

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

**REGULAR MEETINGS
MONDAY, DECEMBER 13, 1999**

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 7:21 p.m. on Monday, December 13, 1999, with Councillor SerVaas presiding.

Councillor Williams led the opening prayer and invited all present to join her 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: Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Short, Smith, Talley, Tilford, Williams

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

INTRODUCTION OF GUESTS AND VISITORS

Councillor Gray introduced State Representatives Bill Crawford and Mae Dickerson. Councillor Brents recognized constituents Andy Littlejohn and Linda Lasley. Councillor Shambaugh recognized his wife, his son, his sister, her husband, and their two children.

Councillor Curry reported that the Year 2000 (Y2K) Sub-committee met on November 30, 1999. He stated that from all reports and briefings, the City is prepared for Y2K. He added that Councillors can refer to minutes of that meeting to find more detailed information.

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

Ladies And Gentlemen :

You are hereby notified the 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, December 13, 1999, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

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

November 30, 1999

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* on Wednesday, December 1, 1999, and in the *Indianapolis Star* on Thursday, December 2, 1999, a copy of a Notice of Public Hearing on Proposal Nos. 709, 710, 714-716, and 752, 1999, said hearing to be held on Monday, December 13, 1999, at 7:00 p.m. in the City-County Building.

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

December 6, 1999

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Friday, December 10, 1999, a copy of a Legal Notice of General Ordinance No. 145, 1999.

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

December 3, 1999

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

Ladies and Gentlemen:

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

FISCAL ORDINANCE NO. 134, 1999 - authorizes tax anticipation borrowing for the City for the Consolidated City Police Force Account, the Police Pension Fund, the Consolidated City Fire Force Account, the Firemen's Pension Fund, and the Park General Fund during the period from January 1, 2000, through December 31, 2000

FISCAL ORDINANCE NO. 135, 1999 - authorizes tax anticipation borrowing for the County for the County General Fund and the County Family and Children Fund during the period from January 1, 2000, through December 31, 2000

FISCAL ORDINANCE NO. 136, 1999 - approves an increase of \$37,000 in the 1999 Budgets of the County Auditor and the Cooperative Extension Service to launch the program "Integrity Is..." funded by a grant from the Marion County 4-H Clubs

FISCAL ORDINANCE NO. 137, 1999 - approves an increase of \$145,000 and a transfer of \$280,000 in the 1999 Budget of the Department of Metropolitan Development, Division of Permits (Consolidated County Fund) to make technology improvements in the permitting process, funded by a transfer and a reduction in fund balances

FISCAL ORDINANCE NO. 138, 1999 - approves an increase of \$5,000 in the 1999 Budget of the Department of Metropolitan Development, Division of Community Development and Financial Services (State Grants Fund) to make improvements to the Lafayette Square area, financed by a Build Indiana Grant

FISCAL ORDINANCE NO. 139, 1999 - approves an increase of \$192,522 and a transfer of \$167,478 in the 1999 Budget of the Department of Parks and Recreation (Park General Fund) to cover salary costs for additional recreation and leisure services and maintenance through the end of the year, funded by transfers and a reduction of fund balances

FISCAL ORDINANCE NO. 140, 1999 - approves an increase of \$49,661 in the 1999 Budgets of the County Auditor and County Sheriff (State and Federal Grants Fund) to fund salaries and fringes for the Victim Assistance Program and the Child Abuse Intervention and Prevention Program for 1999-2000, funded by a grant from the Indiana Criminal Justice Institute

FISCAL ORDINANCE NO. 141, 1999 - approves an increase of \$36,800 in the 1999 Budget of the Marion County Superior Court, Juvenile Division (State and Federal Grants Fund) for the Restorative Justice Project, funded by a grant from the Indiana Criminal Justice Institute

FISCAL ORDINANCE NO. 142, 1999 - approves an increase of \$454,968 in the 1999 Budgets of the County Auditor and Community Corrections (Home Detention User Fee Fund) to fund salaries, home detention equipment, and office supplies for the second half of fiscal year 1999-2000, funded by home detention user fees

GENERAL ORDINANCE NO. 143, 1999 - provides merit status for city employees serving as park rangers

GENERAL ORDINANCE NO. 144, 1999 - repeals Sec. 291-106 concerning deductions for political contributions

GENERAL ORDINANCE NO. 145, 1999 - reduces the number of false burglar alarm dispatches and the regulatory burden on citizens, businesses, and city government

GENERAL ORDINANCE NO. 146, 1999 - increases the number of members on the Indianapolis City Market Corporation Board of Directors

GENERAL ORDINANCE NO. 147, 1999 - changes in the City/County deferred compensation plan

GENERAL ORDINANCE NO. 148, 1999 - establishes the MECA (Metropolitan Emergency Communications Agency) Emergency Telephone System Fund as a nonreverting fund in order to receive distributions from the Indiana Wireless Enhanced 911 Advisory Board

GENERAL ORDINANCE NO. 149, 1999 - establishes Check Deception Program Fund as a new nonreverting fund for all service fees and charges collected in the administration of the check deception program

GENERAL ORDINANCE NO. 150, 1999 - amends the Code, Chapter 511, Air Pollution Control

GENERAL ORDINANCE NO. 151, 1999 - authorizes parking for marked police vehicles only for the southside of Market Street from Alabama Street to Delaware Street (District 16)

GENERAL ORDINANCE NO. 152, 1999 - authorizes a multi-way stop at Winthrop Avenue and 48th Street (District 6)

GENERAL ORDINANCE NO. 153, 1999 - authorizes a multi-way stop at Kingsley Drive and 49th Street (District 6)

GENERAL ORDINANCE NO. 154, 1999 - authorizes a multi-way stop at Chester Avenue and Walnut Street (District 15)

GENERAL ORDINANCE NO. 155, 1999 - authorizes a multi-way stop at Bretton Wood Drive and Tates Way (District 1)

GENERAL ORDINANCE NO. 156, 1999 - authorizes a multi-way stop at 84th Street and Northwest Boulevard (District 1)

GENERAL ORDINANCE NO. 157, 1999 - authorizes a multi-way stop at Kingsley Drive and Northgate Street (District 7)

GENERAL ORDINANCE NO. 158, 1999 - authorizes a multi-way stop at Heartland Crossing and South County Line Road (District 7)

GENERAL ORDINANCE NO. 159, 1999 - authorizes intersection controls at Belmont Street and Edgewood Avenue (District 25)

GENERAL ORDINANCE NO. 160, 1999 - authorizes 55 degree parking on Michigan Street, on the north side, from New Jersey Street to East Street (District 22)

GENERAL ORDINANCE NO. 161, 1999 - authorizes the removal of the parking restrictions on Hampton Drive and on Haughey Avenue (District 6)

GENERAL ORDINANCE NO. 162, 1999 - authorizes the parking restrictions on Hargeo Drive, Laural Lynn Lane, and Lockwood Lane (District 25)

GENERAL ORDINANCE NO. 163, 1999 - authorizes weight limit restrictions on various streets in the Ameriplex Complex (District 19)

GENERAL ORDINANCE NO. 164, 1999 - authorizes a weight limit restriction on Elizabeth Street from 38th Street to Massachusetts Avenue (District 10)

GENERAL ORDINANCE NO. 165, 1999 - authorizes two-way traffic flow on St. Patrick Street from (1) Morris Street to Prospect, and (2) Prospect Street to Woodlawn Street (District 21)

GENERAL ORDINANCE NO. 166, 1999 - authorizes a one-way street southbound on Limestone Street from Michigan Street to New York Street (District 16)

GENERAL ORDINANCE NO. 167, 1999 - authorizes parking restrictions on Emerson Avenue near Brookville Road (Districts 13, 15)

GENERAL RESOLUTION NO. 18, 1999 - increases the salary schedule for county employees

GENERAL RESOLUTION NO. 19, 1999 - approves the issuance of Promissory Notes in connection with a HUD Section 108 guaranteed loan in the amount of \$6 million for the purpose of funding the acquisition of real property, the relocation of individuals, families, and/or businesses, the demolition and/or clearance of existing structures to prepare sites for redevelopment and the installation of new and/or reconstruction of existing infrastructure in connection with the I-70 Keystone Industrial Park Redevelopment Project

GENERAL RESOLUTION NO. 20, 1999 - approves that the City enter into an Interlocal Agreement with Morgan County relating to culvert replacement in the 9100 block of West South County Line Road

SPECIAL RESOLUTION NO. 82, 1999 - recognizes Pastor Joy L. Thorton of the Greater St. Mark Baptist Church

SPECIAL RESOLUTION NO. 83, 1999 - an inducement resolution for J Squared, Inc. d/b/a University Loft Company in an amount not to exceed \$3 million to be used for the acquisition and renovation of an existing 514,000 square foot building located at 2222 Hillside (University Loft Company Project) (District 10)

SPECIAL RESOLUTION NO. 84, 1999 - determines the need to lease office space at 9001 East 59th Street for the Lawrence Township Assessor

SPECIAL RESOLUTION NO. 85, 1999 - determines the need to lease office space at 4925 South Shelby Street for the Perry Township Assessor

SPECIAL RESOLUTION NO. 86, 1999 - determines the need to lease office space at 2011 North Meridian Street for use by the Domestic Violence Unit of the Indianapolis Police Department

SPECIAL RESOLUTION NO. 87, 1999 - establishes Indianapolis as a City of Character with the Character Council of Indiana and the International Association of Character Cities

SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 4, 1999 - approves an increase of \$50,000 and transfers totaling \$426,800 in the 1999 Budget of the Department of Public Works, Divisions of Solid Waste, Contract Compliance, and Environmental Resources Management (Solid Waste Collection Service District Fund) to provide funding for various operational costs through the end of 1999

Respectfully,
s/Stephen Goldsmith

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

PROPOSAL NO. 758, 1999. The proposal, sponsored by Councillor Hinkle, recognizes the State Champion Ben Davis High School football team. Councillor Hinkle read the proposal and presented representatives with copies of the document and Council pins. Councillors Cockrum, Brents, and Golc also congratulated the team. Head Coach Dick Dullaghan and senior player Jeremy Chandler thanked the Council for the recognition. Councillor Hinkle moved, seconded by Councillor Golc for adoption. Proposal No. 758, 1999 was adopted by a unanimous voice vote.

Proposal No. 758, 1999 was retitled SPECIAL RESOLUTION NO. 88, 1999, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 88, 1999

A SPECIAL RESOLUTION recognizing the State Champion Ben Davis High School football team.

WHEREAS, Saturday, November 27, 1999, was a warm Thanksgiving weekend, and that night the Ben Davis High School Giants had a lot to be thankful for; and

WHEREAS, that evening, the purple and white 14-0 Giants matched up with the number four ranked Penn Kingsmen from Northern Indiana at the large schools Indiana High School Athletic Association's Class 5-A Championship game; and

WHEREAS, after the 27-3 drubbing, Ben Davis stood proud and tall with their fifth State Championship trophy raised high; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes and congratulates the Ben Davis Giants for winning the 1999 State Football Championship Title.

SECTION 2. The Council specifically commends graduating senior team members: Sean Baldwin, Marcus Barnes, David Blackburn, George Brock, Jeremy Chandler, Jay Douglas, Tim Dowd, Joe Edwards, Damon Fine, Robert Gibson, Ron Greene, Lathon Harney, Chad Hendee, Triston Jointer, Sean Jones, Ramy Khao, Brian Maclaughlin, Andrew Robinson, Carl Satterfield, Jamal Satterfield, Tony Simmons, Steve Spinks, Andy Stephens, Jevin Stone, Michael Vernon, John Walker, Brian Waltz and Kris Yoder.

SECTION 3. The Council also recognizes the Juniors and Sophomore team members, Head Coach Dick Dullaghan and the staff of assistant coaches and trainers, the cheerleaders and their faculty coaches, and all of the team's supportive parents, school administrators, teachers and students who all helped make this another banner year for Ben Davis.

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

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

PROPOSAL NO. 759, 1999. The proposal, sponsored by Councillor Borst, recognizes Jim Irsay and the Indianapolis Colts. Councillor Borst read the proposal and presented Mr. Irsay with a copy of the document and a Council pin. Mr. Irsay thanked the Council for the recognition and presented departing Councillors with personalized jerseys. Councillor Borst moved, seconded by Councillor Curry, for adoption. Proposal No. 759, 1999 was adopted by a unanimous voice vote.

Proposal No. 759, 1999 was retitled SPECIAL RESOLUTION NO. 89, 1999, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 89, 1999

A SPECIAL RESOLUTION recognizing Jim Irsay and the Indianapolis Colts.

WHEREAS, the Indianapolis Colts have achieved a winning season with 11 wins, making this their best season since coming to Indianapolis in 1984; and

WHEREAS, the Indianapolis Colts are averaging 28.7 points per game this season, making them the highest average per game scoring team in the National Football League (NFL) history of our city; and

WHEREAS, Coach Jim Mora is one of only 20 coaches in NFL history to coach 200 games, and currently holds the 24th position on the NFL's list of coaches with the most wins; and

WHEREAS, Peyton Manning, Marvin Harrison and Edgerrin James have achieved 1,000 yards rushing, 1,000 yards receiving and 3,000 yards passing so far this season, marking only the second time in the Colts' 47-year history to reach this level; and

WHEREAS, the Indianapolis Colts, under the direction of owner Jim Irsay, have established themselves as a generous and caring corporate citizen, working constantly to earn wins on and off the field; 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 Jim Irsay and the Indianapolis Colts for providing a very exciting professional football season for the citizens of Marion County.

SECTION 2. Jim Irsay and the Indianapolis Colts receive our best wishes for the remainder of the season--up to and including Super Bowl XXXIV.

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. 760, 1999. The proposal, sponsored by Councillor Gray, recognizes the 56th wedding anniversary of Mr. and Mrs. Charlie Jack Hayes. Councillor Gray read the proposal and presented Mr. and Mrs. Hayes with a copy of the document and Council pins. Councillor Gray moved, seconded by Councillor Brents, for adoption. Proposal No. 760, 1999 was adopted by a unanimous voice vote.

Proposal No. 760, 1999 was retitled **SPECIAL RESOLUTION NO. 90, 1999**, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 90, 1999

A SPECIAL RESOLUTION recognizing the 56th wedding anniversary of Mr. and Mrs. Charlie Jack Hayes.

WHEREAS, in 1943, the world was at war, and headlines were filled with news about Roosevelt, Rommel, Patton, victory gardens, and U-boats; but with far less public attention a young couple from Tennessee promised in holy matrimony that they would love and honor each other; and

WHEREAS, fifty-six years later, in 1999, the big names are all gone, but Charlie Jack Hayes and Mary Elizabeth Hayes are still true to their vows that they made more than five decades ago; and

WHEREAS, the marriage has produced seven children, eight grandchildren, and eight great-grandchildren; and

WHEREAS, Mr. Hayes is retired from Indianapolis Public Schools, and now they spend their time with loving their extended family, gardening, and their Pentecostal Assemblies of the World Church; 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 extends its congratulations to Charlie Jack Hayes and Mary Elizabeth Hayes for their 56 years of marriage.

SECTION 2. Their marriage stands as an inspiration for all of us, and may God smile upon this couple and their family as they enter the new Century and Millennium.

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

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

The President stated that Proposal Nos. 761-771, 1999 are special resolutions sponsored by all Councillors recognizing the service of outgoing Councillors. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 761, 1999. The proposal recognizes the public service of Carlton Curry.
PROPOSAL NO. 762, 1999. The proposal recognizes the public service of Ron Franklin.
PROPOSAL NO. 763, 1999. The proposal recognizes the public service of Gordon Gilmer.
PROPOSAL NO. 764, 1999. The proposal recognizes the public service of Jeff Golc.
PROPOSAL NO. 765, 1999. The proposal recognizes the public service of Tommie Jones.
PROPOSAL NO. 766, 1999. The proposal recognizes the public service of W. Tobin McClamroch.
PROPOSAL NO. 767, 1999. The proposal recognizes the public service of Marilyn Moores.
PROPOSAL NO. 768, 1999. The proposal recognizes the public service of Cory O'Dell.
PROPOSAL NO. 769, 1999. The proposal recognizes the public service of William Schneider.
PROPOSAL NO. 770, 1999. The proposal recognizes the public service of Randy Shambaugh.
PROPOSAL NO. 771, 1999. The proposal recognizes the public service of Susan Williams. Councillor SerVaas read the proposals and Councillors Borst and Boyd thanked the Councillors for their service and contributions to this body. Councillor Boyd moved, seconded by Councillor Borst, for adoption. Proposal Nos. 761-771, 1999 were adopted by a unanimous voice vote.

Proposal No. 761, 1999 was retitled SPECIAL RESOLUTION NO. 91, 1999, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 91, 1999

A SPECIAL RESOLUTION recognizing the public service of Carlton Curry

WHEREAS, a free nation rests upon the willingness of responsible citizens who voluntarily and actively participate in the governmental process; and

WHEREAS, the pursuit and achievement of elective office with its attendant commitments of self, time, and energy represents one of the highest expressions of citizenship participation; and

WHEREAS, City-County Councillor Carlton Curry has, with integrity and sincerity, served his constituents and the people of Indianapolis well from 1984 through 1999; and

WHEREAS, Councillor Curry served as Chairman of the Council's Rules and Public Policy Committee and in many other important roles; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes the 16 years of dedicated service given by Councillor Carlton Curry as a member of the Council.

SECTION 2. The Council, in behalf of the citizens of Indianapolis, extends its appreciation and gratitude to Councillor Curry, and encourages him to remain an active participant in the life of this community.

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

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

Proposal No. 762, 1999 was retitled SPECIAL RESOLUTION NO. 92, 1999, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 92, 1999

A SPECIAL RESOLUTION recognizing the public service of Ron Franklin.

WHEREAS, a free nation rests upon the willingness of responsible citizens who voluntarily and actively participate in the governmental process; and

WHEREAS, the pursuit and achievement of elective office with its attendant commitments of self, time, and energy represents one of the highest expressions of citizenship participation; and

WHEREAS, City-County Councillor Ron Franklin has, with integrity and sincerity, served his constituents and the people of Indianapolis well from 1992 to 1999; and

WHEREAS, Councillor Franklin served as Chairman of the Council's Community Affairs Committee and in many other important roles; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes the 8 years of dedicated service given by Councillor Ron Franklin as a member of the Council.

SECTION 2. The Council, in behalf of the citizens of Indianapolis, extends its appreciation and gratitude to Councillor Franklin, and encourages him to remain an active participant in the life of this community.

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

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

Proposal No. 763, 1999 was retitled SPECIAL RESOLUTION NO. 93, 1999, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 93, 1999

A SPECIAL RESOLUTION recognizing the public service of Gordon Gilmer.

WHEREAS, a free nation rests upon the willingness of responsible citizens who voluntarily and actively participate in the governmental process; and

WHEREAS, the pursuit and achievement of elective office with its attendant commitments of self, time, and energy represents one of the highest expressions of citizenship participation; and

WHEREAS, City-County Councillor Gordon Gilmer has, with integrity and sincerity, served his constituents and the people of Indianapolis well from 1972 through 1999; and

WHEREAS, Councillor Gilmer served as Chairman of the Council's Capital Asset Management Committee and in many other important roles; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes the 28 years of dedicated service given by Councillor Gordon Gilmer as a member of the Council.

SECTION 2. The Council, in behalf of the citizens of Indianapolis, extends its appreciation and gratitude to Councillor Gilmer, and encourages him to remain an active participant in the life of this community.

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

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

Proposal No. 764, 1999 was retitled SPECIAL RESOLUTION NO. 94, 1999, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 94, 1999

A SPECIAL RESOLUTION recognizing the public service of Jeff Golc.

WHEREAS, a free nation rests upon the willingness of responsible citizens who voluntarily and actively participate in the governmental process; and

WHEREAS, the pursuit and achievement of elective office with its attendant commitments of self, time, and energy represents one of the highest expressions of citizenship participation; and

WHEREAS, City-County Councillor Jeff Golc has, with integrity and sincerity, served his constituents and the people of Indianapolis well from 1988 through 1999; and

WHEREAS, Councillor Golc actively served on the Council's Public Safety and Criminal Justice, Municipal Corporations and Parks and Recreation Committees and in other important roles; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes the 12 years of dedicated service given by Councillor Jeff Golc as a member of the Council.

SECTION 2. The Council, in behalf of the citizens of Indianapolis, extends its appreciation and gratitude to Councillor Golc, and encourages him to remain an active participant in the life of this community.

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

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

Proposal No. 765, 1999 was retitled SPECIAL RESOLUTION NO. 95, 1999, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 95, 1999

A SPECIAL RESOLUTION recognizing the public service of Tommie Jones.

WHEREAS, a free nation rests upon the willingness of responsible citizens who voluntarily and actively participate in the governmental process; and

WHEREAS, the pursuit and achievement of elective office with its attendant commitments of self, time, and energy represents one of the highest expressions of citizenship participation; and

WHEREAS, City-County Councillor Tommie Jones has, with integrity and sincerity, served her constituents and the people of Indianapolis well during her 1999 tenure on the Council; and

WHEREAS, Councillor Jones served as an active member of the Council's Parks and Recreation, Economic Development, and Public Works Committees and in many other important roles; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes the dedicated service given by Councillor Tommie Jones as a member of the Council.

SECTION 2. The Council, in behalf of the citizens of Indianapolis, extends its appreciation and gratitude to Councillor Jones, and encourages her to remain an active participant in the life of this community.

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

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

Proposal No. 766, 1999 was retitled **SPECIAL RESOLUTION NO. 96, 1999**, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 96, 1999

A SPECIAL RESOLUTION recognizing the public service of W. Tobin McClamroch.

WHEREAS, a free nation rests upon the willingness of responsible citizens who voluntarily and actively participate in the governmental process; and

WHEREAS, the pursuit and achievement of elective office with its attendant commitments of self, time, and energy represents one of the highest expressions of citizenship participation; and

WHEREAS, City-County Councillor W. Tobin McClamroch has, with integrity and sincerity, served his constituents and the people of Indianapolis well from 1992 through 1999; and

WHEREAS, Councillor McClamroch served as Majority Leader, was on the Council's Rules and Public Policy Committee, and served in many other important roles; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes the 8 years of dedicated service given by Councillor W. Tobin McClamroch as a member of the Council.

SECTION 2. The Council, in behalf of the citizens of Indianapolis, extends its appreciation and gratitude to Councillor McClamroch, and encourages him to remain an active participant in the life of this community.

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

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

Proposal No. 767, 1999 was retitled **SPECIAL RESOLUTION NO. 97, 1999**, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 97, 1999

A SPECIAL RESOLUTION recognizing the public service of Marilyn Moores.

WHEREAS, a free nation rests upon the willingness of responsible citizens who voluntarily and actively participate in the governmental process; and

WHEREAS, the pursuit and achievement of elective office with its attendant commitments of self, time, and energy represents one of the highest expressions of citizenship participation; and

WHEREAS, City-County Councillor Marilyn Moores has, with integrity and sincerity, served her constituents and the people of Indianapolis well from 1996 through 1999; and

WHEREAS, Councillor Moores served as an active member of the Council's Public Works, Metropolitan Development, and Regulatory Research and Review Committees and in many other important roles; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes the four years of dedicated service given by Councillor Marilyn Moores as a member of the Council.

SECTION 2. The Council, in behalf of the citizens of Indianapolis, extends its appreciation and gratitude to Councillor Moores, and encourages her to remain an active participant in the life of this community.

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

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

Proposal No. 768, 1999 was retitled SPECIAL RESOLUTION NO. 98, 1999, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 98, 1999

A SPECIAL RESOLUTION recognizing the public service of Cory O'Dell.

WHEREAS, a free nation rests upon the willingness of responsible citizens who voluntarily and actively participate in the governmental process; and

WHEREAS, the pursuit and achievement of elective office with its attendant commitments of self, time, and energy represents one of the highest expressions of citizenship participation; and

WHEREAS, City-County Councillor Cory O'Dell has, with integrity and sincerity, served his constituents and the people of Indianapolis well from 1991 through 1999; and

WHEREAS, Councillor O'Dell served as an active member of the Council's Capital Asset Management, Municipal Corporations, and Parks and Recreation Committees and in many other important roles; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes the nine years of dedicated service by Councillor Cory O'Dell as a member of the Council.

SECTION 2. The Council, in behalf of the citizens of Indianapolis, extends its appreciation and gratitude to Councillor O'Dell, and encourages him to remain an active participant in the life of this community.

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

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

Proposal No. 769, 1999 was retitled SPECIAL RESOLUTION NO. 99, 1999, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 99, 1999

A SPECIAL RESOLUTION recognizing the public service of William Schneider.

WHEREAS, a free nation rests upon the willingness of responsible citizens who voluntarily and actively participate in the governmental process; and

WHEREAS, the pursuit and achievement of elective office with its attendant commitments of self, time, and energy represents one of the highest expressions of citizenship participation; and

WHEREAS, City-County Councillor William "Bill" Schneider has, with integrity and sincerity, served his constituents and the people of Indianapolis well from 1972 through 1999; and

WHEREAS, Councillor Schneider served as Chairman of the Council's Administration and Finance Committee and in many other important roles; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes the 31 years of dedicated service given by Councillor William Schneider as a member of the Council, and as a County Commissioner before that.

SECTION 2. The Council, in behalf of the citizens of Indianapolis, extends its appreciation and gratitude to Councillor Schneider, and encourages him to remain an active participant in the life of this community.

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

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

Proposal No. 770, 1999 was retitled SPECIAL RESOLUTION NO. 100, 1999, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 100, 1999

A SPECIAL RESOLUTION recognizing the public service of Randy Shambaugh

WHEREAS, a free nation rests upon the willingness of responsible citizens who voluntarily and actively participate in the governmental process; and

WHEREAS, the pursuit and achievement of elective office with its attendant commitments of self, time, and energy represents one of the highest expressions of citizenship participation; and

WHEREAS, City-County Councillor Randy Shambaugh has, with integrity and sincerity, served his constituents and the people of Indianapolis well from 1992 through 1999; and

WHEREAS, Councillor Shambaugh served as Chairman of the Council's Parks and Recreation Committee and in many other important roles; now, therefore:

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

SECTION I. The Indianapolis City-County Council recognizes the eight years of dedicated service given by Councillor Randy Shambaugh as a member of the Council.

SECTION 2. The Council, in behalf of the citizens of Indianapolis, extends its appreciation and gratitude to Councillor Shambaugh, and encourages him to remain an active participant in the life of this community.

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

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

Proposal No. 771, 1999 was retitled SPECIAL RESOLUTION NO. 101, 1999, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 101, 1999

A SPECIAL RESOLUTION recognizing the public service of Susan Williams.

WHEREAS, a free nation rests upon the willingness of responsible citizens who voluntarily and actively participate in the governmental process; and

WHEREAS, the pursuit and achievement of elective office with its attendant commitments of self, time, and energy represents one of the highest expressions of citizenship participation; and

WHEREAS, City County Councillor Susan Williams has, with integrity and sincerity, served her constituents and the people of Indianapolis well from 1985 through 1999; and

WHEREAS, Councillor Williams served as an active member of the Council's Capital Asset Management, Metropolitan Development, and Economic Development Committees and in many other important roles; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes the nearly fifteen years of dedicated service given by Councillor Susan Williams as a member of the Council.

SECTION 2. The Council, in behalf of the citizens of Indianapolis, extends its appreciation and gratitude to Councillor Williams, and encourages her to remain an active participant in the life of this community.

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

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

Councillor McClamroch stated that Proposal Nos. 695, 723, 724, and 725, 1999 are all board appointments and passed out of respective Committees with unanimous recommendations that they do pass. He asked for consent to vote on these proposals together.

Councillor Boyd stated that he is against all of the appointment proposals because such appointments should not be made on the eve of a new administration. He stated that he does not object to the personalities of the proposals, but objects to the process.

Councillor McClamroch stated that appointments are routinely made at the end of the year before terms expire. He stated that many appointments have been postponed because of the new administration, but these appointments are an attempt to ensure that government continues to run smoothly throughout the transition.

Councillor Curry stated that the appointment addressed in Proposal No. 695, 1999 is very critical. If this appointment is not confirmed, the board will not have a quorum and cannot carry on any

business until late in January or early February, which is the soonest an appointment could be confirmed.

Councillor Gray stated that in many instances, appointees continue to serve until their successor is named and are often not re-appointed until half-way through the year.

Councillor Talley stated that the tax assessment board appointments are valid sixty days after the expiration of the term stated in the resolution.

Councillor Schneider stated that these are all Council appointments, and waiting only prolongs the process and hurts the effectiveness of the boards.

Councillor Williams stated that the new Councillors will be the ones to whom these appointees are accountable, and therefore should be the ones responsible for the appointments.

Councillor Boyd stated that he is opposed to voting on the proposals together.

PROPOSAL NO. 695, 1999. The proposal appoints Carol Ryan to the Animal Control Board. Councillor McClamroch moved, seconded by Councillor Curry, for adoption. Proposal No. 695, 1999 was adopted by a voice vote.

Proposal No. 695, 1999 was retitled COUNCIL RESOLUTION NO. 71, 1999, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 71, 1999

A COUNCIL RESOLUTION appointing Carol Ryan to the Animal Control Board.

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

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

Carol Ryan

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1999. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

The President stated that he had agreed to allow representatives of the Indianapolis Coalition for Neighborhood Development (ICND) to make a brief presentation. He asked for consent to allow the presentation at this time. Consent was given.

Dorothy Jones, representative of ICND, thanked all of the outgoing Councillors for their support of the neighborhoods and the Community Development Corporations (CDCs). She awarded plaques to Councillor Jones and her late husband Councillor Paul Jones, Councillor Golc, and Councillor Williams for being great partners in the redevelopment of neighborhoods.

PROPOSAL NO. 723, 1999. The proposal reappoints Steve Ajamie to the County Property Tax Assessment Board of Appeals.

Councillor Coonrod stated that there were no objections in Committee regarding these appointments, and Democratic Committee members actually moved for adoption of this proposal. He added that the Councillors-elect have been attending meetings and familiarizing themselves

with proposals and agendas since the election, and if they had any opposition to these appointments, they should have attended the Committee hearings and expressed their concerns.

Councillor Talley stated that he voted in favor of the proposal in Committee, but that he is opposed to the process, not the personalities involved in these appointments.

Councillor McClamroch moved, seconded by Councillor Schneider, for adoption. Proposal No. 723, 1999 was adopted by a voice vote.

Proposal No. 723, 1999 was retitled COUNCIL RESOLUTION NO. 72, 1999, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 72, 1999

A COUNCIL RESOLUTION reappointing Steve Ajamie to the County Property Tax Assessment Board of Appeals.

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

SECTION 1. As a member of the County Property Tax Assessment Board of Appeals, the Council reappoints:

Steve Ajamie

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2000. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

PROPOSAL NO. 724, 1999. The proposal reappoints Mary Gillum to the County Property Tax Assessment Board of Appeals. Councillor McClamroch moved, seconded by Councillor Schneider, for adoption. Proposal No. 724 was adopted on the following roll call vote; viz:

17 YEAS: Borst, Bradford, Cockrum, Coonrod, Curry, Dowden, Franklin, Hinkle, Massie, McClamroch, Moores, O'Dell, Schneider, SerVaas, Shambaugh, Smith, Tilford
10 NAYS: Black, Boyd, Brents, Golc, Gray, Jones, Moriarty Adams, Short, Talley, Williams
2 NOT VOTING: Coughenour, Gilmer

Proposal No. 724, 1999 was retitled COUNCIL RESOLUTION NO. 73, 1999, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 73, 1999

A COUNCIL RESOLUTION reappointing Mary Gillum to the County Property Tax Assessment Board of Appeals.

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

SECTION 1. As a member of the County Property Tax Assessment Board of Appeals, the Council reappoints:

Mary Gillum

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2000. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

PROPOSAL NO. 725, 1999. The proposal appoints Paul Ricketts to the City-County Administrative Board. Councillor McClamroch moved, seconded by Councillor Massie, for adoption. Proposal No. 725, 1999 was adopted on the following roll call vote; viz:

17 YEAS: Borst, Bradford, Cockrum, Coonrod, Curry, Dowden, Franklin, Hinkle, Massie, McClamroch, Moores, O'Dell, Schneider, SerVaas, Shambaugh, Smith, Tilford
10 NAYS: Black, Boyd, Brents, Golc, Gray, Jones, Moriarty Adams, Short, Talley, Williams
2 NOT VOTING: Coughenour, Gilmer

Proposal No. 725, 1999 was retitled COUNCIL RESOLUTION NO. 74, 1999, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 74, 1999

A COUNCIL RESOLUTION appointing Paul Ricketts to the City-County Administrative Board.

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

SECTION 1. As a member of the City-County Administrative Board, the Council appoints:

Paul Ricketts

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2000. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 753, 1999. Introduced by Councillor Cockrum. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints John Hall to the Indianapolis-Marion County Building Authority Board of Trustees"; and the President referred it to the Municipal Corporations Committee.

Councillor Coonrod moved to suspend the rules to consider Proposal No. 753, 1999 at this meeting. General Counsel Robert Elrod stated that if 18 members of the Council body vote to bring the proposal before the Council, it can be voted on this evening. Councillor Smith seconded the motion to place Proposal No. 753, 1999 on the agenda for final adoption, which motion passed on the following roll call vote; viz:

19 YEAS: Borst, Bradford, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Hinkle, Massie, McClamroch, Moores, O'Dell, Schneider, SerVaas, Shambaugh, Smith, Tilford
10 NAYS: Black, Boyd, Brents, Golc, Gray, Jones, Moriarty Adams, Short, Talley, Williams

Councillor McClamroch moved, seconded by Councillor Coonrod, for adoption. Proposal No. 753, 1999 was adopted on the following roll call vote; viz:

19 YEAS: Borst, Bradford, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Hinkle, Massie, McClamroch, Moores, O'Dell, Schneider, SerVaas, Shambaugh, Smith, Tilford
10 NAYS: Black, Boyd, Brents, Golc, Gray, Jones, Moriarty Adams, Short, Talley, Williams

Proposal No. 753, 1999 was retitled COUNCIL RESOLUTION NO. 75, 1999, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 75, 1999

A COUNCIL RESOLUTION appointing John Hall to the Indianapolis-Marion County Building Authority Board of Trustees.

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

SECTION 1. As a member of the Indianapolis-Marion County Building Authority Board of Trustees, the Council appoints:

John Hall

SECTION 2. The appointment made by this resolution is for a term ending June 3, 2003. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

PROPOSAL NO. 779, 1999. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Terry Hursh to the Ft. Harrison Reuse Authority"; and the President referred it to the Economic Development Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

Councillor Borst reported that the Economic Development Committee heard Proposal Nos. 754-757, 1999 on December 9, 1999.

PROPOSAL NO. 754, 1999. The proposal is an inducement resolution for Southern Apartment Specialists, Inc. in an amount not to exceed \$11,000,000 to be used for the acquisition and renovation of the existing 312-unit Bedford Park Apartments located at 4900 Edinborough Way (Bedford Park Apartments Project) (District 17). By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Moriarty Adams stated that she will abstain to avoid the appearance of a conflict of interest.

Councillor Borst moved, seconded by Councillor Cockrum, for adoption. Proposal No. 754, 1999 was adopted on the following roll call vote; viz:

26 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Hinkle, Jones, Massie, McClamroch, Moores, O'Dell, Schneider, SerVaas, Shambaugh, Short, Smith, Talley, Tilford

0 NAYS:

3 NOT VOTING: Gray, Moriarty Adams, Williams

Proposal No. 754, 1999 was retitled SPECIAL RESOLUTION NO. 102, 1999, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 102, 1999

A SPECIAL RESOLUTION approving and authorizing certain actions and proceedings with respect to certain proposed economic development revenue bonds.

WHEREAS, the City of Indianapolis, Indiana (the "Issuer") is authorized by IC 36-7-11.9 and IC 36-7-12 (collectively, the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, renovation, construction, installation and equipping of said facilities, and said facilities to be either sold or leased to a company or

the proceeds of the revenue bond issue may be loaned to the company and said facilities directly owned by the company; and

WHEREAS, Southern Apartment Specialists, Inc. (the "Applicant"), has advised the Indianapolis Economic Development Commission and the Issuer that it proposes that the Issuer either acquire certain economic development facilities and sell or lease the same to Applicant or loan the proceeds of an economic development financing to the Applicant for the same, said economic development facilities referred to as the acquisition and renovation of the existing 312-unit apartment complex and clubhouse known as Bedford Park West located at 4900 Edinborough Lane, Indianapolis, Indiana (the "Project"); and

WHEREAS, the diversification of industry and the retention of opportunities for gainful employment and the creation of business opportunities to be achieved by the acquisition and renovation of the Project will serve a public purpose and be of benefit to the health or general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and renovation of the Project will not have an adverse competitive effect on similar facilities already constructed or operating within the jurisdiction of the Issuer; now, therefore:

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

SECTION 1. It finds, determines, ratifies and confirms that the diversification of industry and the retention of opportunities for gainful employment within the jurisdiction of the Issuer is desirable, serves a public purpose, and is of benefit to the health or general welfare of the Issuer; and that it is in the public interest that this Issuer take such action as it lawfully may to encourage the diversification of industry, the creation of business opportunities, and the retention of opportunities for gainful employment within the jurisdiction of the Issuer.

SECTION 2. It further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the Issuer in an amount not to exceed \$11,000,000 under the Act to be privately placed or publicly offered with credit enhancement for the acquisition and renovation of the Project and the sale or leasing of the Project to the Applicant or the loan of the proceeds of the revenue bonds to the Applicant for the acquisition, expansion and renovation of the Project will serve the public purposes referred to above in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition and renovation of the Project, this Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided (a) that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant and (b) subject to the further caveat that this inducement resolution expires June 30, 2000, unless such bonds have been issued or an Ordinance authorizing the issuance of such bonds has been adopted by the governing body of the Issuer prior to the aforesaid date or unless, upon a showing of good cause by the Applicant, the Issuer, by official action, extends the term of this inducement resolution; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds, provided that at the time of the proposed issuance of such bonds (a) this inducement resolution is still in effect and (b) if applicable, the aggregate amount of private activity bonds previously issued during that calendar year will not exceed the private activity bond limit for such calendar year, it being understood that the Issuer, by taking this action, is not making any representation nor any assurances that (1) any such allocable limit will be available, because inducement resolutions in an aggregate amount in excess of the private activity bond limit may and in all probability will be adopted; (2) the proposed Project will have no priority over other projects which have applied for such private activity bonds and have received inducement resolutions; and (3) no portion of such activity bond limit has been guaranteed for the proposed Project; and (iii) it will use its best efforts at the request of the Applicant to authorize the issuance of additional bonds for refunding and refinancing the outstanding principal amount of the bonds, for completion of the Project and for additions to the Project, including the costs of issuance (providing that the financing of such addition or additions to the Project is found to have a public purpose [as defined in the Act] at the time of authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of the Act.

SECTION 4. All costs of the Project incurred after the date which is sixty (60) days prior to the adoption of this resolution, including reimbursement or repayment to the Applicant of monies expended by the Applicant for application fees, planning, engineering, underwriting expenses, attorney and bond counsel fees, and acquisition and rehabilitation of the Project will be permitted to be included as part of the bond

issue to finance said Project, and the Issuer will thereafter sell the same to the Applicant or loan the proceeds of the revenue bonds to the Applicant for the same purpose. Also certain indirect expenses incurred prior to such date will be permitted to be included as part of the bond issue to finance the Project in accordance with the Final Regulations (T 8476) on Arbitrage Restrictions on Tax-Exempt Bonds in particular Section 1.150-2.

SECTION 5. The City-County Council recognizes that the Applicant intends to utilize Low Income Housing Tax Credits, if available, pursuant to Section 42 of the Internal Revenue Code of 1986, as amended, or any successor section thereof in connection with the financing of the Project with tax-exempt bonds.

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

PROPOSAL NO. 755, 1999. The proposal is an inducement resolution for Affordable Housing Partners, Inc. in an amount not to exceed \$24,000,000 to be used for the acquisition and renovation of the existing 402-unit Braeburn Village Apartments and the construction of an adjacent day care center located at 2170 Braeburn East Drive (Braeburn Village Apartments Project) (District 12). 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 Franklin, for adoption. Proposal No. 755, 1999 was adopted on the following roll call vote; viz:

27 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Short, Smith, Talley
0 NAYS:
2 NOT VOTING: Tilford, Williams

Proposal No. 755, 1999 was retitled SPECIAL RESOLUTION NO. 103, 1999, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 103, 1999

A SPECIAL RESOLUTION approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

WHEREAS, the City of Indianapolis, Indiana (the "Issuer") is authorized by IC 36-7-11.9 and IC 36-7-12 (collectively, the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, renovation, construction, installation and equipping of said facilities, and said facilities to be either sold or leased to a company or the proceeds of the revenue bond issue may be loaned to the company and said facilities directly owned by the company; and

WHEREAS, Affordable Housing Partners, Inc., a 501(c)(3) organization (the "Applicant"), has advised the Indianapolis Economic Development Commission (the "Commission") and the Issuer that it proposes that the Issuer either acquire certain economic development facilities and sell or lease the same to Applicant or loan the proceeds of an economic development financing to the Applicant for the same, said economic development facilities consist of the acquisition and renovation of the existing 402-unit Braeburn Village Apartments and the construction of an adjacent day care center located on approximately a 33.06 acre parcel of land at 2170 Braeburn East Drive, Indianapolis, Indiana (the "Project"); and

WHEREAS, the diversification of industry and the retention of opportunities for gainful employment and the creation of business opportunities to be achieved by the acquisition and renovation of the Project will serve a public purpose and be of benefit to the health or general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and renovation of the Project will not have an adverse competitive effect on similar facilities already constructed or operating within the jurisdiction of the Issuer; now, therefore:

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

SECTION 1. It finds, determines, ratifies and confirms that the diversification of industry and the retention of opportunities for gainful employment within the jurisdiction of the Issuer, is desirable, serves a public purpose, and is of benefit to the health or general welfare of the Issuer; and that it is in the public interest that this Issuer take such action as it lawfully may to encourage the diversification of industry, the creation of business opportunities, and the retention of opportunities for gainful employment within the jurisdiction of the Issuer.

SECTION 2. It further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the Issuer in an amount not to exceed \$24,000,000 under the Act to be privately placed or publicly offered if permitted under current Commission policy for the acquisition and renovation of the Project and the sale or leasing of the Project to the Applicant or the loan of the proceeds of the revenue bonds to the Applicant for the acquisition and renovation of the Project will serve the public purposes referred to above in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition and renovation of the Project, this Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided (a) that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant and (b) subject to the further caveat that this inducement resolution expires June 30, 2000, unless such bonds have been issued or an Ordinance authorizing the issuance of such bonds has been adopted by the governing body of the Issuer prior to the aforesaid date or unless, upon a showing of good cause by the Applicant, the Issuer, by official action, extends the term of this inducement resolution; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds, provided that at the time of the proposed issuance of such bonds (a) this inducement resolution is still in effect and (b) if applicable, the aggregate amount of private activity bonds previously issued during that calendar year will not exceed the private activity bond limit for such calendar year, it being understood that the Issuer, by taking this action, is not making any representation nor any assurances that (1) any such allocable limit will be available, because inducement resolutions in an aggregate amount in excess of the private activity bond limit may and in all probability will be adopted; (2) the proposed Project will have no priority over other projects which have applied for such private activity bonds and have received inducement resolutions; and (3) no portion of such activity bond limit has been guaranteed for the proposed Project; and (iii) it will use its best efforts at the request of the Applicant to authorize the issuance of additional bonds for refunding and refinancing the outstanding principal amount of the bonds, for completion of the Project and for additions to the Project, including the costs of issuance (providing that the financing of such addition or additions to the Project is found to have a public purpose [as defined in the Act] at the time of authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of the Act.

SECTION 4. All costs of the Project incurred after the date which is sixty (60) days prior to the adoption of this resolution, including reimbursement or repayment to the Applicant of monies expended by the Applicant for application fees, planning, engineering, underwriting expenses, attorney and bond counsel fees, and acquisition and renovation of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter sell the same to the Applicant or loan the proceeds of the revenue bonds to the Applicant for the same purpose. Also certain indirect expenses incurred prior to such date will be permitted to be included as part of the bond issue to finance the Project in accordance with the Final Regulations (T 8476) on Arbitrage Restrictions on Tax-Exempt Bonds in particular Section 1.150-2.

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

PROPOSAL NO. 756, 1999. The proposal is an inducement resolution for Community Reinvestment Foundation, Inc. or Cloverleaf Associates, LP, a to-be-formed limited partnership in an amount not to exceed \$3,000,000 to be used for the acquisition and renovation of the existing 136-unit Cloverleaf Apartments, Phase I located at 835 Cloverleaf Terrace (Cloverleaf Apartments, Phase I Project) (District 18). By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Borst moved, seconded by

Councillor Coonrod, for adoption. Proposal No. 756, 1999 was adopted on the following roll call vote; viz:

25 YEAS: *Black, Borst, Boyd, Bradford, Brents, Cockrum, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Hinkle, Jones, Massie, McClanroch, Moores, O'Dell, Schneider, SerVaas, Shambaugh, Short, Talley, Tilford*

0 NAYS:

4 NOT VOTING: *Coonrod, Moriarty Adams, Smith, Williams*

Proposal No. 756, 1999 was retitled SPECIAL RESOLUTION NO. 104, 1999, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 104, 1999

A SPECIAL RESOLUTION approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

WHEREAS, the City of Indianapolis, Indiana (the "Issuer") is authorized by IC 36-7-11.9 and IC 36-7-12 (collectively, the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, renovation, construction, installation and equipping of said facilities, and said facilities to be either sold or leased to a company or the proceeds of the revenue bond issue may be loaned to the company and said facilities directly owned by the company; and

WHEREAS, Cloverleaf Associates, LP or Community Reinvestment Foundation, Inc., an Indiana not-for-profit corporation (the "Applicant"), has advised the Indianapolis Economic Development Commission (the "Commission") and the Issuer that it proposes that the Issuer either acquire certain economic development facilities and sell or lease the same to Applicant or loan the proceeds of an economic development financing to the Applicant for the same, said economic development facilities consist of the acquisition and renovation of the existing 136-unit Cloverleaf Apartments located on approximately a 10.91 acre parcel of land at 835 Cloverleaf Terrace, Indianapolis, Indiana (the "Project"); and

WHEREAS, the diversification of industry and the retention of opportunities for gainful employment and the creation of business opportunities to be achieved by the acquisition and renovation of the Project will serve a public purpose and be of benefit to the health or general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and renovation of the Project will not have an adverse competitive effect on similar facilities already constructed or operating within the jurisdiction of the Issuer; now, therefore:

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

SECTION 1. It finds, determines, ratifies and confirms that the diversification of industry and the retention of opportunities for gainful employment within the jurisdiction of the Issuer, is desirable, serves a public purpose, and is of benefit to the health or general welfare of the Issuer; and that it is in the public interest that this Issuer take such action as it lawfully may to encourage the diversification of industry, the creation of business opportunities, and the retention of opportunities for gainful employment within the jurisdiction of the Issuer.

SECTION 2. It further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the Issuer in an amount not to exceed \$3,000,000 under the Act to be privately placed or publicly offered if permitted under current Commission policy for the acquisition and renovation of the Project and the sale or leasing of the Project to the Applicant or the loan of the proceeds of the revenue bonds to the Applicant for the acquisition and renovation of the Project will serve the public purposes referred to above in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition and renovation of the Project, this Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided (a) that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant and (b) subject to the further caveat that this inducement

resolution expires June 30, 2000, unless such bonds have been issued or an Ordinance authorizing the issuance of such bonds has been adopted by the governing body of the Issuer prior to the aforesaid date or unless, upon a showing of good cause by the Applicant, the Issuer, by official action, extends the term of this inducement resolution; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds, provided that at the time of the proposed issuance of such bonds (a) this inducement resolution is still in effect and (b) if applicable, the aggregate amount of private activity bonds previously issued during that calendar year will not exceed the private activity bond limit for such calendar year, it being understood that the Issuer, by taking this action, is not making any representation nor any assurances that (1) any such allocable limit will be available, because inducement resolutions in an aggregate amount in excess of the private activity bond limit may and in all probability will be adopted; (2) the proposed Project will have no priority over other projects which have applied for such private activity bonds and have received inducement resolutions; and (3) no portion of such activity bond limit has been guaranteed for the proposed Project; and (iii) it will use its best efforts at the request of the Applicant to authorize the issuance of additional bonds for refunding and refinancing the outstanding principal amount of the bonds, for completion of the Project and for additions to the Project, including the costs of issuance (providing that the financing of such addition or additions to the Project is found to have a public purpose [as defined in the Act] at the time of authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of the Act.

SECTION 4. All costs of the Project incurred after the date which is sixty (60) days prior to the adoption of this resolution, including reimbursement or repayment to the Applicant of monies expended by the Applicant for application fees, planning, engineering, underwriting expenses, attorney and bond counsel fees, and acquisition and renovation of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter sell the same to the Applicant or loan the proceeds of the revenue bonds to the Applicant for the same purpose. Also certain indirect expenses incurred prior to such date will be permitted to be included as part of the bond issue to finance the Project in accordance with the Final Regulations (T 8476) on Arbitrage Restrictions on Tax-Exempt Bonds in particular Section 1.150-2.

SECTION 5. The City-County Council recognizes that the Applicant intends to utilize Low Income Housing Tax Credits, if available, pursuant to Section 42 of the Internal Revenue Code of 1986, as amended, or any successor section thereof in connection with the financing of the Project with tax-exempt bonds.

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

PROPOSAL NO. 757, 1999. The proposal is an inducement resolution for The Orchard School Foundation in an amount not to exceed \$12,000,000 to be used for the renovation and expansion of classrooms and the construction and relocation of student extracurricular space located at 615 West 64th Street (The Orchard School Foundation Project) (District 2). By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Black asked if any union contractors will be used in this project. Dan Borenburg, headmaster of Orchard School, stated that Shiel Sexton has been hired as the contractor and will hire its own sub-contractors.

Councillor Franklin stated that he asked in Committee if the project will use women or minority contractors. The developers answered that they will be using women and minority contractors. He stated that he has asked Councillor Boyd to follow up on this issue during the final approval process of this application, as he will no longer be on the Council.

Councillor Borst moved, seconded by Councillor Cockrum, for adoption. Proposal No. 757, 1999 was adopted on the following roll call vote; viz:

23 YEAS: *Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Hinkle, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Smith, Talley, Tilford*
3 NAYS: *Black, Gray, Jones*
3 NOT VOTING: *Golc, Short, Williams*

Proposal No. 757, 1999 was retitled SPECIAL RESOLUTION NO. 105, 1999, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 105, 1999

A SPECIAL RESOLUTION approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

WHEREAS, the City of Indianapolis, Indiana (the "Issuer") is authorized by I.C. 36-7-11.9 and I.C. 36-7-12 (collectively, the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, renovation, construction, installation and equipping of said facilities, and said facilities to be either sold or leased to a company or the proceeds of the revenue bond issue may be loaned to the company and said facilities directly owned by the company;

WHEREAS, The Orchard School Foundation (the "Applicant"), has advised the Indianapolis Economic Development Commission and the Issuer that it proposes that the Issuer either acquire certain economic development facilities and sell or lease the same to Applicant or loan the proceeds of an economic development financing to the Applicant for the same. The Applicant will use the proceeds of the financing to (i) proceed with the renovation and expansion of classrooms and the construction and relocation of student activity space; the installation of a centralized HVAC system; and the construction of a theater and ancillary site improvements for use at the educational facilities located on approximately a 41 acre parcel of land at 615 West 64th Street in an amount not to exceed \$12,000,000; (ii) pay a portion of the interest to accrue on the bonds and to fund certain reserves for the bonds; and (iii) pay certain costs relating to the issuance of the bonds (the "Project");

WHEREAS, the diversification of industry and the retention and creation of opportunities for gainful employment plus the creation of a construction job payroll and the creation of business opportunities to be achieved by the expansion and renovation of the Project will serve a public purpose and be of benefit to the health or general welfare of the Issuer and its citizens;

WHEREAS, the renovation and expansion of the Project will not have an adverse competitive effect on similar facilities already constructed or operating within the jurisdiction of the Issuer; now, therefore:

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

SECTION 1. It finds, determines, ratifies and confirms that the diversification of industry and the retention of opportunities for gainful employment within the jurisdiction of the Issuer, is desirable, serves a public purpose, and is of benefit to the health or general welfare of the Issuer; and that it is in the public interest that this Issuer take such action as it lawfully may to encourage the diversification of industry, the creation of business opportunities, and the retention of opportunities for gainful employment within the jurisdiction of the Issuer.

SECTION 2. It further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the Issuer in an amount not to exceed \$12,000,000 under the Act to be privately placed or publicly offered with credit enhancement for the expansion and renovation of the Project and the sale or leasing of the Project to the Applicant or the loan of the proceeds of the revenue bonds to the Applicant for the expansion and renovation of the Project will serve the public purposes referred to above in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the expansion and renovation of the Project, this Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided (a) that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant and (b) subject to the further caveat that this inducement resolution expires June 30, 2000, unless such bonds have been issued or an Ordinance authorizing the issuance of such bonds has been adopted by the governing body of the Issuer prior to the aforesaid date

or unless, upon a showing of good cause by the Applicant, the Issuer, by official action, extends the term of this inducement resolution; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds, provided that at the time of the proposed issuance of such bonds this inducement resolution is still in effect; and (iii) it will use its best efforts at the request of the Applicant to authorize the issuance of additional bonds for refunding and refinancing the outstanding principal amount of the bonds, for completion of the Project and for additions to the Project, including the costs of issuance (providing that the financing of such addition or additions to the Project is found to have a public purpose [as defined in the Act] at the time of authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of the Act.

SECTION 4. All costs of the Project incurred after the date which is sixty (60) days prior to the adoption of this resolution, including reimbursement or repayment to the Applicant of monies expended by the Applicant for application fees, planning, engineering, underwriting expenses, attorney and bond counsel fees, and expansion and renovation of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter sell the same to the Applicant or loan the proceeds of the revenue bonds to the Applicant for the same purpose. Also certain indirect expenses incurred prior to such date will be permitted to be included as part of the bond issue to finance the Project in accordance with the Final Regulations (T 8476) on Arbitrage Restrictions on Tax-Exempt Bonds in particular Section 1.150-2.

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

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 772, 1999 and PROPOSAL NOS. 773-778, 1999. Introduced by Councillor Hinkle. Proposal No. 772, 1999 and Proposal Nos. 773-778, 1999 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on December 9, 1999. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 192-198, 1999, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 192, 1999.
99-Z-146
8120 WEST WASHINGTON STREET (approximate address), INDIANAPOLIS.
WAYNE TOWNSHIP, COUNCILMANIC DISTRICT #19
IBRAHIM TAI, by Edward Williams, requests a rezoning of 1.813 acres, being in the D-5 District, to the C-4 classification to provide for an existing motel use.

REZONING ORDINANCE NO. 193, 1999.
99-Z-134
6509 EAST 75TH STREET (approximate address), INDIANAPOLIS.
LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT #4
MFH OF SOUTH FLORIDA, INC., by Philip A. Nicely, requests a rezoning of 5.193 acres, being in the C-3 District, to the C-S classification to provide for C-3 uses and the following C-4 and C-5 uses: an indoor golf driving range, indoor practice putting and chipping green, indoor miniature golf, accessory office, pro shop and food/beverage operation, outdoor batting cages, and outdoor miniature golf.

REZONING ORDINANCE NO. 194, 1999.
99-Z-138
615 SOUTH COLLEGE AVENUE (approximate address), INDIANAPOLIS.
CENTER TOWNSHIP, COUNCILMANIC DISTRICT #16
MAGGIE BRENTS AND S. KISHAN RANASINGHE requests a rezoning of 0.75 acre, being in the C-5 District, to the D-8 classification.

REZONING ORDINANCE NO. 195, 1999.

99-Z-148

9045 EAST 30TH STREET (approximate address), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT #5

CALVARY TEMPLE ASSEMBLY OF GOD, INC., by Herbert A. Jensen, requests a rezoning of 0.758 acre, being in the C-3 District, to the SU-1 classification to provide for religious uses.

REZONING ORDINANCE NO. 196, 1999.

99-Z-152

7802 NORTH SHADELAND AVENUE (approximate address), INDIANAPOLIS.

LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT #4

NAYAN, INC., by Thomas Michael Quinn, requests a rezoning of 2.004 acres, being in the C-1 District, to the HD-2 classification to provide for a suites hotel to serve the Hospital District area.

REZONING ORDINANCE NO. 197, 1999.

99-Z-155

237 AND 243 NORTH RURAL STREET (approximate addresses), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT #15

ENGLEWOOD CHRISTIAN CHURCH requests a rezoning of 0.661 acre, being in the SU-1 District, to the D-5 classification to provide for single-family residential development.

REZONING ORDINANCE NO. 198, 1999.

99-Z-158

1248, 1252, 1254 WINDSOR STREET (approximate addresses), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT #22

METROPOLITAN DEVELOPMENT COMMISSION requests a rezoning of 0.4 acre, being in the D-8, C-2 Districts, to the SU-1 classification to provide for existing religious uses.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 709, 1999. Councillor Franklin reported that the Community Affairs Committee heard Proposal No. 709, 1999 on December 8, 1999. The proposal approves an increase of \$4,500,000 in the 1999 Budget of the Marion County Office of Family and Children (Family and Children Fund) to finance the expenditures for December 1999, and authorizing a loan from the County General Fund. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

The President called for public testimony at 9:42 p.m. There being no one present to testify, Councillor Franklin moved, seconded by Councillor Coughenour, for adoption. Proposal No. 709, 1999, as amended, was adopted on the following roll call vote; viz:

22 YEAS: Boyd, Bradford, Brents, Cockrum, Coughenour, Curry, Dowden, Franklin, Gilmer, Gray, Jones, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, SerVaas, Shambaugh, Short, Smith, Talley, Tilford

1 NAY: Coonrod

6 NOT VOTING: Black, Borst, Golc, Hinkle, Schneider, Williams

Proposal No. 709, 1999, as amended, was retitled FISCAL ORDINANCE NO. 143, 1999, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 143, 1999

A FISCAL ORDINANCE amending the City-County Annual Budget for 1999 (City-County Fiscal Ordinance No. 122, 1998) appropriating an additional Four Million Five Hundred Thousand Dollars (\$4,500,000) in the Family and Children Fund for purposes of the Marion County Office of Family and Children and reducing the unappropriated and unencumbered balance in the Family and Children Fund, and authorizing and approving the transfer of up to Four Million Five Hundred Thousand Dollars

(\$4,500,000) from the County General Fund to the Family and Children Fund, and declaring an emergency to extend the repayment period to not more than six (6) months into the 2000 budget year.

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 of the City-County Annual Budget for 1999 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Marion County Office of Family and Children to meet expenses for December 1999.

SECTION 2. The sum of Four Million Five Hundred Thousand Dollars (\$4,500,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY OFFICE OF FAMILY AND CHILDREN</u>	<u>FAMILY AND CHILDREN FUND</u>
3. Other Services and Charges	<u>4,500,000</u>
TOTAL INCREASE	4,500,000

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

	<u>FAMILY AND CHILDREN FUND</u>
Unappropriated and Unencumbered	
Family and Children Fund	<u>4,500,000</u>
TOTAL REDUCTION	4,500,000

SECTION 5. Pursuant to IC 36-1-8-4(a), the City-County Council hereby finds that the following conditions exist:

- (1) It is necessary to deposit the sum of up to Four Million Five Hundred Thousand Dollars (\$4,500,000) from the County General Fund into the Family and Children Fund;
- (2) There are sufficient funds in the County General Fund available to make the deposit;
- (3) The amount transferred must be returned to the County General Fund from the Family and Children Fund no later than June 30, 2000, plus interest at the rate the County receives on its investments; and
- (4) Only revenues derived from the levying and collection of property taxes or special taxes, or from the operation of Marion County may be included in the amount transferred.

SECTION 6. Pursuant to IC 36-1-8-4(b), the City-County Council hereby declares that an emergency exists requiring an extension of the period in which the Family and Children Fund is required to repay the amount transferred pursuant to Section 15 of this ordinance, in that the time remaining in the current budget year is inadequate for the Family and Children Fund to repay the amount transferred, plus interest.

SECTION 7. The time in which the Family and Children Fund is to repay the amount transferred pursuant to Section 5 of this ordinance is hereby extended to no later than June 30, 2000, and, upon adoption of this ordinance, the Marion County Auditor is directed to forward a copy of this ordinance to the State Board of Accounts and the State Board of Tax Commissioners.

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

PROPOSAL NO. 710, 1999. Councillor Shambaugh reported that the Parks and Recreation Committee heard Proposal No. 710, 1999 on December 1, 1999. The proposal, sponsored by Councillors Shambaugh and Cockrum, approves an increase of \$143,000 in the 1999 Budget of the Department of Parks and Recreation (State Grants Fund) for the purchase of land to expand Carson Park, funded by a Build Indiana Grant. 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 9:44 p.m. There being no one present to testify, Councillor Shambaugh moved, seconded by Councillor Cockrum, for adoption. Proposal No. 710, 1999 was adopted on the following roll call vote; viz:

23 YEAS: Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Gray, Jones, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Smith, Talley, Tilford
0 NAYS:
6 NOT VOTING: Black, Borst, Golc, Hinkle, Short, Williams

Proposal No. 710, 1999 was retitled FISCAL ORDINANCE NO. 144, 1999, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 144, 1999

A FISCAL ORDINANCE amending the City-County Annual Budget for 1999 (City-County Fiscal Ordinance No. 124, 1998) appropriating an additional One Hundred Forty Three Thousand Dollars (\$143,000) in the State Grants Fund for purposes of the Department of Parks and Recreation and reducing the unappropriated and unencumbered balance in the State Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(n) of the City-County Annual Budget for 1999 be, and is hereby amended by the increases and reductions hereinafter stated for the purpose of the Department of Parks and Recreation to purchase land to expand Carson Park.

SECTION 2. The sum of One Hundred Forty Three Thousand Dollars (\$143,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>STATE GRANTS FUND</u>
4. Capital Outlay	143,000
TOTAL INCREASE	143,000

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

	<u>STATE GRANTS FUND</u>
Unappropriated and Unencumbered State Grants Fund	143,000
TOTAL REDUCTION	143,000

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

SECTION 6. This appropriation shall be in addition to all appropriations provided for in the regular budget and levy, and shall continue in effect until the completion of the capital project described in Section 1 above.

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

PROPOSAL NO. 714, 1999. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 714, 1999 on December 1, 1999. The proposal approves an increase of \$45,000 in the 1999 Budgets of the County Auditor and the County Sheriff (State and Federal Grants Fund) to decrease violent and drug related crimes, to eliminate drug trafficking and repeat offenders, and to reduce gang related violence by increasing law

enforcement, funded by a grant from the U.S. Department of Justice. By a 5-0 vote, the Committee reported the proposal to the full Council with the recommendation that it do pass.

The President called for public testimony at 9:47 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Smith, for adoption. Proposal No. 714, 1999 was adopted by the following roll call vote; viz:

20 YEAS: Boyd, Cockrum, Coonrod, Coughenour, Curry, Dowden, Gilmer, Gray, Jones, Massie, McClanroch, Moores, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Smith, Tilford, Williams
0 NAYS:
9 NOT VOTING: Black, Borst, Bradford, Brents, Franklin, Golc, Hinkle, Short, Talley

Proposal No. 714, 1999 was retitled FISCAL ORDINANCE NO. 145, 1999, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 145, 1999

A FISCAL ORDINANCE amending the City-County Annual Budget for 1999 (City-County Fiscal Ordinance No. 124, 1998) appropriating an additional Forty-five Thousand Dollars (\$45,000) in the State and Federal Grants Fund for purposes of the County Auditor and County Sheriff and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(b,y) of the City-County Annual Budget for 1999 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the County Auditor and County Sheriff to decrease violent and drug related crimes.

SECTION 2. The sum of Forty-five Thousand Dollars (\$45,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services-fringes	1,258
<u>COUNTY SHERIFF</u>	
1. Personal Services	9,300
2. Supplies	2,500
3. Other Services and Charges	25,442
4. Capital Outlay	<u>6,500</u>
TOTAL INCREASE	45,000

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

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>45,000</u>
TOTAL REDUCTION	45,000

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

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

PROPOSAL NO. 715, 1999. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 715, 1999 on December 1, 1999. The proposal approves an increase of \$18,447 in the 1999 Budget of the Marion County Justice Agency (State and Federal Grants Fund) to provide individual and group counseling for adults to work through victimization issues, funded by a Crime Victim Assistance Grant. By a 6-0 vote, the Committee reported the proposal to the full Council with the recommendation that it do pass.

The President called for public testimony at 9:48 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Schneider, for adoption. Proposal No. 715, 1999 was adopted by the following roll call vote; viz:

22 YEAS: Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Gilmer, Gray, Jones, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, Shambaugh, Smith, Talley, Tilford, Williams

0 NAYS:

7 NOT VOTING: Black, Borst, Franklin, Golc, Hinkle, SerVaas, Short

Proposal No. 715, 1999 was retitled FISCAL ORDINANCE NO. 146, 1999, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 146, 1999

A FISCAL ORDINANCE amending the City-County Annual Budget for 1999 (City-County Fiscal Ordinance No. 124, 1998) appropriating an additional Eighteen Thousand Four Hundred Forty-seven Dollars (\$18,447) in the State and Federal Grants Fund for purposes of the Marion County Justice Agency and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(bb) of the City-County Annual Budget for 1999 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Marion County Justice Agency to provide individual and group counseling for adults to work through victimization issues, for fiscal year 1999/2000.

SECTION 2. The sum of Eighteen Thousand Four Hundred Forty-seven Dollars (\$18,447) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY JUSTICE AGENCY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>18,447</u>
TOTAL INCREASE	18,447

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

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>18,447</u>
TOTAL REDUCTION	18,447

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

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

PROPOSAL NO. 716, 1999. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 716, 1999 on December 9, 1999. The proposal approves an increase of \$1,300,000 in the 1999 Budget of the Department of Public Works, Contract Compliance Division (Sanitation Liquid General Fund) to pay the White River Environmental Partnership for treating alum sludge during the period of June 1998 through September 1999, paid from fund balance using sewer fees collected by the Indianapolis Water Company. By a 9-0 vote, the Committee reported the proposal to the full Council with the recommendation that it do pass.

The President called for public testimony at 9:50 p.m. There being no one present to testify, Councillor Coughenour moved, seconded by Councillor Hinkle, for adoption. Proposal No. 716, 1999 was adopted by the following roll call vote; viz:

26 YEAS: Black, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Gray, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Smith, Talley, Tilford, Williams
0 NAYS:
3 NOT VOTING: Borst, Golc, Short

Proposal No. 716, 1999 was retitled FISCAL ORDINANCE NO. 147, 1999, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 147, 1999

A FISCAL ORDINANCE amending the City-County Annual Budget for 1999 (City-County Fiscal Ordinance No. 124, 1998) appropriating an additional One Million Three Hundred Thousand Dollars (\$1,300,000) in the Sanitation Liquid General Fund for purposes of the Department of Public Works, Contract Compliance Division and reducing the unappropriated and unencumbered balance in the Sanitation Liquid 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(k) of the City-County Annual Budget for 1999 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Public Works, Contract Compliance Division, to pay for the treatment of alum sludge during the period of June 1998 through September 1999.

SECTION 2. The sum of One Million Three Hundred Thousand Dollars (\$1,300,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC WORKS</u>	
<u>CONTRACT COMPLIANCE DIVISION</u>	
3. Other Services and Charges	<u>1,300,000</u>
TOTAL INCREASE	1,300,000

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

<u>SANITATION LIQUID GENERAL FUND</u>	
Unappropriated and Unencumbered Sanitation Liquid General Fund	<u>1,300,000</u>
TOTAL REDUCTION	1,300,000

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

PROPOSAL NO. 752, 1999. Councillor Schneider reported that the Administration and Finance Committee heard Proposal No. 752, 1999 on November 30, 1999. The proposal, sponsored by Councillor Coughenour, approves transfers of \$360,000 in the 1999 Budget of the City-County Council (Consolidated County Fund) to continue contractual consulting and legal services, funded by transfer of \$220,000 in the City-County Council budget and a transfer of \$140,000 from the Office of Corporation Counsel. By a 4-1 vote, the Committee reported the proposal to the full Council with the recommendation that it do pass.

Councillor Talley asked what contracts these funds cover. Councillor Coughenour stated that one contract would be between the Council and George Pendency, who is a consultant on some on-going public works issues which are very complicated. Not carrying this contract over and allowing available funds for such a contract would cause the Council to possibly have to hire a new consultant, which would be more expensive and cause the process to be delayed while the new consultant is brought up to speed. These funds will allow for continuity in sewer and water projects that are very complicated during the transition in administration.

Councillor Bradford asked why the digest on the agenda differs from the digest presented at the Committee hearing. General Counsel Robert Elrod stated that the digest on the agenda is the original digest, but it was changed before the proposal was introduced. No amendment was needed in Committee. The digest on the agenda is a draft version and was not updated.

Councillor Talley asked if there is urgency involved in passing this proposal. Councillor Schneider stated that these projects need continuous legal representation, and therefore it is urgent.

The President called for public testimony at 10:04 p.m. There being no one present to testify, Councillor Schneider moved, seconded by Councillor Coughenour, for adoption. Proposal No. 752, 1999 was adopted by the following roll call vote; viz:

22 YEAS: *Borst, Bradford, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Hinkle, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Short, Smith, Tilford*
6 NAYS: *Black, Boyd, Gray, Jones, Talley, Williams*
1 NOT VOTING: *Brents*

Proposal No. 752, 1999 was retitled FISCAL ORDINANCE NO. 148, 1999, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 148, 1999

A FISCAL ORDINANCE amending the City-County Annual Budget for 1999 (City-County Fiscal Ordinance No. 124, 1998) transferring and appropriating an additional Three Hundred Sixty Thousand Dollars (\$360,000) in the Consolidated County Fund for purposes of the City-County Council and reducing certain other appropriations for the City-County Council and the Office of Corporation Counsel.

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(c) of the City-County Annual Budget for 1999 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the City-County Council to continue contractual consulting and legal services.

SECTION 2. The sum of Three Hundred Sixty Thousand Dollars (\$360,000) be, and the same is hereby transferred and appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>CITY-COUNTY COUNCIL</u>	<u>CONSOLIDATED COUNTY FUND</u>
3. Other Services and Charges	<u>360,000</u>
TOTAL INCREASE	360,000

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

<u>CITY-COUNTY COUNCIL</u>	<u>CONSOLIDATED COUNTY FUND</u>
I. Personal Services	130,000
4. Capital Outlay	<u>90,000</u>
TOTAL DECREASE	220,000

<u>OFFICE OF CORPORATION COUNSEL</u>	<u>CONSOLIDATED COUNTY FUND</u>
I. Personal Services	80,000
3. Other Services and Charges	<u>60,000</u>
TOTAL DECREASE	140,000

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

SPECIAL ORDERS - UNFINISHED BUSINESS

PROPOSAL NO. 726, 1999. The proposal, sponsored by Councillor SerVaas, approves a schedule of regular council meetings for the year 2000.

Councillor Short moved, seconded by Councillor Talley, to amend the proposal by changing the first meeting in January from the 3rd to the 10th. The motion to amend Proposal No. 726, 1999 failed on the following roll call vote; viz:

10 YEAS: Black, Boyd, Brents, Golc, Gray, Jones, Moores, Moriarty Adams, Short, Talley
16 NAYS: Borst, Bradford, Cockrum, Coonrod, Coughenour, Dowden, Gilmer, Hinkle, Massie, McClamroch, O'Dell, Schneider, SerVaas, Shambaugh, Smith, Tilford
3 NOT VOTING: Curry, Franklin, Williams

Councillor Hinkle moved, seconded by Councillor Bradford, for adoption. Proposal No. 726, 1999 was adopted on the following roll call vote; viz:

17 YEAS: Borst, Bradford, Cockrum, Coonrod, Coughenour, Curry, Dowden, Gilmer, Hinkle, Massie, McClamroch, Moriarty Adams, O'Dell, Schneider, SerVaas, Smith, Tilford
5 NAYS: Boyd, Gray, Jones, Short, Talley
7 NOT VOTING: Black, Brents, Franklin, Golc, Moores, Shambaugh, Williams

Proposal No. 726, 1999 was retitled COUNCIL RESOLUTION NO. 76, 1999, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 76, 1999

A COUNCIL RESOLUTION approving a schedule of regular council meetings for the year 2000.

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

SECTION 1. The City-County Council hereby approves the following schedule of regular meetings for the year 2000:

- | | | | |
|------|---------------------------|------|----------------------------|
| (1) | Monday, January 03, 2000 | (11) | Monday, July 10, 2000 |
| (2) | Monday, January 31, 2000 | (12) | Monday, August 07, 2000 |
| (3) | Monday, February 14, 2000 | (13) | Monday, August 28, 2000 |
| (4) | Monday, February 28, 2000 | (14) | Monday, September 11, 2000 |
| (5) | Monday, March 20, 2000 | (15) | Monday, October 16, 2000 |
| (6) | Monday, April 10, 2000 | (16) | Monday, October 30, 2000 |
| (7) | Monday, April 24, 2000 | (17) | Monday, November 13, 2000 |
| (8) | Monday, May 08, 2000 | (18) | Monday, November 27, 2000 |
| (9) | Monday, May 22, 2000 | (19) | Monday, December 18, 2000 |
| (10) | Monday, June 19, 2000 | | |

SPECIAL ORDERS - FINAL ADOPTION

Councillor Hinkle asked for consent to move Proposal No. 670, 1999 next on the agenda due to the number of people in attendance to hear the proposal. Consent was given.

PROPOSAL NO. 670, 1999. Councillor Hinkle reported that the Metropolitan Development Committee heard Proposal No. 670, 1999 on November 15, 1999, and again on December 6, 1999. The proposal, sponsored by Councillors Hinkle and Coughenour, standardizes various procedural and substantive requirements of development permits, including fee exemptions, fee refunds, penalties, and permit approvals, duration, extensions, amendments, transfers, revocations, variances, and stop-work orders. By a 7-0 vote, the Committee reported the proposal to the full Council with the recommendation that it do pass.

Jan Hope, Builders Association of Greater Indianapolis, and Dillon Smith, Mayor's Construction Action Team, stated that their organizations support the general premise of this proposal, but that many of these permit fees are being used to fund other services within the Departments of Metropolitan Development (DMD) and Capital Asset Management (DCAM). They said that they would like to see the Division of Permits separated out of the DMD and DCAM.

Councillor Hinkle stated that as chair of the Metropolitan Development Committee, he is committed to address these concerns before next year's budget process. He stated that all parties agree to 95% of the proposal, and it is a step in the right direction, with some minor issues that can be addressed with further discussion.

Councillor Hinkle moved, seconded by Councillor Coughenour, for adoption. Proposal No. 670, 1999 was adopted by the following roll call vote; viz:

21 YEAS: Black, Borst, Boyd, Bradford, Cockrum, Coonrod, Curry, Dowden, Franklin, Gilmer, Hinkle, Massie, McClamroch, Moriarty Adams, Schneider, SerVaas, Shambaugh, Smith, Talley, Tilford, Williams
4 NAYS: Brents, Jones, O'Dell, Short
4 NOT VOTING: Coughenour, Golc, Gray, Moores

Proposal No. 670, 1999 was retitled **GENERAL ORDINANCE NO. 168, 1999**, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 168, 1999

PROPOSAL FOR A GENERAL ORDINANCE to standardize certain procedural and substantive provisions pertaining to the following development permits: buildings and construction; drainage; right-of-way activities and excavations; sewer connection; and, sanitary sewer construction).

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

SECTION 1. Section 536-201 of the "Revised Code of the Consolidated City and County," regarding when building permits are required, hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 536-201. When building permits required; enforcement

(a) *Permit required.* Except for construction activity specified in subsections (b) and (c), ~~no it shall be unlawful for a~~ person, partnership or corporation ~~shall to~~ engage in any construction activity in the ~~consolidated~~ city unless a written building permit issued by the neighborhood and development services division describing the activity has been obtained by and is in force relative to the person, partnership or corporation which is actually accomplishing, supervising accomplishment or is contractually responsible for accomplishment of the construction activity allowed by the building permit. A violation of this section is subject to the enforcement procedures and penalties provided in section 103-3 of the Code; provided, however, the fine imposed for such violation shall not be less than one hundred dollars (\$100.00), and each day that an offense continues shall constitute a separate violation. The city controller shall cause any fines collected under this section to be deposited into an account for the use and benefit of the department of metropolitan development.

(b) *Exemptions for one- and two-family dwellings.* With respect to one- or two-family residential structures, their appurtenances, and accessory structures, the permit specified in subsection (a) shall not be required for:

- (1) Replacement of exterior prime doors and windows (limited to like for like in a wall opening of the same dimensions which does not reduce the egress required by code provision existing at the time the building was constructed) if performed by a listed contractor that complies with the notice and posting requirements of section 536-216; additionally, a person who owns or is purchasing a one- or two-family residential structure on contract with intention to utilize the property for his or her own occupancy may likewise replace without permit prime doors and windows in such structure; or
- (2) Replacement of an existing roof if performed by a listed contractor that complies with the notice and posting requirements of section 536-216; and that construction does not involve:
 - a. A change in roof configuration; or
 - b. A change in type of roof covering (e.g., tile roofing replacing asphalt shingles) that would increase the dead load on the structure; or
 - c. The replacement of basic structural members that support the roof (e.g., replacement of a rafter or more than one hundred twenty-eight (128) feet of decking); or
 - d. The installation of heat-applied roofing material.

Additionally, a person who owns or is purchasing a one- or two-family residential structure on contract with the intention to utilize the property for his or her own occupancy may affix without permit a layer of replacement shingles to a single layer of existing shingles provided that a layer of shingles is not removed and provided that the total shingle-roof application is performed by the owner or contract purchaser with assistance only by noncompensated volunteers;

- (3) Installation and replacement of exterior siding if performed by a listed contractor that complies with the notice and posting requirements of section 536-216; additionally, a person who owns or is purchasing a one- or two-family residential structure on contract with the intention to utilized the property for his or her own occupancy may attach without permit a layer of siding to the existing sheathing without removal of existing sheathing, provided that the total siding application is performed by the owner or contract purchaser assisted only by noncompensated volunteers; or
- (4) Ordinary maintenance and repair of a structure where the work does not reduce performance or create additional health or safety risks as defined in section 536-111(h); or
- (5) Installation and replacement of fixtures attached to the walls or floors such as cupboards, cabinets, shelving, railings, tracks, wall and floor coverings, and doors; or

- (6) Installation, maintenance and repair of storm windows and other exterior windows designed and used as protection against severe weather; or
- (7) Exterior repair or renovation of a masonry chimney above the roof line that does not reduce the size of the flue opening; or
- (8) Gutter replacement or installation; or
- (9) Attachment of window awnings to exterior walls where the awnings project not more than forty-eight (48) inches from any wall; or
- (10) Installation of thermal insulation; or
- (11) Installation of additional non-load bearing walls that do not result in the creation of sleeping rooms; provided however, permits are required (except as otherwise specifically exempted by provisions of this section) for electrical, heating and cooling, or plumbing work; or
- (12) Replacement of an attic fan, bathroom exhaust fan, range hood exhaust fan or whole house fan; or
- (13) Construction of a fence or structural barrier in conformance with zoning requirements and any necessary certificates of appropriateness in a historic district; or
- (14) Construction of an aboveground swimming pool thirty (30) inches or less deep and fifteen (15) feet or less at its widest points; or
- (15) Construction of a deck where:
 - a. No part of the floor is more than thirty (30) inches above finished grade; and
 - b. There is compliance with the assessor notification requirements of section 536-215; or
- (16) Erection of retaining walls which are not over four (4) feet in height measured from the lowest finished grade to the top of the wall, unless the walls are supporting a surcharge; or
- (17) Construction of a structure which spans one hundred twenty (120) square feet or less of base area, is less than fifteen (15) feet in height, is not placed on or attached to a permanent foundation and does not contain an electrical power distribution system, heating system, space heating equipment, cooling system, or space cooling equipment; or
- (18) Ordinary maintenance and repair of building equipment where the work does not reduce performance or create additional safety or health risks; or
- (19) Installation of a single-phase electric circuit not exceeding sixty (60) amperes at a nominal 120/240 volts which involves the installation, modernization, replacement, service or repair of a heating system, space heating equipment, cooling system, space cooling equipment, a water heater or a food waste disposer for which a building permit has been issued; or
- (20) Installation of household appliances such as window air conditioners, refrigerators, refrigerators with automatic icemakers, ranges, microwave ovens, clothes washers, clothes dryers, dishwashers, food waste disposers and trash compactors when such installation does not include the installation of an electrical circuit; or
- (21) Replacement in kind of piping in a plumbing system when the replacement piping meets the same performance specifications and has the same capacity as the piping being replaced and not more than twenty (20) percent of all piping in the structure is replaced; or
- (22) Replacement of appliances, fixtures, traps and valves in a plumbing system; or
- (23) Replacement of a water heater with one (1) that is identical as to venting arrangement and type of fuel or energy input; or
- (24) Extension of heating or cooling duct work; or
- (25) Placement of a one-family factory constructed building not on a permanent foundation in a mobile home park licensed by the Indiana State Department of Health; or

- (26) Initial connection or reconnection of plumbing to a mobile home not placed on a permanent foundation located in a mobile home park licensed by the Indiana State Department of Health; or
- (27) Erection of real estate signs advertising real estate for sale or for rent in conformance with the size limitations of the zoning ordinance governing signs; or
- (28) Connection, provision or use of temporary electrical power for on-site construction activity.

(c) *Exemptions for commercial construction.* With respect to structures other than one- or two-family residential structures, their appurtenances, and accessory structures, permits specified in subsection (a) shall not be required for:

- (1) Ordinary maintenance and repair of a structure where the work does not reduce performance or create additional safety or health risks as defined in section 536-111(h); or
- (2) Installation, maintenance and repair of storm windows and other exterior windows designed and used as protection against severe weather; or
- (3) Attachment of window awnings to exterior walls where the awnings project ~~to~~ not more than forty-eight (48) inches from any wall; or
- (4) Painting, papering and similar finish work; or
- (5) Installation of movable cases, counters and partitions not over sixty-nine (69) inches high; or
- (6) Construction or installation of temporary motion picture, television and theater stage sets and scenery; or
- (7) Installation of thermal insulation; or
- (8) Construction of a fence or structural barrier in conformance with zoning requirements and any necessary certificates of appropriateness in a historic district; or
- (9) Construction of an aboveground swimming pool thirty (30) inches or less deep and fifteen (15) feet or less at its widest points; or
- (10) Construction of platforms not more than thirty (30) inches above grade and not over any basement or story below; or
- (11) Installation of water tanks supported directly upon grade if the capacity does not exceed five thousand (5,000) gallons and the ratio of height to diameter or width does not exceed two (2) to one (1); or
- (12) Erection of oil derricks; or
- (13) Erection of retaining walls which are not over four (4) feet in height measured from the lowest finished grade to the top of the wall, unless the walls are supporting a surcharge or used as a dike to impound flammable or combustible liquids or products that pose a health or safety risk (e.g., corrosives, oxidizers, poisons); or
- (14) Construction of a structure which spans one hundred twenty (120) square feet or less of base area, is less than fifteen (15) feet in height, is not placed on or attached to a permanent foundation and does not contain an electrical power distribution system, heating system, space heating equipment, cooling system, or space cooling equipment; or
- (15) Erection of any sign in ~~these categories of signs described in section 8-330(e) of the Code of Indianapolis and Marion County~~ conformance with zoning requirements; or
- (16) Ordinary maintenance and repair of building equipment where the work does not reduce performance or create additional safety or health risks; or
- (17) Connection, provisions or use of temporary electrical power for on-site construction activity; or
- (18) Installation of household appliance such as window air conditioners, refrigerators, refrigerators with automatic icemakers, ranges, microwave ovens, clothes washers, clothes dryers, dishwashers,

food waste disposers and trash compactors in apartment buildings when such installation does not include the installation of an electrical circuit; or

- (19) Replacement in kind of piping in a plumbing system when the replacement piping meets the same performance specifications and has the same capacity as the piping being replaced and not more than twenty (20) percent of the piping in an area occupied by a single tenant in the structure is replaced; or
- (20) Replacement of appliances, fixtures, traps and valves in a plumbing system; or
- (21) Replacement of a water heater with one (1) that is identical as to venting arrangement and type of fuel or energy input.

(d) Provisions in subsection (b) or (c) that exempt those engaged in certain construction activity from the obligation to secure a building permit do not affect the possible obligation to secure a certificate of appropriateness for construction either in an historic area designated by the Indianapolis Historic Preservation Commission or in the Meridian Street Preservation District designated by the Indiana Code. While a building permit may not be required, a certificate of appropriateness from the Indianapolis Historic Preservation Commission or the Meridian Street Preservation Commission may be required in such an area.

(e) Provisions in subsection (b) or (c) that exempt those engaged in certain construction activity from obligation to secure a building permit do not affect the possible obligation to secure a floodplain development permit for construction activity in the Flood Control Districts as designated by the Flood Control Districts Zoning Ordinance, General Ordinance No. 64, 1992. While a building permit may not be required, a floodplain development permit may be required in such areas.

SECTION 2. Section 536-703 of the "Revised Code of the Consolidated City and County," regarding fees for building permits obtained after commencement of work, hereby is REPEALED.

SECTION 3. Section 536-211 of the "Revised Code of the Consolidated City and County," regarding the transfer of building permits, hereby is amended by the addition of the language which is underscored, to read as follows:

Sec. 536-211. Transfer of building permits.

(a) A building permit may be transferred with the approval of the administrator of the neighborhood and development services division to a person, partnership or corporation which would be eligible under section 536-202 to obtain such building permit in the first instance (hereinafter called "transferee"), after both the payment of a fee ~~specified in section 536-610~~ and the execution and filing of a form furnished by the neighborhood and development services division. Such transfer form shall contain, in substance, the following certifications, release and agreement:

- (1) The person who obtained the original building permit or a person who is employed by and authorized to act for the obtainer (hereinafter called "transferor") shall:
 - a. Certify under penalties for perjury that such person is familiar with construction activity accomplished pursuant to the building permit; such person is familiar with the building standards and procedures applicable to the construction activity; and to the best of such person's knowledge, information and belief the construction activity, to the extent performed, is in conformity with all building standards and procedures; and,
 - b. Sign a statement releasing all rights and privileges secured under the building permit to the transferee.
- (2) The transferee shall:
 - a. Certify that the transferee is familiar with the information contained in the original building permit application, the detailed plans and specifications, the plot plan and any other documents filed in support of the application for the original building permit; and
 - b. Certify that the transferee is familiar with the present condition of the premises on which construction activity is to be accomplished pursuant to the building permit; and
 - c. Agree to adopt and be bound by the information contained in the original application for the building permit, the detailed plans and specifications, the plot plan and other documents supporting the original building permit application; or in the alternative, agree to be bound by

such application plans and documents modified by plan amendments submitted to the neighborhood and development services division for approval.

(b) The transferee shall assume the responsibilities and obligations of and shall comply with the same procedures required of the transferor (including, but not being limited to, the requirement of section 536-301 that a certificate of completion and compliance be executed and filed and the requirement of sections 536-402 and 536-403 that further construction activity not be accomplished without notice of and opportunity for inspection at certain stages) and shall be subject to any written orders issued by the administrator or his authorized representative.

(c) A permit for construction activity at a specified location may not be transferred to construction activity at a different location.

SECTION 4. Section 536-611 of the "Revised Code of the Consolidated City and County," regarding fees for transfer of building permits, hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 536-611. Fee for transfer of building permit.

Fee for transfer of building permit as provided for in section 536-211 – ~~\$25.00~~ \$30.00.

SECTION 5. Section 536-213 of the "Revised Code of the Consolidated City and County," regarding the expiration of building permits, hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 536-213. Expiration of building permits by operation of law ~~for work requiring a building permit; extensions.~~

(a) If construction activity, other than activity involving the removal of all or part of a structure, has not been commenced within one hundred ~~forty (150)~~ eighty (180) days from the date of issuance of the building permit, the permit shall expire by operation of law and shall no longer be of any force or effect; provided, however, the administrator of the neighborhood and development services division may, for good cause shown in writing, extend the validity of any such permit for an additional period which is reasonable under the circumstances ~~to allow commencement of the construction activity, but in no event shall the continuance~~ extension exceed a period of sixty (60) days. ~~Such extension shall be confirmed in writing.~~

(b) If the construction activity has been commenced but only partially completed, and thereafter substantially no construction activity occurs on the construction site over a period of ~~six (6) months~~ one hundred eighty (180) days, the permit shall expire by operation of law and no longer be of any force or effect; provided, however, the administrator may, for good cause shown in writing, extend the validity of any such permit for an additional period which is reasonable under the circumstances ~~to allow reinitiation~~ resumption of construction activity.

(~~b~~c) If construction activity involving removal of a structure or part of a structure has not been completed within the following time periods, the building permit shall expire by operation of law and shall no longer be of any force or effect:

- (1) Removal of all or part of a one- or two-family residential structure, thirty (30) days after issuance.
- (2) Removal of all or part of a structure other than one- or two-family residential structure, sixty (60) days after issuance.

Provided, however, the administrator of the neighborhood and development services division may, for good cause shown in writing, extend the validity of any such permit for an additional period that is reasonable under the circumstances up to forty-five (45) days in length.

(d) ~~Such~~ An extension granted under this section shall be confirmed in writing.

SECTION 6. Section 536-616 of the "Revised Code of the Consolidated City and County," regarding the fee for building permit renewal after expiration, hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 536-616. Fee for renewal after expiration.

Fee for renewal of a building permit (except for a permit that has expired under section 536-213(~~b~~c)) shall be thirty dollars (\$30.00).

SECTION 7. Article II of Chapter 536 of the "Revised Code of the Consolidated City and County," regarding building and construction permits, hereby is amended by the addition of a NEW Section 536-217, regarding amendments of permits, to read as follows:

Sec. 536-217. Notice of change in permit information; amendment of permits and plans.

(a) After a permit has been issued, the permittee shall give prompt written notice to the administrator of the neighborhood and development services division of any addition to or change in the information contained in the permit application.

(b) After a permit has been issued, any material deviation or change in the information contained in the permit application, the plans and specifications, or the plot plans shall be considered an amendment subject to approval by the neighborhood and development services division. Prior to the time construction activity involving the change occurs, the permittee shall file with the neighborhood and development services division a written request for amendment, including a detailed statement of the requested change and the submission of any amended plans.

(c) The administrator shall give the permittee written notice that the request for amendment has been approved or denied, and if approved, copies of the amended application or plans shall be attached to the original application or plans. Reinspection fees or other fees which are occasioned by the amendment shall be assessed and paid in the same manner as for original permits or plans.

SECTION 8. Section 536-615 of the "Revised Code of the Consolidated City and County," regarding fees for permit amendments, hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 536-615. Fee for amendment of permit update or plans.

Fee for the updating amendment of a building permit that requires submittal of additional plans, but does not cause the building permit fee to increase, shall be thirty dollars (\$30.00).

SECTION 9. Sections 536-301, 536-302, and 536-303 of the "Revised Code of the Consolidated City and County," regarding certificates of completion and compliance for work done pursuant to building permits, hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 536-301. Filing of certificate of completion and compliance.

Within ~~ten (10)~~ fourteen (14) days after completion of the construction activity for which a building permit has been issued pursuant to the provisions of this chapter and prior to the occupancy or use of the structure, the obtainer of the building permit (or an employee of the obtainer who is authorized to act for the obtainer) for such construction activity shall execute and file a certificate of completion and compliance with the neighborhood and development services division. Such certificate shall be in the following form:

CERTIFICATE OF COMPLETION AND COMPLIANCE

Address of premises on which construction activity was accomplished:

Permit number: _____

The undersigned person hereby certifies under the penalties for perjury that:

1. I obtained the above referenced building permit or am an employee of the obtainer, and
2. I am familiar with the construction activity accomplished pursuant to that building permit, and
3. I know such construction activity has been completed with the exceptions here noted _____
and
4. I am familiar with building standards and procedures applicable to such construction activity, and

- 5. To the best of my knowledge, information and belief such construction activity has been performed in conformity with all building standards and procedures.

Date: _____ Signature: _____ Typed or printed name _____

Electrical, heating and cooling or wrecking contractor license number, plumbing contractor registration number, contractor listing number, or registered architect or registered engineer registration number: _____

If a licensed electrical contractor has properly executed and delivered or mailed an electrical craft work certificate of completion and compliance pursuant to section 536-404(b)(3), he shall not be required to file the above certificate of completion and compliance.

If a registered architect or registered engineer has properly executed and delivered or mailed an architect's or engineer's certificate of completion and compliance pursuant to section 536-303, he shall not be required to file the above certificate of completion and compliance.

Sec. 536-302. Filing of certificate of completion and compliance for work done under a master permit.

Within ~~ten (10)~~ fourteen (14) days after the completion of construction activity for which a master building permit has been issued pursuant to the provisions of this chapter and prior to the occupancy or use of the structure, the obtainer of the master permit (or an employee of the obtainer authorized to act for the obtainer) shall execute and file a certificate of completion for work done under a master permit with the neighborhood and development services division. All licensed or registered subcontractors who worked on the structure shall also execute the certificate. Such certificate shall be in the following form:

**CERTIFICATE OF COMPLETION AND COMPLIANCE
FOR WORK DONE UNDER A MASTER PERMIT**

Address of premises on which construction activity was accomplished: _____

Permit Number: _____

The undersigned person(s) hereby certify under the penalties for perjury that:

- 1. I either:
 - (a) Obtained the above referenced building permit (or am an employee of the obtainer); or
 - (b) Am a licensed or registered subcontractor who performed work on the structure; and
- 2. I am familiar with that part of the construction activity accomplished pursuant to that building permit that is indicated below; and
- 3. I know the construction activity indicated below has been completed with exceptions noted below; and
- 4. I am familiar with building standards and procedures applicable to such construction activity; and
- 5. To the best of my knowledge, information and belief, such construction activity indicated below has been performed in conformity with all building standards and procedures.

Structural

Listing #

Exception to work done

Signature

Typed or printed name

Date

Electrical

License #

Exception to work done

Signature

Typed or printed name

Date

Heating and Cooling

License #

Exception to work done

Signature

Typed or printed name

Date

Plumbing

Registration #

Exception to work done

Signature

Typed or printed name

Date

Wrecking

License #

Exception to work done

Signature

Typed or printed name

Date

If a licensed electrical contractor has properly executed and delivered or mailed an electrical craft work certificate of completion and compliance pursuant to section 536-404(b)(3), he shall not be required to file the above certificate of completion and compliance.

Sec. 536-303. Filing of architect's or engineer's certificate of completion and compliance.

Within ~~ten (10)~~ fourteen (14) days after the completion of construction activity for which a building permit was issued pursuant to this chapter and for which review and monitoring of construction activity by an architect or engineer is required by the rules of the fire prevention and building safety commission, the architect or engineer who observed the construction activity accomplished pursuant to the permit shall execute and file an architect's or engineer's certificate of completion and compliance with the neighborhood and development services division in the following form:

ARCHITECT'S AND ENGINEER'S CERTIFICATE OF COMPLETION AND COMPLIANCE

Address of construction activity: _____

Permit number: _____

The undersigned architect or engineer hereby states under penalties for perjury that:

1. I have made reasonable and periodic observation of the above mentioned construction project to determine whether the work accomplished is in accordance with the plans and specifications for this project as released by the Indiana Department of Fire and Building Services, division of plan review and whether the work accomplished is in compliance with rules promulgated by the Indiana Department of Fire and Building Services and provisions of Chapter 536 of the Revised Code of the Consolidated City and County, with the following exceptions hereafter noted: _____

2. I am familiar with such building standards and the provisions of Chapter 536 applicable to the work accomplished; and
3. To the best of my knowledge, information and belief such work has been accomplished in conformity with such building standards promulgated by the Indiana Department of Fire and Building Services and the provisions of Article III of Chapter 536.

Date: _____

Signature: _____

SEAL Typed name: _____

Architect No.: _____

Engineer No.: _____

Indiana Registration No.: _____

Address: _____

Phone number: _____

SECTION 10. Section 536-613 of the "Revised Code of the Consolidated City and County," regarding exemptions from the payment of building and construction activity fees, hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 536-613. Fee exemption relative to construction activity accomplished by or for a governmental unit.

Permits, as required by section 536-201, shall be obtained for construction activity in the ~~consolidated~~ city accomplished by or for a governmental unit, and inspections as specified by this chapter relative to such construction activity shall be allowed. Fees shall be required as specified in this article, except for the following:

- (1) Construction activity for which a fee cannot be charged by the municipality because of federal or state law; or

- (2) Construction activity accomplished by an a unit of local government or by its employee or contractor of the Consolidated City of Indianapolis or the Indianapolis Marion County Building Authority in the course of his governmental duties such employee's or contractor's performance of duties for a unit of local government.

SECTION 11. Article VI of Chapter 536 of the "Revised Code of the Consolidated City and County," regarding building permit fees, hereby is amended by the addition of a NEW Section 536-618, regarding refunds of permit fees, to read as follows:

Sec. 536-618. Refund of fees.

A permit fee paid under this chapter shall not be refunded except upon request and in instances where the permit was issued in error, either because it was not required by law, or because a permit for the same activity previously had been issued and was in force at the time the second permit was applied for and issued.

SECTION 12. Section 561-221 of the "Revised Code of the Consolidated City and County," regarding the requirement of a drainage permit, hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 561-221. When drainage permits Rrequired; enforcement; exceptions; when to be obtained.

(a) ~~No~~ Except for activity specified in subsection (b), it shall be unlawful for a person, partnership or corporation shall to undertake or accomplish any land alteration without having in force a written drainage permit obtained from the department of asset management and public works of the City of Indianapolis. A violation of this section is subject to the enforcement procedures and penalties provided in section 103-3 of the Code; provided, however, the fine imposed for such violation shall not be less than one hundred dollars (\$100.00), and each day that an offense continues shall constitute a separate violation. The city controller shall cause any fines collected under this section to be deposited into an account for the use and benefit of the department of asset management and public works.

(b) ~~provided, however, that a drainage~~ The permit specified in subsection (a) shall not be required for:

- (1) Excavation of cemetery graves;
- (2) Refuse disposal sites where storm drainage is controlled by other regulations;
- (3) Excavation for wells, excavation and backfills for poles, conduits, and wires of utility companies;
- (4) Exploratory excavations or soil testing under the direction and control of professional engineers, soil engineers, geologists, civil engineers, architects or land surveyors, which are backfilled;
- (5) Ordinary cultivation of agricultural land including tilling, terracing, construction of minor open ditches and crop irrigation;
- (6) The planting and tilling of gardens, flower beds, shrubs, trees and other common uses and minor landscaping of land appurtenant to residences;
- (7) Fill and grading of a former basement site after the demolition of a structure, to conform to adjacent terrain;
- (8) Fill of small holes caused by erosion, settling of earth or the removal of such materials as dead trees, posts or concrete;
- (9) A fill less than one (1) foot in depth, and placed on natural terrain with a slope flatter than ten (10) percent, not intended to support structures, which does not exceed fifty (50) cubic yards per acre and does not obstruct drainage;
- (10) Maintenance of drainage facilities;
- (11) Installation of septic systems, when a proper permit has been obtained;
- (12) Construction of a driveway, when a proper permit has been obtained;
- (13) Installation of building sewers, when a proper permit has been obtained;

- (14) An enlargement or exterior change that does not exceed twenty-five (25) square feet in floor area to an existing structure, when no part of the structure, or the enlargement or exterior change to the structure, is located in an impacted drainage area;
- (15) Placement of an accessory structure, not exceeding one hundred twenty (120) square feet in floor area, to a one- or two-family dwelling, when the accessory structure is not located on a permanent foundation;
- (16) Exterior changes to a structure which do not change the ground floor area of the structure, unless the roof of the building is part of a retention-detention system; or,
- (17) Construction of a deck which extends over open ground at least eight (8) feet above grade or which is constructed so that water freely and directly flows through the deck to the ground below the deck.

(bc) The drainage permit must be obtained before any work is initiated with the exception of testing to determine procedures or materials.

SECTION 13. Section 561-261 of the "Revised Code of the Consolidated City and County," regarding fees for drainage permits obtained after commencement of work, hereby is REPEALED.

SECTION 14. Sections 561-224, 561-225, 561-226 and 561-227 of the "Revised Code of the Consolidated City and County," regarding professionally prepared and certified drainage plans, other drainage plans, and the expiration of and amendments to drainage permits, respectively, hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 561-224. Professionally prepared and certified drainage plans.

(a) A drainage plan fulfilling the requirements of this section shall be submitted to the department of asset management and public works for approval before a drainage permit can be obtained to accomplish a land alteration, unless the land alteration is such that a drainage permit can be obtained in accordance with section 561-225. The drainage plan must be submitted in duplicate and shall indicate in a precise way the work to be accomplished pursuant to the drainage permit. One (1) copy of the drainage plan will remain on file in the department of ~~asset management and public works~~. The following information must be submitted for approval:

- (1) *Construction features.* The drainage plan shall demonstrate and describe surface and subsurface drainage and include the following:
 - a. *Scale; arrow; contours and USGS bench marks:* The drainage plan shall be drawn to scale, preferably one (1) inch per fifty (50) feet, and an arrow indicating north shall appear on each page. Existing land contours shall be shown, with one-foot contours for land with a slope flatter than ten (10) percent, two-foot contours for slopes equal to or greater than ten (10) percent but flatter than twenty (20) percent, and five-foot contours for slopes equal to or greater than twenty (20) percent. A bench mark, which is easily accessible and relocatable, shall be shown. The bench mark may be assumed at the discretion of the director if the area contains less than three (3) acres, but otherwise shall be determined by USGS datum.
 - b. *Location and vicinity map:* A map which indicates the location and vicinity of the proposed land alteration shall be included in the drainage plan.
 - c. *Existing and proposed drainage facilities:* The drainage plan shall show the locations of all existing and proposed drainage facilities. Storm drains and manholes and other structures shall be located in the plans by dimensions from traverse lines, property markers or road centerlines. However, the areas where physical features are not available, coordinates of manholes and bearings of storm drains shall be based either on the State of Indiana's state's coordinate system or other acceptable horizontal and vertical datum. If applicable, the drainage plan should show the direction of flow, elevation of inverts, gradient, size and capacity of existing and proposed storm drains. When using existing storm drains, the capacity shall be indicated.
 - d. *Plan and profile:* The plan shall be shown at the upper portion of the drawing. The plan, generally, shall be drawn on a scale of one (1) inch equals fifty (50) feet. The plan shall show appropriate right-of-way and easement limits. The profile shall be shown under the plan and shall extend a sufficient distance downstream of the outlet to allow any pertinent information

concerning the outfall channel to be shown. The storm drain and inlet profile shall generally be drawn on a scale of one (1) inch equals fifty (50) feet horizontal, one (1) inch equals five (5) feet vertical. Where a storm drain is located in an existing or proposed pavement or shoulder, the centerline grade of the road shall be shown. Where a storm drain is located outside pavement or shoulder, the existing ground over the storm drain with proposed grading shall be shown. If the storm drain is to be constructed on fill, the profile of the undisturbed earth, at drain location, shall be shown.

- (2) *Design calculations.* Design calculations are required as part of the drainage plan and shall specifically include:
- a. Estimation of stormwater runoff:
 - 1. Drainage area map (scale one (1) inch equals two hundred (200) feet) indicating contours at two-foot intervals and limits of one-hundred-year floodplain, where applicable;
 - 2. Weighted runoff coefficient computations;
 - 3. Time of concentration computation indicating overland flow time and flow time in the swale, gutter, pipe or channel.
 - b. Close conduit and open channel design computations:
 - 1. Size of pipe or channel cross section;
 - 2. Pipe or channel invert's slope in percent;
 - 3. Roughness coefficient;
 - 4. Flowing velocities in feet per second;
 - 5. Design capacity in cubic feet per second.
 - c. *Head loss computations in manholes and junction chambers;*
 - d. *Hydraulic gradient computations, wherever applicable;*
 - e. *Erosion control methods.*

Such design calculations shall conform with the standards of Article III, Division 5 of this chapter and all regulations promulgated thereunder.

- (3) *Additional information.* The director shall be empowered to require such additional information to be included in a drainage plan that is necessary to evaluate and determine the adequacy of the proposed drainage facility.
- (4) *Certification required.* All drainage plans submitted under this section to the department of asset management and public works for approval must be certified by a registered professional engineer, land surveyor or architect engaged in storm drainage design under whose supervision the plans were prepared. The certificate shall be in the following form:

CERTIFICATE OF SUFFICIENCY OF PLAN

Permit Number _____

Address where land alteration is occurring _____

Plan Date _____

I hereby certify that to the best of my knowledge and belief:

- (1) The drainage plan for this project is in compliance with drainage requirements (as set forth in Chapter 561 of this the "Revised Code of the Consolidated City and County") pertaining to this class of work.

- (2) The calculations, designs, reproducible drawings, masters and original ideas reproduced in this drainage plan are under my dominion and control and they were prepared by me and my employees.

Signature _____ Date _____

Typed or Printed Name _____ Phone _____

(SEAL)

Business Address _____

Surv. _____ Eng. _____ Arch. _____ Indiana Registration No. _____

- (5) *Obligation to observe.* All drainage plans submitted under this section to the department of asset management and public works must include a certificate of obligation to observe by a registered professional engineer, land surveyor or architect engaged in storm drainage design. The certificate shall be in the following form:

CERTIFICATE OF OBLIGATION TO OBSERVE

Permit Number _____

Address where land alteration is occurring _____

Plan Date _____

I will perform periodic observations of this project during construction to determine that such land alteration is in accordance with both the applicable drainage requirements and the drainage plan for this project submitted for a drainage permit to the department of asset management and public works.

Signature _____ Date _____

Typed or Printed Name _____ Phone _____

(SEAL)

Business Address _____

Surv. _____ Eng. _____ Arch. _____ Indiana Registration No. _____

(b) The approval of a drainage plan by the department of asset management and public works under this section shall be valid for a period of one (1) year from the date such approval was granted, or until the drainage permit for which the plan was submitted is issued, whichever occurs first. However, prior to the issuance of the permit, if there are any material changes to an approved drainage plan or circumstances which cause the drainage plan to be inaccurate or incomplete, then a new or corrected drainage plan shall be submitted to the department as a precondition for obtaining a drainage permit.

Sec. 561-225. When professionally prepared and certified drainage plan not required.

(a) A drainage plan that does not contain as much information as drainage plans prepared to fulfill the requirements of section 561-224 and that is not prepared or certified by a registered professional engineer, land surveyor or architect engaged in storm drainage design may be submitted when:

- (1) No part of the parcel or property for which the drainage permit is required is in an impacted drainage area; and

- (2) The primary basis on which a drainage permit is required is the construction, enlargement or location, on a permanent foundation, of a one-family dwelling, two-family dwelling or accessory structure appurtenant to either a one- or two-family dwelling.

(b) The drainage plan must be submitted in duplicate and shall indicate the nature and location of all work to be accomplished pursuant to a drainage permit. The drainage plan must be neat, accurate and readable. One (1) copy of the drainage plan will remain on file in the department of asset management and public works. The following information must be submitted for approval under this section:

- (1) The legal description and the street address for the property;
- (2) The dimensions and borders of the parcel;
- (3) The name and address of the owner;
- (4) An arrow indicating north;
- (5) Location of all existing and proposed improvements, structures and paved areas on the site;
- (6) Existing and proposed grading showing positive drainage by contouring or sufficient spot elevations; and
- (7) Location of all existing or proposed swales, ditches, culverts, drainage channels, surface and subsurface drainage devices and the direction of the flow.

The drainage plan shall include information necessary to demonstrate conformity with all drainage requirements of Article III of this chapter. The plot map shall illustrate the surface drainage pattern of the site away from structures and the final distribution of surface water off site, either preventing or planning for surface ponding.

(c) The approval of a drainage plan by the department of asset management and public works under this section shall be valid for a period of one (1) year from the date such approval was granted, or until the drainage permit for which the plan was submitted is issued, whichever occurs first. However, prior to the issuance of the permit, if there are any material changes to an approved drainage plan or circumstances which cause the drainage plan to be inaccurate or incomplete, then a new or corrected drainage plan shall be submitted to the department as a precondition for obtaining a drainage permit.

(ed) Notwithstanding other provisions of this section, submission of a drainage plan shall not be required as a precondition for obtaining a drainage permit in the instance of a one- or two-family dwelling constructed in a subdivision for which a plat has been approved in accordance with the Subdivision Control Ordinance, 58AO-13 as amended and for which a drainage plan meeting the requirements of section 561-224 has been approved and a permit issued under this chapter, so long as the permit applicant certifies that the land alteration shall be accomplished in compliance with the specifications and information found on the approved plat and on such drainage plan. Any deviations from the drainage provisions as approved in the plat and drainage plan for the subject plot must be submitted to the department of asset management and public works for approval by the director, and the director may require the submission of plans or other information relative to the deviation which may be required as a precondition to approval by the director.

Sec. 561-226. Duration Expiration of permit by operation of law; extensions.

(a) If the land alteration for which the permit has been issued has not commenced within ~~two (2) years~~ one hundred eighty (180) days from the date of its issuance, the permit shall expire by operation of law and no longer be of any force or effect; provided, however, the director of the department of asset management and public works may, for good cause, shown in writing, extend the validity of the permit for an additional period of time which is reasonable under the circumstances to allow commencement of the land alteration. In no event shall the extension exceed a period of sixty (60) days.

(b) If the ~~drainage activity is~~ land alteration has been commenced but only partially completed, and thereafter no substantial land alteration has occurred on the site for a period of ~~one (1) year~~ six (6) months, the permit shall expire by operation of law and no longer be of any force or effect; provided, however, the director may, for good cause, shown in writing, extend the validity of such permit for an additional period which is reasonable under the circumstances to allow ~~completion~~ resumption of the work land alteration.

(c) An extension under this section may be granted upon the payment of the applicable fee as computed in accordance with Division 8 of Article II of this chapter, and shall be confirmed in writing.

Sec. 561-227. ~~Deviation from the approved~~ Notice of change in permit information; amendment of permits and plans.

(a) After a permit has been issued, the permittee shall give prompt written notice to the director of any addition to or change in the information contained in the permit application.

(b) After a permit has been issued, Any significant material deviation or change in the detailed information contained in the permit application or in the approved plans and specifications after granting of the drainage permit shall be filed in duplicate with and approved considered an amendment subject to approval by the director, of the department of asset management and public works prior to the time land alteration involving the change occurs, the permittee shall file with the director a written request for amendment, including a detailed statement of the requested change and the submission of any amended plans.

(c) Copies thereof, if approved, The director shall give the permittee written notice that the request for amendment has been approved or denied, and if approved, copies of the amended application or plans shall be attached to the original application or plans and specifications.

(d) The director may approve an amendment to a permit or approved plans under this section upon the payment of the applicable fee as computed in accordance with Division 8 of Article II of this chapter. Reinspection fees or other fees which are occasioned by the amendment shall be assessed and paid in the same manner as for original permits or plans.

SECTION 15. Chapter 561, ARTICLE II, Division 2 of the "Revised Code of the Consolidated City and County," regarding drainage permits, hereby is amended by the addition of a NEW Section 561-229, regarding transfers of permits, to read as follows:

Sec. 561-229. Transfer of permit

(a) A drainage permit may be transferred with the approval of the director to a person, partnership or corporation which would be eligible under section 561-222 to obtain such drainage permit in the first instance (hereinafter called "transferee"), after both the payment of a fee as computed in accordance with Division 8 of this article and the execution and filing of a form furnished by the department of asset management and public works. Such transfer form shall contain, in substance, the following certifications, release and agreement:

- (1) The person who obtained the original drainage permit or a person who is employed by and authorized to act for the obtainer (hereinafter called "transferor") shall:
 - a. Certify under penalties for perjury that such person is familiar with land alteration activity accomplished pursuant to the drainage permit; such person is familiar with the drainage requirements applicable to the land alteration activity; and to the best of such person's knowledge, information and belief the land alteration activity, to the extent performed, is in conformity with all drainage requirements; and,
 - b. Sign a statement releasing all rights and privileges secured under the drainage permit to the transferee.
- (2) The transferee shall:
 - a. Certify that the transferee is familiar with the information contained in the original drainage permit application, the drainage plan, and any other documents filed in support of the application for the original drainage permit;
 - b. Certify that the transferee is familiar with the present condition of the premises on which land alteration activity is to be accomplished pursuant to the drainage permit; and,
 - c. Agree to adopt and be bound by the information contained in the original application for the drainage permit, the drainage plan, and other documents supporting the original drainage permit application; or in the alternative, agree to be bound by such application, plan and documents as modified by an amendment submitted to the director for approval.

(b) The transferee shall assume the responsibilities and obligations of and shall comply with the same procedures required of the transferor (including, but not being limited to, the requirement of section 561-241 that a certificate of completion and compliance be executed and filed) and shall be subject to any written orders issued by the director.

(c) A permit for land alteration activity at a specified location may not be transferred to land alteration activity at another location.

SECTION 16. Section 561-241 of the "Revised Code of the Consolidated City and County," regarding certificates of completion and compliance for work done pursuant to a drainage permit, hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 561-241. Certificate of completion and compliance.

Within ~~ten (10)~~ fourteen (14) days after completion of a land alteration for which a drainage permit was required and relative to which a certified plan was required to be filed pursuant to section 561-224, a registered professional engineer, land surveyor or architect, engaged in storm drainage design, shall execute and file with the department of asset management and public works a certificate of completion and compliance. Such certificate shall be in the following form:

CERTIFICATE OF COMPLETION AND COMPLIANCE

Address of premises on which land alteration was accomplished _____

Inspection Date(s): _____ Permit No. _____

Relative to plans prepared by: _____ on _____, 19____.

I hereby certify that:

- (1) I am familiar with drainage requirements applicable to such land alteration (as set forth in Chapter 561 of this Code of the ~~Consolidated City and County~~); and
- (2) I have personally observed the land alteration accomplished pursuant to the above-referenced drainage permit; and
- (3) To the best of my knowledge, information and belief, such land alteration has been performed and completed in conformity with all such drainage requirements, except _____

Signature _____ Date _____

Typed or Printed Name _____ Phone _____

(SEAL)

Business Address _____

Surv. _____ Eng. _____ Arch. _____ Indiana Registration No. _____

SECTION 17. Sections 561-282 and 561-283 of the "Revised Code of the Consolidated City and County," regarding drainage permit fees, exemptions and refunds, hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 561-282. Exemption relative to land alteration activity accomplished by or for certain governmental units.

Drainage permits shall be obtained for land alteration activity accomplished by or for a governmental unit, and inspections as specified in this chapter shall be allowed. Fees shall be required as specified in section 561-281 except for the following:

- (1) Land alteration activity for which a fee cannot be charged by the municipality because of federal or state law; or
- (2) Land alteration activity accomplished by an a unit of local government or by its employee or contractor of the ~~Consolidated City of Indianapolis or the Indianapolis Marion County building authority~~ in the course of such employee's or contractor's performance of governmental duties for a unit of local government.

Sec. 561-283. Payment of fees; refunds.

(a) Fees for drainage permits shall be collected by the department of asset management and public works, acting on behalf of the city controller.

(b) A permit fee paid under this chapter shall not be refunded except upon request and in instances where the permit was issued in error, either because it was not required by law, or because a permit for the same activity previously had been issued and was in force at the time the second permit was applied for and issued.

SECTION 18. Sections 645-323, 645-324, and 645-325 of the "Revised Code of the Consolidated City and County," regarding permits for activities in the rights-of-way, hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 645-323. Duties and responsibilities of the board.

(a) The board shall, in accordance with the procedures specified in ~~section~~ this section, adopt regulations which apply only to work performed in, on, under and/or over public rights-of-way and to the permits, procedures, requirements, standards and fees which are associated with said work. Those regulations may include, but are not limited to, regulations establishing the following:

- (1) Standards for traffic controls for construction and maintenance operations or activities in, on, under and over the public rights-of-way, which standards shall be designed to protect members of the public using such public rights-of-way and to be consistent, to the extent practicable, with the "Indiana Manual of Uniform Traffic Control Devices", the "Indiana Department of Transportation Standard Specifications, 1995 edition", and all other state and federal statutes, recognizing, however, that traffic controls for projects within public rights-of-way subject to the jurisdiction of the department may be less stringent than the traffic controls required in connection with work on state or federal highways where traffic will be traveling at much greater speeds;
- (2) Restrictions with respect to when and how work should be performed in public rights-of-way in certain geographical areas, ~~such as~~ including but not limited to the area around Monument Circle, ~~Hoosier~~ RCA Dome and Convention Center or in areas during times when special events such as the 500 Mile Race and State Fair, are being held;
- (3) Time periods when work in, under, on or over public rights-of-way should, except in cases of emergencies, be prohibited or limited;
- (4) Minimum standards for compaction or deflection testing or both;
- ~~(5) A schedule of fees for the enforcement of the provisions of this article or the regulations duly adopted by the board;~~
- ~~(6)~~ (5) Bonding or insurance requirements;
- ~~(7)~~ (6) Enforcement procedures;
- ~~(8)~~ (7) Standards for right-of-way excavations;
- ~~(9)~~ (8) Standards for restoration of the public right-of-way;
- ~~(10)~~ (9) Inspection and testing procedures;
- ~~(11)~~ (10) Applicability of standards adopted by the board;
- ~~(12)~~ (11) Variance procedure;
- ~~(13)~~ (12) Appeal procedure;
- ~~(14)~~ (13) Form and content of the right-of-way excavation permit;
- ~~(15)~~ (14) Kinds and categories of permits;
- ~~(16)~~ (15) Permit fees;

- (17) (16) Permit issuance procedures;
- (18) (17) Indemnification provisions;
- (19) ~~Penalties for noncompliance with the provisions of this chapter or with regulations promulgated by the board;~~
- (20) (18) Emergency permit notification procedures; and
- (21) (19) Permit verification procedures.

(b) In addition to the requirements specified in subsection (a), a copy of the notice of hearing on any regulation proposed to be adopted by the board under this section shall be mailed by United States first class mail concurrently to all public utilities providing service in Marion County.

Sec. 645-324. Permit required for work in right-of-way; enforcement.

(a) Except as otherwise provided in subsections (b) and (c) of this section 645-324, it shall be unlawful for any person, partnership, corporation, or other entity, including departments, divisions, agencies or boards of the city to perform any work, including, but not limited to, cutting, drilling, digging or excavating in, on, over or under a public right-of-way without first having obtained a permit from the department. A violation of this section is subject to the enforcement procedures and penalties provided in section 103-3 of the Code; provided, however, the fine imposed for such violation shall not be less than one hundred dollars (\$100.00), and each day that an offense continues shall constitute a separate violation. The city controller shall cause any fines collected under this section to be deposited into an account for the use and benefit of the department of capital asset management.

(b) In the event an ~~an~~ emergency arises that affects the health and safety of the public or requires the restoration of a utility service and such an event occurs at a time other than normal business hours for ~~DCAM the department~~, work may be performed in, on, over or under the public right-of-way without first obtaining a permit. If such event were to occur, the person, partnership, corporation or other entity performing ~~said such~~ work must file for a permit from ~~DCAM the department~~ on the first business day following the commencement or performance of the work.

(c) Notwithstanding the requirements of subsection (a), no permit shall be required for work in, on, over or under a street, (i) which is located within a subdivision platted after January 1, 1992, and (ii) which has not been accepted by the board in accordance with section 691-129 of the Code.

Sec. 645-325. Violations.

~~(a) Violations of the provisions of this article or the provisions of the regulations adopted by the board pursuant to this article shall subject the permit holders to payment of fees specified in the regulations adopted by the board establishing a schedule of fees for the enforcement of the regulations adopted by the board pursuant to this article.~~

~~(b) Failure to conform to any of the provisions of this article, including any standards established by or the provisions of the regulations adopted by the board pursuant to this article, shall constitute a violation of this article. All violations shall be subject to the penalties of section 103-3 of this Code.~~

SECTION 19. Section 645-421 of the "Revised Code of the Consolidated City and County," regarding permits for curb cuts for driveways, hereby is amended by the addition of the language which is underscored, to read as follows:

Sec. 645-421. Permit required; enforcement.

(a) It shall be unlawful for any abutting owner to alter, remove or cut any grassplot, sidewalk, the pavement of the street or the curb adjacent thereto, or to excavate in a street, for the purpose of locating or constructing any private or commercial driveway or roadway for vehicles to cross over such grassplot or sidewalk and to afford access to his premises, without first obtaining a permit therefor from the transportation board.

(b) A violation of this section is subject to the enforcement procedures and penalties provided in section 103-3 of the Code; provided, however, the fine imposed for such violation shall not be less than one hundred dollars (\$100.00), and each day that an offense continues shall constitute a separate violation. The

city controller shall cause any fines collected under this section to be deposited into an account for the use and benefit of the department of capital asset management.

SECTION 20. Section 645-431 of the "Revised Code of the Consolidated City and County," regarding excavation permits, hereby is amended by the addition of the language which is underscored, to read as follows:

Sec. 645-431. Permit required; enforcement.

(a) Before any person, pursuant to a private contract therefor and for the benefit and use of his abutting real estate, shall make any cuts into the pavement or in any other portion of any improved street, sidewalk, curb or public place to excavate therein or to excavate in and beneath the surface of any unimproved street for the construction, reconstruction, alteration or repair of any driveway, sewer or sidewalk, or for the installation or repair of connections of private sewers, drains or public utility service lines located upon and serving his abutting real estate with any public sewer or public utility service lines located in the public way or place pursuant to any provisions of this Code, he shall first obtain a permit therefor as provided in this division.

(b) A violation of this section is subject to the enforcement procedures and penalties provided in section 103-3 of the Code; provided, however, the fine imposed for such violation shall not be less than one hundred dollars (\$100.00), and each day that an offense continues shall constitute a separate violation. The city controller shall cause any fines collected under this section to be deposited into an account for the use and benefit of the department of capital asset management.

SECTION 21. Section 645-443 of the "Revised Code of the Consolidated City and County," regarding violations relating to excavation in the public right-of-way, hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 645-443. Violations Penalty for hiring unqualified contractor.

~~The contractor and any other person doing any work subject to this division shall be guilty of an offense under this Code if neither of them obtain or cause to be obtained the permit required therefor, and any owner shall be guilty of an offense hereunder if he executes~~ It shall be unlawful for a person to execute a contract to have such work subject to this division done by a person who is not so qualified and authorized to engage in such work under all the requirements of this Code, and if he fails to fail to ascertain such fact by inquiry at the office of the director of transportation the department of capital asset management. The fine imposed for a violation of this section shall not be less than one thousand dollars (\$1,000.00).

SECTION 22. Section 671-22 of the "Revised Code of the Consolidated City and County," regarding sewer connection permits, hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 671-22. 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, and the fine imposed for a violation of this provision shall not be less than one hundred dollars (\$100.00) for each day the violation continues; the city controller shall cause any fines collected under this section to be deposited into an account for the use and benefit of the department. Permits will not be granted for connections to sewers not dedicated and accepted in accordance with section 671-161 of this chapter. This shall in no way limit the issuance of a building permit by the division of development services subject to the approval of a sanitary sewer connection permit application by the department of public works.

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

(c) *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 671-4(g). The design and location of the grease interceptor shall be submitted to the department for approval.

(d) *Permit fee; refunds.* A fee per connection to the sewer shall be charged for a sanitary sewer connection permit. The board of capital asset management shall establish the amount of such fee by regulation and 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. The permit fee paid under this article shall not be refunded except upon request and in instances where the permit was issued in error, either because it was not required by law, or because a permit for the same activity previously had been issued and was in force at the time the second permit was applied for and issued.

(e) *Modification of permit fee.* The board of capital asset management 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.

(f) *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.

(g) *Who may apply.*

- (1) Application for a sewer connection permit shall only be made by the following:
 - a. A plumbing contractor licensed by the state and registered in accordance with Chapter 875 of this Code.
 - b. 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 Chapter 875 of this Code. Insurance requirements are met if the contractor has secured and maintains a public liability and property damage insurance policy as set forth in Chapter 875 of this Code.
- (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.~~

(h) *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.

(i) *Expiration of permit by operation of law; extensions.* The connection permit shall expire by operation of law and shall no longer be of any force or effect if work is not initiated within one hundred fifty ~~(150)~~ eighty (80) days from the date of issuance of the permit. The director may, however, for good cause shown in writing, extend the duration of the permit for a reasonable an additional period which is reasonable under the circumstances to allow commencement of the construction activity. In no event shall the extension exceed a period of sixty (60) days. If the construction activity has been commenced but only partially completed, and thereafter substantially no construction activity occurs on the construction site over a period of one hundred eighty (180) days, the permit shall expire by operation of law and no longer be of any force or effect; provided, however, the director may, for good cause shown in writing, extend the validity of any such permit for an additional period which is reasonable under the circumstances to allow resumption of

construction activity. The fee for an extension under this subsection shall be thirty dollars (\$30.00), and the extension shall be confirmed in writing.

(j) *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 rights-of-way but rather shall be supplemental thereto.

(k) *Enforcement of bond.* Any action may be initiated in a court of competent jurisdiction relative to the bond provided for in subsection (g)(1)b 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.

(l) *Variance procedure.* The director shall have the power to modify or waive any minimum sanitary sewer design standard found in this article or in any regulations promulgated by the board pursuant to Section 671-15 of the Code, which pertain to permits issued under this article. The director may grant such a variance if an applicant for a construction permit submits the request in writing and makes a substantial showing that:

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

If the director fails to respond within twenty (20) days from receipt of a written request for modification or waiver, such request shall be deemed to be denied. An applicant may appeal to the board a decision of the director which denies or partially denies a requested variance. The appeal of such a decision shall be filed with the board within twenty (20) days following the date of the decision. The board shall hear the request for the variance de novo, and in making a decision shall apply the standards set forth above.

(m) *Exemption relative to work accomplished by or for certain governmental units.* Permits as required by this section shall be obtained for sewer connection activity in the city accomplished by or for a governmental unit, and inspections relative to such sewer connection activity shall be allowed. Fees shall be required as specified by the board of capital asset management, except for the following:

- (1) Sewer connection activity for which a fee cannot be charged by the municipality because of federal or state law; or
- (2) Sewer connection activity accomplished by a unit of local government, or by its employee or contractor in the course of such employee's or contractor's performance of duties for a unit of local government.

(n) *Notice of change in permit information.* After a permit has been issued, the permittee shall give prompt written notice to the director of any addition to or change in the information contained in the permit application.

(o) *Amendment of permits and plans.* After a permit has been issued, any material deviation or change in the information contained in the permit application or the plans shall be considered an amendment subject to approval by the director. Prior to the time construction activity involving the change occurs, the permittee shall file with the director a written request for amendment, including a detailed statement of the requested change and the submission of any amended plans. The director shall give the permittee written notice that the request for amendment has been approved or denied, and if approved, copies of the amended application or

plans shall be attached to the original application or plans. The fee for the amendment of a permit shall be thirty dollars (\$30.00). Reinspection fees and other fees which are occasioned by the amendment shall be assessed and paid in the same manner as for original permits or plans.

(p) *Transfer of permit.* A sanitary sewer connection permit may be transferred with the approval of the director to a person, partnership or corporation which would be eligible to obtain such construction permit in the first instance (hereinafter called "transferee"), after both the payment of a fee of thirty dollars (\$30.00) and the execution and filing of a form furnished by the department. Such transfer form shall contain, in substance, the following certifications, release and agreement:

- (1) The person who obtained the original construction permit or a person who is employed by and authorized to act for the obtainer (hereinafter called "transferor") shall:
 - a. Certify under penalties for perjury that such person is familiar with the sanitary sewer construction activity accomplished pursuant to the construction permit; such person is familiar with the construction standards and procedures provided in this article; and to the best of such person's knowledge, information and belief the construction activity, to the extent performed, is in conformity with all standards and procedures provided in this article; and
 - b. Sign a statement releasing all rights and privileges secured under the construction permit to the transferee.
- (2) The transferee shall:
 - a. Certify that the transferee is familiar with the information contained in the original construction permit application, the design plans and specifications, and any other documents filed in support of the application for the original construction permit;
 - b. Certify that the transferee is familiar with the present condition of the premises on which the construction activity is to be accomplished pursuant to the construction permit; and,
 - c. Agree to adopt and be bound by the information contained in the original application for the construction permit, the design plans and specifications, and other documents supporting the original construction permit application; or in the alternative, agree to be bound by such application plans and documents modified by plan amendments submitted to the director for approval.

The transferee shall assume the responsibilities and obligations of and shall comply with the same procedures required of the transferor, and shall be subject to any written orders issued by the director. A permit for construction activity at a specified location may not be transferred to construction activity at another location.

(q) *Revocation of permits.* The director may revoke a permit when:

- (1) The application, plans or supporting documents contain a false statement or misrepresentation as to a material fact; or,
- (2) The application, plans or supporting documents reflect a lack of compliance with the requirements of this article.

The sanction provided in this subsection shall in no way limit the operation of penalties provided elsewhere in this chapter.

(r) *Stop-work order.* The director is empowered to issue an order requiring the suspension of the pertinent construction activity ("stop-work order") whenever the director determines that:

- (1) Construction activity is proceeding in an unsafe manner;
- (2) Construction activity is proceeding in violation of a requirement of this article;
- (3) Construction activity is proceeding in a manner which is materially different from the application, plans, or supporting documents; or,
- (4) Construction activity for which a sanitary sewer connection permit is required is proceeding without such a permit being in force. In such an instance, the stop-work order shall indicate that the effect of the order terminates when the required permit is issued.

The stop-work order shall be in writing and shall state to which construction activity it is applicable and the reason for its issuance. The stop-work order shall be posted on the property in a conspicuous place and, if conveniently possible, shall be given to the person doing the construction and to the owner of the property or his agent. The stop-work order shall state the conditions under which construction may be resumed. The sanction provided in this subsection shall in no way limit the operation of penalties provided elsewhere in this chapter.

SECTION 23. Sections 671-151 and 671-152 of the "Revised Code of the Consolidated City and County," regarding sanitary sewer construction permits and applications, hereby are amended by the addition of the language which is underscored, to read as follows:

Sec. 671-151. Requirements for construction permits; enforcement.

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

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

(c) A violation of this section is subject to the enforcement procedures and penalties provided in section 103-3 of the Code; provided, however, the fine imposed for such violation shall not be less than one hundred dollars (\$100.00), and each day that an offense continues shall constitute a separate violation. The city controller shall cause any fines collected under this section to be deposited into an account for the use and benefit of the department.

Sec. 671-152. Application procedures; design plans and specifications.

(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 a title sheet which includes the professional engineer's seal and signature. The approval of design plans and specifications by the department under this article shall be valid for a period of one (1) year from the date such approval was granted, or until the construction permit for which the design plans and specifications were submitted is issued, whichever occurs first. However, prior to the issuance of the construction permit, if there are any material changes to approved design plans and specifications, or circumstances which cause the design plans and specifications to be inaccurate or incomplete, then new or corrected design plans and specifications shall be submitted to the department as a precondition for obtaining a construction permit.

(b) An application fee shall be submitted to cover the cost of plan review. The board of capital asset management shall establish the amount of such fee by regulation and may revise the amount of such fee but not more often than once each calendar year. The application fee paid under this article shall not be refunded except upon request and in instances where the permit was issued in error, either because it was not required by law, or because a permit for the same activity previously had been issued and was in force at the time the second permit was applied for and issued.

(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.

SECTION 24. Section 671-159 of the "Revised Code of the Consolidated City and County," regarding the expiration of sanitary sewer construction permits and the certificate of completion and compliance, hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 671-159. Duration Expiration of construction permit by operation of law; extensions; and certificate of completion and compliance.

(a) The sanitary sewer construction permit shall be valid for one (1) year from the date of issuance. If construction activity has not been commenced within one hundred eighty (180) days from the date of issuance of the sanitary sewer construction permit, the permit shall expire by operation of law and shall no longer be of any force or effect; provided, however, the director may, for good cause shown in writing, extend the validity of any such permit for an additional period which is reasonable under the circumstances to allow commencement of the construction activity. In no event shall the extension exceed a period of sixty (60) days.

(b) If the construction activity has been commenced but only partially completed, and thereafter substantially no construction activity occurs on the construction site over a period of six (6) months, the permit shall expire by operation of law and no longer be of any force or effect; provided, however, the director may, for good cause shown in writing, extend the validity of any such permit for an additional period which is reasonable under the circumstances to allow resumption of construction activity.

(c) The fee for an extension granted under this section shall be thirty dollars (\$30.00), and the extension shall be confirmed in writing.

(bd) Within fourteen (14) days after satisfactory completion of tests on the sanitary sewer or lift station for which a construction permit was obtained, the professional engineer contracted in accordance with section 671-160 shall execute and file with the department a certificate of completion and compliance, in a form prescribed by the department.

SECTION 25. Section 671-161 of the "Revised Code of the Consolidated City and County," regarding requirements for sanitary sewer project acceptance and dedication, hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 671-161. 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 671-156(b);
- (2) Recorded covenant and easement documents as required in sections 671-157 and 671-158;
- (3) Certificate of completion and compliance as required in section 671-159(bd);
- (4) The completion of a final inspection as required in section 671-160 which confirms that the sewer has been constructed and tested in accordance with the department's standard specifications; and
- (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.

SECTION 26. Sections 671-166 and 671-167 of the "Revised Code of the Consolidated City and County," regarding sanitary sewer construction permit fee exemptions and stop-work orders and penalties, hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, including NEW language regarding amendments to permits and plans, to read as follows:

Sec. 671-166. Exemption relative to sewer construction activity accomplished by and for certain governmental units.

Construction permits shall be obtained for sanitary sewer construction accomplished by or for a governmental unit, and inspections as specified in this chapter shall be required. Fees shall be required as specified in sections 671-160 and 671-152 except for the following:

- (1) Sanitary sewer construction for which a fee cannot be charged by the municipality because of federal or state law; or

- (2) Sanitary sewer construction accomplished by ~~an~~ a unit of local government, or by its employee or contractor ~~on behalf of the city~~ in the course of such employee's or contractor's performance of duties for a unit of local government.

Sec. 671-167. Notice of change in permit information; amendment of permits and plans.

(a) After a permit has been issued, the permittee shall give prompt written notice to the director of any addition to or change in the information contained in the permit application.

(b) After a permit has been issued, any material deviation or change in the information contained in the permit application or the design plans and specifications shall be considered an amendment subject to approval by the director. Prior to the time construction activity involving the change occurs, the permittee shall file with the director a written request for amendment, including a detailed statement of the requested change and the submission of any amended plans.

(c) The director shall give the permittee written notice that the request for amendment has been approved or denied, and if approved, copies of the amended application or plans shall be attached to the original application or plans. A fee for the amendment of a permit shall be thirty dollars (\$30.00). Reinspection fees, and other fees which are occasioned by the amendment shall be assessed and paid in the same manner as for original permits or plans.

Sec. 671-1678. Stop-work order; revocation of permits.

(a) The ~~department~~ director is empowered to issue an order requiring suspension of work ("stop-work order") whenever ~~it~~ the director determines that:

- (1) Construction is proceeding in an unsafe manner; or
- (2) Construction is occurring in violation of the department's standard specifications and requirements and in such a manner that, if construction is allowed to proceed, there is a probability that it will be substantially difficult to correct the violation; or
- (3) Construction activity is proceeding in a manner which is materially different from the application, design plans or specifications; or,
- (34) Sewer construction for which a construction permit is required is proceeding without a construction permit being in force. In such an instance, the stop-work order shall indicate that the effect of the order terminates when the required permit is obtained.

The stop-work order shall be in writing and shall state to what construction it is applicable and the reason for its issuance. One (1) copy of the stop-work order shall be posted on the property in a conspicuous place, and one (1) copy shall be delivered to the permit applicant, to the person doing the construction and to the owner of the property or his agent. The stop-work order shall state the conditions under which construction may be resumed.

(b) The director may revoke a sanitary sewer construction permit when:

- (1) The application, design plans or specifications contain a false statement or misrepresentaiton as to a material fact; or,
- (2) The application, design plans or specifications reflect a lack of compliance with the requirements of this article.

(c) The sanctions provided in this section shall in no way limit the operation of penalties provided elsewhere in this chapter.

SECTION 27. Section 671-168 of the "Revised Code of the Consolidated City and County," regarding penalties for violation of the provisions regarding sanitary sewer construction permits, hereby is REPEALED.

SECTION 28. Article VII of Chapter 671 of the "Revised Code of the Consolidated City and County," regarding sanitary sewer construction permits, hereby is amended by adding a NEW Section 671-170, regarding transfers of permits, to read as follows:

Sec. 671-170. Transfer of permit

(a) A sanitary sewer construction permit may be transferred with the approval of the director to a person, partnership or corporation which would be eligible to obtain such construction permit in the first instance (hereinafter called "transferee"), after both the payment of a fee of thirty dollars (\$30.00) and the execution and filing of a form furnished by the department. Such transfer form shall contain, in substance, the following certifications, release and agreement:

- (1) The person who obtained the original construction permit or a person who is employed by and authorized to act for the obtainer (hereinafter called "transferor") shall:
 - a. Certify under penalties for perjury that such person is familiar with the sanitary sewer construction activity accomplished pursuant to the construction permit; such person is familiar with the construction standards and procedures provided in this article; and to the best of such person's knowledge, information and belief the construction activity, to the extent performed, is in conformity with all standards and procedures provided in this article; and,
 - b. Sign a statement releasing all rights and privileges secured under the construction permit to the transferee.
- (2) The transferee shall:
 - a. Certify that the transferee is familiar with the information contained in the original construction permit application, the design plans and specifications, and any other documents filed in support of the application for the original construction permit;
 - b. Certify that the transferee is familiar with the present condition of the premises on which the construction activity is to be accomplished pursuant to the construction permit; and,
 - c. Agree to adopt and be bound by the information contained in the original application for the construction permit, the design plans and specifications, and other documents supporting the original construction permit application; or in the alternative, agree to be bound by such application plans and documents modified by plan amendments submitted to the director for approval.

(b) The transferee shall assume the responsibilities and obligations of and shall comply with the same procedures required of the transferor (including, but not being limited to, the requirement of Section 671-159 that a certificate of completion and compliance be executed and filed) and shall be subject to any written orders issued by the director.

(c) A permit for construction activity at a specified location may not be transferred to construction activity at another location.

SECTION 29. Section 691-127 of the "Revised Code of the Consolidated City and County," regarding street and bridge construction plan approvals, hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 691-127. Length Expiration of plan approval validity by operation of law; extensions.

In the event construction of a street or bridge is not initiated within ~~two (2) years~~ one (1) year and work completed within four (4) years after the approval of construction plans pursuant to this division, then such approval shall expire by operation of law and shall no longer be of any force or effect; provided, however, the director of the department of capital asset management may extend the validity of such approval for an additional period which is reasonable under the circumstances, for good cause shown in writing and upon the resubmission of such plans shall be presented to the department of capital asset management for re-review, and certain design features may be required to be changed due to changes in design criteria.

SECTION 30. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 31. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining

provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 32. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

PROPOSAL NO. 403, 1999. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 403, 1999 on July 28, November 10, and December 1, 1999. The proposal, sponsored by Councillor Moores, amends Sections 251-301 through 251-306 concerning the Animal Care and Control Board, and amends Chapter 531 concerning Animals. By a 5-0 vote, the Committee reported the proposal to the full Council with the recommendation that it do pass as amended.

Councillor Borst made the following motion:

Mr. President:

I move to amend Proposal No. 403, 1999, committee report as follows:

- 1) Substitute the following for Sec. 251-332:

Sec. 251-~~303~~332. Board membership.

(a) The animal care and control board shall be composed of ~~the following~~ five (5) voting members who are residents of the city and have an interest in and knowledge of care and control of animals, and who are chosen as follows:

- (1) A veterinarian licensed by the State of Indiana and actively engaged, if possible, in private practice in Marion County, who shall be appointed by the mayor;
- (2) A representative ~~or designee~~ from the Health and Hospital Corporation of Marion County board of health, who shall be appointed by the council;
- (3) A representative from the Humane Society of Indianapolis, who shall be appointed by the mayor.
- (4) Two (2) members from the community, one (1) of whom shall be appointed by the council, and one (1) of whom shall be appointed by the mayor ~~and neither of whom shall derive income from the use or sale of animals.~~
- (5) ~~The administrator shall be an ex officio, nonvoting member of the board.~~

(b) Each animal care and control board member shall serve at the pleasure of the appointing authority for a term ending December thirty-first following appointment and until a successor is appointed. A member may be reappointed for successive terms.

(c) If any animal care and control board member dies, resigns, vacates office or is removed from office, a new member shall be appointed to fill the vacancy in the same manner as the member in respect to whom the vacancy occurs was appointed.

(d) Any animal care and control board member who fails to attend three (3) consecutive regular meetings of the animal care and control board shall be treated as if he had resigned, unless sufficient written justification is submitted to and approved by the appointing authority. The administrator shall inform the appointing authority in writing of any animal care and control board member of such board member's failure to attend three (3) consecutive regular meetings.

(e) An appointing authority shall not make all of its appointments from the same political party.

- 2) Substitute the following for Sec. 531-731:

Sec. 531-~~627~~ 731. Disposition of owner-surrendered animals and impounded animals not claimed by owner; adoption.

(a) An animal surrendered by its owner under this division and not reclaimed by its owner, adopted, or rescued by a humane or breed rescue organization, may be kept or otherwise humanely disposed of, in the reasonable exercise of discretion of the enforcement authority, but consistent with such provisions as the animal care and control board shall make regarding the capture, surrender, impoundment, adoption, sale and destruction of animals. Even after the expiration of the twenty-four (24) hours, no owner-surrendered animal shall be humanely disposed of, while there is sufficient room in the kennel to reasonably house such animal at the animal care and control shelter (keeping in mind the necessity of having empty places for animals to be moved during cleaning).

(b) An animal impounded under this division and which is not claimed by its owner shall be confined by the enforcement authority in a humane manner for a period after capture of not less than six (6) days. An animal not claimed within the six-day impoundment period may be kept, adopted, rescued by a humane or breed rescue organization or otherwise humanely disposed of, in the reasonable exercise of discretion of the enforcement authority, but consistent with such provisions as the animal care and control board ~~public safety board~~ shall make regarding the capture, surrender, impoundment, adoption, sale and destruction of animals. Even after the expiration of the six-day impoundment period, no animal shall be humanely disposed of, while there is sufficient room in the kennel to reasonably house, such animal at the animal care and control shelter (keeping in mind the necessity of having empty places for animals to be moved during cleaning).

(~~bc~~) Following the six-day impoundment period, a person other than the animal's owner or a member of the owner's family who wishes to adopt an impounded animal which has not been claimed, and which is otherwise available for adoption, may adopt the animal. It is declared that the adoption of as many animals as possible is a priority of the animal care and control shelter. Such person wishing to adopt an animal from the animal care and control shelter shall pay to the city an adoption fee of twenty-five dollars (\$25.00) thirty-five dollars (\$35.00) to cover the enforcement authority's expenses, including the expense of of vaccinations; however, with respect to a dog or cat which does not bear an identification microchip, the enforcement authority shall cause a microchip with a registered identification number to be implanted in the dog or cat prior to the animal's adoption, and the adoption fee for such a dog or cat shall be ~~thirty-five dollars (\$35.00)~~ forty-five dollars (\$45.00).

(~~ed~~) A person who wishes to adopt a dog or cat which has been impounded under this division, must meet the adoption and sterilization criteria adopted by the animal care and control board, and first shall agree in writing:

- (1) ~~to immunize the animal against rabies as required by law;~~
- (2) ~~to abide by sections 531-102 and 531-401 of this chapter, and~~
- (3) ~~To have the animal spayed or neutered at that person's expense. Failure to have the animal spayed or neutered within sixty (60) days after the date of adoption shall be a violation of the Code.~~

- 3) And Substitute the following for Sec. 531-811 (c):

(c) All money generated, received or collected in response to the division's special fund-raising projects shall be payable to the city controller and deposited in a dedicated animal control special projects funds to be used in a manner consistent with the announced purpose of any special fund-raising event or project. No expenditure may be made from the dedicated animal care special projects fund unless first approved by the administrator. The expenditure of funds from the dedicated animal care special projects fund shall be subject to all state and local appropriation and purchasing requirements and appropriated by the City-County Council.

Councillor Dowden moved, seconded by Councillor Moores, for adoption. Proposal No. 403, 1999, as amended, was adopted by the following roll call vote; viz:

24 YEAS: Black, Borst, Boyd, Cockrum, Coonrod, Coughenour, Curry, Dowden, Golc, Gray, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, SerVaas, Shambaugh, Short, Smith, Talley, Tilford, Williams
2 NAYS: Bradford, Schneider
3 NOT VOTING: Brents, Franklin, Gilmer

Proposal No. 403, 1999, as amended, was retitled GENERAL ORDINANCE NO. 169, 1999, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 169, 1999

A GENERAL ORDINANCE concerning Animals and the Animal Care and Control Board.

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

SECTION 1. Sec. 251-221 of the "Revised Code of the Consolidated City and County," regarding divisions of the department of public safety, hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 251-221. Divisions.

The department of public safety shall be composed of the following divisions:

- (1) *Fire division.* The duties and powers of the fire division are described in ~~Article III of this chapter~~ Chapter 252 of the Code.
- (2) *Police division.* The duties and powers of the police division are described in ~~Article IV of this chapter~~ Chapter 253 of the Code.
- (3) *Weights and measures division.* The duties and powers of the weights and measures division are described in ~~Article VII V~~ Article V of this chapter.
- (4) *Animal care and control division.* The animal care and control division shall be established and have all powers and duties described in ~~Article V III~~ Article III of this chapter, Chapter 531, and any other powers granted by law or by the city-county council or the mayor.
- (5) *Emergency management planning division.* The duties and powers of the emergency management planning division are described in ~~Article VI IV~~ Article IV of this chapter.

SECTION 2. Article III of Chapter 251 of the "Revised Code of the Consolidated City and County," regarding the Animal Care and Control Division, hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

ARTICLE III. ANIMAL CARE AND CONTROL ~~BOARD~~ DIVISION

DIVISION 1. ORGANIZATION

~~Sec. 251-301. Definitions.~~

~~As used in this article, the following terms shall have the meanings ascribed to them in this section:~~

- ~~(a) *Board* means the Marion County animal control board.~~
- ~~(b) *Division* means the animal control division of the department of public safety.~~
- ~~(c) *Administrator* means the administrator of the animal control division.~~
- ~~(d) *Director* means the director of the department of public safety.~~

(e) Council means the city-county council of Indianapolis and of Marion County.

Sec. 251-311. Animal care and control division; organization and powers.

(a) The animal care and control division shall consist of an administrator appointed by the director of the city department of public safety, and such other persons as the director deems necessary to appoint or employ.

(b) Whenever under this chapter the city department of public safety is directed or authorized to act, it shall be deemed to be acting by and through the animal care and control division.

(c) The animal care and control division shall have the power to employ any person to render such services as are necessary and desirable in the operation of the animal care and control division; however, contracts for such services shall be entered into by the city or the public safety board on behalf of the animal care and control division.

DIVISION 2. ANIMAL CARE AND CONTROL SHELTER

Sec. 251-321. Shelter operations.

The animal care and control division shall operate or contract for the operation of the facility located at 2600 South Harding Street, in the city which shall be known as the "animal care and control shelter."

Sec. 251-322. Purpose and responsibilities.

(a) The animal care and control shelter is to accept every animal brought to it.

(b) The division shall maintain a clean, comfortable, safe and healthy environment for the animals at the shelter.

(c) The division shall adopt, subject to the approval of the board, written standards and written standard operating procedures to ensure that the shelter is as clean, comfortable, safe and as healthy an environment as is reasonably possible.

(d) The shelter shall be open for redemption and adoption of animals a minimum of six (6) partial or whole days a week, including one full weekend day.

(e) The shelter shall be open to the public until at least 7:00 p.m. a minimum of one week night each week.

(f) The shelter shall make arrangements to receive and assist sick or injured animals twenty-four (24) hours a day.

(g) The shelter shall coordinate with enforcement officers to make arrangements for emergency pick up service for animals.

(h) The shelter shall contract or arrange for licensed regular veterinary care and for the appropriate veterinary medical supplies for the animals at the facility, which veterinary care shall include, but not be limited to: treatment of sick and injured animals, care for new born or young animals, administration of preventative vaccines and worming.

(i) The shelter shall provide adequate and nutritional food appropriate to the species, and circumstances of the individual animal. Animals will be fed in appropriate containers.

(j) The shelter shall assure that the kennels and/or cages in which the animals stay at the shelter are cleaned and disinfected regularly and in no case less than once every twenty four hours. Animals shall be humanely moved from their individual kennel to a clean area while the cleaning and disinfecting are being performed.

(k) Incoming animals shall be received in an area separate from the rest of the shelter population and shall be immediately examined for injury. They shall remain separated for twenty four hours after their arrival from the rest of the shelter population until they have been evaluated for health and temperament. Incoming animals whose vaccination history is unknown, shall be vaccinated before being moved into the shelter population.

(l) Cages and kennels shall be in good condition, free of sharp or broken edges, covered drains, supplied with clean, fresh bedding daily. Every animal shall be kept in an appropriate enclosure so as to remain clean, dry, comfortable and free of disease.

(m) Animals in the shelter shall be separated as follows:

- (1) Incoming animals from the shelter population for a twenty-four (24) hour triage and observation period;
- (2) Sick and injured animals from healthy animals so as to receive appropriate care, including off-site facility care if needed;
- (3) Puppies, kittens and nursing mothers with offspring from all other adult animals;
- (4) Further divisions as needed to accommodate temperament and behavior including, but not limited to females in heat and overly aggressive animals; and
- (5) Dogs from cats.

DIVISION 3. ANIMAL CARE AND CONTROL BOARD

Sec. 251-302 331. ~~Established~~ Establishment.

~~There~~ The animal care and control board is hereby established ~~the Marion County animal control board~~ to help identify the problems and needs of animal care and control in the city, to suggest answers and to recommend solutions to these needs and problems, and to educate the public regarding the care and ownership of animals. The members of the board shall be residents of the county and have an interest in and knowledge of the care and control of animals.

Sec. 251-303 332. Board membership.

(a) The animal care and control board shall be composed of the following five (5) voting members who are residents of the city and have an interest in and knowledge of care and control of animals, and who are chosen as follows:

- (1) A veterinarian licensed by the State of Indiana and actively engaged, if possible, in private practice in Marion County, who shall be appointed by the mayor;
- (2) A representative or designee from the Health and Hospital Corporation of Marion County board of health, who shall be appointed by the council;
- (3) A representative from the Humane Society of Indianapolis, who shall be appointed by the mayor.
- (4) Two (2) members from the community, one (1) of whom shall be appointed by the council, and one (1) of whom shall be appointed by the mayor and neither of whom shall derive income from the use or sale of animals.
- (5) ~~The administrator shall be an ex-officio, nonvoting member of the board.~~

(b) Each animal care and control board member shall serve at the pleasure of the appointing authority for a term ending December thirty-first following appointment and until a successor is appointed. A member may be reappointed for successive terms.

(c) If any animal care and control board member dies, resigns, vacates office or is removed from office, a new member shall be appointed to fill the vacancy in the same manner as the member in respect to whom the vacancy occurs was appointed.

(d) Any animal care and control board member who fails to attend three (3) consecutive regular meetings of the animal care and control board shall be treated as if he had resigned, unless sufficient written justification is submitted to and approved by the appointing authority. The administrator shall inform the appointing authority in writing of any animal care and control board member of such board member's failure to attend three (3) consecutive regular meetings.

(e) An appointing authority shall not make all of its appointments from the same political party.

Sec. 251-333. Officers, quorum, meetings.

(a) The voting members of the animal care and control board shall select a chairman and a vice-chairman. A recording secretary who shall keep the official minutes of the meetings, reserve meeting room space, handle all of the communications, including but not limited to meeting notices, will be supplied by the department of public safety. All official action of the animal care and control board shall be in writing and be executed by the animal care and control board upon being authorized by motion passed by the animal care and control board by simple majority of its members present.

(b) A quorum of the animal care and control board for official action in session shall be four (4) of the seven (7) voting members. Official minutes of meetings shall be kept by the secretary.

(c) The animal care and control board shall meet at least every month, or on special call of the chair, or upon the written request of any four (4) members with every other meeting being held at the shelter facility located at 2600 South Harding Street in the city.

Sec. 251-304 334. Responsibility generally: General powers and duties.

It shall be the responsibility of the animal care and control board to insure that activities of animal care and control are meeting its mission statement, to help identify the problems and needs of animal care and control in Marion County, to suggest answers and to recommend solutions to these needs and problems, and to educate the public regarding the proper care and responsible ownership of animals, and to make reasonable efforts to ensure that sufficient funds are appropriated for the proper and necessary equipment and personnel, and upgrades thereof, proper and efficient performance of the services, and work required of the division consistent with the animal care and control board's policies and procedures.

Sec. 251-305 335. Specific powers, duties and responsibilities.

The animal care and control board shall also be charged with the following specific duties and responsibilities:

- (1) To suggest, adopt, and if necessary, and review and amend rules and regulations for the efficient implementation of its policies and procedures, as well as to ensure that the goals identified in the mission statement of animal care and control are fulfilled;
- (2) To allow any person who feels aggrieved at a decision of a public entity concerning animals, or who wishes to express a concern involving animals, to file a written request for consideration of such grievance or concern with the chairman of the animal care and control board, who shall place such request on the agenda of a meeting of the animal care and control board. At the meeting, the animal care and control board shall hear the request and take appropriate action;
- (3) To make recommendations to the director and/or the council regarding ordinances establishing standards for the care, disposal disposition, treatment and control of all animals within Marion County including, but not limited to, licensing for the ownership of animals, increasing the adoption of animals and establishing criteria for the adoption of animals, and establishing a lost and found service for pet owners establishing education and community outreach programs for the animal care and control division, establishing and enhancing a county-wide, "one number to call" lost and found service for pet owners, establishing and administering a not-for-profit fund for which charitable donations can be made by citizens on behalf of animal care and control, establishing certification and/or educational requirements for employees of animal care and control, and encouraging responsible pet ownership, including the spaying and neutering of pet dogs and cats; and
- (4) To draft and adopt the mission statement for the animal care and control division;
- (5) To receive and review monthly reports from the administrator concerning:
 - a. The numbers of investigations conducted by animal care and control officers, the circumstances involved, the status of such investigations;
 - b. The numbers of animals taken into the shelter, the reasons therefore, the dispositions of such animals (i.e. retrieved by owners, adopted, euthanized, etc.);
 - c. The status of programs designed to implement the mission statement of the animal care and control division;

d. Fiscal operation and budgetary needs; and

e. Such other information as the animal care and control board shall from time to time request; and

(4)(6) To submit to the council, the mayor and the director annual reports of its activities and operations.

~~Sec. 251-306. Officers, quorum, meetings.~~

~~(a) The officers of the board shall be a chairman, a vice chairman and a secretary. They shall be elected by the voting members of the board. All official action of the board shall be in writing and be executed by the board upon being authorized by motion passed by the board by simple majority of its members present.~~

~~(b) A quorum of the board for official action in session shall be three (3) voting members. Official minutes of meetings shall be kept by the secretary.~~

~~(c) The board shall meet as needed at such place and time as may be set by the chairman.~~

SECTION 3. Articles I, II, III, IV, and V of Chapter 531 of the "Revised Code of the Consolidated City and County," regarding animals, hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

ARTICLE I. GENERAL PROVISIONS

Sec. 531-101. Definitions.

As used in this chapter, the following terms shall have the meanings ascribed to them in this section.

Animal means any living, nonhuman vertebrate creature.

Animal care and control division means the animal care and control division of the city department of public safety.

At large means not confined without means of escape in a pen, corral, yard, cage, house, vehicle or other secure enclosure, unless otherwise under the control of a competent human being.

Domestic animals means rabbits, cattle, horses, ponies, mules, donkeys, jackasses, llamas, swine, sheep, goats, dogs, cats and poultry.

Exposed to rabies means an animal has been exposed to rabies if it has been bitten by or been in contact with any animal known or reasonably suspected to have been infected with rabies.

Kennel means a facility operated commercially and principally for the purpose of boarding, housing, grooming, breeding or training dogs or cats, or both. For purposes of this chapter, *kennel* shall not include a facility in or adjoining a private residence where dogs or cats are kept for the hobby of the owner, lessee or other occupant of the property using the animals for hunting, practice tracking, exhibiting in shows or field or obedience trials or for the guarding or protecting of the property, and an occasional sale of pups or kittens by the owner, lessee or other occupant of the property shall not make such property a kennel for the purposes of this chapter.

Nonbite exposure means and includes scratches, abrasions, open wounds or mucous membranes contaminated with saliva or other potentially infectious material from a rabid animal.

Own means to keep, harbor or have custody, charge or control of an animal, and *owner* means and includes any person who owns an animal; however, veterinarians and operators of kennels, pet shops and stables, as those terms are defined in Chapter 836 of this Code, who temporarily keep animals owned by, or held for sale to, other persons shall not be deemed to own or be owners of such animals, but rather to be keepers of animals.

Person means and includes any individual, corporation, partnership or other association or organization, but shall exclude the following:

- (1) ~~Policemen~~ officers, federal or state armed forces, park rangers, game wardens, conservation officers and other such governmental agencies, with respect to actions which constitute a discharge of their official duties; and
- (2) An individual, partnership, corporation or other association, organization, or institution of higher education, which is registered as a research facility with the United States Secretary of Agriculture under 7 USC § 2131 et seq., commonly known as the "Animal Welfare Act," while engaged in the course of their performance as such.

Public safety board means the board of public safety of the city department of public safety.

Quarantining authority means the city department of public safety, its contractors, agents, employees and designees, acting under directives and regulations of the Health and Hospital Corporation of Marion County or the state board of animal health.

Shelter means the animal care and control facility located at 2600 South Harding Street in the City of Indianapolis.

Veterinarian means a person licensed to practice ~~veterinarian~~ veterinary medicine in the state.

Sec. 531-102. Animals at large prohibited.

(a) It shall be unlawful for the owner or keeper of an animal to cause, suffer, or allow that animal which is owned or kept by such person to be at large in the city.

(b) The first violation in any twelve-month period shall be subject to admission of violation and payment of the designated civil penalty through the ordinance violations bureau as provided in Article III of Chapter 103 of this Code. All second and subsequent violations in a twelve-month period are subject to the enforcement procedures and penalties provided in section I03-3 of the Code.

Sec. 531-103. Confinement of female animals in heat.

The owner or keeper of any female animal in heat kept in the city shall confine the animal within a secure enclosure and in such a manner as to prevent it from becoming a nuisance.

Sec. 531-104. Keeping swine.

It shall be unlawful for a person to keep swine on premises in the police special service district of the city, unless such premises are stockyards, slaughterhouses, or other premises where the keeping or raising of livestock is permitted by county zoning ordinances.

Sec. 531-105. Keeping horses, ponies, mules, donkeys, and jackasses, and llamas.

It shall be unlawful for a person to own, keep, or breed a horse, pony, mule, donkey, ~~or jackass,~~ or llama in the city on premises which measure less than eight thousand (8,000) square feet in a lot area per animal, unless such premises are registered as a stable under Chapter 836 of the Code.

Sec. 531-106. Report of vehicular collision with domestic animal.

A person whose vehicle ~~strikes~~ causes injury or death to a domestic animal in the city shall ~~promptly report the occurrence to stop at once, assess the extent of the injury to the extent that it is safe to do so, and immediately notify~~ the animal's owner, if known, ~~or to the city department of public safety the animal care and control shelter, either directly or through a local law enforcement agency,~~ together with a description of the animal struck, the location of the striking and an estimate as to the condition of the animal after being struck, along with the ~~license~~ rabies tag number of the animal, if it can safely be ascertained. Such person shall not be required to report his or her name, as the only purpose of this requirement is to aid the stricken animal and notify its owner, if any.

Sec. 531-107. Custody and ~~disposal~~ disposition of dead animals.

It shall be unlawful for a person to allow the body, or parts thereof, of any dead animal to be kept, held, or disposed of in violation of this section, as follows:

- (1) No public or private carrier shall either transport any dead animal through or into the city, or allow it to remain in or on any of its cars, vehicles, tracks or places controlled by it, in either instance longer than five (5) hours;

- (2) No person who operates a slaughterhouse, butcher shop or other place in the city shall permit any parts of offal of dead animals that are not fit and intended for use as food to accumulate or be kept on such premises for over twenty-four (24) hours after being received, or after the death of such animal;
- (3) No person shall skin, dismember, dissect, cut up or dispose of the body of a dead animal, or any parts thereof in the city, unless the person is regularly engaged in such business of killing and disposing of such animals for use as food or otherwise, and is so authorized by law, or does so for the person's own use; and
- (4) No person shall possess, keep, use or dispose of anywhere in the city, a dead animal or parts thereof, or offal of a live animal in any manner that creates offensive odors or sights, or constitutes a public nuisance which affects health and comfort in any respect.

Sec. 531-108. ~~Disposal~~ Disposition of dead animals by the city.

The city department of public works upon request may provide to persons or entities the service of picking up dead animal bodies and body parts and the lawful ~~disposal~~ disposition of them. When the city department of public works picks up dead animal bodies or parts from places other than the city streets and rights of way, it shall charge a fee of six dollars (\$6.00) per separate body part for this service.

ARTICLE II. DOGS AND CATS

Sec. 531-201. Application of article.

The provisions of this article shall be supplemental to the other provisions of this chapter which pertain to dogs or cats.

Sec. 531-202. Permanent identification of dogs and cats required.

(a) A person who owns a dog or cat in the city shall ensure that each dog or cat owned by that person bears a permanent means of identification at all times, such that the owner of a lost or stolen dog or cat can be ascertained quickly and easily.

(b) The means of identification required by this section shall be in addition to any tags required to be worn by dogs or cats by state law or other provision of this Code, and shall include either:

- (1) A microchip implanted in the dog or cat which bears a registered identification number, and which can be read by a standard microchip scanner, or
- (2) A permanent tag attached to a durable collar worn at all times by the dog or cat, and bearing the owner's current name, address and telephone number.

(c) Each veterinarian or other person in the city who implants microchips as contemplated in this section shall, at an interval of not less than once each month, send to the animal care and control division the names, addresses, and phone numbers of the owners of the dogs and cats, and the corresponding microchip identification numbers.

(d) It shall be unlawful for a person to own a dog or cat three (3) months of age or older which is kept in the city, and which does not bear a permanent means of identification as provided in this section. A violation of this section shall be punishable as provided in section 103-3 of the Code; provided, however, a fine imposed for any such violation shall not be less than one hundred dollars (\$100.00).

Sec. 531-203. Dog and cat curbing requirements.

(a) No person knowingly shall allow a dog or cat which is kept by that person to defecate or urinate on a public street, byway, municipally owned or public land or building, or upon private property, in the city without the prior permission of the owner of such property; however, if an animal defecates on property described in this subsection, the animal's owner or keeper promptly shall remove any feces to a waste container, or otherwise dispose of such material in a manner inoffensive to reasonable public sensibilities.

(b) Notwithstanding the provisions of subsection (a) of this section, the owner of a dog serving a vision-impaired person in an auxiliary ocular capacity or in any capacity to assist such person with a physical impairment may permit such dog to relieve itself on ground situated outside of pedestrian or

vehicular traffic ways, and is relieved of the requirement to remove any feces to the extent such requirement is impractical for a person of such impairment.

(c) No person knowingly shall allow his or her dog or cat to disperse waste material placed for public or private collection upon any public street, or byway or right-of-way, or any municipally owned or public land or building, or upon private property.

(d) A person who violates any provision of this section shall be punishable as provided in section 103-3 of the Code; provided, however, a fine imposed for any such violation shall not be less than twenty-five dollars (\$25.00).

Sec. 531-204. ~~Dogs~~ Animals causing nuisance prohibited.

(a) It shall be unlawful for a person to own or keep any ~~dog~~ animal which by frequent or habitual howling, yelping, barking, screeching, other vocalization or otherwise shall cause serious annoyance or disturbance to persons in the vicinity.

(b) A person who violates any provision of this section shall be punishable as provided in Section 103-3 of the Code; provided, however, a fine imposed for the first such violation shall not be less than twenty-five dollars (\$25.00); subsequent or continued violations may also subject the owner to impoundment of the animal by a ~~It shall be the duty of any person having authority to impound a dog, forthwith to impound such dogs~~ such an animal.

Sec. 531-205. Vicious, fierce or dangerous ~~dogs~~ animals; confinement required.

(a) For purposes of this section, the words *vicious, fierce or dangerous ~~dog~~ animal* mean and include an ~~dog~~ animal which has:

- (1) attacked a person without having been provoked by that person;
- (2) attacked, at some place other than its owner's or keeper's property, another animal; or
- (3) chased or approached a person at some place other than its owner's or keeper's property, in a menacing fashion or apparent attitude of attack.

(b) It shall be unlawful for an owner or keeper of a vicious, fierce, or dangerous ~~dog~~ animal to cause, suffer, or allow it to go unconfined and unrestrained on the owner's or keeper's premises, or to run at large, in the city.

(c) It shall be unlawful in the city for an owner or keeper of a vicious, fierce or dangerous ~~dog~~ animal to walk any such ~~dog~~ animal or otherwise cause, suffer or allow its presence upon a public street or byway, right-of-way, or municipally owned or public land or building, or upon private property without permission of the owner thereof.

(d) It shall be the duty of any person with the authority to impound ~~a dog-an animal~~ an animal forthwith to impound any vicious, fierce or dangerous ~~dog~~ animal found unconfined or running at large in violation of this section.

(e) A person who violates any provision of this section shall be punishable as provided in section 103-3 of the Code; provided, however, a fine imposed for any such violation shall not be less than five hundred dollars (\$500.00). If the violation results in the ~~dog~~ animal causing serious bodily injury to any person, the court upon request shall order the animal forfeited and/or destroyed.

Sec. 531-206. Unlawful use of a dog.

(a) It shall be unlawful for a person to make use of a dog in the commission or furtherance of any criminal act in the city.

(b) A person who violates this section shall be punishable as provided in section 103-3 of the Code; provided, however, a fine imposed for any such violation shall not be less than one hundred dollars (\$100.00). Further, upon a finding of violation, the court upon request shall order the dog forfeited and/or destroyed.

Sec. 531-207. Domestic animals in vehicles.

(a) It shall be unlawful to leave a domestic animal unattended in a vehicle when the conditions in that vehicle would constitute a health hazard to the animal.

(b) It shall be unlawful for any dog or cat to ride in the bed of a pickup truck on public streets, highways and/or rights-of-way unless the animal is securely caged and protected from the environment or unless the of the pickup truck is enclosed with a camper shell or other device and there is appropriate and sufficient ventilation.

Sec. 531-208. Lost or stray domestic animals.

(a) Persons finding a stray animal are to notify the animal care and control division within forty-eight (48) hours. At the discretion of the division, the animal may be kept by the finder and a found report left with the division, to enable the finder an opportunity to return the animal to its rightful owner.

(b) Upon demand, by the animal care and control division, any found animal will be taken to an appropriate facility and scanned for an identifying microchip.

(c) Persons finding an animal are obligated to comply with all the rules and regulations of this chapter pertaining to humane care and treatment of animals, while said animal is in their custody awaiting return to its actual owner.

(d) With the exception of the Humane Society of Indianapolis or other humane and/or breed rescue organizations recognized by the animal care and control division, the finder will be considered the found animal's owner for purposes of this chapter only after the animal is in the finder's custody for thirty (30) continuous days.

ARTICLE III. RABIES CONTROL

Sec. 531-301. Antirabies vaccinations required for dogs and cats.

(a) Each dog and cat over the age of three (3) months which is kept in the city shall have been vaccinated against rabies by a veterinarian within the preceding three hundred sixty-five (365) days.

(b) It shall be unlawful for a person to own a dog or cat not in compliance with this section, and a violation shall be punishable as provided in section 103-3 of the Code; provided, however, the fine for any such violation shall not be less than one hundred dollars (\$100.00).

Sec. 531-302. Record of antirabies vaccinations; tag required.

(a) A veterinarian who administers an antirabies vaccination in the city shall:

(1) at the time a dog or cat is vaccinated, issue to the animal's owner a durable antirabies vaccination identification tag upon which is imprinted the name of the veterinarian's facility, telephone number and the year and identification number of the vaccination; and

(2) at an interval of not less than once each month, send to the animal care and control division a list of the number of dogs, cats, and other animals the veterinarian has vaccinated against rabies.

(b) For the purpose of identification, each owner of a dog or cat which is kept in the city shall cause the antirabies vaccination identification tag to be affixed to the animal's collar, and to be worn by the animal at all times. A person who violates this subsection shall be punishable as provided in section 103-3 of the Code.

Sec. 531-303. Precautionary measures, and individual animal quarantine.

A captured animal known to have bitten or otherwise exposed a person to the possibility of contracting rabies through nonbite exposure in the city shall be humanely quarantined for a period of not less than ten (10) days. In the sole discretion of the quarantining authority, the quarantine may be on the premises of the owner, at the city animal care and control shelter or those of its contractors, if any, or at the owner's expense in a kennel or veterinary hospital.

Sec. 531-304. Surrender of suspected animal by owner.

Whenever the quarantining authority has reasonable cause to suspects that an animal in the city has been exposed to rabies, or bitten or exposed through nonbite exposure a person to rabies, such animal shall be surrendered by its owner for quarantine and observation, at the owner's expense, promptly upon demand by the quarantining authority. Such quarantine and observation shall be at the owner of the animal's expense.

Sec. 531-305. Finding of rabies; general quarantine.

(a) When an animal quarantined in the city has been found rabid or is suspected of being rabid by a veterinarian and dies while under observation, the quarantining authority shall take such action as is specified in such cases by the state board of animal health and shall notify the proper public health officials of reports of human contacts made by, and the diagnosis made of, the animal.

(b) When a rabies report is made under subsection (a) of this section, the quarantining authority shall recommend to the director of the city department of public safety a general quarantine in the city for a period of thirty (30) days. Upon invocation of the general quarantine by the director, any animal found at large in the city may be destroyed without being impounded. During the quarantine period, every animal bitten or exposed through nonbite exposure by an animal adjudged to be rabid shall be confined, at its owner's expense, or destroyed as specified by the state board of animal health.

(c) During a general quarantine declared by the director under this section, an animal's owner or keeper who resists the quarantining authority acting under this chapter, or who permits an animal owned or kept by that person to be at large in the city, shall be punishable by a fine not to exceed five hundred dollars (\$500.00), and any animal which is suspected of being rabid or is in violation of the general quarantine shall be impounded.

Sec. 531-306. ~~Disposal~~ Disposition of rabid animals.

The quarantining authority shall dispose of any animal reasonably suspected by it of being infected with rabies in the city in accordance with the rules and regulations of the state board of animal health.

Sec. 531-307. Reports by veterinarians.

Each veterinarian in the city shall report to the quarantining authority animals suspected by the veterinarian of being rabid.

ARTICLE IV. CARE AND TREATMENT

Sec. 531-401. General requirements for animal care and treatment.

- (a) Every owner or keeper of an animal kept in the city shall see that such animal:
- (1) Is kept in a clean, sanitary and healthy manner and is not confined so as to be forced to stand, sit or lie in its own excrement; the person(s) responsible for animal(s) shall regularly and as often as necessary to prevent odor or health and sanitation problems, maintain all animal areas or areas of animal contact;
 - (2) Has ~~proper and adequate~~ food that is appropriate for the species in adequate amounts to maintain good health, fresh potable drinking water where appropriate, shelter and ventilation, including quarters that are protected from excessive heat and cold and are of sufficient size to permit the animal to exercise and move about freely;
 - (3) Shall not be tethered by use of a choke collar, or on any collar too small for the size and age of the animal, nor by any rope, chain or cord directly attached to the animal's neck, nor by a leash less than twelve (12) feet in length, or of such unreasonable weight as to prevent the animal from moving about freely;
 - (4) Is protected against abuse, cruelty, neglect, torment, overload, overwork, or any other mistreatment;
 - (5) Shall provide the reasonably necessary medical care, in addition to the required rabies vaccination which shall include recommended vaccinations as required by accepted veterinary standards, and if diseased or injured, or exhibiting symptoms of disease, receives proper care and, if diseased, is segregated from other animals so as to prevent transmittal of the disease; and

(6) Is maintained in compliance with all applicable federal, state and local laws and all regulations respecting animal care and control as are adopted by the city department of public safety and in effect from time to time.

(b) It shall be unlawful for a person to beat, starve or otherwise mistreat any animal in the city, or to fail to comply with any requirement of subsection (a) of this section.

(c) In the discretion of the enforcement authority, as that term is defined in section 531-604 ~~711~~ of the Code, a person who violates any provision of this section for the first time may be given written notice of the practices or conditions which constitute the violation, and the enforcement authority ~~may suggest~~ shall in such instance direct remedies to such person where appropriate and provide a time period of no longer than thirty (30) days within which to correct the violation(s). Failure of the person to correct the violations within the specified time period, shall constitute prima facie evidence of this section.

(d) A person who violates any provision of this section shall be punishable as provided in section 103-3 of the Code; provided, however, the fines imposed for any such violations shall be as follows:

(1) For the first violation, not less than twenty-five dollars (\$25.00); and

(2) For the second or subsequent violations, not less than two hundred dollars (\$200.00), and the court upon request shall order forfeiture or other disposition of the animal involved. A judgment by the court which orders forfeiture or other disposition of the animal by the city or any third party shall include as a part of such judgment adequate provisions for the collection of costs of forfeiture or impoundment from the person found in violation.

Sec. 531-402. Abandonment of animal.

It shall be unlawful for a person to abandon any animal on public or private property in the city, and a violation of this section shall be punishable as provided in section 103-3 of the Code; provided, however, a fine imposed for any such violation shall not be less than two hundred dollars (\$200.00).

Sec. 531-403. Attempts to poison animal.

It shall be unlawful for a person to throw or deposit poisoned meat or any poison or harmful substance in any street, alley, marketplace or public place, or on any private premises, in the city for the purpose of destroying or injuring any animal.

Sec. 531-404. Animal fights.

It shall be unlawful for a person to incite, train to fight (other than a crime prevention dog) or set any animal to fighting another animal or to incite combat between animals and humans in the city.

Sec. 531-405. Enticement of another person's animal.

(a) It shall be unlawful for a person, not so authorized, to enter or invade the private premises of another person in the city to capture, entice, or take any animal out of the enclosure or premises of the owner, or to seize an animal at any place while such animal is accompanied by its owner or keeper.

(b) Except as expressly authorized in this chapter, it shall be unlawful for a person to entice any animal away from the premises of the person who owns or keeps such animal in the city, or to entice an animal from a street, alley or public place in the city with the intent to deprive the owner of the animal's possession.

(c) It shall be unlawful for a person to bring into the city an animal for the purpose of its impoundment, or the collection of any fee or reward for its return, except as provided in this chapter.

Sec. 531-406. Interference with another person's animal.

It shall be unlawful for a person to feed, tease, tantalize, molest, or provoke any animal in the city without the express consent of the animal's owner, if any, while the animal is on the owner's property or under the owner's control. A person who violates this section shall be punishable as provided in section 103-3 of the Code; provided, however, a fine imposed for any such violation shall not be less than fifty dollars (\$50.00).

Sec. 531-407. Animal traps; requirements and prohibitions.

(a) It shall be unlawful for a person to use, place, set or cause to be used, placed, or set any leg-hold trap or similar device upon any land or waters in the city.

(b) It shall be unlawful for a person to use, place, set or cause to be used, placed or set any snare, net or other device which causes the trapping or capturing of any animal in any manner by which the animal is not either captured painlessly or killed instantly upon any land or waters in the city.

(c) Subsections (a) and (b) of this section shall not apply to a trap placed on private property, where the trap is placed and maintained by the owner, the owner's guest or agent.

(d) It shall be unlawful for a person, having placed a lawful trap, snare or similar device in the city, to fail to inspect and empty it at least once during every twenty-four-hour period.

(e) It shall be unlawful for a person to remove an animal in the city from any trap not on the person's property, unless such person has the express permission of the property's owner to do so.

Sec. 531-408. Offensive use of animal.

It shall be unlawful in the city for a person willfully to deposit a live or dead animal upon public or private premises not owned by that person, or willfully to throw a live or dead animal or insect against any other person, or aid or abet another person in doing so.

Sec. 531-409. ~~Sales of young fowl and rabbits~~ Animals not to be offered as novelties or prizes.

~~(a) As used in this section, fowl means and includes, but is not limited to, baby chickens, ducklings or goslings.~~

~~(b)(a) It shall be unlawful for a person to sell, offer for sale, trade, barter or give away in the city any live animal, bird or reptile as a novelty, prize for, or as an inducement to enter a place of amusement; or offer such vertebrate as an incentive to enter any business establishment or enter into any business agreement whereby the offer was made for the purpose of attracting trade for business, other than establishments selling animals as their primary business. ~~a fowl under three (3) weeks of age, or a rabbit under two (2) months of age, whether as pets, toys, premiums or novelties.~~~~

~~(e)(b) It shall be unlawful for a person to transport into the city ~~a fowl or rabbit~~ any live animal, bird or reptile for any purposes prohibited by subsection (b) (a) of this section.~~

~~(d) Nothing contained in this section shall be construed to prohibit or limit the sale or display of fowl or rabbits by a person engaged exclusively in the sale of fowl and rabbits for commercial breeding and raising, if such outlets and stores are adequately equipped for the care and feeding of such fowl and rabbits.~~

~~(c) It shall be unlawful for a person to sell, offer for sale or otherwise dispose of any animal whose appearance has been artificially or chemically colored, sprayed or painted.~~

Sec. 531-410. Protection of birds; exception.

(a) It shall be unlawful for a person willfully to injure, molest, attack or disturb in any way a bird, or the nests, eggs, young or brood of birds, in the city; provided, however, this section shall not apply to nonmigratory pigeons, starlings or any birds declared or defined by any state law or city ordinance as a public nuisance.

(b) Whenever it appears, on complaint of residents, merchants, persons in business, owners or operators of structures or buildings, or citizens generally, or otherwise, that nonmigratory pigeons, starlings, or other birds constitute a public nuisance in any part of the city, the public safety board shall be authorized to use all necessary means to destroy the birds creating such nuisance, as follows:

- (1) the public safety board is authorized to eradicate pests under subsection (a) of this section with firearms and otherwise; where firearms are used for such purpose, it shall not constitute a violation of the Code which pertains to the discharge of firearms in the city or county; and
- (2) the public safety board is authorized to issue permits to persons in such instances and under such terms and conditions as it finds necessary for the public safety to dispose of any nonmigratory pigeons, starlings or other birds declared or defined by state law as a public nuisance, upon the

payment of one dollar (\$1.00) by each person to the city controller, and any permit so issued shall be revocable at the will of the public safety board.

Sec. 531-411. Feeding birds.

It shall be unlawful for a person, except an employee of the city department of parks and recreation in the course of his or her employment, or with his or her express permission, to feed, scatter food or leave food of any type or kind in the parks, playgrounds, play fields, parkways, boulevards and streets of the city for any birds or fowl.

~~Sec. 531-412. Coloring of animals; prohibited actions.~~

~~It shall be unlawful for a person to sell, offer for sale or otherwise dispose of any of the following in the city:~~

- ~~(1) A baby chick or chicken, fowl, bird, duck, goose, turkey, guinea hen or other feathered biped; or~~
- ~~(2) A dog, cat, pup, kitten, rabbit or guinea pig;~~

~~which has been artificially colored, sprayed or painted.~~

ARTICLE V. WILD OR DANGEROUS ANIMALS; CRIME PREVENTION DOGS

Sec. 531-501. Definitions.

For purposes of this article, the following terms shall have the meanings ascribed to them in this section.

Crime prevention dog means and includes a dog which is trained and used by its owner or keeper primarily for the protection of persons or property, or both.

Wild or dangerous animal means and includes:

- (1) A Class III wild animal for which a state permit is required under 310 IAC 3.1-11-8; and
- (2) A venomous snake, poisonous amphibian, or other large reptile.

Sec. 531-502. Wild and dangerous animal; registration required.

It shall be unlawful for a person to own a wild or dangerous animal in the city without first having registered the animal with the animal care and control division under this article; however, this section shall not apply to zoological parks, or bona fide circuses or carnivals.

Sec. 531-503. Crime prevention dog; registration required.

(a) It shall be unlawful for a person to own a crime prevention dog in the city without first having registered the animal with the animal care and control division under this article.

(b) Notwithstanding the provisions of section 531-202 of the Code, each crime prevention dog shall be implanted with a microchip which bears a registered identification number.

Sec. 531-504. Registration information required; notification of change.

(a) A registration required by this article shall be made on forms provided by the animal care and control division, and shall include the following:

- (1) The owner's name, address, and telephone number where the owner can be reached in the event of an emergency;
- (2) The address and type of premises where the animal is kept;
- (3) A detailed description of each animal registered; and
- (4) Any other information deemed necessary and appropriate by the animal care and control division.

(b) During the term of the registration, the owner of an animal registered under this article shall notify the animal care and control division in writing of any change in circumstances which would render the information contained in the registration incomplete or inaccurate.

Sec. 531-505. Registration fee, term and revocation.

(a) There is no fee for the registration of an animal under this article.

(b) The term of the registration shall expire on the last day of December of the year in which the registration is made, and shall be renewable upon application therefor.

(c) The animal care and control division may revoke a registration issued under this article for any violation of this article committed by the owner of the animal.

Sec. 531-506. Warning signs required.

(a) The owner or occupant of premises where a wild or dangerous animal is kept shall post, at each entrance to such premises, conspicuous signs which state, "WARNING: WILD OR DANGEROUS ANIMAL. FOR FURTHER INFORMATION CALL (the telephone number of the owner or occupant of the premises)."

(b) The owner or occupant of premises where a crime prevention dog is kept shall post, at each door of the premises accessible to the dog, conspicuous signs which state, "WARNING: A CRIME PREVENTION DOG IS GUARDING THIS PROPERTY. FOR FURTHER INFORMATION CALL (the telephone number of a person able to control the dog)."

Sec. 531-507. Penalties.

A person who violates any provision of this article shall be punishable as provided in section 103-3 of the Code; provided, however, a fine imposed for any such violation shall not be less than one hundred dollars (\$100.00).

SECTION 4. Chapter 531 of the "Revised Code of the Consolidated City and County," regarding animals, hereby is amended by the addition of a NEW Article VI, regarding the euthanasia of animals, to read as follows:

ARTICLE VI. EUTHANASIA OF ANIMALS

Sec. 531-601. Humane euthanasia of animals.

(a) The animal care and control division, other animal shelters, and/or public animal facilities which destroy animals in the city, shall use only such methods, materials and standards as approved by the American Veterinary Medical Association for said purpose. In no event shall an animal be euthanized inhumanely.

(b) The shelter shall provide sedatives for struggling or vicious animals when necessary for use during the euthanasia process and train its personnel in their proper and humane use and administration.

Sec. 531-602. Persons authorized to humanely euthanize animals.

Only persons trained in humane procedures by licensed veterinarians, by registered veterinary technicians, or by persons sanctioned and/or certified by the Humane Society of Indianapolis shall perform the euthanasia of animals in a humane manner.

Sec. 531-603. Assurance of death prior to disposition.

No animal's body shall be disposed of until all vital signs are checked (fixed pupil, cessation of heartbeat and respiration) to assure that death has occurred.

Sec. 531-604. Funding.

Sufficient funds shall be appropriated in each annual budget of the city for trained personnel, drugs, proper and humane equipment and facilities necessary to administer humane destruction of animals as specified in this subchapter.

SECTION 5. Article VI of Chapter 531 of the "Revised Code of the Consolidated City and County," regarding enforcement authority, hereby is amended to become Article VII by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

ARTICLE ~~VI~~ VII ENFORCEMENT AUTHORITY

DIVISION 1. IN GENERAL

Sec. 531-~~601~~ 711. Enforcement authority defined.

For the purposes of this article, the enforcement authority shall consist of the city department of public safety, its animal care and control division and other divisions, contractors, agents, employees and designees.

~~Sec. 531-602. Animal control division; organization and powers.~~

~~(a) The animal control division shall consist of an administrator appointed by the director of the city department of public safety, and such other persons as the director deems necessary to appoint or employ.~~

~~(b) Whenever under this chapter the city department of public safety is directed or authorized to act, it shall be deemed to be acting by and through the animal control division.~~

~~(c) The animal control division shall have the power to employ any person to render such services as are necessary and desirable in the operation of the animal control division; however, contracts for such services shall be entered into by the city or the public safety board on behalf of the animal control division.~~

Sec. 531-~~603~~ 712. Enforcement authority's rights and responsibilities.

(a) Persons who are individually charged with the enforcement of this chapter shall be designated animal care and control officers, and prior to the performance of any act in connection therewith, shall be deputized as such by the city police department and the county sheriff. Such animal care and control officers shall also receive appropriate and relevant training and be certified by the National Animal Control Association or other appropriate agency.

(b) It shall be the duty of the city police department and the county sheriff to assist in the enforcement of all provisions of this chapter and other ordinances in relation to animals, and it shall be the duty of all policemen officers and county sheriff's deputies to report at once all violations thereof to police or sheriff's headquarters.

(c) Such officers are authorized to enforce all provisions of this chapter and section 836-5 of the Code, including the right to proceed upon public and private property in the city in pursuit of animals in violation of this chapter.

(d) Such officers are not authorized to enter a privately owned enclosure in pursuit of an animal without the consent of the owner, lessee or other occupant of the enclosure, or other legal process; provided, however, if any animal is believed to be enclosed without adequate food, shelter or and water, or dead animals are believed to be enclosed, and such owner or occupant is not present and cannot readily be located, an animal care and control officer may affix a notice to the premises in an obvious location, directing the occupant to contact the officer at a given location and phone number. If neither the occupant nor anyone on the occupant's behalf responds to such notice within twenty-four (24) hours after the notice is affixed, an animal care and control officer may enter the premises to determine if the provisions of this chapter or section 836-5 of the Code have been violated.

Sec. 531-~~604~~ 713. Interference with enforcement authority.

It shall be unlawful for a person to interfere with an animal care and control officer or other enforcement authority officer in the performance of the officer's duties. A person who violates this section shall be punishable as provided in section 103-3 of the Code; provided, however, a fine imposed for any such violation shall not be less than fifty dollars (\$50.00).

DIVISION 2. IMPOUNDMENT AND DISPOSITION OF ANIMALS

Sec. 531-~~621~~ 721. Grounds for impoundment.

(a) An animal found at large in violation of this chapter shall be captured and impounded.

(b) An animal found confined or abandoned on private property in violation of this chapter or section 836-5 of the Code shall be impounded.

Sec. 531-~~622~~ 722. Notice to owner.

(a) Upon the impoundment of an animal, a reasonable attempt shall be made to notify and inform the owner of the animal of the requirements of this article for regaining the custody of the animal.

(b) Such attempt shall include, but not necessarily be limited to, the following:

- (1) In the instance of an impounded dog or cat, contact with the owner identified by the microchip or other permanent means of identification, if any, borne by the dog or cat;
- (2) In the instance of an impounded dog or cat not bearing a permanent means of identification, contact with the veterinarian facility listed on the animal's vaccination tag; and
- (3) Cooperation of effort with other governmental and private agencies, such as the Humane Society of Indianapolis or other humane and/or breed rescue organizations recognized by the animal care and control division.

Sec. 531-~~623~~ 723. Report of impoundment.

A person who confines an animal found by that person to be at large in the city shall notify the city department of public safety or one of its agents within forty-eight (48) hours thereafter.

Sec. 531-~~624~~ 724. Return of captured animal without impoundment.

When the owner of a captured animal is known, such animal need not be impounded but may be returned to its owner if, in the opinion of the animal care and control officer, the return would not present a danger to the public or otherwise result in a violation of this chapter.

Sec. 531-~~625~~ 725. Return of impounded animal to its owner.

(a) An animal impounded under this division, if claimed by its owner, shall be returned to its owner subject to, and upon compliance with, the provisions of this division.

(b) The owner of an impounded animal may obtain the return of such animal upon compliance with any applicable provisions the ~~public safety~~ board may impose, and the payment of the appropriate impoundment and kennel fees, and any other applicable fees and fines.

(c) Prior to the return to its owner of an impounded dog or cat which at the time of impoundment did not bear a permanent means of identification as required by section 531-202 of the Code, the enforcement authority shall cause a microchip with a registered identification number to be implanted in the animal. The fee for such service shall be ten dollars (\$10.00).

Sec. 531-~~626~~ 726. Impoundment and kennel fees; disposition.

(a) Impoundment and kennel fees for animals impounded under this article shall be as follows:

- (1) For each small animal other than a dog, ten dollars (\$10.00), and three dollars (\$3.00) for each day of impoundment or fraction thereof;
- (2) For each dog, twenty dollars (\$20.00), and five dollars (\$5.00) for each day of impoundment or fraction thereof; and
- (3) For any large animal other than a dog, thirty dollars (\$30.00), and ten dollars (\$10.00) for each day of impoundment or fraction thereof.

(b) Impoundment and kennel fees shall be collected by and paid to the enforcement authority, which shall remit such funds to the division of finance of the city department of administration; however, if the enforcement authority in a particular case is a person contracting with the city to render services, the fees may be retained by and as the property of such person as part of all of that person's charges for rendering such services, if the contract so provides.

DIVISION 3. OTHER DISPOSITION OF ANIMALS

Sec. 531-627 731. Disposition of owner-surrendered animals and impounded animals not claimed by owner; adoption.

(a) An animal surrendered by its owner under this division and not reclaimed by its owner, adopted or rescued by a humane or breed rescue organization, may be kept or otherwise humanely disposed of, in the reasonable exercise of discretion of the enforcement authority, but consistent with such provisions as the animal care and control board shall make regarding the capture, surrender, impoundment, adoption, sale and destruction of animals. Even after the expiration of the twenty-four (24) hours, no owner-surrendered animal shall be humanely disposed of, while there is sufficient room in the kennel to reasonably house such animal at the animal care and control shelter (keeping in mind the necessity of having empty places for animals to be moved during cleaning).

(b) An animal impounded under this division and which is not claimed by its owner shall be confined by the enforcement authority in a humane manner for a period after capture of not less than six (6) days. An animal not claimed within the six-day impoundment period may be kept, adopted, rescued by a humane or breed rescue organization or otherwise humanely disposed of, in the reasonable exercise of discretion of the enforcement authority, but consistent with such provisions as the animal care and control board public safety board shall make regarding the capture, surrender, impoundment, adoption, sale and destruction of animals. Even after the expiration of the six-day impoundment period, no animal shall be humanely disposed of, while there is sufficient room in the kennel to reasonably house, such animal at the animal care and control shelter (keeping in mind the necessity of having empty places for animals to be moved during cleaning).

(bc) Following the six-day impoundment period, a person other than the animal's owner or a member of the owner's family who wishes to adopt an impounded animal which has not been claimed, and which is otherwise available for adoption, may adopt the animal. It is declared that the adoption of as many animals as possible is a priority of the animal care and control shelter. Such person wishing to adopt an animal from the animal care and control shelter shall pay to the city an adoption fee of ~~twenty-five dollars (\$25.00)~~ thirty-five dollars (\$35.00) to cover the enforcement authority's expenses, including the expense of vaccinations; however, with respect to a dog or cat which does not bear an identification microchip, the enforcement authority shall cause a microchip with a registered identification number to be implanted in the dog or cat prior to the animal's adoption, and the adoption fee for such a dog or cat shall be ~~thirty-five dollars (\$35.00)~~ forty-five dollars (\$45.00).

(ed) A person who wishes to adopt a dog or cat which has been impounded under this division, must meet the adoption and sterilization criteria adopted by the animal care and control board, and first shall agree in writing:

- (1) to immunize the animal against rabies as required by law;
- (2) to abide by sections 531-102 and 531-401 of this chapter; and

(3) To have the animal spayed or neutered at that person's expense. Failure to have the animal spayed or neutered within sixty (60) days after the date of adoption shall be a violation of the Code.

Sec. 531-628 732. Use of owner-surrendered or impounded animal for research prohibited.

No animal surrendered by its owner or impounded under this article shall be used or disposed of for purposes of research or experimentation by use of the animal.

Sec. 531-629 733. Restrictions on return of certain animals.

(a) Notwithstanding any other provision of this chapter, an animal which has been impounded under this article for a violation of section 531-204, 531-205, 531-305, or 531-401 of this chapter, or which has been impounded on two (2) or more prior occasions, shall be returned to its owner only if the enforcement authority in its discretion determines that such return will not result in further or ongoing violations of these sections.

(b) If such a determination cannot be made, the enforcement authority then shall apply to a court of competent jurisdiction for an order to dispose of the animal under the provisions of section 531-627 731 of this article.

Sec. 531-630 ~~734~~. Injured or diseased animals.

Notwithstanding any provision of this article to the contrary, an injured or diseased animal need not be retained six (6) days, but may be disposed of at any time when in the reasonable discretion of the enforcement authority, it would be more humane and reasonable to do so, rather than provide veterinary care.

Sec. 531-631 ~~735~~. Contracts for the disposition of owner-surrendered and impounded animals.

The city may contract, arrange or agree for the disposal disposition of an animal surrendered by its owner or impounded and unclaimed for longer than six (6) days, and an animal transferred to a person so contracting, arranging or agreeing with the city shall thereafter be the property solely of the contractor. The contract, arrangement or agreement may provide for the retention by the contractor of any funds received in payment for animals sold to other persons, in order to help cover such contractor's expenses of rendering its services.

~~Sec. 531-632. Gifts to animal control division; disposition.~~

~~Gifts or donations to the animal control division may be accepted by the city controller or the mayor, for and on behalf of the animal control division. All moneys received by donations, sale or otherwise shall be paid to the city controller on the first day of the week succeeding the week during which such moneys were received; provided, however, all purchase moneys received for animals sold to nonresidents of the city, exclusive of impoundment fee, and all gifts and donations of moneys shall constitute a special fund to be known as the "emergency animal shelter fund," to be used by public safety board to defray the maintenance expenses of the city animal shelter, including any veterinary and sale expenses. The city controller shall make due settlement with the city treasurer for all moneys received under this section.~~

Sec. 531-633 ~~736~~. Capture, holding and maintenance, and disposal disposition of animals by the humane society.

(a) The Indianapolis Humane Society, by its duly authorized agents, employees or other personnel, shall have the authority to proceed to the scene or location of a diseased, sick or injured animal which is at large in the county after being requested to do so by any member of the general public for the purposes of capturing and transporting such animal to its duly established humane shelter, and to hold and properly maintain the animal until it is either claimed by its owner, or in the discretion of the humane society, otherwise properly disposed of. The humane society may also receive an animal brought to its shelter by members of the general public or proper governmental personnel and either keep, or in the discretion of the humane society, otherwise humanely dispose of such animal.

(b) Upon the capture of any diseased, sick or injured animal or taking of an animal brought to its shelter by a person or any local governmental personnel, the humane society personnel shall make a reasonable attempt to notify and inform the owner of the animal of the requirements and procedures for claiming ownership and regaining custody thereof.

(c) When the owner of a captured or held animal is discovered or known, the animal shall be returned to the owner upon the payment of any applicable fees or upon the compliance with all other applicable procedures of the humane society. If the owner does not claim an animal or desires not to claim it, the humane society, within its discretion, may return the animal to any person desiring to assume ownership, custody and care thereof in conformance with the established requirements of the humane society after a six-day holding period, as long as the animal has or will receive a current antirabies vaccination under the provisions of Article III of this chapter.

(d) Upon the capture of any diseased, sick or injured animal or the taking of an animal brought to its shelter by any person or any local governmental personnel, the humane society shall, subject to the provisions of subsection (e) of this section, confine the animal in a humane manner for a period of not less than six (6) days. Thereafter, the humane society in its discretion may keep, release or otherwise humanely dispose of the animal consistent with the established procedures of the humane society as they may be amended from time to time.

(e) Notwithstanding any provision of this section to the contrary, diseased or injured animals need not be retained six (6) days, but may be humanely disposed of at any time if in the discretion of the proper humane society personnel or authorized veterinarian such disposal disposition is necessary and proper for such animals.

(f) This section does not authorize the humane society to assume any of the impoundment and disposal disposition functions of the animal care and control division as elsewhere specified in this chapter or state law.

(g) Nothing in this section shall inhibit the animal care and control division in any way from carrying out its functions in accordance with applicable law and whatever provisions or regulations the city board of public safety shall make in carrying out its mandate to make provisions to maintain an animal care and control division, to regulate the capture, impoundment, sale and destruction of animals in accordance with applicable law, and for the operation of the animal care and control division.

SECTION 6. Article VII of Chapter 531 of the "Revised Code of the Consolidated City and County," regarding the Animal Control Board, hereby is DELETED. (*For replacement provisions, refer to SECTION 2 of this Proposal.*)

SECTION 7. Chapter 531 of the "Revised Code of the Consolidated City and County," regarding animals, hereby is amended by the addition of a NEW Article VIII, regarding gifts and financing, to read as follows:

ARTICLE VIII. GIFTS AND FINANCING

Sec. 531-811. Gifts to animal care and control division; disposition.

(a) All money generated, received or collected by virtue of the provisions of this chapter are to be set aside and placed in the general fund, except as hereinafter provided.

(b) Gifts or donations to the animal care and control division may be accepted by the city controller or the mayor, for and on behalf of the animal care and control division. All moneys received by donations, gifts, bequests or devises or otherwise (except as provided in sec. 531-811(c)) shall be paid to the city controller on the first day of the week succeeding the week during which such moneys were received, and deposited into a dedicated animal care fund to be used to promote the safe and humane treatment of animals in the city and to promote responsible pet ownership, to pay for any reasonable expenses incurred promoting the proper care, treatment and sterilization of animals and education of the public regarding the same. No expenditure may be made from the dedicated animal care fund unless first approved by a majority of the animal care and control board. The expenditure of funds from the dedicated animal care fund shall be subject to all state and local appropriation and purchasing requirements. Any funds donated for a specific purpose shall be used only consistently with the donor's specific request.

(c) All money generated, received or collected in response to the division's special fund-raising projects shall be payable to the city controller and deposited in a dedicated animal control special projects funds to be used in a manner consistent with the announced purpose of any special fund-raising event or project. No expenditure may be made from the dedicated animal care special projects fund unless first approved by the administrator. The expenditure of funds from the dedicated animal care special projects fund shall be subject to all state and local appropriation and purchasing requirements and appropriated by the City-County Council.

(d) The administrator shall provide the animal care and control board, at each meeting, and to the council every six (6) months a report relating to the revenue, and expenditures from the dedicated animal care fund and the dedicated animal care special projects fund.

SECTION 8. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 9. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 10. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 463, 1999. Councillor Hinkle reported that the Metropolitan Development Committee heard Proposal No. 463, 1999 on September 7, November 15, and December 6, 1999. The proposal clarifies the authority of the Housing Agency police. By a 7-0 vote, the Committee reported the proposal to the full Council with the recommendation that it be stricken. Councillor Hinkle moved, seconded by Councillor Coughenour, to strike. Proposal No. 463, 1999 was stricken by a unanimous voice vote.

PROPOSAL NO. 629, 1999. Councillor Schneider reported that the Administration and Finance Committee heard Proposal No. 629, 1999 on November 9 and 30, 1999. The proposal approves the sale of approximately 68 acres of real estate owned by the City and the County at 3700 West 21st Street to Hulman & Co., Inc. d/b/a Georgetown Realty Co., Inc. for use in connection with the operation of the Indianapolis Motor Speedway. By a 5-0 vote, the Committee reported the proposal to the full Council with the recommendation that it do pass. Councillor Schneider moved, seconded by Councillor Talley, for adoption. Proposal No. 629, 1999 was adopted by the following roll call vote; viz:

26 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Curry, Dowden, Franklin, Golc, Gray, Hinkle, Jones, Massie, McClamroch, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Short, Smith, Talley, Tilford, Williams

0 NAYS:

3 NOT VOTING: Coughenour, Gilmer, Moores

Proposal No. 629, 1999 was retitled SPECIAL RESOLUTION NO. 106, 1999, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 106, 1999

A SPECIAL RESOLUTION approving the sale of surplus real estate at 3700 W. 21st Street owned by the City and the County to Hulman & Co., Inc. d/b/a Georgetown Realty Co., Inc.

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

SECTION 1. The City and the County own improved real estate totaling approximately 68 acres at 3700 W. 21st Street, but no longer have a use for it.

SECTION 2. The City and the County have obtained a joint appraisal of the real estate in the amount of \$537,000, and the Marion County Board of Commissioners has accepted a proposal on behalf of the City and the County from Hulman & Co., Inc. d/b/a Georgetown Realty Co., Inc. to purchase the real estate at the appraised value for use in connection with the operation of the adjacent Indianapolis Motor Speedway.

SECTION 3. As is required by Sec. 151-66 of the Revised Code of the Consolidated City and County, the principal owner of Hulman & Co., Inc. is Tony George.

SECTION 4. The City-County Council, pursuant to IC 36-1-11-3(c), hereby approves the sale of the surplus real estate at 3700 W. 21st Street per the recommendation of the Marion County Board of Commissioners.

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

PROPOSAL NO. 639, 1999. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 639, 1999 on October 20, November 10, and December 1, 1999. The proposal amends various sections in the Code concerning the police and fire departments to allow carryover of years worked for purposes of leave accrual, to allow the

assignment of officers to specific pay grades, to make changes in the residency requirements, to require the inclusion of a military component in the promotion process, and to make clarifications in the disciplinary procedure. By a 5-1 vote, the Committee reported the proposal to the full Council with the recommendation that it do pass as amended.

Chief Nancy Rasmussin, Indianapolis Fire Department (IFD), stated that many feel the section on military should be withdrawn from the proposal until more representative discussion on the issue can take place. Military experience has no direct job relevance to job promotion and is not something that can be achieved by all members. She stated that this provision discriminates against members that are under 35 years old and disabled members and needs more evaluation.

Chief Jim Greeson, IFD, stated that the language of "may" in the proposal provides that military experience may or may not be considered when evaluating for promotions. He stated that the outcome of the most recent promotions proved that the military experience did not carry much weight, and some without military experience actually scored higher in the overall process. He stated that the decision to use military experience in hiring and promotional processes was upheld in legal court cases in Illinois and Massachusetts.

Councillor Gray stated that it seems to be a good process, but that all points should be attainable by each participant, and military participation is not attainable by everyone. Chief Greeson stated that any participant is free to enlist in the reserves, just as they are free to choose to attend college later in life, and therefore, military experience is attainable by everyone.

Councillor Golc asked if military experience was already included in the most recent promotion process. Chief Greeson stated that it was.

Councillor Williams stated that she is concerned about such vast differences of opinion among the IFD. She moved, seconded by Councillor Golc, to return the proposal to Committee.

Councillor Dowden stated that if the proposal is returned to Committee, it will die. Councillor Talley stated that the proposal can be re-introduced.

Dave Young, President of the Fraternal Order of Police, stated that the "may" language leaves the discretion of using military experience credits up to the members of the bodies to decide.

Councillor Moriarty Adams asked if any votes were taken in union meetings. Mr. Young stated that the proposal was presented to the membership, but no official vote was taken. Tom Hanify, Firefighters Union, stated that no official vote was taken.

Proposal No. 639, 1999, as amended, was returned to Committee by a voice vote.

PROPOSAL NO. 661, 1999. Councillor Schneider reported that Administration and Finance Committee heard Proposal No. 661, 1999 on November 30, 1999. The proposal, sponsored by Councillor Tilford, allows increases in the amount of early retirement incentive payments. By a 5-0 vote, the Committee reported the proposal to the full Council with the recommendation that it do pass. Councillor Schneider moved, seconded by Councillor Tilford, for adoption. Proposal No. 661, 1999 was adopted by the following roll call vote; viz:

16 YEAS: Black, Boyd, Bradford, Brents, Cockrum, Curry, Gilmer, Hinkle, Jones, McClanroch, Moores, O'Dell, Schneider, SerVaas, Short, Tilford

0 NAYS:

13 NOT VOTING: Borst, Coonrod, Coughenour, Dowden, Franklin, Golc, Gray, Massie, Moriarty Adams, Shambaugh, Smith, Talley, Williams

Proposal No. 661, 1999 was retitled GENERAL ORDINANCE NO. 170, 1999, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 170, 1999

A PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code of the Consolidated City and County by amending Sec. 291-111 to provide for increases in the amount of early retirement incentive payments.

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

SECTION 1. Article V, Sec. 291-111, of the Revised Code of the Consolidated City and County is hereby amended by adding the words underlined as follows:

Sec. 291-111. Early retirement.

(a) Effective as of ~~September 30, 1995~~ November 15, 1999 the city may make an early retirement program available to city employees who are in positions covered by the master agreement between the City of Indianapolis and the American Federation of State, County and Municipal Employees, Indiana Council 62 as follows:

- (1) The program shall be available to covered employees who are eligible for retirement benefits under the public employees' Retirement Fund.
- (2) The following schedule of benefits shall apply to employees who elect to take early retirement:
 - a. For employees who have completed ten (10) years but less than fifteen (15) years of continuous service with the city: ~~\$1,750.00~~ \$3,600.00.
 - b. For employees who have completed at least fifteen (15) years but less than twenty (20) years of continuous service with the city: ~~\$3,500.00~~ \$4,800.00.
 - c. For employees who have completed at least twenty (20) but less than twenty-five (25) years of continuous service with the city: ~~\$6,500.00~~ \$6,000.00.
 - d. For employees who have completed twenty-five (25) or more years of continuous service with the city: ~~\$6,500.00~~ \$7,200.00.
- (3) Employees who elect to participate in the program may choose to have the benefit paid in a lump sum upon retirement, or may have the amount of the benefit applied to the purchase of continued health insurance under the city's health insurance plan, pursuant to state and federal law. The selection between these options must be made at least thirty (30) calendar days prior to retirement.
- (4) Employees who choose to apply the benefit to the purchase of health insurance may do so under rules established by the office of the controller.
- (5) The city may, at its option, elect to make this program available from time to time. However, the city shall make the program available at least once in calendar years ~~1995, 1996, 1997~~ 1999, 2000, 2001 and ~~1998~~ 2002. The program may be made available on an unlimited basis or for a limited number of covered employees. The program may be made available citywide or on a departmental basis.

(b) The program authorized by this section shall expire upon the expiration of the ~~1995-1998~~ 1999-2002 master agreement between the City of Indianapolis and the American Federation of State, County and Municipal Employees, Indiana Council 62.

SECTION 2. Should any provisions (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the council in adopting this ordinance. To this end, the provisions of this ordinance are severable.

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

PROPOSAL NO. 669, 1999. Councillor Hinkle reported that the Metropolitan Development Committee heard Proposal No. 669, 1999 on November 15 and December 6, 1999. The proposal approves the 2000 Consolidated Annual Plan and the amounts, locations, and programmatic operation of certain projects to be funded from Community Development Grant Funds. By a 6-1 vote, the Committee reported the proposal to the full Council with the recommendation that it do pass. Councillor Hinkle moved, seconded by Councillor Coughenour, for adoption. Proposal No. 669, 1999 was adopted by the following roll call vote; viz:

18 YEAS: Black, Borst, Boyd, Brents, Cockrum, Curry, Gray, Hinkle, Jones, Massie, McClanroch, Moores, O'Dell, SerVaas, Short, Smith, Talley, Tilford
7 NAYS: Bradford, Coonrod, Gilmer, Moriarty Adams, Schneider, Shambaugh, Williams
4 NOT VOTING: Coughenour, Dowden, Franklin, Golc

Proposal No. 669, 1999 was retitled SPECIAL RESOLUTION NO. 107, 1999, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 107, 1999

A SPECIAL RESOLUTION approving the 2000 Consolidated Annual Plan and the amounts, locations and programmatic operation of certain projects to be funded from Community Development Grant Funds.

WHEREAS, on September 13, 1999, the City-County Council, the City of Indianapolis and of Marion County, Indiana ("Council") adopted City-County Fiscal Ordinance No. 98, 1999, 2000 Annual Budget and Tax levies for the Consolidated City of Indianapolis and for Marion County, Indiana ("Budget Ordinance"); and

WHEREAS, Section 4.01(b) of the Budget Ordinance, as approved by the Council, reads as follows:

(b) Community Development Grant Funds. Until this Council has approved the amounts, locations and programmatic operation of each project to be funded from Community Development Grant Funds, the amounts appropriated herein for such purposes shall not be encumbered or spent.

WHEREAS, the Department of Metropolitan Development of the City of Indianapolis, Indiana ("Department of Metropolitan Development") has presented the 2000 Consolidated Annual Plan, a document submitted to the United States Department of Housing and Urban Development ("HUD"), which sets forth the City's goals and intentions for using federal dollars in fiscal year 2000, to the Council; and

WHEREAS, the Department of Metropolitan Development has summarized the 2000 Consolidated Annual Plan housing activities that will be funded by Community Development Grant Funds and performed by Community Development Corporations and Neighborhood Based Organizations in Exhibit A; and

WHEREAS, Council now finds that the 2000 Consolidated Annual Plan ("Plan"), including insubstantial amendments thereto, and the amounts, locations and programmatic operations of each of the projects listed in the Plan should be approved; now, therefore:

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

SECTION 1. That the 2000 Consolidated Annual Plan presented to HUD and the projects included in the Plan are approved.

SECTION 2. By approving the 2000 Consolidated Annual Plan, the Summary of Community Development Grant Housing Activities, a copy of which is attached hereto and incorporated herein by reference as Attachment A, is hereby approved, and the amounts, locations and programmatic operation of each project set forth therein, is hereby approved.

SECTION 3. This approval shall constitute the approval required under Section 4.01(b) of the Budget Ordinance and shall include and allow insubstantial amendments to the 2000 Consolidated Annual Plan and the approved projects.

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

ATTACHMENT A			
ORGANIZATION	PROPOSED FUNDING	FUNDING SOURCE	PROJECT DESCRIPTION
PRESERVE HOMEOWNERSHIP			
Homeowner Repair			
BOS Community Development Corporation	\$128,000	CDBG	rehab 20 owner-occupied units
CICOA, The Access Network	\$150,000	CDBG	rehab 15 owner-occupied units
Community Action of Greater Indianapolis	\$150,000	CDBG	rehab 15 owner-occupied units
Community Alliance of the Far Eastside	\$112,000	CDBG	rehab 14 owner-occupied units
Concord Community Development Corp	\$150,000	CDBG	rehab 15 owner-occupied units
Eastside Community Investments, Inc.	\$ 75,000	CDBG	rehab 46 owner-occupied units
Emergency Home Repair	\$300,000	CDBG	30 emergency and winterization repairs
King Park Area Development Corporation	\$ 80,000	CDBG	rehab 8 owner-occupied units
Mapleton Fall Creek Development Corp	\$200,000	CDBG	rehab 20 owner-occupied units
Martin Luther King CDC	\$ 42,000	CDBG	rehab 5 owner-occupied units
Martindale Brightwood CDC	\$ 50,000	CDBG	rehab 6 owner-occupied units
Near North Development Corporation	\$111,623	CDBG	rehab 12 owner-occupied units
R/ROS	\$ 50,000	CDBG	rehab 5 owner-occupied units
Southeast Neighborhood Development	\$150,000	CDBG	rehab 15 owner-occupied units
United North East CDC	\$100,000	CDBG	rehab 10 owner-occupied units
United Northwest Area Development Corp	\$365,000	CDBG	rehab 50 owner-occupied units
West Indianapolis Development Corporation	\$130,000	CDBG	rehab 13 owner-occupied units
Westside Community Development Corp	\$210,000	CDBG	rehab 30 owner-occupied units
Homeowner Repair Total	\$2,553,623		Total = 344 Units
INCREASE HOMEOWNERSHIP			
Homebuyer Subsidies/Other Housing			
Home Ownership Zone	\$350,000	CDBG	homebuyer assistance and other related activities
Indianapolis Neighborhood Housing Partnership	\$ 30,000	CDBG	homebuyer assistance and enable access to loan programs and housing awareness
United Northwest Area Development Corp	\$ 50,000	CDBG	homebuyer subsidies for 14 units
Other Housing Total	\$430,000		

Increase Supply of Rental Housing			
Rental Housing			
Grandville Co-Op	\$153,000	CDBG	project consists of 156 units - request funds for door replacement, furnace replacement, and cabinet replacement
<i>Rental Housing Total</i>	<i>\$153,000</i>		
<i>CDBG Housing Total</i>	<i>\$3,136,623</i>		

PROPOSAL NO. 679, 1999. Councillor Curry reported that the Rules and Public Policy Committee heard Proposal No. 679, 1999 on November 9 and 30, 1999. The proposal, sponsored by Councillor Hinkle, amends the Code concerning licensing of encroachments. By a 5-0 vote, the Committee reported the proposal to the full Council with the recommendation that it do pass. Councillor Curry moved, seconded by Councillor Hinkle, for adoption. Proposal No. 679, 1999 was adopted by the following roll call vote; viz:

22 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Curry, Dowden, Gilmer, Jones, McClanroch, Moores, O'Dell, Schneider, SerVaas, Shambaugh, Short, Smith, Talley, Tilford, Williams

0 NAYS:

7 NOT VOTING: Coughenour, Franklin, Golc, Gray, Hinkle, Massie, Moriarty Adams

Proposal No. 679, 1999 was retitled GENERAL ORDINANCE NO. 171, 1999, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 171, 1999

PROPOSAL FOR A GENERAL ORDINANCE to amend Article V, Division 3 of Chapter 645 of the "Revised Code of the Consolidated City and County," regarding licensing of encroachments.

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

SECTION 1. Article V, Division 3 of Chapter 645 of the "Revised Code of the Consolidated City and County," regarding licensing of encroachments, hereby is amended by the deletion of the language which is stricken-through and by the addition of the language which is underscored, to read as follows:

DIVISION 3. LICENSING OF ENCROACHMENTS

Sec. 645-571. "~~Encroachment~~" defined Definitions.

For the purpose of this division, the following words shall have the definitions ascribed to them in this section.

Department means the department of capital asset management.

~~"encroachment" shall mean and include any unprivileged trespass or~~ Encroachment means an intrusion by an inanimate object on, under, over, or upon the real, personal or mixed properties, possessions, rights or things owned or controlled by the city; public right-of-way. However, the following intrusions shall not be deemed to be an encroachment:

- (1) Motor vehicles, bicycles, and similar devices that are regularly moved from place to place;
- (2) Landscaping for which a permit has been secured pursuant to Chapter 701 of this code;
- (3) Temporary signs advertising the sale of real estate that comply with zoning restrictions;

- (4) Pipes, conduits, wires, fiber optic lines, antennae, poles, ducts, and other like fixtures and appurtenances that are owned and used by a public utility and that are used in connection with transmitting, receiving, distributing, offering, and providing utility services and which are registered in accordance with Chapter 645 of this Code; and,
- (5) Pipes, conduits, wires, fiber optic lines and other like fixtures and appurtenances that are owned by the landowner and are used to receive utility services from a public utility or from the City of Indianapolis.

however, if if one or more encroaching objects are attached to and from a part of the same structure or thing, taken collectively, they shall be considered as only one encroachment.

Sec. 645-572. Jurisdiction; all encroachments regulated.

(a) Jurisdiction for the licensing of The department of capital asset management has the authority to license any encroachment. against any real, personal or mixed properties, rights, possessions or things owned or controlled by the city is hereby vested in the city controller.

(b) All encroachments are regulated by this division, including types of encroachments that are exempted by a regulation adopted under Sec. 645-581 from the requirement that a written license document be secured.

(c) Notwithstanding the preceding portions of this section, an encroachment of more than one year may not be licensed if said encroachment is subject to the grant of a franchise as authorized elsewhere in this Code or is the subject matter of a lease or operating agreement between the city and a third party.

Sec. 645-573. When license required.

No person shall maintain any encroachment against any real, personal or mixed properties, rights, possessions or things owned or controlled by the city without first:

- (1) Having received a written license document therefore from the controller department of capital asset management in accordance with the provisions of this division; or
- (2) Complying with the provisions of Sec. 645-581 for a license allowed without documentation.

Sec. 645-574. Petition for license.

Any person who desires to maintain an encroachment against any real, personal or mixed properties, rights, possessions or things owned or controlled by the city shall file his a petition with the department of capital asset management responsible for the use, control or maintenance of the property, on such forms as the controller department of capital asset management may prescribe, requesting that the department approve a license permitting the encroachment, specifically identifying the property or properties, rights, possessions or things affected, and outlining the circumstances giving rise to the need for the license.

Sec. 645-575. Investigation of petition; recommendation as to license.

(a) Upon the filing of a petition for a license required by this division, the department of capital asset management affected shall cause an investigation of the request and of the circumstances enumerated in such petition to be made. Upon completion of the investigation, the such department shall recommend to the controller that either grant or deny the license be either granted or denied, and if granted, specify the term and conditions of the license.

(b) No person (even a person who holds property rights in the right-of-way or in property abutting the right-of-way) has any property right to an encroachment license.

Sec. 645-576. Conditions of license.

(a) In granting any license under this division, the controller department of capital asset management, upon recommendation of the appropriate department, may attach such reasonable conditions to the license as he it determines to be in the interest of the public health, safety and welfare.

(b) No property right vests in the holder of an encroachment license through the granting of the encroachment license, irrespective of the length of the term of the license. The holder of the

encroachment license has no property right to the continued existence of the encroachment license or the renewal of the license.

Sec. 645-577. Term; revocation.

All licenses license documents issued pursuant to this division by the department of capital asset management, unless granted for a lesser determinate period, shall may be for a term of twelve (12) months up to twenty (20) years dating from the date of their issuance. Such licenses may be revoked by the city controller on thirty (30) days' notice with an appropriate partial refund of fees theretofore paid.

Sec. 645-578. Appeal from action of controller department.

Within thirty (30) days after any action of the controller department of capital asset management in granting, refusing to grant or revoking any license required by this division, any person, including the corporation counsel acting for and on behalf of the city, may appeal such action to the city-county council board of asset management and public works, where the petition shall be heard de novo. Any such appeal shall be perfected by written notice delivered to the city-clerk secretary of the board of asset management and public works within such thirty-day period.

Sec. 645-579. Application and license fees.

(a) Each petition to maintain an encroachment shall be accompanied by an application fee of one hundred dollars (\$100.00). In the event any petition is favorable, such application fee shall be retained by the controller as the first annual fee. All licenses granted pursuant to this division, which may be renewed on an annual basis, shall be reissued on payment of an annual license fee of twenty-five dollars (\$25.00). In the event of unfavorable action on any petition, fifty dollars (\$50.00) of the application fee shall be refunded with the remainder being retained and applied to defer the administrative expense incurred in investigating and processing the petition.

(b) In any case in which a license to encroach is granted and the title to a single family residential dwelling house is directly involved, fifty (50) percent of the initial application fee shall be applied toward the future renewal fee.

(eb) In case of a petition for a license required by this division which requests the placing of more than one movable encroachment of the same kind at various locations within the city, one petition may be made to cover more than one similar encroachment, but the application fee shall be one hundred dollars (\$100.00), plus one dollar (\$1.00) for each encroachment requested, and the annual license fee shall be twenty-five dollars (\$25.00), plus one dollar (\$1.00) for each encroachment.

(dc) If the department of capital asset management of transportation determines that a valuable consideration will be received by the city as a result of the encroachment, the director of the department of capital asset management may waive the license fee provided in this section by informing the controller in writing of his action. Except for the waiver of license fees for individual newsracks under Article VIII of this chapter, the waiver shall be supported by a written finding identifying the consideration and indicating its value to the city.

Sec. 645-580. Enforcement.

In addition to and not by way of limitation of any other provision of this division, any the department of capital asset management of the city is authorized and empowered in behalf of the city to enforce this article by any appropriate remedy at law or in equity, or both, in order to effectively and affirmatively preclude any violations hereof.

Sec. 645-581. Content of regulations.

The board of asset management and public works may, at its discretion, in accordance with the procedures specified in Sec. 272-106, adopt regulations deemed necessary and appropriate to carry out the provisions of this division, including, but not limited to, regulations establishing:

- (1) A procedure for filing a license petition;
- (2) Types of encroachments for which a license is allowed without documentation; such encroachments shall be limited to those that have only a minor effect on the use of the right of way and can be installed without blocking any portion of the street; regulations establishing these types of encroachments shall, without limitation, provide:

- a. That such encroachments are automatically licensed as they exist on the effective date of the regulation if they are created in compliance with the requirements and standards specified by the regulation; and,
 - b. With automatic licensure it is not necessary for the encroachment owner to file a petition for an encroachment license or receive a license document to be licensed under this regulation; and,
 - c. The length of the term or terms of such encroachments;
- (3) A procedure for amending or renewing a license;
 - (4) Standards and requirements for construction or use of encroachments; and,
 - (5) A procedure for securing a variance from license standards and requirements. If the regulation authorizes the variance to be granted by an official of the department of capital asset management, it shall provide for an appeal of the decision to the board of asset management and public works.

Sec. 645-582. Fees.

The board of asset management and public works may, in accordance with the procedures specified in Sec. 272-106, amend, alter, or revise the fees specified in Section 645-579 or establish new fees or categories of fees.

Sec. 645-583. Termination of encroachment license; removal of an encroachment.

(a) The department of capital asset management may at any time terminate an encroachment license, whether the encroachment is based on a written document issued by such department or allowed without documentation. The owner shall be responsible for removing such an encroachment. The city shall not be responsible for any costs related to the termination of the encroachment privilege; for example, the city shall not be responsible for the cost of removal of the encroachment or any diminution of value of the owner's property associated with the removal. Such department shall allow the owner sixty (60) days to remove the encroachment. However, if the terms of the encroachment license document specify a shorter or longer period removal time, the specified time shall be allowed for removal.

(b) If the owner does not remove an encroachment within the time allowed under Sec. 645-583(a), the department of capital asset management may, without further notice, remove forthwith said encroachment and shall be entitled to recover its costs and expenses, including without limitation, reasonable attorney fees.

Sec. 645-584. Existing unlicensed encroachments subject to ordinance requirements.

If the owner allows an encroachment that does not have a license to continue to exist following the adoption of this ordinance, the encroachment shall be subject to the requirements of this ordinance.

SECTION 2. Section 645-815 of the "Revised Code of the Consolidated City and County," regarding encroachment licenses for individual newsracks, hereby is amended by the deletion of the language which is stricken-through and by the addition of the language which is underscored, to read as follows:

Sec. 645-815. Attachment of individual newsracks to the public rights-of-way; encroachment license required.

(a) Each individual newsrack which is located in the Regional Center on January 1, 2001 or thereafter shall be bolted or attached permanently to the public rights-of-way in such a manner as to meet American Society of Civil Engineers (ASCE) wind load calculations, as evidenced by a certified engineer's report, including calculations and a certified engineer's drawing defining and/or illustrating the method of attachment to be used to meet or exceed a maximum of one hundred and ten (110) mile per hour wind velocity.

(b) Each individual newsrack which is bolted or attached permanently to the public rights-of-way shall be licensed as an encroachment under the provisions of Article V, Division 3 of this chapter; however, because the city receives a valuable consideration from all such newsracks, the director of the department of capital asset management shall waive the encroachment license fees for such newsracks, as provided in Section 645-579 of the Code.

(c) Within ten (10) days after the owner of an individual newsrack files a petition for an encroachment license under Article V, Division 3 of this chapter, the ~~affected department of capital asset management~~ shall complete its investigation and ~~recommendation to the controller, and the controller shall~~ issue to the owner either the license, or a written notice of denial. A petition for an individual newsrack encroachment license may be denied only for the reason that:

- (1) The petition for the license contains incorrect information; or,
- (2) The placement of an individual newsrack on the public rights-of-way, as requested in the petition, does not comply with this division.

If ~~the controller~~ such department denies an encroachment license petition for an individual newsrack, the written notice shall state the specific reasons for the denial, and what specific actions, if any, would be necessary for the license to be issued.

(d) An appeal under Section 645-578 of the Code with regard to an individual newsrack encroachment license or petition therefor, shall be heard within twenty (20) days following receipt of the appeal, unless the parties mutually agree to an extension of this time period. The parties shall be given at least ten (10) days advance written notice of the time and place of the hearing, and a reasonable opportunity to participate in the hearing. The ~~council~~ board of asset management and public works shall render its decision in writing within five (5) days after the hearing; a copy of the decision shall be delivered to the parties, and a certified copy shall be kept on file by the ~~controller~~ secretary of the board of asset management and public works. The decision of ~~the council~~ such board may be appealed to a court of competent jurisdiction within thirty (30) days following the date the decision was issued, and such court, pursuant to its rules of procedure, shall provide the opportunity for a prompt hearing and prompt decision by a judicial officer. Failure to file an appeal within the time period provided by this subsection shall constitute a waiver of the right to appeal.

(e) Within five (5) days following the expiration of an encroachment license for an individual newsrack, the owner shall remove the newsrack and cause any necessary restoration or repair of the public rights-of-way to be made.

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

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

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

PROPOSAL NO. 706, 1999. Councillor Schneider reported that the Administration and Finance Committee heard Proposal No. 706, 1999 on November 30, 1999. The proposal, sponsored by Councillor Cockrum, allows more hiring flexibility for City departments. By a 5-0 vote, the Committee reported the proposal to the full Council with the recommendation that it do pass. Councillor Schneider moved, seconded by Councillor Cockrum, for adoption. Proposal No. 706, 1999 was adopted by the following roll call vote; viz:

22 YEAS: *Borst, Boyd, Bradford, Brents, Coonrod, Curry, Dowden, Gilmer, Gray, Jones, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Short, Smith, Talley, Tilford, Williams*

1 NAY: *Black*

6 NOT VOTING: *Cockrum, Coughenour, Franklin, Golc, Hinkle, Massie*

Proposal No. 706, 1999 was retitled SPECIAL RESOLUTION NO. 108, 1999, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 108, 1999

A PROPOSAL FOR A SPECIAL RESOLUTION defining eligibility for PERF participation for City employees.

WHEREAS, the City-County Council of Indianapolis and Marion County, on April 25, 1977 passed Special Resolution No. 5, 1977 authorizing certain employees of the City of Indianapolis not already covered by a state pension plan to be covered by the P.E.R.F.; and

WHEREAS, the City-County Council of Indianapolis and Marion County, on September 10, 1990, passed Special Resolution No. 56, 1990 further defining eligibility for PERF participation by City employees; and

WHEREAS, the council now desires to change the requirements for participation of certain other employees of the City in the P.E.R.F.; now, therefore:

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

SECTION 1. In addition to all employees and elected and appointed officials covered by Special Resolution No. 5, 1977, and Special Resolution 56, 1990, the City of Indianapolis elects for all employees described in Section 2 to become participants in the Public Employees' Retirement Fund as described in IC 5-10.3-2-1 et seq.

SECTION 2. The following employees are declared covered by the P.E.R.F.:

- A. All past and present regular employees of the City of Indianapolis who were hired prior to July 1, 1982 and who occupied or occupy positions normally requiring performance of service of six hundred (600) or more hours during a year, and
- B. All regular employees of the city of Indianapolis who were hired after June 30, 1982, and before January 1, 2000, and who occupied or occupy positions normally requiring performance of service of one thousand (1000) or more hours during a year.
- C. All regular employees of the City of Indianapolis hired on or after January 1, 2000, and who occupy positions normally requiring performance of service of one thousand three hundred and twenty (1320) or more hours during a year.

Participation of these employees in the P.E.R.F. shall date from July 1, 1978, or the employee's date of hire, whichever is later, and shall cover those periods of time during which the employees meet the minimum hour requirements listed above.

SECTION 3. The City, with respect to the employees described in Section 2, will make any required contributions to the retirement fund as established by IC 5-10.1-2. In addition, the City will make the 3% member's contribution described in IC 5-10.2-7-9 on behalf of the present and future employees who qualify under Section 2 from January 1, 1986, in the case of bi-weekly employees; January 1, 1987, in the case of union employees; or the employee's date of hire, whichever is later.

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

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

PROPOSAL NO. 707, 1999. Councillor Schneider reported that the Administration and Finance Committee heard Proposal No. 707, 1999 on November 30, 1999. The proposal establishes a non-reverting, cash change fund for the Marion County Treasurer in the amount of \$4,000. By a 5-0 vote, the Committee reported the proposal to the full Council with the recommendation that it

do pass. Councillor Schneider moved, seconded by Councillor Tilford, for adoption. Proposal No. 707, 1999 was adopted by the following roll call vote; viz:

25 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Curry, Dowden, Gilmer, Gray, Jones, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Short, Smith, Talley, Tilford, Williams
0 NAYS:
4 NOT VOTING: Coughenour, Franklin, Golc, Hinkle

Proposal No. 707, 1999 was retitled GENERAL ORDINANCE NO. 172, 1999, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 172, 1999

A GENERAL ORDINANCE amending the Revised Code of the Consolidated City and County by amending Chapter 135 concerning Nonreverting Special Agency Funds.

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

SECTION 1. Chapter 135 of the Revised Code of the Consolidated City and County is hereby amended by inserting the words underlined as follows:

DIVISION 3. TREASURER'S CASH CHANGE FUND

Sec. 135-831. Created.

Pursuant to IC 36-1-8-2, the City-County Council, as the fiscal body of the Consolidated City of Indianapolis and Marion County, Indiana, hereby establishes a cash change fund in the amount of Four-Thousand Dollars (\$4,000) to be placed in the custody of the Marion County Treasurer or his designee, which cash change fund shall be used by the Marion County Treasurer's Office to make change when collecting cash revenues.

Sec. 135-832. Administration.

The Four Thousand Dollars (\$4,000) for the Treasurer's Cash Change Fund established under Sec. 135-832 shall be paid by a warrant drawn on the appropriate fund in favor of the Treasurer without the need for an appropriation. The Treasurer shall account for the fund in the same manner as other funds, and shall return the entire fund to the appropriate fund whenever there is a change in the custodian or when the fund is no longer needed.

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

PROPOSAL NO. 711, 1999. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 711, 1999 on December 1, 1999. The proposal amends the Revised Code relating to sick leave benefits for certain sworn police officers. By a 5-0 vote, the Committee reported the proposal to the full Council with the recommendation that it be stricken. Councillor Dowden moved, seconded by Councillor Borst, to strike. Proposal No. 711, 1999 was stricken by the following roll call vote; viz:

24 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Curry, Dowden, Gilmer, Gray, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, Short, Smith, Talley, Tilford, Williams
0 NAYS:
5 NOT VOTING: Coughenour, Franklin, Golc, SerVaas, Shambaugh

PROPOSAL NO. 712, 1999. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 712, 1999 on December 1, 1999. The proposal approves

certain public purpose grants totaling \$701,000 from the Marion County Drug Free Community Fund. By a 6-0 vote, the Committee reported the proposal to the full Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Smith, for adoption. Proposal No. 712, 1999 was adopted by the following roll call vote; viz:

23 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Curry, Dowden, Gilmer, Jones, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Short, Smith, Talley, Tilford, Williams
 0 NAYS:
 6 NOT VOTING: Coonrod, Coughenour, Franklin, Golc, Gray, Hinkle

Proposal No. 712, 1999 was retitled GENERAL RESOLUTION NO. 21, 1999, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 21, 1999

A GENERAL RESOLUTION approving certain public purpose grants totaling \$701,000 from the Drug Free Community Fund.

WHEREAS, the City-County Council appropriated the sum of Seven-Hundred and One Thousand Dollars (\$701,000) in Section 3.02(k)(10) of City-County Fiscal Ordinance No. 98, 1999, 2000 Annual Budget and Tax Levies for the Consolidated City of Indianapolis and for Marion County, Indiana ("the Budget Ordinance") for funding grants to be made from the Drug Free Community Fund, and provided that such grants shall be considered Public Purpose Local Grants; and

WHEREAS, IC 5-2-11-5 and Section 4.01(c) of the Budget Ordinance require that sums appropriated therein for Public Purpose Local Grants shall not be spent until the City-County Council of the City of Indianapolis and of Marion County, Indiana, approves the amount and identity of each grant recipient; now, therefore:

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

SECTION I. The following grants and administrative expenses totaling Seven-Hundred and One Thousand Dollars (\$701,000) from the Drug Free Community Fund are approved in the following amounts and projects for the following organizations:

Drug Free Community Fund 2000 Annual Grant Awards		
Organization	Project	Amount
I. PREVENTION/EDUCATION		
Family Services Ass'n	PASS	\$14,767
I.P.S.	Student Ass't Program Training	15,900
Youth as Resources	Youth Campaign for Healthy Choices II	29,413
Family Development Services, Inc	P.R.I.D.E. Program	42,551
John H. Boner Community Center	H.E.L.P.	16,306
Girls, Inc.	Community Center Program	40,000
M.S.D. of Perry Twp.	Brightwood/Martindale Summer Day Camp	40,000
St. Florian Center, Inc.	St. Florian Center Leadership Development	19,525
<i>Subtotal</i>		\$218,462

II. TREATMENT		
Salvation Army Harbor Light Center	Drug Free Community	\$67,322
Reach for Youth	ATOD Treatment Intervention Program	34,366
Midtown Community M.H.C.	Healthy Choices	13,341
Gallahue Mental Health Services	Assisted Living While in Treatment	27,000
Adult & Child M.H.C., Inc.	Home-Based Counseling	16,680
Mt. Vernon Relapse Prevention Center	Relapse Prevention Program	27,250
Marion Co Community Corrections Agency	Community Corrections	30,000
<i>Subtotal</i>		\$215,959
III. CRIMINAL JUSTICE		
Marion Superior Court	Drug Treatment Diversion	\$79,100
Marion County Prosecutor	Nuisance Abatement Program	47,806
Marion County Sheriff	McGruffletter	38,000
I.P.D.	Healthy Reasons to Say No	13,600
<i>Subtotal</i>		\$178,506
IV. MISC./ADMINISTRATION		
Local Coordinating Council	Administrative Expenses	\$72,405
Local Coordinating Council	Youth Advisory Board	14,668
Marion County Justice Agency	Administrative Expenses	1,000
<i>Subtotal</i>		\$88,073
<i>Grand total</i>		\$701,000

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

PROPOSAL NO. 713, 1999. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 713, 1999 on December 1, 1999. The proposal amends the Revised Code concerning the Marion County Justice Agency Board and director. By a 4-2 vote, the Committee reported the proposal to the full Council with the recommendation that it do pass.

Councillor Dowden made the following motion:

Mr. President:

I move to amend Proposal No. 713, 1999, by substituting a new Sec. 283-231 to read as follows:

Sec. 283-231. Director—Qualifications; responsibilities generally.

The director who shall have such qualifications and experience as set by the board should be appointed by the director of the Department of Public Safety from nominees approved by the board of the department of public safety serves as the director of the MCJA by virtue of his office The director shall be the senior administrator of the MCJA and shall act as technical advisor and provide staff support for the board in its deliberations. The director shall meet with the board as a nonvoting member. The director shall have the authority and responsibility to act for the board in its name on a daily operational basis when the board is not in session, but all such action shall be subject to the review of the board.

Councillor Schneider seconded the motion.

Councillor Boyd moved, seconded by Councillor Talley, to postpone Proposal Nos. 713, 730, and 751, 1999.

Councillor McClamroch stated that this motion to postpone is out of order, as the motion on the floor is to amend Proposal No. 713, 1999. General Counsel Robert Elrod stated that the motion to postpone takes precedence over a motion to amend.

Councillor Boyd stated that his reasons for moving to postpone these proposals is because they are substantive issues and the new administration should be allowed to make these type of substantive decisions. He added that the mayor-elect does not support these proposals.

The motion to postpone failed on the following roll call vote; viz:

10 YEAS: Black, Boyd, Brents, Golc, Gray, Jones, Moriarty Adams, Short, Talley, Williams
17 NAYS: Borst, Bradford, Cockrum, Coonrod, Curry, Dowden, Gilmer, Hinkle, Massie, McClamroch, Moores, O'Dell, Schneider, SerVaas, Shambaugh, Smith, Tilford
2 NOT VOTING: Coughenour, Franklin

The motion to amend carried on the following roll call vote; viz:

17 YEAS: Borst, Bradford, Cockrum, Coonrod, Curry, Dowden, Gilmer, Hinkle, Massie, McClamroch, Moores, O'Dell, Schneider, SerVaas, Shambaugh, Smith, Tilford
10 NAYS: Black, Boyd, Brents, Golc, Gray, Jones, Moriarty Adams, Short, Talley, Williams
2 NOT VOTING: Coughenour, Franklin

Councillor Williams stated that not only does the mayor-elect not support this proposal, but neither do the Sheriff nor the County Prosecutor.

Councillor Dowden moved, seconded by Councillor Smith, for adoption. Proposal No. 713, 1999, as amended, was adopted by the following roll call vote; viz:

15 YEAS: Borst, Bradford, Cockrum, Coonrod, Curry, Dowden, Gilmer, Hinkle, Massie, O'Dell, Schneider, SerVaas, Shambaugh, Smith, Tilford
12 NAYS: Black, Boyd, Brents, Golc, Gray, Jones, McClamroch, Moores, Moriarty Adams, Short, Talley, Williams
2 NOT VOTING: Coughenour, Franklin

Proposal No. 713, 1999, as amended, was retitled GENERAL ORDINANCE NO. 173, 1999, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 173, 1999

A GENERAL ORDINANCE amending Secs. 283-225 and 283-231 of the Revised Code concerning the Marion County Justice Agency Board and director.

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

SECTION 1. Secs. 283-225 and 283-231 of the "Revised Code of the Consolidated City and County" be, and are hereby amended by deleting the stricken-through text and inserting the underlined text to read as follows:

Sec. 283-225. Additional duties and responsibilities.

The board shall be charged with the following duties and responsibilities:

- (1) To confer with the appropriate city, county, regional and federal agencies concerned with law enforcement and the administration of justice for the purpose of improving programs and policies.
- (2) To confer with the appropriate city, county, regional and federal agencies for the purpose of securing funds for the support of the MCJA.
- (3) To advise law enforcement and the justice agencies on improved policies and programs.
- (4) To determine the means of financing any justice related information services, subject to the approval of the council where applicable.
- (5) To review and approve all budgets, contracts and expenditures for services, equipment purchases, rents or leases, consultants, management or technical personnel, studies, programs and materials or supplies for the subject agencies' common database justice information system.
- (6) To conduct studies and evaluations of any and all information needs and current systems operating in the subject agencies.
- (7) To contract for technical and specialized assistance in administering its duties.
- (8) To require annual plans and resources inventories of the subject agencies and submit such plans for inclusion in the annual city/county master plan for information services.
- (9) To develop, maintain and communicate information services policy for the subject agencies.
- (10) To submit job descriptions and salary levels consistent with ISA and the standards established by the auditor's office.
- (11) To approve the employment or retention by personal services contract a director for justice systems who shall have such duties as directed herein.
- ~~(12)~~ To promulgate rules and regulations for the efficient administration of its policies and procedures for the subject agencies.
- ~~(13)~~ To establish requirements for standards for privacy of personally identifiable confidential information and security of systems and records of subject agencies.
- ~~(14)~~ To delegate any functions to the director, subject to review by the board.
- ~~(15)~~ To hire personnel, who serve at the director's pleasure according to law, to carry out its duties.
- ~~(16)~~ To undertake such other studies or programs related to or involving the subject agencies as may be adopted by the board or assigned to the board by the city-county council.
- ~~(17)~~ To contract for assistance in the collection of money owed to the subject agencies and to add the costs of collection, if amount owed exceeds twenty-five dollars (\$25.00) and became delinquent after July, 1986, to the amount owed and collected.
- ~~(18)~~ To administer the pre-trial services division and its subdivisions, including the lock-up services, conditional release office, failure to appear office, and office of the jail ombudsman.
- ~~(18)~~ To administer the law enforcement fund and to have authority over expenditures from the fund.
- ~~(19)~~ To coordinate expenditures of the county correction fund in furtherance of streamlining and coordination of the delivery of pre-trial services; and
- ~~(20)~~ To administer the pre-trial release fund and have authority over expenditures from the fund.

Sec. 283-231. Director—Qualifications; responsibilities generally.

The director who shall have such qualifications and experience as set by the board should be appointed by the director of the Department of Public Safety from nominees approved by the board, of the department of public safety serves as the director of the MCJA by virtue of his office The director shall be the senior administrator of the MCJA and shall act as technical advisor and provide staff support for the board in its deliberations. The director shall meet with the board as a nonvoting member. The director shall have the authority and responsibility to act for the board in its name on a daily operational basis when the board is not in session, but all such action shall be subject to the review of the board.

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

PROPOSAL NO. 730, 1999. Councillor Curry reported that the Rules and Public Policy Committee heard Proposal No. 730, 1999 on November 30, 1999. The proposal, sponsored by Councillor Coonrod, amends Sec. 293-104 of the Revised Code concerning the board of ethics. By a 4-1 vote, the Committee reported the proposal to the full Council with the recommendation that it do pass.

Councillor Coonrod moved, seconded by Councillor Curry, to make a technical amendment by striking through the words "three (3)" in Sec. 293-104 (b). The proposal was amended by a unanimous voice vote.

Councillor Short moved, seconded by Councillor Talley, to postpone Proposal No. 730, 1999. The motion to postpone failed on the following roll call vote; viz:

10 YEAS: Black, Boyd, Brents, Golc, Gray, Jones, Moriarty Adams, Short, Talley, Williams
17 NAYS: Borst, Bradford, Cockrum, Coonrod, Curry, Dowden, Gilmer, Hinkle, Massie, McClanroch, Moores, O'Dell, Schneider, SerVaas, Shambaugh, Smith, Tilford
2 NOT VOTING: Coughenour, Franklin

Councillor Curry moved, seconded by Councillor Coonrod, for adoption. Proposal No. 730, 1999, as amended, was adopted by the following roll call vote; viz:

17 YEAS: Borst, Bradford, Cockrum, Coonrod, Curry, Dowden, Gilmer, Hinkle, Massie, McClanroch, Moores, O'Dell, Schneider, SerVaas, Shambaugh, Smith, Tilford
9 NAYS: Black, Boyd, Golc, Gray, Jones, Moriarty Adams, Short, Talley, Williams
3 NOT VOTING: Brents, Coughenour, Franklin

Proposal No. 730, 1999, as amended, was retitled GENERAL ORDINANCE NO. 174, 1999, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 174, 1999

A GENERAL ORDINANCE amending Sec. 293-104 of the Revised Code concerning the board of ethics.

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

SECTION 1. Secs. 293-104 of the "Revised Code of the Consolidated City and County" be, and is hereby amended by deleting the stricken-through text and inserting the underlined text to read as follows:

Sec. 293-104. Board of ethics.

(a) *Creation and composition of the board.* There is hereby created and established a board of ethics, consisting of five (5) members who do not hold a position of employment in any agency, and who are not declared candidates for elected, non-party public office. ~~The corporation counsel of the City of Indianapolis~~

~~shall serve ex officio as secretary of the board of ethics~~ Board shall choose a secretary, who must be licensed to practice law in Indiana and must meet the same qualifications of a board member but shall not be a voting member.

(b) *Appointment of members and chairperson.* The mayor shall appoint ~~three (3)~~ two (2) members, one (1) of which shall be designated as chairperson, no more than ~~two (2)~~ one (1) of which shall be affiliated with the same political party. The city-county council shall appoint two (2) members, who shall not be affiliated with the same political party. The board of county commissioners shall choose one (1) member. In the event there are three incumbent board members who were appointed by the mayor, and none appointed by the board of county commissioners, the board of county commissioners shall appoint a member upon the first expiration of the term of one (1) of the members appointed by the mayor. Each appointment shall be made for a term of two (2) years. Each appointee shall serve at the pleasure of the appointing authority until his or her successor is duly appointed and qualified. Vacancies shall be filled by that appointing authority which appointed the member creating the vacancy. A member appointed to fill a vacancy shall serve for the duration of the unexpired term.

(c) *General authority of the board of ethics.* The board of ethics shall have the powers and responsibilities:

- (1) To adopt, amend and rescind rules and regulations in furtherance of its purposes, pursuant to the procedure outlined in section 141-12 of this Code.
- (2) To make recommendations to the city-county council for amendments to this article and for such other legislation affecting the subject matter of this article as the board of ethics may deem necessary or desirable.
- (3) To provide a continuing program of educational assistance and information regarding ethical conduct of all officers and employees.
- (4) To annually review the statements of economic interest filed pursuant to section 293-106.

(d) *Advisory opinions.* Upon the written request of an officer or employee, or without such request should a majority of the board deem it in the public interest, the board of ethics may render advisory opinions concerning ~~matters of governmental ethics, shall consider questions as to ethical conduct, conflicts of interest and~~ the application of ethical standards set forth in this article, and shall issue an advisory opinion in writing as to any such question. The board shall publish its opinions with any deletions or modifications necessary to prevent disclosure of the identity of the person who is the subject of the opinion. Advisory opinions shall be limited to a finding as to whether a circumstance or proposed circumstance constitutes, or does not constitute, an actual violation of the standards set forth in this article. The board is not authorized to issue advisory opinions of a subjective nature, such as a finding that a particular circumstance creates the appearance of an impropriety, when no actual impropriety exists.

(e) *Investigations.* Upon request by the mayor, a department director, an officer or employee, member of the board of ethics, or any member of the city-county council, the board of ethics may hold hearings to investigate possible violations of this article. If such board finds that a violation of this article has occurred, it may recommend to the mayor or appropriate official a resolution of the violation, or public disclosure of the violation, or disciplinary action, which may include dismissal.

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

PROPOSAL NO. 751, 1999. Councillor Curry reported that the Rules and Public Policy Committee heard Proposal No. 751, 1999 on November 30, 1999. The proposal, sponsored by Councillor Coonrod, amends the Code relating to the duties of the City-County Council's General Counsel and the Office of Corporation Counsel. By a 4-1 vote, the Committee reported the proposal to the full Council with the recommendation that it do pass.

Councillor Short moved, seconded by Councillor Talley, to postpone Proposal No. 751, 1999. The motion to postpone failed on the following roll call vote; viz:

9 YEAS: Black, Boyd, Brents, Golc, Gray, Jones, Moriarty Adams, Short, Williams
16 NAYS: Borst, Bradford, Cockrum, Coonrod, Curry, Dowden, Hinkle, Massie,
McClamroch, Moores, O'Dell, Schneider, SerVaas, Shambaugh, Smith, Tilford
4 NOT VOTING: Coughenour, Franklin, Gilmer, Talley

Councillor Williams stated that passing this proposal could lead to some costly litigation as well as being bad politics and irresponsible.

Councillor Boyd asked if this proposal is legal. General Counsel Elrod stated that it is legal, and that the current code is actually in violation of current legal theories. The law has changed since this ordinance was written.

Councillor Coonrod stated that the objection seems to be that this proposal violates the separation of powers, while it actually was pointed out by the minority party's counsel that the Code was in violation of law. He stated that the minority party was unwilling to participate in molding this proposal, and has not discussed the substance of the proposal itself. He stated that the Democrats are simply trying to obstruct the whole Council process. He stated that he spoke with Mayor-elect Peterson's representative on several occasions, and Mr. Peterson has no opposition to Proposal Nos. 730 or 751, 1999 in substance. He added that if minority members have opposition to the actual proposals, they should suggest ways to improve it.

Councillor Curry moved, seconded by Councillor Coonrod, for adoption. Proposal No. 751, 1999 was adopted by the following roll call vote; viz:

17 YEAS: Borst, Bradford, Cockrum, Coonrod, Curry, Dowden, Gilmer, Hinkle, Massie,
McClamroch, Moores, O'Dell, Schneider, SerVaas, Shambaugh, Smith, Tilford
10 NAYS: Black, Boyd, Brents, Golc, Gray, Jones, Moriarty Adams, Short, Talley, Williams
2 NOT VOTING: Coughenour, Franklin

Proposal No. 751, 1999 was retitled GENERAL ORDINANCE NO. 175, 1999, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 175, 1999

A GENERAL ORDINANCE amending the Revised Code relating to the duties of the City-County Council's General Counsel and the Office of Corporation Counsel.

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

SECTION 1. Sec. 151-101 of the Revised Code of the Consolidated City and County be and is hereby amended by adding the underlined text, to read as follows:

Sec. 151-101. Duties of the general counsel generally.

(a) The general counsel shall be responsible to see that all ordinances and resolutions requested by members of the council are drafted, shall review and approve all proposed ordinances and resolutions as to form and legality, shall advise the clerk as to all matters regarding publication and codification of ordinances and shall give legal advice as requested by the councils, their committees and their members.

(b) The general counsel shall be responsible for editing and supervising of the codification of the ordinances and is authorized to renumber and rearrange sections of ordinances or the codification as deemed appropriate.

(c) The general counsel shall also attend meetings of the majority caucus and advise such caucus unless the majority caucus requests other legal representation or if the general counsel determines that an ethical conflict requires withdrawal from such representation.

(d) The general counsel may, with the prior approval of the president of the council, employ the services of outside legal counsel to represent the council with respect to any litigation.

SECTION 2. Chapter 151 of the Revised Code of the Consolidated City and County be and is hereby amended by adding the underlined text, to read as follows:

ARTICLE X. LITIGATION PROCEDURES

Sec. 151-1001. Litigation defense affecting the city-county council or its members.

(a) Upon being served with a notice of claim and civil process wherein the city-county council or any of its members is named as a party by reason of their official capacities, the corporation counsel shall immediately forward a copy of such notice or civil process to the president of the council.

(b) Upon receipt of such notice or civil process, the president may, after consultation with the general counsel:

- (1) direct the actions of the corporation counsel in the representation, defense, compromise, or settlement of such claim or litigation;
- (2) direct the general counsel to assist the corporation counsel in the representation, defense, compromise, or settlement of such claim or litigation; or
- (3) assign the representation and defense of such claim or litigation to the general counsel in lieu of representation and defense by the corporation counsel.
- (c) The actions of the president pursuant to this section are final unless overruled by the council.

Sec. 151-1002. Initiation of or intervention in litigation affecting the city-county council or its members.

(a) Whenever any matter affecting the city-county council or any of its members by reason of their official actions or capacities makes it appropriate to initiate litigation, the president may, after consultation with the general counsel:

- (1) direct the corporation counsel to initiate such litigation; or
- (2) direct the general counsel to initiate such litigation.

(b) In any pending litigation that affects the city-county council or any of its members by reason of their official capacities, wherein the city-county council or its members were not originally named as parties, the president of the council may, after consultation with the general counsel:

- (1) direct the corporation counsel to intervene in the litigation on behalf of the council; or
- (2) direct the general counsel to intervene in the litigation on behalf of the council.
- (c) The actions of the president pursuant to this section are final unless overruled by the council.

SECTION 3. Sec. 202-103 of the Revised Code of the Consolidated City and County be and is hereby amended by adding the underlined text, to read as follows:

Sec. 202-103. Powers of office of corporation counsel.

The office of corporation counsel shall:

- (1) Furnish all legal services to the mayor, the city-county council (except those services provided pursuant to council rules by the council's general counsel and assistant attorney as specified in chapter 151 of this Code), all departments and divisions of the city and all county officials (except those services provided to judicial offices and the prosecuting attorney by the Indiana Attorney pursuant to IC 33-2.1-9-1) and agencies;
- (2) Prepare ordinances for introduction before the city-county council and prepare legislative proposals to be introduced in the general assembly;
- (3) Prepare leases, deeds, contracts and other legal documents;

- (4) Institute legal action for the purpose of enforcing the ordinances of the city and county;
- (5) Employ the services of outside legal counsel when in the best interests of the city with the approval of the mayor;
- (6) Furnish legal advice and opinions when such legal advice or opinion is requested by persons entitled to representation by the office of corporation counsel;
- (7) Compromise litigation and effect settlement of impending litigation affecting the city with the approval of the mayor, and affecting the city-county council with the approval of the president of the council;
- (8) Enter an appearance as attorney for and represent and defend the city, the mayor, the members of the city-county council, all departments and divisions of the city, county agencies, all officers, agents and employees thereof in all causes of action wherein they are parties by reason of their official capacity and to conduct all appellate litigation arising therefrom or timely advise any such officer or agency if such representation is declined and the reasons therefor;
- (9) Contract with independent counsel to represent and defend officers or agencies entitled to defense by the city or county when representation is declined by the corporation counsel for reason of conflicts of interest, if such officer or agency requests the same; and
- (10) Exercise any other powers which may be granted by statute or ordinance or delegated by the mayor.

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

PROPOSAL NO. 717, 1999. Councillor Gilmer reported that the Capital Asset Management Committee heard Proposal No. 717, 1999 on December 8, 1999. The proposal, sponsored by Councillor Gilmer, authorizes a traffic signal at 59th Street and Georgetown Road (Districts 1, 9). By a 7-0 vote, the Committee reported the proposal to the full Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Hinkle, for adoption. Proposal No. 717, 1999 was adopted by the following roll call vote; viz:

19 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Curry, Gilmer, Hinkle, Jones, Massie, McClanroch, Moriarty Adams, O'Dell, Schneider, Shambaugh, Short, Tilford, Williams
 0 NAYS:
 10 NOT VOTING: Coonrod, Coughenour, Dowden, Franklin, Golc, Gray, Moores, SerVaas, Smith, Talley

Proposal No. 717, 1999 was retitled GENERAL ORDINANCE NO. 176, 1999, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 176, 1999

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, 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 "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
9	59 th St Georgetown Rd	Georgetown Rd	Stop

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, 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>
9	59 th St Georgetown Rd	None	Signal

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-I4.

Councillor Gilmer reported that the Capital Asset Management Committee heard Proposal Nos. 718-720, 1999 on December 8, 1999. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 718, 1999. The proposal, sponsored by Councillor Gilmer, authorizes a multi-way stop at 86th Street and Moore Road (District 1). PROPOSAL NO. 719, 1999. The proposal, sponsored by Councillor O'Dell, authorizes a multi-way stop at Audubon Road and Julian Avenue (District 13). PROPOSAL NO. 720, 1999. The proposal, sponsored by Councillor Shambaugh, authorizes intersection controls for the Eagledale area (District 8). By 7-0 votes, the Committee reported the proposals to the full Council with the recommendation that they do pass. Councillor Gilmer moved, seconded by Councillor Shambaugh, for adoption. Proposal Nos. 718-720, 1999 were adopted by the following roll call vote; viz:

23 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Curry, Dowden, Golc, Hinkle, Jones, Massie, McClamroch, Moriarty Adams, O'Dell, Schneider, Shambaugh, Short, Smith, Talley, Tilford, Williams
 0 NAYS:
 6 NOT VOTING: Coughenour, Franklin, Gilmer, Gray, Moores, SerVaas

Proposal No. 718, 1999 was retitled GENERAL ORDINANCE NO. 177, 1999, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 177, 1999

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

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

SECTION I. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
1	86 th St Moore Rd	86 th St	Stop

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, 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>
I	86 th St Moore Rd	None	All Way Stop

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

Proposal No. 719, 1999 was retitled GENERAL ORDINANCE NO. 178, 1999, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 178, 1999

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, 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 "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
26	Audubon Rd Julian Av	Audubon Rd	Stop

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, 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>
26	Audubon Rd Julian Av	None	All Way Stop

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

Proposal No. 720, 1999 was retitled GENERAL ORDINANCE NO. 179, 1999, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 179, 1999

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, 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 "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
16	Alberta St, Bertrand Rd, Brittany Rd	Bertrand Rd,	Yield
16	Alberta St, Midvale Dr	Midvale Dr	Yield
16	Bertrand Rd, Normandy Rd	Normandy Rd	Yield

16	Brittany Rd Normandy Rd	Brittany Rd	Yield
16	Danbury Rd, Evelyn St, Thayer St	Danbury Rd	Yield
16	Eagle Dale Dr, Thrush Dr, Milan St	Eagle Dale Dr	Yield
16	Evelyn St, Falcon Dr	Falcon Dr	Yield
16	Evelyn St, Patricia St	Evelyn St	Yield
16	Midvale Dr, Patricia St	Patricia St	Yield
16	Midvale Dr, Thrush Dr	Midvale Dr	Yield

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, 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>
16	Alberta St, Bertrand Rd, Brittany Rd	Bertrand Rd,	Stop
16	Alberta St, Midvale Dr	Midvale Dr	Stop
16	Bertrand Rd, Normandy Rd	Normandy Rd	Stop
16	Brittany Rd Normandy Rd	Brittany Rd	Stop
16	Danbury Rd, Evelyn St, Thayer St	Danbury Rd	Stop
16	Eagle Dale Dr, Thrush Dr, Milan St	Eagle Dale Dr	Stop
16	Evelyn St, Falcon Dr	Falcon Dr	Stop
16	Evelyn St, Patricia St	Evelyn St	Stop
16	Midvale Dr, Patricia St	Patricia St	Stop
16	Midvale Dr, Thrush Dr	Midvale Dr	Stop

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

PROPOSAL NO. 721, 1999. Councillor Gilmer reported that the Capital Asset Management Committee heard Proposal No. 721, 1999 on December 8, 1999. The proposal, sponsored by Councillor Brents, authorizes changes in the one-way restrictions on East Street from South Street

to Washington Street (District 16). By a 7-0 vote, the Committee reported the proposal to the full Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Brents, for adoption. Proposal No. 721, 1999 was adopted by the following roll call vote; viz:

19 YEAS: *Black, Borst, Bradford, Brents, Cockrum, Coonrod, Curry, Golc, Hinkle, Jones, Massie, McClamroch, Moriarty Adams, O'Dell, Schneider, Shambaugh, Short, Talley, Tilford*
0 NAYS:
10 NOT VOTING: *Boyd, Coughenour, Dowden, Franklin, Gilmer, Gray, Moores, SerVaas, Smith, Williams*

Proposal No. 721, 1999 was retitled GENERAL ORDINANCE NO. 180, 1999, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 180, 1999

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-342, One-way streets and alleys designated.

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-342, One-way streets and alleys designated, be and the same is hereby amended by the deletion of the following, to wit:

SOUTHBOUND

East Street, from Tenth Street to Virginia Avenue

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-342, One-way streets and alleys designated, be and the same is hereby amended by the addition of the following, to wit:

SOUTHBOUND

East Street, from Tenth Street to Washington Street

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

PROPOSAL NO. 728, 1999. Councillor Gilmer reported that the Capital Asset Management Committee heard Proposal No. 728, 1999 on December 8, 1999. The proposal, sponsored by Councillor Borst, authorizes a weight limit restriction on Epler Avenue between Bluff Road and Harding Street, and also authorizes a reduction in the speed limit. By a 7-0 vote, the Committee reported the proposal to the full Council with the recommendation that it do pass as amended. Councillor Gilmer moved, seconded by Councillor Borst, for adoption. Proposal No. 728, 1999, as amended, was adopted by the following roll call vote; viz:

24 YEAS: *Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Curry, Dowden, Golc, Hinkle, Jones, Massie, McClamroch, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Short, Smith, Talley, Tilford, Williams*
0 NAYS:
5 NOT VOTING: *Coughenour, Franklin, Gilmer, Gray, Moores*

Proposal No. 728, 1999, as amended, was retitled GENERAL ORDINANCE NO. 181, 1999, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 181, 1999

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-364, Trucks on certain streets restricted, and Sec. 441-323, 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 "Revised Code of the Consolidated City and County," specifically, Sec. 441-364, 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

Epler Avenue, from Bluff Road to Harding Street

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-323, Alteration of prima facie speed limits, be and the same is hereby amended by the addition of the following, to wit:

30 MPH

Epler Avenue, from Bluff Road to State Road 37

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

NEW BUSINESS

Councillor Short thanked the City-County employees for another year of service.

ANNOUNCEMENTS AND ADJOURNMENT

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

Councillor Boyd stated that he had been asked to offer the following motion for adjournment by:

- (1) Councillor Talley in memory of Ed Phillips and Ida B. Gilbert; and
- (2) Councillor Boyd in memory of Blanche Cornelia McKay; and
- (3) Councillors Tilford, Franklin, Smith, and McClamroch in memory of Larry J. Wharton;
and
- (4) Councillor Smith in memory of Michael Lee Stephens.

Councillor Boyd moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Ed Phillips, Ida B. Gilbert, Blanche Cornelia McKay, Larry J. Wharton, and Michael Lee Stephens. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 12:24 a.m. on December 14, 1999.

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-Council of Indianapolis-Marion

December 13, 1999

County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 13th and 14th days of December, 1999.

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



President

ATTEST:



Clerk of the Council

(SEAL)