

**CITY-COUNTY COUNCIL  
INDIANAPOLIS, MARION COUNTY, INDIANA  
REGULAR MEETING  
Monday, March 1, 1982**

A Regular Meeting of the City-County Council of Indianapolis, Marion County, Indiana, convened in the Council Chambers of the City-County Building, at 7:12 p.m., Monday, March 1, 1982. President SerVaas in the chair. Mr. Rozelle Boyd opened the meeting with a prayer, followed by the Pledge of Allegiance.

**ROLL CALL**

President SerVaas instructed the Clerk to take the roll. Twenty-nine members being present, he announced a quorum.

*PRESENT: Borst, Boyd, Brinkman, Campbell, Clark, Cottingham, Coughenour, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Jones, Journey, McGrath, Miller, Nickell, Page, Parker, Rader, Rhodes, Schneider, SerVaas, Stewart, Strader, Tintera, Vollmer, West*

**CORRECTION OF THE JOURNAL**

The Chair called for additions or corrections to the Journal of February 8, 1982. There being no additions or corrections, the minutes of February 8, 1982, were approved as distributed.

**OFFICIAL COMMUNICATIONS**

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

**TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:**

**Ladies and Gentlemen:**

**You are hereby notified that there will be a REGULAR MEETING of the City-County Council held in the City-County Building, in the Council Chambers, on Monday, March 1, 1982, at 7:00 p.m. The purpose of such MEETING being to conduct any and all business that may properly come before the regular meeting of the Council.**

**Respectfully,**

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

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

**Ladies and Gentlemen:**

Pursuant to the laws of the State of Indiana, I caused to be published in *The Indianapolis NEWS* and *The Indianapolis COMMERCIAL* on February 18 and 25, 1982, a copy of **NOTICE TO TAXPAYERS** of a Public Hearing on Proposal Nos. 57, 65, 66, and 68, 1982, with a "Corrected Copy" of Proposal No. 66 in *The Indianapolis NEWS* on March 1, 1982, said hearing to be held on Monday, March 1, 1982, at 7:00 p.m., in the City-County Building.

Respectfully,

s/Beverly S. Rippy  
City Clerk

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

**Ladies and Gentlemen:**

I have this day approved with my signature and delivered to the Clerk of the City—County Council, Mrs. Beverly S. Rippy, the following ordinances and resolutions:

**GENERAL ORDINANCE NO. 13, 1982**, amending the "Code of Indianapolis and Marion County, Indiana," by amending Chapter 23 dealing with holidays and lay-offs.

**GENERAL ORDINANCE NO. 14, 1982**, amending the "Code of Indianapolis and Marion County, Indiana," by adding Section 2-307 which requires the Economic Development Commission to require entities obtaining bonds to submit reports on new jobs.

**SPECIAL ORDINANCE NO. 1, 1982**, authorizing the City of Indianapolis to issue its "Economic Development First Mortgage Revenue Bonds, Series 1982 (Parahart Corporation Project)," in the principal amount of three hundred thousand dollars and approving and authorizing other actions in respect thereof.

**SPECIAL ORDINANCE NO. 2, 1982**, authorizing the City of Indianapolis to issue its "Economic Development Revenue Bond (Rogers Typesetting Company, Inc. Project)" in the principal amount of one hundred twenty-five thousand dollars and approving and authorizing other actions in respect thereof.

**SPECIAL ORDINANCE NO. 3, 1982**, authorizing the City of Indianapolis to issue its "Economic Development First Mortgage Revenue Bond, Series 1982 (The Bosley Corporation Project)" in the principal amount of five hundred seventy-five thousand dollars and approving and authorizing other actions in respect thereof.

**SPECIAL RESOLUTION NO. 5, 1982**, honoring the Cathedral Irish as the 1982 City Basketball Champions.

**SPECIAL RESOLUTION NO. 6, 1982**, approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

**SPECIAL RESOLUTION NO. 7, 1982**, approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

Respectfully submitted,

s/William H. Hudnut, III  
Mayor

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

PROPOSAL NO. 99, 1982. Introduced by Councillor Gilmer, this proposal honors the Women's Varsity Basketball Team of Brebeuf Preparatory School. Councillor Gilmer requested that this proposal be postponed until March 15, 1982, thereby allowing the team and coaches to be present at the Council meeting to accept the Special Resolution. Council consent was given to postpone action.

PROPOSAL NO. 100, 1982. Councillor Tintera stated that this proposal dedicates the week of April 18, 1982, as "Keep America Beautiful Week in Indianapolis." He said that this resolution calls on each individual citizen of Indianapolis to do his part to help assist the City in the clean-up process. Councillor Tintera moved, seconded by Councillor Gilmer, for adoption. Proposal No. 100, 1982, was adopted by unanimous voice vote, retitled SPECIAL RESOLUTION NO. 8, 1982, and reads as follows:

**CITY—COUNTY SPECIAL RESOLUTION NO. 8, 1982**

A SPECIAL RESOLUTION dedicating the week of April 18, 1982, as "Keep America Beautiful Week In Indianapolis."

WHEREAS, the Clean City Committee of the Department of Public Works has dedicated April 18 through April 24, 1982, as "Keep America Beautiful Week In Indianapolis"; and

WHEREAS, the dedication of this week provides an opportunity for all citizens to participate in an individual effort to clean-up, fix-up and repair their individual properties and adjoining rights-of-way in preparation for the outdoor festivals and other activities that are going to take place in the City this summer; now, therefore:

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

SECTION 1. The City-County Council of Indianapolis and Marion County, Indiana, joins the Clean City Committee in dedicating April 18 through April 24, 1982, as "Keep America Beautiful Week In Indianapolis."

SECTION 2. The City-County Council of Indianapolis and Marion County, Indiana, calls upon all citizens to participate in an individual effort to clean-up, fix-up and repair their individual properties and adjoining rights-of-way.

SECTION 3. The Mayor of Indianapolis 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.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 82, 1982. Introduced by Councillor Brinkman. The Clerk read the proposal entitled, "A Proposal for a FISCAL ORDINANCE transferring \$25,210 for the Election Board to make payments on voting machines"; and the President referred it to the County and Townships Committee.

PROPOSAL NO. 83, 1982. Introduced by Councillor McGrath. The Clerk read the proposal entitled, "A Proposal for a COUNCIL RESOLUTION appointing John C. Fuller to the Metropolitan Board of Zoning Appeals, Division II"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 84, 1982. Introduced by Councillor Durnil. The Clerk read the proposal entitled, "A Proposal for a COUNCIL RESOLUTION appointing Teresa Shuffitt to the Metropolitan Board of Zoning Appeals, Division III"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 85, 1982. Introduced by Councillor Durnil. The Clerk read the proposal entitled, "A Proposal for a GENERAL ORDINANCE amending the Code dealing with the Urban Homesteading Program"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 86, 1982. Introduced by Councillor Clark. The Clerk read the proposal entitled, "A Proposal for a GENERAL RESOLUTION modifying the operating budget of the Capital Improvements Board of Managers"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 87, 1982. Introduced by several Councillors. The Clerk read the proposal entitled, "A Proposal for a GENERAL ORDINANCE amending the Code dealing with Open Burning." The President referred it to the Economic Development Committee due to the economic impact of the proposal. Councillor Vollmer voiced his opposition to this Committee assignment. After discussion, Councillor Vollmer moved, seconded by Councillor Page, for a joint meeting of the Public Works and Economic Development Committees. The President then called for a vote and the motion carried on the following roll call vote; viz:

*20 YEAS: Borst, Campbell, Clark, Coughenour, Dowden, Durnil, Holmes, Howard, Jones, Journey, McGrath, Nickell, Page, Parker, Rader, Rhodes, Schneider, Strader, Vollmer, West*

*9 NAYS: Boyd, Brinkman, Cottingham, Gilmer, Hawkins, Miller, SerVaas, Stewart, Tintera*

PROPOSAL NO. 88, 1982. Introduced by Councillor Parker. The Clerk read the proposal entitled, "A Proposal for a GENERAL ORDINANCE amending the Code requiring the Presidents of the Special Service Districts to be members of certain committees"; and the President referred it to the Rules and Policy Committee.

PROPOSAL NO. 89, 1982. Introduced by Councillor Parker. The Clerk read the proposal entitled, "A Proposal for a GENERAL ORDINANCE amending the Code outlining the powers of the Vice President"; and the President referred it to the Rules and Policy Committee.

PROPOSAL NO. 90, 1982. Introduced by Councillor Parker. The Clerk read the proposal entitled, "A Proposal for a SPECIAL RESOLUTION supporting the renewal of the Voting Rights Act of 1965"; and the President referred it to the Rules and Policy Committee.

PROPOSAL NO. 91, 1982. Introduced by Councillor Holmes. The Clerk read the proposal entitled, "A Proposal for a GENERAL ORDINANCE requiring printed identification on exterior of commercial trucks"; and the President referred it the Transportation Committee.

PROPOSAL NO. 92, 1982. Introduced by Councillor Schneider. The Clerk read the proposal entitled, "A Proposal for a GENERAL ORDINANCE changing intersection controls at Ivanhoe and Webster Streets (Amends Code Sec. 29-92)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 93, 1982. Introduced by Councillor Schneider. The Clerk read the proposal entitled, "A Proposal for a GENERAL ORDINANCE changing speed limits on 42nd Street between Clarendon and Michigan Roads (Amends Code Sec. 29-136)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 94, 1982. Introduced by Councillor Schneider. The Clerk read the proposal entitled, "A Proposal for a GENERAL ORDINANCE restricting parking on a portion of New York Street (Amends Code Sec. 29-267)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 95, 1982. Introduced by Councillor Schneider. The Clerk read the proposal entitled, "A Proposal for a GENERAL ORDINANCE changing parking controls on a portion of Ritter Avenue (Amends Code Sec. 29-267)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 96, 1982. Introduced by Councillor Schneider. The Clerk read the proposal entitled, "A Proposal for a GENERAL ORDINANCE changing parking controls on portions of Hudson Street and Massachusetts Avenue (Amends Code Secs. 29-266 and 29-283)"; and the President referred it to the Transportation Committee.

PROPOSAL NOS. 97-98, 1982. Introduced by Councillor Durnil. The Clerk read the proposals entitled, "Proposals for REZONING ORDINANCES certified from the Metropolitan Development Commission on February 18, 1982"; and the President referred them to the Committee of the Whole to be heard under Special Orders, Final Adoption.

PROPOSAL NO. 99, 1982. Introduced by Councillor Gilmer. The Clerk read the proposal entitled, "A Proposal for a SPECIAL RESOLUTION honoring the Women's Varsity Basketball Team of Brebeuf Preparatory School." This was heard under Presentations of Petitions, Memorials, Special Resolutions, and Council Resolutions, with action being postponed until the March 15 Council meeting.

PROPOSAL NO. 100, 1982. This proposal was adopted under Presentations of Petitions, Memorials, Special Resolutions, and Council Resolutions, and retitled SPECIAL RESOLUTION NO. 8, 1982.

PROPOSAL NO. 101, 1982. Introduced by Councillor Miller. The Clerk read the proposal entitled, "A Proposal for a COUNCIL RESOLUTION appointing Thomas D. Bailey to the Metropolitan Board of Zoning Appeals, Division II"; and the President referred it to the Metropolitan Development Committee.

Councillor Durnil moved, seconded by Councillor McGrath, to Suspend the Rules to advance Proposal Nos. 83 and 84, 1982, on the agenda. Councillor Miller moved, seconded by Councillor West, for a recess at 7:40 p.m. The Chair called for a voice vote and Councillor Gilmer called for a division of the votes. Councillor Miller's motion for a recess passed on the following roll call vote; viz:

*15 YEAS: Boyd, Borst, Brinkman, Coughenour, Gilmer, Holmes, Jones, Miller, Nickell, Page, Parker, Rhodes, SerVaas, Tintera, West*

*14 NAYS: Campbell, Clark, Cottingham, Dowden, Durnil, Hawkins, Howard, Journey, McGrath, Rader, Schneider, Stewart, Strader, Vollmer*

The Council reconvened at 8:00 p.m. Councillor Durnil withdrew his motion and Councillor McGrath withdrew his second, to advance Proposal Nos. 83 and 84, 1982. Councillor West moved, seconded by Councillor Tintera, that Proposal Nos. 83, 84 and 101, 1982, be heard before the next meeting of the Council on March 15, 1982. Council consent was given.

#### SPECIAL ORDERS, PUBLIC HEARING

PROPOSAL NO. 32, 1982. This proposal appropriates \$172,179 for the Prosecutor

and Auditor to reappropriate Crime Control funds for LEAA Grants. Councillor West reported that this proposal reappropriates money received in 1981 from an LEAA Grant. He noted that the Public Safety and Criminal Justice Committee recommended passage by a vote of 4-0 on February 11, 1982. The President called for a Public Hearing at 8:03 p.m. There being no one present to testify, Councillor West moved, seconded by Councillor Howard, for adoption. Proposal No. 32, 1982, was adopted on the following roll call vote, viz:

23 YEAS: Boyd, Borst, Campbell, Clark, Cottingham, Coughenour, Durnil, Gilmer, Hawkins, Holmes, Howard, Jones, Journey, McGrath, Miller, Nickell, Page, Rader, SerVaas, Stewart, Strader, Vollmer, West

NO NAYS

6 NOT VOTING: Brinkman, Dowden, Parker, Rhodes, Schneider, Tintera

Proposal No 32, 1982, was retitled FISCAL ORDINANCE NO. 10, 1982, and reads as follows:

**CITY-COUNTY FISCAL ORDINANCE NO. 10, 1982**

A FISCAL ORDINANCE amending the City-County Annual Budget for 1982 (City-County Fiscal Ordinance No. 78, 1981) and appropriating an additional One Hundred Seventy-two Thousand One Hundred Seventy-nine dollars (\$172,179) in the Crime Control Fund for purposes of the Marion County Prosecutor and the Marion County Auditor and reducing the unappropriated and unencumbered balance in the Crime Control Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.03 (e) of the City-County Annual Budget for 1982, be, and is hereby amended by the increases and reductions hereinafter stated for the purposes of reappropriating Crime Control funds to continue to fund two LEAA grants and approve the Crime Control personnel schedule.

SECTION 2. The sum of One Hundred Seventy-two Thousand One Hundred Seventy-nine dollars (\$172,179) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

MARION COUNTY PROSECUTOR	CRIME CONTROL FUND
31. Personnel	119,202
32. Contractual Service	36,280
33. Travel	368
35. Operating Expense	<u>4,321</u>
	160,171

**MARION COUNTY AUDITOR**

31. Personnel (Fringes)	12,008
Total Increase	<u>172,179</u>

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

MARION COUNTY PROSECUTOR	CRIME CONTROL FUND
Unappropriated and Unencumbered	
Crime Control Fund	<u>\$172,179</u>
Total Reduction	<u>\$172,179</u>

SECTION 5. The personnel compensation schedule paid from the Crime Control Fund is established as follows:

(2.03)(e) MARION COUNTY PROSECUTOR

Personnel Classification	Maximum Number	Maximum Salary	Maximum Per Classification
Prosecutor	4	27,000	\$ 42,179
Witness Coord.	3	17,000	20,619
Secretary	3	12,000	15,981
Legal Intern	1	9,500	5,250
Paralegal	2	15,000	13,250
Investigator	1	20,000	10,000
Computer Analyst	1	13,000	6,500
Data Collection Clerk	1	11,000	5,423
Total	<u>16</u>		<u>\$119,202</u>

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

PROPOSAL NO. 33, 1982. This proposal appropriates \$110,082 for the Sheriff to provide funds for Civil Deputies. Councillor West noted that this proposal has not been heard in Committee. He then moved to postpone action on Proposal No. 33, 1982, until April 5, 1982. Council consent was given.

PROPOSAL NO. 57, 1982. This proposal transfers and appropriates \$18,515 for the Warren Township Assessor for new office furniture. Councillor Brinkman noted that this proposal was postponed in Committee on February 16, 1982, and she moved that action on Proposal No. 57, 1982, be postponed in Council until March 15, 1982. Consent was given.

PROPOSAL NO. 65, 1982. This proposal approves the issuance of special taxing district bonds of the Park District in the amount of \$10,000,000. There being no Committee recommendation, Councillor Gilmer moved, seconded by Councillor Cottingham, that action on Proposal No. 65, 1982, be postponed indefinitely. Consent was given.

PROPOSAL NO. 66, 1982. This proposal appropriates \$93,165 for the Sheriff to continue operations of the Community Corrections Center. Proposal No. 66, 1982, was postponed in Committee and Councillor West moved that this proposal be postponed in Council until March 15, 1982. Consent was given.

PROPOSAL NO. 68, 1982. This proposal appropriates \$20,677 for the Municipal Court to continue the Central Case Entry Grant. Councillor West stated that this grant needs to be reappropriated to carry the remaining funds forward for 1982. The Public Safety and Criminal Justice Committee recommended passage by a vote of 6-0 on February 11, 1982. The President called for a Public Hearing at 8:07 p.m. There being no one present to testify, Councillor West moved, seconded by Councillor Borst, for adoption. Proposal No. 68, 1982, was adopted on the following roll call vote; viz:

24 YEAS: Borst, Boyd, Campbell, Cottingham, Dowden, Gilmer, Hawkins, Holmes, Howard, Jones, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Stewart, Strader, Tintera, Vollmer, West

NO NAYS

5 NOT VOTING: Brinkman, Clark, Coughenour, Durnil, Parker

Proposal No. 68, 1982, was retitled FISCAL ORDINANCE NO. 11, 1982, and reads as follows:

**CITY—COUNTY FISCAL ORDINANCE NO. 11, 1982**

A FISCAL ORDINANCE amending the City—County Annual Budget for 1982 (City-County Fiscal Ordinance No. 78, 1981) appropriating an additional Twenty Thousand Six Hundred Seventy-seven dollars (\$20,677) in the Crime Control Fund for purposes of the Marion County Municipal Court and reducing the unappropriated and unencumbered balance in the Crime Control Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.03 (e) of the City-County Annual Budget for 1982, be, and is hereby amended by the increases and reductions hereinafter stated for the purposes of reappropriating Crime Control funds to continue the Central Case Entry Grant and approve the personnel schedule.

SECTION 2. The sum of Twenty Thousand Six Hundred Seventy-seven dollars (\$20,677) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

MARION COUNTY MUNICIPAL COURT	CRIME CONTROL FUND
31. Personnel	\$16,765
35. Operating Expense	<u>3,912</u>
Total Increase	\$20,677

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

MARION COUNTY MUNICIPAL COURT	CRIME CONTROL FUND
Unappropriated and Unencumbered Crime Control Fund	\$20,677
Total Reduction	<u>\$20,677</u>

SECTION 5. The personnel compensation schedule paid from the Crime Control Fund is established as follows:

Personnel Classification	<u>(2.03)(e) MARION COUNTY MUNICIPAL COURT</u>		
	Maximum Number	Maximum Salary	Maximum Per Classification
<u>Specialists (Grant)</u>	3	14,572	16,765

SECTION 6. 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. 592, 1981. This proposal appoints Rosemary Clarke to the Metropolitan Development Commission. Councillor Durnil moved, seconded by Councillor Tintera, to strike Proposal No. 592, 1981. Council consent was given.

## SPECIAL ORDERS, FINAL ADOPTION

[Clerk's Note: Councillor Dowden requested that Proposal No. 77, 1982, be advanced on the agenda to be discussed with Proposal No. 280, 1981. Both proposals pertain to Chapter 6 and deals with dog licenses. Consent was given.]

PROPOSAL NO. 280, 1981. This proposal repeals all portions of the Code concerning dog licenses. PROPOSAL NO. 77, 1982. This proposal amends Chapter 6 of the Code dealing with dog licenses. Councillor Dowden moved, seconded by Councillor Borst, the following:

### CITY—COUNTY COUNCIL MOTION

**Mr. President:**

**I move to amend Proposal No. 77, 1982, by deleting the introduced version and substituting therefor the proposal entitled, "Proposal No. 77, 1982, Staff Corrected Version."**

**s/Councillor Dowden**

Council consent was given for the substitution. Councillor Tintera sponsored Proposal No. 280, 1981, because he felt that there were not enough dogs being licensed to merit the process. Councillor Borst, on the other hand, feels that the licensing process is worthwhile and that the problem is the lack of public awareness on the licensing of dogs. Councillor Borst, therefore, sponsored Proposal No. 77, 1982, which addresses the following: 1) identifies more animals, 2) provides more names of owners to go by, 3) changes the licensing date to the anniversary date of the purchase of the animal, and 4) raises the impoundment fees. Councillor Borst reiterated that the public needs to be educated by the media, as well as, veterinarians and kennel operators. Councillor Tintera endorsed raising the impoundment fees. Councillor Dowden pointed out that Proposal No. 280, 1981, was introduced in July of 1981 and has been pending before the Administration Committee for final action. He added that on February 24, 1982, the Committee recommended to strike Proposal No. 280, 1981. He then moved to strike, seconded by Councillor Howard. After further discussion, Councillor Clark called for the question. Proposal No. 280, 1981, was stricken by voice vote. Councillor Vollmer then moved to include cats to the licensing procedure of Proposal No. 77, 1982; however, he then withdrew his motion. Councillor Hawkins moved, seconded by Councillor Boyd, to send Proposal No. 77, 1982, back to the Administration Committee. After discussion, the Chairman called for a vote and Councillor Hawkins's motion failed on the following roll call vote; viz:

6 YEAS: Boyd, Brinkman, Cottingham, Gilmer, Hawkins, Tintera  
21 NAYS: Borst, Campbell, Clark, Dowden, Durnil, Holmes, Howard, Jones,  
Journey, McGrath, Miller, Page, Parker, Rader, Rhodes, Schneider, SerVaas,  
Stewart, Strader, Vollmer, West  
2 NOT VOTING: Coughenour, Nickell

Councillor Brinkman moved to increase the fee from \$3.00 to \$5.00. This motion was defeated by voice vote. After further discussion, President SerVaas called for the vote. Proposal No. 77, 1982, As Amended, was adopted on the following roll call vote; viz:

17 YEAS: Borst, Campbell, Clark, Dowden, Hawkins, Howard, Jones, Journey, McGrath, Miller, Page, Rhodes, Schneider, SerVaas, Strader, Vollmer, West  
12 NAYS: Boyd, Brinkman, Cottingham, Coughenour, Durnil, Gilmer, Holmes, Nickell, Parker, Rader, Stewart, Tintera

Proposal No. 77, 1982, As Amended, was retitled GENERAL ORDINANCE NO. 15, 1982, and reads as follows:

**CITY-COUNTY GENERAL ORDINANCE NO. 15, 1982**

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana," Chapter 6, which deals with Animals and Fowl.

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

SECTION 1. Article I of Chapter 6 of the "Code of Indianapolis and Marion County, Indiana," is hereby amended by adding a new subsection (8) to Section 6-11, as follows:

Sec. 6-11. Requirements for kennels.

In addition to obtaining the license required by this chapter all kennels ~~and all kennels~~ within the City shall:

(8) File a monthly notice of sale with the City Controller within ten (10) days of the last day of any month in which the kennel has sold one or more dogs. The notice of sale shall include the name, address and telephone number of the purchaser, as well as the age, sex, and breed of dog sold.

SECTION 2. Article I of Chapter 6 of the "Code of Indianapolis and Marion County, Indiana," is hereby amended by adding a new subsection (7) to Section 6-12 as follows:

Sec. 6-12. Requirements for pet shops.

In addition to obtaining the license required by this chapter, all pet shops within the city shall:

(7) File a monthly notice of sale with the City Controller within ten (10) days of the last day of any month in which the kennel has sold one or more dogs. The notice of sale shall include the name, address and telephone number of the purchaser, as well as the age, sex and breed of dog sold.

SECTION 3. Division 2 of Article II of Chapter 6 of the "Code of Indianapolis and Marion County, Indiana," is hereby amended by inserting the words underlined, as follows:

Sec. 6-70. When required.

(a) It shall be unlawful for any person to own within the city any dog six (6) months of age or older unless a current dog license issued by the City has been obtained for the dog by the person.

(b) Anyone, who is not required to be licensed as a kennel and who occasionally offers puppies for sale, shall file a notice with the City Controller within ten (10) days after sale of one or more puppies, which notice shall include the name, address and telephone number of the purchaser, and the age, sex and breed of the dog sold.

SECTION 4. Division 2 of Article II of Chapter 6 of the "Code of Indianapolis and Marion County, Indiana," is hereby amended by inserting the words underlined and deleting the words crosshatched as follows:

Sec. 6-72. Fees.

(a) Dog licenses shall be issued upon application and payment of a fee in the amount of three dollars (\$3.00), subject to adjustment under the provisions of subsections (b) and (c).

(b) Owners of dogs shall apply for dog licenses ~~when the dog is six months old or within thirty (30) days after obtaining the dog if over six months of age, if moving into the city and owning a dog within thirty (30) days, and yearly on the annual anniversary date of original licensing thereafter.~~ when the dog is six months old or within thirty (30) days after obtaining the dog if over six months of age, if moving into the city and owning a dog within thirty (30) days, and yearly on the annual anniversary date of original licensing thereafter.

A licensee or owner of a licensed dog renewing a license more than thirty (30) days after the expiration of the most recently expired license owned or held by him may obtain a license only upon payment of the full amount of the applicable license fee established in subsection (a), without regard to the time remaining prior to the expiration of the license being obtained, plus a "late filing" penalty in the amount of fifty (50) per cent of the fee.

~~(c) Every dog license issued shall expire in the year following the year in which the license is issued at the end of the month prescribed by regulation of the City Controller for renewal of the license. The City Controller is directed to establish such license renewal regulation so that the months in which such renewals are required are determined by the initial letter of the last name of the owner of the dog. An owner who acquires a dog for which a license has already been issued must apply for a new license within the time specified in subsection (b)(2), and the expiration date of the new license and the month in which the new license must be renewed shall be determined by the regulation of the City Controller established under this subsection with reference to the initial letter of the last name of the new licensee.~~

(c) Every dog license issued shall expire in the year following the year in which the license is issued at the end of the month prescribed by regulation of the City Controller for renewal of the license. The City Controller is directed to establish such license renewal regulation so that the months in which such renewals are required are determined by the initial letter of the last name of the owner of the dog. An owner who acquires a dog for which a license has already been issued must apply for a new license within the time specified in subsection (b)(2), and the expiration date of the new license and the month in which the new license must be renewed shall be determined by the regulation of the City Controller established under this subsection with reference to the initial letter of the last name of the new licensee.

SECTION 5. Article III of Chapter 6 of the "Code of Indianapolis and Marion County, Indiana," is hereby amended by deleting the words crosshatched and adding the words underlined as follows:

Sec. 6-146. Fees; disposition.

(a) Impoundment fees for animals impounded pursuant to this article shall be as follows:

- |  |                    |         |
|--|--------------------|---------|
| (1) For each dog impounded during any one year period  |                    |         |
| First impoundment  | <del>\$10.00</del> | \$20.00 |
| Second impoundment   | <del>\$0.00</del>  | 40.00   |
| Third and any subsequent impoundment   | <del>\$0.00</del>  | 50.00   |
| or the application of Section 6-148 of this article at the discretion of the impounding authority; |                    |         |
| plus for each day of impoundment or fraction thereof   |                    | 2.00    |
| (2) For each cat or other small animal   |                    | 3.00    |
| plus for each day of impoundment or fraction thereof   |                    | 1.00    |
| (3) For any large animal other than a dog  |                    | 20.00   |
| plus for each day of impoundment or fraction thereof   |                    | 3.00    |

(b) Impoundment fees shall be collected by and paid to the impounding authority, which shall remit such funds to the division of finance of the department of administration of the city; however, if the impounding authority in a particular case is a person contracting with the city to render impounding services, the fees may be retained by and as the property of such person as part of all of his charges for rendering such services, if the contract so provides.

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

[Clerk's Note: Councillor Page requested that Proposal No. 25, 1982, be advanced on the agenda, seconded by Councillor Durnil. Consent was given.]

**PROPOSAL NO. 25, 1982.** This proposal appoints Paul G. Roland to the Metropolitan Development Commission. Councillor Page moved, seconded by Councillor Durnil, for adoption. Councillor Boyd voiced his concerns regarding the other three proposals for the appointment to the Commission. Councillor Boyd stated that with the adoption of Proposal No. 25, 1982, the Council would be eliminating the discussion of the other candidates and he requested that a vote be taken after hearing about all four candidates. Councillor Miller then called for the question, thereby eliminating further discussion. President SerVaas proceeded to this vote to cut off debate and it passed on the following roll call vote; viz:

*18 YEAS: Borst, Campbell, Clark, Coughenour, Dowden, Durnil, Gilmer, Holmes, Jones, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Stewart*

*11 NAYS: Boyd, Brinkman, Cottingham, Hawkins, Howard, Journey, Parker, Strader, Tintera, Vollmer, West*

The President then called for the vote on Proposal No. 25, 1982, which was adopted on the following roll call vote; viz:

*18 YEAS: Borst, Campbell, Clark, Coughenour, Dowden, Durnil, Gilmer, Jones, McGrath, Miller, Nickell, Page, Parker, Rader, Schneider, SerVaas, Stewart, Vollmer*

*10 NAYS: Boyd, Brinkman, Cottingham, Holmes, Howard, Journey, Rhodes, Strader, Tintera, West*

*1 NOT VOTING: Hawkins*

Proposal No. 25, 1982, was retitled **COUNCIL RESOLUTION NO. 7, 1982**, and reads as follows:

**CITY—COUNTY COUNCIL RESOLUTION NO. 7, 1982**

**A COUNCIL RESOLUTION** appointing Paul G. Roland to the Metropolitan Development Commission.

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

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

**PAUL G. ROLAND**

**SECTION 2.** The appointee shall serve for a term of one year ending December 31, 1982, or until a successor is appointed.

**SECTION 3.** The term of the foregoing appointment shall commence upon its adoption by the full Council.

PROPOSAL NO. 24, 1982. This proposal appoints Jolien Moore Ohmart to the Metropolitan Development Commission. PROPOSAL NO. 26, 1982. This proposal appoints Wendell L. Johns to the Metropolitan Development Commission. PROPOSAL NO. 27, 1982. This proposal appoints Carol Kirk to the Metropolitan Development Commission. Councillor Parker moved, seconded by Councillor Clark, to strike Proposal Nos. 24, 26 and 27, 1982. The President called for the vote and Proposal Nos. 24, 26 and 27, 1982, were stricken by the following roll call vote; viz:

17 YEAS: *Borst, Campbell, Clark, Coughenour, Dowden, Durnil, Gilmer, Jones, McGrath, Miller, Nickell, Page, Parker, Rader, Schneider, SerVaas, Stewart*  
12 NAYS: *Boyd, Brinkman, Cottingham, Hawkins, Holmes, Howard, Journey, Rhodes, Strader, Tintera, Vollmer, West*

PROPOSAL NO. 578, 1981. This proposal provides for retail sales of beverages and food on sidewalks abutting business premises. Councillor Dowden moved, seconded by Councillor Howard, the following:

#### CITY—COUNTY COUNCIL MOTION

**Mr. President:**

I move to amend Proposal No. 578, 1981, by deleting the introduced version and substituting therefor the proposal entitled, "Proposal No. 578, 1981, Committee Recommendations."

s/Councillor Dowden

Council consent was given. Councillor Dowden explained that the Administration Committee, on February 24, 1982, approved this proposal by a vote of 6-0. He then moved, seconded by Councillor Howard, for adoption. Proposal No. 578, 1981, As Amended, was adopted on the following roll call vote; viz:

25 YEAS: *Borst, Boyd, Campbell, Clark, Coughenour, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Jones, Miller, Nickell, Page, Parker, Rader, Rhodes, Schneider, SerVaas, Stewart, Strader, Tintera, Vollmer, West*  
NO NAYS  
4 NOT VOTING: *Brinkman, Cottingham, Journey, McGrath*

Proposal No. 578, 1981, As Amended, was retitled GENERAL ORDINANCE NO. 16, 1982, and reads as follows:

CITY—COUNTY GENERAL ORDINANCE NO. 16, 1982

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana," by adding a new Division 4, of Chapter 28, which provides for retail sales of beverages and food on sidewalks abutting business premises.

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

SECTION 1. Section 28-265 of Division 4 of Article IV of Chapter 28 of the "Code of Indianapolis and Marion County, Indiana," is hereby amended by adding new sections to read as follows:

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

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

"Abutting real business property" shall mean any real property used for retail business, which abuts, (but is not located on) the sidewalk right-of-way.

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

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

"Effective walkway width" shall mean that portion of the sidewalk that is reasonably available for use by the pedestrian stream moving through the area.

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

"Sidewalk sales area" shall mean a portion of the sidewalk, up to eight (8) feet in width (measured perpendicularly to the property line) situated immediately next to an abutting retail business property.

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

(1) from carts pursuant to Article 23 of Chapter 17 of this Code except in a sidewalk sales area relative to which a license has been granted under this section, or

(2) on a temporary basis if written permission is granted by the appropriate governmental units and such writing is filed with and approved by the City Controller.

(c) A license granted in accordance with this division shall obviate the requirement:

(1) to obtain a peddlers license,

(2) to comply with the requirements of Chapter 28, Article IV, Division 1, to entente that they are inconsistent with the carrying out of cafe activity, and

(3) to obtain an encroachment license for an awning or canopy which does not extend beyond the sidewalk sales area and which is used in connection with cafe activity.

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

Sec. 28-266. Requirements for Licensure.

(a) The City Controller has the power to grant a license to a person to use a sidewalk sales area situated immediately next to the abutting retail business property owned or leased by the person, for the sole purpose of engaging in cafe activity. The sidewalk sales area which the person utilizes for cafe activity may be located only in the geographic area bounded by North Street, East Street, South Street and West Street. A person desiring a license to use a sidewalk sales area for cafe activity shall make application in writing to the City Controller.

- met:
- (b) The City Controller shall grant the license if the following requirements are met:
    - (1) The sidewalk situated immediately next to the abutting retail business property of the applicant is at least fourteen (14) feet in width (measured from the curb edge to the property line) and no part of the sidewalk sales area is located within twenty (20) feet of the point at which the right-of-way lines of two or more streets intersect, fifteen (15) feet of any bus stop sign, ten (10) feet of any sidewalk elevator, six (6) feet of any building standpipe or building hydrant, or five (5) feet of any taxi stand area, crosswalk, driveway, or alleyway.
    - (2) The applicant is actively engaged in a retail business involving the sale of beverages or food in the abutting retail business property. The beverages or food sold in the sidewalk sales area will also be sold in the abutting retail business property. The floor area of the abutting retail business property must exceed the area of the sidewalk sales area.
    - (3) The proposed cafe activity is allowed by the applicable zoning regulations.
    - (4) The Director of the Department of Transportation has approved the dimensions of the area which may be used as a sidewalk sales area for cafe activity and during what days and what hours the sidewalk sales area may be so used. This determination shall be made by the following process:
      - (i) The Department of Transportation shall conduct a pedestrian traffic count on a representative day or days in the spring, summer or fall for the sidewalk situated immediately next to the abutting retail business property owned or leased by the applicant.
      - (ii) The Department of Transportation shall calculate the effective walkway width of the sidewalk after removing from consideration the sidewalk sales area proposed to be used by the applicant.
      - (iii) The Director of the Department of Transportation shall in light of such pedestrian count and effective walkway width information, determine if the effective walkway width will safely and comfortably accommodate pedestrian traffic at that location for a significant number of hours each week. If it will, the Director shall determine during what days of the week and what hours of the day the pedestrian flow will be safely and comfortably accommodated. However, in no event shall the Director allow use of a sidewalk sales area for cafe activity that would result in the effective walkway width being reduced to less than five (5) feet.
    - (5) Applicable permits required by the Health and Hospital Corporation of Marion County and other regulatory agencies have been secured and are in force.
    - (6) The applicant has provided a certificate of public liability insurance to the Controller, approved as to form by the Corporation Counsel, insuring the person and naming the City of Indianapolis, as co-insured. The required amounts of personal injury and property damage insurance requirements shall be established by the Corporation Counsel.
    - (7) The applicant has provided a document, approved as to form by the Corporate Counsel, in which he agrees to indemnify and hold harmless the City for losses, damages, claims or expenses arising out of the use of the sidewalk sales area for cafe activity.
    - (8) A detailed site plan showing the use and location of all furniture and equipment (including, but not limited to, tables, barriers, chairs, signs, awnings, trash receptacles and umbrellas) in the sidewalk sales area, the color and design of such furniture and equipment and the movement of people on the sidewalk sales area have been approved by the Administrator of the Division of Planning and Zoning for consistency with the requirements of this section, section 28-267 and the objective of this division.
    - (9) General licensure requirements set forth in Chapter 17 of this Code have been met.

Sec. 28-267. Restrictions on cafe activity.

(a) Use of the sidewalk sales area for cafe activity pursuant to this division shall be subject to the following conditions:

- (1) The licensee (including agents and employees of the licensee) shall be required to obey the commands of law enforcement officers, firemen and all other public authorities acting pursuant to law with respect to activity carried out on the portion of the sidewalk sales area, including the temporary removal of furniture and equipment and temporary cessation of cafe activity.
- (2) All furniture, equipment, and goods shall be taken from the sidewalk sales area when cafe activity is not being conducted or when the abutting retail business property is not open.
- (3) All furniture, equipment and goods must be susceptible of being removed from the sidewalk sales area within a reasonable period of time at any time with the manpower normally available to the licensee.
- (4) Provision shall be made to assure the sidewalk will not be littered, including placement of adequate trash receptacles and periodic picking up of litter in the sidewalk sales area and the area twenty feet from the perimeter of the sidewalk sales area.
- (5) Sales of beverages or food shall not be accomplished by crying out or hawking.
- (6) Pedestrians shall not be exposed to any undue safety or health hazard nor shall a public nuisance be created.
- (7) A device may not be used which would amplify or direct sound. Attention may not be drawn to such retail sales by a light-producing device.
- (8) All signs must comply with applicable zoning restrictions and the detailed site plan approved by the Administrator of the Division of Planning and Zoning.
- (9) Sales of beverages or food may not be made to any person in or on any motorized vehicle.
- (10) Beverages or food sold in the sidewalk sales area shall be provided only for consumption in the sidewalk sales area or in the abutting retail business property.
- (11) Beverages, dispensed in disposable cans, shall have any separable opening tabs removed at the time the cans are sold.
- (12) The Controller may, by written notice to the licensee, forbid the use of the sidewalk sales area during an outdoor public festival (a community gathering held in a public place with the approval of the appropriate governmental unit including, but not limited to, the Circlefest, Circle of Sounds Music, Indianapolis Symphony Music Festival, Midsummer Festival, and Strawberry Festival) or require that the licensee meet the additional requirements imposed on all vendors by the organizers of the outdoor public festival.
- (13) The requirements set forth in section 28-266 continue to be met and the cafe activity is carried out in accordance with the detailed site plan.

(b) Use of the sidewalk sales area for cafe activity shall comply with all laws and regulations including those pertaining to health, zoning and use of the right-of-way. The fact that a license has been obtained shall not prevent enforcement of such laws or regulations even if the enforcement action has the effect of restricting or preventing the use of the license.

(c) Every licensee (including agents and employees of the licensee) shall be subject to the duties and responsibilities set forth in section 17-6 of this Code.

Sec. 28-268. Terms of licensure.

(a) A license, unless granted for a lesser determinate period, shall be for a term of one calendar year from the date of granting.

(b) A license issued pursuant to this division may neither be transferred to another person nor used by the licensee for another location.

(c) The granting of a license shall be at the sufferance of the City and shall not vest any rights in the licensee to continue the use of a sidewalk sales area. The license to use the sidewalk sales area may be revoked at any time by the Controller, when it is in the best interest of the City to do so, by giving a written notice at least five (5) days before the date when such license is revoked. The license to use the sidewalk sales area shall be revoked by the Controller if the licensee does not comply with requirements of this division, or laws or regulations pertaining to health, licensure, use of right-of-way or zoning. The City Controller may cause the cafe activity conducted in the sidewalk sales area to be immediately terminated if the insurance required by section 28-266 is not maintained in full force and effect during the term of the license. Actions of the City Controller under this subsection may be appealed in accordance with section 17-68 of this Code.

**Sec. 28-269. Renewal of license.**

(a) Before a license is renewed, the Department of Transportation shall have an opportunity to again conduct a pedestrian count and calculate the effective walkway width and the Director of the Department of Transportation shall have an opportunity to determine whether this width is sufficient to safely and comfortably accommodate pedestrian flow in light of any changed conditions. If the Director determines that a renewal of a license would not allow this pedestrian flow standard to be met, the Director shall modify the dimensions of the area which may be used as a sidewalk sales area for cafe activity or shall modify the days and hours the area may be so used, or shall modify both. This process shall be completed within a period of thirty (30) calendar days from the time a license renewal is applied for by the licensee. Renewal applications may be filed no earlier than seventy-five (75) days before the license expires.

(b) Before a license is renewed, the Administrator of the Division of Planning and Zoning shall have the opportunity to again review the detailed site plan in light of any changed conditions. If the Administrator determines that a change in the detailed site plan is clearly needed to meet the objectives of this ordinance, then the license shall not be renewed unless such site plan requirements are met. This review must be accomplished within a period of thirty (30) calendar days from the time a license renewal is applied for by the licensee. Renewal applications may be filed no earlier than seventy-five (75) days before the license expires.

**Sec. 28-270. Fees.**

Each original application for a license to engage in cafe activity in a sidewalk sales area under this division shall be accompanied by an application fee of seventy-five dollars (\$75). In the event the action upon the application is favorable, the application fee shall be retained as the first annual fee. In the event of an unfavorable action on the application, the application fee shall be retained to defray the administrative expense incurred in investigating and processing the application. Fifty dollars (\$50) of each original application fee shall be allocated to the Department of Transportation to defray the cost of making and analyzing pedestrian traffic counts and twenty-five dollars (\$25) shall be allocated to the City Controller to defray the costs of administration. The fee for renewal of an annual license shall be seventy-five dollars (\$75). Fifty dollars (\$50) of the renewal fee shall be allocated to the Division of Code Enforcement to defray the costs of making inspections and twenty-five dollars (\$25) shall be allocated to the City Controller to defray the cost of administration.

**Sec. 28-271. Enforcement.**

(a) Inspections may be made and action to enforce the provisions of this division may be taken by the Division of Code Enforcement, the office of the City Controller, or by any law enforcement agency. The Division of Code Enforcement shall be responsible for making periodic inspections of cafe activity carried out in sidewalk sales areas.

(b) Any licensee (including agents and employees of the licensee) who violates any provision of this division is subject to the general penalty for violating this Code as set forth in section 1-8.

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

[Clerk's Note: Councillor West moved, seconded by Councillor Borst, to advance Proposal No. 69, 1982, on the agenda. Consent was given.]

PROPOSAL NO. 69, 1982. This proposal amends the Indianapolis Fire Code. Councillor West pointed out that the Public Safety and Criminal Justice Committee recommended passage on February 11, 1982, by a vote of 4-0. Councillor West explained that Proposal No. 69, 1982, updates the Fire Code. Councillor West moved, seconded by Councillor Borst, for adoption. Proposal No. 69, 1982, was adopted on the following roll call vote; viz:

26 YEAS: *Borst, Boyd, Brinkman, Campbell, Clark, Cottingham, Coughenour, Durnil, Hawkins, Holmes, Howard, Jones, Journey, McGrath, Miller, Nickell, Page, Parker, Rader, Rhodes, Schneider, Stewart, Strader, Tintera, Vollmer, West*

NO NAYS

3 NOT VOTING: *Dowden, Gilmer, SerVaas*

Proposal No. 69, 1982, was retitled GENERAL ORDINANCE NO. 17, 1982, and reads as follows:

**CITY-COUNTY GENERAL ORDINANCE NO. 17, 1982**

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana," by amending Chapter 12 which deals with fire prevention and protection.

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

SECTION 1. Article I of Chapter 12 of the "Code of Indianapolis and Marion County, Indiana," is hereby amended by inserting the words underlined and deleting the words crosshatched as follows:

**Sec. 12-2. Definitions.**

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

"Assembly occupancy or place of assembly" shall be as defined in section ~~8-1.1B~~ 8-1.3 of NFPA No. 101 and shall refer to all buildings or portions of buildings used for gathering together of ~~more than~~ fifty (50) or more persons for such purposes as deliberation, worship, entertainment, amusement, drinking, dining or awaiting transportation.

**Sec. 12-7. Minimum standards generally.**

The minimum standards of adequacy to be applied under this chapter shall be those specified by the "National Fire Codes 1971-72", formulated by the NFPA, a multi-volume publication, insofar as those regulations or standards do not conflict with requirements set forth in this chapter or with more restrictive provisions of state law or ordinance. A current copy of the "National Fire Codes", along with all past editions beginning with the year 1971 shall be available for public inspection and duplication during regular business hours in the office of the bureau of fire prevention; another copy of the regulations shall also be available for public inspection in the department of public safety and the office of the township trustee.

All proposed changes or future additions to the "National Fire Code" shall be submitted to the City-County Council for review and approval.

Sec. 12-10. Unlawful interference with fire protection.

No person shall do or permit to be done any of the following acts:

(1) False fire alarm. To give or cause to be given any false alarm of fire, with knowledge of such falsity, by ~~any means~~ telephone or by any other means. It shall also be unlawful to cry out a false alarm of "fire" or pull a manual fire alarm box in any church, public hall, theater, school, movie picture theater or any other building, either public or private, while the premises are occupied by numerous persons, either in separate rooms or grouped in a public assemblage, or so as to alarm or endanger any person.

(7) Opening hydrant ~~or fireplug~~. To open any public or private hydrant or fireplug or use any yard hose box by which water is drawn from the mains of the Indianapolis Water Company ~~or any other source~~; provided, however, no penalties shall attach for doing the acts herein prohibited by this subsection if done under the direction of the chief or members of the fire force or representatives of the Indianapolis Water Company.

SECTION 2. Division 1 of Article II of Chapter 12 of the "Code of Indianapolis and Marion County, Indiana," is hereby amended by inserting the words underlined and deleting the words crosshatched as follows:

Sec. 12-29. Variances from requirements of this chapter.

The chief of the bureau may modify or grant an exemption from specific requirements of this chapter and the "National Fire Codes" standards promulgated by the NFPA which are adopted by reference in this chapter. A variance shall be based upon a written request ~~by the owner~~ stating that practical difficulties are encountered in implementation of the specific requirements of this chapter or the specific requirement will cause unnecessary hardship to the petitioner, or that a variance is necessary to take advantage of new methods or equipment of recognized adequacy; provided, however, the request shall not be granted unless the requested equipment or use or modification will, in the opinion of the chief of the bureau, conform with all the fundamental requirements for safety. The particulars of an exemption or modification, when granted, shall be entered upon the approval granted and a copy thereof shall be retained by the bureau.

Sec. 12-30. Right to enter buildings and premises.

(a) Each fire department and bureau may, at all reasonable hours, enter any building or premises except private residences within its jurisdiction for the purpose of making the inspections required or permitted by this article or an investigation required under this article. The inspector or investigator may be required by the owner or occupant to produce satisfactory proof of his employment.

Sec. 12-32. Investigation of fire causes; procedure where arson is suspected.

(a) A bureau shall investigate the cause, origin and circumstances of every undetermined fire occurring in its jurisdiction by which property has been destroyed or damaged and all fires ~~of~~ in which there has been personal injury or loss of life and all multiple alarm fires, and so far as possible, shall determine whether the fire is the result of carelessness or design. Such investigations shall be commenced immediately upon the occurrence of a fire by those so designated and, if it appears to the inspector that a fire is of suspicious origin, the inspector shall convey his findings immediately to the chief of the bureau. The chief of the bureau shall immediately notify the chief arson investigator of the arson division, who shall conduct a complete investigation of the circumstances of the fire.

SECTION 3. Sec. 12-51(b) of Division 2 of Article II of Chapter 12 of the "Code of Indianapolis and Marion County, Indiana," is hereby amended by inserting the words underlined and deleting the words crosshatched as follows:

Sec. 12-51. Furnishing records and reports.

(b) The bureaus may develop pictures of structures and areas damaged by fire, if they are not involved in cases of arson, and may supply such pictures and/or reports to interested parties upon the payment of four dollars (\$4.00) each for each report and black and white picture or six dollars (\$6.00) for each color picture, as requested and furnished.

SECTION 4. Division 4 of Article II of Chapter 12 of the "Code of Indianapolis and Marion County, Indiana," is hereby amended by deleting the words crosshatched as follows:

Sec. 12-86. Activities for which permits required.

It shall be unlawful for any person to engage in any of the following activities without first obtaining a permit therefor as provided in this division:

"Activity"	"Section of this Code"
<del>Automobile wrecking yard or junkyard</del>	<del>12-496</del>
<del>Blasting</del>	<del>12-247</del>
<del>Painting, including spraying and dipping</del>	<del>12-298</del>
<del>Pyrotechnic display</del>	<del>12-447, 12-448</del>

SECTION 5. Division 4 of Article II of Chapter 12 of the "Code of Indianapolis and Marion County, Indiana," is hereby amended by repealing Section 12-87.

SECTION 6. Division 1 of Article III of Chapter 12 of the "Code of Indianapolis and Marion County, Indiana," is hereby amended by repealing Section 12-112.

SECTION 7. Division 1 of Article III of Chapter 12 of the "Code of Indianapolis and Marion County, Indiana," is hereby amended by inserting the words underlined and deleting the words crosshatched as follows:

Sec. 12-113. Open burning location restricted; attendance required.

No person shall kindle or maintain any bonfire or burn leaves or rubbish on any private land unless:

- (1) The fire is contained in an approved waste burner located safely not less than fifteen (15) feet from any structure; and
- (2) The fire is attended or guarded so as to keep it under safe control and the fire is in compliance with the Air Pollution Control Board standards.

Sec. 12-115. Accumulation of combustible and noncombustible material.

Sidewalks, porches, roofs, courts, yards, vacant lots and open spaces shall be kept free and clear of deposits or accumulations of trash, junk cars, wastepaper, hay grass, straw, weeds, litter or combustible waste or rubbish of any kind by the owner or occupant of the property or other person responsible for the debris. All weeds, grass, vines or other growths, when they endanger property or are liable to combustion, shall be cut down and removed by the owner or occupant of the property.

Sec. 12-116. Combustible wastes to be removed or stored.

No person making, using, storing or having charge or control of any shavings, excelsior, rubbish, sacks, bags, litter, hay, straw or combustible trash, waste or fragments shall fail, neglect or refuse at the close of each day to cause all such material which is not compactly baled and stacked in an orderly manner to be removed from the premises or stored in suitable vaults, or in metal-lined covered receptacles, metal trash cans with lids or bins. The chief of the bureau shall require suitable baling presses to be installed in stores, apartment buildings, factories and similar places where accumulations of paper and waste material are not removed at the close of each day or twenty-four hour period.

Sec. 12-117. Storage of ~~combustible~~ combustible materials.

~~(a) In buildings, storage of combustible materials shall be in buildings, vaults, or in metal-lined covered receptacles, metal trash cans with lids or bins. The chief of the bureau shall require suitable baling presses to be installed in stores, apartment buildings, factories and similar places where accumulations of paper and waste material are not removed at the close of each day or twenty-four hour period.~~

(b) (a) Storage in buildings shall be orderly, shall not be within two (2) feet of the ceiling, shall be separated from heaters or heating devices by distance or shielding so that ignition cannot occur and so located as not to endanger exit from the building. Storage in the open shall not be more than twenty (20) feet in height, shall be located at least fifty (50) feet from the nearest building, and shall be compact and orderly.

(c) (b) No combustible goods, merchandise or decorations shall be displayed or stored in a roofed-over mall unless approved by the chief of the bureau.

Sec. 12-121. Construction and maintenance of chimneys and heating appliances.

All chimneys, smokestacks or similar devices for conveying smoke or hot gases to the outer air and the stoves, furnaces, fireboxes or boilers to which they are connected shall be constructed and maintained in such a manner as not to create a hazardous condition or endanger adjacent property, and in accordance with the building code of the city, NFPA No. 211, and the following provisions:

- (1) Existing masonry chimneys which, upon inspection, are found to be without flue liners and with open mortar joints which will permit smoke and gases to be discharged into the building or which are so cracked as to be dangerous shall be made safe by means of a fireclay liner, firebrick, or a corrosion-resistant metal pipe and otherwise repaired if necessary, or the chimney shall be removed. Metal pipe liners shall be one (1) inch less in diameter than the least dimension of the flue and the entire space between the metal liner and the walls of the chimney filled with cement mortar.
- (2) Existing chimneys and vents of metal which are corroded or improperly supported shall be replaced unless suitable repairs are made.
- (3) Existing chimneys and vent connectors of metal which are corroded or improperly supported shall be replaced.

SECTION 8. Chapter 12 of the "Code of Indianapolis and Marion County, Indiana," is hereby amended by repealing Division 2 of Article III, Sections 12-139 to 12-142.

SECTION 9. Chapter 12 of the "Code of Indianapolis and Marion County, Indiana," is hereby amended by repealing Division 3 of Article III, Sections 12-153 to 12-157.

SECTION 10. Chapter 12 of the "Code of Indianapolis and Marion County, Indiana," is hereby amended by repealing Division 5 of Article III, Sections 12-182 to 12-184.

SECTION 11. Division 7 of Article III of Chapter 12 of the "Code of Indianapolis and Marion County, Indiana," is hereby amended by inserting the words underlined and deleting the words crosshatched as follows:

Sec. 12-209. Obstruction of fire exits prohibited.

(a) Every means of escape from fire and every required exit, way of approach thereto and way of travel from the exit into the street or open space shall be continuously maintained free of all obstructions or impediments to full instant use in case of fire or other emergency. Each member of the police or fire department who shall discover any fire ~~escape exits~~ escape exits encumbered or blocked in any manner shall forthwith report to the bureau and the bureau shall immediately notify the owner and the tenant to remove such encumbrance or obstacle.

(b) No person shall place, store or keep, or permit to be placed, stored or kept, under or at the bottom of any stairway, inside or outside an elevator or other shaft in any building, any combustible or flammable materials, fluids or compounds, nor shall any such combustible or flammable materials be placed or stored or kept in any such place where ignition or burning would obstruct or render hazardous egress from a building.

(c) No obstruction shall be permitted in hallways of tenement houses or , apartment houses or any place of public assembly.

Sec. 12-210. Obstructions in places of public assemblage.

All doors, aisles , and passageways , halls and corridors within and leading into or out of theaters, churches and all other places of public assemblage shall be kept free from easels, signs, standards, campstools, chairs, sofas, benches , tables and any other article that might obstruct or delay the exit of the audience, congregation or assemblage during the entire time during which any show, performance, service, exhibition, lecture, concert, ball or other assemblage may be held. No person shall sit or stand or remain seated or standing or allow any other person to remain in any such place of public assemblage in any aisle under any circumstances or in any exit or passage required for the safe exit of the assemblage. Clear passage from all exits and on sidewalks shall at all times be maintained outside of all theaters and any other places of public assemblage. No aisle, passageway or stairway in any store shall be obstructed with tables, showcases or other obstructions during the hours the store is open to the public. The chief of the police department shall render assistance in the enforcement of the provisions of this division and shall direct and require police officers to enter all places of public assemblage for such purposes.

Sec. 12-211. Adoption of safety code.

(a) The "Life Safety Code", NFPA No. 101, ~~1970~~ 1981 edition, is hereby adopted and incorporated in this division by reference as though set out in full herein ; however, Chapter 19 of the "Life Safety Code" is limited in its application to existing buildings, unless otherwise provided by ordinance or state law, in that only the following shall apply as specified herein:

(1) Signs in accordance with Section 5-10 of the "Life Safety Code", NFPA No. 101, 1981 edition, shall be provided in all existing apartment buildings with more than one (1) exit serving multiple living units.

(2) Any existing apartment building with twenty-six (26) or more units all utilizing a common means of egress shall have emergency lighting in accordance with Section 5-9 of the "Life Safety Code", NFPA No. 101, 1981 edition.

(3) Any existing apartment building with four (4) or more stories or twenty-six (26) or more units all utilizing a common means of egress shall have a manual fire alarm system in accordance with Section 19-3.4.2.1, "Life Safety Code", NFPA No. 101, 1981 edition.

(b) All future editions of the "Life Safety Code" shall be submitted to the City-County Council for consideration for adoption. It shall be the responsibility for the Bureau of Fire Prevention to outline and note the changes in each edition in order for the City-County Council to make its determination.

SECTION 12. Division 7 of Article III of Chapter 12 of the "Code of Indianapolis and Marion County, Indiana," is hereby amended by adding a new Sec. 12-212 and a new Sec. 12-213 to read as follows:

Sec. 12-212. Exit sign illumination.

All required exit signs shall be internally illuminated.

Sec. 12-213. Public buildings.

(a) The doors and exits of all schools shall be unlocked from within during school hours. School personnel shall conduct as least one (1) fire drill each month of the school term.

(b) The exterior exit doors of all buildings where persons work, live or congregate shall be unlocked from within or equipped with panic hardware at all times when such building is so occupied. This section does not apply to properties occupied by or under the jurisdiction of the United States Government, any premise occupied as a private home, any detention facility, jail or mental health facility.

SECTION 13. Division 9 of Article III of Chapter 12 of the "Code of Indianapolis and Marion County, Indiana," is hereby amended by repealing Sec. 12-245 and Sec. 12-246.

SECTION 14. Division 10 of Article III of Chapter 12 of the "Code of Indianapolis and Marion County, Indiana," is hereby amended by adding a new Sec. 12-266(e) to read as follows:

Sec. 12-266. Where automatic sprinklers required.

(e) Standard automatic sprinklers shall not be required to be installed in any building for which initial construction was begun prior to June 1, 1973.

SECTION 15. Division 12 of Article III of Chapter 12 of the "Code of Indianapolis and Marion County, Indiana," is hereby amended by inserting the words underlined and deleting the words crosshatched as follows:

Sec. 12-302. Maintenance and operation.

(a) The maintenance and operation of finishing shops shall conform to the requirements of Chapter 8, NFPA No. 33.

(b) Floors of finishing shops, drain boards and the interior of spray booths shall be thoroughly cleaned at least once a day and all fans, ducts, sidewalls and ceilings shall be kept as clean as may be practicable at all times. Wherever practicable, surfaces to be cleaned shall be sprayed or otherwise wet down with water before cleaning. Floors of spray booths and spray rooms shall be of noncombustible material.

(c) Metal waste cans with selfclosing lids or covers shall be provided for all rags and waste which have come in contact with paints, varnishes and other finishing compounds.

Sec. 12-306. Spray room requirements.

(a) All spraying shall be performed in a spray room or spray booth as specified in this section ~~subsections (b) through (d) of this section.~~

(b) If spraying is performed in a room not provided with spray booths as herein provided, the spray room shall be separated from the remainder of the building by partitions of fireresistive construction equivalent to incombustible wallboard on wooden studding, cement or gypsum plaster on metal lath on wooden studding, or wooden studding covered on both sides with sheet iron. Doors in openings in spray room partitions shall be equal in fire resistance to the partitions and shall be closed at all times.

(c) Spray booths shall be constructed of metal or other non-combustible material and shall be of ample size to accommodate the object to be sprayed.

(d) Spray booths shall be equipped with exhaust systems capable of adequately removing vapors and residues. The supply of air entering the room where the spray booths are located shall be substantially equivalent to the exhaust capacity of the exhaust system. Spray booths containing six (6) square feet or more shall have an independent stack or vent. Spray booths less than six (6) square feet in area may connect to one (1) stack; however, no more than three (3) booths may connect to one (1) stack. All stacks and vents shall be properly supported and shall have a minimum six (6) inch clearance where passing through wooden floors, roofs, partitions or other combustible material.

(e) Ventilation fans in spray rooms and booths shall operate continuously during spraying operations and shall not be stopped until all flammable vapors have been removed.

SECTION 16. Division 12 of Article III of Chapter 12 of the "Code of Indianapolis and Marion County, Indiana," is hereby amended by adding a new Sec. 12-307, a new Sec. 12-308, a new Sec. 12-309 and a new Sec. 12-310 to read as follows:

Sec. 12-307. Storage of flammable finishes in finishing shops.

Finishing shops shall store flammable finishes in accordance with the following restrictions:

(a) Containers which do not exceed one (1) gallon in capacity may be stored on shelves at least four (4) feet above the floor; all shelves shall be equipped with guard strips designed to prevent containers from falling. A maximum of twenty (20) gallons or one (1) day's supply may be stored in an area.

(b) Containers which do not exceed five (5) gallons in capacity may be stored in an enclosed cabinet. The cabinet shall be double walled with one and one-half (1½) inch air space; the cabinet doors and walls shall be constructed of sheet iron at least eighteen (18) U.S. gauge in thickness. The doors shall be equipped with three (3) point locks and shall be securely closed during storage. Door sills shall be raised at least two (2) inches above the bottom of the cabinet.

(c) Quantities in excess of those given under (a) and (b) shall be stored in storage and mixing rooms which conform to the following standards:

- (1) Walls shall be of a construction which will afford at least one (1) hour protection when classified in accordance with the standard fire test specifications. Walls shall be securely anchored and shall extend from floor to ceiling. The following types of construction will be acceptable:
  - (i) Metal lath encased in solid cement or gypsum plaster not less than two and one half (2½) inches thick.
  - (ii) Gypsum or cement plaster at least three-fourths (¾) inch thick on metal lath on each side of stud partitions.
  - (iii) Tile, gypsum or concrete block (cement plaster on each side of a thickness of one-fourth (¼) inch).
- (2) Ceilings shall be of construction equivalent to not less than three-fourths (¾) inch of cement or gypsum plaster on metal lath.
- (3) Wooden floors shall be protected with no less than two (2) inches of concrete.
- (4) Doors shall be standard fire doors with approved automatic or self-closing features.
- (5) Windows shall be protected with wired glass.
- (6) All shelving shall be non-combustible.

#### Sec. 12-308. Mixing.

(a) Mixing operations shall be performed only in storage rooms which meet the criteria set out in 12-307 or in special mixing rooms of equivalent construction. However, containers with a total capacity not exceeding two (2) gallons may be opened and the contents mixed in the finishing room provided the ventilating system is in operation.

(b) Receptacles containing flammable finishes shall be tightly covered.

#### Sec. 12-309. Ventilation.

(a) Finishing rooms shall be continuously ventilated during finishing operations. The ventilation system shall be capable of effecting at least one (1) complete change of air every three (3) minutes.

(b) Exhaust outlets in finishing rooms shall be located not more than five (5) feet above the floor and shall discharge directly outside of the building. Stacks and ducts shall be of substantial construction with riveted soldered joints. All stacks and ducts shall extend as directly as possible to the outside air and they may not be connected to other ventilating or collection system.

#### SECTION 12-310. No smoking.

Smoking is prohibited in any room used for the storage of flammable finishes and in any finishing room. "No Smoking" signs shall be prominently displayed.

SECTION 17. Division 17 of Article III of Chapter 12 of the "Code of Indianapolis and Marion County, Indiana," is hereby amended by inserting the words underlined and deleting the words crosshatched as follows:

#### Sec. 12-370. Permits required. Certain liquids prohibited in places of public assembly.

(a) A permit shall be obtained for any of the following:

(1) The storage, handling or use of class IA or class IB flammable liquids in excess of one (1) gallon in a dwelling or other place of human habitation; or in excess of ~~five (5)~~ five (5) gallons in any other building or other occupancy; or in excess of ten (10) gallons outside of any building; however, no permit shall be required for the following:

(a) The storage or use of flammable liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant.

- (b) The storage or use of paints, oils, varnishes or similar flammable mixtures when such liquids are stored for maintenance, painting or similar purposes for a period of not more than thirty (30) days.
- (2) The storage, handling or use of class II or III flammable liquids in excess of twenty-five (25) gallons in a building or in excess of sixty (60) gallons outside of a building, except for fuel oil used in connection with oil-burning equipment.
- (3) For the manufacture, processing, blending or refining of flammable liquids.
- (4) For the storage of flammable liquids in stationary tanks.
- (5) The storage, handling or use of Class I flammable liquids in excess of one (1) gallon inside any building.
- (6) The storage, handling or use of Class I flammable liquids in excess of five (5) gallons outside of any building.
- (7) No Class I liquids shall be used, kept or stored in any school or buildings used for public assembly (except for experimental use in laboratories) without the express written permission of the authority having jurisdiction.

~~(8)~~ (8) In determining the flash point of flammable liquids, all tests shall be made in accordance with methods as adopted by the American Society for Testing and Materials, but the tag closed tester, standardized by the United States Bureau of Standards, shall be authoritative in case of dispute.

(b) No permit shall be required for the following:

- (1) The storage or use of flammable liquids in the fuel tank of a motor vehicle, motorcycle, aircraft, motorboat, mobile power plant or mobile heating plant. The fuel tank shall be removed from any motorcycle placed inside residential occupancies.
- (2) The storage or use of paints, oils, varnishes or similar mixtures when such liquids are stored for sale, maintenance, or painting. Two exits shall be required in all stores and in all jobbers and manufacturing plants in which flammable liquids are stores, one of which shall be remote from the point of storage. Any manufactured liquid or fluid commodity such as paint, varnish, dryer, cleaning solution, duplicating fluid and polishing liquids shall be considered a flammable liquid and classified according to the flash point of the mixture.

SECTION 18. Division 17 of Article III of Chapter 12 of the "Code of Indianapolis and Marion County, Indiana," is hereby amended by repealing Sec. 12-371 and Sec. 12-372.

SECTION 19. Division 17 of Article III of Chapter 12 of the "Code of Indianapolis and Marion County, Indiana," is hereby amended by inserting the words underlined and deleting the words crosshatched as follows:

Sec. 12-375. Handling restricted in buildings occupied by families.

The using, mixing, storing or handling of Class I liquids in open containers is prohibited in any store in any building housing ~~one (1) or more~~ families or in a frame building housing more than one (1) family; provided, however, this shall not apply to drugstores where flammable liquids are used in making and compounding medicines and prescriptions.

SECTION 20. Division 18 of Article III of Chapter 12 of the "Code of Indianapolis and Marion County, Indiana," is hereby amended by repealing Sec. 12-400 and Sec. 12-401.

SECTION 21. Chapter 12 of the "Code of Indianapolis and Marion County, Indiana," is hereby amended by repealing Division 19 of Article III, Sections 12-414 to 12-417.

SECTION 22. Division 21 of Article III of Chapter 12 of the "Code of Indianapolis and Marion County, Indiana," is hereby amended by adding a new Sec. 12-460 to read as follows:

Sec. 12-460. Pyrotechnics; supplemental instructions for firing exhibition fireworks.

(a) When exhibition fireworks are fired from parking lots, roof tops, or areas where the mortars cannot be buried in the ground, the mortars must be placed in industrial drums, or plywood boxes made of three-fourths (3/4) inch plywood. The mortars must have a sufficient sand fill around them when placed in either container.

(b) Prior to firing, shells shall be covered with a tarpaulin, and placed in covered metal containers or placed in wooden boxes. The tarpaulins, boxes and containers shall be placed in such a manner that in the event of a malfunction, the impact of an explosion would tend to force the tarpaulin down over the shells or force the lid closed on the wooden box or metal container.

(c) At least one (1) person shall be responsible for loading each size shell fired in an aerial display.

(d) An additional person shall be assigned to supervise the selection of shells prior to firing and to insure that safety caps are not removed nor fuses torn from the shells prior to loading into the mortars.

SECTION 23. Chapter 12 of the "Code of Indianapolis and Marion County, Indiana," is hereby amended by repealing Division 22 of Article III, Sec. 12-470 and Sec. 12-471.

SECTION 24. Division 24 of Article III of Chapter 12 of the "Code of Indianapolis and Marion County, Indiana," is hereby amended by inserting the words underlined and deleting the words crosshatched as follows:

Sec. 12-495. Definitions.

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

"Automobile wrecking yard" shall mean any place, at least part of which is out-of-doors, where wrecked or dismantled motor vehicles are kept, stored or permitted to collect for the purchase, sale, collection, exchange or barter thereof.

"Junk" shall mean any articles, in any form, composed or consisting of any of the following enumerated secondhand, discarded or cast-off metals or materials: Iron, brass, bronze, copper, tin, zinc, lead or any other metals or compounds thereof, broken glass, rags, clothing, rubber, plastics and synthetic substances and fabrics, bottles, paper, feathers or any other waste material, or any compound or by-product of any of the foregoing enumerated materials; "junk" shall also include wrecked or dismantled automobiles.

"Junkyard" shall mean any place, at least part of which is out-of-doors, where junk is kept, stored or permitted to collect for the purchase, sale, collection, exchange or barter thereof.

Sec. 12-497. Fencing.

~~§~~ Automobile wrecking yards and junkyards shall be enclosed by a solid metal fence or masonry wall at least seven (7) feet high above the grade of the lot. No vehicles or salvage materials shall be piled or placed in such automobile wrecking yards and junkyards higher than the solid fence or wall, nor piled or placed outside of the solid fence or wall, nor in any part of the right-of-way of any street, alley or other public way.

SECTION 26. (a) The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

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

SECTION 27. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 28. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 31, 1982. This proposal authorizes changes in the personnel compensation schedule of the Superior Court, Criminal Division Room 6. Councillor West pointed out that this proposal changes the maximum per classification for Public Defenders to equal the other criminal courts. The Public Safety and Criminal Justice Committee recommended passage on February 11, 1982, by a vote of 4-0. Councillor West moved, seconded by Councillor Tintera, for adoption. Proposal No. 31, 1982, was adopted on the following roll call vote; viz:

26 YEAS: *Borst, Boyd, Brinkman, Campbell, Clark, Cottingham, Coughenour, Dowden, Durnil, Hawkins, Holmes, Howard, Jones, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, Stewart, Strader, Tintera, Vollmer, West*  
 NO NAYS

3 NOT VOTING: *Gilmer, Parker, SerVaas*

Proposal No. 31, 1982, was retitled FISCAL ORDINANCE NO. 12, 1982, and reads as follows:

**CITY—COUNTY FISCAL ORDINANCE NO. 12, 1982**

A FISCAL ORDINANCE amending the City—County Annual Budget for 1982 (City-County Fiscal Ordinance No. 78, 1981) authorizing changes in the personnel compensation schedule (Section 2.03) of the Marion County Superior Court, Criminal Division, Room 6.

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

SECTION 1. Section 2.03 (b) of City-County Fiscal Ordinance No. 78, 1981, be amended by deleting the crosshatched portions and adding the new amounts as underlined herein:

**(b) (7) MARION COUNTY SUPERIOR COURT, CRIMINAL DIVISION - ROOM 6**

Personnel Classification	Maximum Number	Maximum Salary	Maximum Per Classification
Judge	1	15,400	15,400
Court Reporter	2	16,022	32,044
Bailiff	2	13,088	26,177
Clerk	3	13,855	37,877
Master Commissioner Part-time	1	17,266	17,266
Secretary	1	13,085	13,085
Public Defenders			<del>195,000</del> 53,521
Temporary Help			<del>1,000</del> 4,151
<u>Vacancy Factor</u>			<del>101</del> (11,672)
<b>TOTAL</b>	<b>10</b>		<b>187,849</b>

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

PROPOSAL NO. 36, 1982. This proposal changes parking restrictions on portions of Senate Avenue. The Transportation Committee, on February 9, 1982, recommended passage by a vote of 5-0. Councillor Schneider reported that this proposal provides parking spaces for the news media in the parking bays on both sides of Senate Avenue. Councillor Schneider moved, seconded by Councillor Howard, for adoption. Proposal No. 36, 1982, was adopted on the following roll call vote; viz:

26 YEAS: *Borst, Boyd, Brinkman, Campbell, Clark, Cottingham, Dowden, Durnil, Hawkins, Holmes, Howard, Jones, Journey, McGrath, Miller, Nickell, Page, Parker, Rader, Rhodes, Schneider, Stewart, Strader, Tintera, Vollmer, West*

NO NAYS

3 NOT VOTING: *Coughenour, Gilmer, SerVaas*

Proposal No. 36, 1982, was retitled GENERAL ORDINANCE NO. 18, 1982, and reads as follows:

**CITY—COUNTY GENERAL ORDINANCE NO. 18, 1982**

**A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana," Special parking privileges for certain persons or vehicles in certain locations. (Amends Sec. 29-266)**

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

**SECTION 1.** The "Code of Indianapolis and Marion County, Indiana," specifically, Chapter 29, Section 29-266, Special parking privileges for certain persons or vehicles in certain locations, subsection (4), be, and the same is hereby amended by the addition of the following; to wit:

Senate Avenue on the east side beginning at a point 248 feet south of the south curb line of Ohio Street and extending south to a point 382 feet south of the south curb line of Ohio Street.

Senate Avenue on the west side beginning at a point 260 feet south of the south curbline of Ohio Street and extending south to a point 340 feet south of the south curbline of Ohio Street.

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

[Clerk's Note: Councillor Cottingham moved, seconded by Councillor Durnil, to advance Proposal No. 70, 1982, on the agenda. Council consent was given.]

**PROPOSAL NO. 70, 1982.** This proposal appoints John L. Krauss as Deputy Mayor of the City of Indianapolis. Councillor Cottingham reported that the Rules and Policy Committee unanimously approved the appointment of John Krauss to the position of Deputy Mayor. Councillor Cottingham moved, seconded by Councillor Durnil, for adoption. Proposal No. 70, 1982, was adopted on the following roll call vote; viz:

29 YEAS: *Borst, Boyd, Brinkman, Campbell, Clark, Cottingham, Coughenour, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Jones, Journey, McGrath, Miller, Nickell, Page, Parker, Rader, Rhodes, Schneider, SerVaas, Stewart, Strader, Tintera, Vollmer, West*

Proposal No. 70, 1982, was retitled COUNCIL RESOLUTION NO. 8, 1982, and reads as follows:

**CITY—COUNTY COUNCIL RESOLUTION NO. 8, 1982**

A COUNCIL RESOLUTION approving the appointment of John L. Krauss as Deputy Mayor of the City of Indianapolis during the period from January 1, 1982, through December 31, 1982.

WHEREAS, pursuant to IC 36-3-5-2 and Sections 2-142 and 2-143 of the "Code of Indianapolis and Marion County, Indiana," the appointments by the Mayor of the Deputy Mayors and the Directors of the various departments are subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of John L. Krauss as his appointee for the position of Deputy Mayor of the City of Indianapolis, to serve in that position at the pleasure of the Mayor from January 1, 1982, through December 31, 1982; now, therefore:

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

**SECTION 1.** John L. Krauss is approved and confirmed by the City-County Council to serve as Deputy Mayor of the City of Indianapolis for the term beginning January 1, 1982, and ending December 31, 1982, to serve at the pleasure of the Mayor.

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

[Clerk's Note: Councillor Durnil moved, seconded by Councillor Rader, to advance Proposal No. 64, 1982, on the agenda. Council consent was given.]

PROPOAL NO. 64, 1982. This proposal appoints David E. Carley as Director of the Department of Metropolitan Development. Councillor Durnil reported that the Metropolitan Development Committee recommended the appointment of David Carley on March 1, 1982, by a vote of 4-0. Councillor Durnil moved, seconded by Councillor Rader, for adoption. Proposal 64, 1982, was adopted on the following roll call vote; viz:

*27 YEAS: Borst, Boyd, Brinkman, Campbell, Clark, Cottingham, Coughenour, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Jones, Journey, McGrath, Miller, Page, Parker, Rader, Rhodes, Schneider, SerVaas, Stewart, Strader, Tintera, Vollmer*

*NO NAYS*

*2 NOT VOTING: Nickell, West*

Proposal No. 64, 1982, was retitled COUNCIL RESOLUTION NO. 9, 1982, and reads as follows:

**CITY—COUNTY COUNCIL RESOLUTION NO. 9, 1982**

**A COUNCIL RESOLUTION approving the appointment of David E. Carley as Director of the Department of Metropolitan Development during the period from January 1, 1982, through December 31, 1982.**

WHEREAS, pursuant to IC 36-3-3-8 and Sections 2-142 and 2-143 of the "Code of Indianapolis and Marion County, Indiana," the appointments by the Mayor of the Directors of the various departments are subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of David E. Carley as his appointee for the position of Director of the Department of Metropolitan Development, to serve in that position at the pleasure of the Mayor from January 1, 1982, through December 31, 1982; now, therefore:

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

**SECTION 1. David E. Carley is approved and confirmed by the City-County Council to serve as Director of the Department of Metropolitan Development for the term beginning January 1, 1982, and ending December 31, 1982, to serve at the pleasure of the Mayor.**

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

PROPOSAL NO. 38, 1982. This proposal encourages Senators Lugar and Quayle to vote against any budget cuts to Title V. Councillor Parker reported that the Community Affairs Committee decided to write a letter to the Senators addressing the concerns of the Committee. Councillor Parker pointed out that the Senators were interested in the community's views on proposed changes in Title V funding. The letter would express the concerns of senior service groups in Indianapolis receiving Title V funds and would highlight positive aspects of the Older Americans Act. Councillor Parker moved, seconded by Councillor Gilmer, to strike Proposal No. 38, 1982. Council consent was given.

PROPOSAL NO. 44, 1982. This proposal restricts parking on the west side of College Avenue from 52nd Street, north 250 feet, to 90 minutes. Councillor Schneider reported that this proposal was not needed because the Department of Transportation has researched the Code and found that this proposal is already in ordinance form. Therefore, Councillor Schneider moved, seconded by Councillor Stewart, to strike Proposal No. 44, 1982. Consent was given.

PROPOSAL NO. 45, 1982. This proposal removes parking restrictions on the south side of 52nd Street from Meridian Street to Monon Railroad. Councillor Schneider moved, seconded by Councillor Stewart, the following:

CITY—COUNTY COUNCIL MOTION

Mr. President:

I move to amend Proposal No. 45, 1982, by deleting the introduced version and substituting therefor the proposal entitled, "Proposal No. 45, 1982, Committee Recommendation."

s/Councillor Schneider

Council consent was given. After discussion, Councillor Schneider moved, seconded by Councillor Stewart, for adoption. Proposal No. 45, 1982, As Amended, was adopted on the following roll call vote; viz:

27 YEAS: *Boyd, Brinkman, Campbell, Clark, Cottingham, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Jones, Journey, McGrath, Miller, Nickell, Page, Parker, Rader, Rhodes, Schneider, SerVaas, Stewart, Strader, Tintera, Vollmer, West*

NO NAYS

2 NOT VOTING: *Borst, Coughenour*

Proposal No. 45, 1982, As Amended, was retitled GENERAL ORDINANCE NO. 19, 1982, and reads as follows:

CITY—COUNTY GENERAL ORDINANCE NO. 19, 1982

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana," by amending Sec. 29-267, Parking prohibited at all times on certain streets. (Code Sec. 29-267)

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana," specifically, Chapter 29, Section 29-267, Parking prohibited at all times on certain streets, be, and the same is hereby amended by the deletion of the following, to wit:

Fifty-second Street, on both sides, from Meridian Street to the Monon Railroad;

Fifty-second Street, on both sides, from Winthrop Avenue to Keystone Avenue.

SECTION 2. The "Code of Indianapolis and Marion County, Indiana," specifically, Chapter 29, Section 29-267, Parking prohibited at all times on certain streets, be, and the same is hereby amended by the addition of the following, to wit:

Fifty-second Street, on north side, from Meridian Street to College Avenue;

Fifty-second Street, on both sides, from College Avenue to Keystone Avenue.

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

PROPOSAL NO. 46, 1982. This proposal removes the parking restrictions on 34th Street from Meridian to Illinois Street. Councillor Schneider moved, seconded by Councillor Howard, the following:

**CITY—COUNTY COUNCIL MOTION**

Mr. President:

I move to amend Proposal No. 46, 1982, by deleting the introduced version and substituting therefor the proposal entitled, "Proposal No. 46, 1982, Committee Recommendations."

s/Councillor Schneider

Council consent was given. Councillor Schneider reported that the Transportation Committee amended and recommended passage by a vote of 6-0. Councillor Schneider moved, seconded by Councillor Howard, for adoption. Proposal No. 46, 1982, As Amended, was adopted on the following roll call vote; viz:

25 YEAS: Boyd, Brinkman, Campbell, Cottingham, Dowden, Gilmer, Hawkins, Holmes, Howard, Jones, Journey, McGrath, Miller, Nickell, Page, Parker, Rader, Rhodes, Schneider, SerVaas, Stewart, Strader, Tintera, Vollmer, West

NO NAYS

4 NOT VOTING: Borst, Clark, Coughenour, Durnil

Proposal No. 46, 1982, As Amended, was retitled GENERAL ORDINANCE NO. 20, 1982, and reads as follows:

**CITY—COUNTY GENERAL ORDINANCE NO. 20, 1982**

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana," specifically, Chapter 29-267, Parking prohibited at all times on certain streets. (Code Sec. 29-267)

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana," specifically, Chapter 29, Section 29-267, Parking prohibited at all times on certain streets, be, and the same is hereby amended by the deletion of the following, to wit:

Thirty-fourth Street, on both sides, from Meridian Street to Illinois Street.

SECTION 2. The "Code of Indianapolis and Marion County, Indiana," specifically, Chapter 29, Section 29-267, Parking prohibited at all times on certain streets, be, and the same is hereby amended by the addition of the following, to wit:

Thirty-fourth Street, on the south side, from the west curbline of Meridian Street to a point 125 feet west of the west curbline of Meridian Street;

Thirty-fourth Street, on both sides, from the east curbline of Illinois Street to a point 150 feet east of the east curbline of Illinois Street.

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

PROPOSAL NO. 61, 1982. This proposal authorizes an amendment of documents executed in connection with previously issued Economic Development First Mortgage Revenue Bonds for Retirement Living, Inc. d/b/a Marquette Manor. Councillor Tintera reported that this proposal changes the maturity date of the bonds from March 15, 1982, to May 15, 1982. He added that date will be changed on the interest and supplemental documents and the final installment of interest. Councillor Brinkman voiced her opposition due to the fact that Retirement Living does not pay school taxes. After discussion, Councillor Tintera moved, seconded by Councillor Cottingham, for adoption. Proposal No. 61, 1982, was adopted on the following roll call vote; viz:

*22 YEAS: Campbell, Clark, Cottingham, Coughenour, Dowden, Durnil, Gilmer, Hawkins, Holmes, Journey, McGrath, Miller, Nickell, Page, Parker, Schneider, SerVaas, Stewart, Strader, Tintera, Vollmer, West*  
*5 NAYS: Boyd, Brinkman, Howard, Jones, Rader*  
*2 NOT VOTING: Borst, Rhodes*

Proposal No. 61, 1982, was retitled SPECIAL ORDINANCE NO. 4, 1982, and reads as follows:

**CITY-COUNTY SPECIAL ORDINANCE NO. 4, 1982**

A SPECIAL ORDINANCE authorizing the amendment of a Loan Agreement dated as of September 1, 1980, between the City of Indianapolis, Indiana, and Retirement Living, Inc. d/b/a Marquette Manor, and a Mortgage and Indenture of Trust dated as of September 1, 1980, among Retirement Living, Inc. d/b/a Marquette Manor, the City of Indianapolis, Indiana, and the Indiana National Bank, as Trustee, which have been previously amended by a First Supplemental Mortgage and Indenture of Trust dated as of March 1, 1981, and a First Supplemental Loan Agreement dated as of March 1, 1981.

WHEREAS, Retirement Living, Inc. d/b/a Marquette Manor, desires to amend the aforesaid Loan Agreement dated September 1, 1980, and the aforesaid Mortgage and Indenture of Trust dated September 1, 1980, which have been previously amended by a First Supplemental Mortgage and Indenture of Trust dated as of March 1, 1981, and a First Supplemental Loan Agreement dated as of March 1, 1981, previously approved by this City-County Council for use in the issuance of the previously issued City of Indianapolis Economic Development First Mortgage Revenue Bonds, Series 1980 (Retirement Living, Inc. d/b/a Marquette Manor Project), to change certain dates from the month of March, 1982, to dates in May, 1982, thereby extending the term of the Agreements, the notes and the Bonds; and

WHEREAS, the Indianapolis Economic Development Commission after a public hearing conducted on February 3, 1982, adopted a Resolution on that date, which Resolution has been previously transmitted hereto, finding that the Amendments comply with the purposes and provisions of Indiana Code 36-7-12 and that such amendments of the financing will be of benefit to the health and welfare of the City of Indianapolis and its citizens; and

WHEREAS, the Indianapolis Economic Development Commission has approved the final forms of the Second Supplemental Loan Agreement and of the Second Supplemental Mortgage and Indenture of Trust, by Resolution and adopted prior in time to this date, which Resolution has been transmitted hereto; now, therefore:

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

**SECTION 1.** The form of Second Supplemental Loan Agreement amending the Loan Agreement dated as of September 1, 1980, as amended by a First Supplemental Loan Agreement dated as of March 1, 1981, between the City of Indianapolis, Indiana, and Retirement Living, Inc. d/b/a Marquette Manor, presented to this meeting and attached hereto is hereby approved.

**SECTION 2.** The form of the Second Supplemental Mortgage and Indenture of Trust amending the Mortgage and Indenture of Trust dated as of September 1, 1980, as amended by a First Supplemental Mortgage and Indenture of Trust dated as of March 1, 1981, among Retirement Living, Inc. d/b/a Marquette Manor, the City of Indianapolis, Indiana, and The Indiana National Bank, as Trustee, presented to this meeting and attached hereto is hereby approved.

**SECTION 3.** The Mayor and City Clerk are hereby authorized to execute and deliver such Second Supplemental Loan Agreement and the Second Supplemental Mortgage and Indenture of Trust and to take all such actions authorized therein and to execute any other document which may be necessary or desirable to consummate the transaction including manually making the authorized changes on the face of the Bonds previously authorized and issued. Two (2) copies of the Loan Agreement dated as of September 1, 1980, as amended by the First Supplemental Loan Agreement dated as of March 1, 1981, as amended by the Second Supplemental Loan Agreement dated as of March 1, 1982, and of the Mortgage and Indenture of Trust dated as of September 1, 1980, as amended by the First Supplemental Mortgage and Indenture of Trust dated as of March 1, 1981, as amended by the Second Supplemental Mortgage and Indenture of Trust dated as of March 1, 1982, are on file in the office of the Clerk of the Council for public inspection.

**SECTION 4.** This ordinance shall be in full force and effect from and after compliance with procedure required by Indiana Code 36-3-4-14.

[Clerk's Note: Proposal Nos. 73, 74 and 75, 1982, were discussed together as companion proposals.]

PROPOSAL NO. 73, 1982. Councillor Schneider reported that this proposal changes speed limits on various streets to set limits different from those previously codified by State law. Speed limits were changed on streets forming the official Thoroughfare Plan of Marion County and streets within the mile square Central Business District. Restrictions on speed were established by a traffic study taken during non-rush traffic hours and under good road conditions. PROPOSAL NO. 74, 1982. This proposal allocates fees collected from moving violations imposed on traffic violators. Councillor Schneider explained that prior to Home Rule, the State received \$14.00 and the City received \$4.00 from traffic tickets. The City would receive all proceeds under Proposal No. 74, 1982. PROPOSAL NO. 75, 1982. This proposal provides a minimum \$10.00 fine for traffic violations. An estimated minimum of \$500,000 will be generated for the City and \$100,000 for the County by these proposals. Councillor Schneider moved that the "Committee Recommendations" for Proposal Nos. 73, 74 and 75, 1982, be substituted for the original proposals. Council consent was given for the substitution of all three proposals.

Councillor Miller then moved, seconded by Councillor Cottingham, that Proposal No. 73, 1982, be further amended in SECTION 1, on the line that reads "Crawfordsville Road, from Winton Avenue to Georgetown Road, 35 mph," by deleting "35 mph" and inserting "45 mph." After discussion the President called for a vote on Councillor Miller's motion and it passed on the following roll call vote; viz:

14 YEAS: *Brinkman, Campbell, Cottingham, Coughenour, Gilmer, Jones, McGrath, Miller, Page, Parker, Rhodes, SerVaas, Tintera, West*

13 NAYS: *Boyd, Clark, Dowden, Durnil, Hawkins, Holmes, Howard, Journey, Nickell, Rader, Schneider, Stewart, Strader*

2 NOT VOTING: *Borst, Vollmer*

Councillor Schneider then moved, seconded by Councillor McGrath, for adoption of Proposal Nos. 73, 74, and 75, 1982, As Amended. The President ruled that separate votes would be taken on the proposals. Proposal No. 73, 1982, As Amended, was adopted on the following roll call vote; viz:

25 YEAS: *Borst, Brinkman, Campbell, Clark, Cottingham, Coughenour, Dowden, Durnil, Gilmer, Hawkins, Holmes, Jones, Journey, McGrath, Miller, Page, Parker, Rader, Rhodes, Schneider, SerVaas, Stewart, Strader, Tintera, West*

1 NAY: *Boyd*

3 NOT VOTING: *Howard, Nickell, Vollmer*

Proposal No. 73, 1982, As Amended, was retitled GENERAL ORDINANCE NO. 21, 1982, and reads as follows:

**CITY—COUNTY GENERAL ORDINANCE NO. 21, 1982**

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

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana," specifically, Chapter 29, Section 29-136, Alteration of prima facie speed limit, be, and the same is hereby amended by the addition of the following, to wit:

Acton Road, from Johnson County Line to Southeastern Avenue, 40 mph.  
Airport Expressway, from High School Road to I-465, 45 mph.  
Airport Expressway, from I-465 to Holt Road, 55 mph.  
Albany Street, from Perkins Avenue to Sherman Drive, 35 mph.  
Arlington Avenue, from County Line Road, South to Brookville Road, 40 mph.  
Bridgeport Road, from Thompson Road to Rockville Road, 40 mph.  
Broad Ripple Avenue, from Haverford Avenue to Keystone Avenue, 35 mph.  
Brookville Road, from English Avenue to Hunter Road, 35 mph.  
Brookville Road, from Hunter Road to Shadeland Avenue, 50 mph.  
Camby Road, from Kentucky Avenue to Mooresville Road, 40 mph.

College Avenue, from 64th Street to 96th Street, 40 mph.  
 College Avenue, from 38th Street to 64th Street 35 mph.  
 Cooper Road, from 56th Street to 62nd Street, 40 mph.  
 Cossell Road, from 10th Street to Michigan Street, 35 mph.  
 Country Club Road, from Rockville Road to Crawfordsville Road, 40 mph.  
 County Line Road, East, from McGregor Road to Washington Street, 40 mph.  
 County Line Road, East, from 30th Street to 62nd Street, 40 mph.  
 County Line Road, East, from 62nd Street to Hancock County Line, 40 mph.  
 Crawfordsville Road, from Winton Avenue to Georgetown Road, 45 mph.  
 Crawfordsville Road, from High School Road to Winton Road, 45 mph.  
 Cumberland Road, from 10th Street to 30th Street, 40 mph.  
 Cunningham Road, from Crawfordsville Road to 16th Street, 35 mph.  
 Dean Road, from 62nd Street to 82nd Street, 40 mph.  
 Ditch Road, from Grandview Avenue to 96th Street, 40 mph.  
 Edgewood Avenue, from State Road 37 to Meridian Street, 40 mph.  
 Edgewood Avenue, from Meridian Street to Gray Road, 35 mph.  
 Edgewood Avenue, from Gray Road to Southeastern Avenue, 40 mph.  
 Emerson Avenue, from County Line Road, South to Thompson Road, 40 mph.  
 English Avenue, from Southeastern Avenue to Brookville Road, 35 mph.  
 English Avenue, from Kitley Avenue to Franklin Road, 40 mph.  
 Fall Creek Parkway, North Drive, from State Road 37 to Emerson Way, 40 mph.  
 Five Points Road, from County Line Road, South to Southeastern Avenue, 40 mph  
 Franklin Road, from Johnson County Line to Southeastern Avenue, 40 mph.  
 Franklin Road, from Troy Avenue to Washington Street, 40 mph.  
 Franklin Road, from 16th Street to 56th Street, 35 mph.  
 Georgetown Road, from 16th Street to Lafayette Road, 35 mph.  
 Georgetown Road, from 79th Street to 86th Street, 40 mph.  
 German Church Road, from Brookville Road to Pendleton Pike, 40 mph.  
 Guion Road, from 38th Street to 71st Street, 40 mph.  
 Hague Road, from Fall Creek Road to 96th Street, 40 mph.  
 Hanna Avenue, from Harding Street to Keystone Avenue, 35 mph.  
 Harding Street, from Interstate 465 to Raymond Street, 40 mph.  
 Hickory Road, from McGregor Road to Southeastern Avenue, 40 mph.  
 High School Road, from Mooresville Road to Kentucky Avenue, 40 mph.  
 High School Road, from 46th Street to 56th Street, 40 mph.  
 Holt Road, from Kentucky Avenue to Washington Street, 40 mph.  
 Kentucky Avenue, from Raymond Street to West Street, 35 mph.  
 Kentucky Avenue, from Lynhurst Drive to Raymond Street, 45 mph.  
 Kentucky Avenue, from I-465 to Lynhurst Drive, 55 mph.  
 Kessler Boulevard, East Drive, from Meridian Street to Keystone Avenue, 35 mph.  
 Kessler Boulevard, East Drive, from Allisonville Road to 56th Street, 35 mph.  
 Kessler Boulevard, East Drive, from Keystone Avenue to Allisonville Road, 35 mph.  
 Kessler Boulevard, North Drive, from 16th Street to 38th Street, 35 mph.  
 Kessler Boulevard, North Drive, from 38th Street to 56th Street, 40 mph.  
 Kessler Boulevard, West Drive, from Spring Mill Road to Meridian Street, 35 mph.  
 Kessler Boulevard, West Drive, from Kessler Boulevard, North Drive to Spring Mill  
 Road, 40 mph.  
 Keystone Avenue, from Edgewood Avenue to 564 feet North of Whalen Street,  
 35 mph.  
 Keystone Avenue, from Hanna Avenue to Bean Creek Bridge, 40 mph.  
 Keystone Avenue, from 24th Street to Fall Creek Parkway, North Drive, 35 mph.  
 Keystone Way, from I-70 to 24th Street, 35 mph.  
 Lafayette Road, from 34th Street to 46th Street, 40 mph.  
 Lafayette Road, from 16th Street to 34th Street, 35 mph.  
 Lynhurst Drive, from 10th Street to 35th Street, 35 mph.  
 Mann Road, from Johnson County Line to Kentucky Avenue, 40 mph.  
 Massachusetts Avenue, from Sherman Drive to 38th Street, 40 mph.  
 Maze Road, from Shelbyville Road to County Line Road, East, 40 mph.  
 McGregor Road, from Hickory Road to Mitthoefer Road, 40 mph.  
 McGregor Road, from Acton Road to County Line Road, East, 40 mph.  
 Mendenhall Road, from Mooresville Road to Thompson Road, 40 mph.  
 Meridian Street, from Troy Avenue to Pleasant Run Parkway, North Drive, 35 mph.

Meridian Hills Boulevard, from 73rd Street to Meridian Street, 35 mph.  
 Michigan Street, from Cossell Road to White Rive Parkway, West Drive, 35 mph.  
 Mile Square, all streets inside an area bounded by North, South, East and West  
 Streets, except State Highways, 25 mph.  
 Milhouse Road, from Flynn Road to High School Road, 40 mph.  
 Minnesota Street, from High School Road to Kentucky Avenue, 35 mph.  
 Mitthoefer Road, from Prospect Street to Penn Central Railroad, 40 mph.  
 Mitthoefer Road, from Johnson County Line to McGregor Road, 40 mph.  
 Moller Road, from 30th Street to Pike Plaza Road, 35 mph.  
 Moller Road, from Moller Way to 46th Street, 40 mph.  
 Mooresville Road, from Raceway Road to 1500 feet northeast of Paddock Road,  
 40 mph.  
 Mooresville Road, from Southport Road to High School Road, 40 mph.  
 Morris Street, from Raceway Road to High School Road, 40 mph.  
 Northwestern Avenue, from 32nd Street to 38th Street, 40 mph.  
 Oaklandon Road, from 74th Street to 86th Street, 40 mph.  
 Paddock Road, from County Line Road, South to Mooresville Road, 40 mph.  
 Pendleton Pike, from 38th Street to Interstate 465, 40 mph.  
 Post Road, from Interstate 74 to Washington Street, 40 mph.  
 Post Road, from Pendleton Pike to 5300 North, 35 mph.  
 Prospect Street, from Post Road to County Line Road, East, 40 mph.  
 Ralston Road, from Paddock Road to Mann Road, 40 mph.  
 Rawles Avenue, from Franklin Road to Post Road, 40 mph.  
 Raymond Street, from Post Road to Davis Road, 40 mph.  
 Rockville Road, from Holt Road to Washington Street, 35 mph.  
 Rockville Road, from Interstate 465 to Holt Road, 40 mph.  
 Senour Road, from Southeastern Avenue to Brookville Road, 40 mph.  
 Shadeland Avenue, from Pendleton Pike to 82nd Street, 40 mph.  
 Shadeland Avenue, from Washington Street to Pendleton Pike, 45 mph.  
 Shelby Street, from Madison Avenue to Troy Avenue, 40 mph.  
 Shelbyville Road, from Sherman Drive to Gray Road, 35 mph.  
 Shelbyville Road, from Gray Road to Johnson County Line, 40 mph.  
 Sherman Drive, from Thompson Road to Hanna Avenue, 35 mph.  
 Sherman Drive, from Albany Street to Prospect Street, 35 mph.  
 Sherman Drive, from 10th Street to 46th Street, 35 mph.  
 Southeastern Avenue, from Pleasant Run Parkway to Troy Avenue, 40 mph.  
 Southeastern Avenue, from Senour Road to Acton Road, 40 mph.  
 Southeastern Avenue, from Thompson Road to Acton Road, 50 mph.  
 Southport Road, from Mann Road to Madison Avenue, 40 mph.  
 Southport Road, from McFarland Road to Acton Road, 40 mph.  
 Stop 11 Road, from East Street to Madison Avenue, 35 mph.  
 Stop 11 Road, from Madison Avenue to Shelbyville Road, 40 mph.  
 Stop 11 Road, from Belmont Street to Rahke Road, 40 mph.  
 Sunnyside Road, from Pendleton Pike to Fox Road, 40 mph.  
 Thompson Road, from Gray Road to Emerson Avenue, 35 mph.  
 Thompson Road, from Stanley Road to Kentucky Avenue, 40 mph.  
 Thompson Road, from High School Road to Mann Road, 40 mph.  
 Thompson Road, from Emerson Avenue to County Line Road, East, 40 mph.  
 Tibbs Avenue, from Kentucky Avenue to Washington Street, 40 mph.  
 Township Line Road, from 79th Street to 96th Street, 40 mph.  
 Troy Avenue, from Harding Street to Meridian Street, 35 mph.  
 Troy Avenue, from Madison Avenue to Perkins Avenue, 35 mph.  
 Troy Avenue, from Arlington Avenue to Hunter Road, 40 mph.  
 Troy Avenue, from Five Points Road to Senour Road, 40 mph.  
 West Street, from Bluff Road to Morris Street, 35 mph.  
 Westlane Road, from Michigan Road to Ditch Road, 40 mph.  
 Zionsville Road, from 62nd Street to 96th Street, 40 mph.  
 Tenth Street, from Raceway Road to Girls School Road, 40 mph.  
 Tenth Street, from Interstate 465 to Lynhurst Drive, 40 mph.  
 Tenth Street, from Lynhurst Drive to Stadium Drive, 35 mph.  
 Tenth Street, from Sherman Drive to Mitthoefer Road, 35 mph.  
 Tenth Street, from German Church Road to County Line Road, East, 40 mph.

Sixteenth Street, from Cunningham Road to Lafayette Road, 35 mph.  
 Sixteenth Street, from Sherman Drive to Pleasant Run Parkway, 35 mph.  
 Sixteenth Street, from Pleasant Run Parkway to Mitthoefer Road, 40 mph.  
 Thirtieth Street, from Moller Road to White River Parkway, East Drive, 35 mph.  
 Thirtieth Street, from Shadeland Avenue to County Line Road, East, 40 mph.  
 Thirty-eighth Street, from White River Parkway, East Drive to Boulevard Place, 45 mph.  
 Thirty-eighth Street, from Boulevard Place to Meridian Street, 35 mph.  
 Thirty-eighth Street, from Fall Creek Parkway to Sherman Drive, 35 mph.  
 Thirty-eighth Street, from Dandy Trail to I-65 (west junction), 40 mph.  
 Thirty-eighth Street, from Sherman Drive to Massachusetts Avenue, 40 mph.  
 Thirty-eighth Street, from I-65 (west junction) to White River Parkway, East Drive, 55 mph.  
 Forty-sixth Street, from Reed Road to Lafayette Road, 40 mph.  
 Forty-sixth Street, from College Avenue to State Road 37, 35 mph.  
 Forty-sixth Street, from State Road 37 to Kenmore Road, 45 mph.  
 Forty-sixth Street, from Kenmore Road to Post Road, 35 mph.  
 Forty-sixth Street, from Post Road to County Line Road, East, 40 mph.  
 Fifty-second Street, from College Avenue to Allisonville Road, 35 mph.  
 Fifty-sixth Street, from Raceway Road to Kessler Boulevard, North Drive, 40 mph.  
 Fifty-sixth Street, from Brendon Way to Franklin Road, 40 mph.  
 Fifty-sixth Street, from Pendleton Pike to County Line Road, East, 40 mph.  
 Sixty-second Street, from Lafayette Road to Michigan Road, 40 mph.  
 Sixty-second Street, from Keystone Avenue to State Road 37, 40 mph.  
 Seventy-first Street, from 500' West of Coffman Road to 500' East of New Augusta Road, 35 mph.  
 Seventy-first Street, from Keystone Avenue to Hague Road, 40 mph.  
 Seventy-first Street, from Lafayette Road to 500' West of Coffman Road, 45 mph.  
 Seventy-first Street, from 500' East of New Augusta Road to Michigan Road, 45 mph.  
 Seventy-third Street, from Ditch Road to Meridian Hills Boulevard, 40 mph.  
 Seventy-ninth Street, from Moore Road to Spring Mill Road, 40 mph.  
 Seventy-ninth Street, from Fall Creek Road to Sunnyside Road, 40 mph.  
 Seventy-ninth Street, from Oaklandon Road to County Line Road, East, 40 mph.  
 Eighty-second Street, from I-69 to Fall Creek Road, 40 mph.  
 Eighty-second Street, from Keystone Avenue to Allisonville Road, 45 mph.  
 Eighty-sixth Street, from College Avenue to Haverstick Road, 35 mph.  
 Eighty-sixth Street, from Spring Mill Road to College Avenue, 40 mph.  
 Eighty-sixth Street, from Haverstick Road to Keystone Avenue, 45 mph.  
 Eighty-sixth Street, from Lafayette Road to I-465, 55 mph.  
 Eighty-sixth Street, from I-465 to Michigan Road, 45 mph.

SECTION 2. That the "Code of Indianapolis and Marion County, Indiana," specifically, Chapter 29, Section 29-136, Alteration of prima facie speed limit, be, and the same is hereby amended by the deletion of the following to wit:

Sherman Drive, from Raymond Street to Southern Avenue, 30 mph.  
 Forty-sixth Street, from Lafayette Road to Interstate 465, 30 mph.

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

Proposal No. 74, 1982, As Amended, was adopted on the following roll call vote; viz:

24 YEAS: Borst, Brinkman, Campbell, Clark, Cottingham, Coughenour, Dowden, Durnil, Gilmer, Hawkins, Holmes, Jones, McGrath, Miller, Nickell, Page, Parker, Rader, Rhodes, Schneider, SerVaas, Stewart, Tintera, West

3 NAYS: Boyd, Journey, Strader

2 NOT VOTING: Howard, Vollmer

Proposal No. 74, 1982, As Amended, was retitled SPECIAL RESOLUTION NO. 9, 1982, and reads as follows:

**CITY—COUNTY SPECIAL RESOLUTION NO. 9, 1982**

A SPECIAL RESOLUTION to allocate the revenue generated from the successful collection of fines and costs assessed against violators of traffic ordinances of the Consolidated City of Indianapolis.

WHEREAS, the City of Indianapolis desires to enact local traffic ordinances; and

WHEREAS, the enactment of such traffic ordinances would generate additional revenue for both the City and the County; and

WHEREAS, the Clerk of Marion County and the Prosecuting Attorney of Marion County are both necessary to successfully process and prosecute violators of local traffic ordinances; and

WHEREAS, it then becomes necessary to allocate the revenue generated from the successful collection of fines and costs assessed against such violators between the City and the County; now, therefore:

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

SECTION 1. The following words shall have the corresponding definition ascribed to them for purposes of this resolution:

“Traffic ordinance” shall mean an ordinance establishing a speed limit, a one-way street, the location of a stop sign, or the location of traffic control signals.

“IPD case” shall mean a traffic ordinance violation referred for filing by an Indianapolis Police Department officer.

“Sheriff case” shall mean a traffic ordinance violation referred for filing by the Marion County Sheriff or a deputy.

SECTION 2. The Prosecuting Attorney of Marion County shall prosecute alleged violations of traffic ordinances of the Consolidated City of Indianapolis on behalf of the City of Indianapolis.

SECTION 3. The Clerk of Marion County shall collect all costs and fines assessed which arise out of a judgement of a violation of traffic ordinances of the Consolidated City of Indianapolis.

SECTION 4. The Clerk of Marion County shall pay into the Police General Fund of the City of Indianapolis the sum of Fourteen (14) dollars plus the fine for every judgement which is collected in an IPD case. The Clerk shall make such payment by the 15th day of each month following the collection of any such judgements.

SECTION 5. The remainder of the costs which are collected in an IPD case and all the costs and fines collected in a Sheriff case by the Clerk of Marion County shall be retained by the Clerk on behalf of Marion County in consideration for the services of the Prosecuting Attorney and Clerk in processing the alleged violations of a traffic ordinance of the Consolidated City of Indianapolis. The monies retained by the Clerk shall be paid into the general fund of the county.

SECTION 6. The City of Indianapolis, the Prosecuting Attorney of Marion County, Indiana, and the Clerk of Marion County, Indiana, shall enter into an Agreement, the provisions of which shall reflect the foregoing sections of this Resolution. Such an Agreement shall be in effect for a period of one year following its execution, and thereafter shall continue on a yearly basis unless notice of termination is given, which notice shall be in writing to all parties not less than ninety (90) days before such termination is desired. The termination may be either partial or complete; however, upon complete termination of such Agreement, all monies left owing shall become immediately due and payable.

SECTION 7. The execution of such Agreement and any subsequent termination of such Agreement shall take precedence over this resolution.

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

Proposal No. 75, 1982, As Amended, was adopted on the following roll call vote; viz:

23 YEAS: Borst, Brinkman, Clark, Cottingham, Coughenour, Dowden, Durnil, Gilmer, Hawkins, Holmes, Jones, McGrath, Miller, Nickell, Parker, Rader, Rhodes, Schneider, SerVaas, Stewart, Strader, Tintera, West  
5 NAYS: Boyd, Campbell, Howard, Journey, Page  
1 NOT VOTING: Vollmer

Proposal No. 75, 1982, As Amended, was retitled GENERAL ORDINANCE NO. 22, 1982, and reads as follows:

**CITY—COUNTY GENERAL ORDINANCE NO. 22, 1982**

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana," by amending Chapter 29 to set a minimum fine for traffic violations of Ten (\$10) dollars.

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

SECTION 1. Section 29-28 of Division 1 of Article II of Chapter 29 of the "Code of Indianapolis and Marion County, Indiana," is hereby amended by inserting the words underlined as follows:

Sec. 29-28. Penalty for violation of chapter generally.

Except as otherwise specifically prescribed in this chapter, any person violating any provision of this chapter or of any orders, rules and regulations adopted by the transportation board pursuant to this chapter, of which notice has been posted and for which offense no specific different penalty is provided in any other section of this chapter, upon conviction of any and for each such violation, shall be punished with a minimum fine of ten dollars (\$10) and a maximum penalty as prescribed in Section 1-8. Such a fine can not be waived or suspended.

SECTION 2. (a) The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance as if this ordinance had not been adopted.

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

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

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

PROPOSAL NO. 81, 1982. This proposal appoints Donald J. Hargadon to the Cable Franchise Board. Councillor Dowden reported that the Administration Committee recommended passage by a unanimous vote of 4-0. He then moved, seconded by Councillor Clark, for adoption. Proposal No. 81, 1982, was adopted on the following roll call vote; viz:

25 YEAS: *Borst, Boyd, Brinkman, Campbell, Clark, Cottingham, Coughenour, Dowden, Durnil, Gilmer, Hawkins, Holmes, Jones, Journey, McGrath, Miller, Nickell, Page, Parker, Rader, Rhodes, SerVaas, Strader, West*

NO NAYS

4 NOT VOTING: *Howard, Schneider, Tintera, Vollmer*

Proposal No. 81, 1982, was retitled COUNCIL RESOLUTION NO. 10, 1982, and reads as follows:

**CITY-COUNTY COUNCIL RESOLUTION NO. 10, 1982**

**A COUNCIL RESOLUTION appointing Donald J. Hargadon to the Cable Franchise Board.**

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

**SECTION 1. As a member of the Cable Franchise Board, the Council appoints:**

**DONALD J. HARGADON**

**SECTION 2. The foregoing appointee shall serve for a period of one year ending December 31, 1982, at the pleasure of the Council and until his successor is duly appointed and qualified.**

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

PROPOSAL NOS. 97-98, 1982. Rezoning Ordinances certified from the Metropolitan Development Commission on February 18, 1982. Consent was given. Proposal Nos. 97-98, 1982, were adopted by unanimous voice vote, retitled REZONING ORDINANCE NOS. 19-20, 1982, respectively, and read as follows:

**REZONING ORDINANCE NO. 19, 1982 82-Z-3 CENTER TOWNSHIP  
COUNCILMANIC DISTRICT NO. 9  
1602 WEST 30TH STREET, INDIANAPOLIS**

**Meyer Cohen, by Thomas Michael Quinn, Jr., requests rezoning of 19.70 acres, being in C-S and D-7 districts, to SU-35 classification, to provide for five towers and telecommunications center and production studio for WXLW.**

**REZONING ORDINANCE NO. 20, 1982 82-Z-20 CENTER TOWNSHIP  
COUNCILMANIC DISTRICT NO. 10  
301 EAST 38TH STREET, INDIANAPOLIS**

**Thornton-Haymond Realty Co., and Mental Health Association in Marion County, by Wilson S. Stober, request rezoning of 0.53 acre, being in C-1 district, to SU-7 classification, to provide for a residential facility to assist men who have completed psychiatric care in adjusting to community life.**

**ANNOUNCEMENTS AND ADJOURNMENT**

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 9:45 p.m.

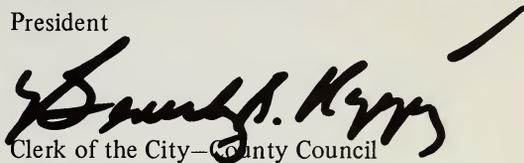
We hereby certify that the above and foregoing is a full, true, and complete record of the proceedings of the City-County Council of Indianapolis, Marion County, Indiana, held at its Regular Meeting on the 1st day of March, 1982.

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

ATTEST:



President



Clerk of the City-County Council

(SEAL)