

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

**REGULAR MEETINGS
MONDAY, FEBRUARY 13, 1995**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:12 p.m. on Monday, February 13, 1995, with Councillor SerVaas presiding.

Councillor Boyd led the opening prayer and invited all present to join him in the Pledge of Allegiance to the Flag.

ROLL CALL

The President instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

29 PRESENT: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams

A quorum of twenty-nine members being present, the President called the meeting to order.

INTRODUCTION OF GUESTS AND VISITORS

Councillor Curry introduced Alfred Tsang who survived 35 combat missions over Japan in a B-29 during World War II.

OFFICIAL COMMUNICATIONS

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

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

Journal of the City-County Council

Ladies and Gentlemen:

You are hereby notified that REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, February 13, 1995, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,
s/Beurt SerVaas
President, City-County Council

January 24, 1994

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA.

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in The Indianapolis NEWS and The Indianapolis COMMERCIAL on Thursday, January 26, 1995, a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal No. 70, 1995, to be held on Monday, February 13, 1995, at 7:00 p.m., in the City-County Building.

Respectfully,
s/Suellen Hart
Clerk of the City-County Council

Robert G. Elrod, General Counsel
City-County Council, Suite 241
City-County Building
200 East Washington Street
Indianapolis, IN 46204

February 2, 1995

Re: Zoning Ordinance Amendment 94-AO-10 (The Sign Regulations of Marion County)
(General Ordinance No. 4, 1995)

Dear Bob:

This letter is official notification that the Metropolitan Development Commission, at its February 1, 1995 meeting, considered Zoning Ordinance Amendment 94-AO-10 (General Ordinance No. 4, 1995) as amended and adopted by the City-County Council on January 23, 1995. The Commission, by a vote of 8-0, did ratify and adopt the Council's amended version of the legislation.

Sincerely,
s/ J. June Dugan
Administrator
Neighborhood and Development Services Division

January 26, 1995

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

Ladies and Gentlemen:

I have this day approved with my signature and delivered to the Clerk of the City-County Council, Suellen Hart, the following ordinances:

GENERAL ORDINANCE NO. 2, 1995 - amending Sec. 285-307 of the Revised Code concerning the distribution of enhanced access fees

February 13, 1995

GENERAL ORDINANCE NO. 3, 1995 - authorizing the Marion County Recorder to collect a reasonable fee for providing duplicate copies of computer tapes, computer disks, optical disks, microfilm, or similar media to the general public

GENERAL ORDINANCE NO. 5, 1995 - amending the Code by authorizing multi-way stop at Dequincy Street and Walnut Street (District 15)

GENERAL ORDINANCE NO. 6, 1995 - amending the Code by authorizing a traffic signal at Shadeland Avenue and Lake Castleton Arms (District 4)

GENERAL ORDINANCE NO. 7, 1995 - amending the Code by authorizing a multi-way stop at 33rd Street and Kenwood Avenue (District 9)

GENERAL ORDINANCE NO. 8, 1995 - amending the Code by authorizing a multi-way stop at Ritter Avenue and 41st Street (District 14)

GENERAL ORDINANCE NO. 9, 1995 - amending the Code by authorizing a multi-way stop at Manning Road and Catalpa Street (District 1)

GENERAL ORDINANCE NO. 10, 1995 - amending the Code by authorizing a multi-way stop at Edmondson Avenue and Springer Avenue (District 12)

GENERAL ORDINANCE NO. 11, 1995 - amending the Code by authorizing a stop sign at Moreland Avenue and Southern Avenue (District 17)

GENERAL ORDINANCE NO. 12, 1995 - amending the Code by authorizing a stop sign at Muskingham Street and Arch Street (District 16)

GENERAL ORDINANCE NO. 13, 1995 - amending the Code by authorizing a multi-way stop at 60th Street and Rosslyn Avenue (District 7)

GENERAL ORDINANCE NO. 14, 1995 - amending the Code by authorizing a stop sign at Benton Drive and Cynthia Drive (District 20)

GENERAL ORDINANCE NO. 15, 1995 - amending the Code by authorizing a multi-way stop at Old Barn Circle and Old Barn Drive (District 1)

GENERAL ORDINANCE NO. 16, 1995 - amending the Code by authorizing a yield sign at Kenwood Avenue and Kenwood Court (District 3)

GENERAL ORDINANCE NO. 17, 1995 - amending the Code by authorizing one-way traffic flow on 21st Street between Pennsylvania Street and Talbott Street (eastbound); on 21st Street Annex between Talbott Street and Pennsylvania Street (westbound); and on 17th Street between Talbott Street and Delaware Street (eastbound) (District 22)

SPECIAL ORDINANCE NO. 1, 1995 - authorizing the issuance of economic development revenue bonds in an aggregate principal amount not to exceed \$7 million for Veltri Stamping Corporation (413 North Tremont Avenue, District 16)

SPECIAL ORDINANCE NO. 2, 1995 - authorizing the issuance of economic development revenue bonds in an aggregate principal amount not to exceed \$3 million for Indianapolis Art Center, Inc. (820 East 67th Street, District 2)

SPECIAL RESOLUTION NO. 4, 1995 - recognizing the State Champion North Central High School Boys Soccer Team

SPECIAL RESOLUTION NO. 5, 1995 - recognizing the 1994 state football champion Roncalli High School Rebels

SPECIAL RESOLUTION NO. 6, 1995 - commending Yellow Cab and the new assistance of St. Vincent and Community Hospitals for free taxi rides home on New Year's Eve

SPECIAL RESOLUTION NO. 7, 1995 - approving a change in ownership of the cable television franchise now owned by Time Warner Entertainment Company, L.P.

Respectfully,
s/Stephen Goldsmith, Mayor

ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed. Without objection, the agenda was adopted.

APPROVAL OF JOURNALS

The President called for additions or corrections to the Journal of January 23, 1995. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS AND COUNCIL RESOLUTIONS

PROPOSAL NO. 143, 1995. This proposal, sponsored by Councillor Golc, congratulates the Washington High School Continentals City Basketball Champions. Councillor Golc introduced Wayne Park and Jim Arnold, members of the championship 1969 basketball team, who read the resolution. Councillor Golc presented copies of the document and a Council pin to members of the team, coaching staff and other representatives from Washington High School. Coach Joe Pearson expressed appreciation for the recognition. Councillor Golc moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 143, 1995 was adopted by unanimous voice vote.

Proposal No. 143, 1995 was retitled SPECIAL RESOLUTION NO. 8, 1995 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 8, 1995

A SPECIAL RESOLUTION congratulating the Washington High School Continentals City Basketball Champions.

WHEREAS, during its more than six decades of existence, Indianapolis Public School's Washington High School has been a legendary basketball powerhouse; and

WHEREAS, Washington has won the city roundball tournament eleven times, and the state title in 1965 and 1969 with basketball legends like Billy Keller and George McGinnis; and

WHEREAS, even though this is scheduled to be Washington High School's last year, the winning tradition of the Continentals is still very much alive in the students; and

WHEREAS, on January 23, 1995, the Continentals finished the City Tournament as Number One after a very hard 60-51 victory over Cathedral High School; now, therefore:

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

SECTION 1. The Indianapolis City-County Council congratulates the Washington High School Continentals for winning the 1995 City Basketball Tournament.

SECTION 2. The Council specifically recognizes team members Adrian Floyd, David Gilbert, Benji Hopson, Jack Owens, Marcus Reedy, Chris Sutton, Robert Williams, Reggie Fulce and Anthony Linton.

SECTION 3. The Council also recognizes the basketball staff Brad Goffinet, Joe Elliott, Alan Hamilton, David Donald, Head Coach Joe Pearson, Athletic Director Gene Robertson, Principal Alonzo Walker, and the school fans, faculty, staff and the parents who all stand behind this winning team.

SECTION 4. The Mayor is invited to join in this resolution by affixing his signature hereto.

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

PROPOSAL NO. 144, 1995. This proposal, sponsored by Councillors Dowden and Short, recognizes former Sheriff Joseph G. McAtee. Councillor Dowden read the resolution and said that he would present a copy of the document to Sheriff McAtee at a later date. Councillor Dowden moved, seconded by Councillor Short, for adoption. Proposal No. 144, 1995 was adopted by unanimous voice vote.

Proposal No. 144, 1995 was retitled SPECIAL RESOLUTION NO. 9, 1995 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 9, 1995

A SPECIAL RESOLUTION recognizing former Sheriff Joseph G. McAtee.

WHEREAS, Sheriff Joseph G "Joe" McAtee, a native of Loogootee, Indiana, began his law enforcement career as a patrol officer with the Indianapolis Police Department in 1958; and

WHEREAS, his years on the force were marked with distinction and promotions that ultimately led to his serving for six years as Chief of the Indianapolis Police Department; and

WHEREAS, in 1986, Marion County voters elected Joe McAtee as their Sheriff for the first of two four year terms; and

WHEREAS, during those 36 years of service, Sheriff McAtee attended law enforcement continuing education courses too numerous to mention, was appointed by Governor Orr to the Indiana State Law Enforcement Training Board and was on the Sheriffs' Committees on Uniforms and Car Markings; and

WHEREAS, Sheriff McAtee also served on several joint law enforcement task forces and coordinating committees; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes the lifetime of law enforcement public service of Sheriff Joseph G. McAtee.

SECTION 2. The Council wishes him well as the new Pike Township Constable.

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

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

PROPOSAL NO. 145, 1995. This proposal, sponsored by Councillors Short and Dowden, recognizes Prosecutor Jeffrey A. Modisett. Councillor Short read the resolution and presented a copy of the document to Mr. Modisett, who expressed appreciation for the recognition. Councillor Short moved, seconded by Councillor Dowden, for adoption. Proposal No. 145, 1995 was adopted by unanimous voice vote.

Proposal No. 145, 1995 was retitled SPECIAL RESOLUTION NO. 10, 1995 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 10, 1995

A SPECIAL RESOLUTION recognizing Prosecutor Jeffrey A. Modisett.

WHEREAS, Jeffrey A. "Jeff" Modisett was the elected Marion County Prosecutor from January, 1991, through December, 1994; and

WHEREAS, the Windfall, Indiana, native was Valedictorian of his high school class and was student body President, went to Indiana University where he was on the Dean's List and active in the Indiana Public Interest Research Group; and

WHEREAS, Mr. Modisett continued his studies at the University of California at Los Angeles, at Oxford University and Yale Law School where he was Editor-in-Chief of the Yale Journal of International Law where he was active in the Barrister's Association, Moot Court and Legal Services Organization; and

WHEREAS, after his studies, Mr. Modisett worked for the U.S. District Court and was Assistant U.S. Attorney in Los Angeles, and later returned to the Hoosier State to work with the Evan Bayh campaign and with new Governor Bayh; and

WHEREAS, as Marion County Prosecutor, Mr. Modisett's 97 attorneys were involved in 8,000 felony and 15,000 misdemeanor cases, had a 150% increase in convictions of habitual felony offenders, created new school-based programs and devoted time with illegal drugs and anti-violence initiatives; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes the public service of Jeffrey A. Modisett as Marion County Prosecutor from 1991 through 1994.

SECTION 2. It is a tribute to this city that citizens with such talent and integrity as Jeff Modisett are willing to interrupt their careers to render public service to the community.

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

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

PROPOSAL NO. 146, 1995. This proposal, sponsored by Councillor Beadling, recognizes the community of Oaklandon. Councillor Beadling read the resolution and presented a copy of the document to members of the Oaklandon Community Development Association: Paul Rogers, Jerry Reighley, Vicki Kimsey, Kath Walton and Cliff Hutchinson. Mr. Rogers expressed appreciation for the recognition. Councillor Beadling moved, seconded by Councillor Gilmer, for adoption. Proposal No. 146, 1995 was adopted by unanimous voice vote.

Proposal No. 146, 1995 was retitled SPECIAL RESOLUTION NO. 11, 1995 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 11, 1995

A SPECIAL RESOLUTION recognizing the community of Oaklandon.

WHEREAS, Indianapolis is made great by the people in the neighborhoods who are active, creative, generous and willing to lend a hand to make their corners of the city a good place in which to live; and

WHEREAS, one example of a community with spirit and vitality is Oaklandon in Lawrence Township; and

WHEREAS, each year the Oaklandon Community Development Association and Geist District hosts a popular Old Oaklandon Days Arts and Crafts Fair that attracts thousands of people; and

WHEREAS, along with clothing sales, the neighborhood group is able to hold a free annual Christmas Party for the children, help needy families, was able to financially assist a child with cancer, has contributed to the City of Lawrence Animal Shelter, the Lawrence Police and Fire Departments, to a play park, homeless shelters and to the Marion County Guardian's Home; and

February 13, 1995

WHEREAS, during a 30-day period in late 1994, the U.S. Postal Service authorized a special pictorial cancellation stamp for Oaklandon that was sought by collectors from throughout America; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes and salutes the proud citizens of Oaklandon.

SECTION 2. Community pride is an admirable trademark of Oaklandon; and the Council wishes them well in the years ahead.

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

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

PROPOSAL NO. 147, 1995. This proposal, sponsored by Councillors Gilmer and SerVaas, concerns the Smithsonian exhibit of the *Enola Gay*. Councillor SerVaas expressed his sentiments concerning the *Enola Gay* issue. Councillor Gilmer read the resolution and presented a copy of the document to Elbert L. Watson, World War II Commemorative Association; Hugh Dagley, Internal Affairs, American Legion; Harold Henneke, Vice President, Great Lakes Region, Air Force Association; Jim Aderholt, Director, District Office, Congressman Dan Burton; Carolyn Brodehoeft, Military Affairs Officer, Congressman Steve Buyer; and Don Rehl, B-29 pilot and member of the 509th Composite Group. Also present were many World War II veterans. Councillor Gilmer moved, seconded by Councillor Rhodes, for adoption. Proposal No. 147, 1995 was adopted by unanimous voice vote.

Proposal No. 147, 1995 was retitled SPECIAL RESOLUTION NO. 12, 1995 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 12, 1995

A SPECIAL RESOLUTION concerning the Smithsonian exhibit of the *Enola Gay*.

WHEREAS, the Smithsonian Institution was created to preserve and depict America's accomplishments; and

WHEREAS, the recent effort by the director and several curators at the National Air and Space Museum sought to establish a display on the *Enola Gay* which brought America's role during World War II seriously into question; and

WHEREAS, this display, if erected, would have also cast America's veterans in an unfavorable light; and

WHEREAS, this display was strongly resisted by the American Legion, the Air Force Association, the Veterans of Foreign Wars as well as the Indianapolis-based World War II National Commemorative Association and the World War II Round Table; and

WHEREAS, the efforts of these groups, as well as numerous individual veterans and members of Congress resulted in the cancellation of the exhibit narrative as previously planned; now, therefore:

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

SECTION 1. The Indianapolis City-County Council commends all those who worked so hard to have the exhibit discontinued as previously planned.

SECTION 2. The Council suggests that Dr. Martin Harwit, director of the National Air and Space Museum, owes a public apology to the veterans of our beloved country.

SECTION 3. The Council further suggests that the *Enola Gay* is an important artifact of American history, and should be completely restored as soon as possible and placed on public display in an appropriate place.

SECTION 4. The Council urges that in this final year of the 50th Anniversary of World War II that our community pay particular attention to the World War II veterans, and find opportunities to thank them for their love and faith in our Great Nation.

SECTION 5. The Mayor is invited to join in this resolution by affixing his signature hereto.

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

PROPOSAL NO. 148, 1995. This proposal, sponsored by Councillors Boyd, Coughenour, Curry, Franklin, Gray, Jimison, Jones, Rhodes and Smith, encourages citizens to share information with law enforcement officials about specific crimes and crime related activity in their communities. Councillor Boyd stressed that this resolution simply states that people have a stake in their communities and have a right to be free and enjoy their homes. It is not wrong for citizens to come forward and let the law enforcement officials know when some people are involved in doing bad things in the neighborhoods. Councillor Boyd read the resolution and moved for its adoption. Councillor Black seconded the motion. Proposal No. 148, 1995 was adopted by unanimous voice vote.

Proposal No. 148, 1995 was retitled SPECIAL RESOLUTION NO. 13, 1995 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 13, 1995

A SPECIAL RESOLUTION encouraging citizens to share with law enforcement officials information about specific crimes and crime related activity in their communities.

WHEREAS, on Friday, January 13, 1995, Derick J. Hale, a sophomore student at Washington High School, became the victim of a malicious, brutal and absolutely senseless act of violence which resulted in his death, and

WHEREAS, this murder, occurring during the daylight hours, in a public place and in view of several citizens, is a partial indication of the increasing disregard by some for the values held by the body politic and is also an indication of the comfort level of those who are or would be perpetrators of such violent acts, and

WHEREAS, such behavior against the urban neighborhood tends to decrease the comfort level of all those hardworking and law-abiding citizens who have every expectation of and right to a secure and safe environment, free of fear of the violation and trespass of life, body and property, and

WHEREAS, the democratic condition normally requires that all people enjoy freedom of movement with neither fear nor intimidation; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes that the speedy apprehension of the persons allegedly responsible for the death of Derick Hale was, in large measure, the result of citizens who came forward to tell what they knew.

SECTION 2. Be it further resolved, that the Council honors and congratulates those citizens and encourage all citizens to take greater ownership of the communities where they live, work and travel by sharing with the law enforcement officials specific crimes and crime-related activities in the community.

SECTION 3. Be it finally resolved, that the City of Indianapolis, acting through it's elected City-County Council, extend condolences, sympathy and understanding to the family and friends of Derick J. Hale, as well as to the family and friends of the young people accused of the crime.

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

The President stated that Proposal Nos. 25, 26, 27, 28, 30, 32, 33, 36, 37, 58, 59, 65, 74, 75, 78, 79 and 80, 1995 are all board appointments, were heard by various committees, and would be voted on together.

PROPOSAL NO. 25, 1995. The proposal reappoints Randolph L. Snyder to the Metropolitan Development Commission. PROPOSAL NO. 26, 1995. The proposal reappoints Isaac Randolph to the Metropolitan Board of Zoning Appeals Division II. PROPOSAL NO. 27, 1995. The proposal reappoints Robert A. Stewart to the Metropolitan Board of Zoning Appeals Division III. PROPOSAL NO. 28, 1995. The proposal reappoints Mark DeFabis to the Indianapolis City-Market Corporation Board. PROPOSAL NO. 30, 1995. The proposal reappoints Elliott Nelson to the Board of Public Safety. PROPOSAL NO. 32, 1995. The proposal reappoints Ann Curry to the Animal Control Board. PROPOSAL NO. 33, 1995. The proposal reappoints J. Lloyd Grannan to the Animal Control Board. PROPOSAL NO. 36, 1995. The proposal reappoints Tony A. Buford to the Board of Public Works. PROPOSAL NO. 37, 1995. The proposal reappoints Larry L. Tunget to the Board of Public Works. PROPOSAL NO. 58, 1995. The proposal approves the Mayor's appointment of Elaine E. Bedel as Director of the Department of Metropolitan Development for a term ending December 31, 1995. PROPOSAL NO. 59, 1995. The proposal reappoints Jack H. Hall, M.D. to the Metropolitan Development Commission. PROPOSAL NO. 65, 1995. The proposal approves the Mayor's appointment of Michael E. Beaver as Director of the Department of Public Safety for a term ending December 31, 1995. PROPOSAL NO. 74, 1995. The proposal approves the Mayor's appointment of Michael B. Stayton as Director of the Department of Public Works for a term ending December 31, 1995. PROPOSAL NO. 75, 1995. The proposal approves the Mayor's appointment of Leon E. Younger as Director of the Indianapolis Department of Parks and Recreation for a term ending December 31, 1995. PROPOSAL NO. 78, 1995. The proposal reappoints Alan Retherford to the Metropolitan Board of Zoning Appeals Division I. PROPOSAL NO. 79, 1995. The proposal reappoints Mary Jane Klepek to the Metropolitan Board of Zoning Appeals Division III. PROPOSAL NO. 80, 1995. The proposal reappoints Joanna Walker to the Metropolitan Board of Zoning Appeals Division I. Councillor McClamroch moved these proposals for adoption. Proposal Nos. 25, 26, 27, 28, 30, 32, 33, 36, 37, 58, 59, 65, 74, 75, 78, 79 and 80, 1995 were adopted by unanimous voice vote.

Councillor Curry asked that his vote on Proposal No. 32, 1995 be shown as an abstention.

Proposal No. 25, 1995 was retitled COUNCIL RESOLUTION NO. 8, 1995 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 8, 1995

A COUNCIL RESOLUTION reappointing Randolph L. Snyder to the Metropolitan Development Commission.

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

SECTION 1. As a member of the Metropolitan Development Commission, the Council appoints:

Randolph L. Snyder

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1995. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

Proposal No. 26, 1995 was retitled COUNCIL RESOLUTION NO. 9, 1995 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 9, 1995

A COUNCIL RESOLUTION reappointing Isaac Randolph to the Metropolitan Board of Zoning Appeals Division II.

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

SECTION 1. As a member of the Metropolitan Board of Zoning Appeals Division II, the Council appoints:

Isaac Randolph

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1995. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

Proposal No. 27, 1995 was retitled COUNCIL RESOLUTION NO. 10, 1995 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 10, 1995

A COUNCIL RESOLUTION reappointing Robert A. Stewart to the Metropolitan Board of Zoning Appeals Division III.

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

SECTION 1. As a member of the Metropolitan Board of Zoning Appeals Division III, the Council appoints:

Robert A. Stewart

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1995. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

Proposal No. 28, 1995 was retitled COUNCIL RESOLUTION NO. 11, 1995 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 11, 1995

A COUNCIL RESOLUTION reappointing Mark DeFabis to the Indianapolis City-Market Corporation Board.

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

SECTION 1. As a member of the Indianapolis City-Market Corporation Board, the Council appoints:

Mark DeFabis

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1996. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

Proposal No. 30, 1995 was retitled COUNCIL RESOLUTION NO. 12, 1995 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 12, 1995

A COUNCIL RESOLUTION reappointing Elliott Nelson to the Board of Public Safety.

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

SECTION 1. As a member of the Board of Public Safety, the Council appoints:

Elliott Nelson

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1995. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

Proposal No. 32, 1995 was retitled COUNCIL RESOLUTION NO. 13, 1995 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 13, 1995

A COUNCIL RESOLUTION reappointing Ann Curry to the Animal Control Board.

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

SECTION 1. As a member of the Animal Control Board, the Council appoints:

Ann Curry

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1995. The person appointed by this resolution shall serve at the pleasure of the Council and until her respective successor is appointed and has qualified.

Proposal No. 33, 1995 was retitled COUNCIL RESOLUTION NO. 14, 1995 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 14, 1995

A COUNCIL RESOLUTION reappointing J. Lloyd Grannan to the Animal Control Board.

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

SECTION 1. As a member of the Animal Control Board, the Council appoints:

J. Lloyd Grannan

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1995. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

Proposal No. 36, 1995 was retitled COUNCIL RESOLUTION NO. 15, 1995 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 15, 1995

A COUNCIL RESOLUTION reappointing Tony A. Buford to the Board of Public Works.

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

SECTION 1. As a member of the Board of Public Works, the Council appoints:

Tony A. Buford

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1995. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

Proposal No. 37, 1995 was retitled COUNCIL RESOLUTION NO. 16, 1995 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 16, 1995

A COUNCIL RESOLUTION reappointing Larry L. Tunget to the Board of Public Works.

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

SECTION 1. As a member of the Board of Public Works, the Council appoints:

Larry L. Tunget

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1995. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

Proposal No. 58, 1995 was retitled COUNCIL RESOLUTION NO. 17, 1995 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 17, 1995

A COUNCIL RESOLUTION approving the Mayor's appointment of Elaine E. Bedel as Director of the Department of Metropolitan Development for a term ending December 31, 1995.

WHEREAS, pursuant to IC 36-3-5-2 and Section 23I-II of the "Revised Code of the Consolidated City and County, Indiana", a mayoral appointment of the Director of the Department of Metropolitan Development is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of Elaine E. Bedel to serve as Director of the Department of Metropolitan Development at his pleasure for a term ending December 31, 1995; now, therefore:

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

SECTION 1. Elaine E. Bedel is approved and confirmed by the City-County Council to serve as Director of the Department of Metropolitan Development at the pleasure of the Mayor for a term ending December 31, 1995.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 59, 1995 was retitled COUNCIL RESOLUTION NO. 18, 1995 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 18, 1995

A COUNCIL RESOLUTION reappointing Jack H. Hall, M.D. to the Metropolitan Development Commission.

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

SECTION 1. As a member of the Metropolitan Development Commission, the Council appoints:

Jack H. Hall, M.D.

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1995. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

Proposal No. 65, 1995 was retitled COUNCIL RESOLUTION NO. 19, 1995 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 19, 1995

A COUNCIL RESOLUTION approving the Mayor's appointment of Michael E. Beaver as Director of the Department Public Safety for a term ending December 31, 1995.

WHEREAS, pursuant to IC 36-3-5-2 and Section 3-301 of the "Code of Indianapolis and Marion County, Indiana", a mayoral appointment of the Director of the Department of Public Safety is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of Michael E. Beaver to serve as Director of the Department of Public Safety at his pleasure for a term ending December 31, 1995; now, therefore:

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

SECTION 1. Michael E. Beaver is approved and confirmed by the City-County Council to serve as Director of the Department of Public Safety at the pleasure of the Mayor for a term ending December 31, 1995.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 74, 1995 was retitled COUNCIL RESOLUTION NO. 20, 1995 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 20, 1995

A COUNCIL RESOLUTION approving the Mayor's appointment of Michael B. Stayton as Director of the Department of Public Works for a term ending December 31, 1995.

WHEREAS, pursuant to IC 36-3-5-2 and Section 261-11 of the "Revised Code of the Consolidated City and County, Indiana", a mayoral appointment of the Director of the Department of Public Works is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of Michael B. Stayton to serve as Director of the Department of Public Works at his pleasure for a term ending December 31, 1995; now, therefore:

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

SECTION 1. Michael B. Stayton is approved and confirmed by the City-County Council to serve as Director of the Department of Public Works at the pleasure of the Mayor for a term ending December 31, 1995.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 75, 1995 was retitled COUNCIL RESOLUTION NO. 21, 1995 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 21, 1995

A COUNCIL RESOLUTION approving the Mayor's appointment of Leon Edward Younger as Director of the Indianapolis Department of Parks and Recreation for a term ending December 31, 1995.

WHEREAS, pursuant to IC 36-3-5-2 and Section 241-11 of the "Revised Code of the Consolidated City and County, Indiana", a mayoral appointment of the Director of the Indianapolis Department of Parks and Recreation is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of Leon Edward Younger to serve as Director of the Indianapolis Department of Parks and Recreation at his pleasure for a term ending December 31, 1995; now, therefore:

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

SECTION 1. Leon Edward Younger is approved and confirmed by the City-County Council to serve as Director of the Indianapolis Department of Parks and Recreation at the pleasure of the Mayor for a term ending December 31, 1995.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 78, 1995 was retitled COUNCIL RESOLUTION NO. 22, 1995 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 22, 1995

A COUNCIL RESOLUTION reappointing Alan Retherford to the Metropolitan Board of Zoning Appeals Division I.

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

SECTION 1. As a member of the Metropolitan Board of Zoning Appeals Division I, the Council appoints:

Alan Retherford

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1995. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

Proposal No. 79, 1995 was retitled COUNCIL RESOLUTION NO. 23, 1995 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 23, 1995

A COUNCIL RESOLUTION reappointing Mary Jane Klepek to the Metropolitan Board of Zoning Appeals Division III.

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

SECTION 1. As a member of the Metropolitan Board of Zoning Appeals Division III, the Council appoints:

Mary Jane Klepek

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1995. The person appointed by this resolution shall serve at the pleasure of the Council and until her respective successor is appointed and has qualified.

Proposal No. 80, 1995 was retitled COUNCIL RESOLUTION NO. 24, 1995 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 24, 1995

A COUNCIL RESOLUTION reappointing Joanna Walker to the Metropolitan Board of Zoning Appeals Division I.

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

SECTION 1. As a member of the Metropolitan Board of Zoning Appeals Division I, the Council appoints:

Joanna Walker

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1995. The person appointed by this resolution shall serve at the pleasure of the Council and until her respective successor is appointed and has qualified.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 99, 1995. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Improvement Location Permit (ILP) Ordinance of Marion County to exempt 18 improvements/types of development from obtaining an ILP (MDC Docket No. 95-AO-2)"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 100, 1995. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Special Districts Zoning Ordinance of Marion County by (1) providing for certain improvements/types of development within "Special Districts" to be permitted by Administrator's Approval; (2) combining the language of the Special Use District Zoning Ordinance into the Special Districts Zoning Ordinance to consolidate two separate documents into one comprehensive ordinance; and (3) making minor technical amendments (MDC Docket No. 95-AO-3)"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 101, 1995. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Central Business Districts Zoning Ordinance of Marion County regarding off-track betting Pari Mutuel Wagering Facilities in any Central Business District (MDC Docket No. 95-AO-4)"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 102, 1995. Introduced by Councillors Gilmer and Short. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION approving a public purpose grant to USS Indianapolis Survivors Memorial Organization, Inc. in the amount of \$17,500"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 103, 1995. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION approving a public purpose grant to Central Indiana Radio Reading, Inc. in the amount of \$25,000 for the purpose of providing radio reading programs for the blind and print-disabled in Marion County"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 104, 1995. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending Secs. 23-64 and 23-65 of the Code concerning salary limits for county employees"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 105, 1995. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION authorizing the lease of office space located in Center Township for the Department of Public Safety"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 106, 1995. Introduced by Councillor O'Dell. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is an appropriation from the County General Fund in the amount of \$34,950 for the Cooperative Extension Service to cover lease and contractual services obligations financed by unappropriated revenues in the County General Fund"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 107, 1995. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION renominating Walter Quesenberry for appointment to the Lawrence Economic Development Board"; and the President referred it to the Economic Development Committee.

PROPOSAL NO. 108, 1995. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is an appropriation from the Redevelopment General Fund in the amount of \$150,000 for the Department of Metropolitan Development, Neighborhood and Development Services Division, to implement the Facade Improvement Program which promotes the revitalization of the City's redeveloped commercial areas by providing financial incentives to participants financed by revenues from the Redevelopment General Fund"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 109, 1995. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is an appropriation from the Metropolitan Development General Fund in the amount of \$225,000 for the Department of Metropolitan Development, Neighborhood and Development Services Division, to implement document imaging for the Metropolitan Development Commission's resolutions, building permit documents, and variance and rezoning documents financed by revenues from the Metropolitan Development General Fund"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 110, 1995. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is an appropriation from the Solid Waste Collection Service District Fund in the amount of \$1,630,000 for the Department of

Metropolitan Development, Neighborhood and Development Services Division, to clean up demolished buildings under the Unsafe Building Program financed by the unappropriated and unencumbered balance in that fund"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 111, 1995. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is an appropriation from the Metropolitan Development General Fund in the amount of \$168,000 for the Department of Metropolitan Development, Planning Division, to increase its current contracts with Indianapolis Project, Inc. and Greater Indianapolis Progress Committee and to provide funding for the Small Business Incubator Program financed by the unappropriated and unencumbered balance in the Metropolitan Development General Fund and by additional tax abatement filing fees"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 112, 1995. Introduced by Councillor Jones. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is an appropriation from the Park General/Golf Fund in the amount of \$300,000 for the Department of Parks and Recreation, Golf Division, for the construction of a driving range and a maintenance building at Douglass Golf Course financed by the unappropriated and unencumbered fund balance"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 113, 1995. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION renewing the Community Corrections program for fiscal year 1995-1996 and approving the Community Corrections Advisory Board's grant application to the State"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 114, 1995. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is an appropriation from the County General Fund in the amount of \$51,742 for the Superior Court, Juvenile Division/Detention Center, to fund a Magistrate position at the court financed by revenues received from the Marion County Office of Family and Children"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 115, 1995. Introduced by Councillor Franklin. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is an appropriation from the County General Fund in the amount of \$21,175 for the Superior Court, Criminal Division, Room Five, to fund a clerk's salary financed by unappropriated and unencumbered revenues in the County General Fund"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 116, 1995. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is an appropriation from the County General Fund in the amount of \$250 for the Superior Court, Civil Division, Room Five, to pay copier machine rental financed by a transfer of other appropriations for that court"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 117, 1995. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is an appropriation from the Drug Free Community Fund in the amount of \$27,174 for the Marion County Justice Agency to support the Indianapolis Challenge project, which is a coordinated approach to issues and problems concerning substance abuse and related violence in the County financed by revenues from that fund"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 118, 1995. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is an appropriation from the Drug Free Community Fund in the amount of \$487,893 for the Marion County Justice Agency to provide various criminal justice treatment and education programs financed by revenues from that fund"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 119, 1995. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is an appropriation from the City Cumulative Capital Development Fund in the amount of \$64,213 for the Department of Public Safety, Police Division, to carry forward into 1995 the City Cumulative Capital Development Fund balance not utilized in 1994"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 120, 1995. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is an appropriation from the City Cumulative Capital Development Fund in the amount of \$1,445,466 for the Department of Public Safety, Fire Division, to carry forward into 1995 the City Cumulative Capital Development Fund balance not utilized in 1994"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 121, 1995. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE which is an appropriation from the Police Service District Fund in the amount of \$27,918 for the Department of Public Safety, Police Division, to fund an additional staff position for the Crime Stoppers program financed by a grant from the Indianapolis Foundation"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 122, 1995. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE which is an appropriation from the Police Service District Fund in the amount of \$679,842 for the Department of Public Safety, Police Division, to hire eighteen police officers financed by a U.S. Department of Justice grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 123, 1995. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE which is an appropriation from the Police Service District Fund in the amount of \$621,992 for the Department of Public Safety, Police Division, to establish a Weed and Seed National Demonstration Program financed by a U.S. Department of Justice grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 124, 1995. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is reallocating \$1,369,205 from the Solid Waste Disposal Fund to the Consolidated County Fund to provide reimbursement for the Department of Public Safety, Animal Control Division"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 125, 1995. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a SPECIAL ORDINANCE approving an Interlocal Agreement between the City of Indianapolis and the Town of Cumberland for sewage transportation and treatment services"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 126, 1995. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is an appropriation transfer request for \$2,235,000 in the Solid Waste Disposal Fund for the Department of Public Works, Solid Waste Management Division, and reducing a like amount from the Department of Capital Asset Management, Asset Management Division, for the removal and hauling of sludge from the sludge lagoons"; and the President referred it to the Public Works Committee.

Councillor Coughenour moved to suspend the requirements of Sec. 151-76 of the Council Rules as to Proposal No. 126, 1995, and authorize the Clerk to advertise the same for public hearing before this Council at its meeting on February 27, 1994. This motion passed by consent.

PROPOSAL NO. 127, 1995. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is an appropriation from the Arterial Roads and Streets Fund in the amount of \$1,300,000 for the Department of Capital Asset Management, Asset Management Division, to provide funding for curb, sidewalk and resurfacing projects in neighborhoods financed by revenues from that fund"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 128, 1995. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is an appropriation from the Parking Meter Fund in the amount of \$1,250,000 for the Department of Capital Asset Management, Asset Management Division, to supplement the City's investment in infrastructure in parking meter areas financed by revenues from that fund"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 129, 1995. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is an appropriation from the City Cumulative Capital Improvement Fund in the amount of \$800,000 for the Department of Capital Asset Management, Asset Management Division, to provide funding for curb, sidewalk, and resurfacing projects financed by revenues from that fund"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 130, 1995. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is an appropriation from the Sanitation General Fund in the amount of \$1,000,000 for the Department of Capital Asset Management, Asset Management Division, to fund unanticipated capital improvements

greater than \$25,000 financed by revenues from that fund"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 131, 1995. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is an appropriation from the Sanitary District General Improvement Fund in the amount of \$1,000,000 for the Department of Capital Asset Management, Asset Management Division, to supplement investment in Combined Sewer Overflow projects throughout the City financed by reducing the unappropriated and unencumbered balance in that fund"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 132, 1995. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is an appropriation from the Transportation General Fund in the amount of \$10,074,307 for the Department of Capital Asset Management, Asset Management Division, to provide funding for (1) additional resurfacing, curb and sidewalk repairs in neighborhoods; (2) service agreement for Washington Street; and (3) design work on I-70 and Six Points Road"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 133, 1995. Introduced by Councillor O'Dell. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing intersection controls for Creekside Woods subdivision (District 13)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 134, 1995. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing intersection controls for Bardford Woods subdivision (District 1)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 135, 1995. Introduced by Councillor Hinkle. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing intersection controls for Summerfield South subdivision, Section 3 (District 18)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 136, 1995. Introduced by Councillor O'Dell. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing stop signs for Cedar Springs subdivision (District 13)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 137, 1995. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a multi-way stop at Creekside Lane and Welham Road (District 4)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 138, 1995. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a yield sign for Kenwood Avenue and Kenwood Court (District 3)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 139, 1995. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a multi-way stop for Cranbrook Drive and Huntington Road (District 7)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 140, 1995. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a multi-way stop for Haverhill Drive and Merriam Road (District 7)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 141, 1995. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a multi-way stop for 58th Street and Tacoma Avenue (District 7)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 142, 1995. Introduced by Councillor Golc. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a traffic signal for Reilly Industries at Gate 6 (3450 W) on Minnesota Street (District 17)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 160, 1995. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code concerning environmental public nuisances"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 161, 1995. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is an appropriation from the Advanced Wastewater Treatment Facilities Reserve Fund in the amount of \$10,795,000 for the Department of Capital Asset Management, Finance and Administration Division, to make capital expenditures for the City's advanced wastewater treatment plant financed by revenues from that fund"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 162, 1995. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is an appropriation from the State and Federal Grants Fund in the amount of \$40,000 for the Prosecuting Attorney to pay salary and fringe benefits for a Community Prosecutor for the Weed and Seed initiative on the near west side financed by a federal grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 149, 1995. Introduced by Councillor West. The Clerk read the proposal entitled: "REZONING ORDINANCE certified by the Metropolitan Development Commission on February 9, 1995." The Council did not schedule Proposal No. 149, 1995 for hearing pursuant to IC 36-7-4-608. Proposal No. 149, 1995 was retitled REZONING ORDINANCE NO. 24, 1995 and is identified as follows:

REZONING ORDINANCE NO. 24, 1995. 94-Z-80 WAYNE TOWNSHIP.
COUNCILMANIC DISTRICT # 17.
2801 WEST MORRIS STREET (approximate address), INDIANAPOLIS.

PERSONALIZED DELIVERY SERVICE, by Stephen D. Mears, requests the rezoning of 0.95 acre, being in the C-7 and D-5 Districts, to the C-7 classification to provide for commercial use of a trucking company and vehicle restoration.

PROPOSAL NOS. 150-151, 1995. Introduced by Councillor West. The Clerk read the proposals entitled: "REZONING ORDINANCES certified by the Metropolitan Development Commission on February 9, 1995." The Council did not schedule Proposal Nos. 150-151, 1995 for hearing pursuant to IC 36-7-4-608. Proposal Nos. 150-151, 1995 were retitled REZONING ORDINANCE NOS. 25-26, 1995 and are identified as follows:

REZONING ORDINANCE NO. 25, 1995. 94-Z-163 LAWRENCE TOWNSHIP.
COUNCILMANIC DISTRICT # 5.
8412 EAST 46TH STREET (approximate address), CITY OF LAWRENCE.
MADEL UTLEY requests the rezoning of 0.5729 acre, being in the C-1 District, to the D-5 classification to provide for the construction of a single-family residence.

REZONING ORDINANCE NO. 26, 1995. 94-Z-170 CENTER TOWNSHIP.
COUNCILMANIC DISTRICT # 22.
1852 LUDLOW AVENUE (approximate address), INDIANAPOLIS.
ATCO RUBBER PRODUCTS, INC. requests the rezoning of 3.02 acres, being in the C-3 District, to the I-3-U classification to provide for an industrial manufacturing facility.

PROPOSAL NOS. 152-153, 1995. Introduced by Councillor West. The Clerk read the proposals entitled: "REZONING ORDINANCES certified by the Metropolitan Development Commission on February 9, 1995." The Council did not schedule Proposal Nos. 152-153, 1995 for hearing pursuant to IC 36-7-4-608. Proposal Nos. 152-153, 1995 were retitled REZONING ORDINANCE NOS. 27-28, 1995 and are identified as follows:

REZONING ORDINANCE NO. 27, 1995. 94-Z-177 PERRY TOWNSHIP.
COUNCILMANIC DISTRICT # 20.
1650 STEVENS STREET (approximate address), INDIANAPOLIS.
WESTEL-INDIANAPOLIS COMPANY d/b/a CELLULAR ONE, by James A. L. Buddenbaum, requests the rezoning of 0.36 acre, being in the C-1 District, to the SU-35 classification to provide for a cellular mobile communication public utility service, including transmitting and receiving antenna.

REZONING ORDINANCE NO. 28, 1995. 94-Z-166 CENTER TOWNSHIP.
COUNCILMANIC DISTRICT # 22.
2229 NORTH SHELDON STREET (approximate address), INDIANAPOLIS.
CHRIST MISSION HOME REFUGEES HOLINESS CHURCH, INC., by James N. Scahill, requests the rezoning of 0.2 acres, being in the D-5 District, to the SU-I classification to provide for a church use.

PROPOSAL NO. 154, 1995. Introduced by Councillor West. The Clerk read the proposal entitled: "REZONING ORDINANCE certified by the Metropolitan Development Commission on February 9, 1995." The Council did not schedule Proposal No. 154, 1995 for hearing pursuant to IC 36-7-4-608. Proposal No. 154, 1995 was retitled REZONING ORDINANCE NO. 29, 1995 and is identified as follows:

REZONING ORDINANCE NO. 29, 1995. 94-Z-171 WASHINGTON TOWNSHIP.
COUNCILMANIC DISTRICT # 7.
6222 DOUGLAS ROAD (approximate address), INDIANAPOLIS.
MUNDY REALTY, INC., by Thomas Michael Quinn, requests the rezoning of 1.86 acres, being in the D-3 District, to the C-4 classification to provide for retail development.

PROPOSAL NOS. 155-159, 1995. Introduced by Councillor West. The Clerk read the proposals entitled: "REZONING ORDINANCES certified by the Metropolitan Development

Commission on February 9, 1995." The Council did not schedule Proposal Nos. 155-159, 1995 for hearing pursuant to IC 36-7-4-608. Proposal Nos. 155-159, 1995 were retitled REZONING ORDINANCE NOS. 30-34, 1995 and are identified as follows:

REZONING ORDINANCE NO. 30, 1995. 94-Z-219 (94-DP-9) PERRY TOWNSHIP.
COUNCILMANIC DISTRICT # 25.

6350 SOUTH BELMONT AVENUE (approximate address), INDIANAPOLIS.
GEORGE F. KOPETSKY, by G. Thomas Blankenship, requests the rezoning of 86.55 acres, being in the D-A(FF) and I-2-S(FF) Districts, to the D-P(FF) classification to provide for the sale and display of 244 unit manufactured and mobile-home planned development.

REZONING ORDINANCE NO. 31, 1995. 94-Z-192 CENTER TOWNSHIP.
COUNCILMANIC DISTRICT # 9.

1126, 1132, 1134, 1140 and 1146 WEST ROACHE AVENUE (approximate address), INDIANAPOLIS.
UNITED NORTHWEST AREA DEVELOPMENT CORPORATION requests the rezoning of 0.52 acre, being in the I-2-U District, to the D-8 classification to provide for construction of five single-family residential units.

REZONING ORDINANCE NO. 32, 1995. 94-Z-202 PIKE TOWNSHIP.
COUNCILMANIC DISTRICT # 9.

4201 LAFAYETTE ROAD (approximate address), INDIANAPOLIS.
LARRY HACKETT, by C. Sue Craig, requests the rezoning of 0.29 acres, being in the D-A District, to the C-5 classification to provide for seasonal retail sales of produce.

REZONING ORDINANCE NO. 33, 1995. 94-Z-208 WASHINGTON TOWNSHIP.
COUNCILMANIC DISTRICT # 11.

2368 EAST 38TH STREET (approximate address), INDIANAPOLIS.
WHITE CASTLE SYSTEM, INC. requests the rezoning of 0.63 acre, being in the D-5 and C-5 Districts, to the C-5 classification to provide for a restaurant use.

REZONING ORDINANCE NO. 34, 1995. 95-Z-1 CENTER TOWNSHIP.
COUNCILMANIC DISTRICT # 16.

701, 715-717, 723 RUSSELL AVENUE and 718 and 722 SOUTH MERIDIAN STREET (approximate address), INDIANAPOLIS.
RUSSELL REALTY CORPORATION, by Karen S. Horseman, requests the rezoning of 0.5 acre, being in the I-3-U(RC) District, to the CBD-2(RC) classification to provide for mixed use development, including professional offices.

Councillor Rhodes complimented the attorneys for the petitioner and the remonstrators in Proposal No. 154, 1995, Docket No. 94-Z-171, for working together on the rezoning of the northwest corner of Keystone and 62nd Street.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 70, 1995. The proposal is an appropriation from the State and Federal Grants Fund in the amount of \$330,000 for the Prosecuting Attorney, Marion County Public Defender Agency, and the County Auditor to fund the Expedited Trial Program which is a joint effort to reduce the population at the Marion County Jail financed by a state grant. Councillor Dowden asked for consent to postpone Proposal No. 70, 1995 until February 27, 1995. Consent was given.

SPECIAL ORDERS - UNFINISHED BUSINESS

PROPOSAL NOS. 19, 20 and 21, 1995. PROPOSAL NO. 19, 1995. The proposal reappoints Joe M. Rink to the Cable Franchise Board. PROPOSAL NO. 20, 1995. The proposal reappoints James E. Sawyers to the Cable Franchise Board. PROPOSAL NO. 21, 1995. The

proposal appoints Fredric A. Hunn to the Cable Franchise Board. Councillor Rhodes asked for consent to table Proposal Nos. 19, 20 and 21, 1995. Consent was given.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NOS. 389, 390, 391 and 392, 1994. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal Nos. 389, 390, 391 and 392, 1994 on December 6, 1994 and February 7, 1995. All four proposals were sponsored by Councillor Franklin.

PROPOSAL NO. 389, 1994. The proposal amends the Code by deleting certain regulations of business practices. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Rhodes moved, seconded by Councillor Franklin, for adoption. Proposal No. 389, 1994 was adopted on the following roll call vote; viz:

27 YEAS: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, SerVaas, Shambaugh, Short, Smith, West, Williams

0 NAYS:

2 NOT VOTING: Giffin, Schneider

Proposal No. 389, 1994 was retitled GENERAL ORDINANCE NO. 18, 1995 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 18, 1995

A GENERAL ORDINANCE deleting Article III and Section 17-934 of Article XXVI of the Code of Indianapolis and Marion County, Indiana regarding prohibited business practices and the licensure of shooting galleries and shuffleboard tables.

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

SECTION 1. Sections 17-84 through 95 of the Code of Indianapolis and Marion County, Indiana, are hereby deleted as follows:

ARTICLE III. BUSINESS PRACTICES

Sec. 17-84. ~~Misrepresentation of distress sales.~~

~~Any person advertising by newspaper, radio, television, poster, handbill or otherwise, representing that he is operating offering or maintaining "fire sales," "wreck sales," "bankrupt sales," "closing out sales," "going-out-of-business sales," and any similar sales, however named, whereby the public is led to believe that they are being offered merchandise at reduced rates on account of fires, wrecks, bankruptcies, the closing out or discontinuance of business, when in fact said sales are not bona fide, but are false and fraudulent and are intended to deceive buyers, and the advertisement and representations are known to be untrue and false, shall be charged with an offense for such deceit and unfair dealing and of a breach of orderly and proper conduct. (Code 1951, § 10-801)~~

Sec. 17-85. ~~Unlawful to sell undamaged goods or to add to stocks at distress sales.~~

~~It shall be unlawful for any person conducting any sale, whether by auction or otherwise, of any goods, s=wares or merchandise which are or have been, or which are claimed to have been, in or damaged by a fire or water, or are claimed to have been purchased and are being sold on account of any fire or water damage thereto, or which are claimed to be or have been the property of any bankrupt or person who has failed in business, or~~

~~has made a general assignment, or which are being sold or offered for sale in any other way than through the usual and regular channels of trade, to sell or offer for sale thereat any goods, wares or merchandise not so described, affected or damaged, or to add to or to permit to be added to, or to bring into or permit to be brought into, any store, warehouse or other building in the city, any goods or articles for the purpose of adding to the goods, wares or merchandise so described or affected and on hand in any such store, warehouse or other building for the purpose of being sold at such a sale. (Code 1951, § 10-802)~~

~~Sec. 17-86. False representation of quality or cost of merchandise—offered for sale.~~

~~It shall be unlawful for any person falsely to represent, by advertisement or otherwise, that the goods, wares or merchandise which such person is offering for sale are of a certain brand or quality, or that the goods will be sold at a certain percentage of their cost price or value, and then sell goods, wares or merchandise of a brand or quality inferior to that of those so represented or advertised; or to sell such goods, wares or merchandise at a higher percentage of their cost value than that represented or advertised. (Code 1951, § 10-803)~~

~~Sec. 17-87. False representation of quality of services or—materials offered for sale.~~

~~It shall be unlawful for any person engaged in any business which includes the furnishing of services and materials in connection therewith to represent falsely, by advertisement or otherwise, that any services or material, or process involving the furnishing of services or material, or both services and material, which such person offers for sale are of a certain brand or quality and of a standard recognized in such trade or business, and then with intent to defraud, furnish services or materials of a brand or quality inferior to that or those so represented or advertised. (Code 1951, § 10-804)~~

~~Sec. 17-88. Sale of medicines.~~

~~It shall be unlawful for any person to peddle or sell on the streets, in public places or from any vehicle or temporary stand in any place within the city any medicine, drug, liniment, preparation, material or article represented to be usable for medicinal purposes. Any medicine, drug, liniment, preparation, material or article usable for medicinal purposes and sold within the city shall be sold only from stores or regularly established places of business operated for such purposes and subject to the supervision of the health and hospital corporation or the state health authorities, and in compliance with state law regulating such matters. (Code 1951, § 10-805)~~

~~Sec. 17-89. Unlawful distribution of samples.~~

~~It shall be unlawful for any person to distribute free, for advertising purposes, any drugs, patent medicines, chemicals, narcotics, sex exciting substances or articles, intoxicating liquors or compounds, or samples thereof, except to merchants, dentists, and physicians who are duly qualified by law to receive such samples. (Code 1951, § 10-807)~~

~~Sec. 17-90. Sale of sneezing or itch powder or stink bombs.~~

~~It shall be unlawful for any person to sell in this city to any person under the age of twenty-one (21) years any sneezing powder, itch powder or stink bombs. (Code 1951, § 10-806)~~

~~Sec. 17-91. Conduct of business interfering with public travel.~~

~~No person shall so conduct any business enterprise, store or place of business of any kind upon or near the sidewalk, within the limits of any public street or place, as to obstruct its use for traffic by using the public way for soliciting customers or trade, by calling out or "barking" or "spieling" for business, or by taking hold of any passerby and undertaking to persuade or force him into such store or place of business, or who does any act similar to those mentioned and for the purposes named. (Code 1951, § 10-809)~~

~~Sec. 17-92. Soliciting business on street or sidewalk.~~

~~Except as otherwise provided and permitted by license or this chapter, it shall be unlawful for any person, by himself or by an employee or agent, to solicit trade or custom for any business, profession or calling upon any street or public place, by any outcry or other personal means, or to solicit the trade of any person passing any such place of business operated by him in this city; provided, however, the provisions of this section shall not apply to the owners or drivers of taxicabs or to persons selling newspapers, or to those licensed to peddle or hawk. (Code 1951, § 10-814)~~

Sec. 17-93. When representation as to dealer's qualifications—required.

~~(a) It shall be unlawful for any person, or any employee thereof, who is engaged in the business of selling goods, wares, merchandise, securities or real estate, to advertise or cause to be advertised, directly or indirectly, the sale thereof, unless it shall be stated in the advertisement, clearly and unequivocally, that said person so advertising the sale of goods, wares, merchandise, securities or real estate is a duly authorized dealer thereof; provided, however, the advertisement of the sale of any goods, wares, merchandise, securities or real estate in such a form as to make it plainly apparent therefrom that the person so advertising is actually and regularly engaged in selling such goods, wares, merchandise, securities or real estate as a business shall be deemed a sufficient compliance with the terms of this section.~~

~~(b) Any person, or any employee thereof, who shall conduct, operate or transact a business, or cause it to be conducted, operated or transacted, to the extent of showing and displaying in, and representing the delivery of, merchandise, goods, wares, securities or real estate at or from any dwelling house, apartment, flat or other place of human abode, shall display or cause to be displayed at all times printed or painted signs which shall state or otherwise clearly and unequivocally indicate that such person is a dealer in such goods, wares, merchandise, securities or real estate, and shall display the sign both at the entrance to and within that part of every such dwelling house, apartment, flat or other place of human abode where the business is conducted, operated or transacted; provided, however, the sign erected, placed or hung on the exterior of the structure shall contain not less than nine (9) square feet of area, and shall not be erected, placed or hung until a proper permit therefor has first been obtained from the city controller, after application therefor to the division of buildings. (Code 1951, §§ 10-810, 10-811)~~

Sec. 17-94. Noxious businesses and trades

~~(a) It shall be unlawful for any person, except as expressly authorized by this Code or other ordinance, to establish or attempt to establish any of the following businesses:~~

- ~~(1) Slaughterhouse;~~
- ~~(2) Tallow chandlery;~~
- ~~(3) Soap factory;~~
- ~~(4) Starch factory;~~
- ~~(5) Glue factory;~~
- ~~(6) Tannery;~~
- ~~(7) Foundry;~~
- ~~(8) Brewery;~~
- ~~(9) Bone factory;~~
- ~~—(10) Distillery;~~
- ~~—(11) Fertilizer factory;~~

~~(b) It shall be unlawful for any person to erect, continue, use or maintain, or permit to be erected, continued, used or maintained, in any place or upon any premises owned, controlled or operated by him any condition, trade, employment or business which is either unlawful, or injurious to health, or indecent, or offensive to the senses, or an obstruction to the free use of property, so as to essentially interfere with the comfortable enjoyment of life or property. (Code 1951, §§ 10-812, 10-813)~~

Sec. 17-95. Quantities for the sale of foods.

~~(a) All vegetables or fruits and products thereof, butter, cheese and other similar dairy products sold or offered for sale by any person, except fresh berries, cherries, currants, grapes, and other small fruits, in the absence of a contract or agreement in writing to the contrary signed by the parties thereto, shall be sold only by standard avoirdupois net weight, or by numerical count.~~

~~(b) Seeds, grain, flour, meal and cereals or cereal products; vegetable roots, such as onions, radishes, celery and similar vegetable roots which, by common custom, are sold in this city by the bunch; and commodities in original packages, except fresh berries, cherries, currants, grapes and other small fruits, as otherwise provided in this section; shall not be included in the provisions of subsection (a).~~

~~(c) All berries, cherries, currants, grapes and other small fruits sold or offered for sale by any person, in the absence of a special agreement in writing signed by the parties thereto to the contrary, shall be sold, if in bulk, by standard avoirdupois net weight, or in uniform size baskets, boxes or other receptacles containing one (1) quart or one (1) pint, standard dry measure, or any multiple thereof, and in no other way. Such receptacles~~

shall be uniformly and evenly filled throughout with substantially uniform and good quality fruit. Such containers shall be subject to inspection as follows:

- (1) ~~The baskets, boxes or other receptacles in which or out of which berries, cherries, currants, grapes and other small fruits are sold or offered for sale, as authorized by this subsection, shall not be required to be tested and sealed, but the inspector of weights and measures, or any of his deputies, may at any time test the capacity of the baskets, boxes or other receptacles in which or out of which such fruits are sold or offered for sale.~~
- (2) ~~If any basket, box or other receptacle is found to be of a capacity less than that represented, it may be taken, condemned and destroyed by the inspector of weights and measures, or his deputies, in the same way that other measures are taken, condemned or destroyed, and the seller shall be guilty of a violation of this chapter. (Code 1951, §§ 10-815 - 10-817)~~

SECTION 2. Section 17-934 of Article XXVI of the Code of Indianapolis and Marion County, Indiana, is hereby deleted as follows:

ARTICLE XXVI. MISCELLANEOUS BUSINESSES

Sec. 17-934. ~~Shooting galleries and shuffleboard tables.~~

(a) ~~It shall be unlawful for any person to own, operate or maintain for profit a shooting gallery or shuffleboard table without first having obtained a license therefor from the controller.~~

(b) ~~The annual fee for a license required by subsection (a) shall be fifty dollars (\$50.00) per gallery and ten dollars (\$10.00) per shuffleboard table. (Code 1970, §§ 7-2309, 7-2310; G.O. 80, 1970)~~

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

PROPOSAL NO. 390, 1994. The proposal recodifies and amends the Code concerning hotels and places of public lodging. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Rhodes moved, seconded by Councillor Franklin, for adoption. Proposal No. 390, 1994, as amended, was adopted on the following roll call vote; viz:

28 YEAS: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams

0 NAYS:

1 NOT VOTING: Giffin

Proposal No. 390, 1994, as amended, was retitled GENERAL ORDINANCE NO. 19, 1995 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 19, 1995

A GENERAL ORDINANCE recodifying and amending Article X of Chapter 17 of the Code as a new Chapter concerning hotels and places of public lodging.

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

SECTION 1. The "Revised Code of the Consolidated City and County" be, and is hereby, amended to add a NEW Chapter 901 (which is a revision and recodification of Article X of Chapter 17 of the Code of Indianapolis and Marion County that deletes the stricken-through text and inserts the underlined text) as follows:

CHAPTER 901. HOTELS AND PLACES OF PUBLIC LODGING

Sec. ~~17-323~~ 901-1. Defined.

For the purposes of this ~~Article~~ Chapter, the term "hotel," "~~motel,~~" "~~lodging~~" or "~~rooming house~~" shall mean all places and rooms where the general public is furnished lodging, either regularly or occasionally, for private profit.

Sec. 901-2. Inspections.

All hotels shall be subject, on demand, to health, building and fire safety inspections by all governmental agencies having jurisdiction over the geographical area in which the hotel is located.

Sec. ~~17-324~~ 901.3. License required; renewal.

(a) It shall be unlawful for any person to maintain a hotel, ~~motel, lodging or rooming house~~ in the city without first procuring a license therefor from the controller. There shall be no fee for this license.

(b) Each license issued pursuant to this section shall be renewed automatically by the controller and without application for renewal by the licensee, unless the license at the time of renewal has been revoked or suspended, or is the subject of administrative or judicial proceedings which have the potential to result in the revocation or suspension of the license.

~~Sec. 17-325. License fee.~~

~~The annual fee for a license required by this article for each hotel and lodging or rooming house containing five (5) to twenty-five (25) rooms inclusive, shall be five dollars (\$5.00) per room; those containing twenty-six (26) to ninety-nine (99) rooms inclusive, shall pay a total license fee of two hundred dollars (\$200.00); and the total license fee for any hotel and lodging or rooming house containing one hundred (100) rooms or more shall be five hundred dollars (\$500.00).~~

Sec. ~~17-326~~ 901-4. Duty to keep register.

Any person owning, operating or managing any hotel, ~~lodging or rooming house~~ shall keep ~~and preserve~~ a daily register in which the name of each guest receiving lodging shall be inscribed by or for the guest, which register ~~may be inspected~~ a permanent record of each guest receiving lodging, which record shall be made available upon demand for inspection by any police officer.

~~Sec. 17-327. Entering bedroom for unlawful purpose.~~

~~(a) It shall be unlawful for any male person, with the intent to commit an unlawful act, to enter or be present in the bedroom of any hotel, motel or lodging or rooming house with a female person generally known or reputed to be a prostitute.~~

~~(b) It shall be unlawful for any female person, generally known or reputed to be a prostitute, to enter a bedroom in a hotel, motel or lodging or rooming house for any unlawful purpose.~~

~~(c) It shall be unlawful for any owner, lessee, employee or person in charge of any hotel, motel or lodging or rooming house to knowingly permit the violation of subsection (a) or (b).~~

~~(d) For the purposes of this section, it shall be prima facie evidence of the intent to enter a bedroom of a hotel, motel or lodging or rooming house to commit an unlawful act if the party charged with the violation is not married to the person with whom the room is entered or occupied.~~

SECTION 2. Article X of Chapter 17 of the Code of Indianapolis and Marion County, Indiana, is hereby superseded and repealed as of the effective date of this ordinance.

SECTION 3. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 4. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 5. This ordinance shall be in effect from and after its passage by the Council and compliance with IC 36-3-4-14.

PROPOSAL NO. 391, 1994. The proposal amends the Revised Code by making certain changes in the regulation of adult entertainment establishments. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Rhodes moved, seconded by Councillor Franklin, for adoption. Proposal No. 391, 1994, as amended, was adopted on the following roll call vote; viz:

28 YEAS: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams
1 NAY: Gray

Proposal No. 391, 1994, as amended, was retitled GENERAL ORDINANCE NO. 20, 1995 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 20, 1995

A GENERAL ORDINANCE adding Chapter 807 to the Revised Code of the Consolidated City and County and making certain changes in the regulation of adult entertainment establishments.

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

SECTION 1. Title IV of the Revised Code of the Consolidated City and County is hereby amended by adding a new Chapter 807 to read as follows:

CHAPTER 807. ADULT ENTERTAINMENT ESTABLISHMENTS
ARTICLE I. DEFINITIONS

Sec. 807-1. Adult bookstore.

An establishment having as a preponderance of its stock in trade or its dollar volume in trade, books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records or other forms of visual or audio representations which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

Sec. 807-2. Adult cabaret.

A nightclub, bar, theater, restaurant or similar establishment which frequently features live performances by topless or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas or which regularly feature films, motion pictures, video cassettes, slides or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas for observation by patrons.

Sec. 807-3. Adult drive-in theatre.

An open lot or part thereof, with appurtenant facilities, devoted primarily to the presentation of motion pictures, films, theatrical productions, and other forms of visual productions, for any form of consideration, to persons in motor vehicles or on outdoor seats in which a preponderance of the total presentation time is devoted to the showing of materials distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons.

Sec. 807-4. Adult entertainment business.

An adult bookstore, adult motion picture theatre, adult mini motion picture theatre, adult motion picture arcade, adult cabaret, adult drive-in theater, adult live entertainment arcade, adult motel, or adult services establishment, which is not operating under a valid Indiana Alcoholic Beverage Commission permit for retail sales of wine, beer or liquor for on premises consumption.

Sec. 807-5. Adult live entertainment arcade.

Any building or structure which contains or is used for commercial entertainment where the patron directly or indirectly is charged a fee to view from an enclosed or screened area or booth a series of live dance routines, strip performances or other gyrational choreography which performances are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas.

Sec. 807-6. Adult mini motion picture theatre.

An enclosed building with a capacity of more than five (5) but less than fifty (50) persons, used for presenting films, motion pictures, video cassettes, slides or similar photographic reproductions in which a preponderance of the total presentation time is devoted to the showing of materials which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

Sec. 807-7. Adult motel.

A hotel, motel or similar establishment offering public accommodations for any form of consideration which provides patrons, upon request, with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

Sec. 807-8. Adult motion picture arcade.

Any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

Sec. 807-9. Adult motion picture theater.

An enclosed building with a capacity of fifty (50) or more persons used for presenting films, motion pictures, video cassettes, slides or similar photographic reproductions in which a preponderance of the total presentation time is devoted to showing of materials which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

Sec. 807-10. Adult service establishment.

Any building, premises, structure or other facility, or any part thereof, under common ownership or control which provides a preponderance of services involving specified sexual activities or display of specified anatomical areas.

Sec. 807-11. Specified anatomical areas.

Any of the following:

- (1) less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areolae or
- (2) human male genitals in a discernible turgid state, even if completely and opaquely covered.

Sec. 807-12. Specified sexual activities.

Any of the following:

- (1) human genitals in a state of sexual stimulation or arousal;
- (2) acts of human masturbation, sexual intercourse or sodomy;
- (3) fondling or other erotic touchings of human genitals, pubic regions, buttocks or female breasts;
- (4) flagellation or torture in the context of a sexual relationship;
- (5) masochism, erotic or sexually oriented torture, beating or the infliction of pain;
- (6) erotic touching, fondling or other such contact with an animal by a human being; or
- (7) human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth in "a" through "f" above.

ARTICLE II. LICENSURE

Sec. 807-21. License required.

It shall be unlawful for any person to maintain or operate an adult entertainment business in the city without first obtaining a license therefor.

Sec. 807-22. License fee.

The annual license fee shall be for the period of January first to December thirty-first and shall be seventy-five dollars (\$75.00) for each business location, each stage, each motion picture or video screen, each closed circuit television and each motion picture or video screen, projector or other image-producing device. The maximum amount to be charged under this section for each business location shall be three thousand dollars (\$3,000.00).

Sec. 807-23. Application for license.

All applications for licenses shall be made to the controller. The application for a license required by this article shall state, under oath, the following:

- (1) Name and address of the applicant;
- (2) The name and address of the business;
- (3) Telephone number of the applicant;
- (4) The state of incorporation (where applicable);
- (5) The names of partners or corporate officers and their home addresses (where applicable);
- (6) The names of all creditors of the applicant;
- (7) The resident agent and principal office of the corporation (where applicable);
- (8) The length of time the business has been in Indianapolis;
- (9) Any previous location or location change of the business within two (2) years;
- (10) The applicant's citizenship;
- (11) Whether or not the applicant or any partner or corporate officer of the applicant business has ever been denied a license, had a license revoked or suspended;

- (12) Whether or not the applicant or any partner or corporate officer of the applicant business has been arrested or convicted of a felony, misdemeanor or ordinance violation other than a minor traffic charge;
- (13) Whether all city, county and state taxes have been paid;
- (14) The seating capacity of the establishment;
- (15) The number of business locations, stages, motion picture or video screens, closed circuit televisions and motion picture or video screens, projectors or other image-producing devices.

Sec. 807-24. Investigation.

Within thirty (30) days after receiving the application, the city license administrator shall notify the applicant that the application is granted or recommended for denial to the city controller, or held for further investigation. Such further investigation shall not exceed an additional thirty (30) days unless there are extenuating circumstances, in which case the controller shall give written notice of the extenuating circumstances to the applicant. The controller shall advise the applicant in writing after the extenuating circumstances have been satisfied, whether the application is granted or recommended to the city controller for denial.

Sec. 807-25. Grounds for denial.

A license may be denied if the applicant:

- (1) Where applicable, is not a corporation organized by law or authorized and qualified to do business in the state;
- (2) Knowingly permits any illegal conduct or practice to take place on his premises or in the conduct of this business; or
- (3) Fails to certify by affidavit that the business premises will not be used for illegal purposes.
- (4) Has previously evaded the licensing provisions of this Code.

Sec. 807-26. Grounds for suspension or revocation.

A license granted under this article may be suspended or revoked if the licensee:

- (1) Conducts the business or maintains the premises in such a manner as to create a nuisance to the public;
- (2) Knowingly permits illegal conduct to take place on the premises or in the conduct of the business; or
- (3) Violates section 807-28 or 807-29 of this Code.

ARTICLE III. REGULATIONS

Sec. 807-27. Adult live entertainment arcade.

(a) It shall be unlawful to own or operate an adult live entertainment arcade which has individual booths, unless the booth meets the following requirements:

- (1) Each booth shall have a rectangular shaped entranceway of not less than two (2) feet wide and six (6) feet high.
- (2) There shall be no door, curtain or other obstruction blocking or closing off such entranceway so as to obstruct the visibility of a patron twenty-four (24) inches from the floor of the booth.

(b) It shall be unlawful for a patron to be present in a booth in an adult entertainment arcade unless this patron is visible from twenty-four (24) inches from the floor of the booth.

(c) It shall be unlawful for any owner to ~~use~~ use or allow to be used a booth in an adult live entertainment arcade which does not meet the requirements as set out in subsection (a).

(d) In addition to such other penalties as are provided in this Code, violation of this section shall be sufficient grounds for revocation of a license held under this article.

Sec. 807-28. Operation.

(a) An adult entertainment establishment shall be kept in a sanitary condition at all times. As a condition of licensure under this chapter, the controller or controller's designee shall have the right to enter any licensed premises at any time without notice to insure compliance with this chapter. The controller shall have the power to determine if such establishment is in a sanitary condition. For such purpose, the controller shall have, upon demand, the assistance of the administrator of the division of development services and the health and hospital corporation of Marion County. If the controller shall determine, after investigation by the division of development services or the health and hospital corporation of Marion County, that an unsanitary condition exists within an adult entertainment establishment, the controller shall suspend the establishment license for such premises until such unsanitary condition is rectified.

(b) No licensee under this article, or his employee, shall permit persons to congregate in a disturbing manner within said licensed establishment or on parking areas or other property immediately adjacent to or normally used for purposes of parking for the establishment, which property is under the control of the establishment owner or owners or their lessee or lessor. A violation of this provision shall be sufficient grounds for the revocation of the license by the controller.

(c) No licensee under this article, or his employee, shall violate any state statute or city ordinance, or allow any other person to commit such a violation, within said establishment or on parking areas or other property immediately adjacent to or normally used for purposes of parking for said establishment, which property is under the control of the establishment owner or owners or their lessee or lessor. A violation of this provision shall be sufficient grounds for the revocation of the license by the controller.

SECTION 2. Secs. 17-397 through 17-406 and 17-841 through 17-860 of the Code of Indianapolis and Marion County are hereby repealed.

SECTION 3. The express or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 4. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 5. This ordinance shall be in effect from and after its passage by the Council and compliance with IC 36-3-4-14.

PROPOSAL NO. 392, 1994. The proposal amends the Code concerning the regulation of pawnbrokers and dealers in secondhand merchandise. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Rhodes moved, seconded by Councillor Franklin, for adoption. Proposal No. 392, 1994, as amended, was adopted on the following roll call vote; viz:

29 YEAS: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams

0 NAYS:

Councillor Franklin thanked the members of the Administration and Finance Committee for taking the time to read all the information that was sent them concerning these four proposals. Councillor Franklin also recognized Terry Baker, Departmental Attorney, Office of Corporation Counsel, and voiced appreciation for his excellent work on these proposals.

Proposal No. 392, 1994, as amended, was retitled GENERAL ORDINANCE NO. 21, 1995 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 21, 1995

A GENERAL ORDINANCE recodifying and amending Article XIII and Article XIV of Chapter 17 of the Code of Indianapolis and Marion County, making certain changes in the regulation of pawnbrokers and dealers in secondhand merchandise.

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

SECTION 1. The "Revised Code of the Consolidated City and County" be, and is hereby amended to add a NEW Chapter 951 (which is a revision and recodification of Article XIII and Article XIV of Chapter 17 of the Code of Indianapolis and Marion County that inserts the underlined text and deletes the cross-hatched text) to read as follows:

CHAPTER 951. PAWNBROKERS AND DEALERS IN SECONDHAND GOODS

ARTICLE ~~XIII~~. PAWNBROKERS

Sec. ~~17-431~~ 951-101. Definitions.

For the purpose of this article the following terms shall mean:

(a) Pawnbroker:

- ~~(1) Any person who as a part of his regular business loans money on the deposit or pledge of any personal property or thing of value, on the condition of redelivering or selling the article back again at the stipulated price.~~
- ~~(2) Any person who shall pay cash advances on the consignment of merchandise to be sold.~~
- ~~(3) Any person who as a part of his regular business practice shall buy pawn tickets from individuals so as to redeem and resell that merchandise.~~
- ~~(4) Any person who shall as a part of his regular business renegotiate pawn loans between individuals and other pawnbrokers.~~

"Pawnbroker" means any person, partnership, association, or corporation who lends money on the deposit or pledge of personal property, or who deals in the purchase of personal property on the condition of selling the property back again at a stipulated price, other than choses in action, securities, or printed evidence of indebtedness.

(b) Customer:

- ~~(1) Any person who as a part of his regular business deposits or pledges any personal property or thing of value with a license, on condition of obtaining or recovering the property back again at a stipulated price, or any person who applies for sale or sells any personal property or thing of value to a licensee.~~
- ~~(2) Any person who shall be paid an advance on the consignment of any merchandise to be sold by a licensee.~~
- ~~(3) Any person who shall sell pawn tickets to a licensee so that the licensee may redeem and resell that merchandise.~~
- ~~(4) Any person who shall renegotiate, with a licensee, a pawn loan between themselves and other licensee.~~

(b) Pledge:

"Pledge" means personal property deposited with a pawnbroker as security for a loan.

(c) Transaction:

(1) ~~Any sale, loan, pledge or deposit of any personal property or thing of value between a customer and a licensee as a part of the licensee's regular business.~~

(2) ~~Any advance payment on the consignment of any merchandise between a customer and a licensee.~~

(3) ~~Any sale of pawn tickets by a customer to a licensee for the purposes of redemption and resale of the pawned merchandise.~~

(4) ~~Any renegotiation of a pawn loan by a customer and a licensee of a pawn loan between said customer and any other licensed pawnbroker.~~

(c) Pledger:

"Pledger" means the person who delivers personal property into the possession of a pawnbroker as security for a loan unless such person discloses that the person is or was acting for another; and in such event "pledger" means the disclosed principal.

(d) Person:

"Person" means an individual, a firm, an association, a limited liability company, a partnership, a joint stock association, a trust, or a corporation or any other entity capable of suing or being sued.

Sec. ~~17-432~~ 951-102. License required.

It shall be unlawful for any person to engage in the business of pawnbroker without first obtaining a license therefor from the controller. In order to sell secondhand goods, it is not required that a pawnbroker also obtain a license to be a dealer in second hand goods for the pawnbroker's licensed business location.

Sec. ~~17-433~~ 951-103. Application for license.

~~All applicants for licenses shall first furnish to the controller evidence of compliance with the requirements of section 17-434. Such evidence shall be in the form of a three (3) inch by five (5) inch photograph in which the installation of the device required by section 17-434 is clearly visible and identifiable, in addition to such other written information as the controller, in his discretion, may require. All applications for licenses shall be supported by affidavits of at least three (3) resident freeholders of the city stating that the applicant is of good moral character.~~

All applicants shall, as a condition for the granting of a license and on a portion of the application provided by the city controller, agree that in the event the applicant as licensee receives merchandise personal property of any kind which is stolen, he claims no right, title or interest in or to said merchandise personal property, and that upon request by any law enforcement officers having jurisdiction over the location of his place of business, he will voluntarily surrender said merchandise personal property to the possession of that law enforcement agency when given a receipt for the same.

Sec. ~~17-434~~. ~~Photographic recording devices; photograph required.~~

~~All licensees and applicants for licenses under this article shall install, and all licensees shall operate or cause to be operated in the regular course of business, photographic recording devices for use in recording the photograph of the following three (3) items:~~

- ~~(1) The customer,~~
- ~~(2) The customer's social security, driver's license or other identification, and~~
- ~~(3) The card record required by section 17-438.~~

~~Such devices shall be maintained in good operating condition and be mounted in such a manner as to take a full front photograph of the head and shoulders of each customer as he completes each transaction, and a simultaneous photograph of items (2) and (3) above. The licensee shall furnish sufficient lighting to insure that the photographic image is identifiable. No licensee shall accept any article as collateral security or for purchase~~

unless he shall make a photograph, as provided in this article, of the person from whom the article is being received, his identification and police card records.

~~Sec. 17-435. Specifications for photographic recording devices.~~

~~All devices installed by applicants and licensees under this article, pursuant to the requirements of section 17-434, shall meet the following specifications: one dual lens, pre-focused, permanently mounted camera which provides simultaneous, sixteen (16) millimeter single frame photographs of both a person standing before the horizontal lens and a document and/or article placed on a copyboard beneath the vertical lens.~~

~~Sec. 17-435.1~~ 951-104. License fees.

The annual fee for a license required by this article shall be two hundred dollars (\$200.00) for each place of business of the licensee.

~~Sec. 17-436~~ 951-105. Unlawful purchases.

It shall be unlawful for any licensee under this article to receive any articles in the course of his business from any person who is in an intoxicated condition, a minor or who is known or suspected by him to have acquired and be disposing of such articles unlawfully.

~~Sec. 17-437~~ 951-106. Record book to be kept.

(a) Every licensee under this article shall keep and preserve a record book in which shall be legibly written in ink an accurate description in the English language of all articles pawned and the amount of money loaned thereon; the time of the transaction; the name, address, telephone number, age, color, height, weight, complexion, style of beard or mustache, any visible distinctive marks or conditions, style of dress of the person pawning the articles; and the number of the pawn ticket issued therefor. ~~Every licensee under this article shall keep, in addition to the ledger records required by this section, records of each customer and each article taken of the person and of the documents as required by section 17-434, which records shall be accessible by name of the person pawning or selling the article, by the article type, and by the photograph control number.~~

(b) The record book required to be kept by subsection (a) shall be open to inspection at all reasonable times by the police or the controller.

(c) In addition to the above records, every licensee under this article shall provide a list of serialized articles that has been acquired by transfers from any location other than the Consolidated City and County to the local law enforcement agency having jurisdiction over the locations of the licensee's place of business no later than the next business day after the articles are received.

~~Sec. 17-438~~ 951-107. Card record for police.

(a) In addition to the record book required by this article, all licensees under this article shall at the time of receiving any pawned articles fill out a three (3) inch by five (5) inch card one of the cards prescribed by this section for each article pawned. Each card shall contain the information required to be kept by licensees under this article, and the right thumb print of the person pawning or selling the article; if the right thumb is missing, any of the person's fingerprints may be used. The thumb print shall be made in the manner approved by the local law enforcement agency and shall not be blurred or obliterated. The licensees shall mail these cards to the local law enforcement agency having jurisdiction over the location of the licensee's place of business no later than the next business day after the item of personal property is received. The licensee shall fill out the front of each card in its entirety and the description of the customer on the back. The customer shall write in his own handwriting his name and address on the back of the card and place his right thumbprint in the space provided. If the right thumb is missing, any of the customer's fingerprints may be used. The thumbprint shall not be blurred or obliterated. All cards required by this section shall contain, in addition to such other information as is required by this section, the control number of the photograph required by section 17-434.

(b) The card record required by subsection (a) shall be of four (4) types, as follows:

(1) Blue cards for watches, which shall be in the following form:

"FOR WATCHES ONLY"

Men's or Women's Jewels/Make _____ Number of Watch Works

February 13, 1995

Size _____ Material/Style _____ Number of Case _____

Initials and Inscriptions

Purchase Price _____ Amount Loaned _____ Time Received _____ Date _____
A.M.P.M. _____, 19__

Dealer's Name _____

Location _____

Dealer's Ticket Number _____ Date Reported _____, 19__ "

(2) Yellow cards for jewelry, which shall be in the following form:

"FOR JEWELRY ONLY

ARTICLE _____ MATERIAL _____

Inscription, Etc. _____ Setting and Design _____

No. Kind Size

Purchase Price _____ Amount Loaned _____ Time Received _____ Date _____
A.M.P.M. _____, 19__

Dealer's Name _____

Location _____

Date Reported _____

Dealer's Ticket Number _____ "

(3) Pink cards for clothing, which shall be in the following form:

"CLOTHING ONLY

Article _____ Color _____

Maker's Name _____ Material _____

Initials, Name and Cleaner's Mark _____ Size _____

Purchase Price _____ Amount Loaned _____ Time Received _____ Date _____
A.M.P.M. _____, 19__

Dealer's Name _____

Location _____

Dealer's Ticket _____ Date Reported _____, 19__ "

(4) White Cards for miscellaneous articles, which shall be in the following form:

"MISCELLANEOUS ARTICLES

Article _____ Serial No. _____

Maker's Name _____ Color, Style, Design _____

Marks and Further Description _____

Purchase Price _____ Amount Loaned _____ Time Received _____ Date _____
A.M.P.M. _____, 19__

Dealer's Name _____

Location _____

Dealer's Ticket Number _____ Date Reported _____, 19__ "

(Additional descriptions may be attached thereto.)

All exposed frames of sixteen (16) millimeter film containing photographs of persons selling or pledging articles taken during each business day as required by this article, shall be kept as official records on file by control number by the licensee for at least ninety (90) days at his place of business and such records shall be available at any time to officers of the law enforcement agency having jurisdiction over the licensee's place of business, and shall be given to said law enforcement agency upon request.

(c) ~~The back side of each of the cards prescribed by this subsection (b) shall be in the following form:~~

"Signature _____
Address _____
Description of Customer ~~To be filled out by the dealer~~ _____
Sex ___ Age ___ Height ___ ft. ___ in. Weight about ___ lbs.
Race or Nationality _____
Clothing _____
Complexion _____ Right Thumbprint"

(d) ~~Before the hour of 12:00 noon of each day, each licensee under this article shall deliver all of the cards filled out on the previous business day, pursuant to the requirements of this section, to the chief of police.~~

Sec. 17-439 951-108. Retention of acquired personal property.

All personal property received by a licensee under this article shall be held intact by the licensee for at least seven (7) business days after the ~~card record required by this article is delivered to the chief of police~~ licensee has mailed a copy of the record required to be maintained under state law, which details the item of personal property received, to the local law enforcement agency having jurisdiction over the location of his place of business. Whenever any licensee receives written notice, either from the ~~police department~~ local law enforcement agency or from an individual, that someone is maintaining a claim of right to possession of the personal property adverse to the licensee, the licensee shall keep the personal property in his possession for thirty (30) days or turn it over to the ~~police~~ local law enforcement agency if so required by the ~~chief of police~~ local law enforcement agency. Once notice of an adverse claim to the article has been given under this section, the article shall be held for thirty (30) days, during which legal proceedings may be commenced to determine who is entitled to the property. If the matter is not settled or legal proceedings have not been commenced within thirty (30) days, the property shall be returned to the pawnbroker by the local law enforcement agency if held by them.

Sec. 17-440 951-109. Serial numbers required.

No pawnbroker shall accept as collateral security or for purchase any property of the type given manufacturer's serial numbers or other identifying insignia unless such property shall have plainly visible thereon the manufacturer's serial number or other identifying insignia.

Sec. 17-441. ~~Violations, penalty.~~

~~Any licensee under this article who violates one or more of the provisions of this article shall be guilty of a misdemeanor, and upon conviction shall be fined not more than five hundred dollars (\$500.00) for each such violation. The city controller shall have the power and authority to revoke any license granted under this article for any violation by a licensee of any provision or condition contained in this article. Such revocation shall occur only after due notice in writing and opportunity for hearing before the controller or his designee have been afforded the licensee.~~

Sec. 17-442 951-110. Severability.

If any section, sentence, clause, word or other provision of this article, or any ordinance amendatory thereof or supplemental thereto, shall be held invalid, such fact shall not affect the validity of any other section, sentence, clause, word or other provision herein, which may be severable therefrom and be valid and capable of reasonable effect and application without such invalid portions, and to this end all such portions of this article are declared severable and shall be so construed whenever possible to do so.

Sec. 17-443. ~~Confidentiality of photographs.~~

~~All photographs taken in accordance with the provisions of section 17-434 shall be restricted, with respect to the access to such photographs and the use thereof, to law enforcement personnel for the purpose of investigations involving wanted persons and stolen property. Any use of said photographs by or for private individuals or other commercial concerns is expressly prohibited.~~

ARTICLE XIV II. DEALERS IN SECONDHAND GOODS; GARAGE SALES

Sec. 17-454 951-201. License required; aApplicability.

~~It shall be unlawful for any person to engage in the business of buying, selling or in any way dealing with used goods of any kind without first obtaining a secondhand dealer's license therefor from the controller. Provided that, this article shall not apply to retailers who primarily sell unused goods who in the course of selling such unused goods occasionally receive used goods as partial consideration for the sale of such unused goods, and dispose of the same by sale or otherwise.~~

~~Sec. 17-455. Application for license.~~

~~(a) All applications for licenses required by this article shall be submitted on forms provided by the controller and applicant shall provide all information requested thereon.~~

~~(b) There shall be four (4) classes of secondhand dealers' licenses, as follows:~~

~~(1) Regular: A regular secondhand dealer's license may be granted to any person who sells or intends to sell secondhand goods from a fixed location for period exceeding fifteen (15) consecutive days in a calendar year.~~

~~(2) Transient: A transient secondhand dealer's license may be granted to any person who sells or intends to sell secondhand goods from various locations for a period not exceeding fifteen (15) consecutive days at any one specific location. Such license shall only be issued for, and valid at a location where, a person has been issued a "group" permit as defined herein, and such group permittee has sponsored the transient applicant.~~

~~(3) Group: A group secondhand dealer's license may be granted to any person who sponsors a used goods show at any one location for a period not exceeding fifteen (15) consecutive days. Such group permittee shall be required to set out the names and addresses of each person the group applicant will allow to participate in the used goods show and such group applicant will be required to obtain a transient dealer's license for those persons that do not hold one. A transient dealer's license is required of each person other than the group licensee who participates in the used goods show.~~

~~(4) Antique: An "antique dealer" designation may be given any of the above three (3) classes of secondhand dealer's licenses upon the request of the applicant, who satisfactorily shows that he predominantly deals in what is commonly known as antiques or works of art; and the controller, in his discretion may make such special designation upon payment of an additional fee (to that required for such secondhand dealer's license) of twenty five dollars (\$25.00).~~

~~(c) Any person may apply for, and hold, more than one class of secondhand dealer's license at a time; provided that, the issuance of one class of license shall not entitle an applicant to another class of license.~~

~~Sec. 17-456. License fees.~~

~~The annual fee for a license required by this article shall be fifteen dollars (\$15.00) for each place of business of the licensee.~~

~~Sec. 17-457 951-202. Unlawful Purchases.~~

~~It shall be unlawful for any licensee dealer in secondhand goods to receive any articles in the course of his business from any person who is in an intoxicated condition, a minor or who is known or suspected by him to have acquired and be disposing of such articles unlawfully.~~

~~Sec. 17-458 951-203. Record book to be kept.~~

~~(a) Every licensee dealer in secondhand goods under this article who deals in firearms, jewelry, electronic items or equipment, tools, or any item originally marked with a serial number shall keep a record book in which shall be legibly written in ink in the English language at the time of receiving any goods the following: An accurate description of the article received; the amount of money paid for it; the exact time of the transaction; and the name, residence, address, telephone number, age, color, height, weight, complexion, style of beard or mustache, any visible distinguishing marks, style of dress, and number of any license badge of the person delivering the goods to the licensee dealer in secondhand goods.~~

~~(b) The record book required to be kept by subsection (a) shall be open to inspection at all reasonable times by the police or the controller.~~

Sec. 17-459 951-204. Card record for police.

(a) In addition to the record book required by this article, all ~~licensees~~ dealers in secondhand goods under this article who deal in firearms, jewelry, electronic items or equipment, tools, or any item originally marked with a serial number shall fill out one of the cards prescribed by subsection (b) for each article of firearm, jewelry, electronic items or equipment, tools, or other item originally marked with a serial number received. The ~~licensee~~ dealer in secondhand goods shall fill out the front of each card in its entirety and the description of the customer on the back. The customer shall write in his own handwriting his name and address on the back of the card and place his right thumbprint in the space provided. If the right thumb is missing, any of the customer's fingerprints may be used. The thumbprint shall be made in the manner approved by the ~~police~~ local law enforcement agency and shall not be blurred or obliterated.

(b) The cards required by subsection (a) which are to be filled out shall be in the following form:

"REPORT OF SECONDHAND PROPERTY RECEIVED	
Article _____	Serial No. _____
Maker's Name _____	Color, Style, Design _____
Marks and Further Description _____	
Purchase Price _____	
Dealer's Name _____	
Location _____	
Dealer's License No. _____	Date Reported _____, 19__

(c) The back side of the card prescribed by subsection (b) shall be in the following form:

"Signature _____
Address _____
Description of Customer--To be filled out by dealer _____
Sex ___ Age ___ Height ___ ft. ___ in. Weight ___ lbs.
Race or Nationality _____
Clothing _____
Complexion _____ Right Thumbprint"

(d) ~~Before the hour of 12:00 noon of each Friday, each licensee under this article shall deliver all of the cards filled out in the previous business week, pursuant to the requirement of this section, to the chief of police. These cards shall be mailed by the dealer in secondhand goods to the local law enforcement agency no later than the next business day after the item of personal property is received.~~

Sec. 17-460 951-205. Retention of acquired property.

All ~~property~~ firearms, jewelry, electronic items and equipment, tools, or other items originally marked with a serial number received by a ~~licensee~~ dealer in secondhand goods under this article shall be held intact by the ~~licensee~~ dealer in secondhand goods for ~~at least ten (10) days~~ seven (7) business days after the dealer in secondhand goods has mailed the card to the local law enforcement agency as required by this article ~~is purchased~~. Whenever any ~~licensee~~ dealer in secondhand goods receives written notice, either from the police department or from an individual, that someone is maintaining a claim of right to possession of the ~~property~~ firearm, jewelry, electronic items or equipment, tools, or other item originally marked with a serial number adverse to the ~~licensee~~ dealer, the ~~licensee~~ dealer shall keep the ~~property~~ article in his possession or turn it over to the ~~police~~ local law enforcement agency if so required by the ~~chief of police~~ local law enforcement agency. Once notice of an adverse claim to ~~property~~ the article has been given under this section, the ~~property~~ article shall be held for ~~a period of twenty (20) days~~ twenty (20) days, during which legal proceedings may be commenced to determine who is entitled to the property. If the matter is not settled or legal proceedings have not been commenced within ~~twenty (20) days~~ twenty (20) days, the property shall be returned to the ~~licensee~~ dealer in secondhand goods by the ~~police~~ local law enforcement agency if held by them, ~~and the licensee may dispose of the property as he sees fit.~~

Sec. 17-461 951-206. Garage, patio and residence sales.

(a) Definitions.

- (1) A "garage sale" shall be defined as an advertised sale of used, tangible personal property, at a location which is zoned under the Dwelling Districts Zoning Ordinance of Marion County.
- (2) The term "advertised" shall mean any visible evidence that said property is being sold.
- (b) Limitation on frequency. It shall be unlawful for any person to hold or allow to be held any garage sale at any such location, at any time: After two (2) garage sales have been held at said location in one calendar year.
- (c) Limitation on length. It shall be unlawful for any person to hold or allow to be held any garage sale for more than three (3) consecutive days.
- (d) Limitation and advertising. It shall be unlawful for any person who holds or allows to be held any garage sale to leave remain standing or posted any advertising of said sale in or on any public right-of-way.
- (e) Restriction on items to be sold. It shall be unlawful to sell at a garage sale any goods or merchandise purchased for the purpose of resale.
- (f) Penalty. Any person found guilty of violation of this section shall be fined as follows:
 - (1) Upon the first conviction \$50.00
 - (2) Upon the second conviction \$75.00
 - (3) Upon the third or subsequent convictions \$200.00
- (g) Violations may be enjoined under state law. Violations of this section may be enjoined under the provisions of 18-1-1.5(C).

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

The President commended Councillor Franklin for the constructive and patient way in which he resolved these very complicated matters.

PROPOSAL NO. 1, 1995. Councillor Coughenour stated that since she was absent at the January 26, 1995 Public Works Committee meeting, Councillor Rhodes will give the Committee report. Councillor Rhodes stated that Proposal 1, 1995 amends the Revised Code concerning industrial wastewater pretreatment. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Rhodes moved, seconded by Councillor Coughenour, for adoption. Proposal No. 1, 1995, as amended, was adopted on the following roll call vote; viz:

29 YEAS: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams
0 NAYS:

Proposal No. 1, 1995, as amended, was retitled GENERAL ORDINANCE NO. 22, 1995 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 22, 1995

A GENERAL ORDINANCE amending the Revised Code of Indianapolis and Marion County, Indiana to make certain amendments to Chapter 671, Sewers and Sewage Disposal.

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

SECTION 1. The heading to Article I and Article I, Sections 671-2, 671-3, 671-4, 671-5, 671-6, 671-7, 671-8, 671-9, 671-10, 671-11, 671-12, 671-13, 671-16 and 671-17 are hereby amended by inserting the underlined text and deleting the stricken-through text to read as follows:

ARTICLE I. ~~IN~~ GENERAL

Sec. 671-2. Definitions.

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

ASTM shall mean the American Society for Testing and Materials.

Accidental discharge shall mean an unintentional release of a material that could potentially violate the requirements of sections 671-4(c), (d), or (e).

Act shall mean the Federal Water Pollution Control Act, as amended as of January 1, 1995, 33 USC 1251, et seq., also known as the Clean Water Act or CWA.

Administrator shall mean the ~~Regional~~ Administrator of ~~Region V~~, U.S. Environmental Protection Agency or ~~Commissioner in an NPDES state with an approved state of the Indiana Department of Environmental Management or its successor, provided such state agency has a pretreatment program approved by the EPA.~~

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

Approval authority shall mean the administrator.

Authorized representative of industrial user shall be:

- (1) A responsible corporate officer if the industrial user is a corporation. A responsible corporate officer shall mean:
 - a. A president, vice president, treasurer, or secretary of the corporation in charge of a principal business function or any other person who performs similar policy or decision-making functions for the corporation; or
 - b. A manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to said manager in accordance with corporate procedures.
- (2) A general partner or proprietor if the industrial user is a partnership or sole proprietorship, respectively.
- (3) For a municipality, State, Federal or other public agency, by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).
- (~~3~~4) An individual duly authorized by the person designated in (1), ~~or (2)~~ or (3) above, provided:

- a. The authorization is made in writing by the individual described in subsection (1), ~~or (2)~~ or (3) above;
- b. The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the discharge originates, such as the position of plant manager, plant engineer, superintendent, or a position of equivalent responsibility or having overall responsibility for environmental matters for the company; and
- c. The written authorization is submitted to the city.

Board shall mean the board of public works.

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

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

Building sewer shall mean the extension from the building drain to the public sewer or other place of disposal and shall include that portion of the drain within the public right-of-way.

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

City shall mean the consolidated city of Indianapolis, Indiana.

City sewer shall mean a sewer owned and operated by the city.

Combined sewer shall mean a sewer receiving both surface runoff and sewage.

Composite sample shall mean a twenty-four-hour composite sample. Samples may be done either manually or automatically, and continuously or ~~discretely~~ discretely, with not less than twelve (12) samples to be composited.

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

Council shall mean the city-county council of Indianapolis, Marion County, Indiana.

Department shall mean department of public works, City of Indianapolis.

Direct discharge shall mean the discharge of treated or untreated wastewater directly to the surface waters of the State of Indiana.

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

Discharge report shall mean any report required of an industrial user by section B.2. of the industrial discharge permit.

Domestic wastewater shall mean wastewater of the type commonly introduced into a POTW by residential users.

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

Foundation drains shall mean any network of pipes, pumps, or drainage mechanism located at, near or under a footing, foundation or floor slab of any building or structure that intentionally or unintentionally conveys groundwater away from a building or structure.

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

General pretreatment regulations shall mean "General Pretreatment Regulations for Existing and New Sources of Pollution," 40 CFR, ~~Section Part~~ 403, ~~as amended~~.

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

Heat pump discharge shall mean water discharged from a heat pump or other device that uses water as a heat source or heat sink.

Indirect discharge shall mean the discharge or the introduction of non-domestic pollutants from any source regulated under Section 307(b) or (c) of the Act (33 U.S.C. § 1317), into the POTW (including holding tank waste discharged into the system).

Industrial surveillance section shall mean the industrial surveillance section of the department of public works.

Industrial user shall mean any user of the POTW who discharges, causes, or permits the discharge of non-domestic wastewater into the POTW.

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

Infiltration shall mean the groundwater entering the sewer system from the ground through such means as, but not limited to, defective or poorly constructed pipes, pipe joints, connections and manholes or from drainage pipes constructed to remove groundwater from areas such as building foundations and farm fields.

Inflow shall mean the storm and surface water entering directly into sewers from such sources as, but not limited to, manhole covers, roof drains, basement drains, land drains, foundation drains, cooling/heating water discharges, catch basins, or stormwater inlets.

Interference shall mean any discharge which, alone or in conjunction with a discharge or discharges from other sources, both: (1) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use, or disposal; and (2) therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research, and Sanctuaries Act.

Lift station shall mean any arrangement of pumps, valves and controls that lifts wastewater to a higher elevation.

NH₃-N (denoting ammonia nitrogen) shall mean all of the nitrogen in water, sewage or other liquid waste present in the form of ammonia, ammonia ion or in the equilibrium NH_4^+ , NH_3 , and H^+ .

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

New source shall mean any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

- (1) The building, structure, facility, or installation is constructed at a site at which no other source is located; or

- (2) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
- (3) The production or wastewater-generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site.

Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of (2) or (3) above but otherwise alters, replaces, or adds to existing process or production equipment.

Construction of a new source has commenced if the owner or operator has:

- (1) Begun or caused to begin as part of a continuous onsite construction program:
 - a. Any placement, assembly, or installation of facilities or equipment; or
 - b. Significant site preparation work including ~~cleaning~~clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment.
- (2) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

Nonindustrial user shall mean all users of the POTW not included in the definition of "industrial user."

Pass-through shall mean a discharge which exits the POTW into waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

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

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

Pollutant shall mean, but is not limited to, any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical materials, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

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

POTW shall mean all publicly owned facilities for collecting, pumping, treating, and disposing of wastewater, including sewers, lift stations, manhole stations, and the wastewater treatment plants.

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

Pretreatment standard or *regulation* shall mean any substantive or procedural requirement related to pretreatment contained in this chapter.

Process wastewater means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

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

Public sewer shall mean any combined or sanitary sewer or lift station located within the public right-of-way or a dedicated easement and which is controlled by public authority.

Radioactive material means any material (solid, liquid, or gas) which spontaneously emits ionizing radiation and which is regulated by the Nuclear Regulatory Commission (NRC) or the Indiana State Board of Health. This may include naturally occurring radioactive material, by-product material, accelerator produced material, source material, or special nuclear material.

Sanitary district shall mean that area incorporated into the Marion County liquid waste sanitary district.

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

Sewage normally discharged by a residence shall mean the liquid waste contributed by a residential living unit and shall not exceed a volume of ten thousand five hundred (10,500) gallons per month, thirty (30) pounds of BOD per month and thirty-five (35) pounds of suspended solids per month.

Sewer shall mean a pipe or conduit for carrying sewage.

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

Shall is mandatory; *may* is permissive.

Significant industrial user (SIU) shall mean any industrial user which is:

- (1) A facility regulated by a national categorical pretreatment standard and generates a process discharge;
- (2) A non-categorical facility with a process wastewater discharge greater than an average of 25,000 gallons per day;
- (3) Any industrial user with a reasonable potential to adversely affect the POTW, its treatment processes or operations, or its sludge use or disposal or for violating any pretreatment standard or requirement; or
- (4) Any other industrial user deemed to be significant by the director on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement; or
- (5) Any other industrial user which contributes process wastewater which makes up five (5) percent or more of the dry weather average hydraulic or organic capacity of the POTW treatment plant.

Upon a finding that an industrial user meeting the criteria of paragraphs (2), (3), (4) and (5) of this section has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the director may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with 40 CFR § 403.8(f)(6), determine that such industrial user is not a significant industrial user.

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

State shall mean the State of Indiana.

Storm drain or storm sewer shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

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

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

Toxic pollutant shall mean any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provisions of CWA §§ 307(a) or 405(d) or other acts.

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

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

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

Wastewater treatment plant shall mean any arrangement of devices and structures used for treating wastewater.

Wastewater works shall mean all facilities for collecting, pumping, treating and disposing of wastewater.

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

Abbreviations. The following abbreviations shall have the designated meanings:

<u>BOD or BOD₅</u> :	Biochemical oxygen demand
CFR:	Code of Federal Regulations (<u>July 1, 1994 edition</u>)
COD:	Chemical oxygen demand
<u>CWA</u> :	<u>Clean Water Act</u>
EPA:	<u>United States Environmental Protection Agency</u>
<u>G.O.</u>	<u>General Ordinance</u>
<u>IC</u>	<u>Indiana Code</u>
<u>IAC</u>	<u>Indiana Administrative Code (as amended as of December 1, 1994)</u>
IDEM:	Indiana Department of Environmental Management
ISBH:	Indiana State Board of Health
l:	Liter
mg:	Milligrams
mg/l:	Milligrams per liter
NPDES:	National Pollutant Discharge Elimination System
POTW:	Publicly Owned Treatment Works
SIC:	Standard industrial classification
SS:	Suspended Solids
SWDA:	Solid Waste Disposal Act, 42 USC § 6901, <u>et seq.</u>
TSS:	Total Suspended Solids
40 CFR 136:	"Guidelines Establishing Test Procedures for the Analyses of Pollutants"
330 AIC 5-12-2:	"Regulations for National Pretreatment Standards for Prohibited Discharges"

Sec. 671-3. Unlawful disposal of wastes.

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

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

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

Sec. 671-4. Regulation of discharges to public sewers.

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

(b) Storm water and all other unpolluted drainage may be discharged through existing structures to such sewers as are specifically designated as combined sewers or storm sewers. No additional flow shall be introduced. Industrial cooling waters or unpolluted process waters may be discharged, on approval of application, as provided in section 671-41.

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

- (1) Fire or explosion hazard;
 - (2) Corrosive structural damage to the POTW but in no case water with a pH lower than 5.0 or higher than ~~10.0~~12.0;
 - (3) Obstruction to the flow in city sewers, or other interference with the proper operation of the POTW;
 - (4) An interference;
 - (5) A pass-through.
- (d) No person shall discharge or cause to be discharged to any city sewer:
- (1) A slug or a flow rate and/or pollutant discharge rate which is excessive over a relatively short time period so that there is a treatment process upset and subsequent loss of treatment efficiency;
 - (2) Heat in amounts which will inhibit biological activity at the wastewater treatment plant but in no case greater than sixty (60) degrees centigrade (140 degrees Fahrenheit) or heat in such quantities that the temperature at the wastewater treatment plant exceeds forty (40) degrees centigrade (104 degrees Fahrenheit) ~~unless approved by the director~~;
 - (3) Any wastewater containing toxic pollutants or any discharge which could result in toxic gases, fumes, or vapors in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed applicable categorical pretreatment standards;
 - (4) A wastewater with a closed cup flash point of less than 140 degrees Fahrenheit or any liquids, solids or gases which, by reason of their nature or quantity, are or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious or hazardous in any other way to the POTW or to the operation of the wastewater treatment plant. At no time shall a discharge cause a reading on a meter capable of reading L.E.L. (lower explosive limit), to be greater than ten (10) per cent at the point of discharge to the POTW, or at any point in the POTW.
 - (5) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair;
 - (6) Solid or viscous substances and/or other pollutants which may cause obstruction to the flow in a sewer or other interference with the operation of the POTW such as, but not limited to, grease, improperly shredded garbage, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood plastics, tar, asphalt

residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes, or tumbling and deburring stones;

- (7) Any substance which may cause the POTW's effluent or any other product of the wastewater works such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations developed under Section 405 of the Act;
 - (8) Any substance which will cause the POTW to violate its NPDES permit or the receiving stream's water quality standards;
 - (9) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes, inks, and vegetable tanning solutions;
 - (10) Any wastewater containing radioactive material above limits contained in regulations, licenses, or orders issued by the appropriate authority having control over their use. The disposal of any licensed radioactive material must meet applicable local, state, or federal requirements;
 - (11) Any wastewater containing ~~an oil and grease concentration~~ a total petroleum hydrocarbons concentration as determined by a procedure deemed appropriate by the director in excess of 200 mg/l. This limitation shall apply at the point of discharge to the city sewer system and is the maximum concentration allowed in any single grab sample collected from the wastestream;
 - (12) Any gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, carbides, hydrides, stoddard solvents, sulfides, epoxides, esters, amines, polynuclear aromatic hydrocarbons, pyridines, new and used motor oil, or antifreeze, except at concentrations which do not exceed levels of such substances which are routinely present. ~~Background concentrations of these substances which are present in the normal wastewater discharge and do not otherwise violate any section of this chapter or the conditions of an industrial discharge permit or a special agreement; and shall be considered in compliance with this subsection.~~
 - (13) Polychlorinated biphenyls (PCBs) ~~are prohibited~~ in any detectable concentrations.
- (e) No person shall discharge or cause to be discharged a wastewater which has a twenty-four-hour composite value in excess of the values shown on Table 1.

TABLE 1
NON-CATEGORICAL DISCHARGE LIMITS
Maximum Allowable Concentration
24-Hour Composite Sample Value

<i>Pollutants</i>	<i>(mg/l)</i>
Arsenic	4.0
Cadmium	1.2
Chromium (total)	24.0
Chromium (hex)	3.4
Copper	2.2
Cyanide (amenable)	0.4
Cyanide (total)	8.0
Lead	4.7
Nickel	7.3
Phenol	46.0
Pentachlorophenol	0.012
Zinc	38.0
Mercury	0.025
Silver	4.2

(f) The limitations set forth in Table 1 above apply at the point of discharge to the city sewer system. The limitations for amenable cyanide, total cyanide, and phenols apply to 24 hour composite samples only in those

cases where the composite sample is preserved according to EPA approved methods prior to collection. Otherwise, the values set forth for amenable cyanide, total cyanide and phenols or, with the approval of the director, any other listed pollutants shall apply to an instantaneous grab sample taken during prevailing discharge conditions and representative of the facility's discharge in general. The limitations and requirements imposed in Sections 671-4(c) and (d) shall apply at the point of discharge to the city sewer unless specified otherwise.

(g) A grease interceptor shall be installed in the waste line leading from sinks, drains and other fixtures or equipment in restaurants, cafes, lunch counters, cafeterias, bars and clubs; hotel, hospital, sanitarium, factory or school kitchens; or other establishments where grease may be introduced into the drainage or sewage system in quantities that can affect line stoppage or hinder sewage treatment. The characteristics, size and method of installation of the grease interceptor shall meet the requirements imposed by the Department of Fire Prevention and Building Services and shall be reviewed and approved by the department of public works prior to the commencement of installation. Approval of proposed facilities or equipment does not relieve the person of the responsibility of enlarging or otherwise modifying such facilities to accomplish the intended purpose. On a showing of good cause, the director may waive this requirement. A grease interceptor is not required for individual dwelling units or for any private living quarters.

(h) No user shall change substantially the character or volume of pollutants discharged to the POTW without prior written notification to the city.

Sec. 671-5. Modification of federal categorical pretreatment standards.

When the city demonstrates consistent removal of pollutants limited by federal categorical pretreatment standards, as required by 40 CFR 403.7, ~~and any amendments thereto~~, the city may apply to the administrator of EPA, or the state if it has an approved pretreatment program, for authorization to give a removal credit to reflect removal of toxic or other regulated pollutants by the city's wastewater treatment system.

Sec. 671-6. State and federal requirements.

Federal categorical pretreatment standards or state requirements and limitations on discharges shall apply in any case where they are more stringent than those in this chapter. To the extent the federal regulations contain stricter standards, the categorical pretreatment standards, found in 40 CFR Chapter I, Subchapter N, Parts 405-471, are hereby incorporated by reference into this ordinance. To the extent the state regulations contain stricter standards, the pretreatment standards found in 327 IAC 5-12-6 are hereby incorporated by reference into this ordinance.

Sec. 671-7. City's right of revision.

The city reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater system than those in this chapter if deemed necessary to comply with the objectives presented in section 671-1 of this chapter or to comply with federal or state laws.

Sec. 671-8. Baseline report.

Within one hundred eighty (180) days after the effective date of a federal categorical pretreatment standard, or one hundred eighty (180) days after the final administrative decision made on a category, whichever is later, existing industrial users subject to such categorical pretreatment standards and currently discharging to or scheduled to discharge to the POTW will be required to submit to the director a report containing the following information as required by 40 CFR 403.12(b);

- (1) *Identifying information.* The user shall submit the name and address of the facility including the name of the operator and owners;
- (2) *Permits.* A list of any environmental control permits held by or for the facility;
- (3) *Description of operations.* User shall submit a brief description of the nature, average rate of production, and standard industrial classification of the operation(s) carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the wastewater works from the regulated processes;
- (4) *Flow measurement.* Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:

- a. Regulated process streams; and
- b. Other streams as necessary to allow use of the combined waste stream formula of 40 CFR 403.6(e).

The director may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

- (5) Measurement of pollutants. The pretreatment standards applicable to each regulated process and concentration and nature (or mass) as measured according to 40 CFR 403.12(b)(5).
- (6) The report shall state whether the applicable pretreatment standards or regulations are being met on a consistent basis. If not, then the report shall state what operation and maintenance and/or pretreatment is necessary to bring the user into compliance and the shortest schedule by which the user will provide such additional operation and maintenance and/or pretreatment, provided that the completion date shall not be later than the compliance date established for the applicable categorical pretreatment standard. This statement shall be signed by an authorized representative of the industrial user and certified by a professional engineer licensed in the State of Indiana.

Sec. 671-9. Excessive discharge.

No industrial user shall ever increase the use of process water or other flows to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the federal categorical pretreatment standards, or in any other pollutant-specific limitation developed by the city or state.

Sec. 671-10. Accidental discharge.

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

(b) In the case of an accidental discharge, it is the responsibility of the industrial user to immediately telephone and notify the ~~industrial surveillance section~~ director of the incident. The notification shall include:

- (1) Name of company;
- (2) Location of discharge;
- (3) Type of waste discharged;
- (4) Concentration and volume of waste discharged;
- (5) Corrective actions taken to minimize the impact of the discharge to the POTW.

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

(d) Within five (5) working days, unless extended by the director in writing, the industrial user shall submit to the director a detailed written report describing the accidental discharge including:

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

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

(f) An affirmative defense of upset may be available to an industrial user in an enforcement proceeding. In any enforcement proceeding the industrial user seeking to establish the occurrence of an upset shall have the burden of proof.

An industrial user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (1) An upset occurred and the industrial user can identify the specific cause(s) of the upset;
- (2) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures;
- (3) The industrial user has submitted to the city the information required in subsections (b) and (c) above.
- (4) The industrial user complied with any reasonable remedial measures to minimize or prevent any discharge or sludge use or disposal in violation of this chapter which has a reasonable likelihood of adversely affecting human health or the environment.

An upset defense is only available for violations of categorical pretreatment standards or technology-based permit effluent limitations.

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

Sec. 671-11. Liability for damage.

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

- (1) The work required to clean or repair the POTW; ~~and~~
- (2) Any civil penalty, fine or cost of compliance with injunctions or other orders of a court or governmental authority imposed against the city as a result of such interference, obstruction, damage or impairment; and
- (3) All other costs incurred by the city as a result of such interference, pass through, obstruction, damage or impairment including but not limited to expert, consultant and attorneys' fees;

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

A person shall have an affirmative defense to any charge assessed against it under this section where the person can demonstrate that it did not know or have reason to know that its discharge, alone or in conjunction with a discharge or discharges from other sources, would cause pass through or interference, and:

- (1) a local limit designed to prevent pass through and/or interference, as the case may be, has been developed for each pollutant in the person's discharge that caused pass through or interference, and the person was in compliance with such local limit directly prior to and during the pass through or interference; or
- (2) if a local limit designed to prevent pass through and/or interference, as the case may be, has not been developed for the pollutant(s) that caused the pass through or interference, the person's discharge directly prior to and during the pass through or interference did not change substantially in nature or constituents from the person's prior discharge activity when the POTW was regularly in compliance

with the POTW's NPDES permit requirements and, in the case of interference, applicable requirements for sewage sludge use or disposal.

Sec. 671-12. Special agreements.

Special agreements and arrangements between the department and any person may be established when, in the opinion of the director, unusual or extraordinary circumstances compel special terms and conditions. The director shall consider the total cost of application of technology in relation to the pollutant reduction benefits to be achieved from such application, the quality of pollutants that will be included in the discharge, the impact of those pollutants on the POTW and the receiving stream and such other factors as the director deems appropriate. A violation of a term of a special agreement shall be considered a violation of this chapter. There cannot be special agreements and arrangements where federal categorical pretreatment standards and requirements apply.

Sec. 671-13. Monitoring devices; metering equipment.

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

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

(c) Industrial users subject to categorical pretreatment standards shall have the option to designate a sampling location at a point containing only regulated process wastewaters or at a point containing the combined waste stream to demonstrate compliance with the applicable standard. The industrial user shall prove to the satisfaction of the director that the selected self-monitoring location contains all regulated waste streams. This option does not relieve the industrial user of the requirements specified in section 671-13(a).

(d) An industrial user shall obtain written approval of the director prior to changing the point of self-monitoring activities.

Sec. 671-16. Penalties.

(a) Notwithstanding any other section, any person who violates any provision or discharge limit of this chapter may be fined an amount not to exceed two thousand five hundred dollars (\$2,500.00). A violation of any permit issued under this chapter or special agreement entered into under the authority of this chapter shall constitute a violation of this chapter. Each day's violation shall constitute a separate offense.

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

Sec. 671-17. Recordkeeping requirement.

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

- (1) The date, exact place, method, and time of sampling and the name(s) of the person or persons taking the samples;
- (2) The dates analyses were performed;
- (3) Who performed the analyses;

- (4) The analytical techniques/methods used; and
- (5) The results of such analyses.

(b) Any industrial user subject to the reporting requirements established in this chapter shall be required to retain for a minimum of three (3) years any records of monitoring activities and results and shall make such records available for inspection and copying by the director, ~~and the EPA and the IDEM.~~ The city may extend the record-keeping retention requirement beyond three (3) years during periods of litigation, in anticipation of litigation, or as requested by the Approval Authority.

SECTION 2. Article III, Sections 671-43, 671-44, 671-47, 671-48, 671-50, 671-51, 671-57, 671-58 and 671-60 are hereby amended and a new Section 671-62 shall be added by inserting the underlined text and deleting the stricken-through text to read as follows:

Sec. 671-43. Term.

The industrial discharge permit shall be for a term of ~~three (3)~~ no more than five (5) years. Any person wishing to continue to discharge to a city sewer beyond the term of the industrial discharge permit shall apply for renewal of the industrial discharge permit at least sixty (60) days prior to the expiration of said permit using forms prescribed by the director, which forms may require the information set forth in section 671-42.

In the event the permittee does not receive permit renewal prior to the expiration date due to circumstances beyond the control of the permittee, the standards and requirements set forth in the expired permit shall remain in full force and effect until such renewal is received by the permittee.

Sec. 671-44. Conditions.

The director may prescribe conditions to the industrial discharge permit which may include the following:

- (1) Applicable federal and/or state laws, regulations or orders, including National Categorical Pretreatment Standards for new and existing sources promulgated in 40 CFR, Parts 401 through 471;
- (2) Limits or prohibitions on the wastewater characteristics other than those in section 671-4, including but not limited to polychlorinated biphenyls and polybrominated biphenyls for the protection of public health or the POTW. The director shall apply applicable federal categorical pretreatment standards or, in the absence of such standards, limits may be based on the best practical technology;
- (3) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a city sewer, as established by city-county council;
- (4) Limits on the average and maximum wastewater constituents and characteristics;
- (5) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
- (6) Requirements for installation and maintenance of inspection and sampling facilities;
- (7) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests, and reporting schedule;
- (8) Compliance schedules;
- (9) Requirements for submission of technical reports or discharge reports;
- (10) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city, and affording city access thereto;
- (11) Requirements for prior notification of the city of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the POTW;

(12) Requirements for notification of slug discharges and the submittal and implementation of a slug control program;

(13) Other conditions as deemed appropriate by the city to ensure compliance with this chapter.

Sec. 671-47. Non-assignability.

The industrial discharge permits are issued to a specific person for a specific facility and do not constitute a property interest nor shall the industrial discharge permit be assigned, conveyed or sold to a new owner, new user, different premises or a new or changed operation, except as follows: Industrial discharge permits may be reassigned or transferred to a new owner and/or operator if the permittee gives at least thirty (30) days advance written notice to the director and the director approves the industrial discharge permit transfer in writing. The notice to the director must include a written certification by the new owner and/or operator which: (1) states that the new owner and/or operator has no immediate intent to change the facility's operations and process; (2) identifies the specific date on which the transfer is to occur; and (3) acknowledges full responsibility for complying with the existing industrial discharge permit and all applicable laws and regulations. Failure to provide advance notice of a transfer renders the industrial discharge permit voidable on the date of facility transfer.

Sec. 671-48. Pretreatment.

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

Sec. 671-50. Periodic compliance reports.

Any user subject to a pretreatment standard set forth in this chapter, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the director, during the months of June and December, unless required more frequently in the pretreatment standard or by the director, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which, during the reporting period, exceeded the average daily flow reported in section 671-49. At the discretion of the director and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the director may agree to alter the months during which the above reports are to be submitted.

Reports of permittees shall contain the results of sampling and analyses of the discharge, including the flow and the nature and concentration, or production and mass where requested by the director, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All analyses shall be performed in accordance with 40 CFR, ~~pPart 136 and amendments thereto~~ or with any other test procedures approved by the director. Sampling shall be performed in accordance with the techniques approved by the director. Where 40 CFR, ~~pPart 136~~ does not include a sampling or analytical technique for the pollutant in question, sampling and analyses shall be performed in accordance with the procedures set forth in the EPA publication, "Sampling and Analysis Procedure for Screening of Industrial Effluent for Priority Pollutants," April, 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the administrator of the EPA.

Sec. 671-51. Confidential information.

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

Information accepted by the city with a claim for confidentiality shall be safeguarded by the city and shall not be transmitted to ~~any government agency or~~ to the public until and unless a fifteen-day notification is given to the user. During the fifteen-day period, the user shall submit a justification of confidentiality to the director. A determination of confidentiality shall be made by the director pursuant to regulations used by the ~~Indiana Water Pollution Control Board-EPA~~ for acquisition of and public access to agency information, ~~as amended, 327 IAC 5-1.5-1 et seq. 40 CFR § 403.14.~~

Sec. 671-57. Appeals.

A user may file with the director a written request for reconsideration within fifteen (15) days of any action, decision or determination taken as part of the department's administrative enforcement program. The request shall set forth in detail the facts surrounding the request. The director shall respond within ten (10) days of receipt of the request and shall make his/her final determination within ten (10) thirty (30) days of receipt of the request.

The user may further appeal to the board of public works within fifteen (15) days of any final decision of the director. (G.O. 77, 1984, § 2)

Sec. 671-58. Publication of significant noncompliance.

During January of each year, the city shall publish in the largest city newspaper a list of the users which at any time during the previous calendar year were in significant noncompliance with applicable pretreatment requirements. The list shall be published in January of each year summarizing the noncompliance of the previous calendar year.

Significant noncompliance shall be chronic violations of discharge limitations in which sixty-six percent (66%) or more of all measurements taken during a six (6) month period exceed by any magnitude the daily maximum for any given parameter; violations of technical review criteria (TRC) as set forth in 40 CFR § 403.8(f)(2)(vii) in which thirty-three percent (33%) or more of all measurements for each pollutant parameter taken during a six (6) month period exceed the daily maximum or average limit multiplied by the applicable TRC; violations of an effluent limit that the director has determined has caused interference or pass-through at the POTW or endangerment to POTW personnel or the public; discharge of a pollutant causing imminent endangerment to human health, welfare, or the environment; failure to meet, within ninety (90) days after a scheduled date, a compliance schedule milestone contained in a compliance schedule or order; failure to provide a required report within thirty (30) days after the due date; failure to accurately report noncompliance; or any violation which the director determines will adversely affect the operation or implementation of the city's pretreatment program.

Sec. 671-60. Signatory requirements.

Reports and sworn statements required by sections 671-8, 671-10(c), 671-42(b), 671-49, 671-50, 671-59, and 671-61(b) shall be made by an authorized representative as defined in section 671-2 of this chapter. The reports and sworn statements which relate to the actual operation of or discharge from a pretreatment facility shall be prepared by or under the direction of a wastewater treatment plant operator certified under the provisions of 327 IAC 8, if the industrial user is required to have such a certified wastewater treatment plant operator.

If an authorization allowed under this section is no longer accurate due to changes in the person or position designated, a new authorization satisfying the requirements of this section shall be submitted to the city prior to or together with any applicable report.

Such reports and sworn statements shall be made as follows: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Sec. 671-62. Discharge of hazardous wastes.

Any industrial user which discharges a substance, which if disposed of otherwise would be a hazardous waste under 40 CFR Part 261, shall give prior written notification to the director, the Indiana Department of Environmental Management, and U.S. EPA Region 5 of such discharge, in accordance with the requirements of 40 CFR Part 261 and 40 CFR § 403.12(p).

SECTION 3. Article IV, Sections 671-104 and 671-108 are hereby amended by inserting the underlined text and deleting the stricken-through to read as follows:

Sec. 671-104. Billing Estimates and Reports.

(a) In the event a nonindustrial user subject to such charges and fees is not served by a public water supply or water used is not completely metered, the director shall have the authority to estimate the volume and strength of the waste and use such estimate for the purposes of billing rates and charges. The estimates shall be based upon analyses and volumes of a similar installation or the volume and analysis as determined by measurements and samples taken by the director or an estimate determined by the director or by any combination of the foregoing or other equitable method.

(b) Unless otherwise established by the director, each industrial user subject to the charges and fees shall report to the director by the twenty-fifth (25th) day of the following month on a form prescribed by the director an estimate of the volume discharged in the prior month and a representative value of the strength of the waste, including but not limited to BOD, SS, and (ammonia) nitrogen. All measurements, tests and analyses of the characteristics of such waste shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Sewage" as published jointly by the American Public Health Association and the Water Pollution Control Federation consistent with 40 CFR ~~p~~Part 136 or by other methods generally accepted under established sanitary engineering practices and approved by the director. The reports submitted shall be subject to verification by the director but may serve as the basis for billing with all necessary adjustments in the amounts to be made after verification. In the event an analysis and volume of the industrial waste is not furnished to the director by the aforementioned time, the charges shall be based upon estimates made by the director, as provided in section 671-104(a).

In the event that an industrial user fails to submit the report required by section 671-104(b) by the twenty-fifth (25th) day of the following month, the industrial user shall pay late reporting charges according to the following schedule:

<i>Late Reports Filed in any Year</i>	<i>Charge</i>
First Late Report	No Charge
Second Late Report	No Charge
Each Subsequent Late Report	\$100.00

These late reporting charges shall be due and payable as provided in this article. The imposition of such late reporting charges shall in no way limit the operation of penalties provided elsewhere in this chapter.

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

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

(e) The cost of all tests, measurements and analyses taken by the director pursuant to the department of public works' responsibility to perform industrial monitoring programs, defined and directed by local, state and federal agencies, shall be charged to the industrial user tested in an amount equal to the actual average cost of

said test, measurement or analyses as determined at the close of each calendar year. These costs shall be due and payable as provided in this article.

Sec. 671-108. Rules and regulations authorized.

After the passage of General Ordinance No. 63, 1977, and from time to time thereafter as may be needed, the board may, by resolution, promulgate rules and regulations necessary to implement and carry out the provisions of this article and not inconsistent therewith. Before any such rules and regulations shall become effective, the board of public works shall follow the procedures provided in IC 36-9-25, ~~as amended.~~

SECTION 4. Article VI, Sections 671-128, 671-130, 671-131, 671-132, 671-133 and 671-134 are hereby amended and a new Section 671-135 shall be added by inserting the underlined text and deleting the stricken-through text to read as follows:

Sec. 671-128. Definitions.

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

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

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

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

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

Land application shall mean the process of disposing of wastewater by burial or incorporation into the soil.

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

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

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

~~Sewer shall mean a pipe or conduit for carrying sewage.~~

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

Vehicle shall mean that device used to transport a tank.

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

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

~~Wastewater treatment plant shall mean any arrangement of devices and structures used for treating sewage.~~

Sec. 671-130. Registration.

(a) Any wastewater hauler as defined in section 671-129 must be registered with and receive a permit from the department and must display a valid decal issued by the department in the lower corner of the driver's side windshield of each vehicle. ~~This registration must be renewed, and a new permit issued each year by the department. Applications for permits must be filed no later than December first of each year, and permits and decals will be issued effective for the following February first of each year.~~ The charge for the permit and decal for each vehicle shall be established by rule or regulation of the board of public works. Such charge shall be due and payable at the time of filing. Such charges may be revised by the board no more than once each calendar year in accordance with ~~§~~section 3-405 of the Indianapolis Code.

(b) Each wastewater hauler shall ~~include update in~~ his/her permit application as required by the director and shall include the following information:

- (1) Proof of ownership of each vehicle including owner's name and legal address;
- (2) Proof of a current valid ~~Indiana State Board of Health~~ ISBH permit;
- (3) Proof of insurance as specified in section 671-130(d);
- (4) The wastewater hauler's legal address and legal business address, type of business, i.e. domestic and/or industrial wastewater hauler;
- (5) The number of wastewater hauling vehicles, tank capacity in gallons of each vehicle, and license and vehicle identification numbers of all vehicles.
- (6) Any other information as may be deemed by the director to be necessary to evaluate the wastewater hauler's permit.

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

(d) Each ~~applicant wastewater hauler~~ shall be insured in an amount set forth by rule or regulation of the board of public works. The insurance coverage shall cover all work performed by the wastewater hauler while transporting and discharging wastewater and shall include but not be limited to liability arising out of disposal of any hazardous waste, spilled material on public property, and fines or any other costs incurred by the city as a result of the wastewater hauler's activities. The ~~consolidated~~ city shall be named as an additional insured. A certificate of such policies shall be delivered to the department of public works prior to commencement of hauling. The insurance carrier shall give notice to the city at least thirty (30) days before such insurance is either cancelled or not renewed, and the certificate shall state this obligation.

Wastewater haulers permitted at the time of the effective date of this provision shall submit proof of adequate insurance coverage with the next permit application or upon expiration of their bond, whichever is sooner. Potential wastewater haulers applying for a permit subsequent to the effective date of this provision shall secure the proper insurance coverage at the time of filing.

(e) After the application has been received and reviewed by the director, and has been determined to satisfy the conditions above, a permit and decal for each vehicle shall be issued, for a period not to exceed ~~one year~~ five years from date of issuance. The director may prescribe additional permit conditions, including but not limited to:

- (1) Approved charges and fees;
- (2) Limits on the wastewater characteristics;
- (3) Restrictions on the times and days of discharge;
- (4) Requirements for the completion, submittal and retention of customer receipts and other documents and reports related to wastewater hauling;

(5) Type of wastewater allowed to be hauled and disposed of at POTW;

(6) Location of approved discharge sites;

(7) Any other condition as deemed appropriate by the director to assure compliance with this chapter.

~~(f) Noncompliance, the furnishing of false information, or misrepresentation of a material fact with respect to any part of this article, shall be grounds for revocation of the permit or rejection of the application. Reissuance of, or reapplication for a permit shall be at the discretion of the director and may be subject to such conditions as he/she deems appropriate. No refund shall be allowed for any revocation or rejection as provided above. A waste water hauler's permit is issued to a specific person at a specific location and does not constitute a property interest nor shall the permit be assigned, conveyed or sold to a new owner, different premises or new or changed operation.~~

Sec. 671-131. Discharging procedures.

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

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

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

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

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

(f) Any disposal of wastewater into the POTW must be performed by a wastewater hauler having the permit described in section 671-130(a). Disposal of domestic wastewater or restaurant grease trap waste generated inside or outside Marion County require no further approval. A wastewater hauler disposing of industrial or commercial wastewater generated inside or outside Marion County must obtain special approval as specified by the department.

Sec. 671-132. Testing requirements.

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

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

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

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

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

Sec. 671-133. Administration procedures.

(a) All wastewater haulers ~~must~~ shall maintain accurate ~~monthly~~ business records pertaining to wastewater hauling, available to the director, EPA, IDEM and ISBH upon request, showing including names, addresses, and telephone numbers of the generators of all wastewater being transported and/or disposed of, county of origin, type of waste, volume of waste, and disposal site, customer receipts required under section 671-133(b), and approvals, permits and certifications issued by federal, state and local authorities. All records required to be retained under this article shall be retained for a minimum of three years.

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

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

(d) Whenever required to carry out the objectives of this article relating to the control of the discharging of ~~domestic or industrial~~ wastewater or the collection of dump fees, the director shall have a right-of-entry to, upon or through any premises for purposes of inspection, measuring and sampling. This right-of-entry shall include, but not be limited to, any equipment necessary to conduct said inspections, measuring and sampling. It shall be the duty of the wastewater hauler to provide all necessary clearance before entry and not to unnecessarily delay or hinder the director in carrying out the inspection, measuring and sampling. The right of entry shall exist at any time.

Sec. 671-134. Enforcement.

(a) Any person who fails to comply with any provisions of this article, ~~shall~~ may be fined not more than two thousand five hundred dollars (\$2,500.00) for each offense. A violation of a permit issued under this article or a special agreement entered into under the authority of this article shall constitute a violation of this article. Each violation of this article shall constitute a separate offense. In addition, the department shall be entitled to all reasonable expenses including court costs and attorney fees.

~~(b) In addition to the penalties provided in the foregoing section, whenever a person violates any provision of this article the department may apply to a court of competent jurisdiction for injunctive relief. Nothing in this article shall restrict any right which may be provided by statute or common law to the city to bring other actions, at law or in equity, including injunctive relief.~~

Sec. 671-135 Permit revocation.

(a) The director may revoke, suspend or modify the permit for any of the following reasons:

(1) A violation of any provision of this article or of any applicable state or federal statute or regulation related to wastewater hauling;

(2) Failure to report the characteristics of any load, including the furnishing of false information or misrepresentation of any material fact related to wastewater hauling;

(3) Refusal of reasonable access to the wastewater hauler's premises for the purpose of inspecting records, inspection, sampling or monitoring;

(4) Noncompliance with any condition of the permit or special agreement entered into under the authority of this article.

(b) The director shall send written notice of facts underlying the proposed revocation, suspension or modification to the wastewater hauler.

(c) The director shall grant a hearing upon the receipt of the wastewater hauler's written request made within fifteen days of the notice of revocation. The director shall hold the hearing within ten days of the receipt of the written request. If the wastewater hauler does not request a hearing as provided by this article, the revocation, suspension or modification shall be effective upon the date of the notice.

(d) At the hearing, the wastewater hauler may present any evidence which the director finds relevant and material to the issues underlying the proposed revocation, suspension, or modification. Based on the evidence presented at the hearing, the director shall make a written determination either revoking, suspending, modifying or reinstating the permit.

(e) If the wastewater hauler objects to the decision made by the director, the wastewater hauler shall be entitled to a hearing before the board of public works upon such objection. The wastewater hauler shall file a written statement of his objections with the director, who shall call the same to the attention of the board. The appeal shall be scheduled before the board within thirty (30) days after such objections are filed with the director. Notice shall be given to the wastewater hauler identifying the time, place and date of the appeal hearing at least ten (10) days prior to the scheduled date. The board may hear any evidence it finds relevant. After the hearing, the board may confirm, reverse or modify the decision of the director. The order of the board shall be final. Such order shall be made within ten (10) days after the hearing and shall be in writing and sent to the wastewater hauler.

SECTION 5. Article VII, Section 671-157 is hereby amended by inserting the underlined text and deleting the stricken-through text to read as follows:

Sec. 671-157. Execution of covenant.

(a) The director may, as a prerequisite to the issuance of a construction permit, require the execution of covenants and/or easements running in form to the City of Indianapolis and County of Marion by the owner or owners of any such parcel. As a minimum in such cases, the director shall require that the following covenant be executed by the owner or owners of such parcel which shall be included in a recorded plat:

"It shall be the responsibility of the owner of any lot or parcel of land within the area of this plat to comply at all times with the provisions of the sanitary sewer construction plan approved by the department of public works and the requirements of all sanitary sewer construction permits for this plan issued by said department.

"Owner further covenants that no building, structure, tree or other obstruction shall be erected, maintained, or allowed to continue on the portion of the owners' real estate in which the easement and right-of-way is granted without express written permission from the department. Such permission, when duly recorded, shall run with the real estate. The department and its agents shall have the right to ingress and egress, for temporary periods only, over the owners' real estate adjoining said easement and right-of-way, when necessary to construct, repair or maintain sanitary sewer facilities."

(b) Any person who violates a covenant required under this section, and/or the owner of any parcel of land who permits such a violation, who is notified in writing by the department of public works or department of metropolitan development that a violation exists, shall be given a reasonable period of time, not to exceed thirty (30) days, in which to correct such violation. The notice shall specify the nature of the violation and shall stipulate a required correction date.

SECTION 6. The expressed or implied repeal or amendment by this ordinance or any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 7. Should any provision of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, if such remaining provisions can be given the effect intended by the council in adopting this ordinance. To this end, the provisions of this ordinance are severable.

SECTION 8. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 39, 1995. Councillor Giffin reported that the Parks and Recreation Committee heard Proposal No. 39, 1995 on February 2, 1995. The proposal, sponsored by

Councillor Boyd, amends the Revised Code concerning the Resources Development Division of the Indianapolis Department of Parks and Recreation. This proposal requires that area residents be properly notified when their parks are discussed for disposal or utilized for any purpose other than a park. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Giffin said that the Committee was not certain what process should be followed on notification. He asked Robert G. Elrod, General Counsel, to clarify the language of notification. Mr. Elrod stated that members of the Council received in their agenda packet an amended Committee version of Proposal No. 39, 1995. At the end of paragraph (6) the following sentence has been inserted: Such notice shall be given by first class mail addressed to the owners of real estate adjacent to the park in question to a depth of two ownerships or six hundred feet, which ever is less, as determined from the records of the township assessor, and by publication as required under IC 5-3-1-2(b).

Mr. Elrod said that this amendment essentially parallels the zoning notification language. Councillor Giffin moved that the amended Committee version of Proposal No. 39, 1995 be substituted for the original proposal. This motion was seconded by Councillor O'Dell, and it passed by unanimous voice vote.

Councillor Rhodes moved, seconded by Councillor Franklin, for adoption. Proposal No. 39, 1995, as amended, was adopted on the following roll call vote; viz:

29 YEAS: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams
0 NAYS:

Proposal No. 39, 1995, as amended, was retitled GENERAL ORDINANCE NO. 23, 1995 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 23, 1995

A GENERAL ORDINANCE amending the section of the Revised Code concerning the Resources Development Division of the Indianapolis Department of Parks and Recreation.

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

SECTION 1. Sec. 241-501 of the "Revised Code of the Consolidated City and County" be, and is hereby amended by deleting the language stricken-through and adding the language underlined to read as follows:

Sec. 241-501. Resources development division.

The resources development division shall:

- (1) Coordinate all property transactions for the park district;
- (2) Provide stewardship of natural resource areas within the park district;
- (3) Oversee the administration of all grants;
- (4) Manage the planning, design and construction of parks and facilities and administer the capital improvement program and the resource development model; ~~and~~

- (5) Develop and manage the Indianapolis Greenways System; and
- (6) Be responsible that before any city-owned park land is disposed of or released for any purpose other than its intended use as a park, there shall be a special notice and mailing to residents in the area around the park, and that a special public hearing be required with no less than four (4) weeks advance notice to citizens in the park's vicinity. Such notice shall be given by first class mail addressed to the owners of real estate adjacent to the park in question to a depth of two ownerships or six hundred feet, which ever is less, as determined from the records of the township assessor, and by publication as required under IC 5-3-1-2(b).

SECTION 2. This ordinance shall be in full force and effect upon passage and compliance with IC 36-3-4-14.

PROPOSAL NO. 60, 1995. Councillor West reported that the Metropolitan Development Committee heard Proposal No. 60, 1995 on February 6, 1995. The proposal, sponsored by Councillor Golc, approves an application for designation of the former Westinghouse Air Brake Company site at 217 South Belmont Street as an Industrial Recovery Site. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor West moved, seconded by Councillor Golc, for adoption. Proposal No. 60, 1995 was adopted on the following roll call vote; viz:

29 YEAS: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams
0 NAYS:

Proposal No. 60, 1995 was retitled SPECIAL ORDINANCE NO. 3, 1995 and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 3, 1995

A SPECIAL ORDINANCE approving an application for designation of the former Westinghouse Air Brake Company as an Industrial Recovery Site.

WHEREAS, the City of Indianapolis has suffered an economic loss with the closing of the former Westinghouse Air Brake Company; and

WHEREAS, IC 6-3.1-11 and IC 6-1.1-20.7 provide mechanisms to encourage developers to seek alternative uses for such vacant facilities and provide for certain limited incentives to developers who seek to utilize such facilities; and

WHEREAS, IC 6-1.1-20.7 provides that one of the incentives which may be provided is a property tax credit for increased inventory located on industrial recovery sites; and

WHEREAS, IC 6-3.1-11 provides that another incentive which may be provided is an industrial recovery tax credit, which would apply against the owner's state tax liability; and

WHEREAS, IC 6-3.1-11 provides that in order to qualify for such credits the vacant industrial facility must be designated as an "industrial recovery site" by the Indiana Enterprise Zone Board; and

WHEREAS, the Enterprise Zone Board may only designate a facility as an industrial recovery site if it has received an application from the executive of the municipality in which the facility is located; and

WHEREAS, the executive of the municipality may make such an application only after receiving the approval of the legislative body of the community in which the facility is located; and

WHEREAS, Belmont Warehousing Complex, Inc. intends to redevelop the former Westinghouse Air Brake Company facility to productive use; and

WHEREAS, the Mayor and the City-County Council believe that it is in the best interests of Indianapolis and Marion County to encourage the productive use of the now vacant industrial site; and

WHEREAS, the incentives provided by IC 6-3.1-11 and IC 6-1.1-20.7 will make it feasible for the project to move forward; now therefore:

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

SECTION 1. The City-County Council hereby authorizes and gives its approval of efforts by Mayor Stephen Goldsmith to make application to the Indiana Enterprise Zone Board for designation as an industrial recovery site of the former Westinghouse Air Brake Company located at 217 Belmont Avenue, as shown on the attached drawing.

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 62, 1995. Councillor West reported that the Metropolitan and Development Committee heard Proposal No. 62, 1995 on February 6, 1995. The proposal amends the Dwelling Districts Zoning Ordinance addressing state statute changes to "Home Day Care." Councillor West stated that this proposal brings the local zoning ordinance in sync with the state statute licensing changes that occurred approximately one year ago. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor West moved, seconded by Councillor Williams, for adoption. Proposal No. 62, 1995 was adopted on the following roll call vote; viz:

28 YEAS: Beadling, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams
1 NAY: Black

Proposal No. 62, 1995 was retitled GENERAL ORDINANCE NO. 24, 1995 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 24, 1995
METROPOLITAN DEVELOPMENT COMMISSION DOCKET NO. 95-AO-1

A GENERAL ORDINANCE amending the Dwelling Districts Zoning Ordinance of Marion County, 89-AO-2, as amended.

WHEREAS, IC 36-7-4, as amended, establishes a single planning and zoning authority in counties having consolidated cities and grants certain powers relative to the zoning and districting of land to the Metropolitan Development Commission and the City-County Council of such counties having consolidated cities, in order to unify the planning and zoning functions thereof; and,

WHEREAS, the Metropolitan Development Commission of Marion County, Indiana, has adopted and certified, pursuant to IC 36-7-4, as amended, various segments of its COMPREHENSIVE PLAN OF MARION COUNTY, INDIANA; and

WHEREAS, said IC 36-7-4, as amended, empowers the Metropolitan Development Commission (MDC) of Marion County, after such comprehensive plan certification, to recommend to the City-County Council an ordinance or ordinances for the zoning or districting of all lands within the county to the end that adequate light, air convenience of access, and safety from fire, flood and other danger may be secured; that congestion in public ways may be lessened or avoided; that property values may be preserved; and the public health, safety, comfort, morals, convenience, and general public welfare may be promoted; and,

WHEREAS, the State of Indiana, by law, prohibits local governments from enacting certain land use regulations which are in conflict with the policy of the State; and,

WHEREAS, specific uses which are by State Statute permitted in residential areas are: 1) group homes, noted by the Indiana Code as: a) residential facilities for the mentally ill; b) residential facilities for the developmentally disabled; and, 2) Child care homes (home day care).

WHEREAS, from time to time the State of Indiana may amend the Indiana Code relative to such uses; and,

WHEREAS, the Municipal Code of Marion County, Indiana, specifically the Dwelling Districts Zoning Ordinance, must also be amended to reflect changes made to the Indiana Code; now, therefore:

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

SECTION 1. The Dwelling Districts Zoning Ordinance, Appendix D of the Code of Indianapolis and Marion County, Indiana, as adopted under Metropolitan Development Commission docket numbers 89-AO-2, 90-AO-3, 92-AO-1, 92-AO-3, and 93-AO-4, pursuant to IC-36-7-4, is further amended as follows:

A. That Section 2.15, A, 5 be amended by inserting the underscored language as follows:

5. Accessory uses, as enumerated below:

- a. Manager's office and apartment: project maintenance equipment storage facility.
- b. Common recreation and service buildings, structures and areas, including laundry facilities.
- c. Open storage areas.
- d. Accessory parking areas.
- e. Carports, canopies, covered patios, storage rooms, mini-barns, porches, awnings, swings and other play structures or equipment, provided the height thereof shall not exceed ten (10) feet, measured from the finished mobile dwelling site grade, and that floors of carports, patios, storage rooms and porches shall be of concrete or other permanent pavement.
- f. Wholesale and retail sales of mobile dwellings conducted as a business by dealers of mobile dwelling project owners/operators shall be prohibited in the D-11 district. Except, however, a mobile dwelling project owner/operator may display not more than six (6) "model" mobile dwellings on mobile dwelling sites in the interior of the project, provided such model units shall not be displayed for sale or removal outside the project; and further provided that no signs relative to the "model" units shall be installed so as to be visible to the public outside the project.
- g. An incidental model home sign, as regulated in the Sign Regulations of Marion county, Indiana (71-AO-4, as amended) shall be permitted for each "model" mobile dwelling. Provided further, however, nothing contained herein shall restrict the right of any individual owner of any mobile dwelling unit to sell or lease such unit.

h. Child Care Home

B. That Section 2.19, A be amended by inserting the underscored language as follows:

A. Permitted accessory uses

The following Accessory Uses shall be permitted in all Dwelling Districts, except the D-11 Dwelling District (see Section 2.15, A, 5 for permitted accessory uses in this District), subject to the Accessory Use Requirements of Section 2.19, B and the Dwelling District Regulations of Section 2.00;

C. That Section 2.19, A, 10, be amended by deleting the stricken-through language and inserting the underscored language as follows:

~~10. Day care of children unrelated to the residents by blood or adoption where care is provided for no more than ten children on a full-time basis and no more than five additional children on a part-time basis; provided however, where care is provided for more than five children, the day~~

~~care provider shall be licensed in accordance with the requirements of the State of Indiana. Provided further, no sign shall be displayed. For the purposes of this ordinance, the day care of children, as described above, shall not be considered a Home Occupation.~~

10. Child care home, as defined in Section 2.25 and as regulated by IC 12-17.2 and rules adopted by the Division of Family and Children or the Fire Prevention and Building Safety Commission of the State of Indiana. For purposes of this ordinance, a child care home shall not be considered a home occupation.

D. That Section 2.20, A, be amended by inserting the underscored language as follows:

A. Permitted home occupations

Certain professions and domestic occupations, crafts and services defined below as "permitted home occupations" shall be permitted in all Dwelling Districts (except the D-11 District) and in any other zoning district in Marion County permitted dwelling uses, provided that each such home occupation complies with all requirements set forth in section 2.20, B hereof.

Professions and domestic occupations, crafts or services which, as typically carried out, can be conducted in a dwelling without impairment of the use thereof as a place of residence and with no detrimental effect upon adjacent residential properties, as permitted home occupations. Examples of professional services which constitute permitted home occupations include law, medicine, dentistry, architecture, engineering, real estate brokerage, tutoring, writing, painting, music instruction, photography and such services as are provided by clergyman, insurance agents, notaries public and manufacturer's agents. Examples of domestic occupations, crafts and services which constitute permitted home occupations include dressmaking, millinery, sewing, tailoring, weaving, hair grooming, washing, ironing and cabinet making.

For purposes of this ordinance, a child care home shall be considered an accessory use, and not a home occupation.

E. That Section 2.25, B be amended by deleting the stricken-through language and inserting the underscored language as follows:

22. Child, per IC 12-7-2-28: An individual who is less than eighteen (18) years of age.
23. Child care, per IC 12-7-2-28.2: A service that provides for the care, health, safety, and supervision of a child's social, emotional, and educational growth.
24. Child care home, per IC 12-7-2-28.6:
- a. a residential structure in which at least six (6) children (not including the children for whom the provider is a parent, stepparent, guardian, custodian or other relative) at any time receive child care from a provider:
- (1) While unattended by a parent, legal guardian, or custodian;
(2) For regular compensation; and
(3) For more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays.
- b. The term includes:
- (1) A class I child care home;
(2) A class II child care home; and
(3) Exempt Licenses - per IAC 3-1.1-26.
25. Class I Child Care Home, per IC 12-7-2-33.7:
- a. A child care home that serves any combination of full-time and part-time children, not to exceed twelve (12) children at any one time.
- b. A child:

- (1) for whom the provider of care is a parent, stepparent, guardian, custodian or other relative; and
- (2) who is at least seven (7) years of age shall not be counted in determining whether the child care home is within the limit set forth in subsection (a).

26. Class II Child Care Home, per IC 12-7-2-33.8:

a. a child care home that serves more than twelve (12) children but not more than any combination of sixteen (16) full-time and part-time children at any one time.

b. A child:

- (1) for whom the provider of care is a parent, stepparent, guardian, custodian, or other relative; and
- (2) who is at least seven (7) years of age;

shall not be counted in determining whether the child care home is within the limit set forth in subsection (a).

~~70-75.~~ Group home: A residential facility for the developmentally disabled (as defined by IC 12-7-2-166) or a residential facility for the mentally ill (as defined by IC 12-7-2-167), licensed by the Community Residential Facilities Council, or its successor in authority in accordance with a program described in law, and defined per Indiana Code 16-13-21;

a. IC 12-11-1 (residential facility for the developmentally disabled); or

b. IC 12-22-2-3(2) through 12-22-2-3(6) (residential facility for the mentally ill).

F. That Section 2.25, B be amended by renumbering the definitions to accommodate the additions noted in C above.

SECTION 2. If any section of this ordinance shall be invalid, its invalidity shall not affect any other provisions of this ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this ordinance are hereby declared to be severable.

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

PROPOSAL NO. 64, 1995. Councillor Giffin reported that the Parks and Recreation Committee heard Proposal No. 64, 1995 on February 2, 1995. The proposal amends Sec. 22-2 of the Code to provide penalties for persons unlawfully sledding in City parks and golf courses. By a 6-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Giffin said that the Department of Parks and Recreation ("DPR") initiated this proposal because (1) of a concern about liability, and (2) to contain sledding where it is safe and where certain park areas would not be disrupted. DPR now hopes to withdraw it. The public misunderstood the proposal. DPR will initiate another ordinance at a later date that deals with liability and safety. Councillor Giffin moved, seconded by Councillor Moriarty Adams, to table Proposal No. 64, 1995. This motion passed by unanimous voice vote.

PROPOSAL NO. 66, 1995. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 66, 1995 on January 25, 1995. The proposal amends Sec. 2-358 of the Code to allow Marion County to receive deposits from the Indiana Department of Corrections into the County Corrections Fund. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor

Dowden moved, seconded by Councillor Schneider, for adoption. Proposal No. 66, 1995 was adopted on the following roll call vote; viz:

28 YEAS: *Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Short, Smith, West, Williams*

0 NAYS:

1 NOT VOTING: *Shambaugh*

Proposal No. 66, 1995 was retitled GENERAL ORDINANCE NO. 25, 1995 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 25, 1995

A GENERAL ORDINANCE amending the Code of Indianapolis and Marion County by amending Section 2-358, of Article IX, Chapter 2.

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

SECTION 1. Sec. 2-358 of Article IX, Chapter 2 of the Code of Indianapolis and Marion County is hereby amended by inserting the words or symbols underlined and deleting the words or symbols stricken-through as follows:

Sec. 2-358. County corrections fund.

(a) The city-county council hereby elects to receive deposits from the department of corrections in accordance with IC 11-12-6.

(b) The city-county council hereby elects to receive such deposits at level 3 funding. Level 3 funding shall be equal to \$3,500 times 84 (Marion County base integer) or \$294,000 for the year ending April 30, ~~1995~~ 1996.

(c) There is hereby created a "county corrections fund", to be administered by the city-county council. The fund shall consist of deposits received from the department of corrections in accordance with IC 11-12-6-13.

(d) The county corrections fund may be used only for funding the operation of the county jail, jail programs, or other local correctional facilities. Any money remaining in a county corrections fund at the end of the year does not revert to any other fund but remains in the county corrections fund.

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions can, without the invalid provision or provision, be given the effect intended by the council in adopting this ordinance. To this end the provisions of this ordinance are severable.

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

ANNOUNCEMENTS AND ADJOURNMENT

Councillor Rhodes stated that in the Council's packet for this meeting was an informational sheet concerning the Auditor's and the Treasurer's Computer Program Redevelopment of the Property Tax Financial System. The public hearing on this matter will be on February 27, 1995, and Councillor Rhodes recommended that the Councillors read the material.

The President said that the docketed agenda for this meeting of the Council had been completed, the Chair would now entertain motions for adjournment.

Councillor Boyd stated that he had been asked to offer the following motion for adjournment by:

- (1) Councillor Beadling in memory of Richard L. Roudebush; and
- (2) Councillor Moriarty Adams in memory of Joseph W. McNevin, Margaret Reckley, Kenneth E. Routh, and Pauline Sherrill.

Councillor Boyd moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Richard L. Roudebush, Joseph W. McNevin, Margaret Reckley, Kenneth E. Routh, and Pauline Sherrill. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 9:05 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-County Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 13th day of February, 1995.

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

Burt Serwaas

President

Sullivan Hart

Clerk of the Council

ATTEST:

(SEAL)