

**MINUTES OF THE CITY-COUNTY COUNCIL
AND SPECIAL SERVICE DISTRICT COUNCILS
OF INDIANAPOLIS, MARION COUNTY, INDIANA**

REGULAR MEETINGS - MONDAY, NOVEMBER 19, 1984

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:08 p.m., on Monday, November 19, 1984, with Councillor SerVaas presiding.

The meeting was opened with a prayer and the Pledge of Allegiance to the Flag by Councillor Dwight Cottingham.

ROLL CALL

Councillor SerVaas instructed the Clerk to take the roll call of the Council, which was as follows:

PRESENT: Borst, Boyd, Bradley, Campbell, Clark, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Giffin, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West

Twenty-nine members being present, he announced a quorum was present.

INTRODUCTION OF GUESTS AND VISITORS

Councillor Stewart introduced four students from IUPUI striving to become social workers.

OFFICIAL COMMUNICATIONS

President SerVaas introduced Mayor William H. Hudnut, III, Mayor of the City of Indianapolis, who made the following presentation to the City-County Council:

THE FUTURE OF PUBLIC HOUSING IN INDIANAPOLIS

"The Indianapolis Housing Authority was created in November, 1949, and operated through June, 1958. In 1965, it was reactivated and underwent a serious expansion and building program. Today, there are some 2,622 units under the Housing Authority jurisdiction, with a vacancy rate of 18.31%.

"Much discussion has taken place recently concerning the future of the Indianapolis Housing Authority. The City-County Council should be commended for its recent interest in the activities and problems of the Authority. I believe the hearing process has been a helpful one, as was the appointment of the special task force. I have reviewed the results of this process carefully and discussed the matter with some of you.

"But I appear before you today to suggest a course of action that might be productive for all of us to take. There are many different viewpoints on this, and I respect the right of everyone to draw their own conclusions and advocate their own positions. I would like to suggest what seems to me to be a sensible course of action for us to pursue. But before I do that, let me begin by mentioning four options that have been suggested, which, in my opinion, are not viable:

"1. Maintain the status quo. I have received reports from the Indianapolis Housing Authority Board, painting a fairly good picture of the current situation, suggesting that some progress has been made in the last 90 days and implying that things should be left as is. The staff and the Board of the IHA are all good and decent people, but I cannot share their conclusion. While there indeed has been some minor positive progress recently, the management audits by HUD and the report of the City-County Council's task force, made public a few months ago, dramatically underscore the presence of serious problems in the Housing Authority which will not be solved by continuing the current way of doing business. The patient is sick, and surgery is needed.

"2. Abolishing the IHA -- that is, selling off all the units to private sector management. I am not sure that buyers could be found, but even if they could, to do this would be to abdicate the responsibility I believe government has to provide adequate housing for low and moderate income citizens. There are many poor and disadvantaged folk out there -- how many I do not know, but national figures suggest that 15% of the American people are living below the poverty level. They need government's help in obtaining housing, Government has a specific moral obligation to assist those in the dawn, the shadows and the twilight of life. We in local government must face up to our responsibility, not forsake it.

"3. Make the IHA a municipal corporation. Perhaps it already is that. But to create a separate, autonomous corporation would, in my opinion, merely institutionalize the distance between the Housing Authority and the rest of local government, making it less responsive to the political process, which at its best reflects what the majority of the people want.

"4. Turn the units over to the tenants. There have been some successful efforts on a limited basis to do this, and I will suggest in a minute a step in this direction. I believe that tenants' councils can be very helpful in bringing peer pressure to bear to enforce minimum standards of conduct in the projects, conformity to commonly accepted norms of behavior, and respect for the rights and property of others. But tenants cannot organize the whole shooting match. That is asking too much of them. There has to be overall management, overall maintenance, overall funding, overall administration, or we will end up with decentralized chaos.

"And so, through the process of elimination, we are remitted to another alternative which I think has more to recommend it. In 1969, the Indiana General Assembly passed the Unigov Act. Since that time, we have enjoyed increasing effectiveness in many local government operations, but we also have learned some things that might refine and improve the original Unigov Act. More to the point, that act omitted the Housing Authority. So I would propose today that we clear up the confusion by bringing the Housing Authority into the mainstream of local government operations and placing it under the Department of Metropolitan Development.

"To that end, legislation could be drafted that would abolish the existing structure of the Indianapolis Housing Authority and transfer those functions to the DMD's Division of Housing, assuming the General Assembly would respond to our request for such legislation. This would make the chief operating officer of the Housing Authority a local government official, responsive to elected officials. And, in turn, the Housing Authority would be made more accountable, with its operation being complimented by others in the Department of Metropolitan Development and the other Unigov departments. The commissioners of the Housing Authority in effect would be the commissioners of the Department of Metropolitan Development, appointed by the City-County Council, the County Commissioners and the Mayor.

"In order to prepare for this transition, I would propose that some interim steps be taken. I would name the Director of Metropolitan Development the new Acting Executive Director of the Housing Authority. Additionally, the Director's staff would begin day-to-day supervision of the staff of the Authority.

"Also, during this interim time, DMD would contract with a local firm of consultants to conduct a thorough appraisal of the existing conditions at all of the Housing Authority projects in order to estimate the cost of the necessary rehabilitation of the vacant and vandalized units. We need a price tag before we can generate the funds necessary to begin a systematic rehabilitation of those units, regardless of whether the money would come from the U.S. Department of Housing and Urban Development, or from local sources, or from a mix of the two. Please note that I mention local monies. I do not see how we can improve the Housing Authority situation and bring it under the control of local government without being willing, if necessary, to put some local money into it, even though this has never been done before.

"Also, there has been a suggestion of private management for the Housing Authority units. On a large scale, this would probably be a mistake. But I would suggest that we test it on a smaller scale. Currently, a draft request for proposals for private management of one elderly and one family unit is being prepared. After critique and review by private management firms, I feel that this RFP should be put forward; and we should then seek qualified bids to operate an elderly project and a family project on a two-year trial basis. If I recall correctly, the Greater Indianapolis Progress Committee made a suggestion similar to this sometime within the past year.

"A variety of groups and individuals have been interested in the well-being of the tenants of the Housing Authority. That is the bottom line for all of us -- doing the best we can to provide housing for these people. That's why I feel constrained to deal with this subject. These groups and individuals have worked well with the Council's ad hoc task force. Some have appeared at your committee hearing. I would ask that the Metropolitan Development Commission appoint a Public Housing Advisory Task Force composed of these interest groups so that they might help us in the transition time as we undertake the transformation of the status of the Housing Authority from a separate entity to an integral component of local government.

"One other suggestion I would make is that we work with the tenants in one of the units, on a two-year trial basis, to promote self-help efforts that would enable them to manage their own units successfully. It seems to me that if we can promote feelings of pride and home-ownership by the residents in our public housing, we will contribute strongly to the solution of our problem. This would be an innovative step to take, but I think such bold action is required by the times in which we find ourselves. Many things are being considered on the national

level, such as the establishment of a voucher system to replace subsidies and welfare projects and the return of public housing to the free market. But those things are beyond our jurisdiction.

“People might legitimately ask the question, is the Mayor’s recommendation the best way to proceed? I cannot be certain, but I feel that it is, after having explored the different options available to us. I do think we must summon the courage to innovate, to do things differently, to make some new efforts and break some new ground. This means that some difficult steps will have to be taken. The bottom line is that we in the executive and legislative branches of local government must join hands in assuring that the City of Indianapolis has opportunities for the entire range of its citizens to enjoy adequate and affordable housing in good condition.

“Thank you for whatever attention you may give these thoughts. I submit them to you respectfully and hopefully.

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

**TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE,
FIRE AND SOLID WASTE SPECIAL SERVICE DISTRICT COUNCILS OF
THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:**

Ladies and Gentlemen:

You are hereby notified that **REGULAR MEETINGS** of the City-County Council and Police, Fire and Solid Waste Special Service District Councils, will be held in the City-County Building, in the Council Chambers, on Monday, November 19, 1984, at 7:00 p.m., the purposes of such **MEETINGS** being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,

s/Beurt SerVaas, President
City-County Council

November 5, 1984

**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 NEWS and The Indianapolis COMMERCIAL on November 8, 1984, and November 15, 1984, a copy of **NOTICE TO TAXPAYERS** of a Public Hearing on

Proposal Nos. 599, 600, and 607, 1984, to be held on Monday, November 19, 1984, at 7:00 p.m., in the City-County Building.

Respectfully,

s/Beverly S. Rippy
City Clerk

ADOPTION OF THE AGENDA

Consent was given for the adoption of the agenda of the City-County Council and the Indianapolis Police, Fire and Solid Waste Special Service District Councils of November 19, 1984.

APPROVAL OF JOURNALS

President SerVaas called for additions or corrections for the Journal of September 10, 1984. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS --

PROPOSAL NO. 623, 1984. This proposal is being introduced by Councillors Journey, Coughenour, Bradley, Nickell and Stewart. Councillor Coughenour read the proposal which honors the Executive Committee of Women in Municipal Government on its tenth anniversary and she explained that the resolution would be presented at a meeting during the National League of Cities Convention which is being held in Indianapolis. Councillor Coughenour moved, seconded by Councillor Journey for adoption. Proposal No. 623, 1984, was adopted by unanimous voice vote and retitled SPECIAL RESOLUTION NO. 96, 1984, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 96, 1984

A SPECIAL RESOLUTION honoring the Executive Committee of Women in Municipal Government.

WHEREAS, the Executive Committee of Women in Municipal Government was established in 1974 as a method of communication by which female government officials may exchange ideas and current activities; and

WHEREAS, the Committee promotes the interests of women within various organizations comprising the National League of Cities; and

WHEREAS, through the publication of a quarterly newsletter, training sessions, and other promotional efforts the Executive Committee of Women highlights those issues of interest to women in National League policy; and

WHEREAS, 1984 is the Tenth Anniversary of the founding of the Executive Committee of Women in Municipal Government; now, therefore:

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

SECTION 1. The Indianapolis-Marion County City-County Council hereby congratulates the Executive Committee of Women in Municipal Government on its Tenth Anniversary.

SECTION 2. The Council further commends the Executive Committee of Women in its efforts to promote the concerns of women in government.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 618, 1984. Introduced by Councillor Cottingham. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring \$14,900 for remodeling of the Recorder's Office"; and the President referred it to the County and Townships Committee.

PROPOSAL NO. 619, 1984. Introduced by Councillor Cottingham. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring \$1,500 for the replacement of two typewriters for the Perry Township Assessor"; and the President referred it to the County and Townships Committee.

PROPOSAL NO. 620, 1984. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE amending provisions of the Fire Merit Ordinance concerning leave for members of the Indianapolis Fire Department"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 621, 1984. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring \$890 for the rental of equipment and changes the personnel schedule for the Superior Court - Criminal Division - Room One"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 622, 1984. Introduced by Councillor Campbell. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE changing the speed limit on a portion of Forest Manor"; and the President referred it to the Transportation Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 617, 1984. Councillor Holmes explained that this proposal is a technical amendment to the franchise contract between the City and Indianapolis Cablevision Company, Ltd. specifying the expiration date of the franchise. The Administration Committee on November 12, 1984, recommended Proposal No. 617, 1984, Do Pass by a vote of 3-0. Councillor Holmes moved, seconded by Councillor Coughenour for adoption. Proposal No. 617, 1984, was adopted on the following roll call vote; viz:

27 YEAS: *Borst, Boyd, Bradley, Campbell, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West*

0 NAYS

2 NOT VOTING: *Clark, Giffin*

Proposal No. 617, 1984, was retitled SPECIAL ORDINANCE NO. 68, 1984 and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 68, 1984

A SPECIAL ORDINANCE approving an amendment to the Franchise Contract between the City of Indianapolis, Indiana, and Indianapolis Cablevision Company, Ltd., amending the designation of the Operator from Indianapolis Cablevision Company, Ltd. to Indianapolis Cablevision, Inc. and specifying the expiration date.

WHEREAS, the City-County Council by Special Ordinance No. 55, 1984, approved the transfer of a cable television franchise by Indianapolis Cablevision Company, Ltd. to Indianapolis Cablevision, Inc., and a form of Amendment to Franchise attached as Exhibit "A" to such ordinance; and

WHEREAS, the Cable Franchise Board on November 13, 1984, recommended approval by the City-County Council of a modification to the Amendment to Franchise to specify the expiration date of the franchise; and

WHEREAS, the City-County Council finds that the recommendation of the Cable Franchise Board should be approved, now, therefore:

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

SECTION 1. The City-County Council hereby approves the Amendment to Franchise which is attached hereto and incorporated herein as "Exhibit A," to be executed upon transfer of the Franchise by Indianapolis Cablevision Company, Ltd. to Indianapolis Cablevision Inc. in lieu of the Amendment to Franchise approved by Special Ordinance No. 55, 1984.

SECTION 2. This ordinance shall be in full force and effect from and after compliance with I.C. 36-3-4-14.

AMENDMENT TO FRANCHISE

THIS AMENDMENT TO FRANCHISE (hereinafter referred to as "Amendment"), made and entered into this ___ day of _____, 1984, 9y and between the City of Indianapolis, Indiana, through its Cable Franchise Board (hereinafter referred to as the "City") and Indianapolis Cablevision, Inc., an Indiana corporation with its principal place of business located at 5330 East 65th Street, Indianapolis, Indiana 46220 (hereinafter referred to as the "Operator"),

WITNESSETH THAT:

WHEREAS, on _____, 1984, the Operator received an assignment of a Franchise contract, dated May 19, 1967, between the City and Indianapolis Cablevision Company, Ltd., the assignee of Metropolitan Cablevision Corporation; and

WHEREAS, the City and the Operator desire to amend the Franchise contract to substitute the Operator as the "Company" for all purposes of the Franchise agreement from and after the date of assignment as aforesaid and to clarify the expiration date;

NOW THEREFORE, the Operator and the City hereby do mutually agree to amend the Franchise contract dated May 19, 1967, as follows:

1. "Indianapolis Cablevision, Inc." is substituted as the "Company" for all purposes of this Franchise contract from and after _____, 1984.
2. Indianapolis Cablevision, Inc. assumes and agrees to perform all of the terms and provisions of the Franchise contract from and after the date aforesaid, except and to the extent any of such provisions have been superseded by the provisions of Chapter 8½ of the Code of Indianapolis and Marion County, Indiana, as amended.
3. Except as amended by this Amendment, and the provisions of Chapter 8½ of the Code aforesaid, the terms and conditions of the Franchise contract dated May 19, 1967, shall remain unchanged and in full force and effect until May 19, 1992, pursuant to Section III of such contract.

IN WITNESS WHEREOF, the parties have hereunto set their hands as of the date first written above.

APPROVED BY THE MAYOR OF THE CITY OF INDIANAPOLIS, INDIANA

CITY OF INDIANAPOLIS, INDIANA THROUGH ITS OFFICE OF TELECOMMUNICATIONS

William H. Hudnut, III, Mayor

By _____
Lloyd Jacobs, Director

APPROVED AS TO LEGAL FORM AND ADEQUACY:

INDIANAPOLIS CABLEVISION, INC.

John P. Ryan
Corporation Counsel

By _____
Printed

PROPOSAL NOS. 624-638, 1984. Introduced by Councillor Borst. The Clerk read the proposals entitled: "REZONING ORDINANCES certified by the Metropolitan Development Commission on November 9, 1984". No action was taken by the Council, and the proposals were deemed adopted. Proposal Nos. 624-638, 1984, were retitled REZONING ORDINANCE NOS. 170-184, 1984, and read as follows:

REZONING ORDINANCE NO. 170, 1984 84-Z-110 Amended PERRY TOWNSHIP COUNCILMANIC DISTRICT NO. 24

4001 EAST SOUTHPORT ROAD, INDIANAPOLIS

Carl W. Ritchie, by Lawson J. Clarke, II, requests the rezoning of 2.97 acres, being in the C-2 and C-4 districts, to the C-6 classification, to provide for the construction of a Dollar Inn Motel.

REZONING ORDINANCE NO. 171, 1984 84-Z-128 LAWRENCE TOWNSHIP COUNCILMANIC DISTRICT NO. 3

9210 PENDLETON PIKE, INDIANAPOLIS

Realty Investment Company, Inc., by Philip A. Nicely, requests rezoning of approximately 10 acres, being in the D-6 district, to the D-11 classification, to provide for the development of a mobile home park.

REZONING ORDINANCE NO. 172, 1984 84-Z-152 WASHINGTON TOWNSHIP COUNCILMANIC DISTRICT NO. 2

3245 HARPER ROAD, INDIANAPOLIS

Butler Toyota, Inc., by Ted B. Lewis, requests rezoning of 2.2 acres, being in the C-4 district, to the C-5 classification, to provide for the expansion of an automobile dealership.

REZONING ORDINANCE NO. 173, 1984 84-Z-163 WASHINGTON TOWNSHIP COUNCILMANIC DISTRICT NO. 1

6201 NORTH MICHIGAN ROAD, INDIANAPOLIS

Bethesda Temple Apostolic Church and Michigan Road Realty Corporation, by James R. Nickels, request the rezoning of 10.0 acres, being in the D-2 and D-7 districts, to the SU-1 classification, to provide for the construction of a church.

REZONING ORDINANCE NO. 174, 1984 84-Z-169 DECATUR TOWNSHIP COUNCILMANIC DISTRICT NO. 19

5901 HEINEY ROAD, INDIANAPOLIS

Joel D. Williamson, by Wilson S. Stober, requests rezoning of 6.9 acres, being in the A-2 district, to the I-1-S classification, to provide for light industrial use.

REZONING ORDINANCE NO. 175, 1984 84-Z-171A WASHINGTON TOWNSHIP COUNCILMANIC DISTRICT NO. 4

4420 EAST 62ND STREET, INDIANAPOLIS

Pickwick Investment Company, by John W. Tousley, requests the rezoning of 1.05 acres, being in the A-2 district, to the C-1 classification, to provide for the construction of a daycare center.

REZONING ORDINANCE NO. 176, 1984 84-Z-172 WARREN TOWNSHIP COUNCILMANIC DISTRICT NO. 14

7701 EAST WASHINGTON STREET, INDIANAPOLIS

Signature Inns, Inc., by Stephen D. Mears, requests the rezoning of 3.15 acres, being in the C-4 district, to the C-6 classification, to provide for the construction of a motel.

**REZONING ORDINANCE NO. 177, 1984 84-Z-173 CENTER TOWNSHIP
COUNCILMANIC DISTRICT NO. 22**

225 NORTH NEW JERSEY STREET, INDIANAPOLIS

Robert A. Borns, by Harry F. McNaught, Jr., requests rezoning of 2.5 acres, being in the C-4, I-3-U and HP-S districts, to the CBD-2 classification, to provide for the rehabilitation of a six-story building for offices.

**REZONING ORDINANCE NO. 178, 1984 84-Z-174 WARREN TOWNSHIP
COUNCILMANIC DISTRICT NO. 2**

3002 NORTH POST ROAD, INDIANAPOLIS

Robert D. Hockett, by Kurt F. Pantzer, Jr., requests rezoning of 0.78 acre, being in the I-2-S district, to the C-5 classification, to provide for outdoor automobile sales.

**REZONING ORDINANCE NO. 179, 1984 84-Z-175 WAYNE TOWNSHIP
COUNCILMANIC DISTRICT NO. 17**

2210 OLIVER AVENUE, INDIANAPOLIS

Kasle Recycling, Inc., by Stephen D. Mears, requests rezoning of 8.5 acres, being in the I-4-U district, to the I-5-U classification, to conform zoning to its use as a scrap metal and salvage business.

**REZONING ORDINANCE NO. 180, 1984 84-Z-176 CENTER TOWNSHIP
COUNCILMANIC DISTRICT NO. 21**

951 WEST MORRIS STREET, INDIANAPOLIS

Blue and White Services, Inc., by Alex Clark, requests the rezoning of 2.05 acres, being in the C-7 district, to the C-ID classification, to provide for the construction and operation of a distribution center for the distribution of truck tires and bulk motor oil to truck service centers.

**REZONING ORDINANCE NO. 181, 1984 84-Z-177 DECATUR TOWNSHIP
COUNCILMANIC DISTRICT NO. 19**

4635 TINCHER ROAD, INDIANAPOLIS

Harold L. and Betty J. Frye request the rezoning of 3.5 acres, being in the A-2 district, to the D-2 classification, to provide for residential use by platting.

**REZONING ORDINANCE NO. 182, 1984 84-Z-178 WAYNE TOWNSHIP
COUNCILMANIC DISTRICT NO. 21**

5042 WEST MECCA STREET, INDIANAPOLIS

Drexel Gardens Apostolic Tabernacle requests the rezoning of 0.23 acre, being in the D-5 district, to the SU-1 classification, to provide for the expansion of a church.

**REZONING ORDINANCE NO. 183, 1984 84-Z-182 LAWRENCE TOWNSHIP
COUNCILMANIC DISTRICT NO. 5**

9401 HAGUE ROAD, INDIANAPOLIS

Tim Hogan, by Robert M. Koeller, requests the rezoning of 1.4 acres, being in the I-3-S district, to the C-7 classification, to provide for a carpet outlet store.

**REZONING ORDINANCE NO. 184, 1984 84-Z-185 WASHINGTON TOWNSHIP
COUNCILMANIC DISTRICT NO. 4**

4302 EAST 62ND STREET, INDIANAPOLIS

Al Stancel, by Robert M. Koeller, requests the rezoning of 0.44 acre, being in the SU-18 district, to the C-3 classification, to provide for the use of an existing one-story commercial building for a retail musical instrument store.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 571, 1984. This proposal approves the issuance of temporary tax anticipated time warrants for the County General Fund during the period of

January 2, 1985 to December 30, 1985. Councillor Cottingham reported that the County and Townships Committee on November 13, 1984, recommended Proposal No. 571, 1984, Do Pass by a vote of 5-0. The President called for public testimony at 7:35 p.m. There being no one present to testify Councillor Cottingham moved, seconded by Councillor Gilmer for adoption. Proposal No. 571, 1984, was adopted on the following roll call vote; viz:

29 YEAS: *Borst, Boyd, Bradley, Campbell, Clark, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Giffin, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West*

NO NAYS

Proposal No. 571, 1984, was retitled FISCAL ORDINANCE NO. 90, 1984, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 90, 1984

A FISCAL ORDINANCE authorizing Marion County to borrow on a temporary loan for the use of the County General Fund during the period January 2, 1985, to December 30, 1985, in anticipation of current taxes levied in the year 1984 and collectible in the year 1985, authorizing the issuance of tax anticipation time warrants to evidence such loan; pledging and appropriating the taxes to be received in said fund to the payment of said tax anticipation time warrants including the interest thereon.

WHEREAS, the Auditor of Marion County has filed with the Mayor of the Consolidated City an estimate and statement showing the amount of money needed to pay current expenses from the County General Fund pending the receipt of current revenues actually levied and now in process of collection, and the Mayor did make and enter of record a finding, and said Auditor and Mayor have requested the City-County Council to authorize temporary borrowing to procure the funds necessary for use by the County General Fund and to pay the incidental expenses necessary to be incurred in connection with the issuance and sale of Tax Anticipation Warrants; and

WHEREAS, the City-County Council now finds that the request should be granted, and that the City-County Council should authorize the making of a loan and the issuance of Tax Anticipation Warrants of the County to evidence the same; now, therefore:

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

SECTION 1. That the Auditor of Marion County and Mayor of the Consolidated City of Indianapolis are authorized to borrow in the name of Marion County on a temporary loan against current revenues actually levied and in process of collection for the County General Fund, for and on behalf of said County, for the purpose of procuring the funds immediately and temporarily necessary for use for expenditures from the County General Fund to be paid from said County General Fund prior to the actual receipt of taxes required for the payment of incidental expenses incurred in connection with the issuance of the Tax Anticipation Warrants of the County in the manner provided for by the statute.

SECTION 2. That the amount of said loan and the Tax Anticipation Warrants issued to evidence the same shall be fourteen million dollars (\$14,000,000). Said Tax Anticipation Warrants shall be dated as of date or dates of delivery thereof to the purchaser, shall be in such number and denomination or denominations, not less than \$100,000 as shall be requested by the purchaser or purchasers and shall bear interest at a rate or rates determined by bidding, and shall mature and be payable on the 30th day of December, 1985, and the amount of fourteen million dollars (\$14,000,000) of the taxes now in process of collection for the County General Fund in the year 1985, together with such amount of said taxes as is necessary to pay the interest on said warrants, is hereby appropriated and pledged for the purposes of paying said tax anticipation warrants together with the interest thereon when due.

SECTION 3. Said tax anticipation time warrants shall be issued in substantially the following form (all blanks, including the appropriate amount, dates, statutory citation, and other data, to be properly completed prior to the execution and delivery thereof):

STATE OF INDIANA, COUNTY OF MARION

No. _____ \$ _____

MARION COUNTY GENERAL FUND
TAX ANTICIPATION WARRANT

For value received the Board of Commissioners of the County of Marion, in the State of Indiana, promises to pay to the bearer from the Marion County General Fund the sum of \$ _____ dollars on the _____ day of _____, 19____, with interest thereon at the rate of _____ percent (_____ %) per annum from the date hereof to the time of payment of the principal hereof, which interest is payable on the principal payment date hereof.

Both principal and interest of this warrant are payable in lawful money of the United States of America, at the Office of the Treasurer of Marion County, of the City of Indianapolis, Indiana. This warrant is one of an issue aggregating _____ dollars and is issued pursuant to and in accordance with City-County Fiscal Ordinance No. _____, duly adopted by the City-County Council on the _____ day of _____, 19____, and in strict conformity with Title 36, Article 2, Chapter 6 and Title 36, Article 3 of the Indiana Code as amended.

All acts, conditions and things to be done precedent to and in the execution, issuance and delivery of this warrant have been done and performed in regular and due form as provided by law, and this warrant is within every limit of indebtedness prescribed by the constitution and the laws of the State of Indiana. Sufficient receipts from taxation for the County General Fund of Marion County from levies actually made and now in process of collection for the current year as may be necessary are hereby irrevocably pledged to the punctual payment of the principal and interest of this warrant according to its terms.

IN WITNESS WHEREOF, the Board of Commissioners of the County of Marion, has caused this warrant to be issued and signed in its name by its duly elected, qualified and acting Commissioners, countersigned by the Mayor of the City of Indianapolis, attested by its duly elected, qualified and acting County Auditor, and the seal of said Board of Commissioners to be hereunto affixed, as of the _____ day of _____.

SEAL

MARION COUNTY

BY: _____
COMMISSIONERS OF MARION COUNTY
COUNTERSIGNED:

MAYOR, CITY OF INDIANAPOLIS

ATTEST:

AUDITOR OF MARION COUNTY

SECTION 4. The Auditor is hereby authorized and directed to have said Tax Anticipation Warrants prepared and the Board of Commissioners of the County, the Mayor of the City of Indianapolis and the Auditor of the County are hereby authorized and directed to execute said Tax Anticipation Warrants in the manner substantially set out in the form hereinbefore provided. The Auditor shall sell said warrants at public sale. Said warrants may be sold at one sale or in parcels at more than one sale, provided that the total amount of said warrants sold shall not exceed the amount herein authorized. Prior to the sale of said warrants the Auditor shall cause to be published a notice of said sale in accordance with I.C. 5-3-1. The Auditor shall sell said warrants to the highest qualified responsible bidder, offering the lowest net interest cost to the County on all of the warrants bid for to maturity and deducting therefrom the premium bid if any. All bids shall be for not less than the par value of the warrants bid for including accrued interest at the date or dates of delivery of said warrants. The Auditor shall have the right to reject any and all bids. The proper officers of the County are authorized to deliver the warrants to the purchaser or purchasers of said warrants for the agree purchase price. The warrants may all be delivered at one time or in parcels from time to time, pursuant to any agreements or understandings with respect to said delivery by and between the Auditor and the purchaser of the warrants.

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 600, 1984. This proposal appropriates \$12,000 for the Internal Audit Division for increased personnel salary expenses in 1984. Councillor Holmes explained that earlier in the year approximately eight positions in the Internal Audit Division were adjusted upward and Proposal No. 600, appropriates \$12,000 to reimburse for the adjustment. The Administration Committee on November 12, 1984, recommended Proposal No. 600, 1984, Do Pass by a vote of 3-0. The President called for public testimony at 7:36 p.m. There being no one present to testify Councillor Holmes moved, seconded by Councillor Coughenour for adoption. Proposal No. 600, 1984, was adopted on the following roll call vote; viz:

20 YEAS: *Borst, Bradley, Clark, Coughenour, Crowe, Curry, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Page, Rader, Rhodes, SerVaas, Shaw, Stewart, West*

9 NAYS: *Boyd, Campbell, Cottingham, Dowden, Durnil, Giffin, Nickell, Schneider, Strader*

Proposal No. 600, 1984, was retitled FISCAL ORDINANCE NO. 91, 1984, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 91, 1984

A FISCAL ORDINANCE amending the City-County Annual Budget for 1984 (City-County Fiscal Ordinance No. 72, 1983) appropriating an additional Twelve Thousand Dollars (\$12,000) in the Consolidated County Fund for purposes of the Internal Audit Division and reducing certain other appropriations for the Department of Metropolitan Development, Planning 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 1984, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of providing funds for increased personnel salary expenses in 1984.

SECTION 2. The sum of Twelve Thousand Dollars (\$12,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the appropriations as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:	
INTERNAL AUDIT DIVISION	CONSOLIDATED COUNTY FUND
1. Personal Services	<u>\$12,000</u>
TOTAL INCREASE	\$12,000

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

DEPARTMENT OF METROPOLITAN DEVELOPMENT	
PLANNING DIVISION	CONSOLIDATED COUNTY FUND
3. Other Services & Charges	<u>\$12,000</u>
TOTAL REDUCTION	\$12,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 607, 1984. This proposal appropriates \$20,000 for Superior Court, Juvenile Division for the Guardian Ad Litem Project which will be reimbursed with federal funds. Councillor Dowden explained that the volunteers are assigned by the Juvenile Court Judge to be a third-party representation for juveniles being prosecuted under certain offenses. The guardian ad litem provides a social investigation of the situation and makes recommendations, written reports and monitors the situation during and after court proceedings. The Public Safety and Criminal Justice Committee on November 14, 1984, recommended Proposal No. 607, 1984, Do Pass by a vote of 6-0. The President called for public testimony at 7:42 p.m. There being no one present to testify Councillor Dowden moved, seconded by Councillor Howard for adoption. Proposal No. 607, 1984, was adopted on the following roll call vote; viz:

28 YEAS: Borst, Boyd, Bradley, Campbell, Clark, Cottingham, Coughenour, Crowe, Dowden, Durnil, Giffin, Gilmer, Hawkins, Holmes, Howard, Journey,

McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West

NO NAYS

1 NOT VOTING: Curry

Proposal No. 607, 1984, was retitled FISCAL ORDINANCE NO. 92, 1984, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 92, 1984

A FISCAL ORDINANCE amending the City-County Annual Budget for 1984 (City-County Fiscal Ordinance No. 72, 1983) appropriating an additional Twenty Thousand Dollars (\$20,000) in the State and Federal Grant Fund for purposes of the Marion County Superior Court, Juvenile Division and reducing the unappropriated and unencumbered balance in the State and Federal Grant 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 2.03 (e) of the City-County Annual Budget for 1984, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of providing funds for the Guardian Ad Litem Project which will be reimbursed with federal funds.

SECTION 2. The sum of Twenty Thousand Dollars (\$20,000) 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:
SUPERIOR COURT - JUVENILE DIVISION

	STATE AND FEDERAL GRANT FUND
32. Contractual Services	<u>\$20,000</u>
TOTAL INCREASE	<u>\$20,000</u>

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

	STATE AND FEDERAL GRANT FUND
Unappropriated and Unencumbered	
State and Federal Grant Fund	<u>\$20,000</u>
TOTAL REDUCTION	<u>\$20,000</u>

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 406, 1984. This proposal amends the Code, Chapter 27 dealing with sewage. Councillor West explained that Proposal No. 406, changes certain discharge standards which is necessary due to the operation of the advanced wastewater treatment plant. The Public Works Committee held several meetings

to discuss this lengthy proposal. There were technical amendments made to the proposal during the committee process but many of these changes were due to changes in the Environmental Protection Agency standards. The Public Works Committee on November 16, 1984, recommended Proposal No. 406, 1984, Do Pass As Amended by a vote of 4-0. Councillor West moved, seconded by Councillor Rhodes for adoption. Proposal No. 406, 1984, as amended, was adopted on the following roll call vote; viz:

29 AYES: *Borst, Boyd, Bradley, Campbell, Clark, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Giffin, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West*
NO NAYS

Proposal No. 406, 1984, as amended, was retitled GENERAL ORDINANCE NO. 77, 1984, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 77, 1984

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Chapter 27, Sewers and sewage disposal.

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

SECTION 1. Article I of Chapter 27 of the "Code of Indianapolis and Marion County, Indiana" is hereby amended by inserting the words underlined and deleting the words crosshatched as follows:

Sec. 27-1. Purpose and policy.

This chapter sets forth uniform requirements for discharges into the City of Indianapolis wastewater collection and treatment systems, and enables the City of Indianapolis to protect public health and comply with all applicable local, state and federal laws relating thereto.

The objectives of this chapter are:

(a) To prevent the introduction of pollutants into the city wastewater system which will interfere with the normal operation of the system or contaminate the resulting municipal sludge;

(b) To prevent the introduction of pollutants into the City wastewater system which do not receive adequate treatment in the wastewater works, and which will pass through the system into receiving waters or the atmosphere;

(c) To improve the opportunity to recycle and reclaim wastewater and sludge from the system.

This chapter provides for the regulation of discharges into the city wastewater system through the issuance of industrial discharge and building permits, the execution of special agreements, and the enforcement of administrative regulations.

In furtherance of these objectives, this chapter details the general regulation of discharges to public sewers; the issuance of connection permits for building sewers; the issuance of discharge permits for industrial users of the system; the establishment of a system of rates, charges, and billings for the use of the system; and regulations for private disposal facilities.

Sec. ~~27-1~~ 27-2. Definitions.

As used in this chapter the following terms shall have the meanings ascribed to them in this section unless the context specifically indicates otherwise:

ASTM shall mean the American Society for Testing and Materials.

ACT shall mean the Federal Water Pollution Control Act, as amended, 33 USC 1251, et seq., also known as the Clean Water Act.

ADMINISTRATOR shall mean the Regional Administrator of Region V U.S. Environmental Protection Agency or Director in an NPDES State with an approved state pretreatment program.

APPLICABLE PRETREATMENT STANDARD shall mean, for any specified pollutant, city prohibitive discharge standards, city's specific limitations on discharge, the State of Indiana pretreatment standards, or the Federal categorical pretreatment standards (when effective), whichever standard is most stringent.

APPROVAL AUTHORITY shall mean the administrator.

AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER may be: (1) a principal executive officer of at least the level of vice president, if the industrial user is a corporation; (2) a general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; (3) a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

BOARD shall mean the board of public works.

BOD (denoting biochemical oxygen demand) shall mean the quantity of "Oxygen utilized in the biochemical" oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees centigrade, expressed in milligrams per liter.

BUILDING DRAIN shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from solid waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

BUILDING SEWER shall mean the extension from the building drain to the public sewer or other place of disposal.

CATEGORICAL PRETREATMENT STANDARD shall mean any regulation containing pollutant discharge limits promulgated by EPA in accordance with section 307 (b) and (c) of the Act which applies to a specific category of industrial user.

CITY shall mean the consolidated city of Indianapolis, Indiana.

CITY SEWER shall mean a sewer owned and operated by the city.

COMBINED SEWER shall mean a sewer receiving both surface runoff and sewage.

COMPOSITE SAMPLE shall mean a 24-hour composite sample. Samples may be done either manually or automatically, and continuously or discretely, with not less than 12 samples to be composited.

COOLING WATER shall mean the water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

COUNCIL shall mean the City-County Council of Indianapolis, Marion County, Indiana.

DIRECT DISCHARGE shall mean the discharge of treated or untreated wastewater directly to the waters of the State of Indiana.

DIRECTOR shall mean the director of the department of public works, or his/her authorized deputy, agent, or representative.

DISCHARGE REPORT shall mean any report required of an industrial user by Section B(2) of the industrial discharge permit.

DOMESTIC WASTEWATER shall mean wastewater of the type commonly introduced into a wastewater treatment works by residential users.

EPA shall mean the U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the administrator or other duly authorized official of said agency.

GARBAGE shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

GENERAL PRETREATMENT REGULATIONS shall mean General Pretreatment Regulations for Existing and New Sources, 40 CFR Section 403, as amended.

GRAB SAMPLE shall mean a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

INDIRECT DISCHARGE shall mean the discharge or the introduction of nondomestic pollutants from any source regulated under section 307 (b) or (c) of the Act (33 U.S.C. 1317), into the wastewater works (including holding tank waste discharged into the system).

INDUSTRIAL SURVEILLANCE SECTION shall mean the industrial surveillance section of the department of public works.

INDUSTRIAL USER shall mean any user of the wastewater works who discharges, causes, or permits the discharge of non domestic wastewater into the wastewater works.

INDUSTRIAL WASTEWATER shall mean a combination of liquid and water-carried waste discharged from any industrial establishment and resulting from any trade or process carried on in that establishment, including the wastewater from pretreatment facilities and polluted cooling water.

INTERFERENCE shall mean the inhibition or disruption of the wastewater works processes or operations which contributes to a violation of any requirement of the City's NPDES Permit. The term includes prevention of sewage sludge use or disposal by the wastewater works in accordance with 405 of the Act (33 U.S.C. 1345), or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act

(SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the wastewater works.

An industrial user significantly contributes to such a permit violation or prevention of sludge user or disposal in accordance with above-cited authorities whenever such user:

- (a) Discharges a wastewater which has a 24-hour pollutant loading in excess of that allowed by the user's Industrial Discharge Permit or by Federal, State, or Local law; or
- (b) Discharges wastewater which substantially differs in nature or constituents from the user's authorized discharge as described in the user's Industrial Discharge Permit.
- (c) Discharges a slug.

NH 3 -N (denoting ammonia nitrogen) shall mean all of the nitrogen in water, sewage or other liquid waste present in the form of ammonia, ammonia ion or in the equilibrium $\text{NH}_4^+ + \text{NH}_3 + \text{H}^+$.

NATURAL OUTLET shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

NEW SOURCE shall mean any wastewater source, the construction of which is commenced after the publication of proposed regulations prescribing a section 307 (c) (33 U.S.C 1317) Categorical Pretreatment Standard which will be applicable to such source, if such standard is thereafter promulgated within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.

NONINDUSTRIAL USER shall mean all users of the ~~Wastewater~~ wastewater works not included in the definition of "industrial user".

NPDES (National Pollutant Discharge Elimination System) shall mean a permit issued pursuant to Section 402 of the Act (22 U.S.C. 1342).

PASS-THROUGH shall mean the discharge of pollutants through the wastewater treatment plant into navigable waters in quantities or concentrations which are a cause of or significantly contribute to a violation of any requirement of the City's NPDES permit (including an increase in the magnitude or duration of a violation or the receiving stream's Water Quality Standards). An industrial user significantly contributes to such permit violation where it:

- (a) Discharges a wastewater which has a 24-hour pollutant loading in excess of that allowed by the user's Industrial Discharge Permit or by Federal, State, or Local law; or
- (b) Discharges a wastewater which substantially differs in nature or constituents from the user's authorized discharge as described in the user's Industrial Discharge Permit.
- (c) Discharges a slug.

PERSON shall mean any individual, partnership, trust, firm, company, association, society, corporation, group, governmental agency, including but not limited to, the United States of America, the State of Indiana and all political subdivisions, authorities, districts, departments, agencies, bureaus, and instrumentalities thereof, or any other legal entity.

PH shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter or solution.

POLLUTANT shall mean any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical materials, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

POLLUTION shall mean the man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

PRETREATMENT OR TREATMENT shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the wastewater works. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes or other means, except as prohibited by 40 CFR Section 403.6(d).

PRETREATMENT STANDARD OR REGULATION shall mean any substantive or procedural requirement related to pretreatment contained in this chapter.

PROPERLY SHREDDED GARBAGE shall mean the wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

PUBLIC SEWER shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

SANITARY SEWER shall mean a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

SEWAGE NORMALLY DISCHARGED BY A RESIDENCE shall mean the liquid waste contributed by a residential living unit and shall not exceed a volume of ten thousand five hundred (10,500) gallons per month, thirty (30) pounds of BOD per month and thirty-five (35) pounds of suspended solids per month.

SEWER shall mean a pipe or conduit for carrying sewage.

[SEWER WORK shall mean the connecting of any building sewer to a city sewer, the making of a significant alteration to or significant repair of a building sewer, the connecting of a building sewer to a building drain or the altering or repairing of a city sewer.

SHALL is mandatory; MAY is permissive.]

SLUG shall mean any discharge of wastewater which, in any grab sample, in concentrations of any given constituent, as measured by a grab sample, exceeds more than five (5) times the allowable discharge limits as specified in this chapter and/or in quantity of flow exceeds more than five (5) times the user's average flow rate as authorized in the user's Industrial Discharge Permit, for a period of duration longer than fifteen (15) minutes.

STATE shall mean the State of Indiana.

STORM DRAIN OR STORM SEWER shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

STORM WATER shall mean any flow occurring during or following any form of natural precipitation and resulting therefrom.

SUSPENDED SOLIDS (SS) shall mean solids that either float on the surface of, or are in suspension in, water, sewage or other liquids, and which are removable by laboratory filtering.

TOXIC POLLUTANT shall mean, but not limited to, any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA 307 (a) or other Acts.

UPSET shall mean an exceptional incident in an industrial user's facility, in which there is unintentional and temporary non-compliance with applicable Pretreatment Standards because of factors beyond the reasonable control of the industrial user. An upset does not include non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

USER shall mean any person who contributes, causes or permits the contribution of wastewater into the city's wastewater works.

WASTEWATER shall mean a combination of the liquid and water-carried pollutants from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present.

WASTEWATER TREATMENT PLANT shall mean any arrangement of devices and structures used for treating wastewater.

WASTEWATER WORKS shall mean all facilities for collecting, pumping, treating and disposing of wastewater.

WATERCOURSE shall mean a channel in which a flow of water occurs, either continuously or intermittently.

ABBREVIATIONS

The following abbreviations shall have the designated meanings:

<u>BOD</u>	-	<u>Biochemical Oxygen Demand</u>
<u>CFR</u>	-	<u>Code of Federal Regulations</u>
<u>COD</u>	-	<u>Chemical Oxygen Demand</u>
<u>EPA</u>	-	<u>Environmental Protection Agency</u>
<u>ISBH</u>	-	<u>Indiana State Board of Health</u>
<u>l</u>	-	<u>Liter</u>
<u>mg</u>	-	<u>Milligrams</u>
<u>mg/l</u>	-	<u>Milligrams per liter</u>
<u>NPDES</u>	-	<u>National Pollutant Discharge Elimination System</u>
<u>SIC</u>	-	<u>Standard Industrial Classification</u>
<u>SWDA</u>	-	<u>Solid Waste Disposal Act, 42 U.S.C. 6901, et. seq.</u>
<u>40 CFR 136</u>	-	<u>Guidelines Establishing Test Procedures for the Analyses of Pollutants</u>

330 AIC 5-12-2 - Regulations for National Pretreatment Standards for Prohibited Discharges

Sec. 27-27-3. Unlawful disposal of wastes.

(a) It shall be unlawful to discharge to any natural outlet or watercourse within the city any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with the laws of the United States, State of Indiana, or the city.

(b) Except where a valid NPDES Permit exists, the owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within city and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a city sewer, is hereby required at his/her expense to connect such facilities

directly with the proper city sewer in accordance with the provisions of this chapter, within ninety (90) days after the day of official notice to do so, provided that said city sewer is within one hundred (100) feet (30.5 meters) of the property line, notwithstanding whether or not the facilities are served by any private sewage disposal system and within conditions as hereinafter provided.

Sec. 27-4. Regulation of discharges to public sewers.

(a) No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff or subsurface drainage into any sanitary sewer.

(b) Storm water and all other unpolluted drainage may be discharged through existing structures to such sewers as are specifically designated as combined sewers or storm sewers. No additional flow shall be introduced. Industrial cooling waters or unpolluted process waters may be discharged, on approval of the application, as provided in Section 27-41.

(c) No person shall discharge or cause to be discharged to any city sewer wastewater or pollutants which cause, threaten to cause, or are capable of causing, either alone or by interaction with other substances:

- (1) Fire or explosion hazard;
- (2) Corrosive structural damage to the wastewater works but in no case wastewater with a pH lower than 5.0 or higher than 10.0;
- (3) Obstruction to the flow in city sewers, or other interference with the proper operation of the wastewater works.
- (4) An interference.
- (5) A pass-through.

(d) No person shall discharge or cause to be discharged to any city sewer:

- (1) A slug or a flow rate and/or pollutant discharge rate which is excessive over relatively short time period so that there is a treatment process upset and subsequent loss of treatment efficiency;
- (2) Heat in amounts which will inhibit biological activity at the wastewater works but in no case greater than 60 degrees Centigrade (150 degrees Fahrenheit) or heat in such quantities that the temperature at the wastewater works exceeds 40 degrees Centigrade (104 degrees Fahrenheit) unless approved by the director;
- (3) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the wastewater works, or to exceed applicable Categorical Pretreatment Standards;
- (4) Any liquids, solids or gases which, by reason of their nature or quantity, are or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious or hazardous in any other way to the sewer

Sec. 27-10. Accidental discharge.

Each industrial user shall provide protection from accidental discharge of substances regulated by this chapter. Facilities to prevent accidental discharge of regulated materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be available to the city for review. All existing industrial users shall complete such a plan within six (6) months after the effective date of this chapter. No industrial user who commences contribution to the wastewater works after the effective date of this chapter shall be permitted to introduce pollutants into the system until accidental discharge procedures are available. Such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the industrial user's facility as necessary to meet the requirements of this chapter.

Notification Procedures for Accidental Discharge and Non-Compliance

(a) In the case of an accidental discharge, it is the responsibility of the industrial user to immediately telephone and notify the Industrial Surveillance Section of the incident. The notification shall include:

- (1) name of company;
- (2) location of discharge;
- (3) type of waste discharged;
- (4) concentration and volume of waste discharged;
- (5) corrective actions taken to minimize the impact of the discharge to the wastewater works.

(b) The industrial user shall notify the city if it is unable to comply with any requirement of this chapter because of a breakdown of its treatment equipment, accidents caused by human error, or upsets. The notification should include the information required in subsection (a) above.

(c) Within five (5) days following an accidental discharge or incident of non-compliance, the industrial user shall submit to the director a detailed written report describing:

- (1) the cause of the accidental discharge or non-compliance;
- (2) the period of the accidental discharge or non-compliance, including exact dates and times or, if not corrected, the anticipated time the non-compliance is expected to continue;
- (3) Steps being taken and/or planned to reduce, eliminate the prevent recurrence of the accidental discharge or non-compliance.

(d) Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the wastewater works, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this chapter or other applicable law.

(e) In any enforcement proceeding the industrial user seeking to establish the occurrence of an upset shall have the burden of proof. An industrial user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (1) an upset occurred and the industrial user can identify the specific cause(s) of the upset;
- (2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures;
- (3) the industrial user has submitted to the city the information required in subsections (b) and (c) above.

(f) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

Sec. 27-11. Liability for damage.

If any person discharges or causes to be discharged a waste which causes interference, obstruction, damage or any other impairment to the wastewater works, the director may assess a charge said person for:

- (a) the work required to clean or repair the wastewater works; and
- (b) any fine imposed against the city as a result of such interference, obstruction, damage or impairment;

and add such charges to said person's regular charge.

Sec. 27-12. Special agreements.

Special agreements and arrangements between the department and any person may be established when, in the opinion of the director, unusual or extraordinary circumstances compel special terms and conditions. The director shall consider the total cost of application of technology in relation to the pollutant reduction benefits to be achieved from such application, the quality of pollutants that will be included in the discharge, the impact of those pollutants on the wastewater works and the receiving stream and such other factors as the director deems appropriate. There can not be special agreements and arrangements where Federal Categorical Pretreatment Standards and requirements apply.

Sec. 27-13. Monitoring devices; metering equipment.

(a) Installation and maintenance at user's expense. The director may require, as is necessary to carry out the requirements of this chapter, any person to construct at his/her own expense, monitoring facilities to allow inspection, sampling and flow measurement of the building drain or sewer and may also require sampling or metering equipment to be provided, installed and operated the user's expense. The monitoring facility should normally be situated on the user's premises, but the director may, when such a location would be impractical or cause undue hardship, upon his/her approval allow the facility to be constructed in the public right-of-way; provided, however, the department of transportation shall be the authority, through the street maintenance, traffic and street engineering divisions, to determine the locations on the public right-of-way, on or below which the monitoring device and facility shall be placed.

(b) Temporary right-of-way use permit. The owner of the property abutting the public right-of-way to be used for the installation of the monitoring device shall submit to the department of transportation permit section a temporary right-of-way use permit request. The maintenance, traffic and street engineering divisions staff of the department of transportation shall review the temporary right-of-way use request and site plan prior to issuing the permit.

Sec. 27-14. Right to inspect.

Whenever required to carry out the objectives of this Code, the director or his/her authorized representative, upon presentation of his/her credentials, shall have a right of entry to, upon, or through any premises for purposes of reviewing relevant records or inspecting, measuring, and sampling of the discharges. This right of entry shall include, but not be limited to, any equipment necessary to conduct said inspections, measuring, and sampling. It shall be the duty of the person to provide all necessary clearance before entry and not to unnecessarily delay or hinder the director in carrying out the review of relevant records, inspection, measuring, and sampling. The right of entry shall exist at any time.

Sec. 27-15. Rules and regulations.

After the passage of this chapter, and from time to time thereafter as may be needed, the board of public works may, by resolution, promulgate rules and regulations necessary to implement and carry out the provisions of this chapter and not inconsistent therewith. Before any such rules and regulations shall become effective, the board of public works shall give notice and hold a public hearing, according to the procedure provided in Indiana Code 36-9-25.

Sec. 27-16. Penalties.

(a) Notwithstanding any other section, any person who violates any provision or discharge limit of this chapter and upon conviction thereof, shall be fined an amount not to exceed one thousand dollars (\$1,000.00). Each day's violation shall constitute a separate offense.

(b) Nothing in this chapter restrict any right which may be provided by statute or common law to the city to bring other actions, at law or at equity, including injunctive relief.

Sec. 27-17. Record keeping requirement.

(a) Any industrial user subject to the reporting requirements established in this chapter shall maintain records of all information resulting from any monitoring activities required by this chapter. Such records shall include for all samples:

- (1) the date, exact place, method, and time of sampling and the name(s) of the person or persons taking the samples;
- (2) the dates analyses were performed;
- (3) who performed the analyses;
- (4) the analytical techniques/methods used; and
- (5) the results of such analyses.

(b) Any industrial user subject to the reporting requirements established in this chapter shall be required to retain for a minimum of three (3) years any records of monitoring activities and results and shall make such records available for inspection and copying by the director and the EPA.

SECTION 2. Article III of Chapter 27 of the "Code of Indianapolis and Marion County is hereby amended by inserting the words underlined and deleting the words crosshatched as follows:

ARTICLE III. INDUSTRIAL DISCHARGE PERMITS

Sec. 27-41. Required; ~~any person who connects to or discharges into a city sewer must complete an application for an industrial discharge permit before connecting to or discharging into a city sewer.~~

(a) All industrial users proposing to connect to or discharge into a city sewer must ~~complete an application for an industrial discharge permit before connecting to or discharging into a city sewer.~~ complete an application for an industrial discharge permit within ninety (90) days after the effective date of this chapter. All users subject to federal categorical pretreatment standards will be issued an industrial discharge permit. Industrial discharge permits to users who are not subject to federal categorical pretreatment standards will be issued as deemed necessary by the director.

(b) ~~Any person who connects to or discharges into a city sewer must complete an application for an industrial discharge permit before connecting to or discharging into a city sewer.~~

- (1) // Ընդունելի օժտման արժեքի փոփոխությունը (նվազեցում) և/կամ փոփոխությունը արժեքի փոփոխությունը:
- (2) // Մոնիթորինգի արժեքի փոփոխությունը (նվազեցում) և/կամ փոփոխությունը:
- (3) // Միջին արժեքի փոփոխությունը (նվազեցում) և/կամ փոփոխությունը: Բացառությամբ հետևյալի: Կապիտալի արժեքի փոփոխությունը:
- (4) // Քանակական փոփոխություններ:
- (5) // Արժեքի փոփոխությունը (նվազեցում) և/կամ փոփոխությունը:
- (6) // Արժեքի փոփոխությունը (նվազեցում) և/կամ փոփոխությունը:
- (7) // Արժեքի փոփոխությունը (նվազեցում) և/կամ փոփոխությունը: Բացառությամբ հետևյալի: Կապիտալի արժեքի փոփոխությունը:

No person shall knowingly make any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter or Industrial Discharge Permit. Nor shall any person falsify, tamper with, or knowingly render inaccurate any monitoring device or method required under this chapter.

ԱՅԻՒՆ 11 // Մեղման փոփոխությունների արժեքի փոփոխությունը (նվազեցում) և/կամ փոփոխությունը:

- (1) // Մեղման փոփոխությունը (նվազեցում) և/կամ փոփոխությունը: Բացառությամբ հետևյալի: Կապիտալի արժեքի փոփոխությունը:
- (2) // Մեղման փոփոխությունը (նվազեցում) և/կամ փոփոխությունը:
- (3) // Մեղման փոփոխությունը (նվազեցում) և/կամ փոփոխությունը:
- (4) // Մեղման փոփոխությունը (նվազեցում) և/կամ փոփոխությունը:

11.3 // Մեղման փոփոխությունների արժեքի փոփոխությունը (նվազեցում) և/կամ փոփոխությունը: Բացառությամբ հետևյալի: Կապիտալի արժեքի փոփոխությունը:

ԱՅԻՒՆ 11 // Մեղման փոփոխությունների արժեքի փոփոխությունը (նվազեցում) և/կամ փոփոխությունը:

- (1) // Արժեքի փոփոխությունը (նվազեցում) և/կամ փոփոխությունը:
- (2) // Արժեքի փոփոխությունը (նվազեցում) և/կամ փոփոխությունը:
- (3) // Արժեքի փոփոխությունը (նվազեցում) և/կամ փոփոխությունը:

11.1 // Մեղման փոփոխությունների արժեքի փոփոխությունը (նվազեցում) և/կամ փոփոխությունը:

11.1 // Մեղման փոփոխությունների արժեքի փոփոխությունը (նվազեցում) և/կամ փոփոխությունը: Բացառությամբ հետևյալի: Կապիտալի արժեքի փոփոխությունը:

11.2 // Մեղման փոփոխությունների արժեքի փոփոխությունը (նվազեցում) և/կամ փոփոխությունը:

Sec. 27-42. Գործի փոփոխության հայտարարագրի կիրառումը

Մեղման փոփոխությունների արժեքի փոփոխությունը (նվազեցում) և/կամ փոփոխությունը: Բացառությամբ հետևյալի: Կապիտալի արժեքի փոփոխությունը:

Sec. 27-46. Fees.

There shall be a fee of twenty-five dollars (\$25.00) for the original application for an Industrial Discharge Permit and a fee of ten dollars (\$10.00) for each renewal.

Sec. 27-47. Nonassignability.

The Industrial Discharge Permits are issued to a specific person for a specific facility and do not constitute a property interest nor shall the Industrial Discharge Permit be assigned, conveyed or sold to a new owner, new user, different premises or a new or changed operation.

Sec. 27-48. Pretreatment.

Users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all federal Categorical Pretreatment Standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to the city shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the city for review, and shall be acceptable to the city before final review and approval of such plans by ISBH and construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this chapter. Any subsequent significant modifications in the pretreatment facilities or method of operation affecting its discharge shall be reported to and be acceptable to the city prior to the user's initiation of the changes.

Sec. 27-49. Compliance date report.

Within 90 days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the system, any user subject to pretreatment standards or regulations shall submit to the director a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards or regulations and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or regulation. The report shall state whether the applicable pretreatment standards or regulations are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or regulations. This statement shall be signed by an authorized representative of the industrial user and certified by a professional engineer licensed in the State of Indiana.

Sec. 27-50. Periodic compliance reports.

Any user subject to a pretreatment standard set forth in this chapter, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the wastewater works, shall submit to the director, during the months of June and December, unless required more frequently in the pretreatment standard or by the Director, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which, during the reporting period, exceeded the average daily flow reported in section 27-49. At the discretion of the director and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the director may agree to alter the months during which the above reports are to be submitted.

Reports of permittees shall contain the results of sampling and analyses of the discharge, including the flow and the nature and concentration, or production and mass where requested by the director, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall

be prescribed in the applicable pretreatment standard. All analyses shall be performed in accordance with 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the director. Sampling shall be performed in accordance with the techniques approved by the director. Where 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, Sampling and Analysis Procedure for Screening of Industrial Effluent for Priority Pollutants, April 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the administrator of the EPA.

Sec. 27-51. Confidential information.

The director shall protect any information (other than effluent data) contained in the application forms, or other records, reports or plans as confidential upon showing by any person that such information, if made public, would divulge methods or processes entitled to protection as trade secrets of such persons.

Information accepted by the city with a claim for confidentiality shall be safeguarded by the city and shall not be transmitted to any government agency or to the public until and unless a 15-day notification is given to the user. During the 15-day period, the user shall submit a justification of confidentiality to the director. A determination of confidentiality shall be made by the director pursuant to regulations used by the Indiana Stream Pollution Control Board for Acquisition of and Public Access to Agency Information, as amended 330 IAC 5-1.5-1 et seq.

Sec. 27-52. Emergency suspension of service and industrial discharge permit.

Notwithstanding any other provision of this chapter, the director may, without notice or hearing, suspend the wastewater treatment service and/or an Industrial Discharge Permit when such suspension is necessary, in the opinion of the director, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of person or to the environment, or causes interference to the wastewater works, or causes the city to violate any condition of its NPDES Permit.

Any user notified of a suspension of the wastewater treatment service and/or the Industrial Discharge Permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the director shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the wastewater works or endangerment to any individuals. The director shall reinstate the Industrial Discharge Permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. The user shall pay all costs associated with disconnecting from and reconnecting to the city sewer. A detailed written statement submitted by the user describing the cause(s) of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the director within five (5) days of the date of occurrence.

Sec. 27-53. Revocation.

The director may revoke the Industrial Discharge Permit of any person for any of the following:

- (a) violation of any provision of this chapter or of any applicable state and/or federal law including regulations;
- (b) failure to timely file any discharge reports;
- (c) failure to factually report wastewater characteristics;
- (d) refusal of reasonable access to the user's premises for the purpose of review of records, inspection, or monitoring; or
- (e) violation of any condition of the Industrial Discharge Permit.

Sec. 27-54. Notice of revocation.

Effective November 1, 1977, there is hereby imposed a sewer user charge payable to the department of public works upon each person owning or occupying real estate that is connected with and uses the wastewater works whether or not real estate taxes are imposed pursuant to Indiana Code ~~19-2-14~~ Section 36-9-25 upon such real estate.

Sec. 27-102. Sewer user charge imposed.

(a) Established. The sewer user charge imposed by this article shall be based upon the following general formulas:

$$V_t = V_{u1} + V_{u2} \dots + V_{un}$$

$$V_c = \frac{C_t - C_i - C_i' - C_u - C_e - I}{V_t} + \frac{0.25 (C_i + C_i' + C_u)}{V_t}$$

$$C_c = \frac{0.75 (C_i + C_i' + C_u)}{T_c} - 12$$

Non-industrial user:

$$R = V_u (V_c) + C_c$$

Industrial user:

$$R = V_u(V_c) + B_c(B) + S_c(S) + N_c(N) + P_c(P) + V_u(I_u) + C_c$$

Where:

- Cc = Availability of service charge per month.
- Ct = Total operation and maintenance cost per a unit of time.
- Ci = Operation and maintenance cost to transport and treat infiltration per a unit of time.
- Ci' = Operation and maintenance cost to transport and treat inflow per a unit of time.
- Cu = Operation and maintenance cost to transport and treat unmetered water per a unit of time.
- Ce = Operation and maintenance cost to treat wastes in excess of base level strength.
- Vc = Operation and maintenance cost to transport and treat a unit of users' wastes equal to or below the base level strength.
- Bc = Operation and maintenance cost to treat a unit of BOD.
- Sc = Operation and maintenance cost to treat a unit of SS.
- Nc = Operation and maintenance cost to treat a unit of ammonia nitrogen.
- Pc = Operation and maintenance cost to treat any other pollutant.
- B = Amount of BOD from a user above a base level.
- S = Amount of SS from a user above a base level.
- N = Amount of nitrogen from a user above a base level.
- P = Amount of any other pollutant from a user above a base level.
- Vu = Volume contribution per user per a unit of time.
- Vt = Total volume contribution from all users per a unit of time (does not include infiltration, inflow and unmetered).
- I = Industrial Surveillance cost per a unit of time.
- Iu = Industrial Surveillance cost per a unit of industrial volume per a unit of time.
- R = User's charge for operation and maintenance per a unit of time.
- Vr = Total wastewater contributed by residential customers per year.
- Tc = Total number of connections to the system.

(b) Application. Until amended, the following rates or factors shall apply, effective January 1, 1985, and shall be in effect for the calendar year 1985:

(b) Unless otherwise established by the director, each industrial user subject to the rates and charges shall report to the director by the tenth day of the following month on a form prescribed by the director an estimate of the volume discharged in the prior month and a representative value of the strength of the waste, including, but not limited to, BOD, SS and ~~W~~ (ammonia) nitrogen. All measurements, tests and analyses of the characteristics of such waste shall be determined in accordance with the latest edition of "Standard Methods of the Examination of Water and Sewage" as published jointly by the American Public Health Association and the Water Pollution Control Federation consistent with 40 CFR Part 136 or by other methods generally accepted under established sanitary engineering practices and approved by the director. The reports submitted shall be subject to verification by the director but may serve as the basis for billing with all necessary adjustments in the amounts to be made after verification. In the event an analysis and volume of the industrial waste is not furnished to the director by the aforementioned time, the charges shall be based upon estimates made by the director, as provided in section 27-104(a).

(c) The director shall have the right to enter upon the land of the industrial user and to set up such equipment as is necessary to certify the reports submitted. It shall be the duty of the industrial user to provide all necessary clearance before entry and not to unnecessarily delay or hinder the director in carrying out the measuring and sampling. The right of entry shall exist during any time the industrial user is operating or open for business.

(d) In cases where measurements are difficult to make, or the industrial waste composition changes frequently, or representative samples are difficult to get, or where other methods of measurement are necessitated for other sound engineering reasons as determined by the director, the director shall have the authority to use such other basis for determining said charges as shall be reliably indicative of volume and BOD, SS and nitrogen strengths of particular industrial waste, such as, but not limited to, water purchase or usage, character of products, comparisons between the industrial user data and collected data from like industries.

(e) The cost of all tests, measurements and analyses taken by the director pursuant to the department of public works' responsibility to perform industrial monitoring programs, defined and directed by local, state and federal agencies, shall be charged to the industrial user tested in an amount equal to the actual average cost of said test, measurement or analyses as determined at the close of each calendar year. These costs shall be due and payable as provided in this article.

Sec. 27-105. Contract for billing by the Indianapolis Water Company.

(a) The board is authorized to enter into a contract with the Indianapolis Water Company for the use of its services in ascertaining water volume to be utilized in determining charges imposed by this ~~division~~ article and in billing for and collecting such charges and for the payment to it of just and reasonable compensation for its said services.

(b) Billings for such rates and charges provided for by this ~~division~~ article shall be made in a cycle which coincides with the billing procedure of the Indianapolis Water Company, or in the case where the person subject to such rates and charges is not a customer of the Indianapolis Water Company, such billing cycle shall be determined by the director.

(c) Rates and charges shall be due to the department of public works within seventeen (17) days after mailing of billings, ~~with~~ with the exception of rates and charges assessed against or to be paid by a federal, state, county or municipal governmental unit, which shall be due within sixty (60) days'0. All payments made by a person based upon the reports submitted as provided for in this ~~division~~ article shall become final unless verification is made and notice given by the director of necessary adjustments within one year of said payment. Underpayment of charges based on errors in users' reports and estimates shall be billed on ascertainment thereof. Overpayment of charges arising from any cause shall first be applied to unpaid billings.

Sec. 27-106. Use by other political subdivisions.

No use of the ~~public~~ ~~works~~ wastewater works shall be allowed by any other political subdivision of the state unless and until the director shall have determined that all rates and charges, including industrial cost recovery of such political subdivision, are consistent with this article, the laws of the United States and regulations of the U.S. Environmental Protection Agency.

Sec. 27-107. Applicable to sewer service agreements.

All sewer service agreements to which the department of public works is a party shall be amended to reflect the rates and charges as provided for in this article.

Sec. 27-108. Rules and regulations authorized.

After the passage of General Ordinance No. 63, 1977, and from time to time thereafter as may be needed, the board may, by resolution, promulgate rules and regulations necessary to implement and carry out the provisions of this article and not inconsistent therewith.

Sec. 27-109. Appeals to the board.

(a) Any person subject to this ~~ordinance~~ article may appeal the charges assessed against him to the board and shall have a hearing upon the following conditions:

- (1) that the person submits billing estimates or authorizes the director to make such estimates;
- (2) that the person has good cause to believe that the charges assessed are in error;
- (3) that notice in writing has been given to the board within sixty (60) days of receipt of the charges in question.

(b) The board is directed to notify the person making appeal of the time and place when his/her appeal will be heard. Upon sufficient evidence submitted to the board at the hearing establishing that the charges are in error, the board shall make adjustments in the charges. Adjustments may be in the form of a refund or a credit against subsequent assessments of the charges provided for in this ~~ordinance~~ article.

Sec. 27-110. Exceptions.

(a) In the case of one-, two-, or multi-family residences the billing for sewage service for the months of June, July and August shall be based upon the water used or delivered for the previous months of March and April. In the event the water used for said previous months of March and April is greater than the water used for said months of June, July and August, then the billing for sewage service shall be computed on the actual water used in the month for which the sewage service bill is being rendered.

(b) Where a metered water supply is used for fire protection as well as for other uses, the director may, at his/her discretion, make adjustments in the sewer user charge as may be equitable. In such cases the burden of proof as to the type of water usage shall be upon the user.

(c) Where a metered water supply is used for fire protection only, the sewer user charge shall not apply.

~~SEC. 27-110. EXCEPTIONS.~~

~~Each year at the beginning of the fiscal year the director shall advise the financial board of the charges to be levied in the following fiscal year for the collection of the charges for the fiscal year. The board shall have the authority to adjust the charges for the fiscal year if the director's charges are not equitable.~~

Except as provided in this article, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of ~~wastewater~~ wastewater.

Sec. ~~27-1112~~ 27-121. When use required.

Where a public sanitary or combined sewer is not available under the provisions of this chapter, the building sewer shall be connected to a private ~~wastewater~~ wastewater disposal system complying with the provisions of this article.

Sec. ~~27-1113~~ 27-122. Permit require; fee.

Before the commencement of construction of a private ~~wastewater~~ wastewater disposal system, the owner shall first obtain a written permit therefore signed by the director. The application for the permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the director. A permit and inspection fee of one hundred dollars (\$100.00) shall be paid to the city at the time the application is filed.

Sec. ~~27-1114~~ 27-123. Approval of the director required; inspections.

A permit for a private ~~wastewater~~ wastewater disposal system as required by this article shall not become final until the installation is completed to the satisfaction of the director; he/she shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for th permit shall notify the director when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the director.

Sec. ~~27-1115~~ 27-124. Conformity with health regulations required.

The type, capacities, location and layout of a private sewage disposal system shall comply with all regulations of the ~~City of Marion~~ City of Marion ~~Health Department~~ ISBH and of the Marion County Health Department. No septic tank or cesspool shall be permitted to discharge into any natural outlet in any circumstance.

Sec. ~~27-1116~~ 27-125. Authority of Marion County Health Department not impaired.

Nothing contained in this article shall be construed to interfere with any additional requirements that may be imposed by the ~~City of Marion~~ City of Marion ~~Health Department~~ Marion County Health Department.

Sec. ~~27-1117~~ 27-126. Maintenance.

The owner of private wastewater disposal facilities shall operate and maintain such facilities in a sanitary manner at all times, at no expense to the city.

Sec. ~~27-1118~~ 27-127. Abandonment of facilities.

~~Any person who constructs or maintains a private wastewater disposal system shall be responsible for the proper operation and maintenance of such system and shall be liable for the cost of any repairs or replacement of any part of such system. Any person who abandons a private wastewater disposal system shall be liable for the cost of any repairs or replacement of any part of such system.~~

~~Any person who constructs or maintains a private wastewater disposal system shall be responsible for the proper operation and maintenance of such system and shall be liable for the cost of any repairs or replacement of any part of such system. Any person who abandons a private wastewater disposal system shall be liable for the cost of any repairs or replacement of any part of such system.~~

When a private wastewater disposal system is abandoned, any septic tanks, cesspools and similar private wastewater disposal facilities shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

SECTION 6. Chapter 27 of the "Code of Indianapolis is further amended by adding a new Article VI to read as follows:

ARTICLE VI. WASTEWATER HAULING

PURPOSE. The purpose of this article is to regulate and control the disposal of domestic and industrial liquid wastes, in order to prevent the indiscriminate and uncontrolled discharging on land and in sewage systems.

Sec. 27-128. Definitions.

For the purposes of this article, only the following definitions shall apply:

COMMERCIAL WASTEWATER shall mean the liquid or liquid-borne wastes from commercial establishments including but not limited to restaurants, dry cleaners, service stations or auto repair facilities and retail establishments or public or private non-residential buildings; and shall include any grease, oil, solvents, sludge or other material removed from any sewage disposal system or wastewater treatment plant.

DEPARTMENT shall mean the department of public works, of the City of Indianapolis, Indiana.

DOMESTIC WASTEWATER shall mean the liquid borne wastes resulting from normal residential water-consuming activities including but not limited to disposal.

DIRECTOR shall mean the director of the department of public works, or his/her authorized deputy, agent or representative.

LAND APPLICATION shall mean the process of disposing of wastewater by burial or incorporation into the soil.

INDUSTRIAL WASTEWATER shall mean the liquid or liquid-borne waste from industrial manufacturing process, trades or businesses.

PERSON shall mean any individual, corporation, partnership, unincorporated association, or government entity.

SEWAGE DISPOSAL SYSTEM shall mean and include septic tanks, wastewater holding tanks, seepage pits, cesspools, privies, composting toilets, interceptors or grease traps, portable sanitary units, and other equipment, facilities, or other devices used to store, treat, render inoffensive, or disposal of human excrement, or liquid-borne domestic wastewater.

SEWER shall mean a pipe or conduit for carrying sewage.

TANK shall mean any container when placed on a vehicle to carry in transport wastes removed from a sewage disposal system.

VEHICLE shall mean that device used to transport a tank.

WASTEWATER shall mean human excreta, water, scum, sludge, and sewage from sewage disposal systems, retained contents of wastewater holding tanks or portable sanitary units, grease, fats, and retained wastes from grease traps or interceptors, liquid-borne wastes from ordinary living processes, and incidental or accidental seepage from sewage disposal systems.

WASTEWATER HAULER shall mean any person who engages in the activity, service, business, or leasing of vehicles, for the purpose of transporting domestic wastewater from a sewage disposal system or industrial waste, to another location for disposal, land application, or treatment.

WASTEWATER TREATMENT PLANT shall mean any arrangement of devices and structures used for treating sewage.

Sec. 27-129. Wastewater hauler criteria.

Any wastewater hauler whose legal business address is in Marion County or any wastewater hauler whose legal business address is outside Marion County but who engages in business in Marion County must comply with all of the following provisions of this article.

Sec. 27-130. Registration.

(a) Any wastewater hauler as defined in section 27-129 must be registered with and receive a permit from the department and must display a valid decal issued by the department in the lower corner of the driver's side windshield of each vehicle. This registration must be renewed, and a new permit issued each year by the department. Applications for permits must be filed no later than December first (1) of each year, and permits and decals will be issued effective for the following February first (1) of each year. The charge for the permit shall be \$25.00 per application, and \$25.00 per decal for each vehicle, such charge due and paid at the time of filing.

(b) Each wastewater hauler shall include in his/her permit application the following information:

- (1) proof of ownership of each vehicle including owner's name and legal address;
- (2) proof of a current valid Indian State Board of Health permit;
- (3) the wastewater hauler's legal address and legal business address, type of business, i.e. domestic and/or industrial wastewater hauler;
- (4) the number of wastewater hauling vehicles, tank capacity in gallons of each vehicle, and license numbers of all vehicles.

(c) Each vehicle shall be equipped with an entry port, which allows sampling of the contents of the tank from top to bottom by department personnel. This port shall have a minimum diameter of six (6) inches, and shall be tightly secured to prevent leakage. Each vehicle must have the company name, address, telephone number, capacity in gallons, displayed in a manner similar to that required by the Indiana State Board of Health.

(d) Each applicant shall be bonded in a minimum amount of five thousand dollars (\$5,000), tendered by a company registered in the State of Indiana. This bond shall cover the cost of disposal of any hazardous waste, the cost of cleaning up any spilled material on public property, the cost of any fines levied against the hauler or any other costs incurred by the city as a result of the wastewater hauler's activities.

(e) After the application has been received and reviewed by the director, and has been determined to satisfy the conditions above, a permit and decal for each vehicle shall be issued, for a period not to exceed one (1) year from date of issuance.

(f) Noncompliance, the furnishing of false information, or misrepresentation of a material fact with respect to any part of this article, shall be grounds for revocation of the permit or rejection of the application. Reissuance of, or reapplication for a permit shall be at the discretion of the director and may be subject to such conditions as he/she deems appropriate. No refund shall be allowed for any revocation or rejection as provided above.

Sec. 27-131. Discharging procedures.

(a) All discharging of domestic and/or industrial wastewater from the wastewater hauler's vehicle tanks, must be done at designated sites approved by the department. The department shall have the right to limit the hours of the day and the days of the week during which discharging shall be allowed.

(b) Any discharging of domestic or industrial wastewater into the sewage system at any location in Marion County is prohibited and shall be a direct violation of this article unless approved in writing by the department prior to discharging.

(c) Any disposal of wastewater by land application must be approved by the department. Written permission of the owner of the property used for disposal and written approval by the Indiana State Board of Health must be submitted to the department before any approval may be granted and prior to discharging any wastewater.

(d) The owner of each vehicle shall be responsible for the clean-up to the satisfaction of the director, for any and all spills on city streets, rights-of-way and property.

(e) The director may require any wastewater hauler to correct any defective equipment including hoses, valves, tanks, piping and permanent or flexible connections which may result in leakage or spilling of wastewater from the vehicle. Defective equipment shall be repaired before the owner is allowed to discharge at the site designated by the department.

Sec. 27-132. Testing requirements.

(a) The contents of all wastewater hauler's vehicles are subject to preliminary sampling and testing by the department before discharging into the approved site at the department's wastewater treatment facility. The test results on any sample must be within a specified range for the specific test parameters established by the department, in order not to inhibit the performance of the wastewater treatment plant into which the wastewater is discharged.

(b) Any wastewater hauler's tank contents that do not pass the preliminary testing procedures will be subject to additional specific testing to determine the nature of the contents. If the contents of the tank are deemed an inhibitory substance, and unsatisfactory for discharging into the wastewater treatment plant, the wastewater hauler must arrange for proper disposal of the tank contents, and submit to the director proof, by deposition or receipt, of proper disposal. Until the director has determined that the conditions of proof have been satisfied, the wastewater hauler is prohibited from using all designated disposal sites approved by the department.

(c) The department will notify the Indiana State Board of Health of the status of any wastewater hauler whose tank contents are determined to be unsatisfactory for discharging into a designated disposal site approved by the department.

(d) The director may refuse to accept any wastewater if, after testing, it is deemed unsatisfactory for discharge into the wastewater treatment plant.

(e) The wastewater hauler shall reimburse the department for all costs associated with the treatment, testing, and disposal of any prohibited wastes.

Sec. 27-133. Administration procedures.

(a) All wastewater haulers must maintain accurate monthly business records, available to the director upon request, showing names, addresses, and telephone numbers of the generators of all wastewater being transported and/or disposed of, type of waste, volume of waste, and disposal site.

(b) The driver of each vehicle delivered to the wastewater treatment plant site for discharging must have dated customer receipts for each source of wastewater showing the name and address of the customers, the nature of the waste, amount of waste in gallons, wastewater hauler's name and legal business address and telephone number, and vehicle driver's name.

(c) All wastewater haulers will compensate the department for the full cost of all sampling, laboratory analysis, and treatment costs. Fees shall reflect the costs associated with sampling and testing, treatment and administering the program and shall be based on a fee schedule published by the Department of Public Works.

(d) Whenever required to carry out the objectives of this article relating to the control of the discharging of domestic or industrial wastewater or the collection of dump fees, the director shall have a right-of-entry to, upon or through any premises for

purposes of inspection, measuring and sampling. This right-of-entry shall include, but not be limited to, any equipment necessary to conduct said inspections, measuring and sampling. It shall be the duty of the wastewater hauler to provide all necessary clearance before entry and not to unnecessarily delay or hinder the director in carrying out the inspection, measuring and sampling. The right of entry shall exist at any time.

Sec. 27-134. Enforcement.

(a) Any person who fails to comply with any provisions of this article, shall be fined not more than \$1,000.00 for each offense. Each violation of this article shall constitute a separate offense. In addition, the department shall be entitled to all reasonable expenses including court costs and attorney fees.

(b) In addition to the penalties provided in the foregoing section, whenever a person violates any provision of this article the department may apply to a court of competent jurisdiction for injunctive relief.

SECTION 7. (a) The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted. (b) An offense committed before the effective date of this ordinance, under any ordinance expressly or impliedly repealed or amended by this ordinance shall be prosecuted and remains punishable under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 8. Should any provision of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 9. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 601, 1984. This proposal transfers \$425,000 for the Central Equipment Management Division for contractual services and overtime for the remainder of 1984. Councillor Holmes outlined the following expenses: \$100,000 - Principal and Interest; \$85,000 - Additional Rent; \$60,000 - Moving Expenses; \$25,000 - Overtime for Snow Removal; \$100,000 - Building Repairs at Various Garages; \$30,000 - I.P.D. Excess Mileage Charge; \$20,000 - Heat and Utilities; and \$5,000 Fence at Belmont. The Administration Committee on November 12, 1984, recommended Proposal No. 601, 1984, Do Pass by a vote of 3-0. Councillor Holmes moved, seconded by Councillor Coughenour for adoption. Proposal No. 601, 1984, was adopted on the following roll call vote; viz:

27 AYES: *Borst, Boyd, Bradley, Campbell, Clark, Cottingham, Coughenour, Crowe, Curry, Durnil, Giffin, Gilmer, Hawkins, Holmes, Howard, Journey, Mc-*

Grath, Miller, Nickell, Page, Rader, Rhodes, SerVaas, Shaw, Stewart, Strader,
West

1 NAY: Schneider

1 NOT VOTING: Dowden

Proposal No. 601, 1984, was retitled FISCAL ORDINANCE NO. 93, 1984, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 93, 1984

A FISCAL ORDINANCE amending the City-County Annual Budget for 1984 (City-County Fiscal Ordinance No. 72, 1983) transferring and appropriating Four Hundred Twenty-five Thousand Dollars (\$425,000) in the Consolidated County Fund for purposes of the Department of Administration, Central Equipment Management Division 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 1984, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of providing a transfer of funds for contractual services and overtime for the remainder of 1984.

SECTION 2. The sum of Four Hundred Twenty-five Thousand Dollars (\$425,000) be, and the same 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 ADMINISTRATION
CENTRAL EQUIPMENT MANAGEMENT DIV.

CONSOLIDATED COUNTY FUND

1. Personal Services	\$ 25,000
3. Other Services & Charges	<u>400,000</u>
TOTAL INCREASE	\$425,000

SECTION 4. The said increased appropriation is funded by the following reductions:

DEPARTMENT OF ADMINISTRATION
CENTRAL EQUIPMENT MANAGEMENT DIV.

CONSOLIDATED COUNTY FUND

2. Supplies	<u>\$425,000</u>
TOTAL REDUCTION	\$425,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 602, 1984. This proposal transfers \$3,133 for the Cooperative Extension Service for supplies and office rent for the remainder of 1984. Councillor Stewart stated that the rental agreement for the Cooperative Extension has an escalator clause which makes it difficult to predict the rent for an entire

year. The Community Affairs Committee on November 15, 1984, recommended Proposal No. 602, 1984, Do Pass by a vote of 3-0. Councillor Stewart moved, seconded by Councillor Journey for adoption. Proposal No. 602, 1984, was adopted on the following roll call vote; viz:

25 AYES: *Borst, Boyd, Bradley, Clark, Cottingham, Coughenour, Crowe, Curry, Dowden, Giffin, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, SerVaas, Shaw, Stewart, West*
 3 NAYS: *Campbell, Durnil, Strader*
 1 NOT VOTING: *Schneider*

Proposal No. 602, 1984, was retitled FISCAL ORDINANCE NO. 94, 1984, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 94, 1984

A FISCAL ORDINANCE amending the City-County Annual Budget for 1984 (City-County Fiscal Ordinance No. 72, 1983) transferring and appropriating Three Thousand One Hundred Thirty-three Dollars (\$3,133) in the County General Fund for purposes of the Cooperative Extension Services 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 2.03 (c)(4) of the City-County Annual Budget for 1984, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of providing a transfer of funds for supplies and office rent for the remainder of 1984.

SECTION 2. The sum of Three Thousand One Hundred Thirty-three Dollars (\$3,133) be, and the same 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:

COOPERATIVE EXTENSION SERVICE	COUNTY GENERAL FUND
2. Supplies	\$1,397
3. Other Services & Charges	<u>1,736</u>
TOTAL INCREASE	\$3,133

SECTION 4. The said increased appropriation is funded by the following reductions:

COOPERATIVE EXTENSION SERVICE	COUNTY GENERAL FUND
1. Personal Services	\$3,133
TOTAL REDUCTION	\$3,133

SECTION 5. The personnel schedule is hereby amended by deleting the crosshatched portions and adding the new amounts as underlined herein:

Personnel Classification	Maximum Number	Maximum Salary	Maximum Per Classification
Administrator	1	16,263	16,263
Secretaries	11	18,623	115,832 <u>113,432</u>
Extension Agents	16	17,136	181,481 <u>180,748</u>

Camp Counselors		48,160
Vacancy Factor	_____	<u>(14,932)</u>
TOTAL	28	333,180 <u>343,671</u>

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 603, 1984. This proposal transfers \$8,763 for the Center Township Assessor to reduce the vacancy factor. Councillor Cottingham explained that this is a simple transfer to reduce the vacancy factor so as not to overspend the personal services budget for 1984. The County and Townships Committee on November 13, 1984, recommended Proposal No. 603, 1984, Do Pass by a vote of 5-0. Councillor Cottingham moved, seconded by Councillor Hawkins for adoption. Proposal No. 603, 1984, was adopted on the following roll call vote; viz:

27 AYES: *Borst, Boyd, Bradley, Campbell, Clark, Cottingham, Coughenour, Crowe, Curry, Giffin, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West*

1 NAY: *Durnil*

1 NOT VOTING: *Dowden*

Proposal No. 603, 1984, was retitled FISCAL ORDINANCE NO. 95, 1984, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 95, 1984

A FISCAL ORDINANCE amending the City-County Annual Budget for 1984 (City-County Fiscal Ordinance No. 72, 1983) transferring and appropriating Eight Thousand Seven Hundred Sixty-three Dollars (\$8,763) in the County General Fund for purposes of the Center Township Assessor 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 2.03(d)(1) of the City-County Annual Budget for 1984, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of providing a transfer of funds to reduce the vacancy factor.

SECTION 2. The sum of Eight Thousand Seven Hundred Sixty-three Dollars (\$8,763) be, and the same 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:	
CENTER TOWNSHIP ASSESSOR	COUNTY GENERAL FUND
1. Personal Services	<u>\$8,763</u>
TOTAL INCREASE	<u>\$8,763</u>

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

CENTER TOWNSHIP ASSESSOR	COUNTY GENERAL FUND
2. Supplies	\$3,462
3. Other Services & Charges	<u>5,301</u>
TOTAL REDUCTION	<u>\$8,763</u>

SECTION 5. The personnel schedule is hereby amended by deleting the crosshatched portions and adding the new amounts as underlined herein:

(d) (1) CENTER TOWNSHIP ASSESSOR

Personnel Classification	Maximum Number	Maximum Salary	Maximum Per Classification
Assessor	1	34,361	34,361
Real Estate Deputies	11	24,633	181,379
Personal Prop. Deputies	9	23,562	145,644
Deputies II	27	14,994	260,411
Temporaries			40,200
Vacancy Factor	—		118718871 <u>(29,129)</u>
TOTAL	48	624,400	<u>632,866</u>

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 604, 1984. This proposal transfers \$900 for the Wayne Township Assessor to purchase a microfilm reader. Councillor Cottingham pointed out that by allowing this purchase it will reduce the storage costs since the records will be stored on microfilm. The County and Townships Committee on November 13, 1984, recommended Proposal No. 604, 1984, Do Pass by a vote of 5-0. Councillor Cottingham moved, seconded by Councillor Hawkins for adoption. Proposal No. 604, 1984, was adopted on the following roll call vote; viz:

27 AYES: *Borst, Boyd, Bradley, Campbell, Clark, Cottingham, Coughenour, Crowe, Curry, Dowden, Giffin, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West*

2 NAYS: *Durnil, Gilmer*

Proposal No. 604, 1984, was retitled FISCAL ORDINANCE NO. 96, 1984, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 96, 1984

A FISCAL ORDINANCE amending the City-County Annual Budget for 1984 (City-County Fiscal Ordinance No. 72, 1983) transferring and appropriating Nine Hundred Dollars (\$900) in the County General Fund for purposes of the Wayne Township Assessor and reducing certain other appropriations for that division.

Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West
1 NAY: Durnil
4 NOT VOTING: Campbell, Hawkins, Miller, Rader

Proposal No. 605, 1984, was retitled FISCAL ORDINANCE NO. 97, 1984, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 97, 1984

A FISCAL ORDINANCE amending the City-County Annual Budget for 1984 (City-County Fiscal Ordinance No. 72, 1983) transferring and appropriating Eight Hundred Dollars (\$800) in the County General Fund for purposes of the Marion County Surveyor 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 2.03 (a)(8) of the City-County Annual Budget for 1984, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of providing a transfer of funds for the maintenance and repair of surveying equipment.

SECTION 2. The sum of Eight Hundred Dollars (\$800) be, and the same 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:	
MARION COUNTY SURVEYOR	COUNTY GENERAL FUND
3. Other Services & Charges	<u>\$800</u>
TOTAL INCREASE	<u>\$800</u>

SECTION 4. The said increased appropriation is funded by the following reductions:	
MARION COUNTY SURVEYOR	COUNTY GENERAL FUND
2. Supplies	<u>\$800</u>
TOTAL REDUCTION	<u>\$800</u>

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 608, 1984. This proposal transfers \$31,000 for the Presiding Judge of the Municipal Court to reduce the vacancy factor. Councillor Dowden pointed out that this proposal will reduce the vacancy factor from (\$124,279) to (\$93,279). The savings have been in the areas of pauper appeals and office remodelling. The Public Safety and Criminal Justice Committee on November 14, 1984, recommended Proposal No. 608, 1984, Do Pass by a vote of 7-0. Councillor Dowden moved, seconded by Councillor Crowe for adoption. Proposal No. 608, 1984, was adopted on the following roll call vote; viz:

25 AYES: Boyd, Bradley, Campbell, Clark, Coughenour, Crowe, Curry, Dowden, Giffin, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West

1 NAY: Durnil

3 NOT VOTING: Borst, Cottingham, Page

Proposal No. 608, 1984, was retitled FISCAL ORDINANCE NO. 98, 1984, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 98, 1984

A FISCAL ORDINANCE amending the City-County Annual Budget for 1984 (City-County Fiscal Ordinance No. 72, 1983) transferring and appropriating Thirty-one Thousand Dollars (\$31,000) in the County General Fund for purposes of the Presiding Judge of the Municipal Court 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 2.03 (b)(24) of the City-County Annual Budget for 1984, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of providing a transfer of funds to reduce the vacancy factor.

SECTION 2. The sum of Thirty-one Thousand Dollars (\$31,000) be, and the same 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:

PRESIDING JUDGE OF THE MUN. COURT	COUNTY GENERAL FUND
1. Personal Services	\$31,000
TOTAL INCREASE	\$31,000

SECTION 4. The said increased appropriation is funded by the following reductions:

PRESIDING JUDGE OF THE MUN. COURT	COUNTY GENERAL FUND
3. Other Services & Charges	\$31,000
TOTAL REDUCTION	\$31,000

SECTION 5. The personnel schedule is hereby amended by deleting the crosshatched portions and adding the new amounts as underlined herein:

PRESIDING JUDGE OF THE MUNICIPAL COURT

Personnel Classification	Maximum Number	Maximum Salary	Maximum Per Classification
Judges	15	16,484	232,908
Court Reporters	16	17,914	276,666
Bailiffs	45	16,874	636,532
Managers	3	28,600	83,737
Court Specialists	37	14,976	488,618
Professional	76	24,850	761,033
Bail Commissioners	16	13,780	98,280

Temporary Vacancy Factor	_____	18,073 11(124,279) (93,279)
TOTAL	208	2,471,588 <u>2,502,568</u>

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 609, 1984. This proposal transfers \$59,000 for the Marion County Sheriff to purchase telephones, radios, boat motors and some office furniture and adjusting the personnel schedule. Councillor Dowden stated that the transfer is from Character 3, Other Services and Charges to Character 4, Capital Outlay. Also included is \$7,000 for the Sheriff's portion for one laser fingerprint reader, which is a joint purchase with I.P.D. and the Prosecutor's Office. The total cost for the reader is approximately \$31,000. The vacancy factor is being increased from (\$212,607) to (\$242,607) in order to fund overtime and shift differential for the remainder of 1984. The Public Safety and Criminal Justice Committee on November 14, 1984, recommended Proposal No. 609, 1984, Do Pass by a vote of 7-0. Councillor Dowden moved, seconded by Councillor Rader for adoption. Proposal No. 609, 1984, was adopted on the following roll call vote; viz:

25 AYES: Borst, Boyd, Bradley, Campbell, Coughenour, Crowe, Curry, Dowden, Giffin, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West
 4 NAYS: Clark, Cottingham, Durnil, Gilmer

Proposal No. 609, 1984, was retitled FISCAL ORDINANCE NO. 99, 1984, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 99, 1984

A FISCAL ORDINANCE amending the City-County Annual Budget for 1984 (City-County Fiscal Ordinance No. 72, 1983) transferring and appropriating Fifty-nine Thousand Dollars (\$59,000) in the County General Fund for purposes of the Marion County Sheriff 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 2.03(a)(7) of the City-County Annual Budget for 1984, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of providing a transfer of funds to purchase telephones, radios, boat motors and replacement of some office furniture and adjusting the personnel schedule.

OTHER EMPLOYEE BENEFITS:

M.C.L.E. Pension		1,978,785
Health Insurance		452,160
Life Insurance	—	<u>38,462</u>
TOTAL	602	14,875,794

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 611, 1984. This proposal is an inducement resolution for waste disposal development bonds for financing of a solid waste disposal facility in the approximate amount of \$225,000,000. Councillor West explained that Proposal No. 611, is an inducement resolution that will be presented to the Indiana Department of Commerce for reservation of industrial revenue bonds within the \$800 million limit provided by the U.S. Congress for the last six months of 1984. These funds will be used to build a mass burn facility capable of processing approximately 1,800 tons of solid waste per day, of producing steam or electricity and providing for pollution control of gaseous and particulate matter produced by the facility. The Public Works Committee on November 16, 1984, recommended Proposal No. 611, 1984, Do Pass As Amended by a vote of 5-0. Councillor West moved, seconded by Councillor Coughenour for adoption. Proposal No. 611, 1984, as amended, was adopted on the following roll call vote viz:

27 AYES: Borst, Boyd, Bradley, Campbell, Clark, Cottingham, Coughenour, Crowe, Curry, Durnil, Giffin, Gilmer, Hawkins, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West

1 NAY: Dowden

1 NOT VOTING: Holmes

Proposal No. 611, 1984, as amended, was retitled SPECIAL RESOLUTION NO. 97, 1984, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 97, 1984

A SPECIAL RESOLUTION approving and authorizing certain actions and proceedings with respect to certain proposed waste disposal development bonds.

WHEREAS, the City of Indianapolis, Indiana (the "City") is authorized by I.C. 36-9-31 (the "Act") to issue revenue bonds known as waste disposal development bonds for the purpose of financing the cost of a facility, as both terms are defined in the Act; and

WHEREAS, the City, through its Board of Public Works, is in the process of selecting a company with which it will negotiate and enter into a Financing Agreement,

as defined in the Act, which Financing Agreement will be with one of the following companies: Foster Wheeler Energy Resources, Inc.; Blount Energy Resource Corp.; Ogden Martin Systems, Inc.; Signal RESCO, Inc.; General Electric Company; Volund USA Limited; DeMars Energy, Inc.; Dravo Corporation; American REF-Fuel of Indianapolis or a company with qualifications similar to those of the companies referred to above, or any other corporation or business entity to be formed which has qualifications similar to those of the companies referred to above, or any wholly owned subsidiary of any of the companies referred to above whether or not such subsidiary is in existence at this time and whether or not such subsidiary is a subsidiary of any such company at any time prior to the issuance of waste disposal development bonds so long as such subsidiary is a subsidiary of any such company at the time of issuance of waste disposal development bonds, (the company to be selected is referred to herein as the "Company"); and

WHEREAS, the Financing Agreement between the City and the Company will provide that the City either purchase, lease, construct, enlarge or substantially improve a Facility and sell or lease the same to the Company or lend the proceeds of a waste disposal development bond financing to the Company for the cost of the Facility, said Facility to consist of a resource recovery "capable of processing approximately 1,800 tons of solid waste per day, capable of producing steam or electricity and providing for pollution control of gaseous as well as particulate matter produced by the Facility, together with other facilities that qualify under the Act, which Facility is to be located on approximately 40 acres of land owned by the City of the southwest corner of Raymond and Harding Streets in the City (the "Project"); and

WHEREAS, development of the Project will provide an increase of approximately 62 permanent job opportunities in the City, together with temporary employment created by the construction of the Project, and will also provide for pollution control and for the disposal of waste, all of which will be of public benefit to the health, safety and general welfare of the City and its citizens; and

WHEREAS, it would appear that the financing of the Project will be of public benefit to the health, safety and general welfare of the City and citizens; now, therefore:

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

SECTION 1. The City-County Council finds, determines and confirms that the promotion of job opportunities, the control of pollution, the disposal of waste, in and near the City and in Marion County, and the proposed financing of the Project, will be of benefit to the health, safety and general welfare of the City and its citizens and it is in the public interest that the Board of Public Works and the City take such action as they lawfully may to encourage the promotion of job opportunities, the control of pollution and the disposal of waste in and near the City and in Marion County and the proposed financing of the Project.

SECTION 2. The City-County Council further finds, determines and confirms that the issuance and sale of waste disposal development bonds of the City, in an approximate amount of \$225,000,000 under the Act for the Project and the sale or leasing of the Project to the Company or the lending of the proceeds of the waste disposal development bonds to the Company for the Project will serve the public purposes referred to above, in accordance with the Act and other laws of the State of Indiana.

SECTION 3. The waste disposal development bonds may be issued as long or short term evidences of indebtedness in any form authorized by the Act, may mature at such time or times as set forth in the bond ordinance of the City-County Council, but not to exceed 40 years, and shall comply in all respects with Section 14 of the Act.

SECTION 4. In order to induce the Company to proceed with either the purchase, lease, construction, enlargement or substantial improvement of the Project, the City-County Council hereby finds, determines, ratifies and confirms that

(i) it will take or cause to be taken such actions pursuant to the Act and the laws of the State of Indiana as may be required to implement the aforesaid financing of the Project, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Board of Public Works, the City-County Council and the Company and further provided that nothing in this resolution is intended or shall be construed to give the Company, any other person, firm or corporation any legal or equitable right, remedy or claim under or in respect of this resolution or any provision herein contained;

(ii) it will adopt such resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said waste disposal development bonds, provided that, unless a carryforward allocation is obtained, at the time of the proposed issuance of such bonds the aggregate amount of such issue when added to the aggregate amount of private activity bonds previously issued by the City during the calendar year will not exceed the private activity bond limit for such calendar year allocated to the City. It is understood that the City-County Council, by taking this action, is not making any representation or giving any assurances that any such allocable limit will be available or that a carryforward allocation will be obtained. Inducement resolutions in an aggregate amount in excess of the City's private activity bond limit may, and in all probability will, be adopted. Except to the extent a carryforward allocation is obtained, the proposed Project will have no priority over other projects for companies which have applied for such private activity bonds and have received inducement resolutions and no portion of such private activity bond limit has been guaranteed for the proposed Project; and

(iii) it will take such actions as are necessary to procure a carryforward under Section 103(n) of the Internal Revenue Code of 1954, as amended ("Code"), and to file an election of such carryforward to exempt all or part of the bonds issued for the Project from said private activity bond limit.

SECTION 5. The City-County Council further confirms that it will use its best efforts to assist the Company in procuring the issuance of additional bonds, if the issuance of such additional bonds would be desirable for refunding or refinancing outstanding bonds or for completion of, or additions to, the Project, including the incidental or issuance costs thereof.

SECTION 6. This resolution is being adopted to constitute "Official Action" under Section 1.103-8(a)(5) of the Treasury Regulations promulgated under the Code. All Cost, as defined in the Act, of the Project incurred after the passage of this resolution will be permitted to be included as part of the bond issue to finance said Project, and the City will thereafter sell or lease the same to the Company or lend the proceeds of the waste disposal development bonds to the Company for the Project.

SECTION 7. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 616, 1984. This proposal changes the rules for public testimony at the City-County Council meetings. Councillor Cottingham explained that

Proposal No. 616, would allow the public more opportunity to testify on budgetary and non-budgetary matters before the Council. The Rules and Policy Committee on November 13, 1984, recommended that Proposal No. 616, be Stricken by a vote of 5-2. Councillor Cottingham stated that the present rules of the Council concerning public testimony allows any member of the public to speak upon a majority vote of the Council. Councillor Durnil moved, seconded by Councillor Schneider to allow Mr. Carl Moldthan to speak on Proposal No. 616 for two and half minutes. The motion passed by the following roll call vote; viz:

20 AYES: Boyd, Bradley, Campbell, Coughenour, Curry, Dowden, Durnil, Giffin, Hawkins, Holmes, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, West

7 NAYS: Borst, Clark, Cottingham, Crowe, Gilmer, Howard, Stewart

2 NOT VOTING: Shaw, Strader

Mr. Carl Moldthan told the Council that most citizens don't realize that their time to be heard is at the Committee level and they don't understand why they can't speak to the Council on a particular issue that is not under public hearing. He urged them to support Proposal No. 616, 1984.

Councillor Cottingham moved, seconded by Councillor Rader to strike Proposal No. 616, 1984. Proposal No. 616, 1984, was stricken by the following roll call vote; viz:

18 AYES: Borst, Bradley, Campbell, Clark, Cottingham, Coughenour, Crowe, Curry, Gilmer, Holmes, Howard, Miller, Rader, Rhodes, SerVaas, Shaw, Stewart, West

11 NAYS: Boyd, Dowden, Durnil, Giffin, Hawkins, Journey, McGrath, Nickell, Page, Schneider, Strader

The President observed the next item on the agenda was a Fire Special Service District Council item. The City-County Council recessed until completion of the Fire Special Service District Council agenda.

SPECIAL SERVICE DISTRICT COUNCILS

FIRE SPECIAL SERVICE DISTRICT COUNCIL

The President called the Fire Special Service District Council to order at 8:48 p.m. Twenty-nine members being present, he announced a quorum.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 610, 1984. This proposal transfers \$30,000 for the Fire Division for supplies for the remainder of 1984. Councillor Dowden reported that the supplies to be purchased include repair parts, building materials and diesel fuel. The Public Safety and Criminal Justice Committee on November 14, 1984, recommended Proposal No. 610, 1984, Do Pass by a vote of 6-0. Councillor Dowden moved, seconded by Councillor Hawkins for adoption. Proposal No. 610, 1984, was adopted on the following roll call vote; viz:

25 AYES: *Borst, Boyd, Bradley, Campbell, Clark, Coughenour, Crowe, Curran, Dowden, Giffin, Hawkins, Holmes, Howard, McGrath, Miller, Nickell, Paerz, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West*

3 NAYS: *Cottingham, Durnil, Gilmer*

1 NOT VOTING: *Journey*

Proposal No. 610, 1984, was retitled FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 2, 1984, and reads as follows:

FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 2, 1984

A FISCAL ORDINANCE amending the Fire Special Service District Annual Budget for 1984 (F.S.S.D. Fiscal Ordinance No. 2, 1983) transferring and appropriating Thirty Thousand Dollars (\$30,000) in the Fire General Fund for purposes of the Department of Public Safety, Fire Division and reducing certain other appropriations for that division.

BE IT ORDAINED BY THE FIRE SPECIAL SERVICE DISTRICT 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 of the Fire Special Service District Annual Budget for 1984, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of providing a transfer of funds for supplies during the remainder of 1984.

SECTION 2. The sum of Thirty Thousand Dollars (\$30,000) be, and the same 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 SAFETY

FIRE DIVISION

2. Supplies
TOTAL INCREASE

FIRE GENERAL FUND

\$30,000
\$30,000

SECTION 4. The said increased appropriation is funded by the following reductions:

DEPARTMENT OF PUBLIC SAFETY

FIRE DIVISION

3. Other Services & Charges
TOTAL REDUCTION

FIRE GENERAL FUND

\$30,000
\$30,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

There being no further business the Fire Special Service District Council adjourned at 8:49 p.m.

President SerVaas reconvened the meeting of the City-County Council at 8:49 p.m.

ANNOUNCEMENTS AND ADJOURNMENT

There being no further business and upon motion duly made and seconded, the meeting adjourned at 8:50 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-County Council of Indianapolis-Marion County, Indiana, and the Indianapolis Police, Fire and Solid Waste Special Service District Councils on the 19th day of November, 1984.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.



President



Clerk of the City-County Council

ATTEST:

(SEAL)