

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

**REGULAR MEETINGS
MONDAY, FEBRUARY 4, 1991**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:10 p.m. on Monday, February 4, 1991, with Councillor SerVaas presiding.

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

ROLL CALL

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

29 PRESENT: Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Giffin, Gilmer, Golc, Hawkins, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shaw, Solenberg, Strader, West, Williams

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

INTRODUCTION OF GUESTS AND VISITORS

Councillor Boyd introduced Sue Shively and acknowledged the presence of six of her precinct committee persons; he also introduced Wayne Watson and Faye Johnson.

OFFICIAL COMMUNICATIONS

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

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

Journal of the City-County Council

Ladies and Gentlemen:

You are hereby notified that REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils, will be held in the City-County Building, in the Council Chambers, on Monday, February 4, 1991, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

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

January 22, 1991

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in The Indianapolis NEWS and The Indianapolis COMMERCIAL on Thursday, January 24, 1991, a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal Nos. 60, 62 and 63, 1991, to be held on Monday, February 4, 1991, at 7:00 p.m., in the City-County Building.

Respectfully,
s/Beverly S. Rippey-Dick
Beverly S. Rippey-Dick, City Clerk

January 31, 1991

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. Rippey-Dick, the following ordinances and resolutions:

FISCAL ORDINANCE NO. 3, 1991, amending the City-County Annual Budget for 1991 (City-County Fiscal Ordinance No. 95, 1990) transferring and appropriating an additional One Hundred Thousand Dollars (\$100,000) in the County General Fund for purposes of the Superior Court - Juvenile Division, Detention Center and reducing certain other appropriations for that Court.

FISCAL ORDINANCE NO. 4, 1991, amending the City-County Annual Budget for 1991 (City-County Fiscal Ordinance No. 95, 1990) appropriating an additional Three Hundred Fifty-five Thousand Dollars (\$355,000) in the Arterial Road and Street Fund for purposes of the Department of Transportation Development Division and reducing the unappropriated and unencumbered balance in the Arterial Road and Street Fund.

FISCAL ORDINANCE NO. 5, 1991, amending the City-County Annual Budget for 1991 (City-County Fiscal Ordinance No. 95, 1990) transferring and appropriating an additional Sixteen Thousand Fifty-eight Dollars (\$16,058) in the City General Fund for purposes of the Department of Administration Director's Office and reducing certain other appropriations for that office.

GENERAL ORDINANCE NO. 10, 1991, amending the Revised Code of the Consolidated City and County by adding a new Chapter 991-1 permitting the filing of applications under IC 4-31-5 to conduct pari-mutuel wagering on horse races at racetracks in Marion County.

GENERAL ORDINANCE NO. 11, 1991, amending the 'Code of Indianapolis and Marion County, Indiana', Sec. 3-304, Citizens police complaint office; Sec. 3-305, Citizens Police Complaint Board established; and Sec. 3-306, Duties of Citizens Police Complaint Board.

GENERAL ORDINANCE NO. 12, 1991, amending the 'Code of Indianapolis and Marion County, Indiana', Section 29-92, Schedule of intersection controls.

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GENERAL ORDINANCE NO. 13, 1991, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection controls.

GENERAL ORDINANCE NO. 14, 1991, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection controls.

GENERAL ORDINANCE NO. 15, 1991, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection controls.

GENERAL ORDINANCE NO. 16, 1991, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection controls.

GENERAL ORDINANCE NO. 17, 1991, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of Intersection controls.

GENERAL ORDINANCE NO. 18, 1991, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection controls.

GENERAL ORDINANCE NO. 19, 1991, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection controls, and Section 29-136, Alteration of prima facie speed limits.

GENERAL ORDINANCE NO. 20, 1991, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-136, Alteration of prima facie speed limits.

GENERAL ORDINANCE NO. 21, 1991, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-136, Alteration of prima facie speed limits.

GENERAL ORDINANCE NO. 22, 1991, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-224, Trucks on certain streets restricted.

GENERAL ORDINANCE NO. 23, 1991, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-224, Trucks on certain streets restricted.

GENERAL ORDINANCE NO. 24, 1991, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-224, Trucks on certain streets restricted.

GENERAL ORDINANCE NO. 25, 1991, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-267, Parking prohibited at all times on certain streets.

SPECIAL ORDINANCE NO. 1, 1991, authorizing the City of Indianapolis to issue its Economic Development Revenue Bonds, Series 1991 (Design Printing Company, Inc. Project), in the aggregate principal amount not to exceed Two Million Five Hundred Thousand Dollars (\$2,500,000), and approving and authorizing other actions in respect thereto.

SPECIAL ORDINANCE NO. 2, 1991, approving a Second Supplemental Indenture to the Indenture of Trust securing previously issued City of Indianapolis, Indiana Flexible Demand Economic Development Refunding Revenue Bonds (Edgcomb Metals Company Project), Series 1983 (the "Bonds"), originally issued in the aggregate principal amount of Eight Million Six Hundred Thousand Dollars (\$8,600,000), and approving and authorizing other actions in respect thereto.

SPECIAL RESOLUTION NO. 10, 1991, congratulating Arsenal Technical Constitution Contest winners.

SPECIAL RESOLUTION NO. 11, 1991, congratulating Martin University.

SPECIAL RESOLUTION NO. 12, 1991, memorializing William L. Alexander.

SPECIAL RESOLUTION NO. 13, 1991, of support to Americans serving in the Middle East.

SPECIAL RESOLUTION NO. 14, 1991, authorizing an agent to accept pension liability on behalf of Marion County, Indiana.

SPECIAL RESOLUTION NO. 15, 1991, amending City-County Special Resolution No. 47, 1990, and approving and authorizing certain actions and proceedings with respect to certain economic development bonds.

COUNCIL RESOLUTION NO. 1, 1991, approving the Mayor's appointment of Donald R. McPherson as Director of the Department of Administration for a term ending December 31, 1991.

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COUNCIL RESOLUTION NO. 2, 1991, approving the Mayor's appointment of F. Arthur Strong as Director of the Department of Parks and Recreation for a term ending December 31, 1991.

COUNCIL RESOLUTION NO. 3, 1991, approving the Mayor's appointment of Joseph J. Shelton as Director of the Department of Public Safety for a term ending December 31, 1991.

COUNCIL RESOLUTION NO. 4, 1991, approving the Mayor's appointment of Harry E. Eakin as Senior Deputy Mayor for a term ending December 31, 1991.

COUNCIL RESOLUTION NO. 5, 1991, approving the Mayor's appointment of Paula Parker-Sawyers as Deputy Mayor for a term ending December 31, 1991.

COUNCIL RESOLUTION NO. 6, 1991, approving the Mayor's appointment of Joseph C. Staehler as Director of the Department of Transportation for a term ending December 31, 1991.

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

ADOPTION OF THE AGENDA

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

**PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS
AND COUNCIL RESOLUTIONS**

Councillor Dowden asked for consent to move Proposal No. 89, 1991 down on the agenda. Consent was given.

PROPOSAL NO. 90, 1991. This proposal, sponsored by Councillors Cottingham, Gilmer, Giffin and Curry, congratulates the Ben Davis Lady Giants who won the Marion County Girls Basketball Tournament. Councillor Curry read the resolution and presented framed documents to the coaches and team members. Coach Stan Benge expressed appreciation for the recognition. Councillor Cottingham moved, seconded by Councillor Gilmer, for adoption. Proposal No. 90, 1991 was adopted by unanimous voice vote.

Proposal No. 90, 1991 was retitled SPECIAL RESOLUTION NO. 17, 1991 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 17, 1991

A SPECIAL RESOLUTION congratulating the Ben Davis Lady Giants.

WHEREAS, on January 12, 1991, the Ben Davis High School Lady Giants girls basketball team won the Marion County Girls Tournament with a 55-46 victory over Warren Central; and

WHEREAS, this historic victory at the Southport Fieldhouse marked the first Lady Giants win in the seventeen-year history of the county girls basketball tournament; and

WHEREAS, team motivation, and hard and smart playing, were important factors that gave the Lady Giants the winning edge during the tournament; now, therefore:

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

SECTION 1. The Indianapolis City-County Council congratulates the Ben Davis High School Lady Giants for their victory in the 1990-1991 Marion County Girls Basketball Tournament.

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SECTION 2. The Council specifically recognizes Ben Davis Lady Giants Head Coach, Stan Benge, and the winning varsity team members Bonnie Lovins, Mindy Clayton, Robyn Hise, Mandy Murdock, Terri Davis, Kristye Cherry, Stacey Cross, Jodi Harding, Lisa Mahone, Stacey Mondino, Jennifer Teague, Angie Carter and Missy Patrick.

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

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

PROPOSAL NO. 91, 1991. This proposal congratulates Arsenal Technical High School Titans who won the Indianapolis Boys City Basketball Tournament, which marked the third consecutive city title for the Titans. Councillor Jones read the resolution and presented framed documents to the coaches and team members. Coach Frank Craig expressed appreciation for the recognition. Councillor Jones moved, seconded by Councillor Golc, for adoption. Proposal No. 91, 1991 was adopted by unanimous voice vote.

Proposal No. 91, 1991 was retitled SPECIAL RESOLUTION NO. 18, 1991 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 18, 1991

A SPECIAL RESOLUTION congratulating Arsenal Technical High School boys basketball team.

WHEREAS, the Arsenal Technical High School Titans basketball team won the 1990-1991 Indianapolis Boys City Basketball Tournament on January 19, 1991 with a 51-49 victory over Cathedral High School; and

WHEREAS, the four extremely competitive games of the City Tournament pushed the Titans to the very limits of their skill; and

WHEREAS, this marked the third consecutive city title for Arsenal Technical High School--the only school to have earned three straight city titles during the past quarter century, and only the third such triple victories in the history of Indianapolis; now, therefore:

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

SECTION 1. The Indianapolis City-County Council congratulates the Arsenal Technical High School Titan boys basketball team for winning its third consecutive Indianapolis City Tournament.

SECTION 2. The Council specifically recognizes team members Antonio Crumpton, Greg Williams, Jason Jones, Larry Griggs, Brian Dyson, Ryan Smith, Vincent Barnett, Chelsey Bannister, Walter Norris and Stewart Brown, as well as Coach Frank Craig and Athletic Director Arnold Lehman.

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

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

PROPOSAL NO. 92, 1991. This proposal, sponsored by Councillors Moriarty and O'Dell, recognizes Douglas Walker, Sr. who was an Indianapolis firefighter for forty-four years. Councillor Moriarty read the resolution and presented a framed document to Mr. Walker. Curtis Gregory, an Indianapolis Fireman, paid tribute to Mr. Walker. Karen Reynolds, his daughter, expressed the family's appreciation for the recognition. Councillor Moriarty moved, seconded by Councillor O'Dell, for adoption. Proposal No. 92, 1991 was adopted by unanimous voice vote.

Proposal No. 92, 1991 was retitled SPECIAL RESOLUTION NO. 19, 1991 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 19, 1991

A SPECIAL RESOLUTION recognizing Douglas L. Walker.

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WHEREAS, Douglas L. Walker, a graduate of Arsenal Technical High School and a World War II veteran, left Eli Lilly & Company to join the Indianapolis Fire Department on January 1, 1947, until he retired on January 1, 1991; and

WHEREAS, a dedicated fireman, he was promoted to Lieutenant in 1954, to Captain in 1966 and to District Chief in 1969; and

WHEREAS, during those 44 years, Chief Walker saw, and contributed to, improved firefighting equipment, communications, personal safety gear and training, firehouse quarters, pay, more scientific firefighting methods, and the recent additions of Total Quality Service team problem solving, emergency medical service training and 911 citizens service; and

WHEREAS, Chief Walker loved the fire service, responded to thousands of emergency runs, was respected by his fellow firefighters, once suffered a broken neck by jumping off a church roof where he was trapped in a fire and was the last firefighter on the department to have worked the old 24-on, 24-off, and one "Kelly Day" off every two weeks; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes and thanks Indianapolis Fire Department's Chief Douglas L. Walker for his 44 years of dedicated public service to the citizens of Indianapolis.

SECTION 2. The Council wishes Chief Walker, his wife Joanna, their children Karen Reynolds, Leeann Cook and R. Douglas Walker, the best of health and happiness in the years ahead.

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

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

PROPOSAL NO. 93, 1991. This proposal, sponsored by Councillors Curry and Cottingham, recognizes teacher Rick Crosslin who was awarded the Presidential Award for Excellence in Science and Mathematics Teaching by President George Bush. Councillor Curry read the resolution and presented a framed document to Mr. Crosslin, who expressed his appreciation for the recognition. Councillor Curry moved, seconded by Councillor Cottingham for adoption. Proposal No. 93, 1991 was adopted by unanimous voice vote.

Proposal No. 93, 1991 was retitled SPECIAL RESOLUTION NO. 20, 1991 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 20, 1991

A SPECIAL RESOLUTION recognizing teacher Rick Crosslin.

WHEREAS, on October 20, 1990, Rick Crosslin, a teacher at Chapel Glen Elementary School in Wayne Township was awarded the Presidential Award for Excellence in Science and Mathematics Teaching by President George Bush; and

WHEREAS, Mr. Crosslin has become the first elementary science teacher in the State of Indiana to receive this Presidential Award; and

WHEREAS, Mr. Crosslin has taught for fifteen years, including two years at Cairo American College of Cairo, Egypt, writes for a national magazine, teaches at the Indianapolis Childrens Museum, teaches an aerospace program for teachers at IUPUI, is an elected elementary representative on the Board of Directors of the Hoosier Association of Science Teachers, Inc., founded the westside soccer program fifteen years ago, is now the high school soccer coach, and leads a "Summer Safari" program each year for outdoor education in geology, camping, caving and fossils for elementary school children; and

WHEREAS, he was a runner-up astronaut candidate for the ill-fated January 28, 1986, Challenger space shuttle; now, therefore:

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

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SECTION 1. The Indianapolis City-County Council recognizes and congratulates Wayne Township Schools elementary teacher, Rick Crosslin, for earning the state's first Presidential Award for Excellence in Science and Mathematics Teaching.

SECTION 2. The Council further notes with great pride that the school systems in this community are able to attract and retain such talented and dedicated teachers for our children as Rick Crosslin.

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

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

Councillor Dowden asked for consent to hear Proposal No. 89, 1990 at this time. Consent was given.

PROPOSAL NO. 89, 1991. This proposal concerns Stephen Goldsmith. Councillor Dowden read the resolution and presented a framed document to Mr. Goldsmith, who expressed his appreciation for the recognition. Councillor Dowden moved, seconded by Councillor West, for adoption.

Councillors Shaw, Clark and Coughenour paid tribute to Mr. Goldsmith.

Proposal No. 89, 1991 was adopted by unanimous voice vote.

Proposal No. 89, 1991 was retitled SPECIAL RESOLUTION NO. 16, 1991 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 16, 1991

A SPECIAL RESOLUTION concerning Stephen Goldsmith.

WHEREAS, Mr. Stephen Goldsmith served with distinction as Marion County Prosecutor from 1979 through 1990; and

WHEREAS, during those twelve years, Mr. Goldsmith and his dedicated staff prosecuted over 500,000 cases, helped decrease major crimes in the community, helped rewrite the state's ethics laws, increased the number of convicted serious felons by 400 per cent and developed the most advanced public safety and courts information network in America; and

WHEREAS, Mr. Goldsmith pioneered nationally-recognized alternative sentencing programs for juvenile and adult offenders, was aggressive in tightening the laws on illegal drugs, helped create innovative new systems of fingerprinting and prisoner videotaping and successfully pursued a modern new crime laboratory for the community; and

WHEREAS, Mr. Goldsmith brought new energy to law enforcement by speaking out for tough new state laws on crime, established gang and drug hotlines, served as Chairman of the Governor's Task Force to Reduce Drunk Driving for five years, created new programs for child support which increased collections by 3,600 per cent, pioneered an innovative traveling truancy court and established task forces on arson, gangs and drugs; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes and thanks Stephen Goldsmith for giving twelve years of energetic service to the people of Indianapolis as Marion County Prosecutor from 1979 through 1990.

SECTION 2. The Council wishes Mr. Goldsmith the best of success in his future endeavors.

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

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

PROPOSAL NO. 94, 1991. This proposal concerns the American Legion's Flag Amendment petition. Councillor Irvin read the resolution and presented a framed document to Lowell Jackson, Commander from the Eleventh District, who expressed his appreciation for the Council's support of the resolution. Councillor Irvin moved, seconded by Councillor West, for adoption. Proposal No. 94, 1991 was adopted by unanimous voice vote.

Proposal No. 94, 1991 was retitled SPECIAL RESOLUTION NO. 21, 1991 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 21, 1991

A SPECIAL RESOLUTION concerning the American Legion's Flag Amendment petition.

WHEREAS, the number one legislative priority of the American Legion is the adoption of the Flag Amendment which would allow Congress and the states to regulate the physical desecration of the Flag of the United States; and

WHEREAS, the thirty-seven American Legion posts in Indianapolis are in the process of gathering signatures from their 14,000 members, as well as signatures from other organizations in the community, to petition the Indiana General Assembly for Indiana to become a ratifying state; and

WHEREAS, the American flag, and the nation it represents, has a special meaning for Indianapolis citizens--especially today by those who are affected by the Middle East armed conflict; now, therefore:

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

SECTION 1. The Indianapolis City-County Council commends the citizenship involvement of members of the thirty-seven American Legion posts in this city, and their properly addressing the respect for the American Flag issue through the petitioning process to the Indiana General Assembly.

SECTION 2. The Council wishes the American Legion well in its appeal to the state government.

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

PROPOSAL NO. 97, 1991. This proposal, sponsored by Councillors Coughenour and Rhodes, concerns the state's newest attacks upon local budgets. Councillor Coughenour stated that the State government proposes to suspend certain appropriations to cities for the next two years and plans to increase fees for local municipal waste operations. She then read the resolution and moved for its adoption.

Councillor Rhodes seconded the motion and stated that the statewide fiscal impact of this resolution will be between \$100 and \$110 million over the next two years. Councillor Borst asked that the Clerk of the Council send a copy of this resolution with an appropriate cover letter to the eight state senators and fifteen state representatives from Marion County. Councillor Coughenour commented that she would like all the state legislators to receive a copy of this resolution. The President stated that he will advise the Clerk to send copies of this resolution to all state legislators with a cover letter from him.

Councillor Howard stated that he would prefer that all Councillors go to the State House in person and lobby against these bills rather than send a copy of this resolution to state legislators.

Proposal No. 97, 1991 was adopted by unanimous voice vote.

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Proposal No. 97, 1991 was retitled SPECIAL RESOLUTION NO. 22, 1991 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 22, 1991

A SPECIAL RESOLUTION concerning the state's newest attacks upon local budgets.

WHEREAS, the Indiana state government proposes to suspend the fair and equitable distribution of over \$15 million in alcoholic beverage tax collections to local cities and towns during the next two years--\$1.5 million which would be due to Indianapolis; and

WHEREAS, lottery money was promised to counties, cities and towns to fund local infrastructure needs, but at this time the state administration is recommending these funds to be used in the state General Fund to help balance the State Budget; and

WHEREAS, the Indiana Department of Environmental Management is currently holding public hearings in cities distant from major media markets on a proposal which would radically increase fees for local municipal waste operations, thus increasing taxes upon local citizens; and

WHEREAS, the Indianapolis Board of Public Works has passed a strongly worded Resolution deploring this state government attempt to divert money away from active local pollution and sanitation work, to the state's regulation offices; and Indianapolis Mayor, William H. Hudnut, III, along with many other local officials from throughout the state, with the support of the Indiana Association of Cities and Towns and the Association of Indiana Counties, have called upon the state government to halt this triple attack upon local taxpayers; now, therefore:

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

SECTION 1. The Indianapolis City-County Council deplores, and wishes to bring to the public's attention, these new state government proposals to cripple local budgets by suspending the proper distribution of alcoholic beverage tax monies back to local units of government, by an unconscionable increase in state administrative fees upon cities, towns and counties for local work in pollution and sanitation control, and by withholding promised lottery funds for local needs.

SECTION 2. The Mayor is invited to join in this resolution by affixing his signature hereto.

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

PROPOSAL NO. 3, 1991. Councillor Borst reported that the Metropolitan Development Committee heard Proposal No. 3, 1991 on January 29, 1991. The proposal approves the Mayor's appointment of M. D. Higbee as Director of the Department of Metropolitan Development for a term ending December 31, 1991. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Borst moved, seconded by Councillor Irvin, for adoption. Proposal No. 3, 1991 was adopted on the following roll call vote; viz:

29 YEAS: Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Giffin, Gilmer, Golc, Hawkins, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shaw, Solenberg, Strader, West, Williams
0 NAYS:

Proposal No. 3, 1991 was retitled COUNCIL RESOLUTION NO. 8, 1991 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 8, 1991

A COUNCIL RESOLUTION approving the Mayor's appointment of M. D. Higbee as Director of the Department of Metropolitan Development for a term ending December 31, 1991.

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WHEREAS, pursuant to IC 36-3-3-8 and Section 2-142 of the "Code of Indianapolis and Marion County, Indiana", a mayoral appointment of a Director of the Department of Metropolitan Development is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of M. D. Higbee to serve as Director of the Department of Metropolitan Development at his pleasure for a term ending December 31, 1991; now, therefore:

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

SECTION 1. M. D. Higbee is approved and confirmed by the City-County Council to serve as Director of the Department of Metropolitan Development at the pleasure of the Mayor for a term ending December 31, 1991.

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

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 80, 1991. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION authorizing the County Recorder to lease space from the Indianapolis Vault Company, Ltd. at 117 East Washington Street"; and the President referred it to the Administration Committee.

PROPOSAL NO. 81, 1991. Introduced by Councillor Holmes. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$2,830,887 for the Department of Parks and Recreation, Administration Division, to improve various park facilities"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 82, 1991. Introduced by Councillor Holmes. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$46,000 for the Department of Parks and Recreation, Administration Division, to install park facilities at 801 South State Street"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 83, 1991. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$59,000 for the Sheriff to pay overtime expenses incurred as a result of the Sheriff's involvement in the County Cooperative Speed Enforcement Project, the objectives of which are to enforce the 55 mph speed limit and to promote safety belt/child restraint use"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 84, 1991. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$11,500 for the Sheriff to pay the salary of one part-time employee to work with the Child Abuse Awareness Program"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 85, 199. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$1,000,000 for the Department of Public Works, Advanced Wastewater Treatment, to complete replacement of the Evanston Avenue lift station facility"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 86, 1991. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION approving the sale of

certain surplus real estate by the Department of Public Works"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 87, 1991. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$4,403,948 for the Department of Transportation, Finance & Administration Division, for the acquisition of land, and to repair and/or replace bridges, and to widen and/or realign streets and intersections (City)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 88, 1991. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$2,321,773 for the Department of Transportation, Finance & Administration Division, for the acquisition of land, and to repair and/or replace bridges, and to widen and/or realign streets and intersections (County)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 96, 1991. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION approving the Mayor's appointment of William G. Shassere as Director of the Department of Public Works for a term ending December 31, 1991"; and the President referred it to the Public Works Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 95, 1991. Councillor McGrath reported that the Committee on Rules and Public Policy heard Proposal No. 95, 1991 on January 29, 1991. The proposal (1) recommends rejection of proposals to abolish or change the method of voting for at-large members of the Council, and (2) determines that the redistricting of the Council districts for the 1991 election shall be upon the basis provided in state law of twenty-five single member districts and four members elected at-large. Councillor McGrath informed the Council that The Concerned Clergy of Indianapolis, Incorporated; Stephen Laudig; Kenneth Roberts; and Common Cause of Indiana submitted proposals to abolish or change the method of voting for at-large members of the Council, which were all rejected by the Committee. By a 5-2 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor McGrath moved, seconded by Councillor West, for adoption.

Councillor Boyd moved, seconded by Councillor Howard, to divide and place Item No. 2 of Part I of Proposal No. 95, 1991, which is the abolishing of the four at-large seats, before the Council for separate action. This motion failed by the following roll call vote; viz:

7 YEAS: Boyd, Golc, Hawkins, Howard, Jones, Moriarty, Williams

22 NAYS: Borst, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Giffin, Gilmer, Holmes, Irvin, McGrath, Mukes-Gaither, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shaw, Solenberg, Strader, West

Councillor Williams moved, seconded by Councillor Howard, to divide and place Item No. 6 of Part I of Proposal No. 95, 1991, which is to modify the manner of voting for the at-large seats, before the Council for separate action.

Councillor Dowden objected to voting on separate proposals contained in Proposal No. 95, 1991. Councillor West voiced his support for the present method in which the at-large members of the Council are voted on.

Councillor Gilmer moved the previous question. This motion passed by the following roll call vote; viz:

21 YEAS: Borst, Clark, Cottingham, Coughenour, Curry, Dowden, Giffin, Gilmer, Holmes, Irvin, McGrath, Mukes-Gaither, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shaw, Solenberg, Strader, West
8 NAYS: Boyd, Brooks, Golc, Hawkins, Howard, Jones, Moriarty, Williams

Councillor Williams's motion failed by the following roll call vote; viz:

7 YEAS: Boyd, Golc, Hawkins, Howard, Jones, Moriarty, Williams
21 NAYS: Borst, Brooks, Clark, Cottingham, Coughenour, Curry, Giffin, Gilmer, Holmes, Irvin, McGrath, Mukes-Gaither, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shaw, Solenberg, Strader, West
1 NOT VOTING: Dowden

Proposal No. 95, 1991 was adopted on the following roll call vote; viz:

22 YEAS: Borst, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Giffin, Gilmer, Holmes, Irvin, McGrath, Mukes-Gaither, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shaw, Solenberg, Strader, West
6 NAYS: Boyd, Golc, Howard, Jones, Moriarty, Williams
1 NOT VOTING: Hawkins

Proposal No. 95, 1991 was retitled COUNCIL RESOLUTION NO. 9, 1991 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 9, 1991

A COUNCIL RESOLUTION accepting the recommendations of the Committee on Rules and Public Policy (1) rejecting certain proposals for abolishing or changing the method of voting for at-large members of the Council, and (2) determining that the redistricting of the Council districts for the 1991 election shall be upon the basis provided in state law of twenty-five single member districts and four members elected at-large.

PART I

WHEREAS, on January 29, 1991 the Committee on Rules and Public Policy received and considered twelve proposals for abolishing or changing the method of voting for at-large members on the Council, which proposals were as follows, to wit:

NO. 1.

We therefore resolve that the four (4) at-large seats on the City-County Council be replaced by four additional single-member seats.

Submitted by The Concerned Clergy of Indianapolis, Incorporated

NO. 2.
ABOLISH

WHEREAS: The election of at-large members to the City-County Council is an inherently discriminatory election procedure and practice which discriminates against racial and political minorities and, WHEREAS, the Consent Decree, paragraphs 12 and 13, entered into in Murray v Indianapolis requires the City-County Council to consider abolishing the at-larges. It is therefore resolved that Council hereby agrees that as part of the settlement of Murray v Indianapolis there will no longer be members of the Council elected at-large. This resolution becomes effective at the end of the terms of the at-large members of the Council elected in 1987.

Submitted by Stephen Laudig

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NO. 3.
STATUS QUO NO CHANGE
ILLEGAL NOT TO

There is no legitimate public policy reason for retaining the four (4) at-large seats.

At-large voting schemes have historically been used to cancel out the political influence of racial minorities, and are therefore obnoxious and offensive to African-Americans.

The election of four (4) at-large members illegally dilutes the votes of African-Americans in violation of Section 2 of the VRA.

Submitted by Kenneth Roberts for the Democrat Caucus

NO. 4.
ABOLISH

WHEREAS: The election of at-large members to the City-County Council is an inherently discriminatory election procedure and practice which discriminates against racial and political minorities and, WHEREAS, the Consent Decree, paragraphs 12 and 13, entered into in Murray v Indianapolis requires the City-County Council to consider abolishing the at-larges. It is therefore resolved that council hereby agrees that as part of the settlement of Murray v Indianapolis there will no longer be members of the Council elected at-large. This resolution becomes effective at the end of the terms of the at-large members of the Council elected in 1987.

Submitted by Kenneth Roberts for the Democrat Caucus

NO. 5.
REPLACE WITH FOUR (4) DISTRICTS FOR A TOTAL OF TWENTY-NINE (29) DISTRICTS

WHEREAS: The election of at large members to the City-County Council is an inherently discriminatory election procedure and practice which discriminates against racial and political minorities and, WHEREAS, the Consent Decree, paragraphs 12 and 13, entered into in Murray v Indianapolis requires the City-County Council to consider modifying the manner in which the at-large members to the Council are voted on. It is therefore resolved that the at-larges are abolished and are to be replaced with four (4) districts and the County will be divided into twenty-nine (29) districts each of which will be based on the 1990 U.S. Census data in a manner which results in districts which are to comply with all pertinent state statutes and do not violate the United States Voting Rights Act, 42 U.S.C. 1973[a] et seq.

Submitted by Kenneth Roberts for the Democrat Caucus

NO. 6.
MODIFY MANNER OF VOTING FOR

LIMITED VOTING:

WHEREAS: The election of at large members to the City-County Council is an inherently discriminatory election procedure and practice which discriminates against racial and political minorities and, WHEREAS, the Consent Decree, paragraphs 12 and 13, entered into in Murray v Indianapolis requires the City-County Council to consider modifying the manner in which the at-large members to the Council are voted on. It is therefore resolved that each voter will have only one vote for the at-large members of the City-County Council which they may cast in any way they see fit.

Submitted by Kenneth Roberts for the Democrat Caucus

NO. 7.
MODIFY MANNER OF VOTING FOR

CUMULATIVE VOTING:

WHEREAS: The election of at large members to the City-County Council is an inherently discriminatory election procedure and practice which discriminates against racial and political minorities and, WHEREAS, the Consent Decree, paragraphs 12 and 13, entered into in Murray v Indianapolis requires the City-County Council to consider modifying the manner in which the at-large members to the Council are voted on. It is therefore resolved that each voter will have four votes for the at-large members of the City-County Council which they may cast in any way they see fit.

Submitted by Kenneth Roberts for the Democrat Caucus

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NO. 8.

MODIFY MANNER OF VOTING FOR

TIE TO VOTE FOR MAYOR:

WHEREAS: The election of at large members to the City-County Council is an inherently discriminatory election procedure and practice which discriminates against racial and political minorities and, WHEREAS, the Consent Decree, paragraphs 12 and 13, entered into in Murray v Indianapolis requires the City-County Council to consider modifying the manner in which the at-large members to the Council are voted on. It is therefore resolved that each voter will have four votes for the at-large members of the City-County Council which will be cast for the four at-large candidates of the party of the candidate for Mayor which the voter votes for.

Submitted by Kenneth Roberts for the Democrat Caucus

NO. 9.

MODIFY CONSTITUENCY VOTING FOR

IPS VOTERS ONLY:

WHEREAS: The election of at large members to the City-County Council is an inherently discriminatory election procedure and practice which discriminates against racial and political minorities and, WHEREAS, the Consent Decree, paragraphs 12 and 13, entered into in Murray v Indianapolis requires the City-County Council to consider modifying the manner in which the at-large members to the Council are voted on. It is therefore resolved that only voters residing in the Indianapolis Public School District will have four votes for the at-large members of the City-County Council which may be cast for the four at-large candidates.

Submitted by Kenneth Roberts for the Democrat Caucus

NO. 10.

MODIFY CONSTITUENCY VOTING FOR

POLICE-FIRE-SPECIAL SERVICE DISTRICTS ONLY

WHEREAS: The election of at large members to the City-County Council is an inherently discriminatory election procedure and practice which discriminates against racial and political minorities and, WHEREAS, the Consent Decree, paragraphs 12 and 13, entered into in Murray v Indianapolis requires the City-County Council to consider modifying the manner in which the at-large members to the Council are voted on. It is therefore resolved that only voters residing in the Police and Fire Special Service Districts will have four votes for the at-large members of the City-county Council which may be cast for the four at-large candidates.

Submitted by Kenneth Roberts for the Democrat Caucus

NO. 11.

MODIFY CONSTITUENCY VOTING FOR

NON-EXCLUDED CITIES VOTERS ONLY

WHEREAS: The election of at large members to the City-County Council is an inherently discriminatory election procedure and practice which discriminates against racial and political minorities and, WHEREAS, the Consent Decree, paragraphs 12 and 13, entered into in Murray v Indianapolis requires the City-County Council to consider modifying the manner in which the at-large members to the Council are voted on. It is therefore resolved that only voters not residing in excluded cities of Beech Grove, Lawrence, Southport and Speedway will have four votes for the at-large members of the City-County Council which will be cast for the four at-large candidates of the party of the candidate for Mayor which the voter votes for.

Submitted by Kenneth Roberts for the Democrat Caucus

NO. 12.

1. At-large Representatives should be abolished.

Submitted by Common Cause/Indiana

WHEREAS, the Committee recommended to the Council that each of said proposals be rejected, now, therefore:

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

SECTION 1.01. The Council hereby rejects all the foregoing proposals for abolishing or changing the method of voting for at-large members of the Council.

PART II

WHEREAS, the Committee on Rules and Public Policy has held a public hearing and considered proposals to abolish or change the method of voting for at-large members of the Council; and

WHEREAS, state law provides for the City-County Council to consist of twenty-five members elected from districts and four elected at-large; and

WHEREAS, that system does not inherently discriminate against any minority groups and does not violate the Federal Constitution or Federal Law; and

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

SECTION 2.01. The Council determines that the redistricting of the Council districts for the 1991 election shall be upon the basis provided in state law of twenty-five single member districts and four members elected at-large.

PART III

SECTION 3.01. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 4, 1991. The proposal amended the Code by enlarging the Fire Special Service District to include the town of Rocky Ripple. Councillor Borst moved that Proposal No. 4, 1991 be amended by a technical correction of the boundary description. This motion was seconded by Councillor Gilmer and passed by unanimous voice vote. Councillor Borst reported that the Metropolitan Development Committee heard Proposal No. 4, 1991 on January 29, 1991. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:37 p.m. There being no one present to testify, Councillor Borst moved, seconded by Councillor Strader, for adoption. Proposal No. 4, 1991, as amended, was adopted on the following roll call vote; viz:

26 YEAS: Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Giffin, Golc, Hawkins, Holmes, Howard, Jones, Moriarty, Mukes-Gaither, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shaw, Solenberg, Strader, West, Williams

0 NAYS:

3 NOT VOTING: Gilmer, Irvin, McGrath

Proposal No. 4, 1991, as amended, was retitled GENERAL ORDINANCE NO. 26, 1991 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 26, 1991

A GENERAL ORDINANCE amending the Code of Indianapolis and Marion County, Indiana, by enlarging the Fire Special Service Districts to include additional territory.

WHEREAS, a petition has been filed with the Metropolitan Development Commission of Marion County, Indiana, ("Commission") requesting that certain territory within Marion County be included in the Indianapolis Fire Special Service District; and

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WHEREAS, the territory which is the subject of said petitions consists of a parcel of land known as the town of Rocky Ripple, Indiana; and

WHEREAS, the Commission, having considered said petition, has entered its findings of fact and recommendation, recommending that the territory which is the subject of the petition be added to and included in the Fire Special Service Districts; and

WHEREAS, the petitioner constitutes a majority of the landowners in the proposed additional territory; and

WHEREAS, after notice and public hearing, the City-County Council has determined to accept and approve the recommendation of the Commission to include said territory in the Fire Special Service District (which territory as modified is hereinafter referred to as the "additional territory"); now, therefore:

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

SECTION 1. The City-County Council hereby determines that reasonable and adequate fire protection service can be provided within the additional territory by the consolidated city; and the expansion of the Fire Special Service District to include the additional territory is in the public interest.

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", Chapter 111, Article I, Sec. 111-3(b), fire special service district, is amended by adding the underlined material as follows:

(b) Washington Township: Part of Washington Township, Marion County, Indiana, described by the following 100 courses: Beginning at the southwest corner of the southwest quarter of section 16, township 16 north, range 3 east, second principal meridian:

- (1) Thence north along the west line of the southwest quarter of section 16 to the north right-of-way line of west 38th Street;
- (2) Thence east along the north right-of-way line of west 38th Street to a point on the west line of lot 1 in the Town of Woodstock (as recorded in plat book 15, page 58 in the office of the Marion County recorder);
- (3) Thence north 2 degrees 56 minutes 30 seconds east (basis of bearings in south line of the southeast quarter of section 15, township 16 north, range 3 east, second principal meridian = north 89 degrees 55 minutes 34 seconds west) along the west line of lot 1 in Woodstock to a cut stone at the northwest corner of said lot 1;
- (4) Thence north 68 degrees 21 minutes 31 seconds east along the northerly line of lot 1 a distance of 126.49 feet to a cut stone on the southerly line of lot 2;
- (5) Thence north 54 degrees 40 minutes 54 seconds west along the southerly line of lot 2 a distance of 87.66 feet to a cut stone;
- (6) Thence north 00 degrees 52 minutes 02 seconds east along the westerly line of lot 2 a distance of 187.2 feet to a cut stone;
- (7) Thence north 8 degrees 05 minutes 34 seconds east along the westerly line of lot 2 a distance of 372.04 feet to a cut stone;
- (8) Thence north 13 degrees 04 minutes 47 seconds east along the westerly line of lot 2 a distance of 217.08 feet to a cut stone at the northwest corner of said lot 2;
- (9) Thence north 21 degrees 15 minutes 00 seconds east along the westerly line of lot 3 a distance of 111.62 feet;
- (10) Thence north 25 degrees 40 minutes 00 seconds along the westerly line of lot 3 a distance of 180.48 feet to the northwest corner of said lot 3;
- (11) Thence north 21 degrees 54 minutes 43 seconds east along the northwesterly line of lot 4 a distance of 138.24 feet to a cut stone;
- (12) Thence north 35 degrees 20 minutes 46 seconds east along the northwesterly line of lot 4 a distance of 172.35 feet to a cut stone;

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- (13) Thence north 43 degrees 08 minutes 35 seconds east along the northwesterly line of lot 4 a distance of 154.9 feet to a cut stone at the northern corner of said lot 4;
- (14) Thence north 39 degrees 03 minutes 44 seconds east along the northwesterly line of lot 5 a distance of 145.68 feet;
- (15) Thence north 23 degrees 27 minutes 44 seconds east along the northwesterly line of lot 5 and lot 6 a distance of 417.84 feet to a cut stone;
- (16) Thence north 26 degrees 53 minutes 44 seconds east along the northwesterly line of lot 6 a distance of 169.49 feet;
- (17) Thence north 42 degrees 21 minutes 44 seconds east along the northwesterly line of lot 6 a distance of 86.45 feet to the westerly right-of-way line of US Highway 421;
- (18) Thence continuing north 42 degrees 21 minutes 44 seconds east a distance of 115 feet, more or less, to a point on the easterly right-of-way line of US Highway 421;
- (19) Thence along the easterly right-of-way line of US Highway 421 to the south line of the Indianapolis Water Company canal;
- (20) Thence northeasterly following the meandering of the south line of the Indianapolis Water Company canal to a point 908 feet north of the south line of the north half of the northwest quarter of section 14, township 16 north, range 3 east;
- (21) Thence westerly parallel to the south line of the north half of the northwest quarter of said section 14 to the low water mark of the White River;
- (22) Thence northerly and northeasterly along the low water mark of the White River to a point on the south line of section 35, township 17 north, range 3 east;
- (23) Thence west along the south line of section 35 to the east right-of-way line of Spring Mill Road;
- (24) Thence north along the east right-of-way line of Spring Mill Road to the south right-of-way line of 64th Street;
- (25) Thence easterly along the south right-of-way line of 64th Street to the low water mark on the east side of White River;
- (26) Thence northeasterly along the low water mark on the east side of White River to a point on the southeasterly extension of the southwesterly right-of-way line of Pennsylvania Street;
- (27) Thence northwesterly along the southeasterly extension of the southwesterly right-of-way line of Pennsylvania Street and along the southwesterly right-of-way line of Pennsylvania Street to the west line of the northeast quarter of section 35;
- (28) Thence north along the west line of the northeast quarter of section 35 to a point on the center line of 71st Street;
- (29) Thence east along the center line of 71st Street a distance of 295.22 feet;
- (30) Thence south parallel with the west line of the northeast quarter of section 35 a distance of 230 feet;
- (31) Thence east parallel with the center line of 71st Street a distance of 378.78 feet to a point in the center line of Washington Boulevard;
- (32) Thence south along the center line of Washington Boulevard a distance of 35 feet;
- (33) Thence east parallel with the center line of 71st Street a distance of 262.2 feet;
- (34) Thence north a distance of 22 feet;
- (35) Thence east parallel with the center line of 71st Street a distance of 85 feet;
- (36) Thence north parallel with the west line of the northeast quarter of section 35 a distance of 243 feet to the center line of 71st Street;

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- (37) Thence east along the center line of 71st Street to the west line of Marott Park;
- (38) Thence south along the west line of Marott Park to a point 582.5 feet south of the north line of the northwest quarter of section 36, township 17 north, range 3 east;
- (39) Thence west parallel with the north line of the northwest quarter of section 36 to a point 200 feet east of the west line of said quarter section;
- (40) Thence south parallel with the west line of the northwest quarter of section 36 to a point on the north line of Marott Park;
- (41) Thence west along the north line of Marott Park to the east right-of-way line of College Avenue;
- (42) Thence south along the east right-of-way line of College Avenue to the low water mark on the south side of White River;
- (43) Thence easterly and southerly along the meanderings of the southerly low water mark of White River to a point on a line bearing north 56 degrees west from the southeast corner of the American Aggregates Corporation property, formerly known as the H.P.B. Dawson property;
- (44) Thence south 56 degrees east to the southeast corner of the American Aggregates Corporation property;
- (45) Thence northeasterly along the northwest property line of the Indianapolis Water Company tract to a point on the south line of the north half of the southeast quarter of section 36, township 17 north, range 3 east;
- (46) Thence east along the south line of the north half of the southeast quarter of section 36 to a point on the low water mark on the east side of White River;
- (47) Thence northerly along the east low water mark of White River a distance of 415 feet, more or less;
- (48) Thence east parallel with the south line of the north half of the southeast quarter a distance of 353.1 feet;
- (49) Thence north parallel with the east line of the north half of the southeast quarter of section 36 a distance of 226.5 feet;
- (50) Thence east parallel with the south line of the north half of the southeast quarter of section 36 a distance of 1086.5 feet to a point on the west right-of-way line of Evanston Avenue;
- (51) Thence south along the west right-of-way line of Evanston Avenue a distance of 1303.75 feet to the north line of Morton B. Dawson's first addition (plat book 19, page 252);
- (52) Thence east to a point on the east right-of-way line of Evanston Avenue;
- (53) Thence south along the east right-of-way line of Evanston Avenue to the north right-of-way line of Broad Ripple Avenue;
- (54) Thence east along the north right-of-way line of Broad Ripple Avenue to a point 73 feet east of the southwest corner of lot 21 in block 2 of Dawnbury, second section (plat book 28, page 35-36);
- (55) Thence north parallel with the west line of lot 21 a distance of 200 feet to the southwest corner of lot 20 in block 2;
- (56) Thence northwesterly along the westerly line of lots 20 and 19 in block 2 to the northwesterly corner of lot 19;
- (57) Thence northeasterly along the north line of lot 19 in block 2 to the northeast corner of lot 19;
- (58) Thence east across Maple Drive to the northwest corner of lot 4 in block 3 of Dawnbury, second section;
- (59) Thence northeasterly and easterly along the northerly line of lot 4 in block 3 to the northeast corner of said lot 4;

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- (60) Thence northerly along the west lines of lots 15 and 14 in block 3 to the northwest corner of said lot 14;
- (61) Thence east along the north line of lot 14 in block 3 to the northeast corner of said lot 14;
- (62) Thence east along the easterly extension of the north line of lot 14 in block 3 to the east right-of-way line of Keystone Avenue;
- (63) Thence north along the east right-of-way line of Keystone Avenue to a point 637.58 feet north of the north right-of-way line of 62nd Street, as measured along said east right-of-way line, said point being on the center line of vacated 63rd Street;
- (64) Thence east along said center line a distance of 444.6 feet to the east right-of-way line of Tacoma Avenue;
- (65) Thence south along the east right-of-way line of Tacoma Avenue to a point 146 feet north of the north right-of-way line of 62nd Street as measured along the east right-of-way line of Tacoma Avenue;
- (66) Thence east parallel with the north line of 62nd Street a distance of 194 $\frac{2}{3}$ feet;
- (67) Thence north parallel with the west right-of-way line of Temple Avenue a distance of 4 feet;
- (68) Thence east parallel with the north line of 62nd Street a distance of 189 $\frac{1}{3}$ feet to the west right-of-way line of Temple Avenue;
- (69) Thence south along the west right-of-way line of Temple Avenue a distance of 150 feet to the southeast corner of block 2 of Morton B. Dawson's second addition (plat book 19, page 163), said point also being on the north right-of-way line of 62nd Street;
- (70) Thence east along the north right-of-way line of 62nd Street to the east right-of-way line of Parker Avenue;
- (71) Thence south along the east right-of-way line of Parker Avenue to the north right-of-way line of Kessler Avenue;
- (72) Thence east along the north right-of-way line of Kessler Avenue to the westerly right-of-way line of the New York, Chicago, and St. Louis Railroad (Nickel Plate Road);
- (73) Thence southwesterly along the westerly right-of-way line of the New York, Chicago, and St. Louis Railroad to the north right-of-way line of east 52nd Street;
- (74) Thence east along the north right-of-way line of east 52nd Street to the east right-of-way line of Pennwood Drive;
- (75) Thence deflecting 90 degrees 00 minutes 00 seconds to the left on and along the northern and eastern right-of-way line of Pennwood Drive to a point on a circle said point being on the right-of-way of said circle (the radius point of said circle being south 24 degrees 55 minutes 10 seconds west 155 feet from said point on the right-of-way);
- (76) Thence southerly along said right-of-way a distance of 151.660 feet to a point (said point being on the northern right-of-way line of Willowbrook Parkway);
- (77) Thence easterly along said right-of-way a distance of 664.043 feet to the centerline of Allisonville Road;
- (78) Thence easterly to the intersection of the north right-of-way line of 47th Street with the easterly right-of-way line of Allisonville Road;
- (79) Thence east along the north right-of-way line of 47th Street to the west right-of-way line of Miami Drive;
- (80) Thence south along the west right-of-way line of Miami Drive to the westerly right-of-way line of State Highway 37;
- (81) Thence southwesterly along the westerly right-of-way line of State Highway 37 to the south right-of-way line of 46th Street;

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- (82) Thence east along the south right-of-way line of 46th Street to the west right-of-way line of Fall Creek Parkway, north Drive;
- (83) Thence northerly along the west right-of-way line of Fall Creek Parkway to the north line of the northeast quarter of section 17, township 16 north, range 4 east;
- (84) Thence north a distance of 45 feet;
- (85) Thence east parallel with the north line of the northeast quarter of section 17 to a point 45 feet east of the west line of the southwest quarter of section 9, township 16 north, range 4 east;
- (86) Thence south parallel with the west line of the southwest quarter of section 9 and parallel with the west line of the northwest quarter of section 16, township 16 north, range 4 east to the north right-of-way line of 42nd Street;
- (87) Thence east along the north right-of-way line of 42nd Street to the center line of Berkshire Road;
- (88) Thence deflecting left 88 degrees 00 minutes a distance of 117 feet to the point of curvature of a curve, concave easterly, said curve having a radius of 204.3 feet and a delta angle of 27 degrees 30 minutes;
- (89) Thence northerly along said curve an arc distance of 98.1 feet to the point of tangency of said curve;
- (90) Thence northeasterly a distance of 310 feet to the point of curvature of a curve, concave westerly, said curve having a radius of 94.2 feet and a delta angle of 65 degrees 00 minutes;
- (91) Thence northerly along said curve an arc distance of 106.8 feet to the point of tangency of said curve;
- (92) Thence northwesterly a distance of 88.6 feet to a point on tangent, said point being in the center line of Berkshire Road and in the center line of an easement in favor of the Indianapolis Power and Light Company;
- (93) Thence deflecting right 126 degrees 09 minutes along the center line of the Indianapolis Power and Light Company easement a distance of 684.35 feet to a point on the east line of the northeast quarter of section 16, township 16 north, range 4 east;
- (94) Thence south along the east line of the northeast quarter and along the east line of the southeast quarter of section 16 to the southeast corner of the southeast quarter of said section 16, said corner also being the southeast corner of Washington Township, Marion County, Indiana;
- (95) Thence west along the south line of Washington Township to the point of beginning.

Also the following 13 parcels (numbered 1 through 13):

- (1) Land in Marion County, Indiana, being part of the southwest quarter of section 15, township 17 north, range 3 east, described as follows: Commencing at the southwest corner of said quarter section; thence south 89 degrees 04 minutes 49 seconds east along the south line thereof a distance of 1,093.75 feet; thence north 01 degree 30 minutes 00 seconds east parallel with the west line thereof, a distance of 412 feet; thence north 89 degrees 04 minutes 49 seconds west, parallel with the south line thereof, a distance of 136 feet to the point of beginning; thence continuing along the same line a distance of 30 feet; thence south 01 degree 30 minutes 00 seconds west parallel with the west line thereof, a distance of 90 feet; thence south 89 degrees 04 minutes 49 seconds east a distance of 30 feet; thence north 01 degree 20 minutes 00 seconds east a distance of 90 feet to the point of beginning; containing in all 0.062 acre.
- (2) A part of the southeast quarter of section 32, township 17 north, range 4 east, second principal meridian in Washington Township, Marion County, Indiana, described as follows: Commencing at the southeast corner of said quarter section; thence north 89 degrees 48 minutes 45 seconds west along the south line (center line of east 62nd Street as now existing) of said quarter section a distance of 1,288.94 feet to the point of beginning; thence continuing north 89 degrees 48 minutes 45 seconds west a distance of 389.95 feet; thence north 00 degrees 00 minutes 00 seconds east parallel with the east line of said quarter section a measured distance of 181.34 feet (deed 178.44 feet) to a point in the southeasterly right-of-way line of the Nickel Plate Railroad as now existing; thence north 40 degrees 14 minutes 34 seconds east (measured) along said southeasterly right-of-way line a measured distance of 514.8 feet (deed north 89 degrees 15 minutes 30 seconds east 514.67 feet); thence south 00 degrees 00 minutes 00 seconds west a measured distance of 516.15 feet (deed 513.07 feet) to the

point of beginning; containing 3.122 acres, more or less (deed 3.095 acres more or less); subject, however, to a 25-foot strip by parallel lines off the entire south boundary of the above described real estate for east 62nd Street right-of-way purposes.

- (3) Part of the northwest quarter of the northeast quarter of section 18, township 17 north, range 4 east, in Marion County, Indiana, described as follows: Commencing at the northwest corner of said quarter quarter section; thence south 89 degrees 59 minutes 30 seconds east along the north line of said quarter quarter section a distance of 885.75 feet; thence south 00 degrees 03 minutes 30 seconds east a distance of 183 feet to the point of beginning; thence continuing along the same line a distance of 50 feet; thence south 89 degrees 59 minutes 30 seconds east parallel with the north line of said quarter quarter section, a distance of 80 feet; thence north 00 degrees 03 minutes 30 seconds west a distance of 50 feet; thence north 89 degrees 59 minutes 30 seconds west a distance of 80 feet to the point of beginning; containing in all 0.092 acre; subject, however, to all legal highways, rights-of-way and easements.
- (4) Part of the southeast quarter of the southwest quarter of section 13, township 17 north, range 3 east, in Marion County, Indiana, described as follows: Beginning 432.8 feet deed (431.2 feet measured) east of the southwest corner of the southeast quarter of the southwest quarter of section 13, township 17 north, range 3 east, and on the south line of said quarter quarter section; thence north parallel with the west line of said quarter quarter section a distance of 337 feet; thence west parallel with the south line of said quarter quarter section a distance of 90.8 feet; thence south parallel with the aforesaid west line a distance of 337 feet to the south line of said quarter quarter section; thence east along said south line a distance of 90.8 feet to the place of beginning; containing 0.7 acre, more or less; subject to all legal easements and rights-of-way.
- (5) Lot 8, square 3, and the 10-foot vacated alley to the south of said lot 8, plat of Town of Allisonville, recorded in deed record book D, page 58, in the office of the recorder of Marion County, Indiana.
- (6) Part of block A in Creekwood Homes, first section, an addition to the City of Indianapolis, as per plat thereof, recorded in plat book 28, page 335, in the office of the recorder of Marion County, Indiana, described as follows: Beginning on the north line of said block A at a point 103 feet north 90 degrees 00 minutes 00 seconds west (assumed bearing) of the northeast corner thereof; thence north 90 degrees 00 minutes 00 seconds west along said north line a distance of 121.08 feet to the beginning of a tangent curve to the left, the radius point of which bears south 00 degrees 00 minutes 00 seconds west a distance of 50 feet from said point; thence southwesterly along said lot line and curve a distance of 10.07 feet to a point that bears north 11 degrees 13 minutes 45 seconds west a distance of 50 feet from the radius point aforesaid (said point also being on the east right-of-way line of Keystone Avenue as now located per right-of-way grant description recorded in town lot record 1811, page 324, in the office of the Marion County recorder); thence south 42 degrees 24 minutes 10 seconds west along said east right-of-way line a distance of 37.3 feet; thence south 00 degrees 18 minutes 30 seconds west along said east right-of-way line a distance of 81.5 feet to a point that is 185 feet north 00 degrees 18 minutes 30 seconds east (measured along the east right-of-way line aforesaid) from the south line of said block A; thence south 90 degrees 00 minutes 00 seconds east parallel with said south line a distance of 155.81 feet to a point that is 103 feet west of the east line of said block A; thence north 00 degrees 18 minutes 30 seconds east parallel with the east line aforesaid a distance of 110 feet to the point of beginning.
- (7) Lot 5 and the north half of lot 4 in Highland Creek Boulevard addition, an addition to the City of Indianapolis in plat book 22, page 168, in the office of the recorder of Marion County, Indiana.
- (8) Part of lot 16 in Trester's second addition, Marion County, Indiana, the plat of which is recorded in plat book 15, page 124 in the office of the recorder of Marion County, Indiana, more particularly described as follows: Beginning at a point in the north line of said lot a distance of 148.63 feet west of the northeast corner thereof; thence south parallel with the east line of said lot a distance of 185 feet; thence west parallel with the north line of said lot a distance of 150.32 feet to the center line of Michigan Road; thence northwesterly along the center line of Michigan Road a distance of 196.67 feet to the northwest corner of said lot; thence east along the north line of said lot a distance of 217.77 feet to the point of beginning.
- (9) A part of the northeast quarter of section 9, township 16 north, range 4 east, second principal meridian, Marion County, Indiana, described as follows: Beginning at the northeast corner of said northeast quarter; thence south along the east line of said northeast quarter to the southeast corner of said northeast quarter; thence west along the south line of said northeast quarter to the west right-of-way line of Emerson Way; thence northwesterly and northerly along the west right-of-way line of Emerson Way to a point on a line perpendicular to the center line of Millersville Road, said perpendicular intersection said center line of Millersville Road at a distance of 474 feet southwesterly from the intersection of said Millersville Road center line extended with east 56th Street; thence

northwesterly along said perpendicular to the center line of Millersville Road; thence northeasterly along said center line a distance of 209 feet; thence southeasterly perpendicular to said center line of Millersville Road a distance of 204 feet, more or less to a point on the east right-of-way line of Emerson Way (per ISHC plans for project US 467(a), fiscal year 1960); thence south along said east right-of-way line to a point bearing north 2 degrees 56 minutes 30 seconds west along said right-of-way line (basis of bearing is east line of the northeast quarter of said section 9 = south 00 degrees 13 minutes 32 seconds west) a distance of 161.286 feet from a point in the southerly line of real estate conveyed to the City of Indianapolis by warranty deed recorded December 16, 1935 (town lot record 941, page 506, office of the Marion County recorder); thence north 35 degrees 22 minutes 32 seconds east a distance of 217.122 feet to the point of curvature of a curve, concave southeasterly, said curve having a central angle of 29 degrees 51 minutes 00 seconds, and a radius of 449.06 feet; thence northeasterly along said curve an arc distance of 260 feet (said arc being subtended by a chord bearing north 50 degrees 18 minutes 02 seconds east and having a length of 257.07 feet); thence deflecting 90 degrees 45 minutes to the left from the forward tangent the aforescribed curve, a distance of 282.12 feet to a point on the north line of the northeast corner of said section 9; thence east along said north line a distance of 507.35 feet to the point of beginning.

- (10) Part of the northeast quarter of section 9, township 16 north, range 4 east, Marion County, Indiana, described as follows: Commencing at the northeast corner of said quarter section; thence west along the north line of said quarter section a distance of 507.2 feet; thence southwesterly on a forward deflection angle to the left of 55 degrees 30 minutes a distance of 30.33 feet to the beginning point of this description, said point being on the south right-of-way line of 56 Street; thence southwesterly on the last described course a distance of 188.7 feet; thence southwesterly deflecting to the right 48 degrees 10 minutes a distance of 99.4 feet to the easterly right-of-way line of Emerson Avenue; thence northeasterly deflecting to the right 104 degrees 01 minutes and along said right-of-way line a distance of 145 feet; thence northeasterly deflecting to the right 69 degrees 49 minutes along said right-of-way line a distance of 69.58 feet; thence northeasterly deflecting to the right 05 degrees 24 minutes along said right-of-way line a distance of 56.36 feet to a point on the south right-of-way line of 56th Street, said point being 25 feet south of the north line of said quarter section; thence east deflecting to the right 08 degrees 06 minutes along said right-of-way line 65.13 feet to the point of beginning; containing 0.49 acre.
- (11) Part of the northeast quarter of section 9, township 16 north, range 4 east, of the second principal meridian, Marion County, Indiana, described as follows: Commencing at the northeast corner of said northeast quarter of section 9; thence west along the north line of said northeast quarter and the center line of 56th Street a distance of 507.2 feet; thence deflecting 55 degrees 30 minutes to the left a distance of 345.38 feet to the place of beginning; thence deflecting 90 degrees 08 minutes to the right a distance of 43 feet; thence deflecting 62 degrees 03 minutes to the right a distance of 67.3 feet; thence deflecting 75 degrees 59 minutes right a distance of 10 feet; thence deflecting 131 degrees 50 minutes to the right a distance of 126.35 feet to the place of beginning; containing in all 0.135 acre, more or less.
- (12) Part of the northwest quarter of the south east quarter of section 8, township 16 north, range 4 east in Marion County, Indiana, more particularly described as follows: Beginning at the northwest corner of said quarter quarter section; thence south along the west line of said quarter quarter section 280 feet; thence east parallel with the north line of said quarter quarter section 281.28 feet to the center line of Allisonville Road; thence northeasterly along said center line 334.9 feet to said north line; thence west along said north line 467.6 feet to the point of beginning.

Except the following described parcel: The entire right-of-way of the New York, Chicago, and St. Louis Railroad (Nickel Plate Road) from the north right-of-way line of east 52nd Street to the east right of way line of Keystone Avenue.

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

PROPOSAL NO. 60, 1991. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 60, 1991 on January 23, 1991. The proposal appropriates \$235,456 for the Prosecutor to utilize a federally funded grant to facilitate visitation as it relates to child support cases. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

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The President called for public testimony at 8:40 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Holmes, for adoption. Proposal No. 60, 1991, as amended, was adopted on the following roll call vote; viz:

23 YEAS: *Borst, Boyd, Brooks, Clark, Coughenour, Curry, Dowden, Giffin, Golc, Holmes, Howard, Jones, McGrath, Moriarty, Mukes-Gaither, O'Dell, Rhodes, Ruhmkorff, SerVaas, Shaw, Solenberg, West, Williams*

0 NAYS:

6 NOT VOTING: *Cottingham, Gilmer, Hawkins, Irvin, Schneider, Strader*

Proposal No. 60, 1991, as amended, was retitled FISCAL ORDINANCE NO. 6, 1991 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 6, 1991

A FISCAL ORDINANCE amending the City-County Annual Budget for 1991 (City-County Fiscal Ordinance No. 95, 1990) appropriating an additional Two Hundred Thirty-five Thousand Four Hundred Fifty-six Dollars (\$235,456) in the State & Federal Grants Fund for purposes of the Prosecuting Attorney and reducing the unappropriated and unencumbered balance in the State & Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.01 (b) and (w) of the City-County Annual Budget for 1991, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Prosecuting Attorney to utilize a federally funded grant in order to facilitate visitation as it relates to child support cases.

SECTION 2. The sum of Two Hundred Thirty-five Thousand Four Hundred Fifty-six Dollars (\$235,456) 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>PROSECUTING ATTORNEY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	\$ 80,000
3. Other Services and Charges	140,000
<u>COUNTY AUDITOR</u>	
1. Personal Services (Fringes)	<u>15,456</u>
 TOTAL INCREASE	 \$235,456

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

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered State and Federal Grants Fund	<u>\$235,456</u>
TOTAL REDUCTION	<u>\$235,456</u>

SECTION 5. This City-County Council has no intention of supplementing or financing the agency and/or projects approved herein by use of revenues from any local tax regardless of source. At anytime that knowledge is received that the state or federal financing of this agency or project is, or will be, reduced or eliminated, the supervisor or the county auditor, or both, are directed to notify the City-County Council in writing of such proposed loss of revenue.

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

The President asked Councillor Coughenour to give her Committee report on Proposal Nos. 62, 63 and 61, 1991 at this time.

PROPOSAL NO. 62, 1991. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 62, 1991 on January 31, 1991. The proposal appropriates

\$1,755,367 for the Department of Public Works, Advanced Wastewater Treatment, to utilize IMAGIS to provide computer-aided mapping upon which the City, County and utility organizations can implement facility-management programs. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:44 p.m. There being no one present to testify, Councillor Coughenour moved, seconded by Councillor Rhodes, for adoption. Proposal No. 62, 1991 was adopted on the following roll call vote; viz:

26 YEAS: Borst, Boyd, Brooks, Clark, Coughenour, Curry, Dowden, Giffin, Gilmer, Golc, Hawkins, Holmes, Howard, McGrath, Moriarty, Mukes-Gaither, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shaw, Solenberg, Strader, West, Williams

0 NAYS:

3 NOT VOTING: Cottingham, Irvin, Jones

Proposal No. 62, 1991 was retitled FISCAL ORDINANCE NO. 7, 1991 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 7, 1991

A FISCAL ORDINANCE amending the City-County Annual Budget for 1991 (City-County Fiscal Ordinance No. 95, 1990) appropriating an additional One Million Seven Hundred Fifty-five Thousand Three Hundred Sixty-seven Dollars (\$1,755,367) in the Sanitation General Fund for purposes of the Department of Public Works Advanced Wastewater Treatment and reducing the unappropriated and unencumbered balance in the Sanitation General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 of the City-County Annual Budget for 1991, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Public Works Advanced Wastewater Treatment to provide computer database containing various land and facility elements upon which the City, County and Utility organizations can implement facilities management programs.

SECTION 2. The sum of One Million Seven Hundred Fifty-five Thousand Three Hundred Sixty-seven Dollars (\$1,755,367) 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 PUBLIC WORKS</u> <u>ADVANCED WASTEWATER TREATMENT</u>	<u>SANITATION GENERAL FUND</u>
3. Other Services and Charges	\$1,655,367
4. Capital Outlay	<u>100,000</u>
TOTAL INCREASE	\$1,755,367

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

	<u>SANITATION GENERAL FUND</u>
Unappropriated and Unencumbered	
Sanitation General Fund	<u>\$1,755,367</u>
TOTAL REDUCTION	\$1,755,367

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

PROPOSAL NO. 63, 1991. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 63, 1991 on January 31, 1991. The proposal appropriates \$1,200,000 for the Department of Public Works, Advanced Wastewater Treatment, to

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continue to maintain, refurbish and improve the infrastructure used in the wastewater transportation system. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:46 p.m. There being no one present to testify, Councillor Coughenour moved, seconded by Councillor Curry, for adoption. Proposal No. 63, 1991 was adopted on the following roll call vote; viz:

23 YEAS: Borst, Boyd, Brooks, Clark, Coughenour, Curry, Giffin, Gilmer, Golc, Hawkins, Holmes, Howard, McGrath, Moriarty, Mukes-Gaither, O'Dell, Rhodes, Ruhmkorff, SerVaas, Shaw, Solenberg, West, Williams

0 NAYS:

6 NOT VOTING: Cottingham, Dowden, Irvin, Jones, Schneider, Strader

Proposal No. 63, 1991 was retitled FISCAL ORDINANCE NO. 8, 1991 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 8, 1991

A FISCAL ORDINANCE amending the City-County Annual Budget for 1991 (City-County Fiscal Ordinance No. 95, 1990) appropriating an additional One Million Two Hundred Thousand Dollars (\$1,200,000) in the Sanitation General Fund for purposes of the Department of Public Works Advanced Wastewater Treatment and reducing the unappropriated and unencumbered balance in the Sanitation General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 of the City-County Annual Budget for 1991, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Public Works Advanced Wastewater Treatment to continue to maintain, refurbish and improve the infrastructure used in collection and transportation of industrial and domestic wastewater.

SECTION 2. The sum of One Million Two Hundred Thousand (\$1,200,000) 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 PUBLIC WORKS</u> <u>ADVANCED WASTEWATER TREATMENT</u>	<u>SANITATION GENERAL FUND</u>
3. Other Services and Charges	\$1,200,000
TOTAL INCREASE	\$1,200,000

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

	<u>SANITATION GENERAL FUND</u>
Unappropriated and Unencumbered Sanitation General Fund	\$1,200,000
TOTAL REDUCTION	\$1,200,000

SECTION 5. 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. 61, 1991. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 61, 1991 on January 31, 1991. The proposal amends the Code dealing with sewers and sewage disposal. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Coughenour

moved, seconded by Councillor Curry, for adoption. Proposal No. 61, 1991 was adopted on the following roll call vote; viz:

24 YEAS: Borst, Boyd, Brooks, Clark, Coughenour, Curry, Giffin, Gilmer, Golc, Hawkins, Holmes, Howard, Jones, McGrath, Moriarty, Mukes-Gaither, O'Dell, Rhodes, Ruhmkorff, Servaas, Shaw, Solenberg, West, Williams

0 NAYS:

5 NOT VOTING: Cottingham, Dowden, Irvin, Schneider, Strader

Proposal No. 61, 1991 was retitled GENERAL ORDINANCE NO. 27, 1991 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 27, 1991

A GENERAL ORDINANCE amending Chapter 27 of the Code dealing with sewers and sewage disposal.

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

SECTION 1. Chapter 27 of the Code of Indianapolis and Marion County, Indiana, Sections 27-1 through 27-58, as added by G.O. No. 77, 1984, § 2, is hereby amended by inserting the language underscored and deleting the language stricken-through 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 system. These requirements enable the city 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 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 wastewater system which do not receive adequate treatment in the ~~wastewater works~~ POTW, 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.

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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 for Testing and Materials.

Accidental discharge shall mean an unintentional release of a material that could potentially violate the requirements of sections 27-4(c), (d), or (e).

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~~ commissioner 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~~ shall 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.~~

(1) A responsible corporate officer if the industrial user is a corporation. A responsible corporate officer shall mean:

(a) A president, vice president, treasurer, or secretary of the corporation in charge of a principal business function or any other person who performs similar policy or decision-making functions for the corporation; or

(b) A manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to said manager in accordance with corporate procedures.

(2) A general partner or proprietor if the industrial user is a partnership or sole proprietorship, respectively.

(3) An individual duly authorized by the person designated in (1) or (2) above, provided:

(a) The authorization is made in writing by the individual described in subsection (1) or (2) above;

(b) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the discharge originates, such as the position of plant manager, plant engineer, superintendent, or a position of equivalent responsibility or having overall responsibility for environmental matters for the company; and

(c) The written authorization is submitted to the city.

Board shall mean the board of public works.

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

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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)~~ B.2. of the industrial discharge permit.

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

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

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

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

General pretreatment regulations shall mean "General Pretreatment Regulations for Existing and New Sources," 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~~ POTW (including holding tank waste discharged into the system).

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

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

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

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

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

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

NH₃-N (denoting ammonia nitrogen) shall mean all of the nitrogen in water, sewage or other liquid waste present in the form of ammonia, ammonia ion or in the equilibrium NH₄⁺, NH₃+H⁺.

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

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

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

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

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

- (1) Begun or caused to begin as part of a continuous onsite construction program:
 - (a) Any placement, assembly, or installation of facilities or equipment; or
 - (b) Significant site preparation work including cleaning, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment.
- (2) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sewer shall mean a pipe or conduit for carrying sewage.

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

Shall is mandatory; may is permissive.

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

- (1) A facility regulated by a national categorical pretreatment standard and generates a process discharge;
- (2) A noncategorical facility with a process wastewater discharge greater than 25,000 gallons per day;
- (3) Any industrial user with a reasonable potential to adversely affect the POTW, its treatment processes or operations, or its sludge use or disposal; or
- (4) Any other industrial user deemed to be significant by the director.

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.~~ POTW.

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
<u>IDEM:</u>	<u>Indiana Department of Environmental Management</u>
ISBH:	Indiana State Board of Health
l:	Liter
mg:	Milligrams
mg/l:	Milligrams per liter
NPDES:	National Pollutant Discharge Elimination System
<u>POTW:</u>	<u>Publicly Owned Treatment Works</u>
SIC:	Standard industrial classification
<u>SS:</u>	<u>Suspended Solids</u>
SWDA:	Solid Waste Disposal Act, 42 USC 6901 et seq.
<u>TSS:</u>	<u>Total Suspended Solids</u>
40 CFR 136:	"Guidelines Establishing Test Procedures for the Analyses of Pollutants"
330 AIC 5-12-2:	"Regulations for National Pretreatment Standards for Prohibited Discharges"

Sec. 27-3. Unlawful Disposal of Wastes.

No Change.

Sec. 27-4. Regulation of Discharges to Public Sewers.

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

(b) Storm water and all other unpolluted drainage may be discharged through existing structures to such sewers as are specifically designated as combined sewers or storm sewers. No additional flow shall be introduced. Industrial cooling waters or unpolluted process waters may be discharged, on approval of application, as provided in section 27-41.

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

- (1) Fire or explosion hazard;
- (2) Corrosive structural damage to the ~~wastewater works.~~ POTW but in no case water with a pH lower than 5.0 or higher than 10.0;
- (3) Obstruction to the flow in city sewers, or other interference with the proper operation of the ~~wastewater works;~~ POTW;
- (4) An interference;
- (5) A pass-through.

(d) No person shall discharge or cause to be discharged to any city sewer:

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- (1) A slug or a flow rate and/or pollutant discharge rate which is excessive over a relatively short time period so that there is a treatment process upset and subsequent loss of treatment efficiency;
- (2) Heat in amounts which will inhibit biological activity at the wastewater ~~works~~ treatment plant but in no case greater than sixty (60) degrees centigrade (~~150~~ 140 degrees Fahrenheit) or heat in such quantities that the temperature at the wastewater ~~works~~ treatment plant exceeds forty (40) degrees centigrade (104 degrees Fahrenheit) unless approved by the director;
- (3) Any wastewater containing toxic pollutants or any discharge which could result in toxic gases, fumes, or vapors in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the ~~wastewater works,~~ POTW, or to exceed applicable categorical pretreatment standards;
- (4) A wastewater with a closed cup flash point of less than 140 degrees Fahrenheit or any liquids, solids or gases which, by reason of their nature or quantity, are or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious or hazardous in any other way to the sewer and/or to the wastewater treatment plant POTW or to the operation of the wastewater treatment plant. At no time shall two (2) successive readings a discharge cause a reading on a meter capable of reading L.E.L. (lower explosive limit), at a point at the nearest accessible point to the wastewater treatment plant in a sewer, to be greater than ten (10) per cent at the point of discharge to the POTW into the wastewater treatment plant, or at any point in the wastewater treatment plant, POTW, be more than five (5) per cent nor any single reading greater than ten (10) per cent. Materials in this subsection include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, polychlorinated biphenyls, polybrominated biphenyls, carbides, hydrides, stoddard solvents, and sulfides,
- (5) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair;
- (6) Solid or viscous substances and/or other pollutants which may cause obstruction to the flow in a sewer or other interference with the operation of the ~~wastewater works~~ POTW such as, but not limited to, grease, improperly shredded garbage, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood plastics, tar, asphalt residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes, or tumbling and deburring stones;
- (7) Any substance which may cause the ~~wastewater works'~~ POTW's effluent or any other product of the wastewater works such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the ~~wastewater works~~ POTW cause the ~~wastewater works~~ POTW to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations developed under §section 405 of the Act;
- (8) Any substance which will cause the ~~wastewater works~~ POTW to violate its NPDES permit or the receiving stream's water quality standards;
- (9) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes, inks, and vegetable tanning solutions;
- (10) Any wastewater containing radioactive material including, but not limited to, radioactive waste above limits, contained in regulations, licenses, or orders issued by the appropriate authority having control over their use. The disposal of any licensed radioactive material must meet applicable local, state, or federal requirements;
- (11) Any wastewater containing an oil and grease concentration in excess of 200 mg/l. This limitation shall apply at the point of discharge to the city sewer system and is the maximum concentration allowed in any single grab sample collected from the wastestream;
- (12) Any gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, carbides, hydrides, stoddard solvents, sulfides, epoxides,

esters, amines, polynuclear aromatic hydrocarbons, pyridines, new and used motor oil, or antifreeze. Background concentrations of these substances which are present in the normal wastewater discharge and do not violate any section of this chapter shall be considered in compliance with this subsection. Polychlorinated biphenyls (PCBs) are prohibited in any detectable concentrations.

(e) No person shall discharge or cause to be discharged a wastewater which has a twenty-four-hour composite value in excess of the values shown on Table 1.

TABLE 1
NONCATEGORICAL DISCHARGE LIMITS

Pollutant	Maximum Allowable Concentration 24-Hour Composite Sample Value (mg/l)
Arsenic	4.0
Cadmium	1.2
Chromium (total)	24.0
Chromium (hex)	3.4
Copper	2.2
Cyanide (amenable)	0.4
Cyanide (total)	8.0
Lead	4.7
Nickel	7.3
Phenol	46.0
Penta-chloro-phenol	
Pentachlorophenol	0.012
Zinc	38.0
Mercury	0.025
Silver	4.2
Oil and grease	200.0

(f) The limitations imposed in Subsections 27-4(c), (d), and (e), above, shall apply at the point of discharge to the city sewer. The limitations set forth in Table 1 above apply at the point of discharge to the city sewer system. The limitations for amenable cyanide, total cyanide, and phenols apply to 24 hour composite samples only in those cases where the composite sample is preserved according to EPA approved methods prior to collection. Otherwise, the values set forth shall apply to an instantaneous grab sample taken during prevailing discharge conditions and representative of the facility's discharge in general. The limitations and requirements imposed in Sections 27-4(c) and (d) shall apply at the point of discharge to the city sewer unless specified otherwise.

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

Sec. 27-5. Modification of Federal Categorical Pretreatment Standards.

No Change.

Sec. 27-6. State and Federal Requirements.

No Change.

Sec. 27-7. City's Right of Revision.

No Change.

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Sec. 27-8. Baseline Report.

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

(a) Identifying information. The user shall submit the name and address of the facility including the name of the operator and owners;

(b) Permits. A list of any environmental control permits held by or for the facility;

(c) Description of operations. User shall submit a brief description of the nature, average rate of production, and standard industrial classification of the operation(s) carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the wastewater works from the regulated processes;

(d) Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the ~~wastewater works~~ POTW from each of the following:

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

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

(e) Measurement of pollutants. The pretreatment standards applicable to each regulated process as measured according to 40 CFR 403.12(b).

Sec. 27-9. Excessive Discharge.

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

Sec. 27-10. Accidental Discharge.

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

~~NOTIFICATION PROCEDURES FOR ACCIDENTAL DISCHARGE
AND NONCOMPLIANCE~~

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

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

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

(c) Within five (5) working days following an accidental discharge or incident of noncompliance, unless extended by the director in writing, the industrial user shall submit to the director a detailed written report describing the accidental discharge including:

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

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

(e) In any enforcement proceeding the industrial user seeking to establish the occurrence of an upset shall have the burden of proof. An industrial user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating ~~logs,~~ logs, or other relevant evidence that:

- (1) An upset occurred and the industrial user can identify the specific cause(s) of the upset;
- (2) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures;
- (3) The industrial user has submitted to the city the information required in subsections (b) and (c) above.

An upset defense is only available for violations of categorical pretreatment standards.

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

Sec. 27-11. Liability for Damage.

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

- (a) The work required to clean or repair the ~~wastewater works,~~ POTW; and
- (b) Any fine imposed against the city as a result of such interference, obstruction, damage or impairment;

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

Sec. 27-12. Special Agreements.

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

Sec. 27-13. Monitoring Devices; Metering Equipment.

(a) Installation and maintenance at user's expense. The director may require, as is necessary to carry out the requirements of this chapter, any person to construct at his/her own expense, monitoring facilities to allow

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

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

(c) Industrial users subject to categorical pretreatment standards shall have the option to designate a sampling location at a point containing only regulated process wastewaters or at a point containing the combined waste stream to demonstrate compliance with the applicable standard. The industrial user shall prove to the satisfaction of the director that the selected self-monitoring location contains all regulated waste streams. This option does not relieve the industrial user of the requirements specified in section 27-13(a).

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

Sec. 27-14. Right to Inspect.

No Change.

Sec. 27-15. Rules and Regulations.

No Change.

Sec. 27-16. Penalties.

No Change.

Sec. 27-17. Recordkeeping Requirement.

No Change.

Secs. 27-18 - 27-21. Reserved.

Sec. 27-22. Connection Permits.

(a) Permit required. 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.

Grease Interceptors: A grease interceptor meeting the requirements of the Department of Fire Prevention and Building Services shall be installed in waste lines (building sewers) from establishments delineated in Section 27-4(g). The design and location of the grease interceptor shall be submitted to the department for approval.

(c) Permit fee. A fee of fifty dollars (\$50.00) 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) 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, including grease interceptor connection detail where applicable, materials of construction, and installation method;
- (5) Any other information as may be deemed reasonable and necessary by the director to carry out the provisions of this chapter.

(f) Who may apply.

- (1) Application for a sewer connection permit shall only be made by the following:
 - (i) A plumbing contractor licensed by the state and registered in accordance with section 8-270 of this Code;
 - (ii) A contractor (other than a plumbing contractor) who has met the surety bond and insurance requirements of 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.

(g) Conformance with Indiana Fire Prevention and Building Safety Regulations. 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 Indiana Fire Prevention and Building Safety Commission and standard specifications of the department of public works.

(h) Expiration of permit. The connection permit shall expire 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.

(i) Provisions of chapter 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.

(j) Enforcement of bond. Any action may be initiated in a court of competent jurisdiction relative to the bond provided for in subsection (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 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.

Sec. 27-23. Prohibition Against Clear Water Discharges.

No Change.

Sec. 27-24. Dewatering Discharge to a Combined Sewer.

No Change.

Sec. 27-25. Mandatory Inspection.

No Change.

Sec. 27-26. Building Sewer Maximum Length.

No Change.

Sec. 27-27. Maximum Number of Connections.

No Change.

Sec. 27-28. Building Sewer Responsibility.

No Change.

Sec. 27-29. Existing Foundation Drains, Roof Drains, Defective Building Sewers and Sump Pumps.

No Change.

Sec. 27-30. Penalties.

No Change.

Sec. 27-31. Appeal.

No Change.

Secs. 27-32 - 27-40. Reserved.

Sec. 27-41. Permit Required.

(a) All industrial users proposing to connect to or discharge into a city sewer must complete an application for an industrial discharge permit before connecting to or discharging into a city sewer. All industrial users connected to or discharging into a city sewer, who do not currently have an industrial discharge permit, must complete an application for an industrial discharge permit within ninety (90) days after the effective date of this chapter. ~~All users subject to federal categorical pretreatment standards will be issued an industrial discharge permit. Industrial discharge permits to users who are not subject to federal categorical pretreatment standards will be issued as deemed necessary by the director.~~ All significant industrial users (SIUs) including those users subject to federal categorical pretreatment standards, users not subject to federal standards but deemed significant by the director, or which otherwise meet the criteria of a significant industrial user shall obtain a permit from the department before connecting to or discharging into a city sewer.

(b) No person shall knowingly make any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter or industrial discharge permit. Nor shall any person falsify, tamper with, or knowingly render inaccurate any monitoring device or method required under this chapter.

Sec. 27-42. Application.

(a) The director shall have the authority to prescribe an industrial discharge permit application form. The application form may require the following information:

- (1) Name, address, and standard industrial classification number;
 - (2) Volume of wastewater to be discharged;
 - (3) The wastewater characteristics, including but not limited to BOD, suspended solids, ammonia and pH;
 - (4) Description of daily, weekly, and seasonal variations in discharges;
 - (5) Location of building drain and/or building sewer;
 - (6) Pretreatment standards applicable to the discharge;
 - (7) If additional pretreatment and/or operation and maintenance is required to meet the pretreatment standards, the user shall provide it by the shortest possible compliance schedules. The completion date in this schedule shall not be later than the compliance date established for any applicable federal pretreatment standard. The following conditions shall apply to this schedule:
 - a. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.);
 - b. No increment referred to in paragraph a. shall exceed nine (9) months;
 - c. No later than fourteen (14) days following each ~~such~~ date in the schedule and the final date for compliance, the user shall submit a progress report to the director including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the director;
 - (8) Any other information as may be deemed by the director to be necessary to evaluate the industrial discharge permit application.
- (b) ~~The industrial discharge permit application is to be signed and sworn to by:~~
- ~~(1) In the case of a corporation or an association, an officer, or his/her duly authorized representative if such representative is responsible for the overall operation of the facility from which the discharge described in the application form originates;~~
 - ~~(2) In the case of a partnership, a general partner;~~
 - ~~(3) In the case of a sole proprietorship, by the proprietor;~~
 - ~~(4) In the case of a government agency, by the principal executive officer.~~

The industrial discharge permit application shall be signed and sworn to by an authorized representative of the industrial user.

Sec. 27-43. Term.

The industrial discharge permit shall be for a term of three (3) years. Any person wishing to continue to discharge to a city sewer beyond the term of the industrial discharge permit shall apply for renewal of the industrial discharge permit at least sixty (60) days prior to the expiration of said permit.

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

Sec. 27-44. Conditions.

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

- (a) Applicable federal and/or state laws, regulations or orders, including National Categorical Pretreatment Standards for new and existing sources promulgated in 40 CFR, Parts 401 through 471;
- (b) Limits on the wastewater characteristics other than those in section 27-4, including but not limited to polychlorinated biphenyls and polybrominated biphenyls for the protection of public health or the ~~wastewater works, POTW~~. The director shall apply applicable federal categorical pretreatment standards or, in the absence of such standards, limits may be based on the best practical technology;
- (c) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a city sewer, as established by city-county council;
- (d) Limits on the average and maximum wastewater constituents and characteristics;
- (e) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
- (f) Requirements for installation and maintenance of inspection and sampling facilities;
- (g) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests, and reporting schedule;
- (h) Compliance schedules;
- (i) Requirements for submission of technical reports or discharge reports;
- (j) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city, and affording city access thereto;
- (k) Requirements for notification of the city of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the ~~wastewater works, POTW~~;
- (l) Requirements for notification of slug discharges;
- (m) Other conditions as deemed appropriate by the city to ensure compliance with this chapter.

Sec. 27-45. Permit Modifications.

Within nine (9) months of the promulgation of a categorical pretreatment standard, the industrial discharge permit of users subject to such standard shall be revised to require compliance with such standard within the time frame prescribed by such standard. In addition, the user, with an existing industrial discharge permit shall submit to the director, within one hundred eighty (180) days after the promulgation of an applicable categorical pretreatment standard, the information required by section 27-42. Industrial discharge permits of users, who must comply with federal categorical pretreatment standards prior to the effective date of this chapter, shall be revised immediately upon the effective date of this chapter to reflect applicable pretreatment standards.

Modification of an industrial discharge permit may also be accomplished at any time during the term of the permit, when in the opinion of the director, a modification is necessary to accurately characterize changes in industrial contribution, wastewater constituents or characteristics, ordinance requirements, or any other applicable condition. An industrial user shall be given a thirty (30) day notice of the impending modification. Compliance deadlines with the modified requirements shall be determined on a case specific basis.

Sec. 27-46. Fees.

There shall be an application fee of one hundred fifty dollars (\$150.00) for an individual discharge permit. This fee shall apply to original and renewal permits- applications and modifications of existing permits initiated by the permittee. Payment of the fee shall accompany submission of the completed application. The board of public works may revise the amount of such fee in accordance with Section 3-405 of this Code but not more often than once each calendar year.

Sec. 27-47. Nonassignability.

No Change.

Sec. 27-48. Pretreatment.

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

Sec. 27-49. Compliance Date Report.

No Change.

Sec. 27-50. Periodic Compliance Reports.

Any user subject to a pretreatment standard set forth in this chapter, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the ~~wastewater works, POTW~~, shall submit to the director, during the months of June and December, unless required more frequently in the pretreatment standard or by the director, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which, during the reporting period, exceeded the average daily flow reported in section 27-49. At the discretion of the director and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the director may agree to alter the months during which the above reports are to be submitted.

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

Sec. 27-51. Confidential Information.

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

Information accepted by the city with a claim for confidentiality shall be safeguarded by the city and shall not be transmitted to any government agency or to the public until and unless a fifteen-day notification is given to the user. During the fifteen-day period, the user shall submit a justification of confidentiality to the director. A determination of confidentiality shall be made by the director pursuant to regulations used by the ~~Indiana Stream Water~~ Indiana Water Pollution Control Board for acquisition of and public access to agency information, as amended, ~~330 327~~ IAC 5-1.5-1 et seq.

Sec. 27-52. Emergency Suspension of Service and Industrial Discharge Permit.

Notwithstanding any other provision of this chapter, the director may, without notice or hearing, suspend the wastewater treatment service and/or an industrial discharge permit when such suspension is necessary, in the opinion of the director, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or to the environment, or causes interference to the ~~wastewater works, POTW~~, or causes the city to violate any condition of its NPDES permit.

Any user notified of a suspension of the wastewater treatment service and/or the industrial discharge permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the director shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the ~~wastewater works~~ POTW

or endangerment to any individuals. The director shall reinstate the industrial discharge permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. The user shall pay all costs associated with disconnecting from and reconnecting to the city sewer. A detailed written statement submitted by the user describing the cause(s) of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the director within five (5) days of the date of occurrence.

Sec. 27-53. Revocation.

No Change.

Sec. 27-54. Notice of Revocation.

No Change.

Sec. 27-55. Notification of Violation.

No Change.

Sec. 27-56. Show-Cause Hearing.

The director may order any user who causes or allows an unauthorized discharge to enter the ~~wastewater works~~ POTW to show cause at a departmental hearing why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held before the director or an appointed hearing officer, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail at least ten (10) days before the hearing.

Sec. 27-57. Appeals.

No Change.

Sec. 27-58. Publication of ~~Violations.~~ Significant Noncompliance.

~~The city shall annually publish in the largest city newspaper a list of the users which have significantly violated any pretreatment standard or regulation during the twelve (12) previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same twelve (12) months.~~

~~For the purposes of this section, significant violations shall be those violations which remain uncorrected forty five (45) days after notification of noncompliance; which are part of a pattern of noncompliance over the twelve (12) month period; which involved failure to accurately report noncompliance; or which resulted in the director's taking enforcement action against the violation.~~

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

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

SECTION 2. New Sections 27-59 through 27-61 are added as follows:

Sec. 27-59. Submission of Self-Monitoring Reports.

Any industrial user required to complete self-monitoring reports as a condition of an industrial discharge permit shall submit the required reports to the industrial surveillance section of the department of public works.

The reports shall be postmarked no later than the date specified in the permit. The reports shall be signed by an authorized representative of the industrial user as defined in section 27-2.

Sec. 27-60. Signatory Requirements.

Reports and sworn statements required by sections 27-10(c), 27-42(b), 27-49, 27-50, 27-59, and 27-61(b) shall be made by an authorized representative as defined in section 27-2 of this chapter.

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

Sec. 27-61. Violation of Permit Requirements.

(a) In the case of noncompliance with industrial discharge permit limitations, standards, or requirements, the industrial user shall contact the industrial surveillance section within twenty-four (24) hours of knowledge of the noncompliance. The person representing the industrial user shall provide the following information:

- (1) Name of the company;
- (2) Facility location;
- (3) Limitation, standard, or requirement in violation; and
- (4) Corrective actions taken to eliminate, prevent, and/or minimize the violation.

(b) The industrial user shall provide a detailed written report describing the violation to the industrial surveillance section. The report shall be submitted within five (5) working days subsequent to knowledge of the noncompliance incident. The director may grant an extension in writing to the report deadline in consideration of special circumstances. The report shall contain the following information:

- (1) Description of the discharge and cause of the violation;
- (2) Parameters in violation; and
- (3) The period of noncompliance, including exact dates and times, or, if not corrected, the anticipated time the noncompliance is expected to continue, and the steps being taken to reduce, eliminate, and prevent recurrence of the noncomplying discharge or violation.

(c) Within thirty (30) days of knowledge of a violation from self-monitoring activities, the industrial user shall sample and analyze for the parameter(s) found in violation to demonstrate that compliance has been achieved. The results shall be submitted to the department of public works on the appropriate self-monitoring report.

(d) A violation of a monthly average limitation which is derived from federal categorical pretreatment standards shall constitute a separate violation for each day the facility operates during a given month unless actual daily analyses are demonstrated to be less than the applicable monthly average limitation.

Secs. 27-~~59~~ 62 - 27-100. Reserved.

SECTION 3. Sections 27-101 through 27-169 of the Indianapolis and Marion County Code are hereby amended as follows:

Sec. 27-101. Sewer User Charge Imposed.

Effective November 1, 1977, there is hereby imposed a sewer user charge payable to the department of public works upon each person owning or occupying real estate that is connected with and uses the ~~wastewater works~~ POTW whether or not real estate taxes are imposed pursuant to IC 36-9-25 upon such real estate.

Sec. 27-102. Basis for Charge; How Calculated.

No Change.

Sec. 27-103. Charges and Fees for City's Pretreatment Program.

Charges and fees shall be established with council approval to provide for the recovery of costs from industrial users of the city's wastewater treatment system to recover the cost of the pretreatment program. The applicable charges or fees shall be set forth in the city's schedule of fees and charges and may include:

- (a) Fees for reimbursement of costs of setting up and operating the city's pretreatment program;
- (b) Fees for monitoring, inspections, and surveillance procedures;
- (c) Fees for reviewing accidental discharge procedures and construction;
- ~~(d) Fees for permit applications;~~
- (d) Fees for filing appeals;
- (e) Fees for consistent removal (by city) of pollutants otherwise subject to federal pretreatment standards;
- (f) Other fees as the city may deem necessary to carry out the requirements contained herein.

Sec. 27-104. Billing Estimates and Reports.

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

(b) Unless otherwise established by the director, each industrial user subject to the rates and charges shall report to the director by the tenth day of the following month on a form prescribed by the director an estimate of the volume discharged in the prior month and a representative value of the strength of the waste, including but not limited to BOD, SS and (ammonia) nitrogen. All measurements, tests, and analyses of the characteristics of such waste shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Sewage" as published jointly by the American Public Health Association and the Water Pollution Control Federation consistent with 40 CFR part 136 or by other methods generally accepted under established sanitary engineering practices and approved by the director. The reports submitted shall be subject to verification by the director but may serve as the basis for billing with all necessary adjustments in the amounts to be made after verification. In the event an analysis and volume of the industrial waste is not furnished to the director by the aforementioned time, the charges shall be based upon estimates made by the director, as provided in section 27-104(a).

In the event that an industrial user fails to submit the report required by section 27-104(b) by the tenth day of the following month, the industrial user shall pay late reporting charges according to the following schedule:

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

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

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

(d) In cases where measurements are difficult to make, or the industrial waste composition changes frequently, or representative samples are difficult to get, or where other methods of measurement are necessitated for other sound engineering reasons as determined by the director, the director shall have the authority to use such other basis for determining said charges as shall be reliably indicative of volume and BOD,

SS, and nitrogen strengths of particular industrial waste, such as, but not limited to, water purchase or usage, character of products, comparisons between the industrial user data and collected data from like industries.

(e) The cost of all tests, measurements, and analyses taken by the director pursuant to the department of public works' responsibility to perform industrial monitoring programs, defined and directed by local, state, and federal agencies, shall be charged to the industrial user tested in an amount equal to the actual average cost of said test, measurement, or analyses as determined at the close of each calendar year. These costs shall be due and payable as provided in this article.

Sec. 27-105. Contract for Billing by the Indianapolis Water Company.

No Change.

Sec. 27-106. Use by Other Political Subdivisions.

No use of the ~~wastewater works~~ POTW shall be allowed by any other political subdivision of the state unless and until the director shall have determined that all rates and charges, including industrial cost recovery of such political subdivision, are consistent with this article, the laws of the United States and regulations of the U.S. Environmental Protection Agency.

Sec. 27-107. Applicable to Sewer Service Agreements.

No Change.

Sec. 27-108. Rules and Regulations Authorized.

No Change.

Sec. 27-109. Appeals to the Board.

No Change.

Sec. 27-110. Exceptions.

No Change.

Sec. 27-111. Rate Review.

No Change.

Sec. 27-111.1. Advanced Wastewater Treatment Facilities Reserve Fund.

No Change.

Sec. 27-112. Charges not Duplicated; repeal of Divisions 1 and 2 upon this Article becoming Effective.

No Change.

Sec. 27-113. Termination of Service Procedures.

No Change.

Sec. 27-114. Termination of Services not Exclusive Remedy.

No Change.

Sec. 27-115. Procedure.

No Change.

Secs. 27-116 - 27-119. Reserved.

Sec. 27-120. Conformity with this Article Required.

No Change.

Sec. 27-121. When Use Required.

No Change.

Sec. 27-122. Permit Required; Fee.

No Change.

Sec. 27-123. Approval of the Director Required; Inspections.

No Change.

Sec. 27-124. Conformity with Health Regulations Required.

No Change.

Sec. 27-125. Authority of Health Department not Impaired.

No Change.

Sec. 27-126. Maintenance.

No Change.

Sec. 27-127. Abandonment of Facilities.

No Change.

Sec. 27-128. Definitions.

No Change.

Sec. 27-129. Wastewater Hauler Criteria.

No Change.

Sec. 27-130. Registration.

(a) Any wastewater hauler as defined in section 27-129 must be registered with and receive a permit from the department and must display a valid decal issued by the department in the lower corner of the driver's side windshield of each vehicle. This registration must be renewed, and a new permit issued each year by the department. Applications for permits must be filed no later than December first of each year, and permits and decals will be issued effective for the following February first of each year. The charge for the permit ~~shall be twenty-five dollars (\$25.00) per application and twenty-five dollars (\$25.00) per and decal for each vehicle shall be established by rule or regulation of the board of public works. Such charge shall be due and payable at the time of filing. Such charges may be revised by the board no more than once each calendar year in accordance with Section 3-405 of this Code.~~

(b) Each wastewater hauler shall include in his/her permit application the following information:

- (1) Proof of ownership of each vehicle including owner's name and legal address;
- (2) Proof of a current valid Indiana State Board of Health permit;
- (3) Proof of insurance as specified in section 27-130(d);
- (34) The wastewater hauler's legal address and legal business address, type of business, i.e. domestic and/or industrial wastewater hauler;
- (45) The number of wastewater hauling vehicles, tank capacity in gallons of each vehicle, and license numbers of all vehicles.

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

(d) ~~Each applicant shall be bonded in a minimum amount of five thousand dollars (\$5,000.00), tendered by a company registered in the State of Indiana. This bond shall cover the cost of disposal of any hazardous waste, the cost of cleaning up any spilled material on public property, the cost of any fines levied against the hauler or any other costs incurred by the city as a result of the wastewater hauler's activities.~~

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

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

(e) After the application has been received and reviewed by the director, and has been determined to satisfy the conditions above, a permit and decal for each vehicle shall be issued, for a period not to exceed one year from date of issuance.

(f) Noncompliance, the furnishing of false information, or misrepresentation of a material fact with respect to any part of this article, shall be grounds for revocation of the permit or rejection of the application. Reissuance of, or reapplication for a permit shall be at the discretion of the director and may be subject to such conditions as he/she deems appropriate. No refund shall be allowed for any revocation or rejection as provided above.

Sec. 27-131. Discharging Procedures.

No Change.

Sec. 27-132. Testing Requirements.

No Change.

Sec. 27-133. Administration Procedures.

No Change.

Sec. 27-134. Enforcement.

No Change.

Secs. 27-135 - 27-149. Reserved.

Sec. 27-150. Purpose and Territorial Application.

No Change.

Sec. 27-151. Requirements for Construction Permits.

No Change.

Sec. 27-152. Application Procedures.

(a) Applications shall be submitted in accordance with procedures established by the department and revised from time to time. Design plans and specifications for the construction of sanitary sewers shall be developed by or under the direction of a professional engineer registered in accordance with IC 25-31-1 and shall have title sheet which includes the professional engineer's seal and signature.

(b) An application fee of fifty dollars (\$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 IC 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.

No Change.

Sec. 27-154. Economic Analysis for Lift Stations.

No Change.

Sec. 27-155. Right to Limit Sewer Capacity.

No Change.

Sec. 27-156. Posting of Bond.

No Change.

Sec. 27-157. Execution of Covenant.

No Change.

Sec. 27-158. Dedication of Easement.

No Change.

Sec. 27-159. Duration of Construction Permit and Certificate of Completion and Compliance.

No Change.

Sec. 27-160. Inspection of Construction of Sanitary Sewers.

No Change.

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 department's standard specifications, are submitted to the department including the following:

- (1) Maintenance bond as required in section 27-156(b).
- (2) Recorded covenant and easement documents as required in sections 27-157 and 27-158.
- (3) Certificate of completion and compliance as required in section 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.
- (5) Sanitary sewer record ("as built") drawings in accordance with the department's standards which shall be stamped and signed by a land surveyor registered in accordance with IC 25-31-1.

Sec. 27-162. Dedication and Rehabilitation of Existing Sewers.

No Change.

Sec. 27-163. General Authority for Investigations and Inspections.

No Change.

Sec. 27-164. Variance Procedure.

No Change.

Sec. 27-165. Plan Review Fee.

No Change.

Sec. 27-166. Exemption for Certain Governmental Units.

No Change.

Sec. 27-167. Stop-Work Order.

No Change.

Sec. 27-168. Penalties.

No Change.

Sec. 27-169. Appeals.

No Change.

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

PROPOSAL NO. 58, 1991. Councillor Rhodes reported that the Administration Committee heard Proposal No. 58, 1991 on January 28, 1991. The proposal, sponsored by Councillors Coughenour, Curry and Williams, amends the Code by adding a new Article V in Chapter 17, Licensing vendors of tobacco products. The Committee made revisions to the text and by a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Since the revised draft was not ready until this Council meeting, Councillor Rhodes moved, seconded by Councillor Coughenour, to postpone Proposal No. 58, 1991 until February 25, 1991. This motion passed by unanimous voice vote.

PROPOSAL NOS. 64, 65, 66, 67, 68 and 69, 1991. The President asked for consent to vote on the six transportation proposals together. Consent was given. PROPOSAL NO. 64, 1991. The proposal amends the Code by authorizing intersection controls in the Bradford Pointe (Section 1) and Bradford Creek (Section 2A) subdivisions (District No. 5). PROPOSAL NO. 65, 1991. The proposal amends the Code by authorizing a 35 MPH speed limit on Morgantown Road from Bluff Road to West County Line Road and a 25 MPH speed limit on Potters Pike from 52nd Street to 56th Street (District Nos. 1 and 25). PROPOSAL NO. 66, 1991. The proposal amends the Code by authorizing a 35 MPH speed limit on Moore Road from Lafayette Road to 96th Street (District No. 1). PROPOSAL NO. 67, 1991. The proposal amends the Code by authorizing a 35 MPH speed limit on 21st Street from Dearborn Street to Sherman Drive (District No. 22). PROPOSAL NO. 68, 1991. The proposal amends the Code by authorizing a weight limit restriction on 28th Street from Harding to East Riverside Drive (District No. 9). PROPOSAL NO. 69, 1991. The proposal amends the Code by authorizing a weight limit restriction on Mildred Drive from 30th Street to Maren Drive, on Mussman Drive from 30th Street to 28th Street, and on 28th Street from Georgetown Road to Mussman Drive (District No. 17). Councillor Gilmer requested that Councillor McGrath give the Committee report since he chaired the meeting in his absence. Councillor McGrath reported that the Transportation Committee heard Proposal Nos. 64, 65, 66, 67, 68 and 69, 1991 on January 30, 1991. By a 5-0 vote, the Committee recommended to the Council that Proposal Nos. 64, 65 and 66, 1991 do pass.

February 4, 1991

By a 6-0 vote, the Committee recommended to the Council that Proposal Nos. 67, 68 and 69, 1991 do pass. Councillor McGrath moved, seconded by Councillor Gilmer, for adoption. Proposal Nos. 64, 65, 66, 67, 68 and 69, 1991 were adopted by the following roll call vote; viz:

28 YEAS: *Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Giffin, Gilmer, Golc, Hawkins, Holmes, Howard, Jones, McGrath, Moriarty, Mukes-Gaither, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shaw, Solenberg, Strader, West, Williams*
0 NAYS:
1 NOT VOTING: *Irvin*

Proposal No. 64, 1991 was retitled GENERAL ORDINANCE NO. 28, 1991 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 28, 1991

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
50, Pg. 1	Winding Creek Dr. & 79th St.	79th St.	Stop
50, Pg. 1	Winding Creek Pl. & 79th St.	79th St.	Stop

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

Proposal No. 65, 1991 was retitled GENERAL ORDINANCE NO. 29, 1991 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 29, 1991

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-136, Alteration of prima facie speed limits.

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 29-136, Alteration of prima facie speed limits, be, and the same is hereby amended by the addition of the following, to wit:

- Morgantown Road, from Bluff Road to West County Line Road, 35 MPH
- Potters Pike, from Fifty-second Street to Fifty-sixth Street, 25 MPH

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

Proposal No. 66, 1991 was retitled GENERAL ORDINANCE NO. 30, 1991 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 30, 1991

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-136, Alteration of prima facie speed limits.

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 29-136, Alteration of prima facie speed limits, be, and the same is hereby amended by the addition of the following, to wit:

Moore Road, from Lafayette Road
to 96th Street, 35 MPH

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

Proposal No. 67, 1991 was retitled GENERAL ORDINANCE NO. 31, 1991 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 31, 1991

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-136, Alteration of prima facie speed limits.

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 29-136, Alteration of prima facie speed limits, be, and the same is hereby amended by the addition of the following, to wit:

Twenty-first Street, from Dearborn Street
to Sherman Drive, 35 MPH

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

Proposal No. 68, 1991 was retitled GENERAL ORDINANCE NO. 32, 1991 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 32, 1991

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-224, Trucks on certain streets restricted.

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 29-224, Trucks on certain streets restricted, be, and the same is hereby amended by the addition of the following, to wit:

11,000 POUNDS GROSS WEIGHT LIMIT

Twenty-eighth Street, from
Harding Street to E. Riverside Drive

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

Proposal No. 69, 1991 was retitled GENERAL ORDINANCE NO. 33, 1991 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 33, 1991

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-224, Trucks on certain streets restricted.

February 4, 1991

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 29-224, Trucks on certain streets restricted, be, and the same is hereby amended by the addition of the following, to wit:

11,000 POUNDS GROSS WEIGHT

Mildred Drive, from Thirtieth Street
to Maren Drive

Mussman Drive, from Thirtieth Street
to Twenty-Eighth Street

Twenty-Eighth Street, from Georgetown Road
to Mussman Drive

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

PROPOSAL NO. 75, 1991. Councillor Borst reported that the Metropolitan Development Committee heard Proposal No. 75, 1991 on January 29, 1991. The proposal amends the Sign Regulations by permitting the installation of "NCAA Final Four Basketball Tournament" banners, pennants and/or window signs within the Central Business Districts, Industrial, Commercial, University Quarter-One, and Regional Center-Market Square Development District Zoning Districts of Marion County beginning March 23 through April 4, 1991. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Borst moved, seconded by Councillor Mukes-Gaither, for adoption. Proposal No. 75, 1991 was adopted on the following roll call vote; viz:

24 YEAS: Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Giffin, Gilmer, Golc, Hawkins, Holmes, Howard, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Ruhmkorff, SerVaas, Shaw, Solenberg, Strader, West

0 NAYS:

5 NOT VOTING: Dowden, Irvin, O'Dell, Schneider, Williams

Proposal No. 75, 1991 was retitled GENERAL ORDINANCE NO. 34, 1991 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 34, 1991

A GENERAL ORDINANCE amending the Sign Regulations by permitting the installation of "NCAA Final Four Basketball Tournament" banners, pennants and/or window signs within the Central Business Districts, Industrial, Commercial, University Quarter-One, and Regional Center-Market Square Development District Zoning Districts of Marion County beginning March 23 through April 4, 1991.

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

SECTION 1. The Sign Regulations of Marion County, Indiana be amended to add the following:

That Section 14.03, Table 14.03 of the Sign Regulations of Marion County, Indiana be amended to add the following:

- (25) Banners, pennants and/or window signs directing attention to any business, product, activity, or service, and making reference to and supporting the NCAA Final Four Basketball Tournament shall be permitted for the period beginning one (1) week prior to March 30, 1991, and ending three (3) days following April 1, 1991. Further, these banners, pennants and/or window signs shall be exempt from all permits.

These banners, pennants and/or window signs shall only be permitted in the CBD, Commercial, Industrial, UQ-1, and RCM Zoning Districts.

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

NEW BUSINESS

Councillor Howard announced that the President purchased a table for the King-Walker-Wilkins-Young Memorial Awards Dinner on February 13 and invited both Democrats and Republicans to attend.

ANNOUNCEMENTS AND ADJOURNMENT

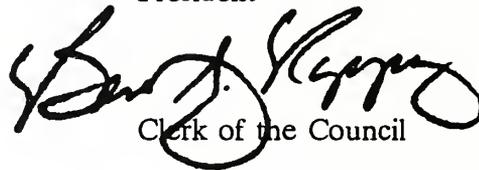
There being no further business, and upon motion duly made and seconded, the meeting adjourned at 8:57 p.m.

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 4th day of February, 1991.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.



President



Clerk of the Council

ATTEST:

(SEAL)