

REGULAR MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.

MONDAY, March 7, 1904.

The Common Council of the City of Indianapolis, met in the Council Chamber, Monday evening, March 7, 1904, at 7:45 o'clock, in regular session, President James H. Billingsley in the chair.

Present: The Hon. James H. Billingsley, President of the Common Council, and 18 members, viz: Messrs. Cottey, Crall, Davis, Eppert, Fishback, Gasper, Hofmann, Linus, Moriarity, Murray, Rhodes, Shea, Storm, Sullivan, Uhl, Wahl, Wolsiffer, Wright.

Absent, 2, viz.: Messrs. Cooper, Krause.

On motion of Mr. Moriarity the reading of the Journal was dispensed with.

COMMUNICATIONS FROM THE MAYOR.

INDIANAPOLIS, IND., February 16, 1904.

To the Honorable, the President and Members of the Common Council:

Gentlemen: I herewith return with my signature and approval General Ordinance No. 3, 1904; General Ordinance No. 9, 1904; General Ordinance No. 10, 1904.

Respectfully,

JOHN W. HOLTZMAN,

Mayor.

Which was read.

REPORTS FROM OFFICIAL BOARDS.

From the Board of Public Works:

INDIANAPOLIS, March 7, 1904.

To the President and Members of the Common Council:

Gentlemen: The Board of Public Works directs me to transmit to you for your consideration and action "An ordinance approving a cer-

tain contract granting Ira B. Bugbee the right to lay and maintain a side-track or switch across Lewis street south of Fifteenth street, in the City of Indianapolis.

For the Board of Public Works,  
W. R. WILLIAMS, Clerk.

Which was read.

## REPORTS FROM STANDING COMMITTEES.

From the Committee on Public Property and Improvement:

INDIANAPOLIS, March 7, 1904.

To the President and Members of the Common Council:

Your Committee on Public Property and Improvements, to whom was referred General Ordinance No. 11, 1904, have had same under consideration and would recommend its passage when amended as follows, viz.:

First. That on Tuesdays and Thursdays Market closing hours 12:30 p. m. and hours for stall owners to vacate 3 p. m.

Second. When holidays fall on market days the Market shall be held the day preceding.

Third. For failure to abide by Ordinance there shall be a fine of five dollars (\$5.00) assessed for the first offense, ten dollars (\$10.00 for second offense and annulling stall lease for third offense.

CHAS. G. DAVIS,  
OTTO HOFMANN,  
JAS. F. SULLIVAN.

Which was read.

Mr. Davis moved that the report be concurred in. Carried.

From the Committee on Railroads:

INDIANAPOLIS, March 7, 1904.

To the President and Members of the Common Council:

Your Committee on Railroads, to whom was referred General Ordinance No. 12, 1904, have had same under consideration and recommend that it pass.

FRED W. EPPERT,  
ALBERT E. COTTEY,  
JAMES B. MURRAY,  
OTTO HOFMANN,  
JOHN WOLSIFFER.

Which was read.

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

Mr. Cooper entered Council Chamber and took seat.

## INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

By Mr. Moriarity:

General Ordinance No. 18—1904: An ordinance regulating the pay of the Police Force and Officers thereof in the City of Indianapolis, Indiana; and fixing the compensation of said Police Force and Officers thereof; and repealing all and any parts of ordinances conflicting therewith; and fixing the time and conditions under which said ordinance shall take effect.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the members of the Police Force of the City of Indianapolis, Indiana, holding the position of Superintendent of Police, Captains of Police, Sergeants of Police, Captains or Chief of Detectives, members of the Detective Force, and Patrolmen, shall receive the salaries enumerated in this ordinance.

Sec. 2 The annual pay of the officers and members of said Police Force, as enumerated in Section 1 of this ordinance, shall be as follows, viz.: The Superintendent of Police shall receive a salary at the rate of two thousand two hundred (\$2,200) dollars per annum, payable in equal monthly installments. The Captains of Police shall receive a salary at the rate of one thousand three hundred and twenty (\$1,320) dollars annually, payable in equal monthly installments. The Captains or Chiefs of Detectives shall receive a salary of one thousand three hundred and twenty (\$1,320) dollars annually, payable in equal monthly installments. The Sergeants of Police shall receive a salary at the rate of one thousand and twenty (\$1,020) dollars per annum, payable in equal monthly installments. Members of the Detective Force shall receive a salary of one thousand and twenty (\$1,020) dollars per annum, payable in equal monthly installments. Patrolmen shall receive a salary of nine hundred twelve and fifty-hundredths (\$912.50) dollars annually, payable in equal monthly installments.

Sec. 3. The salaries and compensations enumerated in and provided for in the foregoing section of this ordinance shall be paid out of the City Treasury appropriated for such purposes at the time and in the manner provided by law.

Sec. 4. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Sec. 5. This ordinance shall be in full force and effect after the first day of May, 1904, after its passage and its approval by the Mayor of the City of Indianapolis, Indiana.

Which was read a first time and referred to Committee on Fees and Salaries.

By Mr. Crall:

General Ordinance No. 19—1904: An ordinance to provide for the printing and publication of the revised ordinances of the City of Indianapolis.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the Board of Public Works be, and it is hereby, authorized and directed to procure the printing and binding at the lowest obtainable rate, not less than five hundred nor more than one thousand copies of the revised general ordinances of the City of Indianapolis, as prepared under the General Ordinance approved December 29, 1903, and for that purpose to incur the necessary expense on behalf

of the said city; said copies when printed to be disposed of as the said Board of Public Works may see fit.

Sec. 2. This ordinance shall be in force from and after its passage.

Which was read the first time.

Mr. Crall moved that the rules be suspended and General Ordinance No. 19, 1904, be immediately placed upon its passage. Carried.

General Ordinance No. 19, 1904, was read the second time.

Mr. Crall moved that General Ordinance No. 19, 1904, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 19, 1904, was read a third time and passed by the following vote:

Ayes, 20, viz.: Cooper, Cottey, Crall, Davis, Eppert, Fishback, Gasper, Hofmann, Linus, Moriarity, Murray, Rhodes, Shea, Storm, Sullivan, Uhl, Wahl, Wolsiffer, Wright and President Billingsley.

Noes, none.

By the Board of Public Works:

INDIANAPOLIS, March 3, 1904.

M. A. Downing, Jacob Woessner, David Wallace, Board of Public Works:

Gentlemen: Referring to the attached petition for permission to lay a switch across Lewis street, filed by Ira Bugbee, I beg to report, that the property along Lewis street is used chiefly for manufacturing purposes, coal and lumber yards. I can see no objection to the switch across this street and would recommend that the petition be granted.

Very truly yours,

B. J. T. JEUP,  
City Civil Engineer.

Approved March 2, 1904.

M. A. DOWNING,  
JACOB WOEISSNER,  
DAVID WALLACE,  
Board of Public Works.

General Ordinance No. 20—1904: An ordinance approving a certain contract granting Ira B. Bugbee the right to lay and maintain a side-track or switch, across Lewis street south of Fifteenth street in the City of Indianapolis.

Whereas, heretofore, to-wit: On the . . . . . day of . . . . ., 1904, Ira B. Bugbee filed his petition before the Board of Public Works of the City of Indianapolis, Indiana, as follows:

#### PETITION.

INDIANAPOLIS, IND., February . . . ., 1904.

To the Board of Public Works, Indianapolis, Indiana:

Gentlemen: The undersigned, Ira B. Bugbee, respectfully petitions

your Honorable Board, asking permission to construct and maintain a side-track or switch across Lewis street, south of Fifteenth street, in the City of Indianapolis; said side-track or switch to be constructed and maintained across Lewis street and east of the north-bound main track of the Lake Erie & Western Railway Company, from the points designated as "A" and "B" on the drawing attached hereto, filed herewith and made a part of this petition and for certainty marked "Exhibit A."

Your petitioner prays that the privileges and authorities herein requested shall be granted upon such terms and conditions as may hereafter be agreed upon by contract.

Respectfully,

IRA B. BUGBEE.

Now, therefore, This agreement, made and entered into this . . . . . day of . . . . ., 190., by and between Ira B. Bugbee, of the City of Indianapolis, County of Marion, State of Indiana, party of the first part, and the City of Indianapolis, by and through its Board of Public Works, party of the second part, witnesseth:

That the party of the first part being desirous of securing a right-of-way for a switch or side-track across Lewis street in the City of Indianapolis, which is more specifically described in the petition of the said first party hereto attached and made a part of this contract, hereby covenants and agrees and fully binds itself, its successors, legal representatives and assigns, that, in consideration of the grant of the privileges and authority herein given, it will lay, construct and maintain said switch or side-track upon terms and conditions hereinafter set forth, to-wit:

1. It shall be laid, improved and kept in repair so as to be safe for persons on foot, in vehicles or otherwise, and shall, at all times, be subject to the orders of the Board of Public Works of the City of Indianapolis.

2. Said side-track or switch shall be laid upon such grade as shall be established by said Board and to its satisfaction and approval. Said side-track or switch shall be raised or lowered to conform to any grade which may, from time to time, be hereafter established, whenever so ordered, in writing, by said Board, and shall be made to conform in all respects with any ordinance passed by the Common Council or with any resolution or resolutions made by said Board, for the elevation or depression of said side-track or switch, or the railroad tracks with which said side-track or switch is or may be connected.

3. The crossing where said side-track or switch intersects Lewis street shall at all times be kept improved and repaired and free from obstructions or defects of any kind. No car or cars shall be permitted to obstruct such crossing, or to be thereon except for such time as may be absolutely necessary in moving them back and forth, and they shall at no time be stopped or detained thereon in such a manner as to obstruct public travel.

4. Said party of the first part agrees, at the pleasure and written order of said Board, to take up and remove said side-track or switch, and upon failure so to do upon such notification, in writing, of ten (10) days, to promptly pay the cost of having the same done. And the party of the first part hereby releases all claim for damages whatsoever that may arise by reason of such removal; and in removing said side-track or switch or in causing the same to be done, said Board shall in nowise become a trespasser.

5. The party of the first part agrees to plank between side-track or switch, from property line to property line, of Lewis street, to the entire satisfaction of the party of the second part; and in case said side-track or switch shall be or become out of repair or in need of being recon-

structed, or become in any way defective, (of which fact the said Board shall be the exclusive judge), it shall be the duty of the said party of the first part to promptly repair or remove the same, failing in which, after notification in writing, of ten (10) days, said Board shall do or cause the same to be done, at the expense of the said party of the first part, and for which expense and cost the said party of the first part shall be liable.

6. The said party of the first part hereby binds itself to hold said party of the second part and said city harmless from any and all claims for damages growing out of the existence, maintenance or use of said side-track or switch, and to pay any judgment, with costs, that may, on that account, be rendered against it or said city.

7. Any violation of any provision of this instrument by said party of the first part, or by any one for it or at its instance or with its permission, shall operate as an immediate and absolute forfeiture of the privileges and authority given or granted by this contract; *Provided, however,* That the same may be terminated without cause at the pleasure of said Board, as hereinafter set forth in Clause Four (4).

Said party of the second part by virtue of the provisions of an act of the General Assembly of the State of Indiana, entitled, "An act concerning the incorporation and government of cities having more than one hundred thousand (100,000) population according to the United States census last preceding, and matters connected therewith, and declaring an emergency," approved March 6, 1891, and in consideration of the things hereinbefore set forth, and upon the terms and provisions herein stipulated, hereby gives, grants and duly vests said party of the first part the right, privilege and authority to lay and maintain a single switch or side-track across Lewis street in the City of Indianapolis, all as shown by the drawing attached hereto, filed herewith and for greater certainty marked "Exhibit A."

*In Witness Whereof,* The parties hereto have hereunto set our hands this ..... of ....., 1904.

Witness:

JOHN D. MOORE.

IRA B. BUGBEE,

Party of the first part.

CITY OF INDIANAPOLIS,

By M. A. DOWNING,

JACOB WOESSNER,

DAVID WALLACE,

Board of Public Works,

Party of the second part.

*And, Whereas,* Said contract has been duly submitted by said Board of Public Works to the Common Council of the City of Indianapolis, for consideration and action; now, therefore,

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That said contract above set forth be, and the same is hereby, in all things confirmed and approved.

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

Which was read a first time and referred to Committee on Contracts and Franchises.

By Mr. Storm (by request):

General Ordinance No. 21—1904: An ordinance promoting public health and comfort, requiring and providing for the cleaning and disinfecting of privy vaults, making an appropriation therefor; prescribing penalties and fixing a time for taking effect.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, That it shall be the duty of the Commissioners of the Department of Public Health and Charities of said city, through the sanitary officers employed by said department, from time to time, to make careful inspection of all the privy vaults situate within the City of Indianapolis, for the purpose of determining whether or not such privy vaults are at all times kept in such sanitary condition as not to cause any unwholesome, noxious or offensive smells.

Sec. 2. Whenever such sanitary officer or officers shall discover any privy vault that has become filled to within eighteen (18) inches of the top of the ground, or that shall emit any unsanitary, unwholesome, noxious or offensive smell of such a character, or to such an extent as to be or about to become injurious to the public health, they shall make immediate report in writing to said Commissioners, giving the name or names of the owner or owners, or their agent or agents, of the premises on which said privy vault is located. Thereupon said Commissioners, through the executive officer of the Department of Public Health and Charities, shall make full examination into the facts so reported, and if upon examination, such executive officer shall find that such privy vault has become filled to within eighteen (18) inches of the top of the ground, or that it shall emit any unwholesome, noxious or offensive smell, or has otherwise become in an unsanitary condition of such a character as to be or about to become injurious to the public health, he shall order that such unsanitary condition of such said privy vault be abated and the offensive smell destroyed, as a public nuisance.

Sec. 3. Thereupon said Commissioners, through the executive officer of their department, shall cause a written notice to be served upon the owner or owners of the premises upon which said privy vault is located, or upon the agent or agents representing the owner or owners or said premises, directing that said privy vault shall be cleaned and disinfected in the manner in which said Commissioners shall order in said notice. Said notice shall be served, either personally on the defendant or by leaving a copy thereof at his last and usual place of residence, and the original thereof, with the time of service endorsed thereon, shall be returned to the office of said Commissioners of Public Health and Charities, and there placed on record. In case such owner or owners, or agent or agents, are unknown, or are not a resident or residents of said city, said Commissioners shall cause a notice to be published in a daily newspaper of general circulation, for one day each week for two consecutive weeks.

Sec. 4. That if the owner or owners or their agent upon whom the notice hereinbefore required, shall have been served, fails to clean and disinfect said privy vault as is in such notice directed within ten (10) days from the time of its service, or after the last day of publication, as the case may be, said Commissioners, through the executive officer of their department, shall order that the same be immediately done by and under the direction of the proper officer or officers of their department, and that the cost thereof shall be promptly reported to and paid by them out of the Vault Cleaning Fund hereinafter provided. Thereupon said Commissioners shall certify the cost of cleaning and disinfecting said privy vault to the City Comptroller, who shall place the same upon the tax duplicate as a charge against the owner or owners of said premises or lot upon which said privy vault is located, which cost shall be a lien thereon and collected the same as are assessments for the sprinkling or sweeping of the streets of said city.

Sec. 5. That any owner or owners, or agent of any premises, lot or ground, within the City of Indianapolis, upon which is located any privy vault, after notice has been served upon him or her as in this ordinance provided, who shall fail to comply with the order of said Com-

missioners of the Department of Public Health and Charities within ten (10) days thereafter, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not more than fifty (\$50.00) dollars, nor less than five (\$5.00) dollars.

Sec. 6. That for the purpose of carrying the provisions of this ordinance into effect there shall be, and is hereby, created a fund to be known as the Vault Cleaning Fund, and there is hereby appropriated from the general fund now in the treasury, and otherwise unappropriated, the sum of three hundred (\$300.00) dollars. And annually from and after the passage and taking effect of this ordinance there shall at the time of the passage of the regular annual appropriation ordinance, be appropriated a sufficient sum of money to pay the estimated annual expense of the provisions of this ordinance.

Sec. 7. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Sec. 8. This ordinance shall take effect and be in full force from and after its passage and publication once each week for two consecutive weeks in the Sentinel, a daily newspaper of general circulation, printed and published in the City of Indianapolis, County of Marion, State of Indiana.

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

By Mr. Storm :

General Ordinance No. 22—1904: An ordinance requiring the Indianapolis Union Railway Company to erect and maintain safety gates for the protection of the public at the crossing of their tracks at East Washington street said city; providing a penalty for the violation thereof; and fixing a time when the same shall take effect.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the Indianapolis Union Railway Company, lessee of the Belt Railway Company, be and the same is hereby required to erect and maintain safety gates on each side of the tracks of the belt railroad where the same crosses East Washington street in said city.

Sec. 2. The safety gates herein provided for shall be equipped with the latest and best appliances for their safety and speedy operation, and to provide for the safety of the public so as to warn and protect persons near such crossing from approaching trains.

Sec. 3. A reliable and competent man shall be employed by said company to operate each of the safety gates herein provided for, when erected, who shall be and remain at his post of duty from 5 o'clock, A. M., until 12 o'clock, midnight, each and every day, except when relieved by some other competent and reliable man.

Sec. 4. The safety gates herein provided for shall be placed in operation at the crossing herein named on or before thirty days after this ordinance shall take effect.

Sec. 5. Said Railway Company failing to erect and maintain the safety gates herein provided for, at and within the time and times provided, shall be fined in any sum not less than ten dollars nor more than twenty-five dollars on complaint of any citizen filed in the Police Court of said city; and every day that such crossing is allowed to remain unprotected by the safety gates herein provided for, shall be deemed a separate offense.

Sec. 6. This ordinance shall take effect and be in full force from and after its passage and publication once each week for two consecu-



tive weeks in the Indianapolis Sentinel, a daily newspaper having a general circulation in said city.

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

By Mr Davis:

General Ordinance No. 23—1904: An ordinance annexing certain territory to the City of Indianapolis, and fixing the time when the same shall take effect.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, That the boundary lines of the City of Indianapolis be, and the same are hereby extended, so as to include the following described contiguous territory, all of which is hereby annexed to and made a part of the territory constituting and forming the City of Indianapolis, in Marion county in the State of Indiana, to-wit:

Beginning at the center of Clifton street; west along the south line of Thirty-second street to the east line of Central Canal; thence in a southerly direction following the east line of the Central Canal, to the center of Thirty-first street; east on center line of Thirty-first street to the center of Clifton street; thence north along the center line of Clifton street to the point of beginning.

Sec. 2. This ordinance shall be in full force and effect from and after its passage and publication for two consecutive weeks in the Indianapolis Sentinel, a daily newspaper of general circulation, printed and published in the City of Indianapolis, Indiana.

Which was read a first time and referred to Committee on Ordinances.

By Mr. Davis:

General Ordinance No. 24—1904: An ordinance to regulate and license the sale of intoxicating liquors, and repealing all ordinances or parts of ordinances in conflict therewith.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, That it shall be unlawful for any person, directly or indirectly, within the corporate limits of the City of Indianapolis, or within four (4) miles of the corporate limits of said city, to sell, barter or give away, for any purpose of gain, any spirituous, vinous or malt liquors, without first procuring from the Comptroller of said city, a license, so to do, nor shall any person, without having procured such license, sell or barter any intoxicating liquor to be drunk or suffered to be drunk in his house, outhouse, yard, garden or the appurtenances thereto belonging; *Provided*, That none of the provisions of this ordinance shall apply to any person engaged in business as a wholesale dealer, who does not sell in less quantities than five gallons at a time, nor to any druggist upon a written prescription of a reputable practicing physician.

Sec. 2. Any person or persons wishing to obtain a license to sell or barter any spirituous, vinous or malt liquors, shall make application to the City Comptroller of said city, by petition, designating the exact location of his or their place of business, giving the number of the lot and street number where he or they propose to establish or carry on said business.

Sec. 3. No license shall be granted under this ordinance for a shorter period than one (1) year.

Sec. 4. The price of a license to sell spirituous, vinous or malt liquors, under this ordinance shall be two hundred and fifty (\$250) dollars for one (1) year.

Sec. 5. Before a license shall be issued to any person under the provisions of this ordinance he shall pay to the Treasurer the license fee required therefor. Said fee shall be paid and used for building and repairing bridges in the City of Indianapolis.

Sec. 6. Any person who shall violate any of the provisions of this ordinance shall, upon conviction, be fined the sum of fifty (\$50) dollars for the first offense, and for every subsequent offense the sum of one hundred (\$100) dollars.

Sec. 7. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Sec. 8. This ordinance shall take effect and be in force from and after its passage and publication once in each week for two consecutive weeks in the Indianapolis Sentinel, a daily newspaper of general circulation, published in the City of Indianapolis.

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

#### ORDINANCES ON SECOND READING.

Mr. Eppert called for General Ordinance No. 12, 1904, for second reading. It was read a second time.

Mr. Eppert moved that General Ordinance No. 12, 1904, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 12, 1904, was read a third time and passed by the following vote:

Ayes, 19, viz.: Cooper, Cottey, Crall, Davis, Eppert, Fishback, Gasper, Hofmann, Linus, Murray, Rhodes, Shea, Storm, Sullivan, Uhl, Wahl, Wolsiffer, Wright and President Billingsley.

Noes, none.

Mr. Davis called for General Ordinance No. 11, 1904, for second reading.

Mr. Crall moved that General Ordinance No. 11, 1904, be amended as recommended by committee. Carried.

It was read a second time as amended.

Mr. Davis moved that General Ordinance No. 11, 1904, be engrossed, as amended, read a third time and placed upon its passage. Carried.

General Ordinance No. 11, 1904, was read a third time and passed by the following vote:

Ayes, 19, viz.: Cooper, Cottey, Crall, Davis, Eppert, Fishback, Gasper, Hofmann, Linus, Murray, Rhodes, Shea, Storm, Sullivan, Uhl, Wahl, Wolsiffer, Wright and President Billingsley.

Noes. none.

On motion of Mr. Wahl, the Common Council, at 8:12 o'clock, adjourned.

*J. B. ...*  
.....  
President.

ATTEST:

*W. M. ...*  
.....  
City Clerk.

