

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

**REGULAR MEETINGS
MONDAY, FEBRUARY 27, 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 7:10 p.m. on Monday, February 27, 1995, with Councillor SerVaas presiding.

Councillor Golc introduced Rev. Kenneth Taylor, Holy Trinity Catholic Church, who led the opening prayer. Councillor Golc 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 Short recognized two of his constituents, Mr. and Mrs. Woody Vandivier; Mr. Vandivier is a former member of the Board of Public Works. Councillors Gilmer and Jones also welcomed Mr. and Mrs. Vandivier.

Councillor O'Dell announced that the Cooperative Extension Office wished to make a presentation to the Council. Representing the Cooperative Extension Office was Ned Kalb, Executive Director; Joe Irney, President, Marion County Extension Board, and President Marion County Extension Programs, Inc.; and Bob Seymour, Treasurer, Marion County Extension Programs, Inc. They presented a framed print entitled *City Dreams*, a pictorial of 4-H today, to the Council.

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 SOLIDWASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA.

Ladies and Gentlemen:

You are hereby notified that REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, February 27, 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

February 14, 1994

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

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, February 16, 1995, a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal Nos. 55, 56, 69, 71, 72, 73, 121, 122, 123, 126 and 162, 1995, said hearing to be held on Monday, February 27, 1995, at 7:00 p.m., in the City-County Building.

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

February 23, 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 Tuesday, February 28, 1995, a copy of a LEGAL NOTICE TO TAXPAYERS on General Ordinances Nos. 18, 19, 20, 21 and 22, 1995.

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

February 16, 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. 18, 1995 - amending the Code by deleting certain regulations of business practices

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GENERAL ORDINANCE NO. 19, 1995 - recodifying and amending the Code concerning hotels and places of public lodging

GENERAL ORDINANCE NO. 20, 1995 - amending the Revised Code by making certain changes in the regulation of adult entertainment establishments

GENERAL ORDINANCE NO. 21, 1995 - amending the Code concerning the regulation of pawnbrokers and dealers in secondhand merchandise

GENERAL ORDINANCE NO. 22, 1995 - amending the Revised Code concerning industrial wastewater pretreatment

GENERAL ORDINANCE NO. 23, 1995 - amending the Revised Code concerning the Resources Development Division of the Indianapolis Department of Parks and Recreation

GENERAL ORDINANCE NO. 25, 1995 - amending Sec. 2-358 of the Code to allow Marion County to receive deposits from the Indiana Department of Corrections into the County Corrections Fund

SPECIAL ORDINANCE NO. 3, 1995 - approving an application for designation of the former Westinghouse Air Brake Company site at 217 South Belmont Street as an Industrial Recovery Site

SPECIAL RESOLUTION NO. 8, 1995 - congratulating the Washington High School Continentals City Basketball Champions

SPECIAL RESOLUTION NO. 9, 1995 - recognizing former Sheriff Joseph G. McAtee

SPECIAL RESOLUTION NO. 10, 1995 - recognizing Prosecutor Jeffrey A. Modisett

SPECIAL RESOLUTION NO. 11, 1995 - recognizing the community of Oaklandon

SPECIAL RESOLUTION NO. 12, 1995 - concerning the Smithsonian exhibit of the Enola Gay

SPECIAL RESOLUTION NO. 13, 1995 - encouraging citizens to share with law enforcement officials information about specific crimes and crime related activity in their communities

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 February 13, 1995. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS AND COUNCIL RESOLUTIONS

PROPOSAL NO. 169, 1995. This proposal, sponsored by Councillor Dowden, recognizes the 67th Fire Department Instructors' Conference in Indianapolis. Councillor Dowden read the resolution and presented a copy of the document to Peter Beering, Department of Public Safety, who expressed appreciation for the resolution. Also present were members from the Indianapolis Fire Department. Councillor Dowden moved, seconded by Councillor Schneider, for adoption. Proposal No. 169, 1995 was adopted by unanimous voice vote.

Proposal No. 169, 1995 was retitled SPECIAL RESOLUTION NO. 14, 1995 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 14, 1995

A SPECIAL RESOLUTION recognizing the 67th Fire Department Instructors' Conference in Indianapolis.

WHEREAS, the 67th Annual Fire Department Instructors' Conference was held in Indianapolis February 1 - 8, 1995; and

WHEREAS, some 14,700 fire professionals from the career, volunteer and industrial ranks from all fifty states and nine foreign countries attended the conference; and

WHEREAS, this conference and its trade show are the largest single fire service conference of its type in the United States, with an economic impact in excess of \$10 million; and

WHEREAS, a ten-month Herculean effort was required to prepare for the huge conference; 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 the cooperative efforts of the Indianapolis Department of Public Safety, the Indianapolis Fire Department, Indianapolis Professional Firefighters Local 416, The International Society of Fire Service Instructors (and Mr. Ed McCormack, its Executive Director), the Alliance for Fire and Emergency Management, the Indiana Convention and Visitors Association, the Indiana Convention Center and RCA Dome, the Marion County Fire Chiefs' Association and their Fire Departments and the Marion County Urban Search and Rescue Task Force who all helped make this the best Instructors' Conference ever.

SECTION 2. The Council applauds the commitment to teamwork, excellence, safety, education and innovation embodied by the conference and its programming.

SECTION 3. The Council commends those participants for their efforts to make both Indianapolis and the many communities represented at the conference safer places in which to live and work.

SECTION 4. The Council and this city extend a warm invitation to the conference organizers and participants to return again in February, 1996.

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. 170, 1995. This proposal, sponsored by Councillor O'Dell, recognizes the East Indianapolis Sertoma Club. Councillor O'Dell read the resolution and presented a copy of the document to Deborah Hammel, President, East Indianapolis Sertoma Club, who expressed appreciation for the recognition. Paul Browne, Administrator, Children's Guardian Home, voiced his appreciation to the Sertoma Club for its assistance to the Children's Guardian Home over the years. Councillor O'Dell moved, seconded by Councillor Ruhmkorff, for adoption. Proposal No. 170, 1995 was adopted by unanimous voice vote.

Proposal No. 170, 1995 was retitled SPECIAL RESOLUTION NO. 15, 1995 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 15, 1995

A SPECIAL RESOLUTION recognizing the East Indianapolis Sertoma Club.

WHEREAS, the East Indianapolis Sertoma Club was chartered by Sertoma International in 1955, and this year is celebrating its 40th Anniversary; and

WHEREAS, Sertoma's expressed mission is "Service to Mankind," and the East Indianapolis Sertoma Club works hard to live up to that goal by, among other activities, having established Camp Sertoma in Southeastern

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Marion County which has served thousands of young people in a setting of nature appreciation and healthful outdoor recreation; and

WHEREAS, the Club raised over \$30,000 for charity in 1994, sent over 500 children to Camp Sertoma, runs a specialized "stutterers" camp, has \$10,000 in this year's budget to help the Marion County Children's Guardian Home and sponsors recreational and educational outings for the Guardian Home's young people; and

WHEREAS, the East Indianapolis Sertoma Club with 180 men and women members is the largest Sertoma club in North America, and during its 40 years of existence has spawned more than 35 other Sertoma clubs throughout Indiana; 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 congratulates the East Indianapolis Sertoma Club for its 40 years of Service to Mankind.

SECTION 2. One of the reasons why Indianapolis is great is because so many of its citizens are willing to band together in voluntary organizations like the East Indianapolis Sertoma Club to give a helping hand to young people and to those who are less fortunate than themselves.

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. 171, 1995. This proposal, sponsored by Councillors Hinkle, Curry, Giffin and Shambaugh, remembers the life of former Deputy Mayor Harry E. Eakin. Councillor Hinkle read the resolution and said that a copy of the document would be presented to the family at a later time. Councillor Hinkle moved, seconded by Councillor Shambaugh, for adoption. Proposal No. 171, 1995 was adopted by unanimous voice vote.

Proposal No. 171, 1995 was retitled SPECIAL RESOLUTION NO. 16, 1995 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 16, 1995

A SPECIAL RESOLUTION remembering the life of former Deputy Mayor Harry E. Eakin.

WHEREAS, Harry E. Eakin was the Deputy Mayor of Indianapolis under former Mayor William H. Hudnut, was elected as Marion County Auditor, was the state Insurance Commissioner, served on the Speedway Town Board and was the town's police commissioner, and was a Republican precinct committeeman, ward chairman and Party stalwart; and

WHEREAS, Mr. Eakin was born in Spencer, Indiana, was a World War II veteran, and was a graduate of Indiana University; and

WHEREAS, as Insurance Commissioner he helped resolve a tough three billion dollar insurance company insolvency so that innocent policyholders would not be hurt, and as Deputy Mayor he often shared in the top role of Chief Executive of the largest city in Indiana; and

WHEREAS, Harry Eakin was a polite, quiet, gentleman who was very generous with a smile, and had many friends who were blessed to have known him; 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 pauses to remember the life and contributions of Harry E. Eakin who was a contributor to the vitality of Indianapolis until he was called to his Heavenly Reward on St. Valentine's Day, February 14, 1995.

SECTION 2. The Town of Speedway and City of Indianapolis are enriched because of citizens like Harry Eakin who so generously give of their time and talent in public service.

SECTION 3. May God grant His Peace and Healing Grace to the family members and many friends who were a part of the life of Harry Eakin.

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. 182, 1995. This proposal, sponsored by Councillor Beadling, recognizes the 50th anniversary of the *Lawrence Township Journal* newspaper. Councillor Beadling read the resolution and presented a copy of the document to the Journal's owner Joseph Zainey, who expressed appreciation for the recognition. Councillor Beadling moved, seconded by Councillor McClamroch, for adoption. Proposal No. 182, 1995 was adopted by unanimous voice vote.

Proposal No. 182, 1995 was retitled SPECIAL RESOLUTION NO. 17, 1995 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 17, 1995

A SPECIAL RESOLUTION recognizing the 50th anniversary of the *Lawrence Township Journal* newspaper.

WHEREAS, the *Lawrence Township Journal* recently celebrated its 50th year of reporting local news about the Lawrence Township community; and

WHEREAS, the *Journal* made its debut during World War II in 1944 when FDR was President and the Town of Lawrence had just over 1,000 residents; and

WHEREAS, during the next 50 years the weekly newspaper reported upon the World War II victory, Lawrence's Centennial in 1950, Morris Settles becoming the City of Lawrence's Mayor in 1960, school news, community calendars and wedding announcements; and

WHEREAS, in 1973, the *Lawrence Township Journal* was purchased by Joseph E. Zainey, a retired Air Force Colonel who in the Service was a Public Information Officer; and

WHEREAS, ten years later the Ad-Courier was added to the Zainey family corporation, increasing the combined readership to nearly 25,000; 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 *Lawrence Township Journal* for its 50 years of keeping Lawrence residents informed.

SECTION 2. The Council wishes the Paper well in the future.

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.

The President stated that Proposal Nos. 24, 34, 35, 38, 57, 76 and 77, 1995 are all council resolutions, were heard by various committees and would be voted on together. Councillor Short asked that Proposal No. 77, 1995 be voted on separately.

PROPOSAL NO. 24, 1995. The proposal reappoints Howard Howe to the Board of Capital Asset Management. PROPOSAL NO. 34, 1995. The proposal reappoints Patricia M. Nickell to the Marion County Public Defender Board. PROPOSAL NO. 35, 1995. The proposal reappoints Dennis Nicholas, M.D. to the Indianapolis-Marion County Forensic Board. PROPOSAL NO. 38, 1995. The proposal reappoints Urban I. Merl, Jr. to the Alcoholic Beverage Board of Marion County. PROPOSAL NO. 57, 1995. The proposal approves the Mayor's appointment of Greg L. Henneke as Director of the Department of Capital Asset Management for a term ending December 31, 1995. PROPOSAL NO. 76, 1995. The proposal approves the Mayor's appointment of Nancy Silvers as Deputy Mayor for a term ending December 31, 1995. Councillor McClamroch moved these proposals for adoption. Proposal Nos. 24, 34, 35, 38, 57 and 76, 1995 were adopted by unanimous voice vote.

Proposal No. 24, 1995 was retitled COUNCIL RESOLUTION NO. 25, 1995 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 25, 1995

A COUNCIL RESOLUTION reappointing Howard Howe to the Board of Capital Asset Management.

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 Capital Asset Management, the Council appoints:

Howard Howe

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. 34, 1995 was retitled COUNCIL RESOLUTION NO. 26, 1995 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 26, 1995

A COUNCIL RESOLUTION reappointing Patricia M. Nickell to the Marion County Public Defender 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 Marion County Public Defender Board, the Council appoints:

Patricia M. Nickell

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1997. 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. 35, 1995 was retitled COUNCIL RESOLUTION NO. 27, 1995 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 27, 1995

A COUNCIL RESOLUTION reappointing Dennis Nicholas, M.D. to the Indianapolis-Marion County Forensic 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-Marion County Forensic Board, the Council appoints:

Dennis Nicholas, 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. 38, 1995 was retitled COUNCIL RESOLUTION NO. 28, 1995 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 28, 1995

A COUNCIL RESOLUTION reappointing Urban I. Merl, Jr. to the Alcoholic Beverage Board of Marion County.

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 Alcoholic Beverage Board of Marion County, the Council appoints:

Urban I. Merl, Jr.

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. 57, 1995 was retitled COUNCIL RESOLUTION NO. 29, 1995 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 29, 1995

A COUNCIL RESOLUTION approving the Mayor's appointment of Greg L. Henneke as Director of the Department of Capital Asset Management for a term ending December 31, 1995.

WHEREAS, pursuant to IC 36-3-5-2 and Section 271-11 of the "Revised Code of the Consolidated City and County, Indiana", a mayoral appointment of the Director of Capital Asset Management 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 Greg L. Henneke to serve as Director of Capital Asset Management 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. Greg L. Henneke is approved and confirmed by the City-County Council to serve as Director of Capital Asset Management 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. 76, 1995 was retitled COUNCIL RESOLUTION NO. 30, 1995 and reads as follows:

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CITY-COUNTY COUNCIL RESOLUTION NO. 30, 1995

A COUNCIL RESOLUTION approving the Mayor's appointment of Nancy Silvers as Deputy Mayor for a term ending December 31, 1995.

WHEREAS, pursuant to IC 36-3-5-2 and Section 201-4 of the "Revised Code of the Consolidated City and County, Indiana", mayoral appointments of Deputy Mayors are 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 Nancy Silvers to serve as a Deputy Mayor 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. Nancy Silvers is approved and confirmed by the City-County Council to serve as a Deputy Mayor 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. 77, 1995. The proposal approves the Mayor's appointment of Joseph E. Loftus as Deputy Mayor and Director of the Department of Administration for a term ending December 31, 1995. Councillor McClamroch moved this proposal for adoption. Proposal No. 77, 1995 was adopted by the following roll call vote; viz:

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

0 NAYS:

3 NOT VOTING: Beadling, Franklin, Ruhmkorff

Proposal No. 77, 1995 was retitled COUNCIL RESOLUTION NO. 31, 1995 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 31, 1995

A COUNCIL RESOLUTION approving the Mayor's appointment of Joseph E. Loftus as Deputy Mayor and Director of the Department of Administration for a term ending December 31, 1995.

WHEREAS, pursuant to IC 36-3-5-2 and Sections 201-4 and 222-11 of the "Revised Code of the Consolidated City and County, Indiana", a mayoral appointment of a Deputy Mayor and of the Director of the Department of Administration 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 Joseph E. Loftus to serve as a Deputy Mayor and Director of the Department of Administration 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. Joseph E. Loftus is approved and confirmed by the City-County Council as a Deputy Mayor, and ex officio Director of the Department of Administration 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.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 163, 1995. Introduced by Councillors Shambaugh and Dowden. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE repealing Sec. 17-192 of the Code so as to require licensing of amusement machines located on premises controlled by holders of Alcoholic Beverage permits and by benevolent, religious, educational, civic, patriotic, fraternal and philanthropic organizations beginning July 1, 1995"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 164, 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 \$1,081,857 for the County Sheriff to pay for expenses at Riverside Community Corrections facility, prisoner food and medical care, FOP contract and fringe benefits financed by additional revenue generated from wrecker fees, special deputy fees and machine permit fees in the amount of \$315,000 and the balance financed by the unappropriated fund balance"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 165, 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 \$145,697 for the Superior Court, Juvenile Division/Detention Center, for a one-time appropriation to fund the balance of the Court/Center computer and a recurring appropriation to fund various maintenance agreements financed by the unappropriated fund balance"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 166, 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 \$45,000 for the Superior Court, Juvenile Division/Detention Center, to provide for an attorney for Child Advocates, Inc. financed by a state grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 167, 1995. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is an appropriation from the Local Emergency Planning and Right to Know Fund in the amount of \$70,500 for the County Auditor to cover the cost associated with the preparation of the Marion County Hazardous Materials Response Plan and the cost of providing community right to know information for Marion County financed by revenues from that fund"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 168, 1995. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending Sec. 13-1 of the Code by making technical amendments regarding solid waste collection"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 177, 1995. Introduced by Councillor Black. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a

multi-way stop at Winthrop Avenue and 44th Street (District 6)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 178, 1995. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing Carlton Curry to the Cable Franchise Board"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 179, 1995. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION reappointing Lance L. Bundles to the Metropolitan Development Commission"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 180, 1995 was withdrawn.

PROPOSAL NO. 181, 1995. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing Ron Franklin to the Public Housing Board"; and the President referred it to the Metropolitan Development Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 172, 1995. Introduced by Councillor West. The Clerk read the proposal entitled: "REZONING ORDINANCE certified by the Metropolitan Development Commission on February 23, 1995." The Council did not schedule Proposal No. 172, 1995 for hearing pursuant to IC 36-7-4-608. Proposal No. 172, 1995 was retitled REZONING ORDINANCE NO. 35, 1995 and is identified as follows:

REZONING ORDINANCE NO. 35, 1995. 94-Z-127 LAWRENCE TOWNSHIP.
COUNCILMANIC DISTRICT # 5.
7006 OAKLANDON ROAD (approximate address), CITY OF LAWRENCE.
LARRY FITZGERALD requests the rezoning of 5 acres, being in the D-A District, to the D-4 classification to provide for single-family residential development.

PROPOSAL NOS. 173-174, 1995. Introduced by Councillor West. The Clerk read the proposals entitled: "REZONING ORDINANCES certified by the Metropolitan Development Commission on February 23, 1995." The Council did not schedule Proposal Nos. 173-174, 1995 for hearing pursuant to IC 36-7-4-608. Proposal Nos. 173-174, 1995 were retitled REZONING ORDINANCE NOS. 36-37, 1995 and are identified as follows:

REZONING ORDINANCE NO. 36, 1995. 94-Z-137A WASHINGTON TOWNSHIP.
COUNCILMANIC DISTRICT # 2.
615 WEST 63RD STREET (approximate address), INDIANAPOLIS.
ORCHARD SCHOOL FOUNDATION, by Michael L. Coppes, requests the rezoning of 3.00 acres, being in the D-2 District, to the SU-2 classification to provide for school use.

REZONING ORDINANCE NO. 37, 1995. 94-Z-137B WASHINGTON TOWNSHIP.
COUNCILMANIC DISTRICT # 2.
615 WEST 63RD STREET (approximate address), INDIANAPOLIS.
ORCHARD SCHOOL FOUNDATION, by Michael L. Coppes, requests the rezoning of 11.00 acres, being in the D-2 District, to the SU-2 classification to provide for school use.

PROPOSAL NOS. 175-176, 1995. Introduced by Councillor West. The Clerk read the proposals entitled: "REZONING ORDINANCES certified by the Metropolitan Development Commission on February 23, 1995." The Council did not schedule Proposal Nos. 175-176, 1995 for hearing pursuant to IC 36-7-4-608. Proposal Nos. 175-176, 1995 were retitled REZONING ORDINANCE NOS. 38-39, 1995 and are identified as follows:

REZONING ORDINANCE NO. 38, 1995. 95-Z-2 CENTER TOWNSHIP.
COUNCILMANIC DISTRICT # 15.

941 and 947 NORTH KEYSTONE AVENUE (approximate address), INDIANAPOLIS.
EASTSIDE COMMUNITY INVESTMENTS, by Zoe Urena Weiss, requests the rezoning of 0.30 acre, being in the C-2 and D-5 District, to the C-2 classification to provide for development of a neighborhood health care center.

REZONING ORDINANCE NO. 39, 1995. 94-Z-189 (Amended) WARREN TOWNSHIP.
COUNCILMANIC DISTRICT # 13.

11794 EAST PROSPECT STREET (approximate address), INDIANAPOLIS.
H.P.H., INC. and HAROLD SCHMITT, by David T. Whisler, request the rezoning of 53.6 acres, being in the D-A District, to the D-2 classification to provide for single-family residential development.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NOS. 55 and 56, 1995. Councillor Rhodes discussed these two proposals together. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal Nos. 55 and 56, 1995 on February 7, 1995. PROPOSAL NO. 55, 1995. The proposal is an appropriation from the County General Fund in the amount of \$437,812 for the County Auditor to fund the cost of the redevelopment of the property tax financial system financed by unappropriated revenues in the County General Fund. PROPOSAL NO. 56, 1995. The proposal is an appropriation from the Information Services Internal Services Fund in the amount of \$437,812 for the Information Services Agency to fund the cost of the redevelopment of the property tax financial system financed by revenues from that fund. Councillor Rhodes said that a conversion of the property tax financial system to a more flexible, less cumbersome system, will produce significant improvements over the shortest period of time possible. By 5-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass as amended.

The President called for public testimony on Proposal No. 55, 1995 at 7:59 p.m. There being no one present to testify, Councillor Rhodes moved, seconded by Councillor Jimison, for adoption. Proposal No. 55, 1995, as amended, was adopted on the following roll call vote; viz:

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

0 NAYS:

2 NOT VOTING: Hinkle, Williams

Proposal No. 55, 1995, as amended, was retitled FISCAL ORDINANCE NO. 1, 1995 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 1, 1995

A FISCAL ORDINANCE amending the City-County Annual Budget for 1995 (City-County Fiscal Ordinance No. 88, 1994) appropriating an additional Four Hundred Thirty-seven Thousand Eight Hundred Twelve Dollars

(\$437,812) in the County General Fund for purposes of the County Auditor and reducing the unappropriated and unencumbered balance in the County General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(b) of the City-County Annual Budget for 1995 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the redevelopment of the property tax financial system.

SECTION 2. The sum of Four Hundred Thirty-seven Thousand Eight Hundred Twelve Dollars (\$437,812) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>COUNTY GENERAL FUND</u>
3. Other Services and Charges	<u>437,812</u>
TOTAL INCREASE	437,812

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

	<u>COUNTY GENERAL FUND</u>
Unappropriated and Unencumbered	
County General Fund	<u>437,812</u>
TOTAL REDUCTION	437,812

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

The President called for public testimony on Proposal No. 56, 1995 at 8:00 p.m. There being no one present to testify, Councillor Rhodes moved, seconded by Councillor Shambaugh, for adoption. Proposal No. 56, 1995, as amended, was adopted on the following roll call vote; viz:

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

0 NAYS:

5 NOT VOTING: Giffin, Golc, Hinkle, Shambaugh, Williams

Proposal No. 56, 1995 was retitled FISCAL ORDINANCE NO. 2, 1995 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 2, 1995

A FISCAL ORDINANCE amending the City-County Annual Budget for 1995 (City-County Fiscal Ordinance No. 88, 1994) appropriating an additional Four Hundred Thirty-seven Thousand Eight Hundred Twelve Dollars (437,812) in the Information Services Internal Services Fund for purposes of Information Service Agency and reducing the unappropriated and unencumbered balance in the Information Services Internal Services Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(zz) of the City-County Annual Budget for 1995 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Information Services Agency to fund the redevelopment of the property tax financial system.

SECTION 2. The sum of Four Hundred Thirty-seven Thousand Eight Hundred Twelve Dollars (437,812) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>INFORMATION SERVICES AGENCY</u>	<u>INFORMATION SERVICES INTERNAL SERVICES FUND</u>
3. Other Services and Charges	324,600
4. Capital Outlay	<u>113,212</u>
TOTAL INCREASE	437,812

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

	<u>INFORMATION SERVICES INTERNAL SERVICES FUND</u>
Unappropriated and Unencumbered	
Information Services Internal Services Fund	<u>437,812</u>
TOTAL REDUCTION	437,812

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

PROPOSAL NO. 69, 1995. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 69, 1995 on January 25, 1995. The proposal is the transfer of \$310,000 from the County General Fund to the Supplemental Public Defender Fund to make up the 1994 revenue shortfall in the Supplemental Public Defender Fund financed by unappropriated revenues in the County General Fund. By a 5-3 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden said that there are still questions about this appropriation; therefore, he moved to postpone Proposal No. 69, 1995 until March 20, 1995. Councillor Short seconded the motion, and it passed by unanimous voice vote.

PROPOSAL NOS. 70 and 71, 1995. Councillor Dowden discussed these proposals together. PROPOSAL NO. 70, 1995. The proposal is an appropriation from the State and Federal Grants Fund in the amount of \$329,476 for the Prosecuting Attorney, Marion County Public Defender Agency, Court Administrator 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. PROPOSAL NO. 71, 1995. The proposal is an appropriation from the Drug Free Community Fund in the amount of \$230,000 for the Court Administrator Agency, Marion County Public Defender Agency, Prosecuting Attorney, and the County Auditor to provide the matching funds required by the grant awarded for the Expedited Trial Program financed by revenues from the Drug Free Community Fund. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 70 and 71, 1995 on February 22, 1995. Both of these proposals are to provide the funding for the Expedited Trial Program in Marion County. Much of the jail overpopulation problem is created by the delay of bringing people to trial. By a 6-0 vote, the Committee reported Proposal No. 70, 1995 to the Council with the recommendation that it do pass as amended. By a 4-1-1 vote, the Committee reported Proposal No. 71, 1995 to the Council with the recommendation that it do pass as amended.

Councillor Moriarty Adams stated that she will be voting against the passage of Proposal No. 71, 1995. It is not because she is against the Expedited Trial Program, but because of the lack of communication she feels existed between the I-Challenge Board ("Board") and the Auditor's Office. She has been told, however, that this situation has been rectified. She is a Board member. A few weeks ago the Auditor appeared before the Board to inform them

that he would be using some \$230,000 of the I-Challenge monies to provide for what is now Proposal No. 71. Councillor Moriarty Adams stated that the question asked by many of the groups within I-Challenge is why is their project unfunded, yet \$230,000 can be taken quite easily and is readily available.

Councillor Golc said that he supports Proposal No. 71. It is his understanding that this proposal will go in some manner towards reducing the cocaine problem that he sees as a growing problem on the near westside.

Councillor Williams asked why this proposal did not go through the process. Councillor Dowden replied that the Expedited Trial Program is a state-authorized program. The Board is a local community coordinating council that reviews proposals and designs a comprehensive plan for attacking the drug and alcohol abuse in the criminal area. It then makes a recommendation to this Council as to which programs should be funded after the programs have been approved by the state. These monies are all generated in the County court system. Part of the money is sent to the state, part is retained. The County's portion is divided as follows: 25% prevention; 25% counseling; 25% enforcement; and 25% discretionary. The Expedited Trial Program qualifies within the discretionary area. Councillor Dowden said that he believes that the Board's communication problem has been corrected.

Councillor Williams said that was very informative, but it did not answer her question. She asked if it would not be appropriate to ask the Auditor to take this request through the process. Councillor Dowden said the Board indicated to him that there would be no objection if this proposal were adopted by the Council.

Pam King, Chairman of the I-Challenge Board, stated that the Board has concerns about the process as well. In prior years the funding decision was not made at the county level; it was made at the state level. The Board does a needs assessment in the community and then develops a comprehensive plan so that the funding can then be disbursed according to the community's needs. Proposals are then received from throughout the community, and in years past, recommendations were made to the state. This is the first year that the Board has made recommendations at a county level, which is through the Justice Agency Board. Recommendations are submitted to the Justice Agency Board which decides which ones to recommend to the Public Safety and Criminal Justice Committee. The Board recommends that no program be funded in excess of \$50,000 because the Board wants to see the funds disbursed throughout the community to as many programs as possible. There are some requests that are over \$50,000, one of which was from the Auditor's Office for a pilot program for this particular jail overcrowding issue. It was for \$97,000 and it was funded. The Auditor did come before the Board and indicate that the County would need another \$230,000 for this program.

Councillor Jimison suggested that Proposal No. 70, 1995 be voted on at this time, and then address the issues affecting Proposal No. 71.

The President called for public testimony on Proposal No. 70, 1995 at 8:18 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Franklin, for adoption. Proposal No. 70, 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. 70, 1995, as amended, was retitled FISCAL ORDINANCE NO. 3, 1995 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 3, 1995

A FISCAL ORDINANCE amending the City-County Annual Budget for 1995 (City-County Fiscal Ordinance No. 88, 1994) appropriating an additional Three Hundred Twenty-nine Thousand Four Hundred Seventy-six Dollars (\$329,476) in the State and Federal Grants Fund for purposes of the County Auditor, Marion County Public Defender Agency, Prosecuting Attorney and the Court Administrator Agency and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02 (b), (v), (w), and (ww) of the City-County Annual Budget for 1995 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Expedited Trial Program which is a joint effort between the County Auditor, Marion County Public Defender Agency, Prosecuting Attorney and the Court Administrator Agency to reduce the population at the Marion County Jail.

SECTION 2. The sum of Three Hundred Twenty-nine Thousand Four Hundred Seventy-six Dollars (\$329,476) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>PROSECUTING ATTORNEY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	139,500
<u>MARION COUNTY PUBLIC DEFENDER AGENCY</u>	
1. Personal Services	41,250
<u>COURT ADMINISTRATOR AGENCY</u>	
1. Personal Services	87,000
<u>COUNTY AUDITOR</u>	
1. Personal Services - Fringes	<u>61,726</u>
TOTAL INCREASE	329,476

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

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>329,476</u>
TOTAL REDUCTION	329,476

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

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

[Clerk's note: Discussion on Proposal No. 71, 1995 continued.]

Councillor Jimison asked the County Auditor if he is authorized to transfer funds from an account such as the I-Challenge account without consulting with its board. John von Arx, County Auditor, said that the Council has that authority. He said that he supports this proposal and that it meets the legal qualifications.

Councillor Short asked Ms. King what her recommendation is on Proposal No. 71, 1995. Ms. King said that is a difficult question to answer. Her recommendation is that the next time the Board brings a funding proposal before this body, that it be accepted 100% and no changes be made to it.

Councillor West said that he believes that this is a flawed system. One body designs a plan which is submitted to the state, but not to the appropriating body. Problem No. 18 in the Board's comprehensive plan is lack of ample court staff to move drug related cases through the criminal justice system--which is what the Council is addressing with this proposal. Many of the Councillors believe that the most critical issue is to relieve the jail overcrowding. The Board may not agree with this. He believes that the legislature should change this process so that local government is better represented in this whole effort. Councillor West said that Proposal No. 71, 1995 should be adopted because it is such a crucial issue.

Councillor Dowden moved the previous question. Councillor Schneider seconded the motion, and it passed by unanimous voice vote.

The President called for public testimony at 8:38 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Curry, for adoption. Proposal No. 71, 1995, as amended, was adopted on the following roll call vote; viz:

20 YEAS: Beadling, Borst, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Hinkle, Jimison, McClamroch, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Smith, West
8 NAYS: Black, Boyd, Brents, Gray, Jones, Moriarty Adams, Mullin, Williams
1 NOT VOTING: Short

The President said he believes it is a flawed bill. There are two groups with different opinions--one the appropriating body, and the other an advisory group. He believes the law should be specific on just how this process should work and the advisory group's mission should be clarified.

Councillor Williams stated that the jail overcrowding is a very serious problem, but running people in and out of that jail does not solve the drug problem. They are both serious problems, but they are two different problems.

Councillor Jimison said that she voted for this proposal because she understands that this appropriation will speed to justice cases involving drug dealers and will hasten their departure to places of incarceration. Councillor Borst said he voted for this proposal because he has faith that the County Auditor and the Board Chairman will be able to work together. Councillor Franklin voted for Proposal No. 71 because he believes the County Auditor has a county-wide vision of what is best for the County.

Councillor Curry said that this proposal is aimed at reducing the length of time that people have to stay in jail, especially those people who populate the jail for an average of 150 days awaiting trial.

Proposal No. 71, 1995 was retitled FISCAL ORDINANCE NO. 4, 1995 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 4, 1995

A FISCAL ORDINANCE amending the City-County Annual Budget for 1995 (City-County Fiscal Ordinance No. 88, 1994 appropriating an additional Two Hundred Thirty Thousand Dollars (\$230,000) in the Drug Free Community Fund for purposes of the Court Administrator Agency, Marion County Public Defender Agency, Prosecuting Attorney and the County Auditor and reducing the unappropriated and unencumbered balance in the Drug Free Community Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section I.02 (b), (v), (w) and (ww) of the City-County Annual Budget for 1995 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Court Administrator Agency, Marion County Public Defender Agency, Prosecuting Attorney and the County Auditor to provide the matching funds required by the grant awarded for the Expedited Trial Program.

SECTION 2. The sum of Two Hundred Thirty Thousand Dollars (\$230,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COURT ADMINISTRATOR AGENCY</u>	<u>DRUG FREE COMMUNITY FUND</u>
1. Personal Services	29,000
2. Supplies	4,000
3. Other Services and Charges	30,800
4. Capital Outlay	9,200
 <u>MARION COUNTY PUBLIC DEFENDER AGENCY</u>	
1. Personal Services	47,750
3. Other Services and Charges	27,000
 <u>PROSECUTING ATTORNEY</u>	
1. Personal Services	46,500
 <u>COUNTY AUDITOR</u>	
1. Personal Services - Fringes	<u>35,750</u>
TOTAL INCREASE	230,000

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

	<u>DRUG FREE COMMUNITY FUND</u>
Unappropriated and Unencumbered	
Drug Free Community Fund	<u>230,000</u>
TOTAL REDUCTION	230,000

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

PROPOSAL NO. 72, 1995. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 72, 1995 on January 25, 1995. The proposal is an appropriation from the Supplemental Adult Probation Fees Fund in the amount of \$44,100 for the Superior Court, Criminal Division, Probation Department, to pay an existing lease agreement for outside office space financed by revenues from that fund. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:40 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 72, 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. 72, 1995 was retitled FISCAL ORDINANCE NO. 5, 1995 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 5, 1995

A FISCAL ORDINANCE amending the City-County Annual Budget for 1995 (City-County Fiscal Ordinance No. 88, 1994) appropriating an additional Forty-four Thousand One Hundred Dollars (\$44,100) in the Supplemental Adult Probation Fees Fund for purposes of Superior Court, Criminal Division, Probation Department and reducing the unappropriated and unencumbered balance in the Supplemental Adult Probation Fees Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(11) of the City-County Annual Budget for 1995 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Superior Court, Criminal Division, Probation Department, to pay an existing lease agreement for outside office space.

SECTION 2. The sum of Forty-four Thousand One Hundred Dollars (\$44,100) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>SUPERIOR COURT, CRIMINAL DIVISION</u>	
<u>PROBATION DEPARTMENT</u>	<u>SUPPLEMENTAL ADULT PROBATION FEES FUND</u>
3. Other Services and Charges	<u>44,100</u>
TOTAL INCREASE	44,100

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

	<u>SUPPLEMENTAL ADULT PROBATION FEES FUND</u>
Unappropriated and Unencumbered	
Supplemental Adult Probation Fees Fund	<u>44,100</u>
TOTAL REDUCTION	44,100

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

PROPOSAL NO. 73, 1995. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 73, 1995 on January 25, 1995. The proposal is an appropriation from the Supplemental Adult Probation User Fee Fund in the amount of \$24,600 for the Superior Court, Criminal Division, Probation Department, to provide the 25% matching funds required by the recently awarded federal grant of \$71,350 which is to be utilized for the Automated Probation Case Management System financed by revenues from that fund. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:41 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Jimison, for adoption. Proposal No. 73, 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. 73, 1995 was retitled FISCAL ORDINANCE NO. 6, 1995 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 6, 1995

A FISCAL ORDINANCE amending the City-County Annual Budget for 1995 (City-County Fiscal Ordinance No. 88, 1994) appropriating an additional Twenty-four Thousand Six Hundred Dollars (\$24,600) in the Supplemental Adult Probation Fund for purposes of Superior Court, Criminal Division, Probation Department, and reducing the unappropriated and unencumbered balance in the Supplemental Adult Probation User Fee Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(II) of the City-County Annual Budget for 1995 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Superior Court, Criminal Division, Probation Department, to provide the 25% matching funds required by the recently awarded federal grant of \$71,350 which is to be utilized for the Automated Probation Case Management System.

SECTION 2. The sum of Twenty-four Thousand Six Hundred Dollars (\$24,600) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>SUPERIOR COURT, CRIMINAL DIVISION.</u>	
<u>PROBATION DEPARTMENT</u>	<u>SUPPLEMENTAL ADULT PROBATION USER FEE FUND</u>
2. Supplies	7,500
3. Other Services and Charges	6,800
4. Capital Outlay	<u>10,300</u>
TOTAL INCREASE	24,600

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

<u>SUPPLEMENTAL ADULT PROBATION USER FEE FUND</u>	
Unappropriated and Unencumbered	
Supplemental Adult Probation User Fee Fund	<u>24,600</u>
TOTAL REDUCTION	24,600

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

PROPOSAL NO. 126, 1995. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 126, 1995 on February 16, 1995. The proposal, sponsored by Councillor Gilmer, 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 reduces a like amount from the Department of Capital Asset Management, Asset Management Division, for the removal and hauling of sludge from the sludge lagoons. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:43 p.m. There being no one present to testify, Councillor Coughenour moved, seconded by Councillor Gilmer, for adoption. Proposal No. 126, 1995 was adopted on the following roll call vote; viz:

24 YEAS: *Beadling, Boyd, Coughenour, Curry, Dowden, Franklin, Giffin, Golc, Gray, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams*

0 NAYS:

5 NOT VOTING: *Black, Borst, Brents, Gilmer, Hinkle*

Proposal No. 126, 1995 was retitled FISCAL ORDINANCE NO. 7, 1995 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 7, 1995

A FISCAL ORDINANCE amending the City-County Annual Budget for 1995 (City-County Fiscal Ordinance No. 88, 1994) transferring and appropriating an additional Two Million Two Hundred Thirty-five Thousand Dollars (\$2,235,000) in the Solid Waste Disposal Fund for purposes of the Department of Public Works, Solid Waste Management Division, and reducing certain other appropriations for the Department of Capital Asset Management, Asset Management Division.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 (l) and (m) of the City-County Annual Budget for 1995, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Public Works, Solid Waste Management Division for the removal and hauling of sludge from the sludge lagoons to create the necessary area for future resource recovery ash mono-fill landfills.

SECTION 2. The sum of Two Million Two Hundred Thirty-five Thousand Dollars (\$2,235,000) and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC WORKS</u>		
<u>SOLID WASTE MANAGEMENT DIVISION</u>		<u>SOLID WASTE DISPOSAL FUND</u>
3. Other Services and Charges		<u>2,235,000</u>
TOTAL INCREASE		2,235,000

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

<u>DEPARTMENT OF CAPITAL ASSET MANAGEMENT,</u>		
<u>ASSET MANAGEMENT DIVISION</u>		<u>SOLID WASTE DISPOSAL FUND</u>
3. Other Services and Charges		<u>2,235,000</u>
TOTAL REDUCTION		2,235,000

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

PROPOSAL NO. 162, 1995. The proposal 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. Councillor Dowden asked for consent to postpone Proposal No. 162, 1995 until March 20, 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 moved, seconded by Councillor McClamroch, to return Proposal Nos. 19, 20 and 21, 1995 to Committee. This motion passed by unanimous voice vote.

PROPOSAL NO. 64, 1995. The proposal amends Sec. 22-2 of the Code to provide penalties for persons unlawfully sledding in City parks and golf courses. Councillor Giffin asked for consent to table Proposal No. 64, 1995. Consent was given.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 67, 1995. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 67, 1995 on February 22, 1995. The proposal amends the Code by permitting the Sheriff to establish franchise zones for the towing of automobiles. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Dowden moved, seconded by Councillor Curry, for adoption. Proposal No. 67, 1995, as amended, was adopted on the following roll call vote; viz:

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

1 NAY: Black

3 NOT VOTING: Borst, Franklin, Moriarty Adams

Proposal No. 67, 1995, as amended, was retitled GENERAL ORDINANCE NO. 26, 1995 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 26, 1995

A GENERAL ORDINANCE amending the Code of Indianapolis and Marion County by permitting the Sheriff to establish franchise zones for the towing of automobiles.

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

SECTION 1. Sec. 371 of Chapter 29 of the Code of Indianapolis and Marion County is hereby amended by inserting the underlined text and deleting the stricken-through text to read as follows:

Sec. 29-371. Removal of vehicles; release.

(a) Any officer or deputy upon discovering a vehicle parked or left standing so as to constitute a public nuisance, may cause the vehicle to be impounded. Impounded vehicles shall be released either upon payment by the owner, operator or authorized representative of same, of the fees charged for impoundment and storage, or upon order of the law enforcement agency which impounded the vehicle ~~Chief of Police, the Sheriff, or the Director~~, or upon order of any court having jurisdiction over the vehicle.

(b) All vehicles impounded by reason of being wrecked, ~~or~~ stolen or ~~and all vehicles~~ otherwise coming into the custody or control of the Police Department, and those impounded for parking violations, may be impounded in lots maintained for such purposes by franchised wreckers or in a lot authorized and chosen by

the Director, but that lot shall not be operated by any Marion County governmental agency. The attendant for any central lot shall collect the towing fees for the franchised wreckers and shall remit same to the wreckers monthly, along with monthly reports to the Director in such form as he shall prescribe.

(c) All vehicles impounded by reason of being wrecked, ~~or stolen or~~ and all vehicles otherwise coming into the custody or control of the Sheriff's Department, and those impounded for parking violations, may be impounded in lots maintained for such purposes by franchised wreckers as authorized and chosen by the Sheriff. Fees for vehicles impounded by the Sheriff's Department shall be set by the Sheriff as provided herein. ~~collected in accordance with Sheriff's Department policy.~~

SECTION 2. Chapter 29 of the Code of Indianapolis and Marion County is hereby amended by adding a new Sec. 372.1 to read as follows:

Sec. 29-372.1. Sheriff's procedure for providing wreckers.

(a) Franchise zones. The Sheriff shall establish geographic zones to facilitate the efficient removal of vehicles within the county. The Sheriff shall select a wrecker or wreckers for each geographic zone.

(b) Franchise fee. Towing, storage, and all other such fees that may be charged by a franchise wrecker shall be established by the Sheriff, except the franchise fee to be paid by the wrecker shall be established by the council. The franchise fee shall be \$20.00 per vehicle towed. Funds realized from the collection of franchise fees shall be deposited in the county general fund.

SECTION 3. Sec. 373 of Chapter 29 of the Code of Indianapolis and Marion County is hereby amended by inserting the underlined text to read as follows:

Sec. 29.373. Procedure for removing and impounding vehicles.

(a) Vehicles involved in an accident may be towed by any wrecker of the owner's or operator's choosing, provided that such wrecker may be summoned promptly to avoid creating a traffic hazard. If the officer or deputy on the scene of the accident determines a traffic hazard has been created by the delay in the arrival of the owner's or operator's chosen wrecker, or if the owner or operator does not care to select a wrecker of his own choice, the officer or deputy may declare the vehicle a traffic hazard, and it shall become subject to the officer's or deputy's order to the contract or other city authorized wrecker to remove it from the scene. However, the vehicle shall not be subject to impoundment, but shall be towed to the destination selected by the owner or operator. If the owner or operator is under a disability by reason of injury or arrest, the vehicle shall be subject to impoundment upon order of the officer or deputy on the scene.

(b) Vehicles recovered as stolen or which come into the custody of the Police Department or Sheriff, for other reasons shall be subject to impoundment upon order of the officer or deputy having control of the vehicle.

(c) All other vehicles subject to removal by the City or Sheriff, including those in violation of parking ordinances, may be towed by the franchised wrecker for each designated zone, upon notification and order by an officer or deputy, and may be impounded and stored pursuant to the provisions of section 29-371.

SECTION 4. Sec. 374 of Chapter 29 of the Code of Indianapolis and Marion County is hereby amended by inserting the underlined text and deleting the stricken-through text to read as follows:

Sec. 29-374. Communications.

The Chief of Police and Sheriff may authorize in writing each franchised wrecker to install ~~police~~ emergency frequency monitor radios in its trucks for use in response to accident scenes and the locations of improperly parked vehicles. The franchised wrecker's tow trucks may only use such radios to respond to direct orders from the central police or Sheriff's dispatcher.

SECTION 5. Sec. 375 of Chapter 29 of the Code of Indianapolis and Marion County is hereby amended by inserting the underlined text and deleting the stricken-through text to read as follows:

Sec. 29-375. Unauthorized wrecker at scene.

(a) It shall be unlawful for any wrecker to proceed to the scene of an accident for solicitation purposes without having been summoned by either party involved in the accident or an officer or deputy at the scene of the accident. Such unauthorized response is declared a traffic hazard and harmful to the health, welfare and safety of the people of the city and county, and, as such, those wreckers so responding are declared public nuisances and subject to impoundment procedures, upon order of the officer or deputy at the scene of the accident.

(b) It shall be unlawful for any wrecker to monitor for profit emergency police frequency radio installed in tow trucks without having written authorization for an emergency police monitor radio installation by the Chief of Police or Sheriff.

SECTION 6. Sec. 376 of Chapter 29 of the Code of Indianapolis and Marion County is hereby amended by inserting the underlined text and deleting the stricken-through text to read as follows:

Sec. 29-376. Liability of city and wrecker.

(a) The City or Sheriff shall not be liable for any loss or damage which may occur to any vehicle which is removed pursuant to the provisions of this division. The wrecker shall indemnify and hold harmless the city and Sheriff, their ~~its~~ officers, agents and employees, from any loss, claim, judgment or damages arising from the removal and storage of vehicles pursuant to this division. The wrecker shall have sole responsibility for any articles of personal property which may be contained in any vehicle at the time of its removal; such articles of personal property shall not be held by the contract wrecker in lieu of the service charges authorized herein but shall be returned by him or his agents to the owner thereof upon sufficient identification and proof of ownership. The officer directing the removal of a vehicle shall verify what personal property in plain view is contained in it prior to its removal, report such articles to police headquarters or the Sheriff's Department and/or on the incident report, and if possible, remove all property of value to the Police Department or Sheriff's Department property room pursuant to existing Police Department or Sheriff's Department regulations. If certain items of personal property cannot be stored by the Police Department or Sheriff's Department, the wrecker company shall store said items, and the officer or deputy in charge shall furnish a copy of the list of said items to the wrecker truck operator for the use of the wrecker service. Said list prepared by the officer or deputy shall be signed by the wrecker operator after the wrecker operator has verified the existence of the items so listed.

(b) The county shall not be liable for any loss or damage which may occur to any vehicle which is removed pursuant to the provision of this division. The wrecker shall indemnify and hold harmless the county, its officers, agents and employees, from any loss, claim, judgment or damages arising from the removal and storage of vehicles pursuant to this division. The wrecker shall have sole responsibility for any articles of personal property which may be contained in any vehicle at the time of its removal; such articles of personal property shall not be held by the contract wrecker in lieu of the service charges authorized herein but shall be returned by him or his agents to the owner thereof upon sufficient identification and proof of ownership.

SECTION 7. This ordinance shall be in effect from and after its passage by the council and compliance with IC 36-3-4-14.

PROPOSAL NO. 99, 1995. Councillor West reported that the Metropolitan Development Committee heard Proposal No. 99, 1995 on February 21, 1995. The proposal amends 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). 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 Williams, for adoption. Proposal No. 99, 1995 was adopted on the following roll call vote; viz:

28 YEAS: *Beadling, Black, Borst, Boyd, Brents, 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:

1 NOT VOTING: *Coughenour*

Proposal No. 99, 1995 was retitled GENERAL ORDINANCE NO. 27, 1995 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 27, 1995
METROPOLITAN DEVELOPMENT COMMISSION
DOCKET NO. 95-AO-2

A GENERAL ORDINANCE to amend the Improvement Location Permit Ordinance of Marion County, 68-AO-II, 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 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 of Marion County, Indiana, 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 the public streets 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;

WHEREAS, said IC 36-7-4, as amended, grants certain Improvement Location Permit powers to said Commission; and

WHEREAS, the Metropolitan Development Commission and the City- County Council desire to address the needs of the citizens of Marion County in preparing an ordinance which meets the long-term needs of the City/County as a whole; and

WHEREAS, the Regulatory Study Commission, after careful analysis, has determined that the provisions requiring Improvement Location Permits for certain specified types of development are overly burdensome, unnecessary, and repetitive; and,

WHEREAS, the Regulatory Study Commission has recommended to the Metropolitan Development Commission and the City-County Council that certain specified types of development be exempt from the requirements of obtaining an Improvement Location Permit; and

WHEREAS, the regulations and provisions of the applicable zoning ordinances will continue to provide the protection desired by surrounding property owners from inappropriate development, now, therefore:

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

SECTION I. The Improvement Location Permit Ordinance, Appendix D, Part 17, of the Municipal Code of Indianapolis and Marion County, Indiana, as adopted under Metropolitan Development Commission Docket Numbers 68-AO-II, 71-AO-1, 75-AO-2, 88-AO-1, and 93-AO-3, is further amended by deleting the stricken-through language and inserting the underlined language as follows:

~~CITY-COUNTY GENERAL ORDINANCE NO. 134, 1975~~
~~METROPOLITAN DEVELOPMENT COMMISSION~~
~~DOCKET NO. 75-AO-2 (AS AMENDED)~~

~~AN ORDINANCE to amend Marion County Council Ordinance No. 8-1957 as amended, the Zoning Ordinance for Marion County, Indiana, and fixing a time when the same shall take effect.~~

THE IMPROVEMENT LOCATION PERMIT ORDINANCE
OF
MARION COUNTY, INDIANA

WHEREAS, Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, established a single planning and zoning authority in counties having first class cities and grants certain powers relative to the zoning and districting of land to the Metropolitan Development Commission and City-County Council of such counties having first class cities, in order to unify the planning and zoning functions thereof;

WHEREAS, the Metropolitan Development Commission of Marion County, Indiana, has adopted and certified pursuant to Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, various segments of its ORIGINAL COMPREHENSIVE OR MASTER PLAN FOR MARION COUNTY, INDIANA;

WHEREAS, said Chapter 283 of the Acts of the Indiana General Assembly 1955, as amended, empowers the Metropolitan Development Commission of Marion County, Indiana, 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 the public streets may be lessened or avoided; that property values may be preserved; that the public health, safety, comfort, morals, convenience and general welfare may be promoted; and

WHEREAS, section 55 of said Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, grants certain improvement location permit powers to said Commission and City-County Council;

NOW, THEREFORE BE IT ORDAINED, by the City Council of the consolidated City of Indianapolis and of Marion County, Indiana, pursuant to said section 55 of Chapter 283 of the Indiana Acts of 1955, as amended, that Marion County Council Ordinance No. 8-1957, adopted by the Marion County Council on March 28, 1957, as amended, and the Improvement Location Permit Ordinance of Marion County, Indiana, Ordinance 68-AO-11, as amended, adopted as an amendment thereto, pursuant to IC 1971, 18-7-2 and IC 1981, 18-4, be amended to read as follows:

IMPROVEMENT LOCATION PERMIT ORDINANCE
OF MARION COUNTY, INDIANA

Sec. 1.00 Improvement Location Permit regulations

A. Applicability of regulations.

1. Within Marion County, Indiana, no structure shall be located, erected, altered or repaired (~~except that repairs or alteration which do not change the height, size or lateral bulk of the structure shall be exempt from the requirements of this ordinance~~) unless the use, character and location of the structure are in conformity with the provisions of the applicable zoning ordinances, Official Thoroughfare Plan for Marion County, Indiana, ordinance and other ordinances relating to land use, including this ordinance.

~~B1~~ 2. a. Obtaining an Improvement Location Permit. No structure shall be located, erected, altered or repaired (~~except that repairs or alteration which do not change the height, size or lateral bulk of the structure shall be exempt from the requirements of this ordinance~~) upon any land within Marion County, Indiana, until an Improvement Location Permit ~~there~~ has been applied for by the owner (or authorized agent) thereof and issued by the Metropolitan Development Commission of Marion County, Indiana, unless specifically exempted in Section 1.00, A, 2, b below.

b. Specific exemptions. An Improvement Location Permit shall not be required for the creation or alteration of the following structures or for accomplishing the following types of improvements. All provisions and regulations of the zoning ordinance applicable in the particular situation shall continue to apply to exempted structures and improvements:

- (1) Air conditioning units
- (2) Childrens' play equipment (residential)
- (3) Decks or patios (under eighteen [18] inches in height)
- (4) Enclosure, within the existing building foot print, of portions of the building which already have a foundation and a roof (residential)
- (5) Fences
- (6) Landscape strips
- (7) Mini barns or sheds (under 120 square feet and not on a permanent foundation)
- (8) Movable, temporary use structures or buildings utilized during construction projects

- (9) Recycling containers
- (10) Repairs or alterations which do not change the height, size or lateral bulk of the structure
- (11) Residential awnings
- (12) Roof line changes (residential)
- (13) Roof line changes which do not add usable floor space (commercial)
- (14) Sidewalks on private property out of the public right-of-way
- (15) Trash containers/dumpsters

2. B. Application for Improvement Location Permit. Application for Improvement Location Permits shall be made upon forms prescribed by the ~~Metropolitan Development~~ Commission, shall include a legal description of the lot, and shall be accompanied by the following:

- a) 1. Required site plan. An accurate site plan in duplicate, drawn to scale, showing:
 - 1) a. Location of right-of-way line or lines of all streets, alleys and easements located adjacent to or within the lot. Location of center line of all streets and dimension to right-of-way line(s).
 - 2) b. Location and dimensions of private drives and interior access roads, including connection to public streets and proposed driveway entrances and exits.
 - 3) c. Names of all adjacent streets, private drives and interior access roads.
 - d. Address of proposed structure or use, as assigned by The Department of Metropolitan Development ~~Department~~.
 - 4) e. The lot and dimensions thereof.
 - 5) f. Setbacks, minimum required front, side and rear yards.
 - 6) g. Existing structures (location, dimensions to lot lines and size) - except structures to be razed prior to or contemporaneously with construction pursuant to the Permit.
 - 7) h. Proposed location of structure(s) on lot, indicating dimensions to all lot lines.
 - 8) i. Accurate dimensions of structure(s) proposed.
 - 9) j. Signs, including location, dimensions to lot lines, type and size.
 - 10) k. Size, height, and location of landscaping, screens, walls, fences (when required by ordinance or grant of variance).
 - 11) l. Off-street parking area (when required by ordinance or grant of variance), including dimensions or parking spaces, driveways and maneuvering aisles.
 - 12) m. Off-street loading area (when required by ordinance or grant of variance), including dimensions.
- b) 2. Other required information, plans, exhibits, evidence of submission of plans to other governmental agencies
 - 1) a. Any other information, plans or exhibits required by or to indicate compliance with applicable zoning ordinances, this ordinance, covenants, commitments and conditions of grants of variance.
 - 2) b. Any other applicable information, plans or exhibits required by the Improvement Location Permit form, including but not limited to:
 - (a) (1) Evidence of the applicant's submission of required plans to the Indianapolis Department of Capital Asset Management (DCAM) ~~Transportation~~.
 - (b) (2) Evidence of the applicant's submission of a required drainage plan to the Indianapolis ~~Department of Public Works~~ DCAM.

Provided, however:

- (1) i. At the request of the DCAM Department of Public Works, Improvement Location Permit issuance may be withheld for a period not to exceed five (5) business days if in the opinion of the Department of Public Works DCAM commencement under such plan may result in a hazard to the public health, safety or general welfare.
- (2) ii. If the Department of Public Works DCAM approves said plan, or at the expiration of such five (5) days has neither approved nor disapproved said plan, the Permit shall be issued.
- (3) iii. If the Department of Public Works DCAM disapproves said plan, the Permit shall not be issued except in accordance with paragraph (4) following.
- (4) iv. In the event of disapproval of the drainage plan by the Department of Public Works DCAM, a written statement of the reasons for disapproval shall be provided to the Administrator of the Division of Planning and Zoning and to the applicant. The Administrator may then authorize issuance of the Improvement Location Permit if the applicant shows an immediate hardship will accrue if such Permit is not issued, the applicant covenants to comply with the requirements of the Department of Public Works DCAM regarding drainage, and the Administrator, upon consultation with the Department of Public Works DCAM, determines that proceeding with construction would not result in a hazard to the public health, safety or general welfare.

3. Requirement of conformity with rezoning plans, covenants

~~The site plan accompanying an application for Improvement Location Permit shall be in substantial conformity with all Plans (including exhibits, site plans, renderings, plans for buildings, signs, or other structures, fencing, landscaping, off-street parking and loading areas, utilities, drainage, sewage or other developmental or land use plans) and Parol Covenant (such term to mean any representation of fact or intention made verbally in the public hearing and identified by the person make the same as a Covenant) filed, made or presented by the petitioner, his attorney or agent (including such Plans and Parol Covenants so signed, made or presented by predecessors, titleholders or petitioners, and attorneys or agents) in support of any petition for rezoning filed with the Metropolitan Development Department after the effective date of this ordinance and pursuant to which the land included in the Application for Improvement Location Permit is currently zoned. Applications for Improvement Location Permit shall be in conformity with any applicable recorded covenants running to the Metropolitan Development Commission.~~

~~Building plans or other additional plans, specifications, exhibits or information shall be filed as necessary as a part of said Improvement Location Permit Application to demonstrate conformity with said Plans, Parol Covenants, and recorded covenants, and all development pursuant to said Permit be in conformity therewith. If the Application for Improvement Location Permit is not in substantial conformity with said Plans, Parol Covenants and recorded covenants, the Permit shall not be issued.~~

~~Provided, however:~~

- ~~1) A Petition to Modify said Plans and/or Parol Covenants may be filed with the Metropolitan Development Commission, which shall hold a hearing thereon. Notice by publication and to adjacent property owners shall be required in accordance with the Rules of Procedure of said Commission relative to rezoning petitions. Following the hearing, the Commission may consider and act upon said Petition, by approving in whole or in part, or subject to any amendments or conditions, or by disapproving. In accordance with the Commission's approval of the Petition to Modify, an Improvement Location Permit shall be issued.~~

4. C. *Requirement of conformity with applicable ordinances, variances.* No Permit shall be issued for any structure or use unless the use, character and location thereof shall be in conformity with the provisions of all applicable zoning ordinances, Official Thoroughfare Plan for Marion County, Indiana, ordinances and other ordinances relating to land use, including this ordinance.

No Permit shall be issued for any structure or use authorized by variance unless the use, character and location thereof shall be in conformity with all requirements and conditions of said the variance.

D. Requirement of conformity with conditions and commitments. No permit shall be issued for any structure or use unless the use, character and location thereof shall be in conformity with all conditions and commitments.

Provided, however, a petition to modify plans, conditions or commitments may be filed with the appropriate public body (Metropolitan Development Commission or Board of Zoning Appeals) in compliance with all requirements of the applicable body's Rules of Procedure.

E. Street frontage requirements. No Permit shall be issued for any use or structure unless the lot abuts upon and has adequate frontage on a public street (the right-of-way of which has been dedicated and accepted for maintenance by governmental agency having jurisdiction thereof, or the construction of which is bonded in accordance with the standards and requirements of the ~~Subdivision Control Ordinance of Marion County, Indiana~~ applicable municipal agency having jurisdiction) in accordance with the requirements of all applicable ordinances, except as otherwise specifically authorized in zoning districts permitting private drives or interior access roads or by variance.

~~6. F. Automatic revocation—2 YEARS IF WORK NOT BEGUN.~~ Every Permit shall be automatically revoked if active work thereunder is not commenced within two (2) years of its issue — excepting, however, the ~~Administrator of the Division of Planning and Zoning of the Metropolitan Development Department~~ may, upon good cause shown, grant extensions thereof for periods not to exceed 180 days.

~~7. G. Revocation in event of violation; enforcement.~~ If the Administrator of the Division of Planning and Zoning of the Metropolitan Development Department determines that the construction or development under any permit is not proceeding according to the applicable ordinances, site plan filed with said Permit application, or other requirements or conditions upon which such Permit was issued, or is otherwise proceeding in violation of law, the Permit may be revoked. Construction or development under any Permit shall proceed according to the applicable ordinances, the site plan filed with said Permit application, and the conditions or commitments of any applicable variance, rezoning or other approval grant. If the Administrator determines that construction or development is proceeding or has proceeded in violation of said ordinances, site plan or approval grant, or that the Permit was issued in violation of an ordinance or the conditions of commitments of such approval grant, the Administrator may revoke said Permit. The Administrator shall send written notice of the revocation to the permit applicant.

SECTION 2. Enforcement [repealed by the enforcement and remedies zoning ordinance (88-ao-5/g.O.-122, 1988)]

Sec. 2.00 Construction of language and definitions.

A. Construction of language. The language of this ordinance shall be interpreted in accordance with the following regulations:

1. The particular shall control the general.
2. In the case of any difference of meaning or implication between the text of this ordinance and any illustration or diagram, the text shall control.
3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
5. A "building" or "structure" includes any part thereof.
6. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".
7. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", or "either...or", the conjunction shall be interpreted as follows:
 - a. "And" indicates that all the connected items, conditions, provisions, or events shall apply.

- b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
- c. "Either...or" indicates that all the connected items, conditions, provisions, or events shall apply singly but not in combination.

B. Definitions. SECTION 3. DEFINITIONS

1. Administrator. Administrator of the Neighborhood and Development Services Division or his/her appointed representative.
2. Alteration. Any change in type of occupancy, or any change, addition or modification in construction of the structural members of an existing structure, such as walls, or partitions, columns, beams or girders, as well as any change in doors or windows or any enlargement to or diminution of a structure, whether it be horizontally or vertically.
3. Building. Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property of any kind, having a permanent roof supported by columns or walls.
4. Commission. The Metropolitan Development Commission of Marion County, Indiana.
5. Commitment. An official agreement concerning and running with the land as recorded in the office of the Marion County Recorder.
6. Condition. An official agreement between the municipality and the petitioner concerning the use or development of the land as imposed by the Board of Zoning Appeals.
7. Erect. Activity of constructing, building, raising, assembling, placing, affixing, attaching, creating, or any other way of bringing into being or establishing.
8. Frontage (Street Frontage). The line of contact of a property with the street right-of-way along a lot line.
9. Mini-Barn. A freestanding, completely enclosed, accessory building constructed of stone, brick, metal or wood designed with a rural character and intended for the storage of personal property solely of the occupants of the primary use on the lot. (See also Shed)
10. Right-of-Way. Specific and particularly described strip of land, property, or interest therein devoted to and subject to the lawful use, typically as a thoroughfare of passage for pedestrians, vehicles, or utilities, as officially recorded by the office of the Marion County Recorder.
11. Right-of-Way, Public. Specific and particularly described strip of land, property, or interest therein dedicated to and accepted by the municipality to be devoted to and subject to use by the general public for general transportation purposes or conveyance of utilities whether or not in actual fact improved or actually used for such purposes, officially recorded by the office of the Marion County Recorder.
12. Right-of-Way, Private. Specific and particularly described strip of privately-held land, property, or interest therein devoted to and subject to use for general transportation purposes or conveyance of utilities whether or not in actual fact, improved or actually used for such purposes, as officially recorded by the office of the Marion County Recorder.
13. Shed. A freestanding, completely enclosed, accessory building, designed and intended for the storage of personal property solely of the occupants of the primary use on the lot. (See also Mini-Barn)
14. Sign. Any structure, fixture, placard, announcement, declaration, device, demonstration or insignia use for direction, information, identification or to advertise or promote any business, product, goods, activity, services or any interests.
15. Site Plan. The development plan, or series of plans, drawn to scale, for one or more lots on which is shown the existing and proposed location and conditions of the lot including as required by ordinance, but not limited to: topography, vegetation, drainage, floodplains, marshes, and waterways; open

spaces, walkways, means of ingress and egress, utility services, landscaping, buildings, structures, signs, lighting and screening devices, center lines of rights-of-way, and dimensions.

16. Street, Private. A privately-held right-of-way, with the exception of alleys, essentially open to the sky and open for the purposes of vehicular and pedestrian travel affording access to abutting property, whether referred to as a street, road, expressway, arterial, thoroughfare, highway, or any other term commonly applied to a right-of-way for said purposes. A private street may be comprised of pavement, shoulders, curbs, sidewalks, parking spaces, and the like.
17. Street, Public. A publicly dedicated, accepted and maintained right-of-way, with the exception of alleys, essentially open to the sky and open to the general public for the purposes of vehicular and pedestrian travel affording access to abutting property, whether referred to as a street, road, expressway, arterial, thoroughfare, highway, or any other term commonly applied to a public right-of-way for said purposes. A public street may be comprised of pavement, shoulders, gutters, curbs, sidewalks, parking spaces, and the like.
- A1 18. Structure. For purposes of this ordinance, a "structure", for which an Improvement Location Permit shall be required, shall include any building, sign or other structure, constructed or erected, the use of which requires a more or less specific location upon the ground, whether permanently affixed to the ground, temporary or mobile, ~~(including, without limitation the generality of the foregoing, mobile structures such as mobile homes and mobile identification, business or advertising signs), land improvements, constructions or alterations (including, without limitation upon the generality of the foregoing, off-street parking areas; mobile home parks, swimming pools; reservoirs; artificial lakes; the commercial excavation or removal of earth, minerals, sand or gravel; miniature golf, gold driving ranges, archery centers; tennis courts; athletic fields; stadiums; race tracks; golf courses; cemeteries; heliports; landing fields; reviewing stands; zoos; other outdoor exhibition or display areas, such as automobile, mobile homes, trailer or equipment storage, sales or rental; metal or salvage storage; model homes display), seasonal or temporary uses (including without limitation upon the generality of the foregoing, Christmas tree or nursery plant sales; fruit stands; tent exhibitions; outdoor bazaars) and similar open land uses.~~
19. Thoroughfare. The segment of the Comprehensive Plan for Marion County, Indiana, adopted by the Metropolitan Plan Development Commission of Marion County, Indiana, pursuant to IC 36-7-4 that sets forth the location, alignment, dimensions, identification and classification of freeways, expressways, parkways, primary arterials, secondary arterials, or other public ways as a plan for the development, redevelopment, improvement, and extension and revision thereof.

Sec. 43.00 Severability.

No Improvement Location Permits shall be issued for outdoor advertising signs in Marion county from the date of adoption of this amendment until the date when amendments to the outdoor advertising provisions of the Sign Regulations of Marion County, Indiana (Ordinance No. 71-AO-4, as amended by 86-AO-1) have been made, adopted and take effect or until June 1, 1988, whichever is earlier in time.

SECTION 5

~~If any provision or clause of this ordinance or the application thereof to any person or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision shall not affect other ordinance provisions or clauses or applications thereof which can be implemented without the unconstitutional or invalid provision, clause, or application, and to this end the provisions, clauses or application, of this ordinance are declared to be severable.~~

If any provision of this ordinance shall be held 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.

NOW BE IT FURTHER ORDAINED that an emergency exists for the passage of this ordinance and that the same shall be in full force and effect from and after this date.

SECTION 2. This ordinance shall be in full force and effect from and after adoption in compliance with IC 36-7-4.

PROPOSAL NO. 100, 1995. Councillor West reported that the Metropolitan Development Committee heard Proposal No. 100, 1995 on February 21, 1995. The proposal amends 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). By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor West moved, seconded by Councillor Gilmer, for adoption. Proposal No. 100, 1995 was adopted on the following roll call vote; viz:

26 YEAS: *Beadling, Black, Borst, Boyd, Brents, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams*
0 NAYS:
3 NOT VOTING: *Coughenour, Giffin, Rhodes*

Proposal No. 100, 1995 was retitled GENERAL ORDINANCE NO. 28, 1995 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 28, 1995
METROPOLITAN DEVELOPMENT COMMISSION
DOCKET NO. 95-AO-3

A GENERAL ORDINANCE to amend the Special Districts Zoning Ordinance of Marion County, Indiana, by 1) repealing the Special Use Districts Ordinance and including the language of that ordinance in the Special Districts Zoning Ordinance; and, 2) allow for Administrator's Approval of certain low intensity development.

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

SECTION 1. The Special Use Districts Zoning Ordinance, as adopted under Metropolitan Development Commission Docket Number 66-AO-3, as amended, pursuant to IC 36-7-4, is hereby repealed.

SECTION 2. The language of the former Special Use Districts Zoning Ordinance shall be recodified and combined into the Special Districts Zoning Ordinance in the following manner:

- a. delete the stricken-through language from the former ordinance;
- b. insert the underlined language into the applicable sections of the ordinance; and,
- c. insert non-altered language into the applicable sections of the ordinance.

SECTION 3. The language of the Special Districts Zoning Ordinance shall be further amended by deleting the crosshatched language and inserting the underscored language as follows:

CHAPTER I

Sec. 1.00. Establishment of Special Zoning Districts.

A. *Establishment of Special Zoning Districts.* The following primary Special Zoning Districts for Indianapolis/Marion County are hereby established, and land within Indianapolis is hereby classified, divided and zoned into said districts as designated on the Zoning Base Maps, which maps are attached hereto, incorporated herein by reference and made a part of this ordinance:

Park Districts
PK-1 Park District One
PK-2 Park District Two

Hospital Districts

- HD-1 Hospital District One
 HD-2 Hospital District Two

University Quarter Districts

- UQ-1 University Quarter District One
 UQ-2(B) University Quarter District Two (Butler University)

SECTION 1.00

B. Establishment of Special Use Zoning Districts - Permitted Uses. The following primary Special Use Zoning Districts for Marion County, Indiana, are hereby established, and land within said County zoned to said district classifications shall be designated on the applicable zoning maps by the following zoning district symbols, respectively (which maps are hereby incorporated by reference and made a part of this ordinance). No use shall be permitted in any Special Use Zoning District other than the following permitted use or uses specified for each said District, respectively:

<u>Special Use Zoning District</u>	<u>Symbol</u>	<u>Permitted Use</u>
<u>I</u>	<u>SU-1</u>	<u>Religious use (as defined in section 2.01.B.</u>
<u>II</u>	<u>SU-2</u>	<u>School</u>
<u>III</u>	<u>SU-3</u>	<u>Golf course, golf driving range, golf country club--public or private</u>
<u>V</u>	<u>SU-5</u>	<u>Radio receiving or broadcasting tower and accessory buildings</u>
<u>VI</u>	<u>SU-6</u>	<u>Hospital, sanitarium, nursing home</u>
<u>VII</u>	<u>SU-7</u>	<u>Charitable, philanthropic and not-for-profit institution</u>
<u>VIII</u>	<u>SU-8</u>	<u>Correctional and penal institution</u>
<u>IX</u>	<u>SU-9</u>	<u>Building(s) and grounds used by any department of town, city, township, county, state or federal government</u>
<u>X</u>	<u>SU-10</u>	<u>Cemetery</u>
<u>XIII</u>	<u>SU-13</u>	<u>Sanitary landfill</u>
<u>XVI</u>	<u>SU-16</u>	<u>Indoor and outdoor commercial amusement, recreation and entertainment establishment.</u>
<u>XVIII</u>	<u>SU-18</u>	<u>Light or power substation.</u>
<u>XX</u>	<u>SU-20</u>	<u>Telephone exchange offices.</u>
<u>XXIII</u>	<u>SU-23</u>	<u>Permanent gravel or sand processing plant, rock crushing, grinding or milling and stock piling.</u>
<u>XXVIII</u>	<u>SU-28</u>	<u>Petroleum refinery and petroleum products storage.</u>
<u>XXXIV</u>	<u>SU-34</u>	<u>a. Club rooms b. Fraternal rooms--Fraternity and lodge c. Ballroom--Public</u>
<u>XXXV</u>	<u>SU-35</u>	<u>Telecommunication receiving or broadcasting tower and associated accessory buildings.</u>
<u>XXXVII</u>	<u>SU-37</u>	<u>Library</u>
<u>XXXVIII</u>	<u>SU-38</u>	<u>Community center</u>
<u>XXXVIV</u>	<u>SU-39</u>	<u>Water tank, water pumping station and similar structures not located on buildings.</u>
<u>XXXXI</u>	<u>SU-41</u>	<u>Sewage disposal plant; garbage feeding and disposal</u>
<u>XXXXII</u>	<u>SU-42</u>	<u>Gas utility</u>
<u>XXXXIII</u>	<u>SU-43</u>	<u>Power transmission lines</u>
<u>XXXXIV</u>	<u>SU-44</u>	<u>Off-track pari mutuel wagering facilities, licensed as satellite facilities under IC 4-31-5.5 (Off-track betting facilities, G.O. 92, 1994)</u>

Including for each said district, Accessory Uses and Structures, subordinate, appropriate and incidental to the above permitted primary uses.

CHAPTER II

Sec. 2.00. General Regulations.

A. *Applicability of Regulations.* The following regulations shall apply to all land within the Special Zoning Districts. After the effective date of this ordinance:

1. With the exception of legally established nonconforming uses, no land, building, structure, premises or part thereof shall be used or occupied except in conformity with these regulations and for uses permitted by this ordinance.
2. No building, structure, premise or part thereof shall be constructed, erected, converted, enlarged, extended reconstructed or relocated except in conformity with these regulations and for uses permitted by this ordinance.

Provided, however, legally established nonconforming uses and structures or buildings not located in any Flood Control District may be reconstructed restored to their original dimensions and conditions if damaged or partially destroyed by fire or other naturally occurring disaster, provided the when such damage or destruction does not exceed two-thirds (2/3) of the gross floor area of the building or structure or facilities affected.

B. *Performance Standards.* All uses established or placed into operation after the effective date of this ordinance shall comply with the following performance standards. No use in existence on the effective date of this ordinance shall be so altered or modified as to conflict with these standards.

1. *Vibration.* No use shall cause earth vibrations or concussions detectable beyond the lot lines without the aid of instruments.
2. *Smoke, dust and particulate matter.* Smoke, dust, particulate matter and any other airborne material shall be subject to, ~~and comply with, the standards and regulations of the Air Pollution Ordinance as contained in Chapter 4 Four of the Municipal Code of the City of Indianapolis and Marion County, Indiana, and regulations promulgated pursuant thereto by the Indianapolis Air Pollution Control Board, which ordinance is on file in the office of the Neighborhood and Development Services Division of the Department of Metropolitan Development of Marion County, Indiana, and is hereby incorporated by reference and made a part hereof.~~
3. *Noxious matter.* No use shall discharge across the lot lines, noxious, toxic or corrosive matter, fumes or gases in such concentration as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.
4. *Odor.* No use shall emit across the lot lines odor in such quantities as to be readily detectable at any point along the lot lines and as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.
5. *Sound.* No use shall produce sound in such a manner as to endanger the public health, safety or welfare or cause injury to property. Sound shall be muffled so as not to become detrimental due to intermittence, beat, frequency, shrillness or vibration.
6. *Heat and glare.* No use shall produce heat or glare creating a hazard perceptible from any point beyond the lot lines.
7. *Waste matter.* No use shall accumulate within the lot or discharge beyond the lot lines any waste matter, whether liquid or solid, in violation of the applicable standards and regulations of the Division of Public Health of the Health and Hospital Corporation of Marion County, Indiana, the Indiana State Board of Health, and the Stream Pollution Control Board of the State of Indiana and the Department of Public Works of Indianapolis, Indiana, or in such a manner as to endanger the public health, safety or welfare or cause injury to property.

Sec. 2.01. Park District Regulations

A. *Permitted Park District Uses.*

1. Park District One (PK-1) uses. Public playgrounds, play fields, ball fields, ball courts, tennis courts, spray or wading pools, outdoor swimming pools, ice skating, picnicking, boating, fishing, wild life refuges, botanical gardens, arboreta, scenic areas, greenways, bridle paths, hiking and bicycle trails, and such other primary park or recreational uses, or uses incidental and accessory thereto, as are included within any site and development plan filed with and approved by the ~~Metropolitan Development~~ Commission as hereinafter provided.

Provided, however, that no use not specifically enumerated, nor any building or structure shall hereafter be constructed or used on any land in the PK-1 DISTRICT for any purpose other than lawfully existed on or prior to May 7, 1969 until a site and development plan for said land and all Park District lands of which it is a common tract (showing the location of existing and proposed park uses, including the location and proposed use of such building or structure to be built or used, or the proposed use not specifically enumerated as a permitted use) shall have been filed with and approved by the ~~Metropolitan Development~~ Commission unless enumerated in Section 2.01, C (Specific Exemptions - Administrator's Approval).

~~The Metropolitan Development Commission may consider and act upon any proposed site and development plan, approve the same in whole or in part, at any public meeting of the Commission. Public notice of such meeting shall not be required; however, the governmental unit or department filing such plan shall have the right to appear and be heard. Such site and development plan, and uses and structures therein, shall:~~

- a. ~~be in conformity with the Comprehensive Plan of Marion County, Indiana, including the Comprehensive Park Plan for Marion County, Indiana, adopted by Metropolitan Development Commission Resolution 65 CPS R-2, as amended;~~
 - b. ~~create and maintain a desirable, efficient and economical use of park land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the park and with adjacent uses;~~
 - c. ~~provide sufficient and adequate access, parking and loading areas;~~
 - d. ~~provide traffic control and street plan integration with existing and planned public streets and interior access roads;~~
 - e. ~~provide adequately for sanitation, drainage and public utilities; and~~
 - f. ~~allocate adequate sites for all uses proposed the design, character, grade, location, and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan for Marion County, Indiana, including said Comprehensive Park Plan for Marion County, Indiana.~~
2. Permitted park perimeter-Special District Two (PK-2) uses. Permitted Uses, as approved by the ~~Metropolitan Development~~ Commission as hereinafter provided:

- a. Any dwelling use, including single-family or multi-family, attached or detached dwellings, ~~as approved by the Metropolitan Development Commission as hereinafter provided and~~ subject to all standards, requirements and regulations of the Dwelling Districts Zoning Ordinance of Marion County, Indiana, 89-AO-2, as amended, specified in the petition for such Commission approval.
- b. Any commercial office use, office complex, commercial office- apartment complex, or other planned complex, which may include business, professional and consumer service offices, retail sales and service uses or other appropriate uses and accessory facilities ~~therefor, as approved by the Metropolitan Development Commission as hereinafter provided.~~
- c. Regional, community or neighborhood shopping center, commercial center - office - apartment complex, apartment hotels, hotels, motels or other similar single commercial use or multi-use planned complex, including business, professional and consumer service offices, retail sales and service uses, or other appropriate uses and accessory facilities ~~therefor, as approved by the Metropolitan Development Commission as hereinafter provided.~~

- d. Office-commercial-industrial research and development park or complex or other commercial-industrial use or combination thereof (subject to all standards, requirements and regulations of Section 2.05 of the Industrial Zoning Ordinance, (I-1-U Restricted Industrial Urban District) 63-AO-4, as amended, and accessory facilities ~~therefor, as approved by the Metropolitan Development Commission as hereinafter provided.~~
- e. Public and semipublic structures and uses, parks and open space, including but not limited to museums, auditoriums, theaters, amphitheaters, exhibition halls or exhibition spaces, libraries, civic centers, university or college campus or other educational office complexes, malls, greenways, or other appropriate uses and accessory facilities ~~therefor, as approved by the Metropolitan Development Commission as hereinafter provided.~~
- f. Residential-recreational-commercial planned complex, including multifamily dwellings, townhouses, condominium, cluster-housing or other planned residential development in combination with open space, recreational-commercial development including golf course, country club, riding stable, tennis or swimming club, marina, lake development or other recreational, public or semi-public, commercial or non-commercial uses, and accessory facilities ~~therefor, as approved by the Metropolitan Development Commission as hereinafter provided.~~
- g. Any other appropriate planned land use, complex or combination of land uses, ~~as approved by the Metropolitan Development Commission as hereinafter provided.~~

Provided, however, that no use, building or structure shall hereafter be established or constructed on any land in the PK-2 District until such proposed use, and a site and development plan for the use shall have been filed with and approved by the ~~Metropolitan Development Commission~~ Commission unless enumerated in Section 2.01. C (Specific Exemptions - Administrator's Approval).

B. Site and Development Plan Consideration. ~~The Metropolitan Development Commission~~ may consider and act upon any proposed use and site and development plan, approve the same in whole or in part, and impose additional development standards, requirements or conditions thereon at any public hearing of the Commission.

In the PK-1 District, public notice of such meeting shall be required only to registered neighborhood organizations whose boundaries include all or part of the subject request. In addition, the governmental unit or department filing such plan shall have the right to appear and be heard.

In the PK-2 District, ~~P~~public notice and notice to adjoining land owners by the petitioner shall be required in accordance with the Commission's Rules of Procedure.

Such site and development plan, and proposed uses, buildings and structures shall:

- ~~(1)~~ 1. Be ~~consistent in conformity~~ with the Comprehensive Plan of Marion County, Indiana, including the Comprehensive Park Plan for Marion County, Indiana, adopted by ~~the Metropolitan Plan Commission~~ Resolution 65-CPS-R-2, as amended;
- ~~(2)~~ 2. Create and maintain a desirable, efficient and economical land use with high functional and aesthetic value, attractiveness and compatibility of land uses, with adjacent park and other land uses;
- ~~(3)~~ 3. Provide sufficient and adequate access, parking and loading areas;
- ~~(4)~~ 4. Provide adequate traffic control and street plan integration with existing and planned public streets and interior access roads;
- ~~(5)~~ 5. Provide adequately for sanitation, drainage and public utilities; and
- ~~(6)~~ 6. Allocate adequate sites for all uses proposed - the design, character, grade, location, and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan of Marion County, Indiana, including said Comprehensive Park Plan for Marion County, Indiana.

All land use within the PK-1 and PK-2 Districts shall be subject to all requirements of Section 1.00, ~~B, C and D~~ B, C and D of The Improvement Location Permit Ordinance, 68-AO-11, as amended, relative to ~~plans (including exhibits, site plans, renderings, plans for buildings, signs or other structures, fencing, landscaping, off street~~

parking and loading areas, utilities, drainage, sewage or other developmental or land use plans) and covenants, or commitments filed, made or presented in support of such petition conformity with all conditions and commitments of the applicable Commission approval or Board of Zoning Appeals grant of a variance.

No use, building or structure shall be established or erected in any Park District without an Improvement Location Permit. An Improvement Location Permit shall not be issued until the proposed use and said site and development plan, or such part thereof as includes the proposed uses, buildings or structures, shall have been approved by the Metropolitan Development Commission, unless exempt under Section 2.01, C below. Applications for Improvement Location Permits shall be made upon Department of Metropolitan Department forms and shall include all information specified by such forms.

C. Specific Exemptions - Administrator's Approval. The filing of an Approval Petition and subsequent Commission Approval shall not be required for the creation or alteration of the following structures or for accomplishing the following types of improvements in the PK-1 and PK-2 Districts. Such structures and improvements, however, shall be required to obtain Administrator's Approval prior to the issuance of an Improvement Location Permit. All provisions and regulations of the zoning ordinance applicable in the particular situation, or commitments related to prior Commission Approval, shall continue to apply.

1. Improvements to existing structures that do not increase the usable floor area of that structure (for example: canopies, awnings, vestibules, roof line changes, or similar features).
2. Additions to existing structures which are less than:
 - : One thousand (1,000) square feet in the PK-1 District
 - : One thousand (1,000) square feet for residential uses, within the PK-2 District
 - : Two thousand five hundred (2,500) square feet for all other uses within the PK-2 District
3. In the PK-1 District, any new structure which is less than two thousand five hundred (2,500) square feet, provided the structure:
 - : Is in substantial conformance with the applicable adopted Park Master Plan; or,
 - : Is an accessory support structure which may not be delineated on the adopted Park Master Plan, the location of which, however, will not affect the implementation of the plan (examples of such structures are golf cart buildings, picnic shelters, maintenance sheds, and restrooms).
4. Any new residential structures in projects or subdivisions previously approved by the Commission. In instances of an approved subdivision, a plat shall have been recorded.
5. Accessory structures permitted in connection with residential development
6. Landscaping
7. Any incidental sign (as defined by the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended)

B. D. Park District Development Standards.

1. Park District One (PK-1) Development Standards. The following development standards shall apply to all land within Park District One:

1. *Location.* Public parks larger than ten (10) acres shall be located with direct access to and frontage on a collector street, or a street designated on the Official Thoroughfare Plan of Marion County, Indiana (adopted March 6, 1991), as a collector, primary or secondary thoroughfare, parkway, expressway or freeway.
2. *Minimum lot area.* There shall be no minimum lot area.
3. *Setback lines and minimum front yards.*

- a. Front yards, having a minimum depth in accordance with the following setback requirements shall be provided along all street right-of-way lines:

- (1) Expressway, parkway or primary thoroughfare (as designated on the Official Thoroughfare Plan of Marion County, Indiana, adopted March 6, 1991). No part of any structure shall be built closer than sixty (60) feet to any right-of-way line of an expressway, parkway or primary thoroughfare.
- (2) Secondary thoroughfare (as designated on the Official Thoroughfare Plan of Marion County, Indiana, adopted March 6, 1991). No part of any structure shall be built closer than forty (40) feet to any right-of-way line of a secondary thoroughfare.
- (3) Collector street. No part of any structure shall be built closer than thirty (30) feet to any right-of-way line of a collector street.
- (4) Local street, marginal access street or cul-de-sac. No part of any structure shall be built closer than twenty-five (25) feet to any right-of-way line of a local street, marginal access street, or cul-de-sac, with the exception of the vehicular turn-around thereof. No part of any structure shall be built closer than twenty (20) feet to any right-of-way line of the vehicular turnaround of a cul-de-sac.

Provided, however, that along the right-of-way line of any street, highway, or thoroughfare where access rights thereto have been purchased or otherwise acquired by the governmental agency having jurisdiction thereof, yards having a minimum depth of thirty (30) feet shall be provided.

Exception: Eaves, cornices or other laterally-supported extensions may extend into the front yard setback a maximum of four (4) feet.

4. *Maximum height*. Thirty-five (35) feet.

5. *Off-street parking*.

- a. Adequate off-street parking spaces shall be provided for the various PK-1 DISTRICT park activities and uses.

- b. Off-street parking area for all uses in the PK-1 District shall be developed and maintained in accordance with the following requirements:

- (1) Off-street parking entrances and exits shall be located a minimum distance of twenty-five (25) feet from the nearest point of two (2) intersecting street right-of-way lines. Such access cuts from a public street shall further conform to all requirements of the traffic engineering department having jurisdiction thereof.
- (2) The surface of parking areas shall be graded and drained in such a manner that there will be no free flow of water onto either adjacent properties or sidewalks.
- (3) Lighting facilities used to illuminate parking areas shall be so located, shielded and directed upon the parking area that they do not glare onto or interfere with street traffic, adjacent buildings, or adjacent users.

- c. The distance of driveways and parking areas from any adjacent property line shall be at least twenty (20) feet.

6. *Signs*. Signs and sign structures shall comply with the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended.

Sec. 2.02. Hospital District Regulations.

Statements of Purpose:

Hospital District One (HD-1). The HD-1 zoning category is designed to permit and facilitate the development, expansion, and modernization of a major hospital complex or campus, in which a diversity of uses, functions, and facilities is necessary to best perform the hospital's various services to the public; and, further to permit appropriate land use modifications as necessary to facilitate the highest level of such service.

Hospital District Two (HD-2). The HD-2 zoning category is designed to: (1) permit and facilitate the logical association of a diversity of land uses in close proximity to a major hospital complex; (2) to provide adequate land area for such hospital-related uses; and, (3) to assure a quality and character of site development that will create the environment of safety, quietness, attractiveness and convenience compatible with such hospital complex.

A. *Permitted Hospital District Uses.*

1. *Permitted Hospital District One (HD-1) Uses.* All uses permitted within the HD-1 District shall be subject to the Metropolitan Development Commission's approval, as included with a required site and development plan filed with, and approved by, said Commission as specified in Section 2.02, B.

Hospital complex or hospital campus, including the following accessory uses operated by or for the hospital, and integrally related thereto:

- a. Administrative and professional staff offices.
 - b. Apartments and dormitories for hospital staff, personnel and students.
 - c. Cafeterias, gift shops, book stores and other similar convenience functions.
 - d. Medical, research, multi-service convalescent and educational facilities and buildings, and related functions such as laboratories, auditoriums, class and recreation facilities.
 - e. Off-street parking lots and garages for employees, staff, and visitors; and off-street loading facilities.
 - f. Warehouses, maintenance buildings, laundries, food preparation facilities, and utilities structures.
 - g. Other similar uses and facilities.
2. *Permitted Hospital District Two (HD-2) uses.* All uses permitted within the HD-2 District shall be subject to the Metropolitan Development Commission's approval, as included within a required site and development plan filed with, and approved by, said Commission as specified in Section 2.02, B.
 - a. Apartments, dormitories, and other higher-intensity, permanent or transient residential structures.
 - b. Commercial parking lots and garages.
 - c. Medical laboratories; surgical and medical supply firms; hospital and sickroom equipment sales & rental.
 - d. Nursing, convalescent and retirement homes.
 - e. Offices for physicians, dentists, and other professions dealing with public health.
 - f. Pharmacies; florists; card and gift shops; restaurants; uniform clothing stores; and similar convenience and specialty sales and service businesses.
 - g. Other similar hospital-related or oriented uses.

B. *Site and development plan.* No use, building or structure shall hereafter be established, constructed or used on any land in the HD-1 or HD-2 District for any purpose other than lawfully existed on or prior to July 17, 1968 until a site and development plan for said land, including the proposed Hospital District use or uses shall have been filed with and approved by the Metropolitan Development Commission unless enumerated in Section 2.02, B.3 (Specific Exemptions - Administrator's Approval).

1. *Site and development plan requirements.* Said site and development plan shall include layout and elevation plans for all proposed buildings and structures, and shall indicate:
 - a. Proposed Hospital District uses.
 - b. Any existing uses, buildings and structures.
 - c. Proposed buildings and structures.
 - d. Off-street parking layouts.
 - e. Vehicular entrances and exits and turn-off lanes.
 - f. Setbacks.
 - g. Landscaping, screens, walls, fences.
 - h. Signs, including location, size and design thereof.
 - i. Sewage disposal facilities.
 - j. Storm drainage facilities.
 - k. Other utilities if above ground facilities are needed.

Such site and development plan, proposed use, and building or structure shall:

- : be so designed as to create a superior land development plan, in conformity with the Comprehensive Plan of Marion County, Indiana.
- : create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the Hospital District and with adjacent uses;
- : provide sufficient and adequate access, parking and loading areas;
- : provide traffic control and street plan integration with existing and planned public streets and interior roads;
- : provide adequately for sanitation, drainage and public utilities; and
- : allocate adequate sites for all uses proposed - the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan of Marion County, Indiana.

The Metropolitan Development Commission may consider and act upon any such proposed use and site and development plan, approve the same in whole or in part, and impose additional development standards, requirements or conditions thereon at any public hearing of the Commission.

Public notice:

HD-1. Public notice of a public hearing of the Commission regarding site and development plan approval shall ~~not~~ be required only to registered neighborhood organizations whose boundaries include all or part of the subject request. In addition; ~~however,~~ the owner/ petitioner filing such plan shall have the right to appear and be heard.

HD-2. Public notice of a public hearing of the Commission regarding site and development plan approval, and notice by the petitioner to adjoining land owners (including, additionally, the major hospital of the adjacent HD-1 District) shall be required in accordance with the Commission's Rules of Procedure.

~~Such site and development plan, proposed use, and building or structure shall:~~

~~— be so designed as to create a superior land development plan, in conformity with the Comprehensive Plan of Marion County, Indiana.~~

~~— create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the Hospital District and with adjacent uses;~~

~~— provide sufficient and adequate access, parking and loading areas;~~

~~— provide traffic control and street plan integration with existing and planned public streets and interior roads;~~

~~— provide adequately for sanitation, drainage and public utilities; and~~

~~— allocate adequate sites for all uses proposed — the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan of Marion County, Indiana.~~

2. *Improvement Location Permit requirements.* No building or structure shall be erected in the HD-1 or HD-2 District without an Improvement Location Permit. Said permit shall not be issued until the site and development plan, including the proposed Hospital District use or uses and plans for such building or structure, shall have been approved by the ~~Metropolitan Development~~ Commission, unless exempt under Section 2.02, B. 3 below in accordance with Section 2.02, B. Applications for an Improvement Location Permit shall be made upon Department of Metropolitan Development forms and shall include all information specified by such forms.

3. *Specific exemptions - administrator's approval.* The filing of an Approval Petition and subsequent Commission Approval shall not be required for the creation or alteration of the following structures or for accomplishing the following types of improvements in the HD-1 and HD-2 Districts. Such structures and improvements, however, shall be required to obtain Administrator's Approval prior to the issuance of an Improvement Location Permit. All provisions and regulations of the zoning ordinance applicable in the particular situation, or commitments related to prior Commission Approval, shall continue to apply.

- a. Improvements to existing structures that do not increase the usable floor area of that structure (for example: canopies, awnings, vestibules, roof line changes, or similar features).
- b. Additions to existing structures which are less than two thousand five hundred (2,500) square feet in area.
- c. Accessory structures permitted in connection with residential development.
- d. Landscaping.
- e. Any incidental sign (as defined by the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended).

C. *Hospital District development standards.* All development within the Hospital Districts shall be in accordance with the site and development plan, as approved by the ~~Metropolitan Development~~ Commission in accordance with Section 2.02, B.

Sec. 2.03. University Quarter District Regulations

A. *Permitted University Quarter District uses.*

1. *Permitted University Quarter One (UQ-1) uses.*

- a. *University uses*, provided, however, prior to the issuance of an Improvement Location Permit for any use, structure, building or development within the UQ-1 DISTRICT, the ~~Metropolitan Development~~ Commission's approval shall be required unless enumerated in Section 2.03, A. 3. (Specific Exemptions - Administrator's Approval).

The petition for such UQ-1 approval shall include a site and development plan. The ~~Metropolitan Development~~ Commission may consider and act upon such petition, approve the same in whole or in part, and impose additional development standards, requirements or conditions thereon at any public meeting of the Commission. Public notice thereof shall not be required; however, the owner/petitioner shall have the right to appear and be heard. The proposed use, building or structure and site and development plan shall:

- (1) Be so designed as to create a superior land development plan, in conformity with the Comprehensive Plan of Marion County, Indiana, including the applicable University Quarter Plan;
- (2) Create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the University Quarter District and with adjacent uses;
- (3) Provide sufficient and adequate access, parking and loading areas;
- (4) Provide traffic control and street plan integration with existing and planned public streets and interior access roads;
- (5) Provide adequately for sanitation, drainage and public utilities; and
- (6) Allocate adequate sites for all uses proposed - the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan of Marion County, Indiana, including the applicable University Quarter Plan.

2. *Permitted University Quarter Two (Butler University) (UQ-2[B]) uses.*

- a. Any use permitted in the D-5 Dwelling District, subject to all standards, requirements and regulations of Section 2.07 of the Dwelling Districts Zoning Ordinance (D-5 Dwelling District Five Regulations), 89-AO-2, as amended.
- b. University-related group dwelling use (dormitory or fraternal organization) providing residence solely for university students or faculty. Provided however, such university-related group dwelling use shall be subject to the ~~Metropolitan Development~~ Commission's approval, as hereinafter provided, unless enumerated in Section 2.03. A. 3, (Specific Exemptions - Administrator's Approval), and subject to the development standards of Section 2.03, B.

The petition for UQ-2(B) University-related group dwelling use approval shall include a site and development plan. The ~~Metropolitan Development~~ Commission may consider and act upon such petition, approve the same in whole or in part, and impose additional development standards, requirements or conditions thereon at any public hearing of the Commission. Public notice thereof and notice by the petitioner to adjoining land owners in accordance with the Commission's ~~Rules of Procedure~~ shall be required. The proposed use, building or structure, and site and development plan shall:

- (1) Be so designed as to create a superior land development plan, in conformity with the Comprehensive plan of Marion County, Indiana, including the applicable University Quarter Plan;
- (2) Create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the University Quarter District and with adjacent uses;
- (3) Indicate sufficient and adequate access, parking and loading areas - except, however, such primary group dwelling parking area shall not be located within the subject site, but shall be provided within five hundred (500) feet thereof in the adjacent UQ-1 District;
- (4) Provide adequately for sanitation, drainage and public utilities; and

- (5) Allocate adequate sites for all uses proposed - the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan of Marion County, Indiana, including the applicable University Quarter Plan.

3. Specific exemptions - administrator's approval. The filing of an Approval Petition and subsequent Commission Approval shall not be required for the creation or alteration of the following structures or for accomplishing the following types of improvements in the UQ-1 and University-related group dwelling uses (dormitory or fraternal organization), permitted in the UQ-2(B) Districts. Such structures and improvements, however, shall be required to obtain Administrator's Approval prior to the issuance of an Improvement Location Permit. All provisions and regulations of the zoning ordinance applicable in the particular situation, or commitments related to prior Commission Approval, shall continue to apply.

- a. Improvements to existing structures that do not increase the usable floor area of that structure (for example: canopies, awnings, vestibules, roof line changes, or similar features).
- b. Additions to existing structures which are less than two thousand five hundred (2,500) square feet in area (UQ-1 District only).
- c. Landscaping.
- d. Any incidental sign (as defined by the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended).

B. University Quarter District development standards.

1. Development standards - UO-1 District uses.

- a. Setback lines and minimum yards.
 - (1) Setback line and minimum front yard. Yards, having a minimum depth in accordance with the setback requirements of Section 2.21, A of the Dwelling Districts Zoning Ordinance, 89-AO-2, as amended, shall be provided along all street right-of-way lines.
 - (2) Minimum side and rear yards. Fifteen (15) feet or one (1) foot for each foot of building height, which ever is greater.
- b. Maximum building area. Building area (as defined in Section 2.25 of the Dwelling Districts Zoning Ordinance), 89-AO-2, as amended, shall not exceed forty percent (40%) of the lot area.
- c. Maximum height. Thirty-five (35) feet.

2. Development standards - UO-2(B), University-related group dwelling uses.

- a. Setback lines and minimum yards.
 - (1) Setback line and minimum front yard. Yards, having a minimum depth in accordance with the setback requirements of Section 2.21, A of the Dwelling Districts Zoning Ordinance, 89-AO-2, as amended, shall be provided along all street right-of-way lines.
 - (2) Minimum side and rear yards. Fifteen (15) feet or one (1) foot for each foot of building height, which ever is greater.
- b. Maximum building area. Building area (as defined in Section 2.25 of the Dwelling Districts Zoning Ordinance), 89-AO-2, as amended, shall not exceed forty percent (40%) of the lot area.
- c. Maximum height. Thirty-five (35) feet.

SECTION 2.04. RESERVED

CHAPTER II

Sec. 2.04. Special Use District regulations

The following regulations shall apply to all land within the Special Use Districts.

A. Applicability of regulations for Special Use (SU) Districts. After the effective date of this ordinance:

- ~~1. With the exception of legally established nonconforming uses, no land, building, structure, premises or part thereof shall be used or occupied except in conformity with these regulations and for uses permitted by this ordinance.~~
2. 1. No building, structure, premises or part thereof shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated except in conformity with these regulations and for uses permitted by this ordinance and until the proposed site and development plan and landscape plan have been filed with and approved on behalf of the Metropolitan Development Commission by the Administrator of the Neighborhood and Development Services Division or approved by said Metropolitan Development Commission, as hereinafter provided. Said request shall be in the form of an application for an Improvement Location Permit.

Upon the application for such permit request, the Administrator of the Neighborhood and Development Services Division on behalf of the Metropolitan Development Commission, shall consider and either approve, disapprove, or approve subject to any conditions, amendments or covenants by the petitioner, the proposed site and development plan and landscape plan. (The action of the Administrator upon such permit application shall be subject to the filing of an appeal in the form of an Approval Petition, within ten (10) days of denial of said approval, by any aggrieved person to the Metropolitan Development Commission as specified in the Rules of Procedure of the Metropolitan Development Commission.)

The Metropolitan Development Commission may consider and act upon such appeals of the action of the Administrator at any public meeting of the Commission, and shall either approve, disapprove, or approve subject to any conditions, amendments, or covenants by the petitioner, the site and development plan and landscape plan. The Approval Petition shall be heard in accordance with the Metropolitan Development Commission's Rules of Procedure.

No building or structure shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated in said Special Use Districts of Indianapolis, Marion County, Indiana, without an Improvement Location Permit, and said permit shall not be issued until the proposed site and development plan has been approved in accordance with this section.

- ~~3.~~ 2. Legally established nonconforming uses and structures or buildings not located in any Flood Control District may be restored to their original dimensions and conditions if damaged or partially destroyed by fire or other naturally occurring disaster, provided the damage or destruction does not exceed two-thirds (2/3) of the gross floor area of the building or structure affected.
4. 3. All land use within the SPECIAL USE DISTRICTS shall be limited to the use or uses existing on the effective date of this ordinance or specified in the applicable rezoning petition or ordinance redistricting and zoning the particular land to that DISTRICT.

B. PERFORMANCE STANDARDS

~~All uses established or placed into operation after the effective date of this ordinance shall comply with the following performance standards. No use in existence on the effective date of this ordinance shall be so altered or modified as to conflict with these standards.~~

- ~~1. VIBRATION~~ No use shall cause earth vibrations or concussions detectable beyond the lot lines without the aid of instruments.
- ~~2. SMOKE, DUST~~ Smoke, dust, particulate matter and any other air-borne material shall be subject to, and comply
- ~~AND PARTICU~~

- ~~LATE MATTER~~ with the standards and regulations of the Air Pollution Ordinance as contained in Chapter 4 of the Code of Indianapolis and Marion County, Indiana, and regulations promulgated pursuant thereto by the Indianapolis Air Pollution Control Board.
3. ~~NOXIOUS MATTER~~ No use shall discharge across the lot lines, noxious, toxic or corrosive matter, fumes or gases in such concentration as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.
 4. ~~ODOR~~ No use shall emit across the lot lines odor in such quantities as to be readily detectable at any point along the lot lines and as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.
 5. ~~SOUND~~ No use shall produce sound in such a manner as to endanger the public health, safety or welfare or cause injury to property. Sound shall be muffled so as not to become detrimental due to intermittence, beat, frequency, shrillness or vibration.
 6. ~~HEAT AND GLARE~~ No use shall produce heat or glare creating a hazard perceptible from any point beyond the lot lines.
 7. ~~WASTE MATTER~~ No use shall accumulate within the lot or discharge beyond the lot lines any waste matter, whether liquid or solid, in violation of the applicable standards and regulations of the Division of Public Health of the Health and Hospital Corporation of Marion County, Indiana, the Indiana State Board of Health, and the Stream Pollution Control Board of the State of Indiana and the Department of Public Works of Indianapolis, Indiana, or in such a manner as to endanger the public health, safety or welfare or cause injury to property.

~~C. B.~~ *Development standards.* All uses permitted within the Special Use Districts shall be administratively reviewed (as noted in Section 2.004, A, 1 and 2), using as a guide the development standards applicable to the specified District as follows:

<i>Special Use Zoning District</i>	<i>Applicable District for Development Standards Compliance</i>
SU-1	C-1
SU-2	C-1
SU-3	C-5
SU-5	I-2-S
SU-6	C-2
SU-7	C-2
SU-8	C-2
SU-9	C-1
SU-10	C-1
SU-13	(As per Section 2.00, D4 , C)
SU-16	C-5
SU-18	I-1-S
SU-20	C-1
SU-23	I-5-S
SU-28	I-4-S
SU-34	C-3
SU-35	I-2-S
SU-37	C-1
SU-38	C-3
SU-39	C-1
SU-41	I-5-S
SU-42	C-1 (And as per Section 2.00, E4 , D)
SU-43	I-1-S
SU-44	C-3 (G.O. 92, 1994) (And as per Section 2.04, E)

The Administrator, in reviewing Special Use District development, shall have the power to modify the standards noted above, and approve alternatives for those requirements so long as the alternative standards are appropriate for the site and its surroundings and the site development is compatible and consistent with the intent of the

stated standards. Such modifications shall be noted on the site and development plan, stamped approved by the Administrator and become a part of the file and requirements for the Improvement Location Permit.

~~D. C.~~ *Additional development standards for the Special Use XIII (SU-13) District.* In addition to the regulations of Section 2.00, A and B, and Section 2.004 A, ~~and B, and C,~~ the following regulations shall apply to Special Use District XIII (SU-13):

1. *Land use restriction.* Land use permitted in the SU-13 District shall be limited to "sanitary landfill" operations, as defined in Section 2.045, B.

Whenever the applicable standards or requirements of any other ordinance, or governmental unit or agency thereof are higher or more restrictive, the latter shall control land use permitted in the SU-13 District.

"Open Dumping", as defined in Section 2.045, B, shall not be permitted in the SU-13 District.

No use in the SU-13 District shall be maintained or operated in a manner constituting a hazard to health, safety or the public welfare.

2. *Minimum lot area.* Ten (10) acres.
3. *Minimum frontage.* Three hundred (300) feet.
4. *Minimum yards.* Minimum required depth of front, rear and side yards, surrounding the landfill operation: One hundred (100) feet.

No landfill operation, or portion thereof, shall be permitted within one hundred (100) feet of any lot line.

5. *Fencing.* The entire landfill operation shall be enclosed with a substantial wall, fence at least five (5) feet in height, or other adequate barrier.
6. *Buffer strip.* A buffer planting strip, requiring trees, shrubs and woody vegetation, at least thirty (30) feet in depth, shall be provided and maintained between the lot lines and the above required fencing or other enclosure.
7. *Signs.* Signs and sign structures shall comply with the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended.
8. *Access drive.* Distance of driveway entrance or exit from any adjacent lot line shall be at least one hundred twenty-five (125) feet.

Any portion of such access drive within a distance of one hundred fifty (150) feet of the public street shall be paved or treated so as to be dust free.

9. *Required permit, site & operational plan; bond.*
 - a. No sanitary landfill operation (or phase there-of) shall be permitted in the SU-13 District until a Permit has been issued by the Neighborhood and Development Services Division and a bond filed therefore, as required by sub-paragraph b. hereof.
 - b. Applications for the Permit required by subparagraph a. above shall be made in writing and shall be accompanied by a corporate surety bond for the faithful performance of all applicable requirements of this ordinance, including the operation and the completion of the sanitary landfill in accordance with the approved Site and Operational Plan, as required by sub-paragraph c. hereof. (Such Permit may be issued and bond filed for the total operation or for one or more phases thereof, as shown on the Site and Operational Plan.)

Said bond shall run jointly and severally to the Metropolitan Development Commission of Marion County, Indiana, and any other governmental agency requiring a similar bond, and shall be in the amount of ten thousand dollars (\$10,000.00) per operation, with approved surety. Said

bond shall specify the time for completion of all applicable requirements of this ordinance and shall specify the total operational area, or phase thereof, covered by the bond.

- c. Applications for the Permit required by sub-paragraph a. above shall be accompanied by the following:

- (1) proposed Site and Operational Plan, including topographic maps (at a scale of not over one hundred [100] feet to the inch) with contour intervals which clearly show the character of the land and geological characteristics of the site as determined by on-site testing or from earlier reliable survey data, indicating soil conditions, water tables and subsurface characteristics.

Said Plan shall indicate: the proposed fill area; any borrow area; access roads; on-site drives; grades for proper drainage of each lift required and a typical cross-section of a lift; special drainage devices if necessary; location and type of fencing; structures existing or to be located on the site; existing wooded areas, trees, ponds or other natural features to be preserved; existing and proposed utilities; phasing of landfill operations on the site; a plan and schedule for site restoration and completion; a plan for the ultimate land use of the site; and all other pertinent information to indicate clearly the orderly development, operation and completion of the sanitary landfill. Approval of said Site and Operational Plan by the Administrator of the Neighborhood and Development Services Division shall be required prior to the issuance of said permit.

- (2) An area map.

10. *Operation.*

- a. Supervision of operation. A landfill operation shall be under the direction of a responsible individual at all times. Access to a sanitary landfill shall be limited to those times when an attendant is on duty and only to those authorized to use the site for the disposal of refuse. Access to the site shall be controlled by a suitable barrier.
- b. Unloading of refuse. Unloading of refuse shall be continuously supervised.
- c. Site maintenance. Measures shall be provided to control dust and blowing paper. The entire area shall be kept clean and orderly.
- d. Spreading and compacting of refuse. Refuse shall be spread so that it can be compacted in layers not exceeding a depth of two (2) feet of compacted material. Large and bulky items, when not excluded from the site, shall be disposed of in a manner approved by the Health and Hospital Corporation.
- e. Daily cover. A compacted layer of at least six (6) inches of suitable cover material shall be placed on all exposed refuse by the end of each working day.
- f. Final cover. A layer of suitable cover material compacted to a minimum thickness of two (2) feet shall be placed over the entire surface of each portion of the final lift not later than one (1) week following the placement of refuse within that portion.
- g. Maintenance of cover. All daily cover depths must be continually maintained and final cover depths shall be maintained for a period of two (2) years.
- h. Hazardous materials, including liquids and sewage. Hazardous materials, including liquids and sewage, shall not be disposed of in a sanitary landfill unless special provisions are made for such disposal through the health department having jurisdiction. This provision in no way precludes the right of a landfill operator to exclude any materials as a part of his operational standards.
- i. Burning. No refuse shall be burned on the premises.
- j. Salvage. Salvaging, (the controlled removal of reusable materials), if permitted, shall be organized so that it will not interfere with prompt sanitary disposal of refuse or create unsightliness or health hazards. Scavenging (the uncontrolled removal of materials) shall not be permitted.

- k. Insect and rodent control. Conditions unfavorable for the production of insects and rodents shall be maintained by carrying out routine landfill operations promptly in a systematic manner. Supplemental insect and rodent control measures shall be instituted whenever necessary.
- l. Drainage of surface water. The entire site, including the fill surface, shall be graded and provided with drainage facilities to minimize runoff onto and into the fill, to prevent erosion or washing of the fill, to drain off rainwater falling on the fill, and to prevent the collection of standing water.
- m. Characteristics of cover material. Cover material shall be of such character that it can be compacted to provide a tight seal and shall be free of putrescible materials and large objects.
- n. Water pollution and nuisance control. Sanitary landfill operations shall be so designed and operated that conditions of unlawful pollution will not be created and injury to ground and surface waters avoided which might interfere with legitimate water uses. Water-filled areas not directly connected to natural lakes, rivers or streams may be filled with specific inert material not detrimental to legitimate water uses and which will not create a nuisance or hazard to health. Special approval of the inert material to be used in this manner shall be required in writing from the Health and Hospital Corporation. Inert material shall not include residue from refuse incinerators.
- o. Equipment. Adequate numbers, types and sizes of properly maintained equipment shall be used in operating the landfill in accordance with good engineering practice and with these rules.

Emergency equipment shall be available on the site or suitable arrangements made for such equipment from other sources during equipment breakdown or during peak loads.

- 11. *Completion of landfill.* Upon completion of the landfill operation, or any phase thereof as indicated on the approved Site and Operational Plan, the land shall be graded, backfilled and finished to a surface which will:
 - a. Result in a level, sloping or gently rolling topography in substantial conformity or desirable relationship to the original site, and land area immediately surrounding, and
 - b. Minimize erosion due to rainfall. Such graded or backfilled area shall be sodded or surfaced with soil of a quality at least equal to the topsoil of vegetation producing land areas immediately surrounding, and to a depth of at least six (6) inches.

Said topsoil shall be planted with trees, shrubs, legumes or grasses, as indicated on the approved Site and Operational Plan.

E. D. *Additional development standards for the Special Use XXXXII (SU-42) District.* In addition to the regulations of Section 2.00. A and B, and Section 2.004 A, and B and C, the following regulations shall apply to all gas conditioning and control facilities, including odorizing, mixing, metering and high pressure regulating substations permitted under such Special Use District XXXXII (SU-42), and where the word "lot" is used in the following twelve paragraphs it shall be deemed to include, but not be limited to, any area of land designated as a lot on a platted subdivision or described on a duly recorded deed or area or parcel of land or site:

- 1. The storage, utilization or manufacture of all products or materials shall conform to the standards prescribed by the National Fire Protection Association, a copy of which is on file in the office of the Neighborhood and Development Services Division, Department of Metropolitan Development of Marion County, Indiana, and which standards are hereby incorporated by reference and made a part hereof. Such storage, utilization or manufacture shall not produce a hazard or endanger the public health, safety and welfare.
- 2. All uses shall conform to the Atomic Energy Commission's standards for protection against radiation, a copy of which is on file in the office of the Neighborhood and Development Services Division, Department of Metropolitan Development of Marion County, Indiana, and which standards are hereby incorporated by reference and made a part hereof.
- 3. All uses shall conform to the Federal Communications Commission's standards governing electromagnetic radiation, a copy of which is on file in the office of the Neighborhood and

Development Services Division, Department of Metropolitan Development of Marion County, Indiana, and which standards are hereby incorporated by reference and made a part hereof.

4. No building or structure for uses permitted under such Special Use District XXXXII (SU-42) shall be constructed and no premises shall be used for such purposes on any lot which does not have direct frontage on one (1) permanently surfaced public street or highway.
5. All uses permitted under such Special Use District XXXXII (SU-42) shall provide hardsurfaced, off-street parking areas, including as a minimum requirement one (1) space (containing three hundred-thirty [330] square feet in addition to the necessary ingress and egress lanes) for each two employees, computed on the basis of the greatest number of persons employed at any one period during the day or night. Such parking areas must not extend within twenty (20) feet of any lot boundary except where said lot boundary abuts an active railroad line.

Such parking areas shall not be leased or rented for hire, but shall be for the sole use of the occupants and visitors of the premises.

6. The total of the gross floor area of all structures on the lot, excluding the gross floor area of off-street parking building space, shall not exceed one-half (1/2) the area of the lot on which the structures are located.
7. A front yard shall be required along every front lot line. A front yard shall be not less than the established setback for abutting land; provided, however, in the event such established set-backs of abutting land shall not be of equal depth, the front yard shall be not less than the depth of the greater, and in the event the abutting land is in an Industrial or Commercial District, the front yard shall be not less than sixty (60) feet in depth.

Provided further that in the event said lot adjoins a Dwelling District, the fence and hedge referred to in paragraph (12) hereof shall not be located closer to any street right-of-way than the established setback line of said Dwelling District, said fence to be not less than fifteen (15) additional feet from the outside of the building or structure as provided in said paragraph (12) hereof. Except for necessary walks, drives and parking areas not exceeding ten percent (10%) of the front yard area, a front yard shall be planted in grass or other suitable ground cover.

8. A side yard shall be provided along each side lot line. A side yard shall be at least fifty (50) feet in depth (except where it abuts a main line railroad) plus one (1) foot for each foot of height by which the building or structure exceeds twenty (20) feet.
9. A rear yard shall be provided along each rear yard line. A rear yard shall be at least fifty (50) feet in depth (except where it abuts an active main line railroad) plus one (1) foot for each foot of height by which the building or structure exceeds twenty (20) feet.
10. All signs shall meet the requirements of the Sign Regulations of Marion County, Indiana (71-AO-4).
11. All gas conditioning and control facilities permitted under such Special Use District XXXXII (SU-42) and equipment relating thereto shall be housed in buildings or structures of masonry construction, unless otherwise prescribed by law or by the standards of the National Fire Protection Association which are incorporated herein by reference and made a part hereof.
12. Each building or structure housing such facilities and equipment shall be enclosed by a six (6) foot chain link fence, with locked gate, not less than fifteen (15) feet from the outside of such building or structure and a compact hedge not less than six (6) feet in height between such fence and the property line. Said hedge shall not be located closer than twenty-five (25) feet to any street right-of-way. In the event said lot adjoins a Dwelling District, said fence and hedge shall not be located closer to any street right-of-way than the established setback line of said Dwelling District.

~~F. E.~~ E. *Additional regulations applicable to Special Use XXXXIV (SU-44) District. (G.O. 92, 1994) In addition to the regulations of Section 2.00 A and B, and Section 2.004 A, and B, and C, the following regulations shall apply to Special Use District XXXXIV (SU-44):*

1. *Permitted uses.* The only commercial activities permitted in this district shall be:
 - a. *pari-mutuel wagering on horse races, and*

- b. providing full service dining facilities

by the holder of a satellite facilities license issued under IC 4-31-5.5.

2. *Development Standards.*

- a. All wagering and food and beverage service shall be conducted entirely inside the facility, which shall be designed so that none of the wagering activities, including bet-taking, video monitors, and odds and contest-result displays, shall be visible to any person at any location outside the facility.

- b. No drive-through service or outside sales shall be permitted.

- c. No outside speakers or video monitors shall be used to advertise or display the contests, odds or other information about the wagering activities conducted within the facility.

- d. Minimum parking of one (1) parking space per employee per largest work shift plus one (1) parking space for each seventy-five (75) square feet of gross area of the facility.

- e. No accessory structures shall be permitted.

- f. Lighting of parking area.

- (1) When parking areas are illuminated, the lighting equipment shall provide good visibility with a minimum of direct glare.

- (2) In applying exterior lighting, equipment shall be of an appropriate type and be so located, shielded and directed that the distribution of light is confined to the area to be lighted.

- (3) Objectionable light onto adjacent properties and streets shall be avoided to prevent direct glare or disability glare.

- (4) Lighting levels for outdoor parking areas shall meet the following minimum average maintained horizontal footcandles (as specified in Architectural Graphics Standards, Eighth Edition, Ramsey/Sleeper John Wiley and Sons, Inc., New York, New York, a copy of which is on file in the office of the Neighborhood and Development Services Division of the Department of Metropolitan Development of Marion County, Indiana and is hereby incorporated by reference and made a part hereof).

- (5) Further, it shall be prohibited to:

- (a) light an area by the use of stringers or unshielded incandescent lamps in which the entire lamp envelope is designed to function as a light emitter; and

- (b) make use of attention attracting lighting from any apparatus of any type similar to that used by emergency vehicles.

- 3. No use of any land, structure or premises shall be permitted if any portion of the perimeter of the subject lot is located within five hundred (500) feet of the following zoning districts:

- a. Dwelling Districts,

- b. Historic Preservation Districts,

- c. Park Districts,

- d. University Quarter Districts,

- e. SU-1 District (Church),

- f. SU-2 District (School),

- g. SU-37 District (Library),
- h. SU-38 District (Community Center).

In addition to the zoning districts noted above, this regulation shall also apply to any portion of the perimeter of a lot containing a church, elementary school, junior high school, high school, as defined in IC 20-10.1-1, college or university regardless of zoning classification.

If such use is a part of or included within an integrated center, the perimeter of the portion thereof or leased space occupied by such use shall be deemed the perimeter of the lot for purposes of the above distance computation.

Sec. 2.045. Construction of language and definitions.

A. *Construction of language.* The language of this ordinance shall be interpreted in accordance with the following regulations:

1. The particular shall control the general.
2. In the case of any difference of meaning or implication between the text of this ordinance and any illustration or diagram, the text shall control.
3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
5. A "building" or "structure" includes any part thereof.
6. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".
7. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", or "either...or", the conjunction shall be interpreted as follows:
 - a. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - c. "Either...or" indicates that all the connected items, conditions, provisions, or events shall apply singly but not in combination.

B. *Definitions.*

1. *Administrator.* Administrator of the Neighborhood and Development Services Division or his/her appointed representative.
2. *Hardsurfaced.* Quality of an outer area being solidly constructed of pavement, brick, paving stone, or a combination thereof.
3. *Lot line.* The legal boundary of a lot as recorded in the office of the Marion County Recorder.
4. *Lot line, front.* The lot line(s) coinciding with the street rights-of-way; in the case of a corner lot, both lot lines coinciding with the street rights-of-way shall be considered front lot lines; or, in the case of a through lot, the lot line which most closely parallels the primary entrance to the primary structure shall be considered the front lot line, or so declared by the Administrator.
5. *Lot line, rear.* A lot line which is opposite and most distant from the front lot line, or in the case of a triangularly shaped lot, a line ten (10) feet in length within the lot, parallel to and at the maximum

distance from the front lot line. However, in the case of a corner lot any, any lot line which intersects with a front lot line shall not be considered a rear lot line.

6. *Lot line, side.* Any lot line not designated as a front or rear lot line.
7. *Open dumping.* A site where refuse is dumped, which due to lack of control may create a breeding place for flies and rats, may catch fire or produce air pollution.
8. *Religious use.* A land use devoted primarily to divine worship together with reasonably related accessory uses, which are subordinate to and commonly associated with the primary use, which may include but are not limited to, educational, instructional, social or residential uses.
9. *Sanitary landfill.* A method of disposing of refuse on land without creating nuisances or hazards to public health, safety, or welfare by utilizing principals of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume, covering it with a layer of suitable cover at the conclusion of each day's operation or at more frequent intervals as necessary.
10. *Yard, front.* An open space unobstructed to the sky, extended fully across the lot while situated between the front lot line and a line parallel thereto, which passes through the nearest point of any building or structure and terminates at the intersection of any side lot line.
11. *Yard, rear.* An open space unobstructed to the sky extending fully across the lot situated between the rear lot line and a line parallel thereto which passes through the nearest point of any building or structure and terminates at the intersection of any side lot line.
12. *Yard, side.* An open space unobstructed to the sky extending the length of the lot situated between a side lot line and a line parallel thereto which passes through the nearest point of any building or structure and terminates at the point of contact with any rear or front yards or any lot line, whichever occurs first.

CHAPTER III

Sec. 3.00. Severability. If any provision of this ordinance shall be held 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 4. This ordinance shall be in full force and effect from and after adoption in compliance with IC 36-7-4.

PROPOSAL NO. 101, 1995. Councillor West reported that the Metropolitan Development Committee heard Proposal No. 101, 1995 on February 21, 1995. The proposal amends 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). 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 Hinkle, for adoption. Proposal No. 101, 1995 was adopted on the following roll call vote; viz:

24 YEAS: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Gilmer, Gray, Hinkle, Jimison, Jones, McClamroch, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Smith, West, Williams
3 NAYS: Golc, Moriarty Adams, Mullin
2 NOT VOTING: Giffin, Short

Councillor Short said that he abstained from voting due to a conflict of interest.

Proposal No. 101, 1995 was retitled GENERAL ORDINANCE NO. 29, 1995 and reads as follows:

February 27, 1995

CITY-COUNTY GENERAL ORDINANCE NO. 29, 1995
METROPOLITAN DEVELOPMENT COMMISSION
DOCKET NO. 95-AO-4

A GENERAL ORDINANCE to amend the Code of Indianapolis and Marion County, Appendix D, as amended, the Zoning Ordinance for Marion County which ordinance includes the Central Business District Zoning Ordinance, as amended, and fixing a time when the same shall take effect.

WHEREAS, IC 36-7-4 establishes the Metropolitan Development Commission (MDC) of Marion County, Indiana, as the single planning and zoning authority for Marion County, Indiana, and empowers the MDC to approve and recommend to the City-County Council of the City of Indianapolis and of Marion County, Indiana ordinances for the zoning or districting of all lands within the county for the purposes of securing adequate light, air, convenience of access, and safety from fire, flood, and other danger; lessening or avoiding congestion in public ways; promoting the public health, safety, comfort, morals, convenience, and general public welfare; securing the conservation of property values; and securing responsible development and growth, now, therefore:

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

SECTION 1. The Central Business District Zoning Ordinance of Marion County, Indiana, Code of Indianapolis and Marion County, Appendix D, (adopted under Metropolitan Development Commission Docket Numbers 64-AO-1, 81-AO-4, 93-AO-1, and 94-AO-1), as amended, pursuant to IC 36-7-4, be further amended as follows:

A. That Section 2.00 be amended by inserting the underscored language as follows:

3. Prohibited Uses:

Uses for which the following Special Use Districts are provided, under the Special Use Districts Zoning Ordinance (as last amended by Docket 94-AO-4) as in effect from time to time, shall not be permitted in any Central Business District created under this Central Business District Zoning Ordinance:

<u>SU-3</u>	<u>Golf course, golf driving range, golf country club - public or private</u>
<u>SU-10</u>	<u>Cemetery</u>
<u>SU-13</u>	<u>Sanitary landfill</u>
<u>SU-18</u>	<u>Light and power substation</u>
<u>SU-23</u>	<u>Permanent gravel or sand processing plant, rock crushing, grinding or milling and stock piling</u>
<u>SU-28</u>	<u>Petroleum refinery and petroleum products storage</u>
<u>SU-39</u>	<u>Water tank, water pumping station and similar structures not located on buildings</u>
<u>SU-41</u>	<u>Sewage disposal plant; garbage feeding and disposal</u>
<u>SU-42</u>	<u>Gas utility</u>
<u>SU-43</u>	<u>Power transmission lines</u>
<u>SU-44</u>	<u>Off-track Pari Mutuel Wagering Facilities, Licensed as Satellite Facilities under IC 4-31-5.5</u>

SECTION 2. If any provision of this ordinance shall be held 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. 102, 1995. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 102, 1995 on February 21, 1995. The proposal, sponsored by Councillors Gilmer and Short, approves a public purpose grant to USS Indianapolis Survivors Memorial Organization, Inc. in the amount of \$17,500. By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Rhodes moved, seconded by Councillor Gilmer, for adoption. Proposal No. 102, 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, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams

0 NAYS:

1 NOT VOTING: Rhodes

Proposal No. 102, 1995 was retitled SPECIAL RESOLUTION NO. 18, 1995 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 18, 1995

A SPECIAL RESOLUTION approving a public purpose grant to USS Indianapolis Survivors Memorial Organization, Inc. in the amount of \$17,500.

WHEREAS, the City-County Council for the City of Indianapolis and Marion County proposes to authorize the City Controller to make a public purpose grant in the amount of Seventeen Thousand Five Hundred Dollars (\$17,500) to the USS Indianapolis Survivors Memorial Organization, Inc. in its effort to build a memorial on the banks of the downtown Canal to honor those who gave their lives as well as the survivors of the USS Indianapolis; and

WHEREAS, the heavy cruiser USS Indianapolis (CA-35), named after Indiana's capital city, had just delivered the two atomic bombs from the U.S. to Tinian Island when the ship was sunk by a Japanese submarine on July 30, 1945; and

WHEREAS, of the 1,197 sailors and marines on board, 880 lost their lives; and

WHEREAS, Section 4.01(c) of City-County Fiscal Ordinance No. 88, 1994 Annual Budget and Tax Levies for the Consolidated City of Indianapolis and for Marion County, Indiana, requires that sums appropriated therein for public purpose grants shall not be spent until the City-County Council of the City of Indianapolis and of Marion County, Indiana approves the amount and identity of the recipient of each grant; and

WHEREAS, the Council, in concert with Mayor Stephen Goldsmith, finds it fitting and proper that this Grant should be approved; now, therefore:

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

SECTION 1. The Grant by the City Controller in the amount of Seventeen Thousand Five Hundred Dollars (\$17,500) to USS Indianapolis Survivors Memorial Organization, Inc. is hereby approved. No grant funds shall be used in whole or in part to fund any program which endorses a political candidate or which attempts to promote or influence legislation.

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

PROPOSAL NO. 103, 1995. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 103, 1995 on February 21, 1995. The proposal approves 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. By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Rhodes moved, seconded by Councillor Ruhmkorff, for adoption. Proposal No. 103, 1995 was adopted on the following roll call vote; viz:

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

0 NAYS:

2 NOT VOTING: *Beadling, Jimison*

Proposal No. 103, 1995 was retitled SPECIAL RESOLUTION NO. 19, 1995 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 19, 1995

A SPECIAL RESOLUTION approving a public purpose grant to Central Indiana Radio Reading, Inc. (CIRRI) in the amount of \$25,000 for the purpose of providing radio reading programs for the blind and print-disabled in Marion County, Indiana.

WHEREAS, the Cable Franchise Board for the City of Indianapolis and Marion County proposes to authorize a public purpose grant in the amount of \$25,000 to Central Indiana Radio Reading Inc., to provide radio reading programs for the blind and print-disabled in Marion County, Indiana (the Grant); and

WHEREAS, Section 2-428 of the Code of Indianapolis and Marion County, Indiana, requires that all public purpose grants shall be subject to appropriation by the City County Council, and the Grant was appropriated by City-County Fiscal Ordinance No. 88, 1994, Annual Budget and Tax Levies for the Consolidated City of Indianapolis and for Marion County, Indiana; and

WHEREAS, Section 4.01(c) of City-County Fiscal Ordinance No. 88, 1994, Annual Budget and Tax Levies for the Consolidated City of Indianapolis and for Marion County, Indiana, requires that sums appropriated therein for public purpose grants shall not be spent until the City County Council of the City of Indianapolis and of Marion County, Indiana approves the amount and identity of the recipient of each grant; and

WHEREAS, the Council now finds that the Grant should be approved; now, therefore:

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

SECTION 1. The Grant in the amount of \$25,000 to Central Indiana Radio Reading, Inc., is hereby approved. No grant funds shall be used in whole or in part to fund any program which endorses a political candidate or which attempts to promote or influence legislation.

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

PROPOSAL NO. 113, 1995. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 113, 1995 on February 22, 1995. The proposal renews the Community Corrections program for fiscal year 1995-1996 and approves the Community Corrections Advisory Board's grant application to the State. By a 5-0-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 113, 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, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams*

0 NAYS:

1 NOT VOTING: *Hinkle*

Proposal No. 113, 1995 was retitled COUNCIL RESOLUTION NO. 32, 1995 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 32, 1995

A COUNCIL RESOLUTION renewing the Marion County Community Corrections Program for fiscal year 1995-1996, and approving the actions of the Marion County Community Corrections Advisory Board with respect to the Board's 1995-1996 grant application to the State of Indiana, Department of Corrections.

WHEREAS, the Marion County Community Corrections Advisory Board was established by City-County Special Resolution No. 103, 1981, pursuant to IC 11-12-1; and

WHEREAS, Marion County received a grant from the State of Indiana to finance the Marion County Community Corrections Program for fiscal year 1994-1995, and is currently operating a Community Corrections Program funded by this grant; and

WHEREAS, the Marion County Community Corrections Advisory Board has approved the grant application for fiscal year 1995- 1996, a copy of which is on file with the Clerk of the Council and incorporated herein by reference, and has submitted said grant application to the State of Indiana, Department of Corrections for its consideration; now, therefore:

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

SECTION 1. The actions of the Marion County Community Corrections Advisory Board with respect to the Board's grant application to the State of Indiana, Department of Corrections are hereby approved and the Board is authorized to proceed in accordance with IC 11-12- 2 and the terms of said application.

SECTION 2. In the event that the State of Indiana, Department of Corrections approves the grant application for Marion County, the City-County Council of Indianapolis and Marion County hereby renews the Community of Corrections Program for a period of one year beginning on July 1, 1995.

SECTION 3. This City-County Council has no intention of supplementing or financing the projects contained in such grant application and approved herein by use of revenues from any local tax regardless of source, except for some programs that the City-County Council wishes to fund. At any time that knowledge is received that the state or federal financing of this agency or project is, or will be, reduced or eliminated, the chairman of the Community Corrections Advisory Board or the County Auditor, or both, are directed to notify the City-County Council in writing of such proposed loss of revenue. Any contract, purchase order, or financial commitment by the Community Corrections Advisory Board shall be subject to available non-local revenues and void to the extent such funding is not received or available.

SECTION 4. Notwithstanding IC 11-12-I-3, any agreement or other contract contemplating the lease, purchase or use of residential space for a Community Corrections Program in Marion County must be signed by the Mayor of Indianapolis as County Executive after prior approval of the City-County Council pursuant to IC 36-3.

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

PROPOSAL NO. 116, 1995. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 116, 1995 on February 22, 1995. The proposal, sponsored by Councillor McClamroch, 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. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor McClamroch, for adoption. Proposal No. 116, 1995 was adopted on the following roll call vote; viz:

27 YEAS: *Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Gray, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West*
0 NAYS:
2 NOT VOTING: *Hinkle, Williams*

Councillor Williams abstained from voting due to a conflict of interest.

Proposal No. 116, 1995 was retitled FISCAL ORDINANCE NO. 8, 1995 and reads as follows:

February 27, 1995

CITY-COUNTY FISCAL ORDINANCE NO. 8, 1995

A FISCAL ORDINANCE amending the City-County Annual Budget for 1995 (City-County Fiscal Ordinance No. 88, 1994) transferring and appropriating an additional Two Hundred Fifty Dollars (\$250) in the County General Fund for purposes of Superior Court, Civil Division, Room Five and reducing certain other appropriations for that agency.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(qq) of the City-County Annual Budget for 1995, be and is hereby amended by the increases and reductions hereinafter stated for purposes of Superior Court, Civil Division, Room Five to pay copier machine rental.

SECTION 2. The sum of Two Hundred Fifty Dollars (\$250) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>SUPERIOR COURT, CIVIL DIVISION, ROOM FIVE</u>	<u>COUNTY GENERAL FUND</u>
3. Other Services and Charges	<u>250</u>
TOTAL INCREASE	250

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

<u>SUPERIOR COURT, CIVIL DIVISION, ROOM FIVE</u>	<u>COUNTY GENERAL FUND</u>
2. Supplies	<u>250</u>
TOTAL DECREASE	250

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

PROPOSAL NO. 125, 1995. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 125, 1995 on February 16, 1995. The proposal approves an Interlocal Agreement between the City of Indianapolis and the Town of Cumberland for sewage transportation and treatment services. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Coughenour moved, seconded by Councillor Jones, for adoption. Proposal No. 125, 1995 was adopted on the following roll call vote; viz:

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

0 NAYS:

3 NOT VOTING: *Black, Gray, Jimison*

Proposal No. 125, 1995 was retitled SPECIAL ORDINANCE NO. 4, 1995 and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 4, 1995

A SPECIAL ORDINANCE approving an Interlocal Agreement between the City of Indianapolis and the Town of Cumberland.

WHEREAS, the City of Indianapolis, acting by and through its Department of Public Works, has entered into an Interlocal Agreement with the Town of Cumberland to permit Cumberland to extend sewer service into certain areas within the Indianapolis Sanitary District; and

WHEREAS, the terms of such Agreement are set forth in an Agreement dated January 4, 1995; and

WHEREAS, under IC 36-1-7-1 et seq., such Agreement must be approved by the City-County Council before it becomes effective; now, therefore

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

SECTION 1. That the City-County Council approves the Interlocal Agreement between the City of Indianapolis and the Town of Cumberland for Sewage Transportation and Treatment Services, a copy of which is attached hereto.

SECTION 2. That the Clerk is directed to publish this ordinance as an Appendix to the Revised Code.

AGREEMENT
BETWEEN THE CITY OF INDIANAPOLIS
AND THE TOWN OF CUMBERLAND
FOR SEWAGE TRANSPORTATION AND TREATMENT SERVICES

THIS AGREEMENT ("Agreement") made and entered into as of the 4th day of January, 1995, by and between the City of Indianapolis, Indiana (hereinafter referred to as "City") duly acting through its Department of Public Works (hereinafter referred to as "Department") and the Town of Cumberland, Indiana, acting by and through its Town Council (hereinafter referred to as "Cumberland");

WITNESSETH THAT:

WHEREAS, Cumberland has a sanitary sewer system in a subdivision known as Hartman Farms, Sections 4 and 5, which, through gravity, can service five to six lots located outside the territorial boundaries of Cumberland on the north side of 10th Street, known as Hartman Farms, Section 6; and

WHEREAS, the City has a sanitary sewer system located at Cumberland Road and Hartland Drive; however, the estimated cost to extend the system to service Hartman Farms, Section 6, would be \$53,480.00, and there is insufficient right-of-way along Cumberland Road to build the extension; and

WHEREAS, Cumberland could provide sanitary sewer service to Hartman Farms, Section 6, from Hartman Farms, Section 4 and 5, at an estimated cost of \$15,300.00; and

WHEREAS, the laws of the State of Indiana (IC 36-1-7-2) permit intergovernmental agreements for services contemplated by this Agreement.

NOW, THEREFORE, the City and Cumberland mutually agree as follows:

1. Cumberland may enter into private contracts with land owners in the areas hereinafter defined to build sewage transportation systems which shall be connected to the sewage transportation system of Cumberland and Cumberland shall provide sewage transportation and sewage treatment services at the Cumberland Sewage Utility for all sewage generated by any system built as a result of such private contracts.

2. Cumberland shall: (a) conduct all inspections of construction of sewage systems constructed pursuant to such private contracts and this Agreement, (b) accept sewage from such system for treatment, (c) provide sewage treatment of all waste water generated by such sewage systems and (d) after dedication and acceptance of such sewage systems, provide maintenance of such sewage systems for the benefit of the users. All inspections and all maintenance after acceptance shall be conducted by or under the supervision of Cumberland.

3. Cumberland shall be entitled to charge connection fees for connection to a sewage system constructed pursuant to this Agreement equal to the amount charged by Cumberland for connections within the territorial limits of Cumberland.

4. All connection fees and all sewer usage fees shall be collected by the Clerk-Treasurer of Cumberland and shall be deposited in the accounts into which such deposits would be deposited if the territory being served were located within the territorial limits of Cumberland.

5. The territory to be served by Cumberland pursuant to this Agreement is described on Exhibit "A" attached hereto. This Agreement may be amended from time to time by the recording of an amendment which

February 27, 1995

amends Exhibit "A". Such amendment shall only be effective if signed by the Director of the Department of Public Works of the City of Indianapolis.

6. Cumberland agrees with respect to any sewage system it accepts and with respect to treatment of waste water received from such system or systems to comply with all applicable provisions of the Federal Water Pollution Control Act, as amended from time to time, and all State laws as amended from time to time, governing the transportation and/or treatment of waste water and to hold the City harmless from any and all liability arising out of a violation of such laws.

7. This Agreement shall not release any of the property described in Exhibit "A" or any subsequent amendment to Exhibit "A" from payment of any sanitary district debt service property tax payable to the City or County of Marion.

8. If at any time the City shall construct any sewer(s), local or district, which are designed to serve an area in which the above described real estate is included, the owners of said real estate or their successor(s) in interest shall pay all assessments which may be lawfully levied and assessed against said real estate for the construction of any such sewers(s), and the owners shall not attempt to avoid payment of such assessments on the ground that such sewer(s) will not benefit said real estate by reason of the connection permitted by this Agreement.

9. If a City sewer at any time becomes available to the owners, owners shall, as required by applicable laws, ordinances and regulations, including, but not limited to, those promulgated by the Marion County Health Department, connect to the City sewer at owners' sole expense.

IN WITNESS WHEREOF, the undersigned certify that they are duly authorized and empowered to execute this Agreement and thus bind the governmental unit in whose behalf they sign on the date and year first above written.

CITY OF INDIANAPOLIS, INDIANA
DEPARTMENT OF PUBLIC WORKS

By: _____
Michael B. Stayton, Director

AS AUTHORIZED BY THE BOARD OF PUBLIC WORKS BY RESOLUTION NO. _____
DATED _____

AS AUTHORIZED BY THE CITY-COUNTY COUNCIL BY RESOLUTION NO. _____
DATED _____

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

Before me, a Notary Public in and for the State of Indiana, personally appeared Michael B. Stayton, Director of the Department of Public Works, Indianapolis, Indiana, and who acknowledged the execution of the foregoing Agreement, for and on behalf of said entity.

Witness my hand and Notarial Seal this ____ day of _____, 199__.

_____	_____
Commission Expiration Date	Notary Public Signature
_____	_____
County of Residence	Printed

TOWN OF CUMBERLAND, INDIANA

Ron Sullivan, President

Mark Tuggle, Member

Les Brown, Member

Robert Lewis, Member

Joan Heady, Member

CUMBERLAND TOWN COUNCIL

ATTEST:

Kay Dashley, Clerk-Treasurer

APPROVED AS TO FORM AND LEGALITY:

Edward Brown, Town Attorney

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

Before me, a Notary Public in and for the State of Indiana, personally appeared the Town of Cumberland, Indiana, by its Town Council, Ron Sullivan, Mark Tuggle, Les Brown, Robert Lewis, and Joan Heady, who acknowledged the execution of the foregoing Agreement, for and on behalf of said entity.

Witness my hand and Notarial Seal this ____ day of _____, 199__.

Commission Expiration Date

Notary Public Signature

County of Residence

Printed

PROPOSAL NO. 160, 1995. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 160, 1995 on February 16, 1995. The proposal amends the Code concerning environmental public nuisances. She said that the primary change to the Code is the creation of a new violation called a "Repeat Violation." When an owner or occupant of a property is cited for a similar environmental public nuisance for the second time within an eighteen-month period, and the City finds upon reinspection that the nuisance has not been corrected, a "Repeat Violation" occurs. The occurrence of a "Repeat Violation" allows the City to file a civil court action against the owner or occupant to whom notice was issued for a \$2500 fine, the maximum amount allowed under the law.

Councillor Coughenour noted that in response to concerns that the enhanced penalty might create judgment liens that will burden a property so that it becomes unsalable and eventually finds its way off the tax rolls, the Board of Public Works has been granted the discretion to release liens imposed under this chapter when it finds that the benefit to the City outweighs the detriment caused by the release.

Councillor Coughenour moved to amend Sec. 575-2(11), Proposal No. 160, 1995, by adding the underlined text and deleting the stricken-through text to read as follows:

Sec. 575-2.

- (11) Repeat violation occurs upon a recipient's ~~an owner or occupant's~~ second failure to abate a similar environmental public nuisance for the same property within eighteen (18) months of the date of notice of the most recent violation. A failure to abate occurs after the department has issued a notice of violation described in section 575-5(b) and the time for compliance set forth in the notice has expired.

A repeat violation does not occur when multiple violations of section 575-2(3)(d) are alleged and

- a. the recipient ~~owner or occupant~~ can demonstrate that illegal dumping was the cause of the underlying violations; and
- b. the owner or occupant has made a reasonable effort to prevent illegal dumping from recurring.

Councillor Coughenour stated that at the February 16th Committee hearing on this proposal, an Indianapolis Police Department (IPD) officer told how the high grass hides all kinds of things. Sometimes when police officers go on foot chases they trip over debris resulting in injuries. Mrs. Coughenour said that the neighborhoods are very anxious that action on this proposal be taken before summer. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Franklin said that he opposes Proposal No. 160 because he believes it is oppressive, poorly defined, and the penalty is much too high. He pointed out that this proposal requires no burden of proof that the offender was even notified. He urged the Councillors not to support this proposal.

Councillor Golc stated that he represents an area where there has been a number of public health issues related to lead contamination. There was nothing on the books at that time to help that neighborhood. He commended Councillor Coughenour and her Committee for hearing this proposal. There are public safety and health hazards in some neighborhoods that no one is even aware of at this time. Industry over the last ten-twenty years has left a dumping ground in some of these areas. This proposal begins the process of identifying, regulating and at least looking at those areas which are health and safety hazards. He said that he will be voting for Proposal No. 160.

Councillor Williams said that this particular ordinance focuses on high weeds with the emphasis, at least in her district, on abandoned properties. In the Martindale-Brightwood neighborhood, the weeds and the shrubs are so high on some properties that if there is a structure on the property, it cannot be seen. She said that she presented the Committee with hundreds of lots that were cited last year in Martindale-Brightwood, and hundreds of lots in Eastside Community Investments--vacant lots that were cited repeatedly that had not been cut. No one wants to live next to a property that is unattended. Councillor Coughenour, the Committee members and the Public Works staff need to be commended for this proposal.

Councillor Short asked what the current initial fine is for an environmental public nuisance. Sheila O'Bryan, Assistant Corporation Counsel, stated that there is a provision in the existing ordinance that allows DPW to initiate a civil action against someone for an environmental public nuisance--the fine for that is up to \$2500. Since she has worked in the legal division, the City has never taken anyone to court for an environmental public nuisance. The City has just charged the abatement cost.

Councillor Short asked what the average abatement cost is. Michael Stayton, Director, Department of Public Works, said that DPW abates approximately 600 properties a year at an average cost of roughly \$200 and over half of those are the repeat offenders.

Councillor Gray stated that he supports this ordinance and believes that the fee of \$2500 is not enough. The property owners should be liable for the maintenance and upkeep of their properties.

Councillor Schneider stated that he believes this is a bad piece of legislation because it is hitting a minor problem with a sledgehammer--the \$2500 is entirely too high. Councillor Smith stated that for want of enforcement another law will be passed and he has a problem with that.

Councillor Hinkle said that if most of the Councillors had been sitting in the Committee hearing on this proposal they would have been swayed by the IPD testimony addressing this issue. He also said that it is economically advantageous for absentee landlords to let the City cut their weeds. If Proposal No. 160 is passed, it will no longer be economically advantageous because repeat violators will be fined \$2500. He called for the question.

Councillor Black stated that he agrees with the concept of the proposal, but believes the fine is too high. He asked if Councillor Coughenour would agree to a reduced fine of \$1000. Councillor Coughenour replied that she would not agree to a reduction in the penalty.

Councillor West asked if DPW talked with the city prosecutor about the ability to bring prosecution and if DPW knows what the attitude of the judges is toward the \$2500 fine. Mr. West said that in the past, if the fine is too high, then a judge might find some other reason not to assess the fine. Ms. O'Bryan said that she discussed this with City Prosecutor Mark Mertz, who thought that it was a fair ordinance. He said that he would prosecute it and then would leave it to the judge. Mr. Mertz also supported the \$2500 penalty fine.

Councillor Gilmer stated that he is a member of the Public Works Committee, and the Committee has been discussing this for over two years--it is a fair and just ordinance. Councillor Gilmer seconded Councillor Hinkle's motion to move the question.

Councillor McClamroch said he supports the concept but he has two concerns: (1) a first violation fine that can be up to \$2500, and (2) actual notice to the offender that is not required. Ms. O'Bryan said that this proposal does not require that receipt of notice be proven before the City can go ahead. It is required that the notices be sent to the property owners at the last address they filed with the township assessor. DPW felt that the person most able to control whether or not they got notice was the property owner, and the burden would not be on DPW to chase down a property owner.

Councillor McClamroch said unless it is amended to require evidence of actual receipt for a first time offense, he could not support it.

Councillor O'Dell said that this ordinance assesses a penalty that is very firm and inflexible, which goes against every other fine that has been imposed in the past. He asked what makes this issue any more hazardous or dangerous than other environmental issues. Councillor Coughenour said that the reason this fine is firm and high is to discourage people from having it occur. She said that the point that has been overlooked is that when a person owns something, there is a responsibility to take care of it--there are certain responsibilities that go with ownership.

The President said that there are good arguments on both sides. There are many scofflaws in the City--they are hard to find and hard to corral. On the other side of the coin there are some who abuse the privilege of acting as the neighborhood guardian and sometimes report

properties unwarrantedly. He said that if Indianapolis is going to remain a beautiful city and a healthy city, then something has to be done about the scofflaws.

Councillor Boyd stated that a fundamental shift of responsibility has occurred, so that instead of local government having the responsibility to chase down property owners, it now becomes the responsibility of property owners to respond to notification. He disagrees that the City has to have any evidence of proof that the notice was actually served. Once a person is served notice at their address of record, the City's responsibility has largely been fulfilled. Councillor Boyd urged the Councillors to vote in support of Proposal No. 160.

Councillor Coughenour's motion to amend was seconded by Councillor Rhodes, and it passed by unanimous voice vote. Councillor Coughenour moved, seconded by Councillor Short, for adoption of Proposal No. 160, 1995, as amended. Proposal No. 160, 1995, as amended, was adopted on the following roll call vote; viz:

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

Proposal No. 160, 1995 was retitled GENERAL ORDINANCE NO. 30, 1995 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 30, 1995

A GENERAL ORDINANCE recodifying and amending Chapter 30½, Environmental Public Nuisances, of the Code of Indianapolis and Marion County, Indiana.

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 575 (which is a revision and recodification of Chapter 30½ of the Code of Indianapolis and Marion County) that deletes the stricken-through text and inserts the underlined text to read as follows:

CHAPTER 575. ENVIRONMENTAL PUBLIC NUISANCES

Sec. ~~30½~~ 575-1. Purpose and intent.

It is hereby declared to be the purpose of this chapter to protect public safety, health and welfare and enhance the environment for the people of the city by making it unlawful for property owners and occupants to allow an environmental public nuisance to exist.

Sec. ~~30½~~ 575-2. Definitions.

For the purpose of this chapter, the following terms shall have the following meanings. The word *shall* is always mandatory and not merely directory.

- (1) *Authorized employee* means an employee of the department of public works.
- (2) *City* means the Consolidated City of Indianapolis and Marion County.
- (3) *Environmental public nuisance* means:
 - a. Vegetation on private or governmental property which is abandoned, neglected, disregarded or not cut, mown, or otherwise removed and which has attained a height of twelve (12) inches or more;

- b. Vegetation, trees or woody growth on private property which, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or which has been allowed to become a health or safety hazard;
 - c. A drainage or stormwater management facility as defined in Chapter 10½ of this Code on private or governmental property which facility has not been maintained as required by that chapter;
 - d. Property which has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or which has otherwise been allowed to become a health or safety hazard.
- (4) *Excluded property* means:
- a. Cultivated land in commercial, domestic, agricultural or horticultural use;
 - b. An existing natural or developed forest which does not create a health or safety hazard;
 - c. Vacant, open lands, fields or wooded areas more than one hundred and fifty (150) feet from occupied property;
 - d. A nature habitat area more than one hundred and fifty (150) feet from an occupied structure on adjacent property and determined by state and/or local governmental health authorities not to be a health or safety hazard; or
 - e. A wetland area designated by the United States Department of Interior Fish and Wildlife Division on a National Wetlands Inventory Map and/or determined to be a wetland area by the Marion County Soil and Conservation Service and/or the Department of Public Works, Drainage Division.
- (5) *Governmental property* means real estate which is owned, leased, controlled or occupied by the United States, the State of Indiana, or any political subdivision thereof.
- (6) *Equipment* means such equipment as trucks, tractors, bulldozers and similar motor vehicles and hand-operated equipment such as weed trimmers and similar equipment.
- (7) *Occupant* means the person, firm, partnership, association, corporation, business trust, joint stock company, unincorporated organization, religious or charitable organization, or ~~any owner, person, persons or entities~~ entity who are is from time to time in possession or exercising dominion and control over the real estate or any house or other structure located thereon. Occupant shall include any lessee of the property.
- (8) *Owner* means the record owner or owners as reflected by the most current records in the township assessor's office of the township in which the real estate is located.
- (9) *Private property* means all real estate within the city except governmental property.
- (10) *Recipient* means the owner or occupant to whom notice of violation has been directed.
- (11) *Repeat violation* occurs upon a recipient's second failure to abate a similar environmental public nuisance for the same property within eighteen (18) months of the date of notice of the most recent violation. A failure to abate occurs after the department has issued a notice of violation described in section 575-5(b) and the time for compliance set forth in the notice has expired.
- A repeat violation does not occur when multiple violations of section 575-2(3)(d) are alleged and
- a. the recipient can demonstrate that illegal dumping was the cause of the underlying violations and
 - b. the owner or occupant has made a reasonable effort to prevent illegal dumping from recurring.

Sec. ~~3014~~ 575-3. Application of chapter.

(a) Each department or agency of the United States, the State of Indiana, or political subdivision thereof, shall be required to keep governmental property within the city free from environmental public nuisances.

(b) All owners, ~~lessees or~~ occupants, or other persons in control of any private property within the city shall be required to keep the private property free from environmental nuisances.

Sec. ~~3014~~ 575-4. Prohibited activity.

It shall be unlawful for any property owner or occupant to allow an environmental public nuisance to exist. This provision shall not apply to excluded property.

Sec. ~~3014~~ 575-5. Determination of violation; notice of violation.

(a) Any department of the city which receives a complaint regarding an environmental public nuisance on any property within the city shall forward that complaint to ~~the environmental enforcement section of the~~ department of public works, where it shall be assigned a case number and entered in a compliant complaint log book. An authorized employee shall visually inspect the property in question. If the authorized employee determines that a violation exists, ~~the environmental enforcement section~~ department shall issue a notice of violation to the owner, and in the department's sole discretion, to the occupant or owner, or both, as provided below.

(ab) Notice of violation shall be issued either by personal service or by first class United States mail, postage prepaid. Such notice shall state the nature of the alleged environmental public nuisance and the action deemed necessary to correct the condition, and shall fix a date not sooner than ten (10) days from the date of the notice when the property will be reinspected. The notice shall inform the ~~occupant or owner~~ recipient that, if the condition is not corrected upon reinspection, the city has the right to enter on the property to abate or correct the condition and bill the ~~owner or occupant~~ recipient for costs incurred in so doing and/or to file a court action against the ~~occupant or owner~~ recipient for ordinance violation. A notice to the occupant at the real estate or to the owner at the address to which property tax statements are sent as these addresses are shown by the most current records in the township assessor's office of the township in which the real estate is located shall be sufficient notice under this subsection.

~~(b) Notice shall also be made by publication in accordance with IC 5-3-1, except that publication shall be made once, at least three (3) days prior to entrance on the property to abate the nuisance. The publication shall contain the common address as well as a short legal description of the property.~~

Sec. ~~3014~~ 575-6. Correction upon reinspection.

If, upon reinspection, it is determined that the environmental public nuisance has been corrected, the ~~owner or occupant~~ recipient shall not be liable for any charges under section 575-7(b)(1) of this chapter.

Sec. ~~3014~~ 575-7. Failure to abate after notice; abatement by city.

(a) *Abatement by city.* If, upon reinspection, it is determined by the authorized employee that abatement has not occurred, then the director of the department of public works, or his designee, may enter upon the premises and abate the environmental public nuisance. The ~~occupant or owner~~ recipient shall be liable for the costs of abatement. After abatement is completed, the department of public works shall, either by personal service or first class United States mail, postage prepaid, send the ~~occupant or owner~~ recipient a bill for the costs of abatement.

(b) *Responsibility of Occupant or Owner for Costs of Abatement.*

(1) *Abatement costs.* As reimbursement to the department of public works for its costs the ~~owner or occupant~~ recipient shall, within ten (10) days of the date of the bill, pay to the department of public works of the city the following fees and charges:

a. The following administrative fees for such administrative tasks as inspecting the property to determine compliance, determining ownership and preparing and mailing notices:

Administrative fees \$140.00

- b. The following labor fees per person, per hour, or fraction thereof, for labor necessary to abate an environmental nuisance:

Laborer	\$23.50	24.84
Truck driver	24.25	25.60
Medium Equipment operator	21.50	27.15
Heavy Equipment operator	26.00	28.32
Crew Leader	27.25	29.70

- c. The following equipment fees per machine, per hour, or fraction thereof, for the use of the each piece of equipment necessary to abate an environmental nuisance:

Pick-up truck	\$4.50	4.75
Tractor/bush hog		9.25
Boom truck	18.00	17.70
Backhoe	17.00	16.90
Dump truck (single axle)	19.00	19.40
Dump truck (tandem axle)		21.25
Packer	17.25	19.75
Excavator	31.50	31.60
Dozer (small)		20.25
Dozer (large)		30.00
Loader		21.00
Bobcat or equivalent	14.75	15.00

- d. Any disposal fees actually incurred to dispose of litter and waste products removed;
- e. Any other reasonable fees actually incurred in abating an environmental nuisance.
- f. Administrative labor and equipment fees may be changed by regulation of the board of public works as necessary to assure that such fees are adequate to reimburse the department.

(2) *[Hearing]*. ~~An owner or occupant recipient~~ may request in writing an informal hearing before the director of the department of public works, or his designee, to dispute the existence of a violation and/or the accuracy of all or part of the costs of abatement billed. Upon receipt of a hearing request, the department shall not take abatement action until after the director or his designee notifies the ~~property owner recipient~~ of his decision. After such hearing, the director of the department of public works, or his designee, shall determine the existence of a violation and/or the accuracy of all or part of the abatement costs billed and shall notify the ~~property owner or occupant recipient~~ of any amounts due to the department. The decision of the director, or his designee, shall be final.

(3) *Unpaid costs become lien upon affected property; perfecting of lien.* Upon the failure of the owner who was sent a notice of violation and bill to pay the appropriate fees and charges within the ten-day time period, the department of public works of the city shall have a lien upon the property on which the environmental public nuisance was abated for the amount billed in accordance with the fee schedule listed above. In addition, there will be a ten dollar (\$10.00) charge for services necessary in order to perfect such lien. Such liens may be perfected in the following manner:

- a. By the adoption by the board of public works at any regular or special meeting thereof of an assessment resolution, which shall give the name of the owner or owners, a description of the property on which the environmental public nuisance was abated, and the amount of the charges being assessed; and
- b. The certification of such assessment resolution to the auditor of Marion County, who by special assessment shall cause the amount thereof to be placed on a tax duplicate for the property on which the environmental public nuisance was abated for collection as in the nature of a real property tax.
- c. Upon receipt of a written verified request from the purchaser, the department shall release liens perfected after the recorded date of conveyance of the property. The request must state that the purchaser was not an owner or occupant of the property at the time of the notice of violation, had

no knowledge of the notice of violation and has not been paid by the seller for the costs of abatement billed.

- (4) *Civil action to recover costs of abatement.* Upon the failure of the ~~occupant or owner~~ recipient who was sent the notice of violation and bill to pay the appropriate fees and charges within the ten-day period, the department of public works may bring a civil action in court against such ~~occupant or owner~~ recipient to recover the amount billed, plus reasonable attorney's fees.

Sec. ~~304~~ 575-8. Failure to abate after notice; court action for ordinance violation and/or injunction; court action for repeat violation.

(a) In addition to or in lieu of the foregoing, if, upon reinspection, it is determined by the authorized employee that abatement has not occurred, the department of public works may initiate a civil court action for ordinance violation against the ~~occupant or owner~~ recipient. Such action shall be initiated by submitting a written request to the corporation counsel to file a complaint of ordinance violation and/or to enjoin any environmental public nuisance.

(b) Regardless of whether later abatement by the recipient has occurred, the department of public works may initiate a civil court action for a repeat violation.

Sec. ~~304~~ 575-9. Penalty.

(a) ~~Any occupant or owner~~ A recipient found in violation of this chapter may be fined not more than two thousand five-hundred dollars (\$2,500.00) for each violation. Each day such violation is permitted to continue may be deemed to constitute a separate violation. A previous violation of this chapter on the same property during the current or preceding calendar year may be considered in determining the penalty assessed. Notwithstanding section ~~4-8~~ 103-3 of this Code, a finding that a violation occurred or an admission that a violation occurred is not required to assess and recover a penalty if the ~~occupant or owner~~ recipient subject to the penalty agrees to pay the penalty pursuant to an agreed judgment or consent decree in a court action for ordinance violation.

(b) Notwithstanding paragraph (a) above, a recipient shall be fined two thousand five hundred dollars (\$2,500.00) for each repeat violation.

(c) The department of public works shall publish a list of the names of owners and occupants who have been cited for a repeat violation under this chapter and the addresses of the affected properties. The director shall determine the frequency of publication.

Sec. ~~304~~ 575-10. Variance.

An owner or occupant may submit a written request for a variance to the board of public works if compliance with this chapter will cause undue hardship to such owner or occupant without a sufficient corresponding benefit to the health or safety of the public. To receive consideration, such request must be received prior to the time the city abates the environmental nuisance on the property. Upon receipt of a request, the board of public works shall schedule a hearing and notify the owner or occupant of the time and place. At least ten (10) days prior to the hearing, the owner or occupant shall notify in writing the owners and occupants of all property within one hundred and fifty (150) feet of the property for which the variance is requested. The notice shall state the location of the property for which the variance is requested, the nature of the variance requested, and the time and place of the hearing. At the hearing, the owner or occupant requesting the variance, representatives of the city, representatives of state or local governmental health authorities and any person affected by the proposed variance may present evidence. After the hearing, the board of public works may grant or deny the request. The decision of the board of public works shall be final. Within ten (10) days of the decision, written notice of the board of public works' decision shall be given to the owner or occupant who requested the variance.

Sec. ~~304~~ 575-11. Rules and regulations.

The board of public works may, by resolution, promulgate rules and regulations necessary to implement and carry out the provisions of this chapter.

Sec. 575-12. Release of liens.

The board of public works may release any liens for abatement costs or judgment liens for any other amount due pursuant to this chapter if it finds that the benefit to the city outweighs the detriment caused by such a release. The board may require parties affected by the release to agree to whatever conditions the board deems appropriate; provided, however, all conditions shall be set forth in a conditional release of the lien and shall be recorded in the office of the recorder of Marion County, Indiana. If the board finds that an affected party has failed to comply substantially with the conditions imposed by the board, the release shall be void and the lien affecting the property may be reinstated by the board.

Sec. ~~304~~ 575-13. Reserved for administrative enforcement.

SECTION 2. The expressed or implied repeal or amendment by this ordinance or 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 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 4. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Gilmer stated that Proposal Nos. 588, 651, 1994; and Proposal Nos. 133, 134, 135, 136, 137, 138, 139, 140, 141, and 142, 1995 were all heard at the Capital Asset Management Committee meeting on February 22, 1995.

PROPOSAL NO. 588, 1994. The proposal, sponsored by Councillor Jimison, amends the Code by authorizing a traffic signal at Limestone Street and Michigan Street (District 16). By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it be stricken. Councillor Gilmer moved, seconded by Councillor Jimison, to strike. Proposal No. 588, 1994 was stricken by unanimous voice vote.

PROPOSAL NO. 651, 1994. The proposal, sponsored by Councillor Black, amends the Code by authorizing a multi-way stop at Pennsylvania Street and 32nd Street (Districts 6, 22). By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Black, for adoption. Proposal No. 651, 1994 was adopted on the following roll call vote; viz:

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

0 NAYS:

3 NOT VOTING: *Coughenour, Moriarty Adams, Williams*

Proposal No. 651, 1995 was retitled GENERAL ORDINANCE NO. 31, 1995 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 31, 1995

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-92, Schedule of intersection controls.

February 27, 1995

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby, amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
18, Pg. 25	Pennsylvania St & 32nd St	Pennsylvania St	Stop

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby, amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
18, Pg. 25	Pennsylvania St & 32nd St	None	All Stop

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

PROPOSAL NOS. 133, 134, 135, 136, 137, 138, 139, 140 and 141, 1995. Councillor Gilmer asked for consent to discuss and vote on these nine proposals together. Consent was given. PROPOSAL NO. 133, 1995. The proposal, sponsored by Councillor O'Dell, amends the Code by authorizing intersection controls for Creekside Woods subdivision (District 13). PROPOSAL NO. 134, 1995. The proposal, sponsored by Councillor Gilmer, amends the Code by authorizing intersection controls for Bradford Woods subdivision (District 1). PROPOSAL NO. 135, 1995. The proposal, sponsored by Councillor Hinkle, amends the Code by authorizing intersection controls for Summerfield South subdivision, Section 3 (District 18). PROPOSAL NO. 136, 1995. The proposal, sponsored by Councillor O'Dell, amends the Code by authorizing stop signs for Cedar Springs subdivision (District 13). PROPOSAL NO. 137, 1995. The proposal, sponsored by Councillor Dowden, amends the Code by authorizing a multi-way stop at Creekside Lane and Welham Road (District 4). PROPOSAL NO. 138, 1995. The proposal, sponsored by Councillor Schneider, amends the Code by authorizing a yield sign for Kenwood Avenue and Kenwood Court (District 3). PROPOSAL NO. 139, 1995. The proposal, sponsored by Councillor Rhodes, amends the Code by authorizing a multi-way stop for Cranbrook Drive and Huntington Road (District 7). PROPOSAL NO. 140, 1995. The proposal, sponsored by Councillor Rhodes, amends the Code by authorizing a multi-way stop for Haverhill Drive and Merriam Road (District 7). PROPOSAL NO. 141, 1995. The proposal, sponsored by Councillor Rhodes, amends the Code by authorizing a multi-way stop for 58th Street and Tacoma Avenue (District 7). By unanimous votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Gilmer moved, seconded by Councillor Rhodes, for adoption. Proposal Nos. 133, 134, 135, 136, 137, 138, 139, 140 and 141, were 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. 133, 1995 was retitled GENERAL ORDINANCE NO. 32, 1995 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 32, 1995

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-92, Schedule of intersection controls.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby, amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
28, Pg. 7	Palmyra Dr, Stillcreek Rd	Palmyra Dr	Stop
28, Pg. 7	Palmyra Dr, Younglake Dr	Palmyra Dr	Stop
28, Pg. 7	Palmyra Dr, Regis Ct	Palmyra Dr	Stop
28, Pg. 8	Stillcreek Dr, Creekstone Ct	Stillcreek Dr	Yield

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

Proposal No. 134, 1995 was retitled GENERAL ORDINANCE NO. 33, 1995 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 33, 1995

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-92, Schedule of intersection controls.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby, amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
2, Pg. 2	71st St, Bradford Woods Way	71st St	Stop
2, Pg. 2	Bradford Woods Way, Bradford Woods Lane	Bradford Woods Way	Yield

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

Proposal No. 135, 1995 was retitled GENERAL ORDINANCE NO. 34, 1995 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 34, 1995

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-92, Schedule of intersection controls.

February 27, 1995

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby, amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
15, Pg. 10	Summerfield Dr, Studebaker Ln	Summerfield Dr	Stop
15, Pg. 10	Summerfield Dr, Skeeter Ct	Summerfield Dr	Yield
15, Pg. 10	Studebaker Ln, Summerfield Cir	Studebaker Ln	Yield
15, Pg. 10	Studebaker Ln, Skeeter Ct	Studebaker Ln	Stop

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

Proposal No. 136, 1995 was retitled GENERAL ORDINANCE NO. 35, 1995 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 35, 1995

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-92, Schedule of intersection controls.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby, amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
35, Pg. 2	German Church Rd, Oak Springs Dr	German Church Rd	Stop
35, Pg. 2	Oak Springs Dr, Garden Grace Dr	Oak Springs Dr	Stop
35, Pg. 2	Oak Springs Dr, Oak Springs Ct	Oak Springs Dr	Stop

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

Proposal No. 137, 1995 was retitled GENERAL ORDINANCE NO. 36, 1995 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 36, 1995

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-92, Schedule of intersection controls.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby, amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
13, Pg. 5	Creekside Ln, Welham Rd	Creekside Ln	Stop

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

Proposal No. 138, 1995 was retitled GENERAL ORDINANCE NO. 37, 1995 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 37, 1995

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-92, Schedule of intersection controls.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby, amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
4, Pg. 8	Kenwood Av, Kenwood Ct	Kenwood Dr	Yield

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

Proposal No. 139, 1995 was retitled GENERAL ORDINANCE NO. 38, 1995 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 38, 1995

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-92, Schedule of intersection controls.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby, amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
12, Pg. 3	Cranbrook Dr, Huntington Rd	Cranbrook Dr	Stop

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
12, Pg. 3	Cranbrook Dr, Huntington Rd	None	All Way Stop

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

Proposal No. 140, 1995 was retitled GENERAL ORDINANCE NO. 39, 1995 and reads as follows:

February 27, 1995

CITY-COUNTY GENERAL ORDINANCE NO. 39, 1995

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-92, Schedule of intersection controls.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby, amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
12, Pg. 6	Haverhill Dr, Merriam Rd	None	All Way Stop

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

Proposal No. 141, 1995 was retitled GENERAL ORDINANCE NO. 40, 1995 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 40, 1995

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-92, Schedule of intersection controls.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby, amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
II, Pg. 25	58th St, Tacoma Av	Tacoma Av	Stop

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
II, Pg. 25	58th St, Tacoma Av	None	All Way Stop

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

PROPOSAL NO. 142, 1995. The proposal, sponsored by Councillor Golc, amends the Code by authorizing a traffic signal for Reilly Industries at Gate 6 (3450 W) on Minnesota Street (District 17). By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Golc, for adoption. Proposal No. 142, 1995 was adopted on the following roll call vote; viz:

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

0 NAYS:

2 NOT VOTING: Franklin, Gilmer

Proposal No. 142, 1995 was retitled GENERAL ORDINANCE NO. 41, 1995 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 41, 1995

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-92, Schedule of intersection controls.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby, amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
3I, Pg. 10	Minnesota St, Reilly Industries Gate 6 (3450 W)	None	Signal

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

**SPECIAL SERVICE DISTRICT COUNCILS
POLICE SPECIAL SERVICE DISTRICT
SPECIAL ORDERS - PUBLIC HEARING**

PROPOSAL NO. 121, 1995. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 121, 1995 on February 22, 1995. The proposal 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. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 10:21 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor West, for adoption. Proposal No. 121, 1995 was adopted on the following roll call vote; viz:

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

0 NAYS:

3 NOT VOTING: Brents, Giffin, Moriarty Adams

Proposal No. 121, 1995 was retitled POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 1, 1995 and reads as follows:

POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 1, 1995

A POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE amending the Police Special Service District Annual Budget for 1995 (Police Special Service District Ordinance No. 2, 1994) appropriating an additional Twenty-seven Thousand Nine Hundred Eighteen Dollars (\$27,918) in the Police Service District Fund for purposes of the Department of Public Safety, Police Division, and reducing the unappropriated and unencumbered balance in the Police Service District Fund.

February 27, 1995

BE IT ORDAINED BY THE POLICE SPECIAL SERVICE DISTRICT COUNCIL
OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 of the Police Special Service District Annual Budget for 1995, be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of Department of Public Safety, Police Division to fund the addition of one staff member for the Crime Stoppers program funded by a grant by the Indianapolis Foundation.

SECTION 2. The sum of Twenty-seven Thousand Nine Hundred Eighteen Dollars (\$27,918) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC SAFETY</u>	<u>POLICE SERVICE DISTRICT FUND</u>
<u>POLICE DIVISION</u>	
I. Personal Services	<u>27,918</u>
TOTAL INCREASE	27,918

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

	<u>POLICE SERVICE DISTRICT FUND</u>
Unappropriated and Unencumbered	
Police Service District Fund	<u>27,918</u>
TOTAL REDUCTION	27,918

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

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

PROPOSAL NO. 122, 1995. The proposal 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. PROPOSAL NO. 123, 1995. The proposal 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. Councillor Dowden asked for consent to postpone Proposal Nos. 122 and 123, 1995 until March 20, 1995. Consent was given.

ANNOUNCEMENTS AND ADJOURNMENT

The President said that the docketed agenda for this meeting of the Council has been completed, the Chair will now entertain motions for adjournment.

Councillor Boyd stated that he has been asked to offer the following motion for adjournment by Councillor Moriarty Adams in memory of Harry J. Maginn, Thomas M. Gilday, and Gene Gandolph.

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 Harry J. Maginn, Thomas M. Gilday, and Gene Gandolph. 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 10:23 p.m.

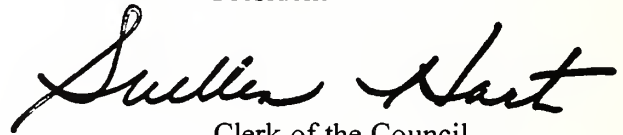
We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-County Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 27th 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.



President

ATTEST:



Clerk of the Council

(SEAL)