

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

**REGULAR MEETINGS  
MONDAY, JULY 20, 1987**

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, July 20, 1987, with Councillor SerVaas presiding.

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

**ROLL CALL**

Councillor SerVaas requested the members to indicate their presence. The Clerk took the roll call of the Council, which was as follows:

*28 PRESENT: Borst, Boyd, Bradley, Clark, Cottingham, Coughenour, Crowe, Curry, Dowden, Dumil, Giffin, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West, Williams*  
*1 ABSENT: Gilmer*

President SerVaas announced that a quorum of twenty-eight members was present.

**INTRODUCTION OF GUESTS AND VISITORS**

**ADOPTION OF THE AGENDA**

Consent was given to the adoption of the agenda of the City-County Council and the Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils of July 20, 1987, as distributed.

**OFFICIAL COMMUNICATIONS**

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

*Journal of City-County Council*

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

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, July 20, 1987, at 7:00 p.m., the purposes of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

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

June 23, 1987

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 Friday, July 10 and 17, 1987, a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal Nos. 366 and 367, 1987, to be held on Monday, July 20, 1987, at 7:00 p.m., in the City-County Building.

Respectfully,  
s/Beverly S. Rippy  
Beverly S. Rippy, City Clerk

[Clerk's Note: Publication of Proposal Nos. 366 and 367, appeared in the Commercial on July 10 and 17, 1987, in the Indianapolis Star on July 10, 1987, and in the Indianapolis News on July 17, 1987.]

July 1, 1987

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 Monday, July 6, 1987, a copy of LEGAL NOTICE regarding City-County General Ordinance Nos. 41, 42 and 43, 1987.

Respectfully,  
s/Beverly S. Rippy  
Beverly S. Rippy, City Clerk

July 20, 1987

[Clerk's Note: A publisher's error was made in the Indianapolis News on General Ordinance Nos. 41 and 42, 1987, on July 9, 1987, and in the Indianapolis Commercial for General Ordinance No. 41, 1987, on July 9, 1987.]

June 23, 1987

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in The Indianapolis NEWS and The Indianapolis COMMERCIAL on Thursday, July 9, 1987, a copy of NOTICE TO TAXPAYERS of a PUBLIC HEARING on Proposal Nos. 355, 357, 361, 362 and 363, 1987, to be held on Monday, July 20, 1987, at 7:00 p.m., in the City-County Building.

Respectfully,  
s/Beverly S. Rippy  
Beverly S. Rippy, City Clerk

[Clerk's Note: A publisher's correction was made in the Indianapolis News on Proposal Nos. 355 and 357, 1987 on July 11, 1987.]

July 1, 1987

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the Indianapolis NEWS and The Indianapolis COMMERCIAL on Thursday, July 9, 1987, a copy of NOTICE OF TAXPAYERS of a PUBLIC HEARING on Proposal No. 306, 1987, to be held on Monday, July 20, 1987, at 7:00 p.m., in the City-County Building.

Respectfully,  
s/Beverly S. Rippy  
Beverly S. Rippy, City Clerk

July 1, 1987

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, Mrs. Beverly S. Rippy, the following ordinances and resolutions:

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FISCAL ORDINANCE NO. 86, 1987, amending the City-County Annual Budget for 1987 (City-County Fiscal Ordinance No. 89, 1986) appropriating an additional Twelve Thousand Two Hundred Thirty-three Dollars (\$12,233) in the County General Fund for purposes of the County Auditor, Coroner, Surveyor, Treasurer and Clerk and reducing the unappropriated and unencumbered balance in the County General Fund.

FISCAL ORDINANCE NO. 87, 1987, amending the City-County Annual Budget for 1987 (City-County Fiscal Ordinance No. 89, 1986) appropriating an additional Twenty-seven Thousand Three Hundred Dollars (\$27,300) in the County General Fund for purposes of the Information Services Agency, County Healthcare Center and Voter's Registration and reducing the unappropriated and unencumbered balance in the County General Fund.

FISCAL ORDINANCE NO. 88, 1987, amending the City-County Annual Budget for 1987 (City-County Fiscal Ordinance No. 89, 1986) appropriating an additional Seven Thousand Eighty-seven Dollars (\$7,087) in the County General Fund for purposes of the Center, Lawrence and Pike Township Assessors and reducing the unappropriated and unencumbered balance in the County General Fund.

FISCAL ORDINANCE NO. 89, 1987, amending the City-County Annual Budget for 1987 (City-County Fiscal Ordinance No. 89, 1986) appropriating an additional Three Hundred Forty-eight Thousand Fifty-six Dollars (\$348,056) in the County General Fund for purposes of the Clerk of the Circuit Court and reducing the unappropriated and unencumbered balance in the County General Fund.

FISCAL ORDINANCE NO. 90, 1987, amending the City-County Annual Budget for 1987 (City-County Fiscal Ordinance No. 89, 1986) appropriating an additional One Thousand Five Hundred Seventy-five Dollars (\$1,575) in the County General fund for purposes of the Marion County Justice Agency and reducing the unappropriated and unencumbered balance in the County General Fund.

FISCAL ORDINANCE NO. 91, 1987, amending the City-County Annual Budget for 1987 (City-County Fiscal Ordinance No. 89, 1986) appropriating an additional Twenty-six Thousand One Hundred Forty-seven Dollars (\$26,147) in the County General Fund for purposes of the Prosecuting Attorney and reducing the unappropriated and unencumbered balance in the County General Fund.

FISCAL ORDINANCE NO. 92, 1987, amending the City-County Annual Budget for 1987 (City-County Fiscal Ordinance No. 89, 1986) appropriating an additional Fifteen Thousand Dollars (\$15,000) in the Prosecutor's Diversion Fund for purposes of the Prosecuting Attorney and reducing certain other appropriations for that Department and the unappropriated and unencumbered balance in the Prosecutor's Diversion Fund.

FISCAL ORDINANCE NO. 93, 1987, amending the City-County Annual Budget for 1987 (City-County Fiscal Ordinance No. 89, 1986) appropriating an additional Fifteen Thousand Nine Hundred Dollars (\$15,900) in the County Corrections Fund for purposes of the Presiding Judge of the Municipal Court and reducing the unappropriated and unencumbered balance in the County Corrections Fund.

FISCAL ORDINANCE NO. 94, 1987, amending the City-County Annual Budget for 1987 (City-County Fiscal Ordinance No. 89, 1986) appropriating an additional Four Thousand Seven Hundred Twenty-five Dollars (\$4,725) in the County General Fund for purposes of Criminal Division Probation Department, Prosecuting Attorney and the Presiding Judge of the Municipal Courts and reducing the unappropriated and unencumbered balance in the County General Fund.

FISCAL ORDINANCE NO. 95, 1987, amending the City-County Annual Budget for 1987 (City-County Fiscal Ordinance No. 89, 1986) appropriating an additional One Hundred Four Thousand Four Hundred Eighty-seven Dollars (\$104,487) in the State and Federal Grant Fund for purposes of the Prosecuting Attorney and reducing the unappropriated and unencumbered balance in the State and Federal Grant Fund.

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FISCAL ORDINANCE NO. 96, 1987, amending the City-County Annual Budget for 1987 (City-County Fiscal Ordinance No. 89, 1986) appropriating an additional Seventy-one Thousand One Hundred Thirteen Dollars (\$71,113) in the County Corrections Fund for purposes of the Community Corrections Agency and reducing the unappropriated and unencumbered balance in the County Corrections Fund.

FISCAL ORDINANCE NO. 97, 1987, amending the City-County Annual Budget for 1987 (City-County Fiscal Ordinance No. 89, 1986) appropriating an additional Five Hundred Ninety-eight Thousand Nine Hundred Dollars (\$598,900) in the State and Federal Grants Fund for purposes of the Community Corrections Agency and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

FISCAL ORDINANCE NO. 98, 1987, amending the City-County Annual Budget for 1987 (City-County Fiscal Ordinance No. 89, 1986) appropriating an additional Eight Thousand Eight Hundred Fifty Dollars (\$8,850) in the County Corrections Fund for purposes of the Superior Court, Criminal Division, Probation Department, and reducing the unappropriated and unencumbered balance in the County Corrections Fund.

FISCAL ORDINANCE NO. 99, 1987, amending the City-County Annual Budget for 1987 (City-County Fiscal Ordinance No. 89, 1986) appropriating an additional Fourteen Thousand One Hundred Sixty-six Dollars (\$14,166) in the County Corrections Fund for purposes of the County Sheriff and reducing the unappropriated and unencumbered balance in the County Corrections Fund.

FISCAL ORDINANCE NO. 100, 1987, amending the City-County Annual Budget for 1987 (City-County Fiscal Ordinance No. 89, 1986) appropriating an additional Eight Thousand Dollars (\$8,000) in the Guardian Ad Litem Fund for purposes of the Superior Court, Juvenile Division, and reducing the unappropriated and unencumbered balance in the Guardian Ad Litem Fund.

FISCAL ORDINANCE NO. 101, 1987, amending the City-County Annual Budget for 1987 (City-County Fiscal Ordinance No. 89, 1986) appropriating an additional One Million Five Hundred Thousand Dollars (\$1,500,000) in the Sanitation General Fund for purposes of the Department of Public Works - Liquid Waste Processing Operations Division and reducing the unappropriated and unencumbered balance in the Sanitation General Fund.

FISCAL ORDINANCE NO. 102, 1987, amending the City-County Annual Budget for 1987 (City-County Fiscal Ordinance No. 89, 1986) appropriating an additional Thirty-one Thousand Three Hundred Dollars (\$31,300) in the County General Fund for purposes of the County Sheriff and reducing certain other appropriations for that office.

GENERAL ORDINANCE NO. 48, 1987, amending the "Code of Indianapolis and Marion County, Indiana", Chapter 29, establishing fire station emergency zones, regulating traffic in such zones, and providing penalties for violation.

GENERAL ORDINANCE NO. 49, 1987, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-331, Passenger and materials loading zones.

GENERAL ORDINANCE NO. 50, 1987, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-270, changing parking regulations on North street and Section 29-166, designating a portion of Moreland Avenue as one-way.

GENERAL ORDINANCE NO. 51, 1987, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection controls.

GENERAL ORDINANCE NO. 52, 1987, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection controls.

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GENERAL ORDINANCE NO. 53, 1987, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection controls.

GENERAL ORDINANCE NO. 54, 1987, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection controls.

GENERAL ORDINANCE NO. 55, 1987, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection controls.

GENERAL ORDINANCE NO. 56, 1987, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-267, Parking prohibited at all times on certain streets.

GENERAL ORDINANCE NO. 57, 1987, creating the Sewer Maintenance Division within the Department of Public Works.

SPECIAL ORDINANCE NO. 4, 1987, authorizing the amendment of certain financing documents concerning the previously issued Industrial Development Revenue bonds (American Hospital Supply Corporation Project) Series A and approving and authorizing other actions in respect thereto.

SPECIAL ORDINANCE NO. 5, 1987, authorizing the amendment of certain financing documents concerning the previously issued "Economic Development Mortgage Revenue Bond (Chef's Baking Company Project)" and approving and authorizing other actions in respect thereto.

GENERAL RESOLUTION NO. 9, 1987, authorizing the Marion County Community Corrections Agency ("Agency") to renew its contract with Hitek Community Control Corporation for the lease of a passive system of electronic monitoring devices in conjunction with the Agency's home detention program.

GENERAL RESOLUTION NO. 10, 1987, authorizing the Marion County Community Corrections Advisory Board to contract with residential providers for professional services to provide residential community corrections programs with capacity for thirty-nine (39) male and five (5) female eligible offenders through the Marion County Community Corrections Agency.

GENERAL RESOLUTION NO. 11, 1987, authorizing the Marion County Community Corrections Agency ("Agency") to renew its contract with B. I., Inc. for the lease of an active system of electronic monitoring devices in conjunction with the Agency's home detention program.

SPECIAL RESOLUTION NO. 40, 1987, honoring Ron Handy of the Indianapolis Checkers.

SPECIAL RESOLUTION NO. 41, 1987, honoring Maicel Donnee Malone.

SPECIAL RESOLUTION NO. 42, 1987, asking the United States Olympic Committee to consider Indianapolis for the 1988 Olympic Games.

SPECIAL RESOLUTION NO. 43, 1987, amending City-County Special Resolution No. 124, 1986, as amended and approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

SPECIAL RESOLUTION NO. 44, 1987, approving the lease of certain real estate of the Department of Parks and Recreation.

Respectfully submitted,  
s/William H. Hudnut, III  
William H. Hudnut, III

## INTRODUCTION OF PROPOSALS

PROPOSAL NO. 384, 1987. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$220,000 for the Department of Administration, Central Equipment Management Division, to cover the estimated shortage in vehicle equipment repair and to cover payments made to PEG for fuel site analysis and pickup of hazardous material"; and the President referred it to the Administration Committee.

PROPOSAL NO. 385, 1987. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$6,000 for the City-County Council for two IBM-AT type personal computers"; and the President referred it to the Administration Committee.

PROPOSAL NO. 386, 1987. Introduced by Councillor Cottingham. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$100,000 for the County Auditor to provide a portion of the required county funding for the IMAGIS computer project"; and the President referred it to the County and Townships Committee.

PROPOSAL NO. 387, 1987. Introduced by Councillor Cottingham. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$9,850 for the Pike Township Assessor to transfer monies already appropriated for the new CLT workplan"; and the President referred it to the County and Townships Committee.

PROPOSAL NO. 388, 1987. Introduced by Councillor Clark. The Clerk read the proposal entitled: "A Proposal for a GENERAL RESOLUTION approving amendments to the operating budget of the Capital Improvements Board of Managers"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 389, 1987. Withdrawn 07/20/87.

PROPOSAL NO. 390, 1987. Introduced by Councillor Durnil. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$75,000 for the Department of Parks and Recreation, Recreation and Sports Facilities Division, to provide greater recreational opportunities to the community through a supervised summer playground program"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 391, 1987. Introduced by Councillor Durnil. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriation \$20,000 for the Department of Parks and Recreation, Administration Division, to utilize a third generation planning grant to assess leisure needs in Marion County through telecommunication surveying"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 392, 1987. Introduced by Councillor Durnil. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$1,800,000 for the Department of Parks and Recreation, Administration Division, to renovate and improve Eagle Creek Golf Course to the highest standards"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 393, 1987. Introduced by Councillor Durnil. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$100,000 for the Department of Parks and Recreation, Administration Division, to improve Fall Creek Corridor, through renovation and addition of piers, parking lots and landscaping"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 394, 1987. Introduced by Councillor Durnil. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$200,000 for the Department of Parks and Recreation, Administration Division, to improve Fall Creek Corridor, through renovation and addition of piers, parking lots and landscaping"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 395, 1987. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$6,512 for the County Sheriff and County Auditor to hire an additional typist/bookkeeper due to state legislation"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 396, 1987. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$60,251 for the Prosecutor's Child Support IV-D Agency and the County Auditor to implement a reorganization plan which will be reimbursed by federal and state funds"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 397, 1987. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$89,158 for the Prosecuting Attorney and County Auditor for three existing state and federally funded programs"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 398, 1987. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$100,843 for the Prosecuting Attorney for the victim restitution from the Odometer case and for reimbursed costs for a seminar from the National Highway Traffic Safety Commission"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 399, 1987. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$5,000 for the Superior Court, Juvenile Division, for a grant for the dispositional alternatives received for period of July 1 - September 30, 1987"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 400, 1987. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$117,760 for the Superior Court, Juvenile Division, for use in establishment of satellite offices"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 401, 1987. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$27,000 for the Superior Court, Criminal Division, Room One, to provide compensation over and above contract amounts for Public Defenders"; and the President referred it to the Public Safety and Criminal Justice Committee.

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PROPOSAL NO. 402, 1987. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$63 for the Superior Court, Civil Division, Room Four, to fund authorized Court Reporter salary"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 403, 1987. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$8,100 for the Marion County Justice Agency and County Auditor to staff an evaluator's position"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 404, 1987. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION authorizing the lease of a building at the corner of 42nd Street and College Avenue for use by the Department of Public Safety as quadrant headquarters"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 405, 1987. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a GENERAL RESOLUTION authorizing the Marion County Community Corrections Advisory Board to contract for professional services"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 406, 1987. Introduced by Councillor Howard. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code, in regard to Section 6-4, Animals not to be at large"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 407, 1987. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code with regard to parking privileges for physically incapacitated persons"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 408, 1987. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE concerning violations of the Department of Transportation permit requirements"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 409, 1987. Introduced by Councillor Bradley. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing intersection control changes at Exeter Avenue and 12th Street"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 410, 1987. Introduced by Councillors Bradley and Holmes. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing intersection control changes at Falcon Drive and Thrush Drive"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 411, 1987. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing intersection control changes at Temple Avenue and 64th Street"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 412, 1987. Introduced by Councillor Strader. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing intersection control changes at Bethel Avenue and Perkins Avenue"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 413, 1987. Introduced by Councillor Howard. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the code by authorizing parking control changes on certain days and hours at various locations"; and the President referred it to the Transportation Committee.

### **SPECIAL ORDERS - PRIORITY BUSINESS**

PROPOSAL NOS. 414 - 424, 1987. Introduced by Councillor Borst. The Clerk read the proposals entitled "GENERAL ORDINANCE and REZONING ORDINANCES certified by the Metropolitan Development Commission on July 6, 1987". The Council did not schedule Proposal Nos. 414 - 424, 1987, for hearing pursuant to IC 36-7-4-608. Proposal No. 414, 1987, was retitled GENERAL ORDINANCE NO. 58, 1987, and Proposal Nos. 415 - 424, 1987, were retitled REZONING ORDINANCE NOS. 125 - 134, 1987, take effect thirty days after the respective certification, and read as follows:

**GENERAL ORDINANCE NO. 58, 1987 87-ZA-1**

The Metropolitan Development Commission of Marion County, Indiana, proposes the adoption of ORDINANCE 87-AO-1, amending Marion County Council Ordinance No. 8, 1957, as amended, the Zoning Ordinance for Marion County, Indiana, by amending the Dwelling Districts Zoning Ordinance of Marion County, Indiana (Ordinance No. 66-AO-2, as amended) and amending the Marion County Master Plan Permanent Zoning Ordinance, adopted on November 12, 1948, and subsequently amended, to provide for Group Homes, as defined in Section 2.19 therein, as permitted uses and repealing Section 2.18 therein which provided for a Special Exception for such Group Homes.

**REZONING ORDINANCE NO. 125, 1987. 87-Z-109 (87-Z-109) LAWRENCE TOWNSHIP**

**COUNCILMANIC DISTRICT NO. 5**  
6702 EAST 91ST STREET, INDIANAPOLIS.

Hansen and Horn Contractors, Inc. by Philip A. Nicely, requests the rezoning of approximately 20 acres, being in the A-2 district, to the D-P classification, to provide for the development of a maximum of 108 lots for single-family residences.

**REZONING ORDINANCE NO. 126, 1987. 87-Z-112 WARREN TOWNSHIP**

**COUNCILMANIC DISTRICT NO. 13**  
1401 NORTH CUMBERLAND ROAD, INDIANAPOLIS.

Viola Schaeke, by James E. Sandifer, requests the rezoning of approximately 55 acres, being in the A-2 district, to the D-3 classification, to provide for residential use by platting.

**REZONING ORDINANCE NO. 127, 1987. 87-Z-116 LAWRENCE TOWNSHIP**

**COUNCILMANIC DISTRICT NO. 5**  
12302 EAST 75TH STREET, INDIANAPOLIS.

Crooked Creek at Geist Development Company, by Stephen D. Mears, requests the rezoning of 94.0 acres, being in the A-2 district, to the D-3 classification, to provide for single-family residential development.

**REZONING ORDINANCE NO. 128, 1987. 87-Z-117 WAYNE TOWNSHIP**

**COUNCILMANIC DISTRICT NO. 8**  
3401 LAFAYETTE ROAD, INDIANAPOLIS.

Skinner and Broadbent Company, by Philip A. Nicely, requests the rezoning of 8.8 acres, being in the D-2 district, to the C-5 classification, to provide for retail development.

**REZONING ORDINANCE NO. 129, 1987. 87-Z-118 CENTER TOWNSHIP**

**COUNCILMANIC DISTRICT NO. 14**  
922 VANDEMAN STREET, INDIANAPOLIS.

Clyde L. Ashby requests the rezoning of 9.50 acre, being in the D-5 and PK-I districts, to the I-4-U classification, to provide for truck storage.

**REZONING ORDINANCE NO. 130, 1987. 87-Z-120 CENTER TOWNSHIP**

**COUNCILMANIC DISTRICT NO. 10**  
2801 NORTH KEYSTONE AVENUE, INDIANAPOLIS.

Division of Economic and Housing Development requests the rezoning of 1.59 acres, being in the C-3 district, to the C-2 classification, to provide for the construction of apartments for the elderly.

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REZONING ORDINANCE NO. 131, 1987. 87-Z-121 PERRY TOWNSHIP  
COUNCILMANIC DISTRICT NO. 25  
1442 EAST SOUTHPORT ROAD, INDIANAPOLIS.

Aspen Homes, Inc. requests the rezoning of 0.38 acre, being in the D-6II district, to the D-3 classification, to provide for single-family development.

REZONING ORDINANCE NO. 132, 1987. 87-Z-123 WARREN TOWNSHIP  
COUNCILMANIC DISTRICT NO. 14  
7402 EAST 21ST STREET, INDIANAPOLIS.

Cardinal Industries request the rezoning of 2.07 acres, being in the C-1 district, to the C-6 classification, to provide for the construction of a motel.

REZONING ORDINANCE NO. 133, 1987. 87-Z-124 CENTER TOWNSHIP  
COUNCILMANIC DISTRICT NO. 9  
3702 NORTH ILLINOIS STREET, INDIANAPOLIS.

George J. and June W. Davidson request the rezoning of 0.46 acre, being in the C-4 district, to the D-9 classification, to conform zoning to its use as apartments.

REZONING ORDINANCE NO. 134, 1987. 87-Z-125 WAYNE TOWNSHIP  
COUNCILMANIC DISTRICT NO. 18  
940 NORTH LYNHURST DRIVE, INDIANAPOLIS.

L.O.R., Inc., by David A. Clase, requests the rezoning of 1.86 acres, being in the A-2 district, to the C-3 classification, to provide for retail use.

PROPOSAL NOS. 425 - 426, 1987. Introduced by Councillor Borst. The Clerk read the proposals entitled "REZONING ORDINANCES certified by the Metropolitan Development Commission on July 10, 1987". The Council did not schedule Proposal Nos. 425 - 426, 1987, for hearing pursuant to IC 36-7-4-608. Proposal Nos. 425 - 426, 1987, were retitled REZONING ORDINANCE NOS. 135 - 136, 1987, take effect thirty days after the respective certification, and read as follows:

REZONING ORDINANCE NO. 135, 1987. 86-Z-280 AMENDED DECATUR TOWNSHIP  
COUNCILMANIC DISTRICT NO. 19  
6502 WEST HANNA AVENUE, INDIANAPOLIS.

Craig Roeder and Thomas L. Walsh, by Stephen D. Mears, requests rezoning of 26.8 acres, being in the I-2-S district, to the I-3-S classification, to provide for the development of an air freight facility.

REZONING ORDINANCE NO. 136, 1987. 86-Z-281 AMENDED DECATUR TOWNSHIP  
COUNCILMANIC DISTRICT NO. 19  
3850 SOUTH HIGH SCHOOL ROAD, INDIANAPOLIS.

Craig Roeder and Thomas L. Walsh, by Stephen D. Mears, requests the rezoning of 13.2 acres, being in the C-1 and I-2-S districts, to the C-5 classification, to provide for auto rental and other commercial use.

PROPOSAL NOS. 427 - 434, 1987. Introduced by Councillor Borst. The Clerk read the proposals entitled "REZONING ORDINANCES certified by the Metropolitan Development Commission on July 16, 1987". The Council did not schedule Proposal Nos. 427 - 434, 1987, for hearing pursuant to IC 36-7-4-608. Proposal Nos. 427 - 434, 1987, were retitled REZONING ORDINANCE NOS. 137 - 144, 1987, take effect thirty days after the respective certification, and read as follows:

REZONING ORDINANCE NO. 137, 1987. 87-Z-61 CENTER TOWNSHIP  
COUNCILMANIC DISTRICT NO. 24  
125-143 NORTH 18TH AVENUE, INDIANAPOLIS.

William A. Atz, M.D., by Mary E. Solada, requests the rezoning of 0.74 acre, being in the D-5 district, to the HD-II classification, to provide for parking for a proposed medical office building.

REZONING ORDINANCE NO. 138, 1987. 87-Z-126 WARREN TOWNSHIP  
COUNCILMANIC DISTRICT NO. 5  
10125 EAST 30TH STREET, INDIANAPOLIS.

Korean Baptist Church of Indianapolis, Inc., by Peter D. Cleveland, requests the rezoning of 3.99 acres, being in the A-2 district, to the SU-1 classification, to provide for the construction of a church.

REZONING ORDINANCE NO. 139, 1987. 87-Z-128 WARREN TOWNSHIP  
COUNCILMANIC DISTRICT NO. 5  
10701 EAST 30TH STREET, INDIANAPOLIS.

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Donald E. Hill, by Michael C. Cook, requests the rezoning of 19.09 acres, being in the D-4 district, to the SU-3 and FP classifications, to provide for the development of a nine-hole golf course with a clubhouse.

REZONING ORDINANCE NO. 140, 1987. 87-Z-129 WARREN TOWNSHIP  
COUNCILMANIC DISTRICT NO. 5  
10601 EAST 30TH STREET, INDIANAPOLIS.

Donald E. Hill, by Michael C. Cook, requests the rezoning of 1.5 acres, being in the D-4 district, to the SU-9 classification, to provide for the construction of a fire station.

REZONING ORDINANCE NO. 141, 1987. 87-Z-130 CENTER TOWNSHIP  
COUNCILMANIC DISTRICT NO. 22  
751 EAST 10TH STREET, INDIANAPOLIS.

Board of School Commissioners of the City of Indianapolis, by Fredrick L. Rice, requests the rezoning of 0.54 acre, being in the I-3-U (RC) district, to the SU-9 (RC) classification, to provide for additional parking for employees.

REZONING ORDINANCE NO. 142, 1987. 87-Z-131 CENTER TOWNSHIP  
COUNCILMANIC DISTRICT NO. 20  
307 LINCOLN STREET, INDIANAPOLIS.

Board of School Commissioners of the City of Indianapolis, by Fredrick L. Rice, request the rezoning of 3.61 acres, being in the SU-1 and I-4-U districts, to the SU-2 classification, to provide for the construction of an elementary school to replace two existing schools.

REZONING ORDINANCE NO. 143, 1987. 87-Z-134 CENTER TOWNSHIP  
COUNCILMANIC DISTRICT NO. 21  
3736 WEST MORRIS STREET, INDIANAPOLIS.

James G. Graham, eal., requests the rezoning of 2.23 acres, being in the D-5 district, to the C-7 classification, to provide for the sale and service of heavy truck tires.

REZONING ORDINANCE NO. 144, 1987. 87-Z-135 WASHINGTON TOWNSHIP  
COUNCILMANIC DISTRICT NO. 4  
7102 NORTH KEYSTONE AVENUE, INDIANAPOLIS.

Michael J. Alboher requests the rezoning of approximately one acre, being in the SU-34 district, to the C-3 classification, to provide for a restaurant.

**SPECIAL ORDERS - PUBLIC HEARING**

PROPOSAL NO. 355, 1987. This proposal appropriates \$420,141 for the Department of Administration, Central Equipment Management Division, to provide funds for vehicles and equipment. Councillor West explained that an identical appropriation for C.E.M.D. that matched the Department of Parks and Recreation for 1987 erroneously contained a smaller figure. Due to the Department of Parks and Recreation spending less money for fuel and maintenance, the Division is requesting that the money be transferred to equipment purchases. The Administration Committee on June 23, 1987, recommended Proposal No. 355, 1987, Do Pass by a 4-0 vote. The President called for public testimony at 7:36 p.m. There being no one present to testify, Councillor West moved, seconded by Councillor Hawkins, for adoption. Proposal No. 355, 1987, was adopted on the following roll call vote; viz:

*22 YEAS: Borst, Boyd, Bradley, Coughenour, Curry, Dowden, Durnil, Giffin, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Rader, SerVaas, Shaw, Stewart, Strader, West*

*0 NAYS*

*7 NOT VOTING: Clark, Cottingham, Crowe, Page, Rhodes, Schneider, Williams*

Proposal No. 355, 1987, was retitled FISCAL ORDINANCE NO. 103, 1987, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 103, 1987

A FISCAL ORDINANCE amending the City-County Annual Budget for 1987 (City-County Fiscal Ordinance No. 89, 1986) appropriating an additional Four Hundred Twenty Thousand One Hundred Forty-one Dollars (\$420,141) in the Consolidated County Fund for purposes of the Department of Administration, Central Equipment Manage-

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ment Division, and transferring certain other appropriations and reducing the unappropriated and unencumbered balance in the Consolidated County 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 1.01 of the City-County Annual Budget for 1987, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of the Department of Administration, Central Equipment Management Division, to provide funds for vehicles and equipment.

SECTION 2. The sum of Four Hundred Twenty Thousand One Hundred Forty-one Dollars (\$420,141) be, and the same is hereby appropriated for the purposes as shown in Section 3 by transferring certain other appropriations and reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

<u>DEPARTMENT OF ADMINISTRATION</u> <u>CENTRAL EQUIPMENT MANAGEMENT DIVISION</u>	<u>CONSOLIDATED COUNTY FUND</u>
3. Other Services & Charges	\$ 35,000
4. Capital Outlay	<u>385,141</u>
TOTAL INCREASE	\$420,141

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

<u>DEPARTMENT OF ADMINISTRATION</u> <u>CENTRAL EQUIPMENT MANAGEMENT DIVISION</u>	<u>CONSOLIDATED COUNTY FUND</u>
1. Personal Services	\$ 35,000
2. Supplies	115,000
Unappropriated and Unencumbered Consolidated County Fund	<u>270,141</u>
TOTAL REDUCTION	\$420,141

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

PROPOSAL NO. 357, 1987. This proposal appropriates \$6,136,944 for the County Assessor, County Auditor and all Township Assessors to provide funds for reassessment through the years 1987, 1988 and 1989. Councillor Cottingham stated that in addition to the amount for the contract with Cole, Layer and Trumble Company, (\$4,737,000) the Assessors are requesting additional funds to cover supplies, other services and charges and office equipment. C.L.T.'s bid came in with exactly what specifications were called for and an alternative which saved \$1.2 million. Councillor Cottingham stated that according to Mr. Phil Hinkle, Wayne Township Assessor, the reassessment should be completed by 1990 with Appeals. The County and Townships Committee on July 14, 1987, recommended Proposal No. 357, 1987, Do Pass As Amended by a 5-0 vote. The President called for public testimony at 7:41 p.m. There being no one present to testify, Councillor Cottingham moved, seconded by Councillor Holmes, for adoption. Proposal No. 357, 1987, As Amended, was adopted on the following roll call vote; viz:

24 YEAS: *Borst, Boyd, Bradley, Clark, Cottingham, Crowe, Curry, Dowden, Durnil, Giffin, Hawkins, Holmes, Journey, McGrath, Miller, Nickell, Rader, Rhodes, Schneider, SerVaas, Stewart, Strader, West, Williams*

0 NAYS

5 NOT VOTING: *Coughenour, Gilmer, Howard, Page, Shaw*

Proposal No. 357, 1987, As Amended, was retitled FISCAL ORDINANCE NO. 104, 1987, and reads as follows:

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CITY-COUNTY FISCAL ORDINANCE NO. 104, 1987

A FISCAL ORDINANCE amending the City-County Annual Budget for 1987 (City-County Fiscal Ordinance No. 89, 1986) appropriating an additional Four Million Seven Hundred Seventy-one Thousand Six Hundred Eighty-one Dollars (\$4,771,681) in the Property Reassessment Fund for purposes of the County Assessor, County Auditor and all Township Assessors and reducing the unappropriated and unencumbered balance in the Property Reassessment 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, Sections 2.01 (a)(1), (a)(2) and (d) of the City-County Annual Budget for 1987, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of the County Assessor, County Auditor and all Township Assessors to provide funds for reassessment through the years 1987, 1988 and 1989.

SECTION 2. The sum of Four Million Seven Hundred Seventy-one Thousand Six Hundred Eighty-one Dollars (\$4,771,681) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

<u>COUNTY AUDITOR</u>	<u>PROPERTY REASSESSMENT FUND</u>
31. Personal Services (Fringes)	\$ 274
 <u>CENTER TOWNSHIP ASSESSOR</u>	
2. Supplies	500
3. Other Services & Charges	1,415,837
4. Capital Outlay	3,325
 <u>DECATUR TOWNSHIP ASSESSOR</u>	
3. Other Services & Charges	113,688
 <u>FRANKLIN TOWNSHIP ASSESSOR</u>	
3. Other Services & Charges	127,899
 <u>LAWRENCE TOWNSHIP ASSESSOR</u>	
3. Other Services & Charges	393,171
4. Capital Outlay	9,101
 <u>PERRY TOWNSHIP ASSESSOR</u>	
3. Other Services & Charges	464,226
4. Capital Outlay	9,300
 <u>PIKE TOWNSHIP ASSESSOR</u>	
3. Other Services & Charges	203,691
 <u>WARREN TOWNSHIP ASSESSOR</u>	
3. Other Services & Charges	540,018
 <u>WASHINGTON TOWNSHIP ASSESSOR</u>	
1. Personal Services	1,268
2. Supplies	570
3. Other Services & Charges	752,917
4. Capital Outlay	8,408
 <u>WAYNE TOWNSHIP ASSESSOR</u>	
3. Other Services & Charges	722,024
4. Capital Outlay	<u>5,464</u>
TOTAL INCREASE	\$4,771,681

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

	<u>PROPERTY REASSESSMENT FUND</u>
Unappropriated and Unencumbered	
Property Reassessment Fund	<u>\$4,771,681</u>
TOTAL REDUCTION	\$4,771,681

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

PROPOSAL NO. 311, 1987. This proposal establishes the Prosecutor's Law Enforcement Fund.

Councillor Dowden explained the purpose of establishing the fund would be to return money which is confiscated back to the appropriate Departments in the same ratio in which they were confiscated.

Councillor Schneider questioned what fund would be used for the money. Councillor Dowden replied that the money will be placed in the Sheriff's Contractual Fund, in the County General Fund. At the end of the year, the money will be rolled over into the County General Fund.

Mr. Robert Elrod, General Counsel, stated that a hearing at the State Board level will be completed with the approval of Proposal No. 311, 1987.

The Public Safety and Criminal Justice Committee on June 24, 1987, recommended Proposal No. 311, 1987, Do Pass As Amended by a 7-0-1 vote. The President called for public testimony at 8:01 p.m.

Ms. Laura Dillenger, 8336 W. 82nd Street, questioned since two public safety sectors would be using this fund, if this would not create competition with the agencies working against each other so that they might claim the money that their agency confiscated. Councillor Dowden replied that he believes the law enforcement agencies are more aggressive than this and will want to serve the public in the best way possible.

Councillor Dowden moved, seconded by Councillor Giffin, for adoption. Proposal No. 311, 1987, As Amended, was adopted on the following roll call vote; viz:

*26 YEAS: Borst, Boyd, Bradley, Clark, Cottingham, Coughenour, Crowe, Curry, Dowden, Giffin, Gilmer, Hawkins, Holmes, Howard, McGrath, Miller, Nickell, Rader, Rhodes, Schneider, Ser-Vaas, Shaw, Stewart, Strader, West, Williams*

*0 NAYS*

*3 NOT VOTING: Durnil, Journey, Page*

Proposal No. 311, 1987, was retitled GENERAL ORDINANCE NO. 59, 1987, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 59, 1987

A PROPOSAL FOR A GENERAL ORDINANCE establishing the Law Enforcement Fund.

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

SECTION 1. Article IX of Chapter 2 of the Code of Indianapolis and Marion County, Indiana, is hereby amended by adding a new Section 2-359.2 which reads as follows:

Sec. 2-360. Law Enforcement Fund.

(a) There is hereby created a "Law Enforcement Fund." The fund shall consist of deposits in the form of voluntary surrender fees, reimbursement for restitution, and other law enforcement related fees recovered by the office of the Marion County Prosecutor which are not required to be deposited in the County General Fund.

(b) The Law Enforcement Fund shall be appropriated only for funding activities recovered by IC 34-4-30.1.

(c) Monies from this fund shall be subject to appropriation in accordance with I.C. 36-3-6-6.

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

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

**PROPOSAL NO. 306, 1987.** This proposal appropriates \$100,000 for the Prosecuting Attorney.

Councillor Dowden explained that Proposal No. 306, 1987, was Tabled in Committee because the Law Enforcement Fund was not established; but with the passage of Proposal No. 311, 1987, would like to request that Proposal No. 306 be taken off the table. Consent was given.

Councillor Dowden explained that this money was to be placed in the newly established "Law Enforcement Fund". The money deposited in the fund will represent voluntary surrender fees generated by vehicle and/or other confiscated cases of forfeiture as well as other restitution fees.

President SerVaas requested that the Public Safety and Criminal Justice Committee discuss how they will monitor the money that will be appropriated. Mr. Stephen Goldsmith, County Prosecutor, promised that he would take care of this matter and report back to the Council. Consent was given.

The Public Safety and Criminal Justice Committee on June 17, 1987, recommended Proposal No. 306, 1987, Amend and Table by a 6-0 vote. The President called for public testimony at 8:10 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Nickell, for adoption. Proposal No. 306, 1987, As Amended, was adopted on the following roll call vote; viz:

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

*1 NAY: Journey*

*1 NOT VOTING: Page*

Proposal No. 306, 1987, was retitled FISCAL ORDINANCE NO. 106, 1987, and reads as follows:

**CITY-COUNTY FISCAL ORDINANCE NO. 106, 1987**

A FISCAL ORDINANCE amending the City-County Annual Budget for 1987 (City-County Fiscal Ordinance No. 89, 1986) appropriating an additional One Hundred Thousand Dollars (\$100,000) in the Law Enforcement Fund for purposes of the Prosecuting Attorney and reducing the unappropriated and unencumbered balance in the Law Enforcement Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.01 (b)(22) of the City-County Annual Budget for 1987, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Prosecuting Attorney.

SECTION 2. The sum of One Hundred Thousand Dollars (\$100,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

**PROSECUTING ATTORNEY**

- 1. Personal Services
- 3. Other Services & Charges

**LAW ENFORCEMENT FUND**

\$ 25,000  
75,000

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TOTAL INCREASE \$100,000

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

	<u>LAW ENFORCEMENT FUND</u>
Unappropriated and Unencumbered	
Law Enforcement Fund	<u>\$100,000</u>
TOTAL REDUCTION	\$100,000

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

PROPOSAL NO. 361, 1987. This proposal appropriates \$47,500 for the Forensic Services Agency to provide funds for existing drug testing program.

Councillor Dowden indicated that the appropriation of \$47,500 will be used to continue the existing drug testing program for the Courts, Adult and Juvenile Probation and the Juvenile Center. Existing funds will be relinquished on September 30, 1987. The Public Safety and Criminal Justice Committee on June 24, 1987, recommended Proposal No. 361, 1987, Do Pass by a 6-0 vote. The President called for public testimony at 7:42 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Giffin, for adoption. Proposal No. 361, 1987, was adopted on the following roll call vote; viz:

24 YEAS: *Borst, Boyd, Bradley, Cottingham, Coughenour, Crowe, Curry, Dowden, Dumil, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West*  
 0 NAYS  
 5 NOT VOTING: *Clark, Giffin, Gilmer, Page, Williams*

Proposal No. 361, 1987, was retitled FISCAL ORDINANCE NO. 105, 1987, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 105, 1987

A FISCAL ORDINANCE amending the City-County Annual Budget for 1987 (City-County Fiscal Ordinance No. 89, 1986) appropriating an additional Forty-seven Thousand Five Hundred Dollars (\$47,500) in the County Corrections Fund for purposes of the Forensic Services Agency and reducing the unappropriated and unencumbered balance in the County Corrections Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.01 (c)(7) of the City-County Annual Budget for 1987, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of the Forensic Services Agency to provide funds for existing drug testing program.

SECTION 2. The sum of Forty-seven Thousand Five Hundred Dollars (\$47,500) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

<u>FORENSIC SERVICES AGENCY</u>	<u>COUNTY CORRECTIONS FUND</u>
1. Personal Services	\$30,750
2. Supplies	11,750
3. Other Services & Charges	2,000
4. Capital Outlay	<u>3,000</u>
TOTAL INCREASE	\$47,500

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

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COUNTY CORRECTIONS FUND

Unappropriated and Unencumbered	
County Corrections Fund	\$47,500
TOTAL REDUCTION	\$47,500

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

PROPOSAL NO. 362, 1987. This proposal appropriates \$8,000 for the Department of Community Corrections to provide contractual services to conduct a needs assessment and cost benefit analysis in regard to the County operating a DUI Facility. Councillor Dowden stated that this request stemmed from the Prosecutor's Office to make sure that an adequate job is being done and stressed that Marion County does have a drunk-driving problem. The contract establishes that the study will not exceed 90 days. The Public Safety and Criminal Justice Committee on June 24, 1987, recommended Proposal No. 362, 1987, Do Pass by a 5-0 vote. The President called for public testimony at 8:14 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Nickell, for adoption. Proposal No. 362, 1987, was adopted on the following roll call vote; viz:

26 YEAS: *Borst, Boyd, Bradley, Clark, Cottingham, Crowe, Curry, Dowden, Giffin, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West, Williams*  
0 NAYS  
3 NOT VOTING: *Coughenour, Dumil, Page*

Proposal No. 362, 1987, was retitled FISCAL ORDINANCE NO. 107, 1987, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 107, 1987

A FISCAL ORDINANCE amending the City-County Annual Budget for 1987 (City-County Fiscal Ordinance No. 89, 1986) appropriating an additional Eight Thousand Dollars (\$8,000) in the County Corrections Fund for purposes of the Department of Community Corrections and reducing the unappropriated and unencumbered balance in the County Corrections Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.01 (b)(25) of the City-County Annual Budget for 1987, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of the Department of Community Corrections to provide contractual services to conduct a needs assessment and cost benefit analysis in regard to the County operating a DUI Facility.

SECTION 2. The sum of Eight Thousand (\$8,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

<u>DEPARTMENT OF COMMUNITY CORRECTIONS</u>	<u>COUNTY CORRECTIONS FUND</u>
3. Other Services & Charges	\$8,000
TOTAL INCREASE	\$8,000

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

	<u>COUNTY CORRECTIONS FUND</u>
Unappropriated and Unencumbered	
County Corrections Fund	\$8,000
TOTAL REDUCTION	\$8,000

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

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PROPOSAL NO. 366, 1987. This proposal re-establishes the Indianapolis Cumulative Capital Development Fund. PROPOSAL NO. 367, 1987. This proposal reestablishes the Marion County Cumulative Capital Development Fund.

Councillor McGrath explained that Proposal Nos. 366 and 367 re-establish the Cumulative Capital Development Fund for the County and City. There will be a 15% levy for the City, which will be used for public safety (4%); bridges and streets (4%); sewers (1%); drainage (4%) and dog pound (2%). There will be a 10% tax levy for the County, which will be used for county facilities/vehicles (4%); parks and recreation (4%) and bridges and streets (2%). Money for the dog pound will diminish due to the Department of Public Works rebuilding the dog pound in a better area, so that the money will be put into that fund to cover the expenditures. The Public Safety and Criminal Justice Committee on June 30, 1987, recommended Proposal Nos. 366 and 367, 1987, Do Pass by a 5-0 vote. The President called for public testimony at 8:15 p.m. There being no one present to testify, Councillor McGrath moved, seconded by Councillor Miller, for adoption. Proposal Nos. 366 and 367, 1987, was adopted on the following roll call vote; viz:

*25 YEAS: Borst, Boyd, Bradley, Clark, Cottingham, Coughenour, Curry, Dowden, Dumil, Giffin, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Rader, Rhodes, Schneider, SerVaas, Stewart, Strader, West, Williams*

*0 NAYS*

*4 NOT VOTING: Crowe, Nickell, Page, Shaw*

Proposal No. 366, 1987, was retitled SPECIAL ORDINANCE NO. 6, 1987, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 6, 1987

A SPECIAL ORDINANCE re-establishing the Indianapolis Cumulative Capital Development Fund.

WHEREAS, I.C. 36-9-15.5 allows municipalities to establish a municipal cumulative capital development fund; and

WHEREAS, Special Ordinance No. 35, 1984 established the Indianapolis Cumulative Capital Development Fund; and

WHEREAS, Special Ordinance No. 55, 1985 amended the Indianapolis Cumulative Capital Development Fund to permit its use for additional capital purposes; and

WHEREAS, I.C. 36-9-15.5-5 and I.C. 36-9-15.5-6 provide that the maximum period for which a cumulative capital development fund may be established is three (3) years; and

WHEREAS, 1987 is the last year of the current fund; and

WHEREAS, the City of Indianapolis desires to re-establish the Indianapolis Cumulative Capital Development Fund, as necessary and prudent for the fiscal well-being of the City of Indianapolis; now, therefore:

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

SECTION 1. There is hereby established an Indianapolis Cumulative Capital Development Fund.

SECTION 2. An ad valorem property tax levy will be imposed and the revenues from the levy will be retained in the Indianapolis Cumulative Capital Development Fund.

SECTION 3. The maximum rate of levy under Section 2 will not exceed the following amounts:

a. .15 per \$100.00 assessed valuation for 1988

b. .15 per \$100.00 assessed valuation for 1989

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c. .15 per \$100.00 assessed valuation for 1990

SECTION 4. The funds accumulative in the Indianapolis Cumulative Capital Development Fund will be used for the following purposes:

a. To provide for the cost of construction, maintenance, and repair of bridges, approaches and grade separations, as described in I.C. 8-16-3;

b. To provide for the acquisition of real property and the construction, enlarging, improving, remodeling, repairing, or equipping of buildings structures, runways, or other facilities for use in connection with an airport operated by the Indianapolis Airport Authority as described in I.C. 8-22-3-25;

c. To provide for the adequate maintenance of channel improvements, levees, and water retarding or impoundment structures, or for the emergency of unusually expensive maintenance for such works of improvement, as described in I.C. 13-3-3-89;

d. To provide for city hospitals, for the purchase of real estate and grounds for hospital purposes, to remodel or make major repairs on any hospital buildings or buildings, to erect and construct hospital buildings or additions or extensions to them, or for any other major capital improvements, as described in I.C. 16-12-2-5-32;

e. To provide for the purchase, construction, renovation, or addition to buildings used by the fire department, for the purchase of firefighting equipment, including payments required under lease rental with option to purchase agreements, and to purchase police radio equipment, as described in I.C. 36-8-14-2;

f. To provide for the acquisition of buses, and for the planning establishment, and maintenance of routes and schedules to assist in the implementation of urban mass transportation systems as described in I.C. 36-9-4;

g. To provide funds to purchase, construct, equip, and maintain buildings for municipal purpose, to acquire the land, and any improvements on it, that are necessary for the construction of municipal buildings, to demolish any improvements on land acquired by such means, and to level, grade, and prepare the land for the construction of a municipal building, to acquire land or rights-of-way to be used as a public way or other means of ingress or egress to land acquired for the construction of a municipal building, to improve or construct any public way or other means of ingress or egress to land acquired for the construction of a municipal building, as described in I.C. 36-9-16-2;

h. To provide funds to acquire land or rights-of-way to be used for public ways or sidewalks, to construct and maintain public ways or sidewalks, to acquire land or rights-of-way for the construction of sanitary or storm sewer, or both, to construct and maintain sanitary or storm sewers, or both, to acquire, by purchase or lease, or to pay all or part of the purchase price of a utility, to purchase or lease land, buildings, or rights-of-way for the use of any utility that is acquired or operated by the municipality, to purchase or acquire land, with or without buildings, for park or recreation purposes, to purchase, lease, or pay all or part of the purchase price of motor vehicles for the use of the police and fire department, or both, including ambulances and firefighting vehicles with the necessary equipment, ladders, and hoses, to retire in whole or in part any general obligation bonds of the municipality that were issued for the purpose of acquiring or constructing improvements or properties that would qualify for the use of these funds, to purchase or lease equipment and other nonconsumable personal property needed by the municipality for any public transportation use, or to purchase or lease equipment to be used to illuminate a public way or sidewalk, as described in I.C. 36-9-16-3;

i. To provide for the acquisition of rights-of-way for public ways or sidewalks, or the construction or reconstruction of public ways or sidewalks, as described in I.C. 36-9-16-5-2;

j. To provide funds to be used to construct, repair or improve streets, alleys, sidewalks, curbs, gutters, and sewers, as described in I.C. 36-9-17-3;

k. To provide for the planning, erection, remodeling, extension, and repair of sewer disposal plants and sewers to convey sanitary sewage to those plants, for the construction, remodeling, repair and extension of storm sewers, for relief sewers and drains in aid of the sanitary system or storm sewers, for the payment of the municipality's part of the costs of any public sewer or drainage project that (a) lies wholly or partly within the municipality; and (b) aids or is connected to the sewage collection or drainage system of the municipality, and for the payment of the part of any project that is allocable to property owners by special assessment under I.C. 36-9-21, for repayment to the cumulative building and sinking fund as described in I.C. 36-9-26;

l. To provide for the construction, reconstruction or maintenance of drains as provided for in I.C. 36-9-27;

m. With respect to municipal parks as described in I.C. 36-10-4, to pay for the acquisition of any land to be used for those purposes, or for any improvement authorized by I.C. 36-10-4.

SECTION 5. Notwithstanding Section 4, funds accumulated in the Indianapolis Cumulative Capital Development Fund may be spent for purposes other than the purposes stated in Section 4, if the purpose is to protect the public

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health, welfare, or safety in an emergency situation which demand immediate action. Money may be spent under the authority of this section only after the Mayor of Indianapolis issues a declaration that the public health, welfare or safety is in immediate danger that requires the expenditure of money in the fund.

SECTION 6. This fund takes effect upon approval of the State Board of Tax Commissioners.

SECTION 7. Should any provision of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the counsel in adopting this ordinance. To this end, the provisions of this ordinance are severable.

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

Proposal No. 367, 1987, was retitled SPECIAL ORDINANCE NO. 7, 1987, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 7, 1987

A SPECIAL ORDINANCE re-establishing the Marion County Cumulative Capital Development Fund.

WHEREAS, I.C. 36-9-14.5 allows counties to establish a county cumulative capital development fund; and

WHEREAS, Special Ordinance No. 36, 1984 established the Marion County Cumulative Capital Development Fund; and

WHEREAS, Special Ordinance No. 56, 1985 amended the Marion County Cumulative Capital Development Fund to permit its use for additional capital purposes; and

WHEREAS, I.C. 36-9-15.5-5 and I.C. 36-9-15.5-6 provide that the maximum period for which a cumulative capital development fund may be established is three (3) years; and

WHEREAS, 1987 is the last year of the current fund; and

WHEREAS, the Marion County desires to re-establish the Marion County Cumulative Capital Development Fund, as necessary and prudent for the fiscal well-being of Marion County; now, therefore:

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

SECTION 1. There is hereby established a Marion County Cumulative Capital Development Fund.

SECTION 2. An ad valorem property tax levy will be imposed and the revenues from the levy will be retained in the Marion County Cumulative Capital Development Fund.

SECTION 3. The maximum rate of levy under Section 2 will not exceed the following amounts:

- a. .10 per \$100.00 assessed valuation for 1988
- b. .10 per \$100.00 assessed valuation for 1989
- c. .10 per \$100.00 assessed valuation for 1990

SECTION 4. The funds accumulative in the Indianapolis Cumulative Capital Development Fund will be used for the following purposes:

- a. To provide for the purchase of voting machines or devices, as described in I.C. 3-2-6-1;
- b. To provide for the cost of construction, maintenance, and repair of bridges, approaches and grade separations, as described in I.C. 8-16-3;
- c. To provide for the acquisition of real property and the construction, enlarging, improving, remodeling, repairing, or equipping of buildings structures, runways, or other facilities for use in connection with an airport operated by the Indianapolis Airport Authority as described in I.C. 8-22-3-25;
- d. To provide for the adequate maintenance of channel improvements, levees, and water retarding or impoundment structures, or for the emergency of unusually expensive maintenance for such works of improvement, as described in I.C. 13-3-3-89;

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e. To provide for erection of county hospital buildings or other buildings or for the erection of additions to or remodeling of present buildings used for hospitals purposes or for equipping them as needed to carry out the provisions of I.C. 16-12-21, and to provide for the establishment, enlargement, construction, acquisition, or remodeling of a county hospital building or buildings or the equipping of existing buildings as provided for in I.C. 36-12.1-4;

f. To provide for the construction remodeling, and repair of county courthouses as described in I.C. 36-9-14-2;

g. To provide for the construction, repair, remodeling, enlarging, and equipping of a county jail, a juvenile detention center to be operated under I.C. 31-6-9.5, or for the purchase, lease or payment of all or part of the purchase, price of motor vehicles for use of the sheriff's department, as described for in I.C. 36-9-15-2;

h. To provide for the construction, reconstruction or maintenance of drains as provided for in I.C. 36-9-27;

i. With respect to parks as described in I.C. 36-10-4, to pay for the acquisition of any land to be used for those purposes, or for any improvement authorized by I.C. 36-10-4.

SECTION 5. Notwithstanding Section 4, funds accumulated in the Marion County Cumulative Capital Development Fund may be spent for purposes other than the purposes stated in Section 4, if the purpose is to protect the public health, welfare, or safety in an emergency situation which demand immediate action. Money may be spent under the authority of this section only after the Mayor of Indianapolis, as chief executive of Marion County, issues a declaration that the public health, welfare or safety is in immediate danger that requires the expenditure of money in the fund.

SECTION 6. This fund takes effect upon approval of the State Board of Tax Commissioners.

SECTION 7. Should any provision of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the counsel in adopting this ordinance. To this end, the provisions of this ordinance are severable.

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

### SPECIAL ORDERS - UNFINISHED BUSINESS

PROPOSAL NO. 324, 1987. This proposal amends Sec. 20-203, of the Code to permit smoking in certain public service areas. Councillor McGrath explained that Proposal No. 324, 1987, would place the entire seating areas in public service areas as "smoking permitted", where designated by the Director.

Councillor Miller moved, seconded by Councillor McGrath, to make the following amendment:

#### CITY-COUNTY COUNCIL MOTION

Mr. President:

I move to amend Proposal No. 324, 1987, by deleting the period after Safety and inserting the following words:

"provided however, such Director shall designate a portion of the public area on such floor as an area in which smoking is prohibited."

Councillor Donald Miller

This motion was adopted by a voice vote.

Councillor Howard moved, seconded by Councillor Crowe, for adoption of Proposal No. 324, 1987, As Amended. Proposal No. 324, 1987, As Amended, was adopted by the following roll call vote; viz:

17 YEAS: Boyd, Clark, Cottingham, Curry, Dowden, Giffin, Gilmer, Hawkins, Journey, McGrath, Miller, Nickell, Rader, Rhodes, Schneider, Shaw, Strader

11 NAYS: Borst, Bradley, Coughenour, Crowe, Durnil, Holmes, Howard, SerVaas, Stewart, West, Williams

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1 NOT VOTING: Page

Proposal No. 324, 1987, As Amended, was retitled GENERAL ORDINANCE NO. 60, 1987, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 60, 1987

A GENERAL ORDINANCE amending Sec. 20-203 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 "Code of Indianapolis and Marion County, Indiana", specifically "Sec. 20-203, Smoking prohibited in public service areas, be, and is hereby amended, by inserting the words underlined and striking the words crosshatched, to read as follows:

(a) Smoking is hereby prohibited in any local government building in all public service areas; except as provided in subsection (b).

(b) Smoking shall be permitted in the public seating and common area on the first floor of the Police Wing of the City-County Building and other areas on the first floor of the Police Wing of the City-County Building where designated by the Director of the Department of Public Safety, provided however, such Director shall designate a portion of the public area on such floor as an area in which smoking is prohibited.

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

**SPECIAL ORDERS - FINAL ADOPTION**

PROPOSAL NO. 275, 1987. This proposal designates certain areas of the public assembly room as smoking areas. Councillor McGrath stated that smoking would be permitted in the Public Assembly Room in the northeast section and to permit Councillors who prefer to smoke to utilize the small room in the back of the Chambers.

Councillor Clark suggested to delete Section (b), and insert "Room 224". Councillor Clark explained that a monitor can be placed in Room 224 and persons desiring to smoke may do so and still be able to view the proceedings of the Council. Councillor Borst questioned the use of the Public Assembly Room during zoning sessions and Councillor Clark that this should remain the same as during Council meetings.

Councillor West stressed his favor for Councillor Clark's motion and further stated that this should also include zoning sessions.

Councillor West moved, seconded by Councillor Clark, to delete section (b) and insert the following words: "Room 224 of the City-County Building". The amendment was adopted on the following roll call vote; viz:

18 YEAS: Bradley, Clark, Coughenour, Curry, Dowden, Durnil, Giffin, Holmes, Howard,  
McGrath, Miller, Rhodes, Schneider, SerVaas, Shaw, Strader, West, Williams  
7 NAYS: Borst, Cottingham, Crowe, Gilmer, Journey, Nickell, Stewart  
4 NOT VOTING: Boyd, Hawkins, Page, Rader

Councillor Giffin, sponsor of Proposal No. 275, 1987, has submitted a letter of recommendation to the Rules and Policy Committee on June 30, 1987.

The Rules and Policy Committee on June 16, 1987, recommended Proposal No. 275, 1987, Do Pass As Amended by a 4-2 vote. Councillor West moved, seconded by Councillor McGrath, for adoption. Proposal No. 275, 1987, As Amended, was adopted on the following roll call vote; viz:

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16 YEAS: *Bradley, Clark, Coughenour, Curry, Durnil, Giffin, Holmes, Howard, McGrath, Miller, Schneider, SerVaas, Shaw, Strader, West, Williams*

10 NAYS: *Borst, Boyd, Cottingham, Crowe, Dowden, Gilmer, Hawkins, Nickell, Rhodes, Stewart*

3 NOT VOTING: *Journey, Page, Rader*

Proposal No. 275, 1987, As Amended, was retitled GENERAL RESOLUTION NO. 12, 1987, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 12, 1987

A GENERAL RESOLUTION designating certain areas as smoking areas when in use in connection with Council or zoning meetings in the public assembly room.

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

SECTION 1. The City-County Council pursuant to Section 20-204 of the "Code of Indianapolis and Marion County, Indiana", designates as smoking areas:

- (a) The small room in the northeast corner of the public assembly room; and
- (b) Room 224 of the City-County Building

SECTION 2. Smoking shall be prohibited in all other portions of the public assembly room.

SECTION 3. This resolution shall be in full force and effect upon adoption and approval of the Mayor.

PROPOSAL NO. 294, 1987. This proposal amends provisions of Chapter 17 concerning taxicab licensing. Councillor West stated that some provisions of the taxicab licenses have been changed in order to accommodate the taxicab owners.

Councillor Durnil questioned if the cab companies had any objections to being open on holidays, and Councillor Holmes replied no taxicab owners in attendance at the Administration Meeting held on July 16, 1987, had any objections. Councillor Coughenour added that if every taxicab company allowed their employees to be off on holidays, there would be no taxicabs running in the City and stressed that a condition for obtaining a license is being available to the public.

Councillor Shaw questioned if the provisions provided in the new regulations would pertain to limousines. Miss Karen Little, City Legal, replied that limousine operators provide the City Controller with the schedule of when their service is in effect and that they operate in the best interest of the public.

Councillor Clark referred to Section 17-672, Standard of Service and stressed that Indianapolis Public Transportation Corporation is not required to operate twenty-four hours a day, seven days a week and did not feel that taxicabs should be made to either. He opined that smaller operations should be allowed to operate according to "supply and demand".

Mr. Dick Hunt, Yellow Cabs, stated that he does not have any problem with operating twenty-four hours a day, and feels that this is a good business practice.

Councillor Strader expressed his concerns about the new license regulations "eliminating the little guy".

Councillor Schneider moved, seconded by Councillor Durnil, to Strike in Section 17-672, Standard of service, subsection (b). This motion failed by the following roll call vote; viz:

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14 YEAS: Boyd, Clark, Cottingham, Dumil, Gilmer, Hawkins, Howard, Journey, Miller, Nickell, Schneider, SerVaas, Strader, Williams  
14 NAYS: Borst, Bradley, Coughenour, Crowe, Curry, Dowden, Giffin, Holmes, McGrath, Rader, Rhodes, Shaw, Stewart, West  
1 NOT VOTING: Page

The Administration Committee on July 16, 1987, recommended Proposal No. 294, 1987, Do Pass As Amended by a 5-0 vote. Councillor West moved, seconded by Councillor McGrath, for adoption. Proposal No. 294, 1987, As Amended, was adopted on the following roll call vote; viz:

17 YEAS: Borst, Bradley, Coughenour, Curry, Dowden, Giffin, Gilmer, Holmes, McGrath, Miller, Rader, Rhodes, SerVaas, Shaw, Stewart, Strader, West  
10 NAYS: Boyd, Clark, Cottingham, Crowe, Dumil, Hawkins, Howard, Journey, Schneider, Williams  
2 NOT VOTING: Nickell, Page

Proposal No. 294, 1987, As Amended, was retitled GENERAL ORDINANCE NO. 61, 1987, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 61, 1987

A GENERAL ORDINANCE concerning taxis.

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

SECTION 1. Sec. 17-671 of the Code of Indianapolis and Marion County, Indiana, is amended by inserting the language underscored and deleting the language crosshatched to read as follows:

Sec. 17-671. Names and numbers on taxis.

(a) Every taxi licensed under the provisions of this article shall have the name of the cab company, as the name is known in the community, printed in easy-to-read letters at least ~~four (4)~~ two (2) inches in height on each side of said taxicab. Every taxi licensed under the provisions of this article shall have the name of the licensee, if other than the name of the cab company, printed in easy-to-read letters at least two (2) inches in height, immediately below the name of the taxi company. Every taxi licensed under the provisions of this article shall have the number assigned to the cab by the controller printed in easy-to-read figures at least four (4) inches in height and located near the name of the taxi company as hereinabove described and on the rear of the taxi. All information required to be printed on a taxi, as provided in this section, shall be clearly visible to persons on the street.

(b) No name or number shall be placed on any taxi required to be licensed under the provisions of this article, unless the taxi license has been granted under the provisions of this article.

(c) Each taxi shall maintain at all times, in a place clearly visible to passengers, all state and city license certificates, insignia and notices, which notices shall be prescribed by the controller.

~~(d) Each taxi shall have permanently affixed to its roof a top light. Such light shall be lit when the subject taxi is unoccupied and available and and unlit when said taxi is unavailable for hire.~~

SECTION 2. Sec. 17-672 of the Code of Indianapolis and Marion County, Indiana, is amended by inserting the language underscored to read as follows:

Section 17-672. Standard of service.

(a) Each licensee under this article shall operate sufficient taxis to provide adequate service to the public at all times.

(b) Each licensee under this article shall maintain an office with sufficient employees to answer in person or monitor all calls twenty-four (24) hours a day, each and every day of the year.

SECTION 3. Sec. 17-679 of the Code of Indianapolis and Marion County, Indiana, is amended by inserting the language underscored and deleting the language crosshatched to read as follows:

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Sec. 17-679. Inspections.

(a) The controller or his designee shall inspect each taxi licensed under the provisions of this article no later than January 1, May 1, and September 1 of each year at least three (3) times annually sometime during the months of April, July, and November of each year at a duly licensed inspection station as provided by the Indiana Vehicle Inspection Act of 1967, as amended: at a location within Marion County for compliance with I.C. 9-8-6-1 et. seq.

In addition, the controller or his designee may, from time to time, conduct inspections for the conditions listed under subsection (a) upon ten (10) days written notice by the controller.

(b) Each taxi licensed under the provisions of this article shall also be inspected at least two (2) times annually to see that the meter is operating properly. This would be at designated locations approved by the Division of Weights and Measures of the Department of Public Safety.

(c) Failure of any taxi to pass any of the above inspections shall be grounds for the revocation of the license of said taxi by the controller, unless the violation is remedied within 15 days.

SECTION 4. (a) The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

(b) An offense committed before the effective date of this ordinance, under any ordinance expressly or impliedly repealed or amended by this ordinance shall be prosecuted and remains punishable under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 5. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court or competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the council in adopting this ordinance. To this end the provisions of this ordinance are severable.

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

PROPOSAL NO. 295, 1987. This proposal appoints Anne K. Shane to the Community Centers of Indianapolis Board. The Community Affairs Committee on June 25, 1987, recommended Proposal No. 295, 1987, Do Pass by a 5-0 vote. Councillor Stewart moved, seconded by Councillor Journey, for adoption. Proposal No. 295, 1987, was adopted by a unanimous voice vote.

Proposal No. 295, 1987, was retitled COUNCIL RESOLUTION NO. 22, 1987, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 22, 1987

A COUNCIL RESOLUTION appointing Anne K. Shane to the Community Centers of Indianapolis.

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 Community Centers of Indianapolis, the Council appoints:

Anne K. Shane

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1987. 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. 300, 1987. This proposal amends Division 4 of Article IV of Chapter 28 of the Code pertaining to certain provisions governing cafe activity in sidewalk sales.

Councillor Borst stated that cafes will be prohibited in the heart of downtown (the Circle). The surrounding areas near the Circle allows cafes to be only six feet in width (Market, Meridian, Pennsylvania and Illinois).

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Councillor Howard suggested that a tour to other cities might be beneficial for Indianapolis in obtaining information as to how they handle cafe activity in sidewalk sales.

The Metropolitan Development Committee on June 24, 1987, recommended Proposal No. 300, 1987, Do Pass As Amended by a 5-0 vote. Councillor Borst moved, seconded by Councillor Gilmer, for adoption. Proposal No. 300, 1987, was adopted on the following roll call vote; viz:

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

0 NAYS

2 NOT VOTING: *Page, Williams*

Proposal No. 300, 1987, As Amended, was retitled GENERAL ORDINANCE NO. 62, 1987, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 62, 1987

A GENERAL ORDINANCE amending Division 4 of, Article IV of Chapter 28 of the Code of Indianapolis and Marion County, Indiana by amending certain provisions governing cafe activity in sidewalk sales areas.

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

SECTION 1. That Section 28-265 of the Code of Indianapolis and Marion County is hereby amended by inserting the language underscored and deleting the language cross-hatched as follows:

Sec. 28-265. Definitions; cafe activity on sidewalk unlawful unless license granted.

(a) As used in this division, the following terms shall have these meanings:

Abutting retail business property shall mean any real property, ~~including any area constructed and used as a sidewalk which is not in the public right-of-way, used for retail business, which abuts (but is not located on in) the public sidewalk area.~~ right-of-way.

Beverage shall mean any liquid, hot or cold, intended for use in whole or in part for human consumption.

Cafe activity shall mean the retail sale of beverages or food or the provision of a place for the consumption of beverages or food.

Cafe area shall mean the area used for cafe activity and shall include the entire sidewalk sales area and any part of the abutting retail business property used directly for cafe activity.

Effective walkway width shall mean that portion of the sidewalk in the public ~~sidewalk area~~ right-of-way that is reasonably available for use by the pedestrian stream moving through the area.

Food shall mean any raw, cooked or processed edible substance intended for use in whole or in part for human consumption.

~~Public sidewalk area shall mean a sidewalk area located in the public right-of-way or in an area in which the public has an easement for sidewalk purposes, or both.~~

Sidewalk sales area shall mean the portion of the public sidewalk area ~~on the public right-of-way~~ which the controller has licensed for cafe activity. ~~The sidewalk sales area may be no larger than eight (8) feet in width (measured perpendicularly to the property line) and must be located next to abutting retail business property.~~

(b) It shall be unlawful for any person to engage in cafe activity on a sidewalk in the public right-of-way without obtaining a license in accordance with this division. However, retail sales of beverages or food may occur:

(1) From carts pursuant to Article XXIII of Chapter 17 of this Code except in a sidewalk sales area relative to which a license has been granted under this section, or

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- (2) On a temporary basis if written permission is granted by the appropriate governmental units and such writing is filed with and approved by the city controller.
- (c) A license granted in accordance with this division shall obviate the requirement:
- (1) To obtain a peddler's license,
  - (2) To comply with the requirements of Chapter 28, Article IV, Division 1, to the extent that they are inconsistent with the carrying out of cafe activity, and
  - (3) To obtain an encroachment license for an awning or canopy which does not extend beyond the sidewalk sales area and which is used in connection with cafe activity.

(d) It is the objective of this division to benefit the residents of the City of Indianapolis as a whole by promoting pedestrian traffic in commercial areas, enhancing the attractiveness of the downtown and other areas of concentrated development and making beverages and food conveniently available for the members of the public, without creating a health or safety hazard or inconveniencing pedestrians.

SECTION 2. That Section 28-266 of the Code of Indianapolis and Marion County, Indiana is hereby amended by inserting the language underscored and deleting the language crosshatched as follows:

Sec. 28-266. Requirements for licensure.

(a) The city controller has the power to grant a license to a person to use a sidewalk sales area situated immediately next to the abutting retail business property owned or leased by the person, for the sole purpose of engaging in cafe activity. The sidewalk sales area which the person utilizes for cafe activity shall be located in the consolidated city. Such a license shall not be granted within the area bounded by the Court Street on the south, Pierson Street on the west, Wabash Street on the north, and Scioto Street on the east. A person desiring a license to use a sidewalk sales area for cafe activity shall make application in writing to the city controller.

(b) Except as provided in subsection (c) ~~The~~ city controller shall grant the license if the following requirements are met:

- (1) ~~The public sidewalk area on the public right-of-way~~ immediately next to the abutting retail business property of the applicant is of the following width (measured from the curb edge to the property line):
  - a. at least fourteen (14) feet if the sidewalk is located within the geographic area bounded by the center lines of North Street, East Street, South Street and West Street, or
  - b. at least twelve (12) feet if the sidewalk is located outside the geographic area described above in a.

(2) The sidewalk sales area meets these requirements:

- a. The sidewalk sales area must be located next to abutting retail business property.
- b. The width (measured perpendicularly to the property line) of the sidewalk sales area must not exceed:

(i) Six (6) feet (irrespective of what is stated under (iii), (iv), (v) and (vi) below) for sidewalks on the east and west sides of Meridian Street, between Maryland Street and Court Street and between Wabash Street and New York Street; the north and south sides of Market Street between Delaware Street and Scioto Street, and between Pierson Street and Capitol Avenue; the north and south sides of Washington Street between Illinois Street and Pennsylvania Street; the east and west sides of Illinois Street between Washington Street and Ohio Street; the north and south sides of Ohio Street between Illinois Street and Pennsylvania Street; and the east and west sides of Pennsylvania Street between Washington Street and Ohio Street;

(ii) (6) feet where the public sidewalk area immediately next to the abutting retail business property of the applicant is at least twelve (12) feet but less than fourteen (14) feet in width;

(iii) Eight (8) feet where the public sidewalk area immediately next to the abutting retail business property of the applicant is at least fourteen (14) feet but less than sixteen (16) feet in width;

(iv) Nine (9) feet where the public sidewalk area immediately next to the abutting retail business is at least sixteen (16) feet but less than twenty (20) feet in width;

(v) One-half (1/2) of the sidewalk width where the public sidewalk area immediately next to the abutting retail business property of the applicant is more than twenty (20) feet but less than twenty-six (26) feet in width; or

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(iv) Two-thirds (2/3) of the sidewalk width where the public sidewalk area immediately next to the abutting retail business property of the applicant is more than twenty-six (26) feet in width, and

c. No part of the sidewalk sales area is located within twelve (12) feet of the point at which the right-of-way lines of two (2) or more streets intersect, fifteen (15) feet of any bus loading zone or trolley loading zone, ten (10) feet of any sidewalk elevator, six (6) feet of any building stand pipe, building hydrant or sidewalk grate, or five (5) feet of any taxi stand area, cross-walk, driveway, or alley-way.

~~(2) No part of the sidewalk sales area is located within twelve (12) feet of the point at which the right-of-way lines of two (2) or more streets intersect, fifteen (15) feet of any bus stop sign, ten (10) feet of any sidewalk elevator, six (6) feet of any building stand pipe or building hydrant, or five (5) feet of any taxi stand area, crosswalk, driveway or alleyway.~~

(3) The applicant is actively engaged in retail business involving the sale of beverages or food in the abutting retail business property. The beverages or food sold in the cafe area will also be sold in the abutting retail business property. The floor area of the abutting retail business property must exceed the area of the sidewalk sales area.

(4) The proposed cafe activity is allowed by the applicable zoning regulations.

(5) The director of the department of transportation has approved the dimensions of the area which may be used as a sidewalk sales area for cafe activity and during what days and what hours the sidewalk sales area may be so used. This determination shall be made by the following process:

a. The department of transportation shall conduct a pedestrian traffic count on a representative day or days in the spring, summer or fall for the public sidewalk area situated immediately next to the abutting retail business property owned or leased by the applicant.

b. The department of transportation shall calculate the effective walkway width of the sidewalk after removing from consideration the sidewalk sales area proposed to be used by the applicant.

c. The director of the department of transportation shall, in light of such pedestrian count and effective walkway width information, determine if the effective walkway width will safely and comfortably accommodate pedestrian traffic at that location for a significant number of hours each week. If it will, the director shall determine during what days of the week and what hours of the day the pedestrian flow will be safely and comfortably accommodated. However, in no event shall the director allow use of a sidewalk sales area for cafe activity that would result in the effective walkway width being reduced to less than five (5) feet.

(6) Applicable permits required by the health and hospital corporation of Marion County and other regulatory agencies have been secured and are in force.

(7) The applicant has provided a certificate of public liability insurance to the controller, approved as to form by the corporation counsel, insuring the person and naming the City of Indianapolis, as co-insured. The required amounts of personal injury and property damage insurance requirements shall be established by the corporation counsel.

(8) The applicant has provided a document, approved as to form by the corporation counsel, in which he agrees to indemnify and hold harmless the city for losses, damages, claims or expenses arising out of the use of the sidewalk sales area for cafe activity.

(9) A detailed site plan showing the use and location of all furniture and equipment (including, but not limited to, tables, barriers, chairs, signs, awnings, trash receptacles and umbrellas) in the cafe area, the color and design of such furniture and equipment and the movement of people in the cafe area have been approved by the department of metropolitan development for consistency with the requirements of this section, section 28-2678 and the objectives of this division.

(10) General licensure requirements set forth in Chapter 17 of this Code have been met.

SECTION 3. Chapter 28, Article IV, Division 4 of the Code of Indianapolis and Marion County, Indiana is hereby amended by adding a new Section 28-267.5 to read as follows:

The metropolitan development commission may, with the prior approval of the director of the department of transportation, modify or vary any of the requirements of Section 28-266 (b)(1), (2), and (3) and Section 28-267(2) and (3) on a showing that the requirement imposes a special hardship on the applicant and the modification or variance of the requirement will not interfere with the achievement of the objective of the division as set forth in Section 28-265 (d).

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SECTION 4. Section 28-270 of the Code of Indianapolis and Marion County is hereby amended by inserting the language underscored and deleting the language crosshatched as follows:

Sec. 28-270. Fees.

Each original application for a license to engage in cafe activity in a sidewalk sale area under this division shall be accompanied by an application fee of ~~seventy-five dollars (\$75.00)~~ one hundred dollars (\$100.00). In the event the action upon the application is favorable, the application fee shall be retained as the first annual fee. In the event of an unfavorable action on the application, the application fee shall be retained to defray the administrative expense incurred in investigation and processing the application. ~~Fifty dollars (\$50.00)~~ Sixty-five dollars (\$65.00) of each original application fee shall be allocated to the department of transportation to defray the cost of making and analyzing pedestrian traffic counts and ~~twenty-three dollars (\$25.00)~~ twenty-three dollars (\$25.00) shall be allocated to the city controller to defray the costs of administration. The fee for renewal of an annual license shall be ~~seventy-five one hundred dollars (\$75.00) (\$100.00)~~ seventy-five one hundred dollars (\$75.00) (\$100.00). ~~Fifty Sixty-five dollars (\$50.00) (\$65.00)~~ seventy-five one hundred dollars (\$75.00) (\$100.00) of the renewal fee shall be allocated to the division of development services to defray the costs of making inspections and ~~twenty-three dollars (\$25.00)~~ twenty-three dollars (\$25.00) shall be allocated to the city controller to defray the costs of administration.

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

PROPOSAL NO. 323, 1987. This proposal amends the Code concerning sewers and sewage disposal. Councillor Coughenour stated that Proposal No. 323, gives the allowance of clear water discharge into a sanitary sewer, with permission from the Public Works Department. There is a charge in the Sewer-User rate of \$1.18 per 1,000 gallons for such discharge, and the Department will meter this.

Councillor Durnil explained that he had received a telephone call from a person who was concerned about apartment complex developers not being given any alternatives. Councillor Durnil moved, seconded by Councillor Schneider, to postpone Proposal No. 323, 1987, for two weeks, so that the interested parties could be present to testify. This motion failed by a lack of majority.

Councillor Rhodes stressed that new homeowners should be willing to purchase a sump pump in order to prevent backups from occurring.

Councillor Gilmer commented that Proposal No. 323, 1987, is a good ordinance that should meet the needs of all parties involved.

Councillor Coughenour moved, seconded by Councillor Gilmer, for the following amendment:

CITY-COUNTY COUNCIL MOTION

Mr. President:

I move to amend Proposal No. 323, 1987, as follows:

In Section 27-22 (b) after the period, add the words:

"If the first upstream or downstream manhole is at a higher elevation due to the natural topography of the area, an alternate manhole will be selected for the purpose of determining this measurement."

Councillor Beulah Coughenour

Councillor Strader indicated that he would like to see the Department address problems that older apartment complexes are experiencing.

The Public Works Committee on June 25, 1987, recommended Proposal No. 323, 1987, Do Pass As Amended by a 5-0 vote. Councillor Coughenour moved, seconded by Councillor Gilmer, for adoption. Proposal No. 323, 1987, As Amended, was adopted on the following roll call vote; viz:

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

0 NAYS

1 NOT VOTING: *Page*

Proposal No. 323, 1987, As Amended, was retitled GENERAL ORDINANCE NO. 63, 1987, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 63, 1987

A GENERAL ORDINANCE amending the Code concerning sewers and sewage disposal.

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

SECTION 1. Sec. 27-1 of the Code of Indianapolis and Marion County, Indiana, is amended by inserting the language underscored and deleting the language crosshatched to read as follows:

Sec. 27-1. Purpose and policy.

This chapter sets forth uniform requirements for discharges into, ~~the construction of, and additions to, the City of Indianapolis wastewater collection and treatment systems, and. These requirements~~ enables the City of Indianapolis to protect public health, ~~insure a sound sewer infrastructure system in the future,~~ and comply with all applicable local, state and federal laws relating thereto.

The objectives of this chapter are:

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

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

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

~~(d) To prevent the introduction of infiltration and inflow into the wastewater collection system which will occupy capacity reserved for community growth;~~

~~(e) To discourage the construction of new sanitary sewers that do not accommodate future growth and lack the quality expected of the City's infrastructure;~~

~~(f) To discourage the construction of privately owned sanitary sewers; and~~

~~(g) To disallow the issuance of sanitary sewer connection permits for gravity service to buildings with inadequate elevation.~~

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

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

SECTION 2. Sec. 27-2 of the Code of Indianapolis and Marion County, Indiana, is amended by inserting the language underscored and deleting the language crosshatched to read as follows:

Sec. 27-2. Definitions.

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

ASTM shall mean the American Society of Testing and Materials.

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

Administrator shall mean the regional administrator of region V, U.S. Environmental Protection Agency or director in an NPDES state with an approved state pretreatment program.

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

Approval authority shall mean the administrator.

Authorized representative of industrial user may be:

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

Board shall mean the board of public works.

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

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

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

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

City shall mean the consolidated city of Indianapolis, Indiana.

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

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

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

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

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

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

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

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

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

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

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

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

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

General pretreatment regulations shall mean "General Pretreatment Regulations for Existing and New Sources," 40 CFR, section 403, as amended.

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

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

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

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

Industrial user shall mean any user of the wastewater works who discharges, causes, or permits the discharge of nondomestic wastewater into the wastewater works.

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

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

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

Interference shall mean the inhibition or disruption of the wastewater processes or operations which contributes to a violation of any requirement of the city's NPDES permit. The term includes prevention of sewage sludge use or disposal by the wastewater works in accordance with section 405 of the Act (33 U.S.C. 1345), or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the wastewater works.

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

- (a) Discharges a wastewater which has a twenty-four-hour pollutant loading in excess of that allowed by the user's industrial discharge permit or by federal, state, or local law; or
- (b) Discharges wastewater which substantially differs in nature or constituents from the user's authorized discharge as described in the user's industrial discharge permit;
- (c) Discharges a slug.

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

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

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

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

Nonindustrial user shall mean all users of the wastewater works not included in the definition of "industrial user." NPDES (national pollutant discharge elimination system) shall mean a permit issued pursuant to section 402 of the Act (22 U.S.C. 1342).

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

- (a) Discharges a wastewater which has a twenty-four-hour pollutant loading in excess of that allowed by the user's industrial discharge permit or by federal, state, or local law; or
- (b) Discharges a wastewater which substantially differs in nature or constituents from the user's authorized discharge as described in the user's industrial discharge permit;
- (c) Discharges a slug.

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

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

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

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

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

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

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

Public sewer shall mean ~~a any combined or sanitary sewer or lift station in which all owners of abutting properties have equal rights and~~ located within the public right-of-way or a dedicated easement and which is controlled by public authority.

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

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

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

Sewer shall mean a pipe or conduit for carrying sewage.

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

Shall is mandatory, may is permissive.

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

State shall mean the State of Indiana.

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

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

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

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

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

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

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

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

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

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

Abbreviations. The following abbreviations shall have the designated meanings:

BOD: Biochemical oxygen demand  
CFR: Code of Federal Regulations  
COD: Chemical oxygen demand  
EPA: Environmental Protection Agency  
ISBH: Indiana State Board of Health  
l: Liter  
mg: Milligrams  
mg/l: Milligrams per liter  
NPDES: National pollutant discharge elimination system  
SIC: Standard industrial classification  
SWDA: Solid Waste Disposal Act, 42 USC 6901 et seq.  
40 CFR 136: "Guidelines Establishing Test Procedures for the Analyses of Pollutants"  
330 AIC 5-12-2: "Regulations for National Pretreatment Standards for Prohibited Discharges"

SECTION 3. Article II of Chapter 27 of the Code of Indianapolis and Marion County, Indiana is amended by inserting the language underscored and deleting the language crosshatched to read as follows:

Sec. 27-22 Connections permits.

(a) Permit required. ~~A connection permit shall be secured from the director before accomplishing any sewer work. There shall be charged for a permit a fee of fifteen dollars (\$15.00). The board may revise the amount of such~~

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~~fee, but not more than once in each calendar year. A part of such fee, not less than ten dollars (\$10.00), shall be allocated to the division of buildings to defray the cost of making inspections. It shall be unlawful to cause or allow the repair, modification or connection of a building sewer to a public sewer or another building within the sanitary district without a valid sanitary sewer connection permit issued by the department. Permits will not be granted for connections to sewers not dedicated and accepted in accordance with Section 27-161 of this chapter. This shall in no way limit the issuance of a building permit by the division of development services subject to the approval of a sanitary sewer connection permit application by the department of public works.~~

(b) Minimum elevations for gravity connection.

A sanitary sewer connection permit will not be granted to homes or buildings where the lowest elevation to have gravity sanitary service is less than one (1) foot above the top of manhole casting elevation of either the first upstream or downstream manhole on the public sewer to which the connection is to be made. If the first upstream or downstream manhole is at a higher elevation due to the natural topography of the area, an alternate manhole will be selected for the purpose of determining this measurement.

(c) Permit Fee.

A fee of \$50 per connection to sewer shall be charged for a sanitary sewer connection permit. The board of public works may revise the amount of such fee but not more often than once each calendar year. The fee shall cover the costs of mandatory inspection by the department of the building sewer and its connection, and any reinspection that may be necessary because of remedial construction.

(d) Modification of permit fee.

The board of public works may modify the fee for connection permits under a Public Improvement Resolution or in the exercise of the department's general powers and duties to construct City sewers.

(e) Applications. An application for such connection permit shall be made on a form prescribed by the director and may require the following information:

- (1) Name and address of the owner;
- (2) ~~If the owner is not doing the sewer work,~~ The name, address and telephone number of the contractor;
- (3) Address, and if necessary, the legal description of the premises where the work is to be done;
- (4) Plans for the building sewer and connections; which at a minimum must consist of drawing(s) of the building, the parcel boundaries, the connection detail, materials of construction, and installation method;
- (5) ~~Estimated date of start of work and completion time;~~
- (5) Any other information as may be deemed reasonable and necessary by the director to carry out the provisions of this chapter.

(e) (f) Who may apply.

- (1) ~~An owner of a one or two family residence, if the sewer work actually is going to be accomplished by the homeowner; or~~

(1) Application for a sewer connection permit shall only be made by the following:

- (2) (i) A plumbing contractor licensed by the state and registered in accordance with Section 8-270 of this Code; or
- (2) (ii) A contractor (other than a plumbing contractor) who has met the surety bond and insurance requirements of this chapter the department of metropolitan development. Surety bond requirements are met if the building sewer contractor has filed and maintains with the city a surety bond, as set forth in Section 8-168. Insurance requirements are met if the contractor has secured and maintains a public liability and property damage insurance policy as set forth in Section 8-169.

(2) The department may deny permits to any applicant who is currently in violation of this chapter or any other applicable regulations.

(3) Application by persons other than those listed above may be accepted at the discretion of the director.

(4) (g) Conformance with ~~administrative building council~~ Indiana Fire Prevention and Building Safety Regulations.

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All sewer work and other construction actually performed on or associated with the building drain, building sewer and the connection of the building sewer to the public sewer shall be in accordance with the rules and regulations of the Administrative Building Council of the State of Indiana and applicable ordinances of the City Indiana Fire Prevention and Building Safety Commission and standard specifications of the department of public works.

~~(c) Bonding requirements. Surety bond requirements are met if the contractor has filed and maintains with the consolidated city a surety bond in the amount of two thousand five hundred dollars (\$2,500,000) which is:~~

- ~~(1) Issued by a surety authorized to do business in Indiana;~~
- ~~(2) Payable to the consolidated city or an unknown third party as obligee; and~~
- ~~(3) Conditioned upon:~~

- ~~a. The proper performance of all sewer work in accordance with state law, rules of the administrative building council, provisions of the Code of Indianapolis and Marion County, and rules and requirements of the department of public works;~~
- ~~b. Prompt payment of all fees owed the consolidated city as set forth in this chapter;~~
- ~~c. Prompt payment to the consolidated city for any loss, damage, expense, claim, demand or judgement for damages to property of the consolidated city caused by any action, negligent or otherwise, of the contractor, his agents or employees while engaged in any sewer work; and~~
- ~~d. Prompt payment to an unknown third party obligee for any loss, damage, expense, claim, demand or judgment for damages to property to an unknown third party obligee caused by any action, negligent or otherwise, of the contractor, his agents or employees, while engaged in any sewer work.~~

~~(d) (h) Expiration of permit.~~

The connection permit shall expire by operation of law if work is not initiated within one hundred fifty (150) days from the date of issuance. The director may, however, for good cause extend the duration of the permit for a reasonable period.

~~(f) Insurance requirements. Insurance requirements are met if the contractor has secured and maintains a public liability and property damage insurance policy assuring all sewer work accomplished by the contractor or under permits obtained by the contractor and naming the consolidated city as an additional assured, and providing also for the payment of any liability imposed by law on such contractor or the consolidated city arising out of sewer work being performed by or on behalf of the contractor in the minimum amounts of three hundred thousand (\$300,000.00) for any occurrence relative to which there is injury or death to one (1) or more persons and one hundred thousand (\$100,000.00) for any occurrence relative to which there is damage to property. A certificate of such policy shall be delivered to the city. The insurance carrier shall give notice both to the contractor and the city at least fifteen (15) days before such insurance is either canceled or not renewed, and the certificate shall state this obligation.~~

~~(g) Inspection notice. It shall be the duty of any holder of a connection permit to notify the division of buildings that sewer work is available for inspection prior to backfilling the excavation in and around the connection of the building sewer to the city sewer, along the entire length of the buildings sewer and in and around the connection of the building sewer to the building drain. However, part of the building sewer excavation may be backfilled where such filling is necessary to the digging of another part of the building sewer trench. The direction shall specify, in the connection permit, how such notice shall be given. The holder of the permit may proceed to backfill if neither the division of buildings nor the department of public works has made an inspection within a three-hour period after the sewer work is done or such notice is given, whichever is later. Expiration of time from such three-hour period will only occur when the division of buildings is open for business. An inspection may be waived, with or without conditions, with the concurrence of the director and the administrator of the division of buildings.~~

~~(h) (i) Supplemental to other construction ordinances. This chapter shall not be construed as contravening any ordinances of the city relating to construction within public streets, roads or right-of-way but rather shall be supplemental thereto.~~

~~(i) Modification of permit fee. The board of public works may modify the connection permit fee by reducing the fee no lower than the amount which is to be received by the division of buildings when connections to the city sewer are contemplated as part of the construction of the city sewer under a public improvement resolution for the exercise of its general powers and duties to construct city sewers.~~

~~(j) Evaluation by director. Except to the extent that it may be preempted by the acts of state and federal agencies pursuant to the state or federal laws, rules or regulations, the director may prohibit any connection or a building sewer to a city sewer if it is not demonstrated that there is sufficient capacity in all downstream sewers, lift stations, force mains and treatment plants, including capacity for pollutants, to accommodate any person applying for a connection permit. The applicant for the permit shall provide the information deemed appropriate for evaluation by the director.~~

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~~(k) Right of entry. The division of buildings and the department of public works shall each or both have the right of entry to, upon or through any premises for purposes of inspection of sewer work and any other construction activity performed on or associated with the connection of the building sewer to the city sewer.~~

~~(m) (j) Enforcement of bond.~~

~~(e) (f)(1)(ii) as follows:~~

~~(1) The corporation counsel of the city may initiate proceedings to forfeit a bond:~~

- ~~(a) As a penalty for repeated code violations by a contractor, his agents or employees; or~~
- ~~(b) To indemnify the consolidated city against any loss, damage or expense sustained by the City by reason of the conduct of the contractor, his agents or employees.~~

~~(2) A person, partnership or corporation which holds a property interest in the real estate on which sewer work has occurred may bring an action against the bond for expenses necessary to correct code deficiencies therein after written notice of the code deficiency has been given to the contractor and after the contractor has been given a reasonable opportunity to correct performance. If such a person, partnership or corporation prevails in any action brought under this section, he may also be allowed by the court to recover as part of the judgment a sum equal to the aggregate amount of costs and expenses, including attorney's fees based on actual time expended as determined by the court to have been reasonably incurred by the plaintiff for or in connection with the commencement and prosecution of such action, unless the court in its discretion determines that an award of attorneys fees would be appropriate.~~

### Sec. 27-23. Prohibition against clear water discharges.

(a) Except as provided in Section 27-23 (c), it shall be unlawful to cause or allow the connection of a building sewer to a public or other building sewer when such building sewer has any of the following sources of clear water connected to it:

1. Foundation/footing drains;
2. Sump pumps with foundation drains connected;
3. Roof drains;
4. Heat pump discharge;
5. Cooling water; or
6. Any other sources of clear water.

(b) In addition to any other provision provided herein, any person found violating any provision listed in Sec. 27-23 (a) may be required to correct such connections at his expense.

(c) In the event an Industrial or Commercial entity finds it necessary to discharge clear water consisting of cooling water and/or steam condensate, into the public sewer and the sewer has capacity to receive such clear water without affecting existing or future users, the Department may enter into an agreement for such discharge that will define a metering system and any other requirement deemed necessary to measure the flow. The user rate for such discharge shall be calculated as provided in Section 27-102.

### Sec. 27-24. Dewatering discharge to a combined sewer.

(a) It shall be unlawful to discharge the water resulting from dewatering activity to a combined sewer, whether such activity is temporary or permanent, without a valid sanitary sewer connection permit issued by the department. As a condition to the issuance of a permit, applicant shall install, maintain and operate at the users expense a metering device to measure the flow associated with such discharge.

(b) Based upon the volumes determined by the measurements, user will be charged appropriate user fees in accordance with Article IV of this chapter.

(c) User shall be required to submit monthly reports, subject to verification if authorized by the director, to serve as the basis for billing, with any necessary adjustments in the amount made after verification.

### Sec. 27-25. Mandatory Inspection.

(a) Notification. It shall be the duty of the holder of a connection permit to notify the department in the manner described on the sanitary sewer connection permit that the sewer work is available for inspection. The department will conduct inspections on building sewer connections from 8:00 a.m. to 5:00 p.m. local time, Monday through Friday, except for observed City holidays. The building sewer, in its entirety from the foundation to the connection with the public sewer or existing lateral, must be exposed for inspection and be properly bedded in accordance with the department's standard specifications to one half (1/2) the diameter of the building sewer. It is

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further the duty of the permit holder to install safety barricades, fences or other safety measures while waiting for an inspection. The permit holder may backfill the building sewer trench if the department has not made an inspection within a four (4) hour period after notice has been given to the department. In the event the building sewer is not completed and ready for inspection upon the inspectors arrival or if the notification is made after 1:00 p.m. local time, Monday through Friday, the permit holder shall make the building sewer and connection available for a four (4) hour period on the following department work day. An inspection may be waived with or without conditions with the approval of the director.

(b) Right of Entry. The division of development services and the department shall each have the right of entry to, upon or through any premises for purposes of inspection of sewer work and any other construction activity performed on or associated with the connection of the building sewer to the city sewer including inspection for clear water discharges into the sewer.

Sec. 27-26. Building sewer maximum length.

Except for building sewers serving single or double family residences, or single owner industrial facilities, connection permits will not be issued for building sewers exceeding 600 feet in length as measured from the outside of the building to the center of the public sewer, unless the sewer is constructed in a dedicated easement or right-of-way in accordance with Article VII. No more than 100 ft. of a building sewer shall exist within a public right-of-way.

Sec. 27-27. Maximum number of connections.

No more than one (1) building will be permitted to connect to a building sewer. Sewers with more than one (1) connection must be constructed as a public sewer in a dedicated easement in accordance with Article VII, unless the department determines that an exception is justified.

Sec. 27-28. Building sewer responsibility.

It shall be the responsibility of the property owner(s) whose property is benefitted to provide for, install and make private connections for the use of their premises to an existing public or building sewer. Further, it shall be the responsibility of the owner to make all necessary repairs, extensions, relocations, changes or replacements thereof, and of any accessories thereto. These requirements may be altered, modified or waived at the discretion of the director when it is shown that compliance is not possible due to extenuating circumstances.

Sec. 27-29. Existing foundation drains, roof drains, defective building sewers and sump pumps.

In the event the department determines that a violation of Sec. 27-4(a) exists, the department shall notify the violator, by certified mail, that such violation exists. The notice shall describe the nature of the violation and the correction action(s) that must be taken. Such corrective action shall be taken within 30 days of receipt of such notice.

Sec. 27-30. Penalties.

Any person violating any provisions of this Article shall be subject to the penalties of this chapter in accordance with Section 27-16 and 27-22, and further, at the discretion of the director, may be required to correct such violation at his expense.

Sec. 27-31. Appeal.

Any person affected by the exercise of any discretionary authority delegated by this article to any official of the department and who objects to the decision made or action taken by such official shall be entitled to a hearing before the board of public works upon such objection. The person desiring such hearing before the board shall file a written request for a hearing, including a statement of his objections, with the director, who shall call the same to the attention of the board. Such requests must be filed with the director within 10 days from the date of the action being appealed. The appeal shall be scheduled before the board within thirty (30) days after such request is filed. Notice shall be given to the appellant identifying the time, place and date of the appeal at least ten (10) days prior to the scheduled date. The board may hear any evidence it deems relevant. After the hearing, the board may confirm, reverse or modify the decision or action. The order of the board shall be final. Such order shall be made within 10 days after the hearing and shall be in writing and sent to the appellant.

SECTION 4. Chapter 27 of the Code of Indianapolis and Marion County, Indiana, is amended by adding a new Article VII to read as follows:

ARTICLE VII SANITARY SEWER

CONSTRUCTION PERMITS

Sec. 27-150. Purpose and territorial application.

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(a) The purpose of this article is to protect the safety, health and general welfare of the citizens of Indianapolis by requiring compliance with standards and practices which will result in proper sanitary sewer and sanitary sewer lift station design and construction in the Indianapolis sanitary district.

(b) The provisions of this chapter shall be applicable throughout the Indianapolis sanitary district including areas outside of such district where agreements are executed to provide sanitary sewer service.

Sec. 27-151. Requirements for construction permits.

(a) It shall be unlawful to cause or allow the construction or modification of any sanitary sewer or sanitary sewer lift station without first obtaining a valid construction permit issued by the department and the Indiana department of environmental management; provided, however, a sanitary sewer construction permit shall not be required for maintenance work performed by or on behalf of the department.

(b) The department may deny permits to any applicant who is currently in violation of this chapter or any applicable regulations.

Sec. 27-152. Application procedures.

(a) Applications shall be submitted in accordance with procedures established by the department and revised from time to time.

(b) An application fee of \$50.00 shall be submitted to cover the cost of plan review.

(c) Applications for construction permits shall be submitted at least sixty (60) days in advance of the proposed start of construction, provided however that a shorter time period may be approved by the director.

(d) Applications shall include a Certificate of Sufficiency of Plan filed by a professional engineer registered in accordance with I.C. 25-31-1.

(e) The director may, as a prerequisite to the issuance of a construction permit, require developers, wherever applicable, to send written notification to property owners whose properties abut the route of the proposed sewer.

(f) Applications shall include any additional information deemed necessary by the director to carry out the provisions of this chapter.

Sec. 27-153. Capacity and depth maintained.

Sewer lines that are to be extended shall have the same hydraulic capacity and be constructed on the same grade line as the existing sewers unless the department determines that a reduction of capacity is justified. Sewers shall be sized with capacity for the contiguous service area which is defined as the undeveloped and/or unsewered land capable of a gravity connection to the proposed sanitary sewer or lift station, unless it is shown that such contiguous area may be equally served by an alternate existing sewer.

Sec. 27-154. Economic analysis for lift stations.

A construction permit shall not be issued for a sanitary sewer lift station until an economic analysis identifies to the satisfaction of the department that the lift station exhibits a lower 50-year life cycle cost than a gravity sewer, both of which shall be sized to serve the service area as described in Sec. 27-153.

Sec. 27-155. Right to limit sewer capacity.

Except to the extent that it may be preempted by state or federal laws, rules or regulations, the department may deny the issuance of a construction permit if it is demonstrated that there is insufficient dry or wet weather capacity in any/or all downstream sewers, lift stations, force mains and treatment plants, including capacity for pollutants, to accommodate the wasteload expected to be generated as a result of the proposed development.

Sec. 27-156. Posting of bond.

(a) The director may, as a prerequisite to the issuance of a construction permit, require the posting of a performance bond from a company licensed by the State of Indiana to provide such surety. Such bond shall be equal to 100% of the contract amount or an amount established by the director to provide surety for the satisfactory completion of the improvements required by the construction permit and shall name the City of Indianapolis and County of Marion as parties who can enforce the obligations thereunder. Said bond may be a part of the total bonding required by the plats committee of the metropolitan development commission.

(b) The director may as a prerequisite to acceptance of a sanitary sewer or lift station require the posting of a maintenance bond in an amount not to exceed 20% of the contract amount or, subject to the approval by the

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director, provision for maintenance, for a period of three years from the date of acceptance by the department. Said Bond shall name the City of Indianapolis and County of Marion as parties who can enforce the obligations thereunder.

(c) In instances where the director has required a bond pursuant to this section, the director may, as an alternative to the posting of such bond accept the appropriate security, such as a properly conditioned irrevocable letter of credit, which meets the same objectives as the bonds described in this section, subject to approval of any other department or agency whose interests are protected by the same bonding requirement.

(d) If the surety on any bond furnished to the department becomes a party to a supervision, liquidation, rehabilitation action pursuant to I.C. 27-9 et. seq. or its right to do business in the State of Indiana is terminated, it shall be required that, within thirty days thereafter, a substitute bond and surety be provided, both of which must be acceptable to the city. Failure to obtain a substitute bond within the stated time frame shall be cause for revocation or suspension of the construction permit until such time that the bond is furnished to the department.

Sec. 27-157. Execution of covenant.

(a) The director may, as a prerequisite to the issuance of a construction permit, require the execution of covenants and/or easements running in form to the City of Indianapolis and County of Marion by the owner or owners of an such parcel. As a minimum in such cases, the director shall require that the following covenant be executed by the owner or owners of such parcel which shall be included in a recorded plat: "It shall be the responsibility of the owner of any lot or parcel of land within the area of this plat to comply at all times with the provisions of the sanitary sewer construction approved by the department of public works and the requirements of all sanitary sewer construction permits for this plan issued by said department.

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

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

Sec. 27-158. Dedication of easement.

Whenever possible, sanitary sewers shall be constructed in the public right-of-way. When sewers are proposed to be constructed in easements and when unsewered or undeveloped property adjoins the applicant's property, the applicant may be required to extend the sewer and/or an easement dedicated to the department or its assignee, to the upstream property line. Such easements shall be accessible to vehicular traffic. Easements along public right-of-way shall be contiguous with such right-of-way.

Sec. 27-159. Duration of construction permit and certificate of completion and compliance.

(a) The sanitary sewer construction permit shall be valid for one (1) year from the date of issuance.

(b) Within (14) days after satisfactory completion of tests on the sanitary sewer or lift station for which a construction permit was obtained, the professional engineer contracted in accordance with 27-160 shall execute and file with the department a Certificate of Completion and Compliance in a form prescribed by the department.

Sec. 27-160. Inspection of construction of sanitary sewers.

(a) Execution of inspection agreement. Prior to the commencement of construction, the applicant shall execute an agreement with the department which will provide that:

- (1) The department will contract for construction inspection services to insure that such construction meets the requirements to the approved construction plans.
- (2) The contracted engineer will be responsible for submitting and certifying air pressure or infiltration test results for all pipe and deflection test results for all flexible pipe.
- (3) The applicant will reimburse the department for the cost of such inspection services which shall be determined at the time of execution of the agreement, and verified by the applicant of his representative throughout construction.

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(4) Upon completion of construction, the contracted engineer shall execute and file with the department a certificate of completion and compliance certifying to the department and the applicant as to the compliance of such construction with the requirements of the approved construction plans and/or approved change orders.

(5) No action with regard to the acceptance of the construction and release of the improvement bond pursuant to this division shall be taken until the applicant has reimbursed the department in full for the inspection services.

B) Inspection of Construction:

(1) All construction of sanitary sewers intended for dedication to the city shall be inspected and certified pursuant to the agreement executed under subsection (A).

(2) The applicant shall furnish the department necessary copies of the approved construction plans.

(3) If construction has already commenced on the effective date of this ordinance, the applicant must then furnish, along with a written request for acceptance, a certification by a professional engineer registered in the State of Indiana that the construction has met the requirements of the approved construction plans; further, the construction will be inspected by the department and all deficiencies shall be corrected prior to acceptance by the department.

Sec. 27-161. Requirements for project acceptance and dedication to the city.

Sanitary sewers and lift stations will not be accepted and building sewer connection permits shall not be issued until all documents, as required by the departments standard specifications, are submitted to the department including the following:

(1) Maintenance bond as required in Sec. 27-156(b).

(2) Recorded covenant and easement documents as required in Sec. 27-157 and 27-158.

(3) Certificate of completion and compliance as required in Sec. 27-159(b).

(4) The completion of a final inspection as required in Section 27-160 which confirms that the sewer has been constructed and tested in accordance with the department's standard specifications.

Sec. 27-162. Dedication and rehabilitation of existing sewers.

The owner of a sanitary sewer may apply to the department for dedication of the sewer providing that the application is made in writing. Dedication of such sewer may be subject to the requirements outlined in sections 160(b) and 161 of this Article and, further, at the discretion of the director, may require the following:

(1) Proof of legal ownership.

(2) Flow monitoring results.

(3) Television results.

(4) Any other requirements as may be deemed reasonable and necessary by the director.

In addition owner may, at his expense, be required to correct any deficiencies or remove any sources of clear water found as a result of any inspection, flow monitoring, television and/or other related testing.

Sec. 27-163. General authority for investigations and inspections.

(a) The power to make investigations and inspection of sanitary sewer and/or lift station construction shall be vested in the director and his authorized representatives.

(b) Investigation and inspection of sanitary sewer and/or lift station construction may be made at any time by going upon, around, or about the affected property.

(c) Such investigation and inspection may be made either before, during or after the construction is completed and shall be made for the purpose of determining whether the construction has been accomplished in a manner consistent with the approved plans and specifications and the minimum requirements of the department.

(d) Persons working or or having control of the construction shall cooperate fully with the inspectors and shall have available a copy of the approved plans and specifications used to obtain the construction permit.

Sec. 27-164. Variance procedure.

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(a) The director, or in his absence, a representative of the department designated by the director, shall have the power to modify or waive any minimum sanitary sewer design standard found in Article VII of this chapter or any regulations promulgated by the board of public works pursuant to Article VII of this chapter. The director or his designee may grant such a modification or waiver if an applicant for a construction permit submits the request in writing and makes a substantial showing:

- (1) That a minimum sanitary sewer design standard or regulation is unfeasible or unreasonably burdensome; and
- (2) That an alternate plan submitted by the applicant will achieve the same objective and purpose as compliance with minimum sewer design standards and regulations of the department.

(b) If the director or his designee shall fail to respond to such request for variance within 20 days from such written request, it shall be deemed to be denied.

(c) An applicant may appeal to the board of public works the decision of the director or his designee denying or partially approving a requested variance. The appeal of such a decision shall be filed with the board within twenty (20) days of the decision. The board shall hear the request for the variance de novo and in making a decision shall apply the standards set forth above.

Sec. 27-165. Plan review fee.

Application fees are intended to compensate for the cost of the examination of detailed plans and specifications to determine consistency with the department's standards and specifications. Issuance of a construction permit relative to plans which do not comply with the department's minimum requirements shall not relieve the applicant of the responsibility of complying with all department standards and specifications.

Sec. 27-166. Exemption for certain governmental units.

Construction permits shall be obtained for sanitary sewer construction accomplished by or for a governmental unit and inspections as specified in this chapter shall be required. Fees shall be required as specified in Sec. 27-160 and 27-152 except for the following:

- (1) Sanitary sewer construction for which a fee cannot be charged by the municipality because of federal or state law; or
- (2) Sanitary sewer construction accomplished by an employee or contractor on behalf of the city.

Sec. 27-167. Stop-work order.

The department is empowered to issue an order requiring suspension of work ("Stop-Work Order") whenever it determines that:

- (1) Construction is proceeding in an unsafe manner; or
- (2) Construction is occurring in violation of the department's standard specifications and requirements and in such a manner that if construction is allowed to proceed, there is a probability that it will be substantially difficult to correct the violation; or
- (3) Sewer construction for which a construction permit is required in the proceeding without a construction permit being in force. In such an instance the stop-work order shall indicate that the effect of the order terminates when the required permit is obtained. The stop-work order shall be in writing and shall state to what construction it is applicable and the reason for its issuance. One (1) copy of the stop-work order shall be posted on the property in a conspicuous place and one (1) copy shall be delivered to the permit applicant, to the person doing the construction and to the owner of the property or his agent. The stop-work order shall state the conditions under which construction may be resumed.

Sec. 27-168. Penalties.

Any person found guilty of violating any provision of this Article shall be subject to the penalties of this chapter in accordance with Sec. 27-16, and, further at the discretion of the director may (1) be fined an amount not to exceed \$1,000 for each day work was conducted in violation of said Article and/or (2) may be denied construction permits for a period of time not to exceed one (1) year.

This penalty shall in no way limit the operation of special penalties for specific provisions of this chapter, nor shall such special penalties in any way limit the operation of this general penalty.

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Sec. 27-169. Appeals.

Any person affected by authority delegated by this Article to any official of the department and who objects to the decision made or the action taken by such official, shall be entitled to a hearing before the board of public works upon such objection. The person desiring such a hearing shall file a written statement of his objections with the director, who shall call the same to the attention of the board. The appeal shall be scheduled before the board within thirty (30) days after such objections are filed with the director. Notice shall be given to the objector identifying the time, place and date of the appeal at least ten (10) days prior to the scheduled date.

After hearing testimony of the objector and the official who made the decision or took the action objected to, the board may confirm, reserve, or modify such decision or action. The order of the board shall be final. Within ten (10) days of the board's decision a written notice shall be given to the objector confirming such decision.

SECTION 5. (a) The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance has not been adopted.

(b) An offense committed before the effective date of this ordinance, under any ordinance expressly or impliedly repealed or amended by this ordinance shall be prosecuted and remains punishable under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 6. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the council in adopting this ordinance. To this end the provisions of this ordinance are severable.

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

PROPOSAL NO. 332, 1987. This proposal amends the Code and establishes Trolley stop zones.

Councillor Gilmer stated that the Traffic Engineering Division staff has met with Metro and Union Station in order to establish locations for trolley stops inside the Regional Center. The Department currently has 48, and with approval of Proposal No. 332, 1987, will possess 58 stops.

Councillor Gilmer continued that Proposal No. 332, 1987, provides the City-County Council with the sole authority to establish these zones, in lieu of the Council and the Department of Transportation.

The Transportation Committee on July 1, 1987, recommended Proposal No. 332, 1987, Do Pass As Amended by a 4-0 vote. Councillor Gilmer moved, seconded by Councillor Giffin, for adoption. Proposal No. 332, 1987, As Amended, was adopted on the following roll call vote; viz:

24 YEAS: *Borst, Boyd, Bradley, Clark, Cottingham, Coughenour, Crowe, Curry, Dowden, Giffin, Gilmer, Hawkins, Holmes, Howard, McGrath, Miller, Nickell, Rader, Rhodes, SerVaas, Stewart, Strader, West, Williams*

0 NAYS

5 NOT VOTING: *Durnil, Journey, Page, Schneider, Shaw*

Proposal No. 332, 1987, As Amended, was retitled GENERAL ORDINANCE NO. 64, 1987, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 64, 1987

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-332, Bus stop zones.

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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, Section 29-332, is hereby amended by deleting the words crosshatched and adding the words underlined as follows:

Sec. 29-332. Bus stop and Trolley stop zones.

(a) ~~The Transportation board is authorized, subject to the approval of the city-county council, to~~ The city-county council shall establish bus stop or trolley stop zones ~~within the the central traffic district and~~ at any other locations on such streets, in such places and in such number as the ~~board~~ council shall determine to be of the greatest benefit and convenience to the general public. Each bus stop or trolley stop shall be designated by appropriate signs and, where such zones have been established, buses or trolleys shall stop at such zones only for the purpose of and for the time required for taking on or discharging passengers.

(b) ~~Outside the central traffic district, buses shall stop parallel to curb and on the near side of the crossing only for the purpose of taking on or discharging passengers, unless another place is designated by the board.~~

(b) It shall be unlawful for any vehicle, other than a bus or trolley, to park, stop or stand in designated bus or trolley zones.

(c) Schedule of bus or trolley stop zones. The zones established pursuant to this subsection shall be ~~one hundred eighty (180) feet in length~~, marked with signs and/or painted curbing and located as follows: established at the following locations:

Bus Stop Zones

Alabama Street, on the west side, from a point 22 feet north of New York Street to a point 88 feet north of New York Street (66 feet);

Alabama Street, on the west side, from a point 125 feet south of Vermont Street to a point 168 feet south of Vermont Street (43 feet);

Alabama Street on the west side, from a point 88 feet north of Walnut Street to a point 148 feet north of Walnut Street (60 feet);

Alabama Street, on the west side, from a point 18 feet north of Ohio Street to a point 72 feet north of Ohio Street (54 feet);

Alabama Street, on the west side, from Market Street to a point 100 feet north of Market Street (100 feet);

Capitol Avenue, on the west side, from a point 137 feet south of Ohio Street to a point 380 feet south of Ohio Street (243 feet);

Delaware Street, on the east side, from Washington Street to Court Street (235 feet);

Delaware Street, on the east side, from a point 73 feet south of Virginia Avenue to a point 125 feet south of Virginia Avenue (52 feet);

Eleventh Street, on the south side, from a point 39 feet west of Pennsylvania Street to a point 76 feet west of Pennsylvania Street (37 feet);

Ft. Wayne Avenue, on the northwest side, from a point 85 feet north of Ninth Street to a point 145 feet north of Ninth Street (60 feet);

Illinois Street, on the east side, from a point 73 feet south of Jackson Place to a point 120 feet south of Jackson Place (47 feet);

Illinois Street, on the east side, from a point 23 feet south of Pearl Street to a point 69 feet south of Pearl Street (46 feet);

Meridian Street, on the east side, from a point 130 feet south of Eleventh Street to a point 190 feet south of Eleventh Street (60 feet);

Meridian Street, on the east side, from a point 12 feet south of Eighteenth Street to a point 95 feet south of Eighteenth Street (83 feet);

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- Meridian Street, on the east side, from a point 21 feet south of Twenty-first Street to a point 71 feet south of Twenty-first Street (50 feet);
- Meridian Street, on the east side, from a point 643 feet north of Thirtieth Street to a point 743 feet north of Thirtieth Street (100 feet);
- Meridian Street, on the east side, from a point 20 feet south of Thirty-second Street to a point 100 feet south of Thirty-second Street (80 feet);
- Meridian Street, on the east side, from a point 20 feet south of Thirty-third Street to a point 100 feet south of Thirty-third Street (80 feet);
- Meridian Street, on the east side, from a point 25 feet north of Thirty-sixth Street to a point 100 feet north of Thirty-sixth Street (75 feet);
- Meridian Street, on the east side, from a point 18 feet north of Georgia Street to a point 88 feet south of Georgia Street (70 feet);
- Meridian Street, on the east side, from a point 19 feet north of Louisiana Street to a point 99 feet north of Louisiana Street (80 feet);
- Meridian Street, on the east side, from a point 35 feet south of Maryland Street to a point 110 feet south of Maryland Street (75 feet);
- Meridian Street, on the east side, from a point 33 feet south of Michigan Street to a point 113 feet south of Michigan Street (80 feet);
- Meridian Street, on the on the east side, from a point 24 feet south of North Street to a point 110 feet south of North Street (86 feet);
- Meridian Street, on the east side, from a point 22 feet south of St. Clair Street to a point 99 feet south of St. Clair Street (77 feet);
- Meridian Street, on the east side, from a point 16 feet north of South Street to a point 125 feet north of South Street (109 feet);
- Meridian Street, on the east side, from a point 31 feet south of Vermont Street to a point 118 feet south of Vermont Street (87 feet);
- Meridian Street, on the east side, from a point 130 feet south of the south curblin of Washington Street to Pearl Street;
- Meridian Street, on the west side, from a point 42 feet north of Walnut Street to a point 108 feet north of Walnut Street (66 feet);
- Meridian Street, on the west side, from a point 10 feet north of Eighteenth Street to a point 90 feet north of Eighteenth Street (80 feet);
- Meridian Street, on the west side, from a point 17 feet south of Twenty-first Street to a point 97 feet south of Twenty-first Street (80 feet);
- Meridian Street, on the west side, from a point 670 feet north of Thirtieth Street to a point 743 feet north of Thirtieth Street (73 feet);
- Meridian Street, on the west side, from a point 20 feet north of Thirty-third Street to a point 100 feet north of Thirty-third Street (80 feet);
- Meridian Street, on the west side, from a point 32 feet north of Thirty-sixth Street to a point 123 feet north of Thirty-sixth Street (93 feet);
- Meridian Street, on the west side, from a point 22 feet north of Georgia Street to a point 103 feet north of Georgia Street (81 feet);
- Meridian Street, on the west side, from a point 28 feet north of Louisiana Street to a point 98 feet north of Louisiana Street (70 feet);

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- Meridian Street, on the west side, from a point 31 feet south of Michigan Street to a point 130 feet south of Michigan Street (99 feet);
- Meridian Street, on the west side, from a point 20 feet south of New York Street to a point 109 feet south of New York Street (89 feet);
- Meridian Street, on the west side, from a point 16 feet north of North Street to a point 98 feet north of North Street (82 feet);
- Meridian Street, on the west side, from a point 28 feet north of St. Clair Street to a point 88 feet north of St. Clair Street (60 feet);
- Meridian Street, on the west side, from a point 25 feet north of South Street to a point 75 feet north of South Street (50 feet);
- Meridian Street, on the west side, from a point 30 feet south of Vermont Street to a point 133 feet south of Vermont Street (103 feet);
- New Jersey Street, on the east side, from a point 15 feet north of Market Street to a point 62 feet north of Market Street (47 feet);
- New Jersey Street, on the east side, from a point 16 feet north of Vermont Street to a point 73 feet north of Vermont Street (57 feet);
- New Jersey Street, on the east side, from a point 46 feet south of Michigan Street to a point 112 feet south of Michigan Street (66 feet);
- Ohio Street, on the north side, from Meridian Street to Pierson Street (217 feet);
- Ohio Street, on the north side, from Pennsylvania Street to a point 245 feet east of Pennsylvania Street (245 feet);
- Ohio Street, on the north side, from Pennsylvania Street to a point 250 feet west of Pennsylvania Street (250 feet);
- Ohio Street, on the south side, from a point 122 feet east of Capitol Avenue to a point 228 feet east of Capitol Avenue (106 feet);
- Ohio Street, on the south side, from Delaware Street to a point 155 feet east of Delaware Street (155 feet);
- Ohio Street, on the south side, from Illinois Street to a point 80 feet east of Illinois Street (80 feet);
- Ohio Street, on the south side, from Pennsylvania Street to a point 130 feet west of Pennsylvania Street (130 feet);
- Pennsylvania Street, on the west side, from Maryland Street to a point 59 feet north of Maryland Street (59 feet);
- Pennsylvania Street, on the west side, from a point 22 feet north of Georgia Street to a point 82 feet north of Georgia Street (60 feet);
- Senate Avenue, on the east side, from Ohio Street to a point 106 feet south of Ohio Street (106 feet);
- Senate Avenue, on the east side, from a point 226 feet north of Washington Street to a point 473 feet north of Washington Street (107 feet);
- South Street, on the south side, from a point 205 feet west of Illinois Street to a point 250 feet west of Illinois Street (45 feet);
- Washington Street, on the north side, from a point 215 feet west of Alabama Street to a point 308 feet west of Alabama Street (93 feet);
- Washington Street, on the north side, from a point 205 feet west of Delaware Street to a point 290 feet west of Delaware Street (85 feet);
- Washington Street, on the north side, from a point 245 feet west of Illinois Street to a point 370 feet west of Illinois Street (125 feet);
- Washington Street, on the north side, from a point 110 feet west of Meridian Street to a point 230 feet west of Meridian Street (120 feet);

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Washington Street, on the north side, from a point 235 feet west of Pennsylvania Street to a point 333 feet west of Pennsylvania Street (98 feet);

Washington Street, on the south side, from a point 215 feet east of Capitol Avenue to a point 430 feet east of Capitol Avenue (215 feet);

Washington Street, on the south side, from a point 130 feet east of Illinois Street to a point 300 feet east of Illinois Street (170 feet);

Washington Street, on the south side, from a point 112 feet east of Meridian Street to a point 320 feet east of Meridian Street (208 feet).

Trolley Stop Zones

Agnes Street, on the west side, from a point 380 feet north of New York Street to a point 420 feet north of New York Street (40 feet);

Capitol Avenue, on the west side from a point 345 feet south of Georgia Street to a point 375 feet south of Georgia Street (30 feet);

Capitol Avenue, on the west side, from a point 25 feet south of Market Street to a point 72 feet south of Market Street (47 feet);

Delaware Street, on the east side, from a point 20 feet north of Market Street to a point 59 feet north of Market Street (39 feet);

Delaware Street, on the east side, from a point 248 feet south of Washington Street to a point 307 feet south of Washington Street (59 feet);

Delaware Street, on the east side, from a point 353 feet south of Georgia Street to a point 393 feet south of Georgia Street (40 feet);

East Street on the west side, from a point 191 feet north of Michigan Street to a point 227 feet north of Michigan Street (36 feet);

East Street, on the west side, from a point 17 feet south of Michigan Street to a point 76 feet south of Michigan Street (59 feet);

East Street, on the west side, from Vermont Street to a point 70 feet north of Vermont Street (70 feet);

Ft. Wayne Avenue, on the southeast side, from a point 70 feet north of Arch Street to a point 158 feet north of Arch Street (88 feet);

Illinois Street, on the east side, from a point 21 feet south of Market Street to a point 70 feet south of Market Street (49 feet);

Illinois Street, on the east side, from Ohio Street to a point 55 feet south of Ohio Street (55 feet);

Jackson Place, on the south side, from a point 76 feet east of Illinois Street to a point 151 feet east of Illinois Street (75 feet);

Market Street, on the north side, from a point 209 feet east of Delaware Street to a point 240 feet east of Delaware Street (31 feet);

Market Street, on the north side, from a point 158 feet west of Delaware Street to a point 195 feet west of Delaware Street (37 feet);

Market Street, on the south side, from a point 226 feet east of Delaware Street to a point 274 feet east of Delaware Street (48 feet);

Market Street, on the south side, from a point 33 feet west of Delaware Street to a point 97 feet west of Delaware Street (64 feet);

Market Street, on the west side, from a point 16 feet north of Ninth Street to a point 66 feet north of Ninth Street (50 feet);

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Market Street, on the east side, from a point 21 feet south of Ninth Street to a point 68 feet south of Ninth Street (47 feet);

Market Street, on the east side, from a point 13 feet south of New York Street to a point 72 feet south of New York Street (59 feet);

Merrill Street, on the south side, from a point 41 feet east of Alabama Street to a point 80 feet east of Alabama Street (39 feet);

New Jersey Street, on the east side, from a point 20 feet north of Ohio Street to a point 63 feet north of Ohio Street (43 feet);

New Jersey Street, on the east side, from a point 25 feet south of New York Street to a point 89 feet south of New York Street (64 feet);

New Jersey Street, on the east side, from a point 23 feet south of North Street to a point 60 feet south of North Street (37 feet);

New Jersey Street, on the east side, from a point 17 feet north of Walnut Street to a point 83 feet north of Walnut Street (66 feet);

New Jersey Street, on the east side, from a point 20 feet south of St. Clair Street to a point 60 feet south of St. Clair Street (40 feet);

New York Street, on the south side, from a point 414 feet west of Blackford to a point 455 feet west of Blackford Street (41 feet);

North Street, on the south side, from a point 22 feet west of New Jersey Street to a point 58 feet west of New Jersey Street (36 feet);

North Street, on the south side, from a point 50 feet west of Massachusetts Avenue to a point 84 feet west of Massachusetts Avenue (34 feet);

Ohio Street, on the south side, from a point 13 feet west of Capitol Avenue to a point 63 feet west of Capitol Avenue (50 feet);

Ohio Street, on the north side, from a point 35 feet west of Delaware Street to a point 95 feet west of Delaware Street (60 feet);

Ohio Street, on the north side, from a point 35 feet west of Illinois Street to a point 140 feet west of Illinois Street (105 feet);

Ohio Street, on the south side, from a point 22 feet west of Meridian Street to a point 122 feet west of Meridian Street (100 feet);

Pennsylvania Street, on the west side, from a point 104 feet north of Washington Street to a point 137 feet north of Washington Street (33 feet);

Pennsylvania Street, on the west side, from a point 15 feet south of Ohio Street to a point 75 feet south of Ohio Street (60 feet);

St. Clair Street, on the north side, from a point 48 feet east of Alabama Street to a point 98 feet east of Alabama Street (50 feet);

St. Joseph Street, on the north side, from Meridian Street to a point 51 feet east of Meridian Street (51 feet);

South Street, on the south side, from a point 25 feet east of Pennsylvania Street to a point 99 feet east of Pennsylvania Street (74 feet);

Vermont Street, on the north side, from a point 18 feet east of New Jersey Street to a point 57 feet east of New Jersey (39 feet);

Vermont Street, on the north side, from Massachusetts Avenue to a point 50 feet east of Massachusetts Avenue (50 feet);

Washington Street, on the north side, from a point 22 feet east of Senate Avenue to a point 70 feet east of Senate Avenue (48 feet).

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

PROPOSAL NO. 356, 1987. This proposal appoints Donald Elliott to the Cable Franchise Board. The Administration Committee on June 22, 1987, recommended Proposal No. 356, 1987, Do Pass by a vote of 6-0. Councillor West moved, seconded by Councillor McGrath, for adoption. Proposal No. 356, 1987, was adopted by a unanimous voice vote.

Councillor Boyd expressed his opinion that persons being appointed by the Council to the various boards should be present at Council meetings.

Proposal No. 356, 1987, was retitled COUNCIL RESOLUTION NO. 23, 1987, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 23, 1987

A COUNCIL RESOLUTION appointing Donald Elliott to the Cable Franchise 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 Cable Franchise Board, the Council appoints:

Donald Elliott

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1987. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

The President recessed the City-County Council for purposes of convening the Police Special Service District at 10:14 p.m. A quorum being present, the

President called the Police Special Service District Council to order at 10:14 p.m.

**SPECIAL SERVICE DISTRICT COUNCILS**

**POLICE SPECIAL SERVICE DISTRICT**

**SPECIAL ORDERS - PUBLIC HEARING**

PROPOSAL NO. 363, 1987. This proposal appropriates \$10,000 for the Department of Public Safety, Police Division, to provide grant funds to support participation in a state wide public awareness program to reinforce the need to wear protective seat belts. Councillor Dowden explained that the Indianapolis Police Department has been awarded a \$10,000 Highway Traffic Safety grant from the Indiana Department of Highways. There is no adverse impact upon existing 1987 tax based revenues as this grant adds new monies to the current operation budget with no local match being required. The Public Safety and Criminal Justice Committee on June 24, 1987, recommended Proposal No. 363, 1987, Do Pass by a 3-2-1 vote. Councillor Dowden moved, seconded by Councillor Giffin, for adoption.

Councillor Cottingham stressed his opposition to the passage of Proposal No. 363, 1987, for he believed this to be a waste of money. Councillor Nickell stated that she does not feel that citizens should be awarded for obeying the law.

Proposal No. 363, 1987, failed by the following roll call vote; viz:

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5 YEAS: *Boyd, Dowden, Giffin, Holmes, Howard*

21 NAYS: *Borst, Bradley, Clark, Cottingham, Coughenour, Crowe, Curry, Durnil, Gilmer, Hawkins, Journey, McGrath, Miller, Nickell, Rader, Rhodes, Schneider, SerVaas, Stewart, Strader, Williams*

3 NOT VOTING: *Page, Shaw, West*

There being no further business for the Police Special Service District Council, the President reconvened the City-County Council at 10:21 p.m.

### NEW BUSINESS

### ANNOUNCEMENTS AND ADJOURNMENTS

There being no further business, upon motion duly made and seconded the meeting adjourned at 10:22 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 20th day of July, 1987.

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)