No. _____

SEC. 10 1/2-34. WHEN PROFESSIONALLY PREPARED AND CERTIFIED DRAINAGE PLAN NOT REQUIRED.

A drainage plan that does not contain as much information as drainage plans prepared to fulfill the requirements of Sec. 10 1/2-33 and that is not prepared or certified by a registered professional engineer, land surveyor or architect, engaged in storm drainage design, may be submitted when:

- (1) No part of the parcel or property for which the drainage permit is requested is in an impacted drainage area, and
- (2) The primary basis on which a drainage permit is required is the construction, enlargement or location, on a permanent foundation, of a one-family dwelling, two-family dwelling or accessory structure appurtenant to either a one or two-family dwelling.

The drainage plan must be submitted in duplicate and shall indicate the nature and location of all work to be accomplished pursuant to a drainage permit. The drainage plan must be neat, accurate and readable. One copy of the drainage plan will remain on file in the Department of Public Works. The following information must be submitted for approval under this section:

- (1) The legal description and the street address for the property.
- (2) The dimensions and borders of the parcel.
- (3) The name and address of the owner.
- (4) An arrow indicating North.
- (5) Location of all existing and proposed improvements, structures and paved areas on the site.
- (6) Existing and proposed grading showing positive drainage by contouring or sufficient spot elevations.
- (7) Location of all existing or proposed swales, ditches, culverts, drainage channels, surface and subsurface drainage devices and the direction of the flow.

The drainage plan shall include information necessary to demonstrate conformity with all drainage requirements of Article III of this Chapter. The plot map shall illustrate the surface drainage pattern of the site away from structures and the final distribution of surface water off-site, either preventing or planning for surface ponding.

Notwithstanding other provisions of this section, submission of a drainage plan shall not be required as a precondition for obtaining a drainage permit in the instance of a one or two-family dwelling constructed in a subdivision for which a plat has been approved in accordance with the Subdivision Control Ordinance, 58-AO-13 as amended and for which a drainage plan meeting the requirements of Section 10 1/2-33 has been approved (and a permit issued) under this chapter, so long as the permit applicant certifies that the land alteration shall be accomplished in compliance with the specifications and information found on the approved plat and on such drainage plan. Any deviations from the drainage provisions as approved in the plat and drainage plan for the subject plot must be submitted to the Department of Public Works for approval by the Director and the Director may require the submission of plans or other information relative to the deviation which may be required as a precondition to approval by the Director.

SEC. 10 1/2-35. DURATION OF DRAINAGE PERMIT.

If the land alteration for which the permit has been issued has not commenced within two (2) years from the date of its issuance, the permit shall expire by operation of law and no longer be of any force or effect; provided, however, the Director of the Department of Public Works may, for good cause, shown in writing, extend the validity of the permit for an additional period of time. If the drainage activity is only partially completed and no substantial land alteration has occurred on the site for a period of one (1) year, the permit shall expire by operation of law and no longer be of any force or effect; provided, however, the Director may, for good cause, shown in writing, extend the validity of such permit to allow completion of the work.

SEC. 10 1/2-36. DEVIATION FROM THE PLAN.

Any significant deviation or change in the detailed plans and specifications after granting of the drainage permit shall be filed in duplicate with and approved by the Director of the Department of Public Works prior to the time land alteration involving the change occurs. Copies thereof, if approved, shall be attached to the original plans and specifications.

SEC. 10 1/2-37. DETERMINATION OF IMPACTED DRAINAGE AREAS.

(a) The Board of Public Works is authorized, but is not required, to classify certain geographical areas as Impacted Drainage Areas and to enact and promulgate regulations for land alteration in Impacted Drainage Areas, in addition to regulations which are applicable generally. Such classifications and regulations may be later modified or rescinded by the Board of Public Works.

(b) Action of the Board of Public Works to classify or declassify any area as an Impacted Drainage Area, or to promulgate, repeal or modify any regulation in regard thereto, shall be in compliance with the requirements of Article III, Division 2 of this Chapter, regarding promulgation, repeal and modification of regulations generally.

(c) In determining Impacted Drainage Areas, the Board of Public Works shall consider such factors as topography, soil type and distance from adequate drainage facilities. The following areas shall be designated as Impacted Drainage Areas, unless good reason for not including them is presented to the Board of Public Works:

1. A floodway or floodplain designated by the Metropolitan Development Commission in Zoning Ordinance of Marion County, Indiana.
2. Land within 75 feet of each bank of any legal drain.
3. Land within 50 feet of each bank of a natural drainageway, including a river, stream, gully, ditch or other definite natural watercourse.
4. Land where there is not an adequate outlet, taking into consideration the capacity of depth of the outlet.

(d) A map identifying Impacted Drainage Areas shall be retained in the office of the Department of Public Works, and shall be made conveniently available to member of the public during regular business hours.

SEC. 10 1/2-38-39 RESERVED.

DIVISION 3. BONDS, COVENANTS AND EASEMENTS

SEC. 10 1/2-40. REQUIREMENT OF POSTING OF BOND.

The Director may as a prerequisite to the issuance of a drainage permit, require the posting of a performance bond from a company licensed by the State of Indiana to provide such surety, upon which the principal may be the owner of the affected land, the developer, or any other party or parties the Director believes necessary or helpful. Such bond shall name the City of Indianapolis and County of Marion as parties who can enforce the obligations thereunder, and shall be in an amount established by the Director as adequate to provide surety for the satisfactory completion of the improvements required by the drainage permit. In the instance of platting, such bond may be a part of the total bonding required by the Plats Committee of the Metropolitan Development Commission.

In instances where the Director has required a performance bond pursuant to this section, the Director may, as an alternative to the posting of such bond accept other appropriate security, such as a properly conditioned irrevocable letter of credit, which meets the same objectives as the performance bond described in this section, subject to approval of any other department or agency whose interests are protected by the same bonding requirement.

SEC. 10 1/2-41. REQUIREMENT OF EXECUTION OF COVENANT.

Where the Director shall determine that such is necessary in order to achieve satisfactory present and future drainage of the parcel of land for which a drainage permit is sought and the area surrounding that parcel, the Director may, as a prerequisite to the issuance of a drainage permit, require the execution of covenants and/or easements running in form of the City of Indianapolis and County of Marion by the owner or owners of such parcel. As a minimum in such cases, the Director shall require that the following covenant be executed by the owner or owners of such land which will be included in a recorded plat:

"It shall be the responsibility of the owner of any lot or parcel of land within the area of this plat to comply at all times with the provisions of the drainage plan as approved for this plat by the Department of Public Works of the City of Indianapolis and the requirements of all drainage permits for this plat issued by said Department."

SEC. 10 1/2-42 REQUIREMENT OF DEDICATION OF EASEMENT

The Director may, as a prerequisite to issuance of a drainage permit, require the dedication of easements to the City of Indianapolis and to owners of other affected lands by the owner of the parcel of land (relative to which application for a drainage permit has been made) where such is necessary to achieve satisfactory present and future drainage of the parcel and the area surrounding the parcel.

SEC. 10 1/2-43-49. RESERVED.

DIVISION 4. CERTIFICATION OF COMPLIANCE

SEC. 10 1/2-50. CERTIFICATE OF COMPLETION AND COMPLIANCE.

Within ten days after completion of a land alteration for which a drainage permit was required and relative to which a certified plan was required to be filed pursuant to Sec. 10 1/2-33, a registered professional engineer, land surveyor or architect, engaged in storm drainage design, shall execute and file with the Department of Public Works a Certificate of Completion and Compliance. Such certificate shall be in the following form:

CERTIFICATE OF COMPLETION AND COMPLIANCE

Address of premises on which
land alteration was accomplished _____
Inspection Date (s): _____ Permit No. _____
Relative to plans prepared by: _____
on _____, 19____.

I hereby certify that:

- (1) I am familiar with drainage requirements applicable to such land alteration (as set forth in Chapter 10 1/2 of the Code of Indianapolis and Marion County), and
- (2) I have personally observed the land alteration accomplished pursuant to the above referenced drainage permit, and
- (3) To the best of my knowledge, information and belief such land alteration has been performed and completed in conformity with all such drainage requirements, except _____

Signature _____ Date _____
SEAL Type or Printed Name _____ Phone _____
Business Address _____
Surv. _____ Engr. _____ Arch. _____ Indiana Registration No. _____

SEC. 10 1/2-51-59. RESERVED.

DIVISION 5. INVESTIGATIONS AND INSPECTIONS

SEC. 10 1/2-60. GENERAL AUTHORITY FOR INVESTIGATIONS AND INSPECTIONS.

The power to make investigations and inspections of land alterations shall be vested in both the Director and the Administrator of the Division of Buildings and his authorized representatives.

- (a) Investigation and inspection of land alteration may be made at any time by going upon, around or about the premises on which the land alteration has occurred.
- (b) Such investigation and inspection may be made either before, during or after land alteration is completed and it may be made for the purposes, among others, of determining whether the land alteration meets drainage requirements and ascertaining whether the land alteration has been accomplished in a manner consistent with plans and specifications or a certificate filed pursuant to Sec. 10 1/2-50.
- (c) Efforts to afford an opportunity for investigation and inspection of the land alteration shall be made by persons working on or having control of the land

alteration, including making available a copy of plans and specifications submitted to obtain a drainage permit.
SEC. 10 1/2-61-69. RESERVED.

DIVISION 6. ENFORCEMENT

SEC. 10 1/2-70. FEES FOR PERMITS OBTAINED AFTER COMMENCEMENT OF WORK.

If work for which a drainage permit is required by this chapter is commenced by the permit applicant without compliance with the provisions of Sec. 10 1/2-30, the permit fee shall be double the applicable amount stated in Sec. 10 1/2-90, and if work for which a permit is required is completed or is substantially completed by the permit applicant without compliance with the provisions of Sec. 10 1/2-30, the permit fee shall be ten times the applicable amount stated in Sec. 10 1/2-90, provided, however, that the maximum fee incurred under this section shall be three hundred dollars (\$300.00) plus the amount of the normal fee for the permit.

This sanction shall in no way limit the operation of penalties provided elsewhere in this division.

SEC. 10 1/2-71. REVOCATION OF PERMITS.

The Director may revoke a drainage permit where the application, plans or other supporting documents required by Sec. 10 1/2-32 reflect either:

- (a) a false statement or misrepresentation as to material fact; or
- (b) lack of compliance with drainage requirements; or
- (c) failure to comply with the requirements of Sec. 10 1/2-30, 10 1/2-31, 10 1/2-32, 10 1/2-33, 10 1/2-34, or 10 1/2-36; or
- (d) failure to post bond, execute covenants or dedicate easements as required by the Director pursuant to Sections 10 1/2-40, 10 1/2-41 or 10 1/2-42.

This sanction shall in no way limit the operation of penalties provided elsewhere in this division.

SEC. 10 1/2-72. STOP—WORK ORDER.

Whenever the Director or the Administrator of the Division of Buildings or his authorized representative discovers the existence of any of the circumstances listed below, he is empowered to issue an order requiring the suspension of the land alteration. The Stop-Work Order shall be in writing and shall state to what land alteration it is applicable and the reason for its issuance. One copy of the Stop-Work Order shall be posted on the property in a conspicuous place and one copy shall be delivered to the permit applicant, and if conveniently possible to the person doing the land alteration and to the owner of the property or his agent. The Stop-Work Order shall state the conditions under which land alteration may be resumed. A Stop-Work Order shall be issued if:

- (a) Land alteration is proceeding in an unsafe manner, or
- (b) Land alteration is occurring in violation of a drainage requirement and in such manner that if land alteration is allowed to proceed, there is a probability that it will be substantially difficult to correct the violation; or
- (c) Land alteration has been accomplished in violation of a drainage requirement and a period of time which is one-half the time period in which land alteration could be completed, but no longer than fifteen calendar days has elapsed since written notice of the violation or non-compliance was either posted on the property in a conspicuous place or given to the person doing the land alteration, without the violation or non-compliance being corrected; or
- (d) Land alteration for which a drainage permit is required is proceeding without a drainage permit being in force. In such an instance, the Stop—Work Order shall indicate that the effect of the order terminates when the required drainage permit is obtained.

This sanction shall in no way limit the operation of penalties provided elsewhere in this division.

SEC. 10 1/2-73. CIVIL ACTION.

The City of Indianapolis may initiate a civil action in a court of competent jurisdiction to restrain any person, partnership or corporation accomplishing a land

alteration from violating a drainage requirement or plans and specifications filed in order to obtain a drainage permit. The City of Indianapolis may also initiate a civil action in a court of competent jurisdiction to restrain any person, partnership or corporation which owns land from allowing a drainage requirement or plans and specifications files in order to obtain a drainage permit to be violated when a land alteration is accomplished. The purposes for which injunctive relief may be sought shall include, but not be limited to:

- (a) Enforcing the provisions of Stop-Work Order issued pursuant to Sec. 10 1/2-72; or
- (b) Preventing the accomplishment of a land alteration in violation of a drainage requirement; or
- (c) Requiring accomplishment of a land alteration in accordance with drainage requirements, and, if a drainage permit has been obtained, plans and specifications filed therewith.

This sanction shall in no way limit the operation of penalties provided elsewhere in this division.

SEC. 10 1/2-74. GENERAL PENALTY.

Any person, partnership or corporation violating the substantive or procedural provisions of this Chapter 10 1/2, any minimum standard found in Article III of this Chapter 10 1/2, any regulation promulgated by the Board of Public Works pursuant to this Chapter 10 1/2, or any other drainage requirement as defined in Sec. 10 1/2-7 shall be guilty of a misdemeanor and may be subject to a fine in any sum not exceeding one thousand dollars (\$1,000.00). This penalty shall in no way limit the operation of special penalties for specific provisions of this chapter, nor shall such special penalties in any way limit the operation of this general penalty.

SEC. 10 1/2-75. ENFORCEMENT OF COVENANTS.

(a) Any person who violates a covenant required under Section 10 1/2-41, and/or the owner of any parcel of land who permits such a violation upon land owned by him or her, may be notified in writing by the Director, or by the Administrator of the Division of Code Enforcement of the Department of Metropolitan Development, that a violation exists, and shall be given a reasonable period of time in which to correct such violation. The notice shall specify the nature of the violation with reasonable clarity.

(b) If the person responsible for a violation of covenant required under Section 10 1/2-41, or the owner of the land upon which such violation exists, fails to correct the violation in a reasonable time in accordance with the requirements of the notice described above, the City of Indianapolis shall have the authority, through the Department of Public Works or the Division of Code Enforcement of the Department of Metropolitan Development, to correct the violation at its expense and to place a lean on the land whereupon the violation was so corrected for the recovery of any and all expenses caused to the city for effecting such correction.

SEC. 10 1/2-76-79. RESERVED.

DIVISION 7. VARIANCES.

SEC. 10 1/2-80. VARIANCE PROCEDURE.

The Director, personally, (or in his absence, an employee of the Department of Public Works designated by the Director) shall have the power to modify or waive any minimum drainage standard found in Article III of this Chapter 10 1/2 or any regulations promulgated by the Board of Public Works pursuant to Article III of this Chapter 10 1/2. The Director or his designate may, but is not required to, grant such a modification or waiver if an applicant for a drainage permit makes a substantial showing:

(a) That a minimum drainage standard regulation is infeasible or unreasonably burdensome, and

(b) That an alternate plan submitted by the applicant will achieve the same objective and purpose as compliance with minimum drainage standards and regulations.

The request for a variance together with supporting information shall be made in writing to the Director or his designate who shall make a decision within twenty days and file a copy of his decision with the Board of Public Works.

SEC. 10 1/2-81. APPEALS.

An applicant may appeal to the Board of Public Works the decision of the Director or his designate denying or partially approving a requested variance. The appeal of the

Director's or his designate's decision shall be filed with the Board within twenty days of the decision. An applicant may cause the variance request to be scheduled before the Board of Public Works in the instance where the Director or his designate has failed to make a decision for a period of twenty days after the written request for a variance. The Board shall hear the request for the variance de novo at a regular meeting and in making a decision shall apply the standards set forth in Sec. 10 1/2-80.
SEC. 10 1/2-82-89. RESERVED.

DIVISION 8. FEES.

SEC. 10 1/2-90. AMOUNT OF FEES.

The Board of Public Works shall have the power to determine the amount of fees which shall be shown in the regulations.

SEC. 10 1/2-91. FEE EXEMPTION FOR CERTAIN GOVERNMENTAL UNITS.

Drainage permits shall be obtained for land alteration activity accomplished by or for a governmental unit and inspections as specified in this chapter shall be allowed. Fees shall be required as specified in Sec. 10 1/2-90 except for the following:

- (1) Land alteration activity for which a fee cannot be charged by the municipality because of Federal or State law, or
- (2) Land alteration activity accomplished by an employee or contractor of the Consolidated City of Indianapolis or the Indianapolis-Marion County Building Authority in the course of governmental duties.

SEC. 10 1/2-92. PAYMENT OF FEES.

Fees for drainage permits shall be collected by the Department of Public Works, acting on behalf of the City Controller.

SEC. 10 1/2-93-99. RESERVED.

ARTICLE III MINIMUM DRAINAGE STANDARDS AND REGULATIONS DIVISION 1. GENERALLY.

SEC. 10 1/2-100. COMPLIANCE WITH DRAINAGE STANDARDS AND REGULATIONS.

All land alterations accomplished in Marion County shall adhere to and be in compliance with the minimum drainage standards of this Article III and all regulations adopted by the Board of Public Works in accordance with this Article III, unless a variance from the minimum drainage standards or regulations has been received pursuant to Article II, Division 7 of this Chapter 10 1/2.

SEC. 10 1/2-101-109. RESERVED.

DIVISION 2. PROMULGATION OF REGULATIONS

SEC. 10 1/2-110. AUTHORIZATION TO PROMULGATE REGULATIONS.

The City-County Council delegates to the Board of Public Works of Marion County the authority to adopt, amend or repeal regulations which more specifically deal with the subject matter of the standards found in this Article III. The provisions of such regulations shall be consistent with the standards of this Article III. Any conflict between these standards and the regulations shall be reconciled in favor of the standards.

SEC. 10 1/2-111. NOTICE OF HEARING.

Before any regulation is adopted, amended or repealed by the Board of Public Works as authorized by this article, it shall cause a notice to be published at least ten days prior to the date set for the hearing, in a newspaper of general circulation published in Marion County. The notice shall include a statement of the time and place of the hearing, a reference to the subject matter of the proposed regulation and reference to the fact that a copy of the proposed regulation is on file at the office of the Director where it may be examined; however, no action with respect to a regulation shall be invalid because the reference to the subject matter thereof in such notice is insufficient.

SEC. 10 1/2-112. FILING OF PROPOSAL.

At least five copies of a proposed regulation shall be on file in the office of the Director from the date of publication of the notice required by Sec. 10 1/2-111

continuously to the time of the hearing. Any interested persons shall be given an adequate opportunity to examine a copy of the proposed regulation.

SEC. 10 1/2-113. PUBLIC HEARING.

On the date set for a hearing on a proposed regulation, any interested party shall be afforded an adequate opportunity to participate in the formulation of the proposed regulation through the presentation of facts or arguments or the submission of written materials. The proposed regulation may be amended at the hearing. All relevant matter presented shall be given full consideration by the Board of Public Works. All hearings conducted by the Board of Public Works shall be open to the public. Any person may appear and testify at a hearing, either in person or by a duly authorized representative or attorney.

SEC. 10 1/2-114. PUBLICATION OF ADOPTED REGULATIONS; DISAPPROVAL BY CITY—COUNTY COUNCIL; EFFECTIVE DATES.

At the conclusion of a public hearing held pursuant to this Division, the Board of Public Works may adopt, amend or repeal such regulation or may provide for the continuation of the hearing as the Board may deem appropriate, which further hearing may be held without the requirement of publication of notice, but shall be held in compliance with the requirements of Indiana Code 5-12-1.5. There shall be published a notice once each week for two consecutive weeks after each Board meeting at which a regulation is adopted, amended or repealed. The notice shall state that the Board of Public Works has adopted, amended or repealed a certain regulation, giving the number of the same and the general title thereof and stating that copies thereof are available or examination in the office of the Director of the Department of Public Works. If within thirty (30) days after the adoption, amendment or repeal of a regulation by the Board of Public Works, the City-County Council shall by resolution or ordinance disapprove or reject the action of the Board of Public Works, the action of the Board in adopting, amending or repealing such regulation shall be of no effect. After complying with the requirements for publication, and if the action of the Board with respect to the regulation has not been disapproved or rejected by the City-County Council within the thirty (30) day period, the adoption, amendment or repeal of the regulation shall become effective.

SEC. 10 1/2-115-119. RESERVED.

**DIVISION 3.
MINIMUM STANDARDS FOR LAND ALTERATIONS
NOT ACCOMPLISHED RELATIVE TO A ONE OR
TWO—FAMILY DWELLING OR ACCESSORY STRUCTURE**

SEC. 10 1/2-120. CONFORMANCE WITH MINIMUM STANDARDS AND REGULATIONS.

Land alteration accomplished other than in conjunction with the construction, enlargement or location, on a permanent foundation, in an non-impacted area, of a one-family dwelling, two-family dwelling or accessory structure appurtenant to either one or two-family dwelling shall be in accordance with standards found in this Division 3 and in accordance with regulations adopted by the Board of Public Works which are pertinent to these standards.

SEC. 10 1/2-121. CONFORMITY TO OTHER LEGAL REQUIREMENTS.

Land alteration shall be carried out in conformity with covenants executed in connection with rezoning cases, commitments, variance condition, plat restrictions and building code standards of the Administrative Building Council.

SEC. 10 1/2-122. DRAINAGE TO ADEQUATE RECEIVING PLACE.

A drainage facility shall be provided which allows drainage of water run-off from each upper watershed area and from each portion of the parcel to a place or places adequate to receive it.

SEC. 10 1/2-123 CHARACTERISTICS OF DRAINAGE FACILITY.

The drainage facility shall:

- (a) Be capable of accommodating a 10-year rainfall intensity or a rainfall of greater intensity, without endangering the public safety and health, or causing significant damage to property.
- (b) Be durable.

- (c) Be easily maintained.
- (d) Be safe to persons.
- (e) Retard sedimentation.
- (f) Retard erosion.

SEC. 10 1/2-124. ACCOMMODATION OF RUNOFF WITHIN PARCEL.

The part of the drainage facility situated within the parcel, in addition to complying with the requirements stated under Sec. 10 1/2-123 shall:

- (A) Drain each and every part of the parcel.
- (B) Be sufficient to accept:
 1. The water runoff from the parcel after development, and
 2. The present water runoff from developed areas upstream, and
 3. The present water runoff from undeveloped areas upstream, and
 4. That part of the water runoff attributable to future development in undeveloped areas upstream, which is not reasonably likely to be accommodated in such upstream areas. The nature of the future development shall be that projected by the Comprehensive Land Use Plan for Marion County adopted by the Metropolitan Development Commission or that allowed by current zoning districts, whichever reflects the more intense use. The amount of water runoff not accommodated in connection with such future development shall be determined by good engineering practice, and may assume use of retention-detention systems except for:
 - a. Land alteration for which a permit is not required by this chapter, and
 - b. Parcels too small to effectively use a retention-detention system, and
 - c. Parcels relative to which it is technically infeasible to use a retention-detention system, and
 - d. Parcels relative to which the cost of providing a retention-detention system is substantially more than providing for increased runoff capacity through the parcel and through other downstream areas to a place adequate to receive the runoff.
- (C) The drainage facility may include improvements such as retention-detention systems in the instance where the condition of the land makes use of such improvements feasible and appropriate.

SEC. 10 1/2-125. ACCOMMODATION OF RUNOFF DOWNSTREAM FROM PARCEL.

As to drainage facilities located downstream and beyond the boundary of the parcel, the drainage system within the parcel shall be designed such that there will be no increase in peak discharge or run-off rates as a result of the development unless said downstream facilities located beyond the limits of the parcel are sufficient to accept:

- (a) The water runoff from the parcel after development, plus
- (b) The present water runoff from developed areas upstream, plus
- (c) The present water runoff from undeveloped areas upstream, plus
- (d) The present water runoff of those areas through which the drainage facility passes.

SEC. 10 1/2-126. ACCEPTANCE OF UPSTREAM DRAINAGE.

, At least one opening shall be provided for each watershed at the upstream edge of the parcel to accept upstream drainage.

SEC. 10 1/2-127. 100-YEAR FLOODS.

The drainage facility shall be such that all habitable structures are free from a 100-year flood.

SEC. 10 1/2-128. DRAINAGE FROM STRUCTURES.

The drainage facility shall direct storm water away from structures.

SEC. 10 1/2-129. DAMAGE TO ADJOINING PROPERTY.

Land alterations shall be accomplished so as to prevent damage to adjoining property.

SEC. 10 1/2-130. MAXIMUM SLOPE.

The maximum vertical fall of earth on the parcel shall be six inches per foot (2 horizontal to 1 vertical). Slopes of other materials other than earth shall be at the safe angle of repose for the materials encountered.

SEC. 10 1/2-131. PERMANENCY OF GRADES.

Land alteration shall be accomplished in such a way that the grades left at the time that the work is completed will be permanent and stable. Vegetable materials may be buried in the ground only if placement will clearly not interfere with the stability of fill areas and not cause settlement or erosion.

SEC. 10 1/2-132. SUBSURFACE DRAINAGE.

Subsurface drainage sufficient to intercept seepage that would:

(a) Affect earth slope stability or stability of building foundation, or

(b) Create undersirable wetness shall be provided in areas having a high water table.

SEC. 10 1/2-133-149. RESERVED.

**DIVISION 4.
MINIMUM STANDARDS FOR LAND ALTERATIONS
ACCOMPLISHED RELATIVE TO A ONE OR TWO-FAMILY
DWELLING OR ACCESSORY STRUCTURE**

SEC. 10 1/2-150. CONFORMANCE WITH MINIMUM STANDARDS AND REGULATIONS.

Land alteration accomplished in conjunction with the construction, enlargement or location, on a permanent foundation, in a non-impacted area, of a one-family dwelling, two-family dwelling or accessory structure appurtenant to either a one or two-family dwelling, shall be in accordance with standards found in this Division 4 and in accordance with regulations adopted by the Board of Public Works which are pertinent to these standards.

SEC. 10 1/2-151. ALTERNATIVE STANDARDS, REGULATIONS AND PROCEDURES AVAILABLE.

As an alternative to complying with those standards and regulations referred to in Sec. 10 1/2-150, the land alteration may be accomplished in accordance with the standards set forth in Division 3 of Article III and regulations adopted by the Board of Public Works pertinent to such standards. If a land alteration is carried out in accordance with standards found in Article III and regulations pertinent to such standards, then the requirements of Sec. 10 1/2-33 shall be followed in submitting a drainage plan to the Department of Public Works for its review.

SEC. 10 1/2-152. CONFORMITY TO OTHER LEGAL REQUIREMENTS.

Land alteration shall be carried out in conformity with covenants executed in connection with rezoning cases, commitments, variance conditions, plat restrictions and building code standards of the Administrative Building Council.

SEC. 10 1/2-153. SLOPES WITHIN 100 FEET OF BUILDING FOUNDATIONS.

All final grades shall slope away from building foundations:

(a) Around each permanent building foundation there shall be a slope with a minimum vertical fall of six inches for the area measured from the foundation to a point ten feet from the building foundation or to the property line, whichever is closer, and thereafter;

(b) A slope with a minimum vertical fall of 1/4 inch per foot (2%) for pervious surfaces and a slope with a minimum vertical fall of 1/16 inch per foot (1/2%) for concrete, asphalt or other impervious surfaces for the area from the perimeter of the area subject to Sec. 10 1/2-153 (a) to a point 100 feet from the building foundation or into a drainage facility or to the property line, whichever is closer.

SEC. 10 1/2-154. ENTIRE PARCEL TO DRAIN.

The land alteration shall be accomplished in such manner that water drains off each part of the parcel to a point or points having capacity to receive such water. For areas beyond the 100 feet requirement imposed under Sec. 10 1/2-153 of these regulations, the slope shall have a vertical fall of at least 1/16 inch per foot (1/2%) into a drainage channel or swale.

SEC. 10 1/2-155. 100-YEAR FLOODS.

The drainage facility shall be such that all habitable structures are free from a 100-year flood.

SEC. 10 1/2-156. UP-STREAM STORM WATER.

The drainage facility shall accommodate up-stream storm water at any point or points entering the site.

SEC. 10 1/2-157. DOWN-STREAM DRAINAGE.

Design and construction of the drainage facility shall provide for the discharge of storm water off-site at a point or points having capacity to receive up-stream and on-site drainage.

SEC. 10 1/2-158. DURABILITY AND MAINTENANCE.

Design and construction of the drainage facility shall be such that it will be durable and easy to maintain.

SEC. 10 1/2-159. DAMAGE TO ADJOINING PROPERTY.

Land alterations shall be accomplished so as to prevent damage to adjoining property.

SEC. 10 1/2-160. MAXIMUM SLOPE.

The maximum vertical fall of earth on the parcel shall be six inches per foot (50%). Slopes of materials other than earth shall be at the safe angle of repose for the materials encountered.

SEC. 10 1/2-161. PERMANENCY OF GRADES.

Land alteration shall be accomplished in such a way that the grades left at the time that the work is completed will be permanent and stable. Vegetable materials may be buried in the ground only if placement will clearly not interfere with the stability of fill areas and not cause settlement or erosion.

SEC. 10 1/2-162. SUBSURFACE DRAINAGE.

Subsurface drainage sufficient to intercept seepage that would:

- (a) Affect earth slope stability or stability of building foundations, or
- (b) Create undesirable wetness

shall be provided in areas having a high water table.

SEC. 10 1/2-163. BLOCKING DRAINAGE WAYS.

No excavations or fills shall block or otherwise impede the free drainage of surface water in a drainage swale or channel.

SEC. 10 1/2-164-179. RESERVED.

**DIVISION 5.
MINIMUM STANDARDS FOR LAND ALTERATION
TO CONTROL EROSION AND SEDIMENT.**

SEC. 10 1/2-180. CONFORMANCE WITH MINIMUM STANDARDS FOR LAND ALTERATIONS.

Land alterations shall be accomplished in accordance with standards found in this Division 5 and in accordance with regulations adopted by the Board of Public Works which are pertinent to these standards.

SEC. 10 1/2-181. EXPOSED AREAS TO BE PROTECTED; MINIMIZED.

Land alteration which strips the land of vegetation, including regrading, shall be done in a way that will minimize erosion. Whenever feasible, natural vegetation shall be retained, protected and supplemented. Cut and fill operations shall be kept to a minimum to ensure conformity with existing topography so as to create the least potential erosion.

SEC. 10 1/2-182. DURATION OF EXPOSURE; STABILIZATION.

The duration of time which an area remains exposed shall be kept to a practical minimum. The area shall be stabilized as quickly as practical.

SEC. 10 1/2-183. PROTECTION DURING DEVELOPMENT.

Temporary vegetation or mulching shall be used to protect exposed areas during development.

SEC. 10 1/2-184. PERMANENT VEGETATION; STRUCTURAL METHODS.

Permanent and final vegetation or structural erosion control devices shall be installed as soon as practical under the circumstances.

SEC. 10 1/2-185. SEDIMENT CONTROL.

Sediment in run-off water shall be trapped by the use of such methods as debris basins, sediment basins and silt traps until the disturbed area is stabilized.

SEC. 10 1/2-186-210. RESERVED.

SECTION 2. This ordinance shall be in full force and effect after July 1, 1978, and compliance with IC 18-4-5-2.

PROPOSAL NO. 98, 1978. Mrs. Coughenour reported that after detailed study and amending the Public Works Committee recommended the passage of this litter ordinance. She then moved the adoption of the following amendment which includes the final committee recommendations:

CITY—COUNTY COUNCIL MOTION

Mr. President:

I move to amend Proposal No. 98, 1978, Committee Recommendations, Revision I, by making the revisions as outlined by the starred sections on the attached Proposal No. 98, 1978, Committee Recommendations, Revision I.

s/Beulah Coughenour,

The motion carried by unanimous voice vote. Mr. Rippel then moved to amend Proposal No. 98, 1978, by inserting the word "employee" instead of the word "agent" in the appropriate places in Sec. 17½-5; and also, substituting the words "The Department of Transportation" in lieu of "Board of Public Works" in Sec. 17½-51. These amendments were adopted by voice vote. Mr. Anderson moved, seconded by Mrs. Journey, to return the proposal to committee. The motion failed on voice vote. Proposal No. 98, 1978, was then adopted on the following roll call vote; viz:

25 AYES: Mr. Bayt, Mr. Boyd, Mrs. Brinkman, Mrs. Chambers, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. Howard, Mr. Kimbell, Mr. McGrath, Mr. Miller, Mr. Patterson, Mr. Pearce, Mr. Rippel, Mr. Schneider, Mr. SerVaas, Mrs. Stewart, Mr. Tinder, Mr. Tintera, Mr. Vollmer, Mr. Walters and Mr. West.

2 NOES: Mr. Anderson and Mrs. Journey.

2 NOT VOTING: Mr. Campbell and Mr. Cantwell.

Proposal No. 98, 1978, As Amended, was retitled GENERAL ORDINANCE NO. 63, 1978, and reads as follows:

CITY—COUNTY GENERAL ORDINANCE NO. 63, 1978

A GENERAL ORDINANCE amending the CODE OF INDIANAPOLIS AND MARION COUNTY by prohibiting certain litter within the City, penalizing violations, and providing for abatement by the City of excessive litter conditions.

BE IT ORDAINED BY THE CITY—COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The CODE OF INDIANAPOLIS AND MARION COUNTY be, and is hereby, amended by adding a new Chapter 17½ to read as follows:

CHAPTER 17½ — LITTER

Article I: In General

Sec. 17½-1. Declaration of Policy.

It is hereby declared to be the purpose of this chapter to eliminate litter in order to protect public safety, health and welfare and enhance the environment of the people of the city.

Sec. 17½-2. Definitions.

For the purpose of this chapter the following terms, phrases, words and their derivations shall have the meaning given herein unless their use in the text of this chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(a) City shall mean and include the City of Indianapolis.

(b) Commercial Handbill shall mean and include any handbill which:

(1) Advertises for sale, or promotional gifts or prizes, any merchandise, product, commodity or thing;

(2) Directs attention to any business or other activity for the purpose of either directly or indirectly promoting the interests thereof by sales or by other means;

(3) Directs attention to or advertises any meeting, exhibition, theatrical or other performance or event of any kind for which an admission fee is charged; or

(4) While containing reading or pictorial matter other than advertising matter is predominately and essentially an advertisement and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.

(c) Construction Sites shall mean and include any private or public property upon which repairs to existing buildings, construction of new buildings, or demolition of existing structures is taking place.

(d) Elements shall mean and include any element whether created by nature or created by man, which with reasonable foreseeability could carry litter from one place to another. Elements shall include, but not be limited to, air current, rain, water current, and animals.

(e) Handbill shall mean and include any printed or written matter, any sample or device, circular, leaflet, pamphlet, paper, booklet, or any other printed matter or literature which is not delivered by U.S. mail, except that handbill shall not include a newspaper.

(f) Litter shall mean and include any uncontainerized man-made or man-used waste which, if deposited within the City otherwise than in a litter receptacle, tends to create a danger to public health, safety, and welfare or to impair the environment of the people of the city. Litter may include, but is not limited to, any garbage, trash, refuse, confetti, debris, rubbish, grass clippings or other lawn or garden waste, newspaper, magazine, glass, metal, plastic or paper container or other construction material, motor vehicle part, furniture, oil, carcass of a dead animal, or nauseous or offensive matter of any kind, or any object likely to injure any person or create a traffic hazard.

(g) Litter Receptacles shall mean and include any container which is designed to receive litter and to prevent the escape of litter deposited therein, which is of such size or sufficient capacity to hold all litter generated between collection periods, and which is in compliance with the regulations issued pursuant to Sec. 17½-4.

(h) Loading or Unloading Docks shall mean and include any dock space or area used by any moving vehicle for the purpose of receiving, shipping and transporting goods, wares, commodities and persons.

(i) Newspaper shall mean and include any newspaper of general circulation, as defined by general law, any newspaper duly entered with the United States Postal Services in accordance with federal statute or regulation, and any newspaper filed and recorded with any recording officer, as provided by general law; and, in addition thereto, shall mean and include any periodical or current magazine regularly published with not less than four (4) issues per year and sold or distributed to the public.

(j) Park shall mean and include a public or private park, reservation, playground, beach, recreation center or any public or private area devoted to active or passive recreation, or any other area under the supervision of the Department of Parks and Recreation.

(k) Parking Lots shall mean and include any private or public property with provisions for parking vehicles, to which the public is invited or which the public is permitted to use or which is visible from any public place or private premises.

(l) Person shall mean and include any natural person, firm, partnership, association, corporation, company, not-for-profit organization, or any governmental entity.

(m) Private Premises shall mean and include any dwelling house, building or other structure designed to be used, either wholly or in part, for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule, mailbox, or other structure belonging or appurtenant to such dwelling house, building or other structure.

(n) Public Place shall mean and include any and all streets, boulevards, avenues, lanes, alleys or other public ways, and parks, squares, plazas, grounds and buildings frequented by the general public, whether publicly or privately owned.

Sec. 17½-3. Enforcement.

This chapter and the rules and regulations authorized in Sec. 17½-4 shall be enforced by the Department of Public Works and by the Division of Code Enforcement of the Department of Metropolitan Development, the Indianapolis Police Department, and the Marion County Sheriff's Department, acting on their own motion or at the request of the Board of Public Works.

Sec. 17½-4. Powers and Duties of the Administrative Agency.

(a) The Board of Public Works shall adopt, revise, and revoke rules and regulations in furtherance of the purpose of this chapter. These rules and regulations shall be compatible with this chapter, this code, state law, federal law, and applicable state and federal rules and regulations.

(b) Notice of any adoption, revision or revocation of rules and regulations pursuant to this section shall be given to the City-County Council.

(c) If, within thirty (30) days after notice is given the City-County Council of the adoption, revision or revocation of rules and regulations by the Board of Public Works pursuant to this section, the City-County Council shall by resolution or ordinance disapprove or reject such adoption, revision or revocation of rules and regulations, such action of the Board of Public Works in adopting, revising or revoking rules and regulations shall be of no effect.

(d) Provided the adoption, revision or revocation of rules and regulations by the Board of Public Works pursuant to this section has not been disapproved or rejected by the City-County Council within thirty (30) days after notice is given the City-County Council of such adoption, revision or revocation, the adoption, revision or revocation shall become effective thirty (30) days after such notice and following compliance with any applicable requirements for publication.

Sec. 17½-5. Penalty.

(a) Except as otherwise provided herein, any person convicted of a violation of any section of this chapter shall upon conviction be punished by a fine of not more than one thousand dollars (\$1000.00). Each day any such violation is committed or permitted to continue may constitute a separate offense and shall be punishable as such hereunder. However, a person violating any section of this chapter may be served by an authorized employee of the Department of Public Works, the Division of Code Enforcement of the Department of Metropolitan Development, the Indianapolis Police Department, or the Marion County Sheriff's Department with a written notice of the violation. The violator may take advantage of the privilege of compromising the offense by appearing in person, or by attorney or agent, in the office of the Board of Public Works or at any branch of any bank or trust company whose principal office is located within the county within five (5) days of the notice, admitting liability for the offense, and paying a penalty of ten dollars (\$10.00), which shall be deposited in the account of the Department of Public Works. If, in the opinion of the authorized employee, the violation is so substantial as to warrant a more severe penalty, the authorized employee may issue a city ordinance violation summons, which will require the individual cited to appear in court on a specified date. The authorized employee shall, when issuing such a summons, provide the city prosecutor with a copy thereof.

(b) Any person receiving a notice of a violation of this chapter who has been guilty in any manner during the current calendar year of three (3) or more violations of this chapter, or any person receiving such notice who does not desire to compromise the claim of the city in the manner described above, may appear in person, or by attorney or agent, at the office of the Board of Public Works, waive arrest, and arrange with the Board to be slated and to have a date set for the time he shall appear in court. The Board shall then arrange with the clerk or judge of the court having jurisdiction thereof for the appearance in court of the violator, and shall notify the city prosecutor of each such case, giving the status thereof and all information relevant thereto.

Upon the failure or refusal of any person receiving a notice of violation under this section to appear as provided herein at the office of the Board of Public Works or at any branch of any bank or trust company the principal office of which is located within the county, or to compromise the violation if appearing, it shall be the duty of the Board of Public Works to report that fact to the city prosecutor and to the authorized agent who signed the notice to appear, and to furnish the city prosecutor with all relevant information regarding the violation. Proceedings in court against the violator shall then be brought in the manner provided by law.

(c) In addition to the foregoing penalties, the City, by appropriate action, may seek injunctive relief, requesting the court to enjoin or order the abatement of any violation of this chapter.

Sec. 17½-6. Abatement by City.

The Director of Public Works, or his designee, where premises are in violation of any section of this chapter, is hereby empowered to enter upon the premises and may thereupon correct the unclean conditions and place a lien on such land in the same amount and in accordance with the procedure provided in Chapter 30½ of this Code for abatement of unwholesome environmental conditions; but such person shall also be liable in an action to recover the aforesaid penalty.

Sec. 17½-7. Recovery by City of Expenses of Litter Removal.

(a) The City is damaged by the depositing of litter within the City, and the cost of litter removal has become a significant expense of the City. It is intended that persons responsible for such expenses shall bear the costs of same. In order to recover the cost of litter removal, the City may bring a civil action against any person believed to be responsible for depositing litter. The City may, in order to avoid the necessity of the institution of such action, make an offer of settlement to any person believed to be responsible for depositing litter. If the settlement offer is accepted, no action will be instituted by the City.

(b) The Department of Public Works, The Division of Code Enforcement of the Department of Metropolitan Development, the Indianapolis Police Department, and the Marion County Sheriff's Department, and their authorized agents

(1) shall be responsible for determining the identity of persons responsible for damaging the city by depositing litter within the city, and

(2) except as provided in Sec. 17½-7(d), are hereby empowered, as agents of the city, to make to any person believed to be responsible for damaging the city by depositing litter within the city, an offer of settlement as provided in Sec. 17½-7(a).

(c) The Board of Public Works shall determine a standard amount of the settlement offer authorized to be made by this section. In determining the standard amount of the settlement offer, the Board of Public Works shall consider only such factors as may reasonably be considered when any individual offer of settlement is determined.

(d) The provisions of Sec. 17½-7(b) shall not be construed to require that a settlement offer be made if the amount of damage caused by the litter being deposited in the city is significantly greater than the standard amount of the settlement offer determined by the Board of Public Works pursuant to Sec. 17½-7(c).

Article II: Conveyance of Loose Materials on Public Ways

Sec. 17½-17. Vehicles Dropping Contents on Streets.

Any person who transports in any vehicle or in any other manner upon any public place any loose material or articles likely to sift, fall, spill or be blown upon the public way or place shall not overload the vehicle and shall cover the contents or shall convey the contents in tightly secured and covered boxes or containers. In case any of the contents thereof shall be blown, be spilled, fall or become scattered in any public way or place, such person shall cause all fallen substances to be immediately gathered up and removed. It shall be a violation of this section to cause or allow such loose material or articles to be blown, be spilled, fall or become scattered upon the public way or place.

Article III. Maintenance of Property

Sec. 17½-27. Litter Collection and Storage Areas, Clean Condition.

Every owner or occupant or lessee of a house or building used for residence, business or commercial purpose shall maintain litter collection and storage areas in a clean condition and insure that all litter is properly containerized. Failure to so maintain clean litter collection and storage areas shall constitute a violation of this section.

Sec. 17½-28. Duty to Collect Litter Before it is Carried from the Premises.

All litter that is subject to movement by the elements shall be secured by the owner of the premises where it is found before the same is allowed to be removed by the elements to adjoining premises.

Sec. 17½-29. Neglected Premises Visible to the Public.

It shall be the duty of any person owning or controlling a house or other building or premises, including vacant lots visible from any public place or private premises, to maintain such premises in a reasonably clean and orderly manner and to a standard conforming to other orderly premises in that vicinity. It shall be a violation of this section to abandon, neglect or disregard the condition or appearance of any premises so as to permit it to accumulate litter thereon.

Sec. 17½-30. Areas Around Business — Clean Conditions.

The owner or person in control of any public place, including but not limited to restaurants, shopping centers, fast-food outlets, stores, hotels, motels, industrial establishments, office buildings, apartment buildings, housing projects, gas stations, and hospitals and clinics shall at all times keep the premises clean of all litter and shall take measures including daily cleanup of the premises to prevent litter from being carried by the elements to adjoining premises. It shall be a violation of this section to abandon, neglect or disregard the condition or appearance of such premises so as to permit it to accumulate litter thereon.

Sec. 17½-31. Loading or Unloading Docks.

The person owning, operating or in control of a loading or unloading dock shall at all times maintain the dock area free of litter in such a manner that litter will be prevented from being carried by the elements to adjoining premises.

Sec. 17½-32. Construction Sites — Clean Condition.

The property owners and the prime contractors in charge of any construction site shall maintain the construction site in such a manner that litter will be prevented from being carried by the elements to adjoining premises. All litter from construction activities or any related activities shall be picked up at the end of each workday and placed in containers which will prevent litter from being carried by the elements to adjoining premises.

Sec. 17½-33. Maintaining Sidewalks and Alleys.

Persons owning, occupying or in control of any premises shall keep the sidewalks and alleys adjacent thereto free of litter. In residential areas, owners or occupants shall sweep or rinse off the sidewalks abutting their premises as often as may be required to keep the walk and street reasonably free from dirt, paper, and waste. All owners or persons controlling premises in the central business district of the city shall, at least once each twenty-four (24) hours, except when the business is closed, sweep the sidewalks in front of their premises down to the curb, and gather up and remove all loose paper and refuse.

Sec. 17½-34. Abandoned Garbage Containers — Owners of Premises.

It shall be unlawful for any person who is in control of any premises upon which is located or on whose behalf there is maintained any container of refuse, waste or garbage which has been containerized in accordance with a contract for its removal to allow that refuse, waste or garbage to remain uncollected beyond the date provided by the contract for its collection and removal, or in any case to allow that container to remain unemptied for longer than fourteen (14) days or in any case until after that refuse, waste or garbage creates any condition which is offensive to persons upon any private premises or public place.

Sec. 17½-35. Neglected Refuse Containers — Contractor.

It shall be unlawful for any person who has contracted to collect and remove that refuse, waste or garbage described in Section 17½-34 to allow that refuse, waste or garbage to remain uncollected beyond the date provided by the contract for its collection and removal, or in any case to allow that container to remain unemptied for longer than fourteen (14) days or in any case until after that refuse, waste or garbage creates any condition which is offensive to persons upon any private premises or public place. A violation of this section may be abated by the city in accordance with the provision of Section 17½-6; provided, however, that in lieu of the lien therein provided the container in question may be impounded and a lien be executed against any property held in connection with the business of collecting refuse, waste or garbage by that person who has agreed by contract to collect and remove that refuse, waste or garbage in question.

Article IV: Litter Receptacles

Sec. 17½-42. Public Places.

Every owner, occupant, tenant or lessee using or occupying any public place shall provide adequate litter receptacles of sizes, numbers and types as required to contain all litter generated by those persons frequenting that public place, and as specified by the Director of Public Works for all public places.

Sec. 17½-43. Parking Lots.

Any parking lot shall be equipped with litter receptacles in compliance with this section and the regulations issued pursuant to Section 17½-4.

Sec. 17½-44. Private Premises.

The owner or person in control of private premises shall maintain litter receptacles for collection of litter as necessary or as required by regulations made pursuant to Section 17½-4, and in such a manner that litter will be prevented from being carried by the elements to adjoining premises.

Sec. 17½-45. Specifications.

Litter receptacles shall comply in size, material, and all other characteristics with the specification of regulations made pursuant to Section 17½-4.

Sec. 17½-46. Periodic Emptying of Receptacles.

All litter shall be removed periodically from litter receptacles as necessary to maintain their usefulness, and in accordance with regulations made pursuant to Section 17½-4.

Sec. 17½-47. Prevention of Scattering.

Persons placing litter in litter receptacles shall do so in such manner as to prevent litter from being carried from the receptacles by the elements.

Sec. 17½-48. Upsetting or Tampering with Receptacles.

No person shall cause the removal, upsetting, mutilation, defacing or tampering with litter receptacles or cause the contents thereof to be spilled or to be strewn in or upon any public place or private premises.

Sec. 17½-49. Litter Receptacles Obstructing Traffic.

Litter receptacles shall not be placed in any location where they may obstruct vehicular traffic or unreasonably obstruct pedestrian traffic.

Sec. 17½-50. Exterior of Litter Receptacles.

Litter receptacles located on publicly-owned property shall be conspicuously identified and shall be free of commercial advertising.

Sec 17½-51. Receptacles to be Provided by the City.

In the central business district and in such other areas as the Department of Transportation may deem advisable, it may cause to be placed in convenient places litter receptacles, to be provided and serviced either by contract or by direct operation by the city. The Department of Transportation may also cooperate with any merchants' association or civic group by permitting the placing by the merchants' association or civic group of litter receptacles in the same or in any other area of the city.

Sec. 17½-52. Containers Exempt from the Provisions of this Article.

No section of this article and no regulation made pursuant to Section 17½-4 in furtherance of the purposes and provisions of this article shall be construed to regulate the containers used in the collection of refuse, waste or garbage which containers are regulated under Chapter 13 of this Code.

Article V: Handbills

Sec. 17½-59. Throwing or Distributing Handbills in Public Places.

No person shall throw, scatter or cast any kind of handbill in or upon any public place within the city; and no person shall hand out or distribute or sell any commercial handbill in any public place; provided however, it shall not be unlawful for any person to hand out or distribute handbills or any other thing which is otherwise permitted and authorized by law in any public place to any person willing to accept such handbill or other thing, without payment therefor.

Sec. 17½-60. Placing Handbills in Vehicles.

No person shall deposit, fasten, throw, scatter or cast any handbill in or upon any vehicle. The provisions of this section shall not be deemed to prohibit the handing of any noncommercial handbill to the owner or other occupant of any vehicle who is willing to accept it without payment therefor.

Sec. 17½-61. Distribution of Handbills on Vacant Private Premises.

No person shall place any handbill in or upon any private premises which are vacant, unless attached in such a manner as not to deface the property.

Sec. 17½-62. Premises Posted Against Handbill Distribution.

No person shall place any handbill upon any premises if requested by anyone thereon not to do so or if there is placed on the premises in a conspicuous position near any entrance thereof a sign bearing notice indicating in any manner that the occupants of said premises do not desire to have any such handbills left upon said premises.

Sec. 17½-63. Manner of Handbill Distribution on Inhabited Private Premises.

No person shall place any handbill in or upon any private premises which are inhabited, except by handing or transmitting any such handbill directly to any other person then present in or upon the private premises. However, in case of inhabited private premises which are not posted against handbill distribution as provided in this article, any person, unless requested by someone upon such premises not to do so, may place or deposit any handbill in or upon the inhabited private premises, if the handbill is placed or deposited so as to prevent it from being carried by the elements about such premises or elsewhere, except that mailboxes may not be so used when prohibited by federal postal laws or regulations.

Sec. 17½-64. Clean-up.

Any person distributing handbills shall maintain the area which they are utilizing free of any litter caused by or related to said handbill distribution.

Sec. 17½-65. Activities Exempt from the Application of this Article.

The provisions of this article shall not be deemed to apply to the distribution of mail by the United States, nor to the distribution of newspapers.

SECTION 2. Chapter 20 of the CODE OF INDIANAPOLIS AND MARION COUNTY, be, and is hereby, amended by adding a new Article VIII to read as follows:

Article VIII. Advertising.

Sec. 20-193. Unlawful Handbill Contents.

It shall be unlawful for any person, directly or indirectly, to post, distribute, or sell in the city, or to keep for such purposes, or to aid or abet any other person therein, any sign or any handbill which is of the following nature.

(1) May reasonably tend to incite riot or other public disorder, or advocates treason or disloyalty to or the overthrow of the government of the United States or of the State, or of the public institutions thereof, by means of violence; or urges any unlawful conduct or encourages or tends to encourage a breach of the public peace, safety, welfare or good order of the community;

(2) Contains blasphemous, profane, lewd, obscene, libelous or scurrilous language.

Sec. 20-194. Handbill to Contain the Names and Addresses of Printer and Sponsor.

It shall be unlawful for any person to distribute any handbill in any place, under any circumstances, which does not have printed on the cover, front or back thereof, the names and addresses of the following:

(1) The person who printed, wrote, compiled or manufactured the handbill;

(2) The person who caused the handbill to be distributed; provided, however, in the case of a fictitious person or club, in addition to the fictitious name, the true names and addresses of the owners, managers or agents of the person sponsoring said handbill shall also appear on the handbill.

Sec. 20-195. Owner of Premises Not to Permit Its Use for Unlawful Advertising.

It shall be unlawful for the owner, lessee or occupant of any premise to permit any person, whether licensed or acting under the terms of this article or otherwise, to attach to any building structure or fixture located upon the premises or to deposit or keep upon, or to distribute from his premises, any poster or handbill containing any matter prohibited by the terms of this article, this Code or by State or Federal law.

Sec. 20-196. Construction of this Article with Other Laws.

This article shall not be deemed to repeal, amend or modify any provision of this Code or other city ordinance prohibiting, regulating, or licensing any person using the public streets or places for any private business or enterprise.

SECTION 3. Chapter 3 of the CODE OF INDIANAPOLIS AND MARION COUNTY be, and is hereby, repealed.

SECTION 4. The following sections of the CODE OF INDIANAPOLIS AND MARION COUNTY be, and are hereby, repealed:

Section 20-7.

Section 28-11.

Section 28-12.

Section 28-13.

Section 28-17.

Section 28-25.

SECTION 5. An offense committed before the effective date of this ordinance, under any ordinance repealed, either expressly or impliedly, by this ordinance, shall be prosecuted and remains punishable under the repealed ordinance.

SECTION 6. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of the ordinance shall not be affected.

SECTION 7. This ordinance shall be in effect from and after its passage by the Council and compliance with IC 18-4-5-2.

PROPOSAL NO. 155, 1978. This proposal transfers \$15,000 out of contractual services into supplies and equipment so that herbicide spraying may be done in-house instead of contracting for the work. Following motion duly made and seconded, Proposal No. 155, 1978, was adopted on the following roll call vote; viz:

27 AYES: Mr. Anderson, Mr. Bayt, Mrs. Brinkman, Mr. Campbell, Mr. Cantwell, Mrs. Chambers, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Howard, Mrs. Journey, Mr. Kimbell, Mr. McGrath, Mr. Miller, Mr. Patterson, Mr. Pearce, Mr. Rippel, Mr. Schneider, Mr. SerVaas, Mrs. Stewart, Mr. Tinder, Mr. Tintera, Mr. Vollmer, Mr. Walters and Mr. West.

NO NOES.

2 NOT VOTING: Mr. Boyd and Mr. Hawkins.

Proposal No. 155, 1978, was retitled FISCAL ORDINANCE NO. 61, 1978, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 61, 1978

A FISCAL ORDINANCE amending the CITY-COUNTY ANNUAL BUDGET FOR 1978 (City-County Fiscal Ordinance No. 70, 1977) transferring and appropriating fifteen thousand dollars (\$15,000) in the Flood Control Fund for purposes of the Flood Control Division, Department of Public Works and reducing certain other appropriations for that division.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.03 of the City-County Annual Budget for 1978, be, and is hereby, amended by the increases and reductions hereinafter stated for the purposes of increased costs.

SECTION 2. The sum of fifteen thousand dollars (\$15,000) be, and is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

DEPARTMENT OF PUBLIC WORKS	
FLOOD CONTROL DIVISION	
	FLOOD CONTROL GENERAL FUND
22. Supplies	\$ 14,000
50. Properties	1,000
TOTAL INCREASES	\$ 15,000

SECTION 4. The said increased appropriations are funded by the following reductions:

DEPARTMENT OF PUBLIC WORKS	
FLOOD CONTROL DIVISION	
	FLOOD CONTROL GENERAL FUND
15. Contractual Services	\$ 15,000
TOTAL REDUCTIONS	\$ 15,000

SECTION 5. This Ordinance shall be in full force and effect upon adoption and compliance with IC 18-4-5-2.

PROPOSAL NO. 84, 1978. Upon recommendation of the Transportation Committee, Proposal No. 84, 1978, was stricken by unanimous voice vote.

PROPOSAL NO. 156, 1978. Mr. Rippel moved, seconded by Mr. Tintera, to strike this proposal. The motion carried by unanimous voice vote.

PROPOSALS NOS. 189 - 191, 1978. Consent was given to hear these proposals as a whole since they were non-controversial traffic ordinances. Following discussion, these proposals were adopted on the following roll call vote; viz:

27 AYES: Mr. Anderson, Mr. Bayt, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mrs. Chambers, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. Howard, Mrs. Journey, Mr. Kimbell, Mr. McGrath, Mr. Miller, Mr. Patterson, Mr. Pearce, Mr. Rippel, Mr. Schneider, Mr. SerVaas, Mrs. Stewart, Mr. Tinder, Mr. Tintera, Mr. Vollmer and Mr. Walters.

NO NOES.

2 NOT VOTING: Mr. Cantwell and Mr. West.

Proposals Nos. 189 – 191, 1978, were retitled GENERAL ORDINANCES NOS. 64 – 66, 1978, and reads as follows:

CITY—COUNTY GENERAL ORDINANCE NO. 64, 1978

A GENERAL ORDINANCE establishing intersection controls at certain intersections [Amends Code Section 29—92] .

BE IT ORDAINED BY THE CITY—COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

PART I

Chapter 29 of the CODE OF INDIANAPOLIS AND MARION COUNTY, specifically Sec. 29—92. Schedule of Intersection Controls,' be, and the same is hereby amended by the addition of the following, to wit:

BASE MAP	INTERSECTION	PREFERENTIAL	TYPE OF CONTROL
No 44, pg 1	Dollar Hide Court & Dollar Hide, North Drive	Dollar Hide, N. Dr.	Stop
No 44, pg 1	Dollar Hide, N. Drive & Old Mill Drive	Old Mill Drive	Stop
No 44, pg 1	Dollar Hide, S. Drive & Old Mill Drive	Old Mill Drive	Stop
No 44, pg 1	Furnas Road & Old Mill Drive	Furnas Road	Stop
No 44, pg 1	Furnas Road & Wheelhorse Drive	Furnas Road	Stop

PART II

Violations of this ordinance shall be subject to those penalties now provided in the CODE OF INDIANAPOLIS AND MARION COUNTY for violations of the section amended by this ordinance.

PART III

This ordinance shall be in full force and effect from and after its adoption and compliance with IC 18-4-5-2.

CITY—COUNTY GENERAL ORDINANCE NO. 65, 1978

A GENERAL ORDINANCE changing the speed limit on a certain portion of North DeQuincy Street. [Amends Code Section 29—136] .

BE IT ORDAINED BY THE CITY—COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

PART I

Chapter 29 of the CODE OF INDIANAPOLIS AND MARION COUNTY", specifically "Sec. 29—136. Alteration of prima facie speed limits," be, and the same is hereby amended by the addition of the following, to wit:

N. DeQuincy Street from E. 21st Street to E. 23rd Street, 20 m.p.h.

PART II

Violations of this ordinance shall be subject to those penalties now provided in the "Code of Indianapolis and Marion County," for violations of the section amended by this ordinance.

PART III

This ordinance shall be in full force and effect from and after its adoption and compliance with IC 18-4-5-2.

CITY—COUNTY GENERAL ORDINANCE NO. 66, 1978

A GENERAL ORDINANCE creating parking restrictions and establishing speed limits on a portion of East 30th Street. [Amends Code Sections 29—136 and 29—267] .

BE IT ORDAINED BY THE CITY—COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

PART I

Chapter 29 of the CODE OF INDIANAPOLIS AND MARION COUNTY, specifically "Sec. 29—267. Parking prohibited at all times on certain streets," be, and the same is hereby amended by the addition of the following, to wit:

30th Street (both sides)
between Arlington Avenue and Shadeland Avenue

PART II

Chapter 29 of the CODE OF INDIANAPOLIS AND MARION COUNTY, specifically "Sec. 29—136. Alteration of prima facie speed limits", be, and the same is hereby amended by the addition of the following, to wit:

30th Street between Arlington Avenue
and Shadeland Avenue, 40 m.p.h.

PART III

Violations of this ordinance shall be subject to those penalties now provided in the CODE OF INDIANAPOLIS AND MARION COUNTY for violations of the sections amended by this ordinance.

PART IV

This ordinance shall be in full force and effect from and after its adoption and compliance with Indiana Code Section 18-4-5-2 or the completion of the Capitol Improvement Project, DOT No. 19-003, whichever occurs later.

PROPOSAL NO. 141, 1978. Mr. Miller, Chairman of the Administration Committee, reported that passage of this proposal would require licensing of escort services, body painting studios and nude modeling studios, which are currently presenting problems for the vice squad. Following brief discussion, Proposal No. 141, 1978, was adopted on the following roll call vote; viz:

24 AYES: Mr. Bayt, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mrs. Chambers, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mrs. Journey, Mr. Kimbell, Mr. Miller, Mr. Patterson, Mr. Pearce, Mr. Rippel, Mr. Schneider, Mrs. Stewart, Mr. Tinder, Mr. Tintera, Mr. Vollmer, Mr. Walters and Mr. West.

NO NOES.

5 NOT VOTING: Mr. Anderson, Mr. Cantwell, Mr. Howard, Mr. McGrath and Mr. SerVaas.

Proposal No. 141, 1978, was retitled GENERAL ORDINANCE NO. 67, and reads as follows:

CITY—COUNTY GENERAL ORDINANCE NO. 67, 1978

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County," thereby requiring licensing of certain escort services, body painting studios and nude modeling studios.

BE IT ORDAINED BY THE CITY—COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Article XXI of Chapter 17 of the "Code of Indianapolis and Marion County" be, and is hereby, amended by inserting the words underlined and deleting the words crosshatched as follows:

ARTICLE XXI. Bathhouses, Massage Parlors and Related Enterprises.

Sec. 17-725. Definitions.

Whenever used in this article, the following words or phrases shall be defined as herein stated:

(a) Bathhouse means any building, room, place or establishment, other than a regularly licensed hospital, dispensary, hotel, rooming house or public lodging house, where members of the public are provided with baths, regardless of whether steam, vapor, water, sauna or otherwise.

(b) Massage Parlor means any building, room, place or establishment, other than a regularly licensed hospital or dispensary where nonmedical and nonsurgical manipulative exercises are practiced upon the human body with or without the use of mechanical or bath devices, by anyone not a physician, osteopath, chiropractor, podiatrist or physical therapist duly registered with and licensed by the State of Indiana.

(c) Massage means any method of treating the superficial soft parts of the body for remedial or hygienic purposes, consisting of rubbing, stroking, kneading or tapping with the hands or instruments.

(d) Massage School means any bathhouse or massage parlor, defined in subsections (a) and (b) above, where the act of massage as defined in subsection (c) above is either taught or practiced.

(e) Massage Therapy means the act of body massage, either by mechanical or electrical apparatus, for the purpose of reducing or contouring the body by the use of oil rub, salt, hot and cold packs, cold showers and cabinet baths.

(f) Massage Therapist means any person who practices, administers or teaches all or any of the subjects or methods of treatment defined in subsection (e) above as massage therapy.

(g) Massage Therapy Clinic means any shop, establishment or place of business where any or all of the methods of massage therapy are administered or used.

(h) Massage Therapy School means any duly registered massage therapy establishment where a tuition is charged for the instruction of massage therapy techniques.

(i) Private Health Club means a facility for exercise and physical training which is operated for, and open only to, members of a private club and their invited guests.

(j) Private Club means an organization or association maintaining clubrooms or other recreation or social facilities used primarily for purposes other than a bathhouse or massage parlor, membership in which is limited to persons paying regular dues or assessments.

(k) Sexual and Genital Area means the sexual or genital area of any person and shall include the genitals, pubic area, anus or perineum of any person, or the vulva or breast of a female.

(l) Escort Service means any shop, establishment, place of business or other operation that employs or otherwise compensates persons to serve as escorts, hosts, or hostesses.

(m) Body Painting Studio means any shop, establishment, place of business or other operation that employs or otherwise compensates persons for serving as models for the painting of any part of the human body with any paint, dye, tint, spray, or other material.

(n) Nude Modeling Studio means any shop, establishment, place of business or other operation that employs or otherwise compensates persons for serving as models for purposes of nude modeling. However, any properly accredited institution of higher learning shall not fall within this definition.

(o) Nude Modeling means the posing by any person with his or her sexual and/or genital areas exposed, while such person is an employee or receiving other compensation by or through any nude modeling studio, as defined herein. However, nude modeling at or on behalf of any properly accredited institution of higher learning shall not fall within this definition.

(p) Nude Model means any person who engages in nude modeling for nude modeling studio.
(q) Body Painting Model means any person who allows any part of his or her body to be painted with any paint, dye, tint, spray or other material while such person is serving as an employee or receiving other compensation by or through any body painting studio as defined herein.

(r) Escort means any person who is employed or otherwise compensated by or through any escort service for serving as an escort, host or hostess.

Sec. 17-726. License Required.

(a) It is unlawful for any person or firm to operate, conduct or maintain a massage school, massage parlor, massage therapy clinic, ~~or bathhouse, escort service, body painting studio, or nude modeling studio~~ without a license to operate such massage school, massage parlor, massage therapy clinic, ~~or bathhouse, escort service, body painting studio, or nude modeling studio~~ issued by the city controller.

(b) It shall be unlawful for any person or firm licensed to operate a massage school, massage parlor, massage therapy clinic, ~~or bathhouse, escort service, body painting studio, or nude modeling studio~~ to employ or permit any person to perform a massage unless such person is licensed as a massage therapist by the city controller.

(c) It shall be unlawful for any person to be employed as a massage therapist or to perform massages for a fee unless such person is licensed as a massage therapist by the city controller.

Sec. 17-727. Application for licenses.

(a) The application for a license to operate a massage school, massage parlor, massage therapy clinic, ~~or bathhouse, escort service, body painting studio or nude modeling studio~~ shall contain the following information and should be individually signed by the applicant:

- (1) Name of applicant and aliases;
- (2) Resident address of applicant and former address for the past three (3) years;
- (3) Business address of applicant;
- (4) Number of massage tables, showers, stalls or other such individual units;
- (5) The age, date of birth and citizenship of the applicant, in the case of individuals, and of the manager and officers in the case of a corporation;
- (6) The names, addresses, ages, citizenship and designations of each person connected with the applicant's establishment;
- (7) Whether the applicant or its manager or officers have ever been previously engaged in operating a massage school, massage parlor, massage therapy clinic, ~~or bathhouse, escort service, body painting studio or nude modeling studio;~~
- (8) Whether any applicant, or in the case of a corporation, its managers, officers, directors, stockholders, have ever been convicted of any act of violence, moral turpitude, sex offense or prior violation of this article;
- (9) An agreement by the operator permitting inspection;
- (10) Type of license being applied for by the applicant.

(b) Along with the operator's application for a license, there shall be filed a verified application ~~for a massage therapist license~~ by each individual who is employed in the establishment who is required by this article to be licensed. The application should contain the following information:

- (1) Name and aliases;
- (2) Age, date of birth;
- (3) Address and former addresses for past three (3) years;
- (4) Citizenship;
- (5) Whether convicted of any public offense concerning an act of violence, moral turpitude, sex offense or prior violation of this article;
- (6) Nature of work performed.

(c) Along with the aforesaid applications for licenses there shall be a certificate from a duly licensed medical practitioner, on a form prescribed by the Health and Hospital Corporation of Marion County, certifying that said applicant is free from communicable diseases and that said examination has been made within thirty (30) days prior to the application for the license or permit herein sought.

Sec. 17-728. License fees.

The annual license fee for each person who operates or is employed by a massage parlor, massage therapy clinic, or bathhouse, escort service, body painting studio, or nude modeling studio, or any combination thereof, shall be determined in accordance with the following scale:

- (a) Class A licenses shall be required for all private health clubs; the fee for said license to be fifty dollars (\$50.00) annually.
- (b) Class B licenses shall be required for all other owners of the above-mentioned businesses; the fee for said license to be two hundred fifty dollars (\$250.00) annually.
- (c) Class C licenses shall be required for persons employed as massage therapists, escorts, body painting models and/or nude models for a nude modeling studio; the fee for said license to be twenty-five dollars (\$25.00) annually for each ~~therapist~~ such person.

Sec. 17-729. Operation.

- (a) No massage school, massage parlor, massage therapy clinic, or bathhouse, escort service, body painting studio or nude modeling studio shall be operated or conducted, in or with a separate opening to, living quarters. There must be a separate opening to living quarters and a separate entrance to the place of business. No one should use the building quarters for a place of habitation.
- (b) All licensed operators or permit holders under this article shall show their licenses or permits in a visible location in their establishment.
- (c) All licenses or permit holders, shall be subject to all other city ordinances, county ordinances and State of Indiana statutes and to regulations of various administrative bodies of the city, county and state. Violation of such regulations, ordinances or statutes shall be grounds for revocation of licenses or permits.
- (d) No person shall be employed by any licensee under this article or be within view of any of the services rendered by a massage parlor, massage therapy clinic, or bathhouse, escort service, body painting studio or nude modeling studio who has not reached the age of twenty-one (21).
- (e) No person holding a license under this article shall administer to a person of the opposite sex, any massage, alcohol rub or similar treatment, fomentation, bath or electric or magnetic treatment, except upon the signed order of a licensed physician, osteopath, chiropractor, podiatrist or registered physical therapist. A person shall neither cause nor permit in or about his place of business, or in connection with his business, any agent, employee, servant or other individual to administer any such treatment to any individual of the opposite sex.
- (f) All employees of establishments licensed under this article, including masseurs, masseuses, ~~and~~ therapists, escorts, and body painting models, but not including nude models, shall wear clean, nontransparent outer garments covering the sexual and genital areas.
- (g) The sexual or genital areas of patrons of establishments required to be licensed under this article must be covered with towels, clothes or undergarments when in the presence of an employee, masseur, masseuse, or therapist, escort, body painting model or nude model.
- (h) No person in any establishment licensed under this article shall place his or her hand upon or touch with any part of his body or fondle in any manner or massage a sexual or genital area of any other person.
- (i) No employee of an establishment licensed under this article shall perform, offer or agree to perform, any act which shall require the touching of the patron's genitals.
- (j) Every massage school, massage parlor, massage therapy clinic, ~~or bathhouse, escort service, body painting studio, or nude modeling studio shall be open for inspection during all business hours and at other reasonable times by police officers, health and fire inspectors, and duly authorized representatives of the city ~~controller~~ upon the showing of proper credentials by such persons.~~
- (k) Any bathhouse, massage parlor, massage therapy clinic, massage therapy school, escort service, body painting studio, or nude modeling studio, or any combination thereof, is prohibited from installing or maintaining any lock or similar device on the inside of any door of said business which cannot be operated by key or knob from the exterior of said door.
- (l) Any establishment licensed under this article as a private health club shall maintain a current list of members, as the case may be, and a roster of those receiving massage therapy by dates which lists and rosters shall be available to anyone inspecting the establishment pursuant to subsection (j).

(m) No person holding a license under this article shall paint the body of a person of the opposite sex. A person shall neither cause nor permit in or about his place of business or in connection with his business, any agent, employee, servant or other individual to administer any such treatment to any individual of the opposite sex.

Sec. 17-730. Issuance or Rejection of Application; Qualifications.

(a) The controller, before issuing any license provided for herein, shall investigate the character of the applicant, and the officers, and directors and managers of the business if it is a corporation. No license shall be issued if he shall find:

(1) That any of the persons named in the application or employee thereof are not persons of good moral character;

(2) That any of said persons have previously been connected with any massage school, massage parlor, massage therapy clinic, or bathhouse, escort service, body painting studio or nude modeling studio where the license therefor has heretofore been revoked, or where any of the provisions of the law applicable to massage schools, massage parlors, massage therapy clinics, or bathhouses, escort services, body painting studios, or nude modeling studios have been violated;

(3) That the premises sought to be so licensed fail to comply in any manner with the ordinances and laws applicable thereto.

(b) All applicants for licenses to engage in the practice of massage therapy must submit a certificate of affidavit of their respective qualifications as to schooling, training and experience, and where and how obtained.

Sec. 17-731. Complaints.

All complaints of alleged violations of the provisions of this article shall be made in writing to the controller. Upon learning of violations of the provisions of this article and/or related ordinances or laws, the controller shall utilize the enforcement remedies provided in section 17-49. After a hearing thereon, if the controller should determine that said license shall be revoked, no refund of license permit fee shall be due.

SECTION 2. An offense committed before the effective date of this ordinance, under any section of the "Code of Indianapolis and Marion County" repealed or amended, either expressly or impliedly, by this ordinance shall be prosecuted and remains punishable under the repealed or amended section.

SECTION 3. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of the ordinance shall not be affected.

SECTION 4. This ordinance shall be in effect from and after its passage by the Council and compliance with IC 18-4-5-2.

PROPOSALS NOS. 211 - 213, 1978. No action was taken on Proposals Nos. 211-213, 1978, and they were retitled REZONING ORDINANCES NOS. 61-63, 1978, and read as follows:

**REZONING ORDINANCE NO. 61, 1978. 78-Z-31 PERRY TOWNSHIP
COUNCILMANIC DISTRICT NO. 20**

3225 SOUTH MERIDIAN STREET, INDIANAPOLIS

Rose Marie Perkins by Michael J. Kias, Attorney, 3045 South Meridian St. requests rezoning of 4.44 acres, being in D-3 district, to C-3 classification to permit restoration of the existing historically significant residence and the use thereof as an interior design studio and furniture showroom.

**REZONING ORDINANCE NO. 62, 1978. 78-Z-45 WARREN TOWNSHIP
COUNCILMANIC DISTRICT NO. 13**

11202 EAST 10TH STREET, INDIANAPOLIS

George and Mildred Baumann, 6028 North Keystone Ave. request rezoning of 4.76 acres, being in A-2 district, to SU-1 classification to permit church uses.

**REZONING ORDINANCE NO. 63, 1978. 78-Z-46 PERRY TOWNSHIP
COUNCILMANIC DISTRICT NO. 25**

4111 WEST SOUTHPORT ROAD, INDIANAPOLIS

**Charles R. and Thelma I. Blaschke by John E. Mills, Attorney, 17 South Indiana Street,
Mooresville, IN request rezoning of 28.32 acres, being in A-2 district, to C-ID
classification to permit commercial use.**

UNFINISHED BUSINESS

PROPOSAL NO. 185, 1978. Mr. Tintera explained that this proposal financed \$7,000 for a Union Station Feasibility Study. Lilly Endowment furnishes the other \$7,000. Discussion followed, during which Mr. Durnil stated his opposition. Mr. Tintera then moved, seconded by Mr. Cantwell, the adoption of this proposal. The motion carried on the following roll call vote; viz:

18 AYES: Mr. Boyd, Mrs. Brinkman, Mr. Cantwell, Mrs. Chambers, Mr. Clark, Mrs. Coughenour, Mr. Gilmer, Mrs. Journey, Mr. Kimbell, Mr. McGrath, Mr. Miller, Mr. Patterson, Mr. Pearce, Mr. SerVaas, Mrs. Stewart, Mr. Tintera, Mr. Vollmer and Mr. West.

9 NOES: Mr. Anderson, Mr. Campbell, Mr. Dowden, Mr. Durnil, Mr. Howard, Mr. Rippel, Mr. Schneider, Mr. Tinder and Mr. Walters.

2 NOT VOTING: Mr. Bayt and Mr. Hawkins.

Proposal No. 185, 1978, was retitled GENERAL RESOLUTION NO. 2, 1978, and reads as follows:

CITY—COUNTY GENERAL RESOLUTION NO. 2, 1978

A GENERAL RESOLUTION approving certain amendments to the 1978 calendar year budget of the Capital Improvements Board of Marion County.

WHEREAS, by statute, the City-County Council is the reviewing authority for the approval of the budget of the Capital Improvements Board of Managers of Marion County, Indiana; and

WHEREAS, said Capital Improvements Board of Marion County has submitted certain amendments and revisions of its budget for the calendar year 1978; and

WHEREAS, the City-County Council has reviewed and considered the proposed amendments and changes in the budget; now, therefore:

**BE IT RESOLVED BY THE CITY—COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. The calendar year budget for the Capital Improvements Board for 1978 is hereby amended and approved in accordance with the proposals adopted by the Capital Improvements Board of Managers which are detailed as follows:

	1978 Approved Budget	Increase (Decrease)	1978 Amended Budget
Budget Appropriations			
Operating Fund			
Services, Personal	1,211,850		1,211,850
Services, Contractual	680,800		680,800
Parts, Supplies & Repairs	138,550		138,550
Employee Benefits	151,050		151,050
Miscellaneous	7,000		7,000
Insurance	182,750		182,750
Properties	90,275		90,275
Interest	51,260		51,260
Union Station Feasibility Study Reserve	-0-	7,500	7,500
	30,000		30,000
Total Operating Fund	2,543,535	7,500	2,551,035
Bond Fund	1,196,375		1,196,375
Total Budget Appropriations	3,739,910	7,500	3,747,410
Revenues			
Rental Income	575,200		575,200
Food Service & Concessions	392,600		392,600
Labor Reimbursements	229,000		229,000
Equipment Rental & Sale of Supplies	80,000		80,000
Miscellaneous Income	134,300		134,300
Hotel-Motel Receipts	1,939,825		1,939,825
Cigarette Tax Revenues	350,000		350,000
Interest Bond Fund	50,000		50,000
Total Revenues	3,750,925		3,750,925

SECTION 2. This Resolution shall be in full force and effect from and after its adoption.

ANNOUNCEMENTS AND ADJOURNMENT


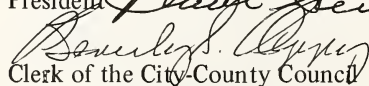
President SerVaas announced that the Council members were invited to a dinner sponsored by the Cooperative Extension Service at 6:00 p.m. on May 22nd. Mr. Walters announced Mrs. Journey's birthday.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 10:00 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the City-County Council of Indianapolis—Marion County, held at its Regular Meeting on the 8th day of May, 1978.

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

ATTEST:

President 

 Clerk of the City-County Council

(SEAL)