

REGULAR MEETING.

COUNCIL CHAMBER,
CITY OF INDIANAPOLIS,
August 6, 1894. }

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, August 6, 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, Stott and Young.

Absent, 1—viz: Mr. Stein.

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

Which motion prevailed.

COMMUNICATIONS, ETC., FROM MAYOR.

His Honor, the Mayor, presented the following communication:

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS,
July 25, 1894. }

To the President and Members of the Common Council:

GENTLEMEN—I have approved the following ordinances passed by your honorable body at its last session, to-wit:

G. O. No. 45, of 1894. An ordinance defining the fire limits in the City of Indianapolis, etc.

G. O. No. 46, of 1894. An ordinance authorizing the improvement of the roadway and sidewalks of Pearl street from Helen street to Missouri street, by paving the same with brick.

Respectfully submitted,

C. S. DENNY,
Mayor.

Which was read and ordered spread on the minutes.

REPORTS, ETC., FROM STANDING COMMITTEES.

Mr. Rauh, on behalf of the majority of Committee on Finance, to whom was referred:

G. O. No. 49, 1894. An ordinance requiring certain corporations, companies, firms and individuals furnishing gas under the provisions of G. O. No. 14, 1887, to pay into the City Treasury annually a tax of three (3) cents per foot on their gas mains laid within the limits of the City of Indianapolis, Indiana; providing a penalty for violation thereof; providing for publication and fixing the time for its taking effect.

Made the following report:

Mr. President:

Your Committee on Finance, to whom was referred G. O. No. 49, 1894, pertaining to the taxation of gas mains, have had the same under consideration, and respectfully recommend that the ordinance be stricken from the files.

HENRY RAUH.
ED. G. STOTT.
GEO. MERRITT.
JAS. H. COSTELLO.
GEO. R. COLTER.
CHARLES KRAUSS.

Which was read.

Mr. Allen, on behalf of the minority of Committee on Finance, to whom was referred G. O. No. 49, 1894, made the following report:

INDIANAPOLIS, August 6, 1894.

Mr. President:

The minority of your committee to whom was referred G. O. No. 49, 1894, taxing natural gas mains three cents per foot, beg leave to recommend the following amendments: That the word and figure "three (3)" in the title of the ordinance be stricken out and the word and figure "one (1)" be inserted in lieu thereof, and that the word and figure "three (3)" in section one of G. O. No. 49, 1894, be stricken out and the word and figure "one (1)" be inserted in lieu thereof; and when so amended, that the ordinance be passed.

JOHN R. ALLEN.

Which was read.

Mr. Drew moved that the minority report be substituted for the majority report.

The ayes and nays being called for by Mr. Ryan, the motion was lost by the following vote:

AYES 5—viz: Messrs, Allen, Drew, Kaiser, Ryan and Young.

NAYS 15—viz: Messrs. Colter, Costello, Hennessy, Koehring, Krauss, Magel, Merritt, Murphy, O'Brien, Puryear, Rauh, Schmid, Shaffer, Stott and President Cooper.

Mr. Rauh, on behalf of the Committee on Finance, to whom was referred:

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.

Made the following report:

Mr. President and Members of the Common Council:

Your Committee on Finance respectfully recommend the passage of App. O. No. 10, 1894.

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

Which was read and concurred in.

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

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.

Made the following report:

INDIANAPOLIS, IND., August 6, 1894.

Mr. President:

Your Committee on Judiciary, to whom was referred G. O. No. 53, 1894, hereby report on the same and recommend that said ordinance be amended as follows:

1. That section fifteen (15) be amended by inserting in line one (1) thereof after the word "external" the words "or internal," and by inserting after the word "built" in said line one (1) the word "wholly or."

2. That section sixteen (16) be amended by adding at the end of said section the following: "Provided, however, That where the vertical members are covered with iron or steel sheeting, filling shall not be required."

3. That section seventeen (17) be amended by striking out the words "engineer in" in the last line thereof and inserting in lieu thereof the word "engineering."

4. That section twenty-seven (27) be amended by inserting after the word "lots" in line eleven (11) thereof the words "abutting on the street in front of the proposed re-location."

5. That section twenty-eight (28) be struck out.

6. That section thirty-one (31) be amended by striking out the figure "8" given in the table for thickness of second-story wall of two-story buildings and inserting in lieu thereof the number "12"; also by inserting the word "enclosing" after the word "stone" in line two (2) of the paragraph of said section thirty-one (31) immediately following the table therein.

7. That section thirty-seven (37) be amended by striking out the word and figure "nine (9)" in line six (6) and line sixteen (16) respectively and inserting in lieu thereof in each place the word and number "ten (10)."

8. That the numbers of the sections from twenty-nine (29) to forty-one (41) inclusive be made less by one respectively; section twenty-nine (29) changed to twenty-eight (28); thirty (30) to twenty-nine (29), etc.

9. That section forty-two (42) be struck out and that the following ten sections be inserted in lieu thereof and numbered sections 41 to 50 respectively:

"SEC. 41. All vaults shall be built with sufficiently thick and strong perpendicular walls of brick or stone, well and substantially laid in lime-mortar or cement, and shall be covered with a good and secure arch of the same material, or with such other proper and safe covering as will prevent persons, animals, or vehicles from falling thereinto. If any vault shall be located in or under a sidewalk, the walls or covering thereof shall not be extended, streetwards, beyond the outer line of the curbstone; thick and strong stone flagging may be substituted for other covering over such vault. The sidewalk-opening into such vault, shall be situated within two feet of the outer line of the curbing; the cover thereof shall be made of good wrought-iron or cast-iron gratings, or may be made of iron and glass, combined in the form known as 'area lights,' and shall be bedded in a cast-iron rim or frame; the upper side of such cover shall be so roughened as to prevent pedestrians from slipping or falling when passing by or over the same; and when such cover shall be in place it shall be securely fastened down, from beneath, by an iron rod or chain.

"SEC. 42. It shall be unlawful for any person to occupy for cellar-ways more than five feet of the width of the sidewalks of Washington street, or in excess of one-third of the width of the sidewalks of any other street, or such portion of the width of any alley as will interfere with the free and safe passage of vehicles through and along such alleys.

"SEC. 43. The aforesaid cellar-ways shall be measured, streetwards, from the line of the lots bordering thereon; and the doors or coverings thereof shall be constructed of heavy sheets of boiler iron, or of thick plank, so made and roughened as to render the passage of pedestrians over the same free from accident by slipping, tripping, or falling thereon. Such cellar doors, including the frame, hinges, and other fixtures thereof, shall not be allowed to project more than one-half ($\frac{1}{2}$) inch above the established grade of the sidewalk or alley in which they are located.

"SEC. 44. If any cellar door shall be opened or vault cover removed during the day time, it shall be the duty of the owner or occupant of the premises to so guard the same as to prevent pedestrians or other passers-by from receiving any harm therefrom.

"SEC. 45. If any cellar door shall be opened or vault cover be removed after night-fall, or if such opening or removal be continued after night-fall, it shall be the duty of the owner or occupant of the premises, or other persons causing such opening or removal, to station a person, with a warning light, in the near vicinity of such cellar-way or vault opening.

"SEC. 46. It shall hereafter be unlawful for any person when erecting, re-constructing, or repairing any building located on the immediate line of any lot bordering on any street of this city, to occupy more than four (4) feet of the sidewalk measured streetwards from such lot line, for the purposes of basement areas or for stairways leading to such basement.

"SEC. 47. Basement areas shall be covered with good and substantial area-lights, composed of iron and glass (the use of coverings of iron or of wooden bars being hereby strictly prohibited); and such coverings shall be level with the grade of the sidewalk.

"SEC. 48. If the Board of Public Works shall grant permission for the construction of an open area, the owner or occupant of the building so privileged shall erect and maintain a substantial iron fence, not less than three feet high, on the outer edges of such area. No open area or open stairway shall hereafter be constructed in any sidewalk, street or alley, without the consent of the Board of Public Works first obtained.

"SEC. 49. It shall be the duty of the owner of every building to whom permission shall be granted to construct a stairway leading from the level of the sidewalk down and into the basement of such building, to place and maintain suitable iron railing, iron fence, or other sufficient barrier, on each side of such stairway; and

the owner of such building shall also provide and locate an iron gate at the upper step of such stairway, and such gate shall be closed and fastened at night-fall or at such other times as such basement shall not be tenanted, and also during all hours the occupant thereof shall not carry on business therein or shall cease to properly light such stairway between dusk and daybreak.

"SEC. 50. Any person who shall plant a stanchion, to which may be attached a guy for the support of a derrick in any street of this city, or who shall plant or drive any wooden or iron post or stake for like purpose, shall enclose such stanchion, post, or stake with a fence or other barrier sufficiently high and large to prevent persons on horseback, or any top buggy, carriage, or other covered vehicle from striking or being injured by such guy, stanchion, post, or stake."

10. That section forty-three (43) be amended by striking out the word "and" in line one (1) and by inserting after the word "headers" in said line one (1) the words "and rafters."

11. That section forty-seven (47) be amended by adding at the end of said section the following:

"Buildings designated for storage of petroleum, or articles of like nature, shall be constructed as follows, to-wit: Their walls shall not be less than sixteen (16) inches thick, nor more than sixteen (16) feet high, made of brick; the floors shall be made of fire-proof paving or concrete upon the ground, which shall not be above street grade; their roofs shall be of metal; they shall have fire walls eighteen (18) inches high, not less than thirteen (13) inches thick, and have copings of incombustible materials. Openings of same to be constructed as specified for boiler rooms.

12. That section fifty-five (55) be amended by striking out the entire section and inserting in lieu thereof the following:

"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 to the public by reason of any defect or defects therein, he shall thoroughly inspect such premises and promptly report his conclusions, together with such recommendations as he may desire to make, to the Board of Public Works. Whereupon it shall be the duty of the Board of Public Works to cause notice to be served upon the owner or owners or agent of said building, or other structure, to appear before it upon a day to be named in such notice to show cause why such building or other structure should not be condemned in whole or in part and the same removed, and said Board shall thereupon hear and consider the recommendations of said Inspector and the objections thereto, if any, of such owner or owners or agent, and having satisfied themselves upon the matters presented, shall make final order therein, and if the report and recommendations of the Building Inspector shall be found correct and shall be approved, and said building or structure condemned by said Board as dangerous or insecure in whole or in part, the said Board may order said Inspector to forthwith give the owner or owners, or his or their agent, notice to take such building or structure down in whole or in part 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: *Provided*, If said Board shall find that such building or structure can be made secure and safe by repairs, they may notify such owner or owners, or agents, to take such building or structure down and remove the same and debris, or, to repair the same in such manner as may be specified in such notice and as may be deemed necessary to make the same safe and secure. In default of the owner or owners or agent of said building or structure to comply with such order said Board, by order to said Building Inspector or otherwise, may cause said building or structure, or so much thereof as may have been condemned, to be taken down and the same and all debris removed, all at the expense of the owner or owners, and the owner or owners shall be liable to the city for all expenses incurred by it and by said Board in taking down such building or structure and the removal of the same and the debris thereof: *Provided, however*, That in case of an emergency the Board of Public Works may condemn such building or structure without notice to owner, owners, or agent, and may authorize, direct and cause such building or structure in whole or in part to be taken down

and the highway cleared without delaying to notify the owner or owners to do so, the owner or owners in such case to be liable to the city for all expenses as in case of default upon notice."

13. That section sixty (60) be amended by striking out the whole section and inserting in lieu thereof the following:

"SEC. 60. No construction in whole or part shall extend beyond the property line of lot within a height of twelve (12) feet above the grade of sidewalk. Above that height, no construction shall extend to more than three (3) feet beyond said line."

14. That section sixty-four (64) be amended by striking out of line three (3) thereof the words "above the first floor;" also by inserting the word "power" immediately before the word "elevators" in line eight (8) of said section sixty-four (64).

15. That the numbers of all the sections in said original ordinance from section forty-three (43) to section seventy (70) inclusive, or to the end of the ordinance, be respectively changed by making each number greater by eight, thus making section forty-three (43) to be section fifty-one (51); section forty-four (44) to be section fifty-two (52), and so on to the end of the ordinance.

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

Respectfully,

GEO. MERRITT,
WM. HENNESSY,
L. W. DREW,
Committee on Judiciary.

Which was read and concurred in.

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

INDIANAPOLIS, IND., August 6, 1894.

Mr. President:

Your Committee on Ordinances, to whom was referred the communication from the Committee on Finance in regard to granting permission for the exhibit of "The Last Days of Pompeii," during the month of September, 1894, without a city license, respectfully report and submit herewith an ordinance to grant such privilege.

HENRY MAGEL,
P. J. RYAN,
Committee on Ordinances.

An ordinance allowing certain persons to exhibit "The Last Days of Pompeii" at the intersection of Sixteenth street and Central avenue, in the City of Indianapolis, during the month of September, 1894, without taking out a license therefor.

WHEREAS, W. B. Holton, chairman, and Charles F. Kennedy, secretary of the citizens' committee guaranteeing the local expense for the production of "The Last Days of Pompeii" at the intersection of Sixteenth street and Central avenue, have petitioned that they be allowed to give the said production during the month of September, 1894, without procuring a city license therefor, on the ground that said project is in the interest of the City of Indianapolis and not in the interest of individuals or corporations; now, therefore:

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, That W. B. Holton and the persons associated with him constituting the citizens' committee which has guaranteed the local expense for the production of "The Last Days of Pompeii," be and they hereby are granted permission to give the said exhibition at the intersection of Sixteenth street and Central avenue, in the City of Indianapolis, during the month of September, 1894, without procuring a city license so to do.

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

Which was read and concurred in, and ordinance referred back to Committee on Ordinances for consideration.

Mr. Murphy, on behalf of Committee on Public Health, to whom was referred:

G. O. No. 51, 1894. An ordinance relating to Greenlawn Cemetery, declaring the conditions and vaults therein nuisances, providing for the abatement and removal thereof, and matters relating thereto.

Made the following report:

Mr. President:

Your committee to whom was referred G. O. No. 51, 1894, beg to report that they have considered the same and recommend that it do pass.

O. M. MURPHY.
JAS. H. COSTELLO.
JOHN A. PURYEAR.

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. 54, 1894. An ordinance to regulate the use of, and to prevent the incumbering of improved streets and alleys of the City of Indianapolis by animals and vehicles.

Made the following report:

INDIANAPOLIS, August 6, 1894.

Mr. President:

Your committee to whom was referred G. O. No. 54, 1894, beg leave to report that they have considered the same, and recommend that it be stricken from the files.

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

Which was read and concurred in.

ORDINANCES ON SECOND READING.

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

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.

And was passed by the following vote:

AYES 20—viz: Messrs. Allen, Colter, Costello, Drew, Hennessy, Kaiser, Koehring, Krauss, Magel, Merritt, Murphy, O'Brien, Puryear, Rauh, Ryan, Schmid, Shaffer, Stott, Young and President Cooper.

NAYS—None.

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

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

Mr. Young moved that G. O. No. 54, 1894, be ordered engrossed. Which motion was lost.

Mr. Drew moved that G. O. No. 54, 1894, be stricken from the files.

Which motion prevailed by the following vote:

AYES 17—viz: Messrs. Allen, Colter, Costello, Drew, Hennessy, Kaiser, Krauss, Magel, Murphy, O'Brien, Puryear, Rauh, Ryan, Schmid, Shaffer, Stott and President Cooper.

NAYS 3—viz: Messrs. Koehring, Merritt and Young.

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

G. O. No. 49, 1894. An ordinance requiring certain corporations, companies, firms and individuals furnishing gas under the provisions of G. O. No. 14, 1887, to pay into the City Treasury annually a tax of three (3) cents per foot on their gas mains laid within the limits of the City of Indianapolis, Indiana; providing a penalty for violation thereof; providing for publication and fixing the time for its taking effect.

Mr. Rauh moved that G. O. No. 49, 1894, be stricken from the files.

Which motion prevailed by the following vote:

AYES 15—viz: Messrs. Colter, Costello, Hennessy, Koehring, Krauss, Magel, Merritt, Murphy, O'Brien, Puryear, Rauh, Schmid, Shaffer, Stott and President Cooper.

NAYS 5—viz: Messrs. Allen, Drew, Kaiser, Ryan and Young.

On motion of Mr. Drew, the following entitled ordinance was taken up for second reading:

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.

Mr Young moved that further consideration of G. O. No. 53, 1894, be postponed.

Which motion prevailed.

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

G. O. No. 51, 1894. An ordinance relating to Greenlawn Cemetery, declaring the conditions and vaults therein nuisances, providing for the abatement and removal thereof, and matters relating thereto.

And was passed by the following vote:

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

NAYS 1—viz: Mr. Cooper.

Mr. Shaffer moved to adjourn.

The ayes and nays being called for, the motion to adjourn prevailed by the following vote:

AYES 16—viz: Messrs. Allen, Colter, Costello, Hennessy, Kaiser, Koehring, Krauss, Magel, Murphy, O'Brien, Puryear, Rauh, Ryan, Schmid, Shaffer and Stott.

NAYS 4—viz: Messrs. Drew, Merritt, Young and President Cooper.

The Common Council at 9:15 o'clock did then adjourn.

H. H. Cooper

President.

ATTEST:

Lee M. M...

City Clerk.