

REGULAR MEETING.

COUNCIL CHAMBER,
CITY OF INDIANAPOLIS,
July 16, 1894. }

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, July 16, 1894, at 8 o'clock, in regular meeting.

Present, Hon. Wm. H. Cooper, President of the Common Council, in the chair, and 19 members, viz: Messrs. Allen, Colter, Costello, Drew, Hennessy, Kaiser, Koehring, Krauss, Magel, Merritt, Murphy, O'Brien, Puryear, Rauh, Ryan, Schmid, Shaffer, Stein and Young.

Absent, 1—viz: Mr. Stott.

The Clerk proceeded to read the Journal, whereupon Councilman Krauss moved that the further reading of the Journal be dispensed with.

Which motion prevailed.

COMMUNICATION FROM MAYOR.

His Honor, the Mayor, presented the following communication:

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS,
July 16, 1894. }

To the President and Members of the Common Council:

GENTLEMEN—During the present year three ex-Mayors of Indianapolis have passed away, viz: William John Wallace, who died on January 9th; James L. Mitchell, on February 21st, and Daniel Macauley, on or about the 5th inst.

Mr. Wallace was born in Ireland, but came to this country when a boy, finally settling in this city, in 1850, where he continued to live to the time of his death. He was a successful merchant for many years. In 1856 he was elected Mayor, being the first representative in that office of the Republican party. One of his running mates was ex-President Harrison, who was at the same time elected City Attorney. Mr. Wallace resigned the office of Mayor in the spring of 1858, to accept that of Sheriff of Marion county, to which the people had elected him. He served two terms in the latter office. When his last term ended the civil war had commenced. Being too old to go to the front, he at once tendered his services to Governor Morton in any capacity he could be used at home. From that time to the close of

hostilities he worked for the Union cause as recruiting officer and provost marshal, beside otherwise assisting the Governor in many ways. After those stirring times Mr. Wallace lived a retired life, though he always felt a deep interest in public affairs. His circle of personal acquaintances was very large, having lived here since the city was one of less than ten thousand inhabitants. During his long life amongst us he did much to build up the city and strengthen the cause of good government. He died full of years and good works, mourned by all who knew him.

Mr. Mitchell came to Indianapolis as a young lawyer a few years prior to the war. He went to the front with the Seventieth Indiana Regiment, in 1862, and served with distinction to the end of the rebellion. He rose to the rank of Major, earning his promotions by meritorious conduct in the camp and on the field of battle. After the war was over, he returned to this city and resumed the practice of law. He succeeded General Macauley as Mayor, in the spring of 1873, defeating William D. Wiles, and being the first Democrat to hold the office after the incumbency of Henry F. West, who preceded Mr. Wallace. Major Mitchell served but one term, and was succeeded in 1875 by Hon. John Caven. He was afterwards twice elected Prosecuting Attorney for the district composed of Marion and Hendricks counties, evincing great personal popularity, as he had previously done in his race for Mayor. In both offices he served the people faithfully and well. He was a man of great force of character. As a soldier he was patriotic and brave; in the discharge of public duty he was intelligent, fearless, and always just; and in the walks of private life he bore himself as a kind husband and father, a good citizen, and a generous-hearted Christian gentleman.

Mr. Macauley also came to this city a few years before the call to arms, and at once engaged in the book-binding business, which he had learned in New York, where he was born and reared. At President Lincoln's first call for volunteers to sustain the union of the States, Mr. Macauley enlisted in the noted Eleventh Indiana Regiment and was commissioned Lieutenant of a company. He was rapidly promoted, finally rising to the rank of Colonel and brevet Brigadier-General. Few men left the State who won as proud a record as he. His old comrades have always regarded him as a model soldier and officer. But a few months ago, he made them a visit, apparently being in perfect health and spirits. It was my pleasure and good fortune to have several interviews with him on the occasion of that last visit made by him to his old home. He expressed to me his love for Indianapolis and its people, and evinced, as I thought, the hope of again coming back to live in their midst. I felt a just pride in telling him that it was the sincere wish of his many friends here that he should do so.

General Macauley was endowed with a keen perception and a wonderful knowledge of human nature. These gifts fitted him in a remarkable degree to discharge his duties as a police judge, which the office of Mayor required him to perform during his six years' incumbency of the office. While he had never studied law as a profession, it is said by those who practiced in his court, that his fruitful mind grasped legal questions as readily and accurately as lawyers eminent in the profession. His decisions were rarely ever reversed. In the discharge of every duty as the chief magistrate of the city, he brought credit to himself and honor to the office. He was thrice successively elected to the office of Mayor, serving from the spring of 1867 to the spring of 1873. After the expiration of his last term he engaged in several business enterprises here, remaining as a resident of Indianapolis until the year 1878. He then went East, and has successively lived in New York, Columbus, O., Milwaukee and Washington, besides spending many months, at various times, in Mexico and Central America. His last employment was with the Nicaragua Canal Company, and his death occurred at Managua, in the Republic of Nicaragua, after a very brief illness. The announcement of his death in this city, a few days ago, was a great shock to his host of friends, particularly to his old comrades in arms and the older residents of twenty and thirty years ago. His memory will long be cherished and revered by the people of this city, all of whom unite in the hope that his ashes may soon be brought from their now far-off resting place, to a final one here, where he lived so long and was loved so well.

I respectfully submit these few lines, as a token of the regard in which these worthy servants of the people were held by the citizens of Indianapolis who honored them in their day, and who, in turn, were honored by them in their many good works.

C. S. DENNY,
Mayor.

Which was read and ordered spread on the minutes.

His Honor, the Mayor, presented the following communication :

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS,
July 7, 1894. }

To the President and Members of the Common Council:

GENTLEMEN—I have this approved the following ordinances passed at your last session, to-wit:

App. O. No. 9, 1894. An ordinance authorizing the transfer of \$3,000 to funds other than that for which it was appropriated.

G. O. No. 44, 1894. An ordinance providing for the change of the name of John street to Dawson street.

Respectfully submitted,
C. S. DENNY,
Mayor.

Which was read and ordered spread on the minutes.

REPORTS, ETC., FROM CITY OFFICERS.

Communication from City Comptroller:

DEPARTMENT OF FINANCE.
OFFICE OF CITY COMPTROLLER,
INDIANAPOLIS, IND., July 12, 1894. }

To the Common Council:

GENTLEMEN—I inclose a communication from the Board of Health and Charities, asking for a transfer of funds from the accounts for the Prevention of Contagious Diseases and Board of Health to that of the City Hospital.

I recommend that the transfer be made, as desired.

Respectfully,
P. C. TRUSLER,
City Comptroller.

DEPARTMENT OF PUBLIC HEALTH AND CHARITIES. }
OFFICE OF COMMISSIONERS,
INDIANAPOLIS, July 12, 1894. }

Hon. P. C. Trusler, City Comptroller, Indianapolis, Ind.:

DEAR SIR—Inasmuch as the balance of the City Hospital Fund is insufficient to meet the current expenses of that institution until the end of the fiscal year, this Board respectfully requests that you cause to be transferred the sum of \$2,000 from the Contagious Disease Fund, back to the City Hospital Fund, from whence it was taken some weeks ago on account of small-pox having made its appearance in the city; also, the sum of \$800 from the Board of Health Fund.

Very respectfully,
SAMUEL E. EARP,
Secretary.

Which was read and referred to Committee on Finance.

REPORTS, ETC., FROM STANDING COMMITTEES.

Mr. Schmid, on behalf of the Committee on Fees and Salaries, to whom was referred :

G. O. No. 47, 1894. An ordinance to amend Section 5 of G. O. No. 79, 1893, being an ordinance entitled "An ordinance authorizing the employment of certain clerks, assistants and employes, and providing for their compensation; providing for the compensation of certain officers, heads of departments, clerks and employes; fixing the compensation, salaries and wages of certain officers, clerks and employes of the City of Indianapolis, Indiana; repealing conflicting ordinances, and fixing the time when this ordinance shall take effect." Passed by the Common Council on the 15th day of January, 1894.

Made the following report:

Mr. President:

We, your Committee on Fees and Salaries, have had G. O. No. 47, 1894, under consideration, and believing it to be a matter on which some suggestions should have come from the Board of Public Works, if they believed that any of the salaries should be increased in their department. We would recommend that the matter be referred to the Board of Public Works.

J. H. SCHMID.

J. R. ALLEN.

D. W. O'BRIEN.

Which was read and concurred in.

Mr. Rauh, on behalf of the Committee on Finance, to whom was referred the communication of McCullough, Taylor & Kern, in Council June 4, 1894, pertaining to the revision of the ordinances of the City of Indianapolis, made the following report:

Mr. President:

Your Committee on Finance, to whom was referred the communication of McCullough, Taylor & Kern, committee on revising of ordinances of the City of Indianapolis, have had the same under consideration, and would respectfully recommend that an appropriation ordinance of \$3,000, which covers the amount asked by the above revising committee for their work, be drawn, but would not recommend the paying over of the above amount until the Judiciary Committee has examined the work to their full satisfaction, and found the same satisfactory.

HENRY RAUH.

GEO. MERRITT.

CHARLES KRAUSS.

J. R. ALLEN.

GEO. R. COLTER.

JAS. H. COSTELLO.

Which was read and concurred in.

Mr. Rauh, on behalf of the Committee on Finance, to whom was referred the communication of the State Board of Agriculture, pertaining to the exhibit of "The Last Days of Pompeii," made the following report:

Mr. President:

Your Committee on Finance, to whom was referred communication of the Indiana State Board of Agriculture, pertaining to the exhibit of "The Last Days of Pompeii," asking the permission to exhibit without paying a city license, would respectfully recommend that the communication be referred to the Committee on Ordinances with the instruction to prepare an ordinance to grant the Board of Agriculture the privilege prayed for.

HENRY RAUH.
GEO. MERRITT.
CHARLES KRAUSS.
J. R. ALLEN.
GEO. R. COLTER.
JAS. H. COSTELLO.

Which was read and concurred in.

Mr. Merritt, on behalf of the Committee on Judiciary, to whom was referred :

G. O. No. 45, 1894. An ordinance defining the fire limits in the City of Indianapolis, and the character of buildings which are forbidden to be erected within such limits, and matters connected therewith.

Made the following report:

INDIANAPOLIS, July 16, 1894.

Mr. President:

Your committee to which was referred G. O. No. 45, 1894, hereby report on the same and recommend that said ordinance be amended as follows:

We recommend that Section 1 of said ordinance be amended so as to read as follows:

"SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the fire limits in said City of Indianapolis shall be all that territory bounded as follows: Commencing at the intersection of Michigan street and the center line of Missouri street, thence south with the center line of Missouri street to New York street, thence west on New York street to Blackford street, thence south on Blackford street to the center line of Wabash street, thence west on the center line of Wabash street extended west to Blake street, thence south on Blake street to the old National Road, thence west on the old National Road to the east bank of White River, thence south along the east bank of White River, following the meanderings of said stream, to the Terre Haute & Indianapolis Railroad tracks, thence east on the Terre Haute & Indianapolis Railroad tracks to West street, thence south on West street to South street, thence east on South street to Mississippi street, thence south on Mississippi street to Merrill street, thence east on Merrill street to Alabama street, thence north on Alabama street to South street, thence east on South street to a point in a line parallel with the southwest property line of Virginia avenue and one hundred and fifty (150) feet southwest from said property line, thence southeast on said line parallel with the southwest property line of Virginia avenue and one hundred and fifty (150) feet from and southwest of said property line to Coburn street, thence east on Coburn street to Dillon street, thence north on Dillon street to the first alley parallel with and northeast of Virginia avenue, thence northwest on the first alley northeast of and parallel with Virginia avenue to Noble street, thence north on Noble street to the tracks of the Pennsylvania Railroad Company, thence east along said tracks to Pine street, thence north on Pine street to Ohio street, thence west on Ohio street to Noble street, thence north on Noble street to Walnut street, thence west on Walnut street to a point in a line parallel with the northwest property line of Massachusetts avenue and one hundred and fifty (150) feet from and northwest of said property line, thence southwest on said line parallel with and one hundred and fifty (150) feet northwest from said property line of Massachusetts avenue to Michigan street, thence west on Michigan street to the place of beginning.

It shall hereinafter be unlawful for any person to erect, assist in erecting or cause to be erected, within the fire limits defined above, any building whatsoever unless the outer walls thereof are composed of brick, stone, or part iron or steel together with such construction as to be fire proof, and unless the roof thereof is fire proof: *Provided, however,* That this section shall not apply to privies less than ten feet high. It shall also be unlawful for any person to alter or repair, or assist in altering or repairing, or cause to be altered or repaired, any frame or wooden building now erected within the fire limits aforesaid with the same kind of material as that of which it is composed, when the amount required to so alter or repair the same shall exceed ten (10) per cent. of the present value of such building, to be determined by the Building Inspector, or in such a manner and to such an extent as to make a different or larger building, whatever amount be the cost thereof. It shall be the duty of the Chief Engineer of the Fire Department as well as the Building Inspector, whenever any building is in course of erection or has been fully erected, or whenever any building is being altered or repaired, in violation of any provision of this ordinance, to make complaint thereof before the judge of the Police Court of said city, and any citizen of said city may make such complaint; and upon such complaint being made by either of said officers, or by any such citizen, said Police Judge shall issue a warrant for the arrest of such person so offending. Any person violating any provision of this ordinance shall, upon conviction, be fined in any sum not exceeding one hundred dollars; and each day that workmen are employed on such building shall constitute a separate offense, and each day any such building when completed, is allowed to remain standing, shall constitute a separate offense. In addition to such penalty the Police Judge may include in his judgment an order that such person, if he be the owner of the building, shall immediately tear down and remove said building, and if such building is not promptly torn down and removed in obedience to such order the Board of Public Works may tear down and remove such building or cause the same to be torn down and removed; and the expense thereof shall be paid to said city by the owner of such building: *Provided, however,* The provisions of this ordinance shall not apply to any building, the contract for the erection of which was made prior to the passage and taking effect of this ordinance, a permit granted therefor and work thereon already begun, but shall apply to all other buildings."

When amended as above we recommend that said ordinance be passed.

GEO. MERRITT.
LUCIUS W. DREW.
WM. HENNESSY.

Which was read and concurred in.

Mr. Drew, on behalf of the Committee on Sewers, Streets and Alleys, to whom was referred:

G. O. No. 46, 1894. An ordinance authorizing the improvement of the roadway and sidewalks of Pearl street, in the City of Indianapolis, in Marion county, State of Indiana, from the east property line of Helen street to the west property line of Missouri street, excepting the crossing at West street, by grading said roadway and sidewalks, and paving the same with brick.

Made the following report:

INDIANAPOLIS, IND., July 16, 1894.

Mr. President:

Your committee to which was referred G. O. No. 46, 1894, authorizing the improvement of Pearl street with brick, beg leave to recommend that the ordinance be passed.

LUCIUS W. DREW.
WM. HENNESSY.
GEO. W. SHAFFER.

Which was read and concurred in.

APPROPRIATION ORDINANCES.

Under this order of business the following ordinance was introduced.

By Mr. Rauh:

App. O. No. 10, 1894. An ordinance authorizing the transfer of two thousand eight hundred dollars to a fund other than those to which it was originally appropriated or to which it has been transferred, and fixing the time when the same shall take effect.

WHEREAS, By App. O. No. 6, 1894, a certain sum was authorized to be transferred from the fund For the City Hospital of the Department of Public Health and Charities to the Prevention of Contagious Diseases fund of said department, and was so transferred; and,

WHEREAS, It appears that at least two thousand dollars of said sum will not be needed for the purpose for which it was so transferred; and,

WHEREAS, By App. O. No. 13, 1893, a certain sum was appropriated to the Department of Public Health and Charities and designated for the office of Board of Health and Charities; and,

WHEREAS, It appears that at least eight hundred dollars of this sum will not be needed for the purpose for which it was appropriated; and,

WHEREAS, It appears that the said Department of Public Health and Charities requires the sum of two thousand eight hundred dollars for the City Hospital fund of said department; therefore,

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the City Comptroller be and he hereby is authorized and directed out of moneys heretofore appropriated for, or transferred to or for the use of the Department of Public Health and Charities for Prevention of Contagious Diseases to transfer and charge the sum of two thousand dollars to the City Hospital fund of said department, and out of moneys heretofore appropriated for the use of said department for office of Board of Health and Charities to transfer and charge the sum of eight hundred dollars to the City Hospital fund of said department.

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

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

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

Under this order of business the following ordinances were introduced:

By Mr. Merritt:

G. O. No. 53, 1894. An ordinance creating the office of Building Inspector, defining the powers and duties attached thereto, authorizing the inspection of buildings and other structures, regulating their construction, repair, and removal, requiring the issuance of a license or permit in such cases before any work shall be begun, regulating the building of party walls and partition fences, prescribing in what proportion adjoining owners shall bear the expense of the same, in what manner such expense shall be levied and collected, and defining the terms upon which partition walls already established may be used by adjoining owners, fixing a penalty for the violation thereof, repealing certain ordinances, providing for publication, and fixing the time when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That there be and is hereby created in the City of Indianapolis the office of Building Inspector. The person chosen to fill such office shall be a practical and experienced builder or architect, and he shall be appointed by the Board of Public Safety, subject to removal at their pleasure. In all matters relating to the duties of his office as hereinafter set forth, he shall be under the supervision, direction and control of said Board, except when otherwise expressly stipulated.

SEC. 2. The Building Inspector shall receive a salary at the rate of eighteen hundred dollars (\$1,800) per year, payable quarterly, on the first day of April, July, October and January of each year, out of any funds in the treasury of said city not otherwise appropriated. Before said Building Inspector shall enter upon his duties, he shall take and subscribe an oath of office upon the back of his certificate of appointment and file a bond of five thousand dollars (\$5,000), payable to the City of Indianapolis, to be approved by the Comptroller, conditioned upon the faithful performance of his duties. Said certificate of appointment, with oath of office, shall be filed with the City Clerk, and said bond with the City Comptroller. Said bond shall be renewed whenever required by the Comptroller.

SEC. 3. It shall be the duty of said Building Inspector to approve all building permits in accordance with the provisions of this ordinance, and to have charge of and enforce all ordinances now in force or which may hereafter be established pertaining to the erection, construction, alteration, repair or removal of buildings or other structures, and to perform such other duties as may be imposed upon him by the Board of Public Safety. Said Inspector shall not be employed or engaged, directly or indirectly, in any contract or contracts in connection with the repair or erection of any building or other structure, or the furnishing of any materials therefor. He shall keep a careful record, in a book prepared for that purpose, of all permits approved by him, for the erection or repair of any building or other structure, and he shall keep a record of all other transactions in his office. He shall examine all buildings in course of erection alteration or repair throughout the city as often as practicable, and see that all ordinances in relation thereto are complied with. He shall examine all public school buildings, public halls and churches, theatres, hotels, business houses, and all buildings used for manufacturing or commercial purposes at least once each year, for the purpose of determining the safety of such buildings, the facilities for egress in case of fire, the overloading of floors, and where defects are found shall apply such remedies as he may be empowered to use. In performance of his duty, the said Building Inspector shall have the right to enter any building or premises in the City of Indianapolis at any and all times.

SEC. 4. No building shall be altered or repaired in such manner as that the whole when completed, shall, as respects the material employed and methods of construction, constitute a building not permitted by the terms of this or any other ordinance. It shall be unlawful for any person or persons to erect, construct, move, repair or build, or cause to be erected, constructed, moved, repaired or built, or assist in the erection, construction, moving, repairing or building, or to alter any such building, or to make any additions thereto or to erect or construct thereon any fire escape, or to raise or demolish any such building without first obtaining a permit therefor. The application for such permit shall be in writing and state the exact site to be occupied, the number of the lot, the name of the street, the contract price of the proposed building, structure or work and the time to be occupied in building or doing the same. No permit shall be issued until the contract for such building shall have been made and entered into, and the permit shall set forth the price to be paid for such construction or work, and be signed and sworn to by both the contractor and the owner thereof as his agent. Plans and specifications for the erection, alteration, repair or addition of any building or other structure costing more than one thousand dollars (\$1,000), must be submitted to the Building Inspector and receive his certificate of approval on the back thereof in writing before any building permit for the same shall be issued, giving permission to erect the building or structure at the place designated, and of the material and dimensions set forth in said application. After an application for a permit shall have been filed with the Building Inspector, together with the plans and specifications provided for herein, and the plans have been approved by said Inspector, the applicant shall be

entitled to a permit, the payment of a fee therefor first having been made as follows: For all buildings, structures, repairs, changes or additions to cost five hundred dollars (\$500) or under, the sum of twenty-five cents (\$.25), and twenty-five cents (\$.25) for every five hundred dollars (\$500) or fractional part of five hundred dollars (\$50) of additional cost in the construction or repair of any such building or structure. And provided further, that the City Comptroller shall furnish a printed copy of this ordinance to any person applying for such permit, free of charge. Any person applying for and taking out a building permit before the contract for such building shall have been entered into, and any person making false affidavit as to the contract price shall be held to be a violator of this section.

SEC. 5. Where structural parts of the external walls are of frame, covered with sheathing externally, such walls otherwise complying with requirements as regards strength, they may be covered or veneered with brick or terra cotta of not less than four (4) inches in thickness. Such covering shall be securely bonded to the frame work by means of metallic anchors not further apart than twelve (12) inches in vertical, nor twelve (12) inches in horizontal, distance.

SEC. 6. It shall be unlawful to erase, alter or modify any lines, figures, wording or coloring contained upon the plans or specifications after the same shall have been approved by the Building Inspector, or filed with him for reference. If, during the progress of the execution of work on a building, it is desired to deviate in any manner, affecting the construction or other essential of the building, from the terms of the application, drawing or specifications, notice of such intention to alter or deviate shall first in writing be given to said Inspector, and his written assent thereto be obtained. Alterations involving change in structural parts of the building, or of its stairways, elevators, fire escapes or other means of communication or ingress or egress, or of the substitution of material of less fire resisting character than those shown on the plans or described in the specifications, or application for permit, shall not be made without the permission of said Inspector be first obtained.

SEC. 7. Every permit or license for the construction or repair of any building within said city shall be signed by the Mayor, approved by the Building Inspector, and issued by the Comptroller upon the payment to him of the fee hereinbefore provided for, and no license or permit shall be valid until thus signed, approved and issued. Said Comptroller shall keep a record of such permits, showing the number, date of issuance, to whom issued, and the amount of fees paid. If at any time the Building Inspector shall discover that the applicant to whom such license or permit was issued, has in any way violated his rights in the terms thereof, or the provisions of this ordinance, he shall promptly report the same, whercupon the Mayor, for good cause shown, may revoke such license.

SEC. 8. Whenever any such license or permit shall be issued, in accordance with the terms of this ordinance, it shall particularly specify the space in the street upon the line of which such proposed building fronts, that may be occupied by the builder with building material: *Provided*, No permit shall be issued allowing the use of a greater space on any ninety (90) foot street than (30) feet of width of such street immediately fronting the property proposed to be improved, commencing at a point not less than five (5) feet from the outer edge of the sidewalk; or any greater space on Washington street than thirty (30) feet of width of said street immediately fronting the property proposed to be improved, commencing at a point not less than five (5) feet from the outer edge of the sidewalk; or no greater space of all other streets than fifteen (15) feet of the width of the street immediately fronting the property proposed to be improved, commencing at a width not less than (4) feet from the outer edge of the sidewalk: *Provided, further*, That if at any time the Building Inspector shall deem it wise and proper, he is hereby authorized and empowered to make such modifications of, or add such new terms to, the conditions set forth in this section, with reference to the space of streets to be occupied by building material, as he may deem proper. No permit shall be issued allowing the placing of any building materials in any street, alley or gutter in such a manner as to obstruct the free passage of vehicles or in such a manner as to hinder the free passage of persons or water upon or along any street, alley or gutter.

SEC. 9. The Building Inspector shall have full power to inspect all buildings in course of crection, alteration, repair or removal, or buildings completed, and said

Inspector shall notify owners thereof and require them to construct the same in such a manner as to make them safe from fires by correcting defective flues or other defects therein. Said Inspector may prevent the erection of buildings or other structures in such a location or in such a manner as to endanger surrounding property by fire. It shall be unlawful for any person, upon receiving notice from such Building Inspector, to refuse to comply with or obey his orders with reference to correcting any defects in buildings or other structures already completed or prohibiting the erection of any building, furnace or other structure in such a location or in such a manner as to be dangerous to surrounding property by fire. It shall be unlawful for any person, upon receiving notice from such Inspector, to refuse to comply with or obey the same, and each day's disobedience of such order or notice shall be deemed a separate offense.

SEC. 10. No brick or stone building or structure of any kind or description shall be erected or constructed within the limits of the City of Indianapolis except in the manner as provided in this ordinance. All four-story business buildings that are more than one hundred feet deep, shall have the enclosing walls (supporting joists) twenty-four (24) inches thick for basement, seventeen (17) inches for the first and second stories, and twelve (12) inches thick for the third and fourth stories. If less than one hundred feet deep, the walls of the basement twenty (20) inches; first and second stories, seventeen (17) inches; third and fourth stories, twelve (12) inches. All five story business buildings that are more than one hundred feet deep shall have the enclosing and division walls (supporting joists) twenty-eight (28) inches thick for basement story, twenty-one (21) inches thick for first story, seventeen (17) inches thick for second and third stories, and twelve (12) inches thick for fourth and fifth stories. Business buildings of less than one hundred feet deep may be erected with walls of the thickness prescribed in the table in this ordinance.

SEC. 11. Front and rear walls for five-story business buildings shall be twenty-eight (28) inches thick for the basement, twenty-one (21) inches thick for first story, seventeen (17) inches thick for second and third stories, and twelve (12) inches for fourth and fifth stories. Similar walls for four-story business buildings shall be twenty-four (24) inches for the basement, seventeen (17) inches for first and second stories, and twelve (12) inches for third and fourth stories. For three-story business buildings similar walls shall be eighteen, (18) inches thick for basement, seventeen (17) inches for first story, and twelve (12) inches for second and third stories. For two-story brick or stone business buildings similar walls shall be eighteen (18) inches in basement and twelve (12) inches for first and second stories: *Provided*, That any front or rear wall supporting girders shall be increased four (4) inches in thickness by two (2) feet, forming buttress or pilasters directly under such girders.

SEC. 12. Brick or stone walls not carrying any joists in any business building, for the purpose of dividing the interior into rooms, passages or stairways, shall not be less than eight (8) inches in thickness for more than one story eighteen (18) feet in height, and not less than twelve (12) inches in thickness for more than three stories forty (40) feet in height.

SEC. 13. The height of all stories for all given thicknesses of walls must not exceed eleven (11) feet in clear for basement, eighteen (18) feet in the clear for first story, fifteen (15) feet in clear for second story, fourteen (14) feet in the clear for third story, fourteen (14) feet in the clear for fourth story, fourteen (14) feet in the clear average height of upper story; if any story exceeds these heights, respectively, the walls of such story and of all the stories below the same, shall be increased four (4) inches in thickness additional to the thickness already mentioned.

SEC. 14. In accordance with the foregoing provisions all brick or stone walls for business buildings shall be of the thickness designated in the following table:

BUSINESS BUILDINGS 100 FEET DEEP OR MORE.	Basement. Inches.	First Story. Inches.	Second Story. Inches.	Third Story. Inches.	Fourth Story. Inches.	Fifth Story. Inches.	Sixth Story. Inches.
<i>Inclosing Walls—</i>							
One story high	18	12	. .	. .	. .	. .	. .
Two stories high	18	12	12	. .	. .	. .	. .
Three stories high	20	17	12	12	. .	. .	. .
Four stories high	24	17	17	12	12	. .	. .
Five stories high	28	21	17	17	12	12	. .
<i>Front and Rear Walls—</i>							
Four story buildings	24	17	17	12	12	. .	. .
Five story buildings	28	21	17	17	12	12	. .
<i>Division Walls—</i>							
One story buildings	12	12	. .	. .	. .	. .	. .
Two story buildings	12	12	12	. .	. .	. .	. .
Three story buildings	17	12	12	12	. .	. .	. .
Four story buildings	24	17	17	12	12	. .	. .
Five story buildings	28	21	17	17	12	12	. .
<i>Division Walls (Carrying Joists)—</i>							
Two story buildings	17	12	12	. .	. .	. .	. .
Three story buildings	17	12	12	12	. .	. .	. .
Four story buildings	24	17	12	12	12	. .	. .
Five story buildings	28	21	17	17	12	12	. .
<i>Business Buildings less than 100 Feet Deep (Inclosing Walls)—</i>							
Two stories high	18	12	12	. .	. .	. .	. .
Three stories high	18	17	12	12	. .	. .	. .
Four stories high	20	17	17	12	12	. .	. .
Five stories high	24	21	17	17	12	12	. .

SEC. 15. External walls of buildings may be built in part of iron or steel, and when so built, may be of less thickness than otherwise required. When such construction is employed for buildings of over sixty (60) feet in height, or for hotels, apartment or boarding houses containing fifty or more rooms above the second story, the supporting members of iron or steel shall be wholly protected as against fire and changes of temperature by a covering of brick, terra cotta or hollow fire-clay tile, or two layers of plastering on metallic lath. Such covering to be independently supported upon the skeleton frame for each individual story. If such covering be of brick or hollow tile, it shall not be less than four and one-half (4½) inches thick, if of terra cotta it shall not be less than two inches thick, and if hollow tile is used, the tile shall have at least two sets of air spaces of at least three-fourths of an inch each within the hollow tile. In all cases the brick or hollow tile shall be bedded in mortar close up to the iron or steel member, and all joints be made full and solid. If plastering or metal lath is used, the furring shall also be metal, and the plastering of at least two thicknesses. If terra cotta is used for part of such covering it shall be backed up with brick or hollow tile laid in such manner that the backing will be built into the cavities of the terra cotta and secure a perfect

bond between the terra cotta and its backing. If hollow tile alone is used for such covering, the thickness of same shall be made up of at least two courses, the joints being broken, and the whole securely bonded together.

SEC. 16. The horizontal filling between the iron or steel vertical members of external walls of skeleton construction shall be of brick, terra cotta or hollow tile, of not less than twelve inches in thickness, subject to the same condition as to bond and breaking of joints as specified for the materials used as protective coverings of structural members, and such fillings shall be bonded securely into the enclosures of the vertical members.

SEC. 17. In determining the strength of materials and the ultimate loads to which they may singly, or in combination be subjected, reference shall be had to the uses made, or to be made, of the building in which they are employed, and shall be based upon formulæ published under authority of the best engineer in practice, approved by the Building Inspector.

SEC. 18. Whenever it is sought to increase the height of any building beyond the height for which the original permit was granted, the thickness of all walls, including foundations, shall be increased in accordance with and in exact proportion to the figures given in the table given in section fourteen.

SEC. 19. The outside brick or stone walls of rooms having trussed roofs or ceilings, such as churches, public halls, theatres, dining rooms and all places of amusement, if more than eighteen (18) feet and less than twenty-five (25) feet high, shall average at least seventeen (17) inches; if over twenty-five (25) feet high, at least twenty-one (21) inches; if over forty-five (45) feet high, at least twenty-five (25) inches in thickness. An increase of four (4) inches in thickness shall be made in all cases where the walls are over one hundred (100) feet long, unless there are cross walls of equal height.

SEC. 20. If solid buttresses are employed with a sectional area of three hundred (300) or more square inches, placed less than eighteen (18) feet apart and extended to or nearly to the top of walls, four (4) inches may be deducted from the thickness of any wall having such buttresses. External and division walls in any business building over five stories shall be increased four (4) inches in thickness for sixth and seventh stories, and additional four (4) inches for each succeeding story.

SEC. 21. Cut stone facing of walls shall be properly bonded and anchored at least every four (4) feet in height to the brick backing. The same shall be done with any other facings to walls.

SEC. 22. Any party wall now existing that shall have been built conformably to the requirements of any law regulating the construction of such walls, and in force at the time of such construction, if sound and in good condition, may be used in the construction of an adjoining building: *Provided, however,* That no brick work shall be placed on such walls to give additional height to the wall unless the thickness of such additional wall and the thickness of the old wall in each story shall at least equal the thickness required for subdivision walls of the same height for business buildings as required for division walls. This section shall apply in all cases where it is desired to add additional height to any business building in case of outside walls of any business building being built against the wall of any old building (not being a party wall), the new wall shall be of the same thickness as required for outside walls in such building.

SEC. 23. When any person desires to erect, repair or improve a building, the outer walls of which are of wholly non-combustible material, and the plans for which require the crection, enlargement or reconstruction of a party wall between said building and the property abutting the same, he shall, at the time of filing his application for permit to erect such building, file also with the Building Inspector plans showing the proposed party wall in detail and its exact proposed location, and shall also serve upon the owner or agent of the abutting property a notice setting forth the fact of such application, together with a copy of said plans. It shall be the duty of the owner or agent of said abutting property within ten days from date of receiving said notice and copy of plans, to file with the Building Inspector, in writing, the objections if any to the proposed party wall, and thereupon said Inspector shall inquire into the premises, and if in his opinion the construction of such wall is necessary and proper as proposed, he shall so notify the party objecting

thereto, who, within three days after receiving such notice, may appeal in writing from the decision of the Inspector to the Board of Public Works. Upon receiving such appeal the Board of Public Works shall examine the plans and the property to be affected, give the party affected by the proceedings an opportunity to be heard in the matter, and make such finding as to the construction of the party wall as may seem right and proper. If no objections shall be filed with the Inspector, or no appeal shall be taken from the decision of the Inspector, the applicant for a permit may proceed to build such party wall according to the plans therefor so filed with the Inspector, provided such plans shall be first approved by him; and in the event of an appeal to the Board of Public Works, as herein provided, such applicant may proceed to erect such party walls pursuant to the findings of said Board, and in either case shall have the right to enter upon the abutting property with all necessary material and labor for such purpose. If in any case where it is deemed necessary that a party wall should be built, if the parties can not agree upon the terms for the building thereof, it shall be built in the first instance at the cost and charge of the party applying for the permit to so build, but one-half ($\frac{1}{2}$) the cost thereof or of so much as may be used by the owner of the adjacent lot shall be paid to the one so building, his heirs, representatives or assigns, so soon as such party wall, or such part of it, shall be used by such adjoining owner, his heirs, or assigns, lessees or successors. No party wall built thereunder shall occupy more than twelve (12) inches front upon the abutting lot, and one-half of such party wall shall be upon each lot. The owner of such abutting lot, his heirs or assigns, lessees or successors, shall not use said party wall by building into it or against it, nor in any way make use of it for any building or structure, until he or they shall have paid to the first builder, his heirs, representatives or assigns, the proportion of the cost of said wall, or of so much of it as he may desire to use, without interest on such proportion.

SEC. 24. If any part of a building rests on piers the sectional area shall be sufficient to sustain the load calculated, using a factor of safety of eight (8).

SEC. 25. Brick or stone business buildings without basement shall have footings of foundation walls or piers at least four (4) feet below the ground surface.

SEC. 26. Brick or stone business buildings more than two stories high, having flat roofs, shall have their party walls carried two (2) feet above the roof, forming fire walls not less than twelve (12) inches thick, and must have a coping to be either galvanized iron, stone or terra cotta. All other outside and inside walls shall extend their full thickness to the under side of roof sheathing. No wood cornices or lookouts shall be allowed on business buildings which are more than two stories in height.

SEC. 27. No building shall be moved to a new location within the city limits without a permit be first issued therefor by authority of the Board of Public Works. The person desiring such removal shall file with the Building Inspector his written application therefor setting forth the kind of building to be moved, its original cost, its dimensions in extreme length, height and width, its present location, and the particular lot or site to which it is proposed to be moved. He shall also obtain and in like manner file with said application, the assent in writing of the person or persons owning the majority of feet front of lots in the same square or block as the proposed relocation. The Building Inspector shall thereupon thoroughly examine said building, and refer the papers aforesaid relating to its removal to the Board of Public Works, together with his opinion endorsed in writing upon said application as to the present value of such building compared with its original cost, and whether the proposed removal can be made without serious injury to person or property. The Board of Public Works may thereupon issue a permit for such removal, designating therein the particular streets or alleys along which the removal shall be made. *Provided, however,* That such building has not been damaged by wear and tear or other cause, to an extent exceeding fifty per cent. of its first cost, and that such removal can, in the opinion of said Board, be made without serious injury to pavements and other public improvements. Said Board, as a condition precedent to the issuance of such permit, shall require a bond to be executed by the person desiring such removal, with surety to the satisfaction of such Board, which bond shall be in terms and for such amount as said Board may prescribe, conditioned

upon the strict compliance with the terms of said permit as to route to be taken, and limit of time in which to effect such removal, and to repair or compensate for the repair, and to pay all damages whatsoever occasioned by or incident to such removal, and to pay to said City of Indianapolis as liquidated damages an amount not exceeding fifty dollars to be prescribed by said Board, for each and every days' delay in completing such removal, or in repairing any damage to property or public improvements, or in clearing public highways of all debris, occasioned thereby. With the issuance of said permit the said Board of Public Works shall cause written notice thereof to be given to the Superintendent of Fire Alarm, and of Telephone, Electric Light and others whose property may be affected by such removal.

SEC. 28. The term "business buildings" shall embrace all buildings except dwellings and apartment houses.

SEC. 29. For brick or stone buildings having the first story or basement, and the first story designed for business purposes and the upper stories for dwellings, the outside walls are to be of the same dimensions as specified for business buildings. All partitions and division walls in basement or first story shall be of brick, and of proper dimensions to sustain the loads designed to be placed upon them, and in no case shall any frame partition or division walls be permitted in any other than the two top stories. Hollow tile partitions may be used in place of brick partitions. When a brick or stone building is in blocks of two or more buildings the division walls must be of brick or hollow tiles extending to under side of sheathing.

SEC. 30. In brick or stone two-story dwelling houses the inner and outer walls of basement shall be of brick or stone; partition or division walls above the basement story may be of wood.

SEC. 31. All buildings used as dwellings, hotels, boarding, lodging or apartment houses, and office buildings, shall have their enclosing walls, if of brick or stone, of not less than the thickness specified in the following table:

TABLE TWO.

DWELLINGS AND OFFICES.	Basement	STORIES IN HEIGHT.							
		1st	2nd	3rd	4th	5th	6th	7th	8th
Basement and 1st story	12	8	. .	. .	. .	. .	. .	. .	. .
Two story	12	12	8	. .	. .	. .	. .	. .	. .
Three story	16	12	12	12	. .	. .	. .	. .	. .
Four story	20	16	16	12	12	. .	. .	. .	. .
Five story	20	16	16	16	12	12	. .	. .	. .
Six story	20	20	16	16	16	12	12	. .	. .
Seven story	24	24	20	20	16	16	12	12	. .
Eight story	26	24	24	20	20	16	16	12	12

The figures given in the above table are for inches. In no case shall a brick, tile or stone wall of only eight (8) inches in thickness exceed twenty feet in length without being supported by a cross or intersection wall of the same or greater thickness of like materials, nor shall it exceed twelve feet in height, to which may be added not to exceed eight feet in height for the purpose of constructing a pointed gable. Where buildings contain three or more flats separated only by common or division walls the two upper story division walls may be constructed only eight inches thick.

SEC. 32. All brick or stone dwelling houses, including those having first story used for business purposes, and all other buildings that are not more than two stories high, having flat roof, shall have outside walls (except front walls) extended sixteen (16) inches above the roof; double pitched flat roofs to have their division and side walls carried up, forming fire walls in same manner; front and all other walls shall be carried up their full thickness flush with the under side of the sheathing.

SEC. 33. Any brick or stone building not more than three stories high may have the rear wall terminate flush with the under side of the sheathing of roof, provided that the gutter at the eave of such roof is entirely of metal or of wood enveloped with metal, such metallic work to extend across and cover the wall and be properly secured to sheathing of roof.

SEC. 34. No chimney in any brick, stone or frame building shall be built with less than nine (9) inch walls, or with four (4) inch walls lined with tile flue lining, and no flues shall be less than eight by eight (8x8) inches, and no chimney top shall be less than three (3) feet above the roof (for flat roofs) and not less than eight (8) feet above the eaves of any pitched roof. Every chimney not forming a part of a wall shall rest upon the ground or other sufficient fire-proof foundation; flues larger than two hundred and fifty square inches shall be surrounded with walls not less eight (8) inches thick. The wall of such flue above the inlet funnel shall be twelve (12) inches thick for the first fifteen (15) feet around and above such inlet; tops of such chimneys to be at least eight feet above the roof, or five feet above the highest part of the roof within fifty (50) feet of such chimneys. Chimneys with flues more than eight hundred and less than eighteen hundred square inches shall have surrounding walls not less than twelve (12) inches thick to the height of at least forty-five (45) feet, and shall have a four (4) inch lining with a four (4) inch air space, this lining to commence four (4) feet below the inlet; chimney tops of flues having eight hundred or eighteen hundred inches shall be built twelve (12) feet above the roof and ten (10) feet above any roof within a radius of fifty (50) feet.

SEC. 35. The provisions of the foregoing section as to the thickness of walls pertaining to chimneys shall be applicable only to such chimneys as are a part of or situated in any building. Flues in party walls shall not extend beyond the center of the wall. Flues in the same stack on each side of a party wall shall be separated by four (4) inches of brick work the entire height.

SEC. 36. All chimneys with flues larger than eighteen hundred square inches shall be at least ten (10) feet above the highest building within a radius of sixty feet. All smoke-stacks shall be in diameter not less than one-tenth of the height, and the fire flue shall be neatly plastered or have struck joints.

SEC. 37. All excavations shall be so protected by sheet piling if necessary, by the persons causing the same to be made, that the adjoining soil shall not cave in by reason of its own weight. All foundations of buildings hereafter erected and not extending to a depth of nine (9) feet below the curb or grade line of the street, shall, together with the superstructure thereon, be protected by underpinning or other proper means, at the entire cost and charge of the owner thereof in case of excavation or other improvement upon the adjoining property. The party making such excavation or improvement shall give reasonable notice thereof to said owner of such adjacent property, or to his agent, and permit reasonable occupancy of the ground for such protection to be made. In cases where such foundations extend to the prescribed depth of nine (9) feet, the party making the excavation or improvement upon the adjoining property shall fully protect said foundations and superstructures at his own entire cost and charge, and for that purpose shall, upon reasonable notice being given, be permitted to enter upon the premises. If the party whose duty it is to preserve or protect any wall or building from injury, shall neglect or fail to do so after twenty-four (24) hours notice by the Building Inspector, then said Building Inspector may enter upon the premises and employ such labor and furnish such material as may in his judgment be necessary to make the same safe and secure, or prevent the same from becoming unsafe or dangerous; and the persons so employed or furnishing such material may bring and maintain an action against said party to recover the value thereof, in the same manner as if done by direction of said party.

SEC. 38. All foundations for walls, piers and columns of brick or stone buildings shall extend to a depth of not less than four feet below any adjoining surface exposed to frost, to a good solid bottom of such character as to provide safe support to loads intended to rest thereon. The breadth of such foundations shall be proportioned so that the load shall bear equally, as nearly as possible, upon each square foot of foundation. The footings may be of stone or concrete, or both, or of concrete and stepped up brick work, but not less in width than eight (8) inches greater than

the foundation wall, and the offsets or steps of the brick work shall not exceed two and one-fourth ($2\frac{1}{4}$) inches. Foundations shall be thick enough to resist any lateral pressure, and the Building Inspector may order an increase of thickness for that purpose. Foundation walls of rubble footings shall not be used in buildings of over forty (40) feet in height. For buildings of over forty (40) feet in height, the footings shall be of through stone, full width of footings, and not less than three (3) feet in length.

SEC. 39. In brick walls every sixth course shall be headers. All fire flues shall be smoothly plastered or have struck joints. Walls shall be securely anchored to the timbers and joists resting upon them. Anchors to be eight (8) feet from centres.

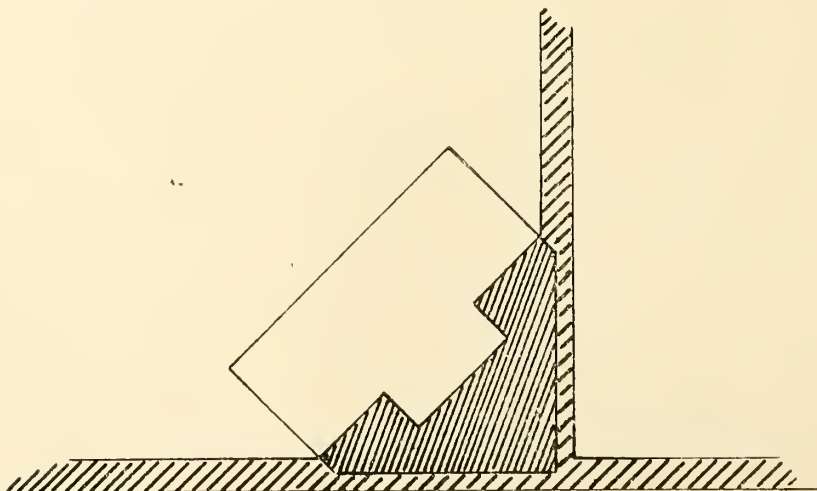
SEC. 40. Hollow walls, not being bearing walls, may be used in all cases, but all hollow walls should be bonded or tied together with incombustible anchors, placed not more than three (3) feet apart. If used as bearing walls, the thickness shall be reckoned by their solid parts, unless either part is at least eight (8) inches thick, and solid connections are made in upright direction not less than twelve (12) inches wide, or not more than eight (8) feet apart from centers.

SEC. 41. The backing of any iron front that is not wholly self-supporting, shall be treated as an independent wall. If the iron wall is self-supporting, then the party wall shall be extended to meet the outer thickness of the iron, and all vacancies shall be filled with grout to insure a complete separation of adjoining buildings.

SEC. 42. All business buildings being more than fifty-six feet high, covering an area of not more than five thousand superficial feet; also, all buildings exceeding eighty (80) feet in height, shall have a two and one half ($2\frac{1}{2}$) inch (or larger) metallic stand-pipe extending above the roof, and arranged so that fire-hose can be attached from the street. All hose couplings shall conform to the size and pattern adopted by the Fire Department.

SEC. 43. All floor-beams, joists and headers shall be kept at least two (2) inches clear of any wall inclosing a fire flue or chimney breast, and a heavy coat of plastering put on the walls of such flues before any other wood-work shall be placed against it.

SEC. 44. All hearths for fire-places shall rest on brick trimmer arches not less than four inches thick, the header kept at least two feet from face of chimney breast. The backs of all fire places shall not be less than eight inches thick; all stove-pipe holes to have proper thimbles and stoppers. All centers shall be taken out under hearths before the floor is laid, and no person shall lay any hearth on any other than a brick arch. The jambs on each side of fire-place shall not be less than thirteen (13) inches wide, and not less than seventeen (17) inches thick, and fire-place fronts to be built up the full width of the breast to the bottom of the joist; no wood-work to be used in constructing the chimney. All chimneys containing fire-places shall be built between floors full size of base, entirely of masonry, no wood-work to form any part of its construction. Corner chimneys containing fire-places shall be built on each of their three sides of solid masonry the full size of base, as shown by the following sketch:



SEC. 45. Ends of joists or beams entering a brick wall shall be cut so as not to disturb the brick-work by any deflection or breaking of the joists or beams. All such joists or timbers entering a party or division wall from opposite sides, shall have at least four (4) inches of solid brick-work between the ends of such timbers or joists.

SEC. 46. Joists and girders in any building shall be of proper dimensions to sustain the load designed to be placed upon them; girders may rest upon piers of brick or stone, or upon columns of wood or iron of proper dimensions. All floor joists shall be properly bridged with cross bridging. All headers in floor framing of business buildings that are placed at a greater distance than two (2) feet from the end of a trimmer, shall be fixed in proper iron stirrups.

SEC. 47. Boiler-rooms shall be built throughout of incombustible material. All openings to such boiler-rooms shall have metallic shutters and doors, or wood-lined with metal on both sides and edges.

SEC. 48. The egress, openings and stairway of any theatre, public hall, church or school, within the corporate limits of said city, shall in no case be less than six (6) feet wide nor aggregate a less proportion than two (2) feet wide for each one hundred persons such public hall, church, school or other room may contain or accommodate. This provision to apply to the doors of each gallery or compartment of such building, as well as to the exterior openings. All doors to such buildings, or room or rooms, shall be made to swing outward, and during the time that said building or room or rooms are in use or open to the public, no hindrance, such as locks, catches or bolts of any kind shall be allowed to obstruct or prevent instant and easy egress through the same.

SEC. 49. In any factory or workshop the stairway and exits must be at least four (4) feet wide if said factory or workshop contain two hundred persons; for each additional hundred persons or fraction thereof, said stairways and exits to be increased two (2) feet in width.

SEC. 50. Hot air, hot water, steam or other furnaces, whether brick or metal, shall be kept at least ten (10) inches and the smoke stack at least twenty (20) inches away from any unprotected wood-work. All furnaces shall be placed on foundations of brick or stone, with proper hearths of incombustible material at least twenty-four (24) inches wide in front of ash pit. All hot air conductors from steam or hot water apparatus that are placed within ten (10) inches of any wood-work may be made single, but if such conductors are conveying hot air from a hot-air furnace, or from a heating apparatus similar, then such hot air pipes must be double, one with another, with at least one-half ($\frac{1}{2}$) inch space between the two. All hot-air registers shall be set in incombustible borders not less than two (2) inches in width; openings in floors or walls for registers shall be lined with bright tin to receive the register boxes, the lining to be kept at least one (1) inch distant from such register box; IC or IX bright tin shall be used in the construction of all hot-air flues and their appendages.

SEC. 51. The height of all buildings for the purpose of this ordinance shall be taken from the grade of sidewalk to a point half way from the lowest to the highest point of roof.

SEC. 52. Any work of alteration, addition or repair made or done for any purpose, in, to or upon any building or structure, shall, to the extent of such alteration, addition or repair be subject to the provisions or requirements of this ordinance, and whenever any such building shall have been so damaged, the Building Inspector shall report such fact to the Board of Public Works, as hereinafter provided, and the same, if so found to be damaged, shall be condemned by said Board and ordered torn down by them as hereinafter provided.

SEC. 53. It shall not be lawful to erect, construct or build any rear, front, division or partition walls upon wooden girders, rafters or lintels, or to support any such wall by any wooden support whatsoever, but all such supports shall be of iron, brick or stone, and of sufficient size to support the structure.

SEC. 54. Wooden buildings already erected within the fire limits may be repaired with the same kind of material as that of which they are composed: *Provided*, Such repairs do not exceed ten per cent. of the present value of such building, to be determined by the Building Inspector.

SEC. 55. If in the opinion of the Building Inspector any building or other structure, in whole or in part, shall be insecure or dangerous to its occupants or the public by reason of any defect or defects therein, he shall thoroughly inspect such premises and promptly report his conclusion, together with such recommendations as he may desire to make, to the Board of Public Works. Whereupon it shall be the duty of the said Board of Public Works, after having satisfied themselves upon the matters presented, to make final order therein, and if the report and recommendations of the Building Inspector shall be found correct and they be approved, the Building Inspector shall be ordered to forthwith give the owner or owners, or his agent, notice to take such building or structure down and clear the highway of all debris within such time as may be specified in such notice; and said Building Inspector shall also forthwith give the tenant or occupant of such building or structure notice to vacate within such time as may be specified in such notice. And in default of the owner or agent taking down such building or structure the Building Inspector shall be authorized and held to be authorized and directed to take the same down at the owner's expense and for such purpose said Building Inspector shall be the agent of such owner and such owner shall be liable to those furnishing labor and materials for such work to the same extent as if such labor and materials had been contracted for by such owner and may be collected in the same manner as if ordered and contracted for by such owner: *Provided, however,* That in the case of an emergency the Board of Public Works may authorize and direct such building or structure to be taken down and the highway cleared without delaying to notify the owner to do so.

SEC. 56. It is hereby made the duty of all owners, contractors or agents, engaged in the construction of any building or structure, whether of brick, stone, wood or other material, when two or more stories in height, to provide the same with one or more scuttles, not less than two by three feet in dimension, in the roof thereof, with a substantial ladder or stairway leading thereto. And any plan for any building or structure which does not provide for such scuttle or scuttles, shall not be approved by said Inspector, and it shall be unlawful for any contractor, owner or agent to erect or maintain any building or structure without such scuttle or scuttles.

SEC. 57. All buildings three or more stories in height used or occupied for business or manufacturing purposes, tenement houses, boarding houses, hotels, asylums and hospitals shall be provided with one or more metallic fire escapes with balcony at each story, extending from the first story to the upper stories of such building, and above the roof and on the outer walls thereof, in such location and number as the Building Inspector may determine, and according to some standard form of construction. After such determination by the said Inspector he may at any time by a notice served upon the owner, agent, lessee or occupant of any such building by leaving with such owner, agent, lessee or occupant, or at his or their residence or place of business, require such owner, lessee or occupant, or either of them, to cause such fire escape to be placed upon such building within thirty days after the service of such notice: *Provided, however,* That all buildings more than two stories high used for manufacturing purposes shall have one such fire escape or a fire-proof stairway, for every twenty-five persons or less, employed above the second story: *Provided, further,* That all persons affected by the provisions of this section shall have the right of appeal to the Board of Public Safety.

SEC. 58. All partition or party fences shall be made and kept in good and sufficient repair by the owners of the ground on each side at their joint expense: *Provided,* That the ground on each side shall be inclosed, used or occupied. And if any person whose duty it shall be to make or keep in good repair any fence or part of a fence, shall neglect or refuse to do so for five days after the request being made by the other party interested, or his agent, then it shall be lawful for the party so making the request as aforesaid to make or repair the whole fence, or part of the fence, and to recover one-half of the expense thereof from the person so refusing or neglecting: *Provided,* That no fence erected under the authority of these regulations shall be less than five nor more than seven feet in height, except by consent of the parties interested on both sides of such fence and the permission of Building Inspector. If any person shall inclose ground adjoining to that already inclosed, and shall thereby be benefited by any fence before erected, the person so benefited shall

pay therefor a just and reasonable compensation, regard being had as to the condition of the fence at the time

SEC. 59. All aisles and passage ways in any building devoted to the purpose of amusement or instructions shall be kept free of camp stools, chairs, sofas, stoves or other obstructions; and no person or persons shall be allowed to stand in or occupy, in such way as to obstruct, any of the aisles or passage ways during any performance, service, exhibition, lecture, concert, ball or any public assemblage; and no seat in the auditorium shall have more than six seats intervening between it and the aisle. Every building used for the purpose of public entertainment shall have at least one stand-pipe and water plug connected with the water pipes of the city placed on the stage or platform, or in its immediate vicinity, the same to be put in under the direction and to the satisfaction of the Chief of the Fire Force. Hose, with nozzle, shall be attached to such stand-pipe, and said hose shall be of sufficient length to extend to the farthest limit of such building, and shall be kept in good order and ready for use at all times.

SEC. 60. The face of any pilaster, column, window or door-dressing above the main water table shall not project beyond the property line of lot. Balconies, or bay, or oriel windows, and storm doors, shall not have the bodies of such balconies, windows, or storm doors built over the property line more than three (3) feet; and no part of such window or balcony shall be at a less height than twelve (12) feet above the grade of sidewalk in business buildings, and not less than ten (10) in dwelling houses, nor shall said storm doors exceed ten (10) feet in height.

SEC. 61. It shall be unlawful to maintain any chimney flue, fire-place or heating apparatus on any premises, when, in the opinion of the Building Inspector, they shall be dangerous or unsafe by reason of endangering the buildings on said or adjoining premises by fire or otherwise. In all such cases the Inspector shall at once notify, in writing, the owner, agent or other party having an interest in said premises, and shall require him to make the same safe; and upon the neglect of said person so notified to comply with the provisions of said notices for a period of 15 days after the service of said notice upon him, he shall be subject to a fine of not less than one dollar, and not more than fifty dollars, and each day's continuance of such violation shall constitute a separate offense.

SEC. 62. Every exterior cornice or gutter on brick, stone or iron buildings that may hereafter be damaged by fire or the elements to a greater extent than one-half of the whole value thereof shall be taken down, and if replaced shall be constructed in accordance with the provisions of this ordinance.

SEC. 63. Foundation walls for frame dwelling houses shall not be less than eight (8) inches thick, and for one story dwelling houses not less than twelve (12) inches below the surface of ground, and for two story dwelling houses not less than eighteen (18) inches below the surface of ground.

SEC. 64. The Building Inspector is hereby empowered and directed to order the placing of safety gates or other protection at all elevator openings above the first floor. He is also empowered to order such other repairs made to elevators as in his judgment may be necessary. In all cases where elevator shafts are wholly enclosed the enclosing walls shall be constructed entirely of non-combustible materials. All elevators, the openings to which are not wholly enclosed by screen or other construction, shall be provided with automatic self-closing safety gates extending from the floor to a height of at least five (5) feet across the entrance opening, and the other sides shall be provided and enclosed by wire screens or other construction extending from floor to ceiling, all of which shall be subject to the approval of the Building Inspector: *Provided*, That in the case of elevators operated solely by some one person regularly employed in such behalf, the said openings may be provided with sliding doors to be closed by the operators of such elevators.

SEC. 65. Down spouts on buildings shall not discharge the water from the roofs of such buildings onto the sidewalk, but shall, wherever practicable, be made to connect with a sewer. Any person failing to so connect any such down spout now on any building or hereafter put thereon with a sewer, after having been notified so to do by the Building Inspector shall be fined as hereinafter provided. Such notice may be served either upon the owner or agent of the building.

SEC. 66. Whenever any tree or part thereof shall be blown down, and encumber

any street, alley or sidewalk, or shall become unsafe and dangerous to persons or property, it shall be the duty of the owner or occupant of the premises on which such tree stands, or stood, or immediately in front of which it is or was standing, to remove the same within six hours thereafter. If in the opinion of the Building Inspector any tree or part thereof is unsafe and dangerous to persons or property he shall give notice thereof to the owner, agent or occupant of said premises, whose duty it shall be to remove the same without delay thereafter. Failure to remove a fallen tree from the street, alley or sidewalk within six hours, or failure to promptly remove a tree or part thereof condemned by the Building Inspector as unsafe and dangerous upon notice thereof from such Inspector shall be a violation thereof. The cost of removing any such fallen or condemned tree shall be paid by the owner of said premises. If paid by the occupant he may deduct the expense so incurred by him from the rental next becoming due to said owner. If the party whose duty it is to remove said tree shall neglect or fail to do so, and in the opinion of the Board of Public Works the emergency requires that there shall be no delay, the said Board of Public Works shall cause its removal to be made with or without delaying to notify the owner or occupant, and the cost may be collected of the owner of said property by suit, or otherwise.

SEC. 67. Any person violating any of the provisions of this ordinance shall, upon conviction, be fined in any sum not exceeding one hundred dollars (\$100), and each day's continuance of such violation shall be a separate offense. Any permit issued in violation of the provisions of this ordinance shall be void.

SEC. 68. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed: *Provided*, That so much of any prior ordinance as is herein embodied shall not be deemed repealed, but to that extent the same is re-enacted and continued in force, and the incumbent of the office of Building Inspector at the time of the passing of this ordinance shall continue in office, assuming and discharging the duties hereunder subject to removal as provided in Section 1 of this ordinance; and prior ordinances shall be deemed in force as to buildings in process of erection at the time of taking effect of this ordinance under valid permits taken out under such ordinances.

SEC. 69. The provisions of this ordinance shall not apply to any building, the contract for the erection of which was made prior to the passage of this ordinance, a permit granted therefor and work thereon already begun.

SEC. 70. This ordinance shall take effect and be in force from and after its passage and publication once each week for two successive weeks in *The Sun*, a daily newspaper of general circulation printed and published in the City of Indianapolis, Marion County, Indiana.

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

By Mr. Young:

G. O. No. 54, 1894. An ordinance to regulate the use of, and to prevent the encumbering of improved streets and alleys of the city of Indianapolis by animals and vehicles.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, That it shall be unlawful for any person to stop or station, or cause the stopping or stationing of any horse and vehicle, or team, horses, mules or cattle, on any street or alley in said city paved with asphalt, vulcanite, or other smooth street pavement, unless specially licensed by the Common Council of said city, for a period longer than one-half an hour at any one time, or for such time as is reasonably necessary to discharge or receive a load for such vehicle.

SEC. 2. It is hereby declared unlawful for any person or persons to hitch or station, or cause to be hitched or stationed, any horse, team or vehicle, in or upon the same block of any street or alley of said city paved with asphalt, vulcanite or other smooth street pavement, for a period of two or more hours a day for three or more days in any one week. It shall also be unlawful for any person or persons to feed or cause to be fed any horse, mule or other animal in or upon any such improved street or alley of said city.

SEC. 3. Any person convicted of having violated any of the provisions of this ordinance, shall be fined for the first offense one dollar and costs, and for the second and any succeeding offense not less than five dollars and costs.

SEC. 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SEC. 5. This ordinance shall be in force from and after its passage and publication once each week for two weeks consecutively in *The Sun*, a daily newspaper of general circulation printed and published in the City of Indianapolis, Indiana.

Which was read first time and referred to Committee on Sewers, Streets and Alleys.

ORDINANCES ON SECOND READING.

On motion of Mr. Drew, the following entitled ordinance was taken up, read second time, ordered engrossed, and then read the third time:

G. O. No. 46, 1894. An ordinance authorizing the improvement of the roadway and sidewalks of Pearl street, in the City of Indianapolis, in Marion county, State of Indiana, from the east property line of Helen street to the west property line of Missouri street, excepting the crossing at West street, by grading said roadway and sidewalks, and paving the same with brick.

And was passed by the following vote:

AYES 16—viz: Messrs. Allen, Drew, Hennessy, Kaiser, Koehring, Krauss, Magel, Merritt, Murphy, Puryear, Rauh, Schmid, Shaffer, Stein, Young and President Cooper.

NAYS 4—viz: Messrs. Colter, Costello, O'Brien and Ryan.

On motion of Mr. Merritt, the following entitled ordinance was taken up and read the second time:

G. O. No. 45, 1894. An ordinance defining the fire limits in the City of Indianapolis, and the character of buildings which are forbidden to be erected within such limits, and matters connected therewith.

Mr. Merritt moved that the amendments to G. O. No. 45, 1894, as recommended by Judiciary Committee be adopted.

Which motion prevailed.

On motion of Mr. Drew, G. O. No. 45, 1894, was then read the third time, ordered engrossed as amended, and was passed by the following vote:

AYES 19—viz: Messrs. Allen, Colter, Costello, Drew, Hennessy, Kaiser, Koehring, Krauss, Merritt, Murphy, O'Brien, Puryear, Rauh, Ryan, Schmid, Shaffer, Stein, Young and President Cooper.

NAYS—None.

On motion of Mr. Young, the Common Council, at 8.45 o'clock P. M., adjourned.

W. H. Cooper

President.

Attest:

Lee Wynn

City Clerk.