

ORDINANCE NO. 2798 -C.S.

AN ORDINANCE AMENDING SECTION MAP 21-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(488), PROPERTY LOCATED ON THE WEST SIDE OF COLLIER AVENUE SOUTH OF DAWN DRIVE. (DANO CONSTRUCTION)

The Council of the City of Modesto does ordain as follows:

SECTION 1. ZONING CHANGE. Section 21-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(488):

R-1 to P-D(488)

All that certain real property situate in a portion of the Northwest quarter of Section 21; Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

The East 10.00 feet of Lot 15 and the West 162.60± feet of the North 330.00± feet of Lot 18 shown on that certain map of the Mensinger Colony, according to the official map thereof, filed in the office of the Recorder of Stanislaus County, California, on May 18, 1909, in Volume 4 of Maps, Page 25.

SECTION 2. USES. The following uses shall be permitted in said P-D(488) Zone, if the plan for construction conforms in principle to the approved plan, or if changes are approved by the Secretary of the Planning Commission as required by Section 10-2.1709(c) of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.1709(a) or (b) of the Modesto Municipal Code:

1. A maximum of eight (8) zero lot line, single-family, single-story homes.

SECTION 3. ZONING MAP. Section Map 21-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

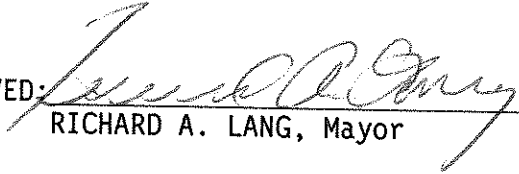
The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of January, 1992, by Councilmember Patterson, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Bird, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: Cogdill, Muratore

ABSENT: Councilmembers: None

APPROVED:


RICHARD A. LANG, Mayor

ATTEST:


By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

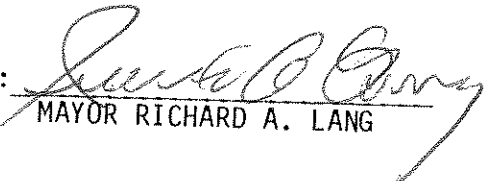
By 
Department of Planning and Community
Development

Ord. No. 2798-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 14th day of January, 19 92, Councilmember Friedman moved its final adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED: 
MAYOR RICHARD A. LANG

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 13, 1992

Clerk

ORDINANCE NO. 2799 -C.S.

AN ORDINANCE AMENDING SECTION MAP 21-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(363), AS AN ADDITION TO P-D(363), PROPERTY LOCATED ON THE WEST SIDE OF NELSON AVENUE SOUTH OF EAST ORANGEBURG AVENUE (TERRY CARSON).

The Council of the City of Modesto does ordain as follows:

SECTION 1. ZONING CHANGE. Section 21-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(363), as an addition to P-D(363):

R-1 TO P-D(363)

All that certain real property situated in a portion of Section 21, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California; being a portion of Lot 3 of Mensinger Colony Tract No. 1 as recorded in Volume 11 of Maps, at Page 2, Stanislaus County Records, more particularly described as follows:

BEGINNING at the Southeast corner of said Lot 3; thence South 89 degrees 52' 00" West, along the South line of said Lot 3, a distance of 330.58 to the Southwest corner of said Lot 3; thence North 1 degree 18' 00" West, along the West line of said Lot 3, a distance of 90.00 feet; thence North 89 degrees 52' 00" East, a distance of 330.66 feet; thence South 1 degree 16' 00" East, along the East line of said Lot 3, a distance of 90.00 feet to the Southeast corner of said Lot 3 and the Point of Beginning of this description.

SECTION 2. USES. The following uses shall be permitted in said P-D(363) Zone, as an addition to P-D(363), if the plan for construction conforms in principle to the approved plan, or if changes are approved by the Secretary of the Planning Commission as required by Section 10-2.1709(c) of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.1709(a) or (b) of the Modesto Municipal Code:

1. Elderly housing project.
2. Off-street parking as shown on the approved plan.

SECTION 3. ZONING MAP. Section Map 21-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of Januar, 1992, by Councilmember Friedman, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: 
RICHARD A. LANG, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

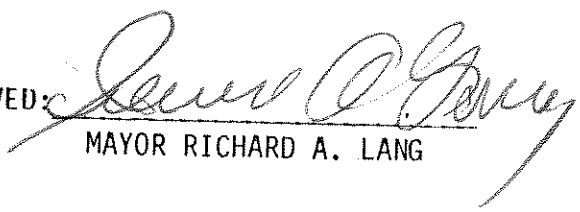
By 
Department of Planning and
Community Development

Ord. No. 2799-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 28th day of January, 1992, Councilmember Friedman moved its final adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the ordinance adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Bird

APPROVED: 
MAYOR RICHARD A. LANG

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 27, 1992

ORDINANCE NO. 2800 -C.S.

AN ORDINANCE AMENDING SECTION 10-2.507 OF ARTICLE 5 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO ANIMALS AND FOWL.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Section 10-2.507 of Article 5 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.507. ANIMALS AND FOWL.

- (a) The keeping of the following animals and fowl is a permitted use:
 - (1) A maximum of two (2) dogs, five (5) months or older, per dwelling unit.
 - (2) A maximum of three (3) cats, three (3) months or older, per dwelling unit.
 - (3) A maximum of twelve (12) other domestic fowl (hens only), rabbits, hares, or other domestic animals customarily considered to be household pets per dwelling unit.
 - (4) A maximum of two (2) pygmy goats, three (3) months or older, per dwelling unit.
 - (5) A maximum of two (2) miniature potbellied pigs, excluding boars, three (3) months or older, per dwelling unit.
- (b) The following animals and fowl are permitted upon securing a conditional use permit from the Board:
 - (1) A maximum of fifty (50) racing homer pigeons maintained in pens or lofts on a lot which contains at least one (1) dwelling unit.
 - (2) A maximum of two (2) exotic pets.
 - (3) Additional numbers of the animals and fowl permitted in (a)(3) above.
- (c) There shall be a minimum of forty (40) feet between the window or door of any building used for human habitation and pens, coops, cages or similar housings where animals and fowl, except household pets, are kept.

Clerk

ORDINANCE NO. 2800 -C.S.

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The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Section 10-2.507 of Article 5 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.507. ANIMALS AND FOWL.

- (a) The keeping of the following animals and fowl is a permitted use:
 - (1) A maximum of two (2) dogs, five (5) months or older, per dwelling unit.
 - (2) A maximum of three (3) cats, three (3) months or older, per dwelling unit.
 - (3) A maximum of twelve (12) other domestic fowl (hens only), rabbits, hares, or other domestic animals customarily considered to be household pets per dwelling unit.
 - (4) A maximum of two (2) pygmy goats, three (3) months or older, per dwelling unit.
 - (5) A maximum of two (2) miniature potbellied pigs, excluding board, three (3) months or order, per dwelling unit.
- (b) The following animals and fowl are permitted upon securing a conditional use permit from the Board:
 - (1) A maximum of fifty (50) racing homer pigeons maintained in pens or lofts on a lot which contains at least one (1) dwelling unit.
 - (2) A maximum of two (2) exotic pets.
 - (3) Additional numbers of the animals and fowl permitted in (a)(3) above.
- (c) There shall be a minimum of forty (40) feet between the window or door of any building used for human habitation and pens, coops, cages or similar housings where animals and fowl, except household pets, are kept.

- (d) There shall be a minimum separation equal to the required side yard between any property line and any pens, coops, cages or similar housings for animals and fowl.
- (e) All animals and fowl shall be kept in conformance with all other laws, ordinances and regulations governing them, including licensing regulations.
- (f) Failure to comply with the provisions of this Section shall be unlawful and punishable as an infraction.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

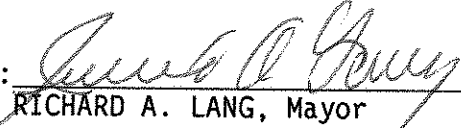
The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of January, 1992, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bird, Cogdill, Friedman, Muratore, Patterson,
Mayor Lang

NOES: Councilmembers: Dobbs

ABSENT: Councilmembers: None

APPROVED:


RICHARD A. LANG, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

Ord. No. 2800-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 28th day of January, 19 92, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

APPROVED:


MAYOR RICHARD LANG

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 27, 1992

Clerk

ORDINANCE NO. 2801 -C.S.

AN ORDINANCE AMENDING SECTIONS 10-2.301, 10-2.302, 10-2.402, 10-2.404, 10-2.414, 10-2.415, 10-2.502, 10-2.603, 10-2.703, 10-2.902, 10-2.1009, 10-2.2107, 10-2.2108, 10-2.2606, AND 10-2.2701 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO ZONING.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Sections 10-2.301, 10-2.302, 10-2.402, 10-2.404, 10-2.414, 10-2.415, 10-2.502, 10-2.603, 10-2.703, 10-2.902, 10-2.1009, 10-2.2107, 10-2.2108, 10-2.2606, and 10-2.2701 of Chapter 2 of Title X of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 10-2.301. NAMES OF ZONES.

In order to classify, regulate, restrict and segregate the uses of land and buildings, to regulate and restrict the height and bulk of buildings, and to regulate the area of yards and other open spaces about buildings, and to regulate the density of housing, the following zones are created:

General Agricultural	A-10
Low Density Residential	R-1
Medium Density Residential	R-2
Medium-High Density Residential	R-3
Professional Office	P-0
Neighborhood Commercial	C-1
General Commercial	C-2
Highway Commercial	C-3
Commercial-Industrial	C-M
Light Industrial	M-1
Heavy Industrial	M-2
Business Park	B-P
Planned Development	P-D
Airport	A-P
Specific Plan	S-P

SEC. 10-2.302. RESTRICTIVENESS.

(a) The order of restrictiveness for zones, from most to least restrictive is: A-10, R-1, R-2, R-3, P-0, C-1, C-2, C-3, C-M, B-P, M-1, M-2.

- (b) The restrictiveness of uses in a P-D zone shall be based on that zone which most closely resembles those uses permitted in the P-D zone.

SEC. 10-2.402. PERMITTED USES.

The following are permitted uses:

- (a) The growing of fruit and nut trees, vines, row crops and horticultural stock, and the maintenance of livestock and other farm animals excluding pig farming, dairies, and feed lots.
- (b) One (1) single family dwelling per lot.
- (c) The provision of lodging and/or boarding to a maximum of three (3) persons by a proprietor who lives on the premises. Lodgers and boarders may use the proprietor's kitchen, but shall not be permitted separate eating, cooking or food storage facilities.
- (d) The operation of a bed and breakfast home, provided that not more than two (2) bedrooms may be used for the lodging of guests and that the property owner shall reside on the premises.
- (e) Adult day care for three (3) or fewer persons in addition to members of the family.
- (f) Twenty-four (24) hour care for six (6) or fewer persons in addition to members of the family. Twenty-four (24) hour care is not permitted where there are two (2) dwellings on a lot except as allowed by a conditional use permit.
- (g) Child day care for twelve (12) or fewer children in addition to members of the family. Only one (1) day care business is permitted per lot.
- (h) Parks owned and operated by a governmental agency.
- (i) A dish-type, satellite antenna, subject to the following conditions:
 - (1) A satellite antenna shall be located at least five (5) feet from the rear lot line and entirely outside of any required front yard and side yard. A satellite antenna shall not be located in the area between a required front yard and the front of a main building on a lot if the satellite antenna will be visible from the front lot line. A satellite antenna shall not be located in the area between a required side-street side yard and a main building on a lot if the satellite antenna will be visible from the side street lot line.

- (2) A satellite antenna shall not exceed thirteen (13) feet in diameter.
- (3) A satellite antenna shall be ground-mounted and shall not exceed a height of fifteen (15) feet at the highest point of the antenna.
- (j) Signs subject to the provisions of the R-1 Zone specified in Article 21.
- (k) Accessory uses and structures customarily incidental to the above permitted uses.

SEC. 10-2.404. CONDITIONAL USES.

The following uses are permitted upon securing a conditional use permit from the Board:

- (a) Church.
- (b) Public buildings or grounds operated by any governmental agency which are not a permitted use.
- (c) Buildings, facilities or grounds operated by a utility company.
- (d) Private recreational grounds and facilities not open to the general public and to which no admission charge is made.
- (e) Storm drainage basins and related facilities.
- (f) Adult day care for four (4) or more persons in addition to members of the family.
- (g) Twenty-four (24) hour care for seven (7) or more persons in addition to members of the family.
- (h) Child day care for thirteen (13) or more children in addition to members of the family.
- (i) The provision of lodging and/or board to four (4) or more persons by a proprietor who lives on the premises. Lodgers and boarders may use the proprietor's kitchen, but shall not be permitted separate eating, cooking or food storage facilities.

SEC. 10-2.414. AREA.

Every lot shall have a minimum area of ten (10) acres except that those lots existing as of date of annexation shall not be deemed nonconforming by virtue of lot size alone.

SEC. 10-2.415. LOT WIDTH.

- (a) Every interior lot shall have a minimum width of fifty (50) feet at the front yard setback line and forty (40) feet at the front lot line.
- (b) Every corner lot shall have a minimum width of sixty (60) feet at the front yard setback line and fifty (50) feet at the front lot line.

SEC. 10-2.502. PERMITTED USES.

The following are permitted uses:

- (a) One (1) single family dwelling per lot.
- (b) Two (2) single family dwellings or a duplex on any corner lot, provided that the driveway serving the off-street parking for one dwelling unit shall have access to one street and the driveway serving the off-street parking for the other dwelling unit shall have access to another street. If the lot has access to an alley, one or both driveways may access to the alley.
- (c) The provision of lodging and/or boarding to a maximum of three (3) persons by a proprietor who lives on the premises. Lodgers and boarders may use the proprietor's kitchen, but shall not be permitted separate eating, cooking or food storage facilities. Lodging or boarding is not permitted where there are two (2) dwellings on a lot.
- (d) The operation of a bed and breakfast home, provided that not more than two (2) bedrooms may be used for the lodging of guests and that the property owner shall reside on the premises.
- (e) Adult day care for three (3) or fewer persons in addition to members of the family if there is only one (1) dwelling unit on the lot.
- (f) Twenty-four (24) hour care for six (6) or fewer persons in addition to members of the family. Twenty-four (24) hour care is not permitted where there are two (2) dwellings on a lot.
- (g) Child day care for twelve (12) or fewer children in addition to members of the family. Only one (1) day care business is permitted per lot.
- (h) Parks owned and operated by a governmental agency.
- (i) The growing of fruit and nut trees, vines, row crops and horticultural stock.

- (j) A dish-type, satellite antenna, subject to the following conditions:
 - (1) A satellite antenna shall be located at least five (5) feet from the rear lot line and entirely outside of any required front yard and side yard. A satellite antenna shall not be located in the area between a required front yard and the front of a main building on a lot if the satellite antenna will be visible from the front lot line. A satellite antenna shall not be located in the area between a required side-street side yard and a main building on a lot if the satellite antenna will be visible from the side street lot line. In the case of a through lot or multiple-frontage lot, a satellite antenna shall not be located so as to be visible from any street.
 - (2) A satellite antenna shall not exceed thirteen (13) feet in diameter.
 - (3) A satellite antenna shall be ground-mounted and shall not exceed a height of fifteen (15) feet at the highest point of the antenna.
- (k) Signs subject to the provisions of Article 21.
- (l) Accessory uses and structures customarily incidental to the above permitted uses.

SEC. 10-2.603. PLOT PLAN USES.

The following uses are permitted upon securing a plot plan approval:

- (a) Any development of five (5) or more dwelling units shall be subject to plot plan approval by the Commission.
- (b) Any development consisting of two (2) or more residential buildings per lot up to and including four (4) dwelling units shall be subject to plot plan approval by the Director.
- (c) Any development of residential uses taking vehicular access to a collector or major street. An additional purpose of the plot plan review is to encourage the combining of driveways among parcels and designing parking spaces and driveways so that vehicles can enter the street in a forward manner.
 - (1) Plot plan approval by the Planning Commission shall occur at the time of consideration of approval of a tentative subdivision or parcel map.

- (2) Plot plan approval by the Director shall occur for any development of up to four (4) dwelling units that are not subject to subdivision or parcel map approval.
- (d) A two-story portion of a residential building located less than forty (40) feet from and adjacent to property zoned R-1 in the City or A-2, R-A or R-1 in the County shall be subject to plot plan approval by the Director for four (4) or fewer dwelling units and by the Commission for five (5) or more dwelling units.
- (e) A dish-type satellite antenna as noted under plot plan uses in the R-1 zone, subject to plot plan approval by the Board.
- (f) Unattended containers placed for the donation of recyclable paper or beverage containers, not exceeding fifty (50) square feet per installation, in conjunction with and on the same site as a church, school, or governmental use shall be subject to plot plan approval by the Board.

SEC. 10-2.703. PLOT PLAN USES.

The following uses are permitted upon securing plot plan approval:

- (a) Any development of five (5) or more dwelling units shall be subject to plot plan approval by the Commission.
- (b) Any development consisting of two (2) or more residential buildings per lot up to and including four (4) dwelling units shall be subject to plot plan approval by the Director.
- (c) Any development of residential uses taking vehicular access to a collector or major street. An additional purpose of the plot plan review is to encourage the combining of driveways among parcels and designing parking spaces and driveways so that vehicles can enter the street in a forward manner.
 - (1) Plot plan approval by the Planning Commission shall occur at the time of consideration of approval of a tentative subdivision or parcel map.
 - (2) Plot plan approval by the Director shall occur for any development of up to four (4) dwelling units that are not subject to subdivision or parcel map approval.
- (d) A two-story portion of a residential building located less than forty (40) feet from and adjacent to property zoned R-1 in the City or A-2, R-A or R-1 in the County shall be subject to plot plan approval by the Director for four (4) or fewer dwelling units and by the Commission for five (5) or more dwelling units.

- (e) A dish-type satellite antenna as noted under plot plan uses in the R-1 zone, subject to plot plan approval by the Board.
- (f) Unattended containers placed for the donation of recyclable paper or beverage containers, not exceeding fifty (50) square feet per installation, in conjunction with and on the same site as a church, school, or governmental use shall be subject to plot plan approval by the Board.

SEC. 10-2.902. PERMITTED USES.

The following are permitted uses:

- (a) Signs subject to the provisions of Article 21.
- (b) For residential uses, a dish-type, satellite antenna, subject to the following conditions:
 - (1) A satellite antenna shall be located at least five (5) feet from the rear lot line and entirely outside of any required front yard and side yard. A satellite antenna shall not be located in the area between a required front yard and the front of a main building on a lot if the satellite antenna will be visible from the front lot line.
 - (2) A satellite antenna shall not exceed thirteen (13) feet in diameter.
 - (3) A satellite antenna shall be ground-mounted and shall not exceed a height of fifteen (15) feet at the highest point of the antenna.
- (c) For nonresidential uses, dish-type satellite antennas not to exceed thirteen (13) feet in diameter and which are either [one of the following]:
 - (1) Ground-mounted so as not to exceed fifteen (15) feet at the highest point of the antenna, and located to the rear of the building excepting the ten (10) feet of any rear setback area that may exist adjacent to the rear property line, or
 - (2) Mounted so that it is more than fifteen (15) feet, but not more than thirty-five (35) feet at its highest point, located so as to have a rear-of-building orientation as approved by the Director.
 - (3) Mounted exceeding thirty-five (35) feet in height at its highest point, located on a roof in a manner that does not allow the antenna to be readily visible from the edge of

the property or building site on which it is located, as approved by the Director.

SEC. 10-2.1009. OUTDOOR DISPLAY, SALES AND PROMOTIONS.

- (a) All merchandise or displays and all storage or sales areas shall be within a completely enclosed building or structure, except that the following may be conducted outdoors:
- (1) Newspaper vending.
 - (2) Plant and floral display.
 - (3) Plant sales, plant nursery.
 - (4) Restaurant outdoor dining area.
 - (5) Vehicular fuel sales.
 - (6) Vending machines.
 - (7) Outdoor displays authorized by the City Council such as the certified farmers market or sidewalk sales as specified below.
 - (8) Other outdoor sales, displays or promotions which are permitted by the zone and for which a conditional use permit has been obtained.
 - (9) Small recycling collection facility.
- (b) The display or sale of goods, merchandise or services which are customary indoor uses shall be allowed outdoors, limited to three (3) times in number during any calendar year for each business, subject to these conditions:
- (1) All sales shall be conducted by a business located on the property.
 - (2) All merchandise or services displayed outdoors shall be of the same types ordinarily sold indoors at the business conducting the sale.
 - (3) Each display or sale shall be limited to a maximum of three (3) consecutive days.
 - (4) No display shall encroach on a public right-of-way.
 - (5) Each display or sale shall be subject to the sign regulations of this chapter.

- (6) Prior to any display or sale, a permit for such shall be obtained from the Director.
- (c) Outdoor promotions or events are permitted by a licensed business, merchant association, school, charitable or not-for-profit organization. Promotions or events shall not promote or display the goods or services of any business on the premises and shall be subject to all other limitations in the Modesto Municipal Code, including those governing carnivals, circuses, dances and outdoor sound equipment and noise. Examples of such promotions or events are carnivals, circuses, animal rides, car shows, sporting events, and other exhibitions.
- (d) Outdoor fund-raising sales by school, charitable or not-for-profit organizations are permitted if the sale is carried on wholly by the organization and it will derive, both directly and indirectly, any and all profits to be derived from the sale. Such sales are not permitted solely by reason of sponsorship by a school, charitable or not-for-profit organization.
- (e) Outdoor display or sale of goods or services by itinerant vendors as defined by the Modesto Municipal Code is prohibited.
- (f) Use of an inflatable device for a promotion or event shall be limited to three (3) times in number during any twelve-month period for each business, and to a single inflatable device per promotion or event.
- (g) Outdoor display or sale of any item of personal property on vacant or unimproved land is prohibited. This prohibition shall not apply to sales of fireworks, Christmas trees, pumpkins, or other seasonal items as permitted under this Article.
- (h) It shall be unlawful and punishable as an infraction for any person to display, sell, or promote for sale any item in violation of the provisions of this Section.

SEC. 10-2.2107. NONCONFORMING SIGNS: DEFINITIONS, REMOVAL, ALTERATION OR REPLACEMENT.

- (a) For the purpose of this article, a "nonconforming sign" is a sign which does not conform with the provisions of this article, but which:
- (1) Was lawfully in existence and in use within the City on March 1, 1977, including signs erected pursuant to use permits and to variances granted by the City prior to March 1, 1977;

- (2) Was lawfully in existence and in use on property outside of the City on the date upon which the annexation of such property to the City was completed, including signs erected pursuant to use permits and variances granted by the County of Stanislaus;
 - (3) Was lawfully in existence and in use within the City on the effective date of an amendment of the zoning map of the City of Modesto for the property on which the sign is located; or
 - (4) Was lawfully in existence and in use within the City on the effective date of any future amendment of this article, which amendment makes such signs nonconforming.
- (b) A nonconforming sign shall not be replaced, altered, reconstructed, relocated or expanded in any manner unless it is made to conform with all the provisions of this article. However, other nonconforming signs on the same property need not be made to conform as a result.
- (1) Change in copy shall be permitted if no structural changes in the sign are necessary except that no change in copy shall be permitted for nonconforming painted wall signs.
 - (2) Ordinary maintenance and minor repairs which will not increase the normal life of the sign and which are required for safety purposes shall be permitted. Structural alterations to a nonconforming sign are prohibited.
 - (3) If the use identified by a nonconforming sign is discontinued, the sign shall be removed within thirty (30) days unless within that period of time it is made to conform to the provisions of this article. If such sign is not made to conform, it shall thereafter be unlawful. "Discontinue" in this subsection shall mean cessation of operation or change of use. "Discontinue" shall not mean an ownership change or a name change as long as there is no cessation of operation and the use is not changed.
- (c) Each nonconforming sign shall be removed or made to conform to the provisions of this article at the sole cost of the owner thereof, not later than the expiration of the period of time applicable to a particular sign as set forth in this article or as set forth in the following table, whichever is the shorter period of time:

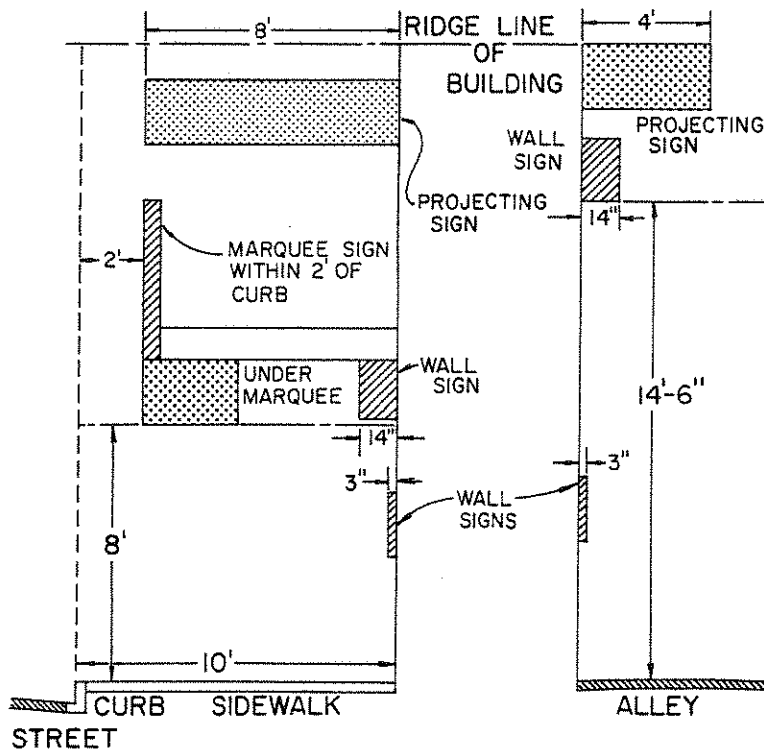
<u>Description of Sign</u>	<u>Abatement Schedule</u>
(1) Temporary signs annexed to the City.	Three (3) calendar months from date of annexation to the City of Modesto.
(2) Rotating, moving, flashing changing or blinking portions of signs:	
(aa) Time and temperature signs.	Excepted, no abatement necessary if sign otherwise conforms.
(ab) Conventional clock.	Excepted, no abatement necessary if sign otherwise conforms.
(ac) Rotating signs, the stopping of the rotating portion of which would substantially destroy the utility of the sign, that are annexed to the City.	Three (3) years from annexation to the City of Modesto.
(ad) All others annexed to the City.	Three (3) calendar months from date of annexation to the City of Modesto.
(3) All other signs which do not conform with the provisions of this article:	
(aa) Nonconforming as a result of City-initiated rezoning of property within the City or Sign Code Amendment.	Ten (10) years from the effective date of the City-initiated rezoning or Sign Code Amendment.
(ab) Annexed to the City.	Three (3) years from date of annexation to the City of Modesto.
(4) Variance provision for signs made nonconforming by annexations.	The Board may by a variance grant up to seven (7) years additional time, to the three (3) years allowed from the date such a sign is made nonconforming by annexation.

- (5) Motor fuel price signs per Section 10-2.2110(a)(15). As allowed by State law.
- (6) All signs on nonconforming uses or nonconforming buildings shall conform to the sign regulations of the most restrictive zone in which the nonconforming use or nonconforming building would first be permitted:
 - (aa) Signs conforming. When the nonconforming use or nonconforming building is terminated.
 - (ab) Signs not conforming. As permitted by Section 10-2.2107(3) above.

SEC. 10-2.2108. GENERAL REQUIREMENTS.

- (a) Height Limitation. The maximum height of any sign shall be as stated herein, but in no case shall a sign exceed thirty-five (35) feet in height, except for freestanding signs along Freeway 99 permitted by Section 10-2.2110(a)(3)(ab) and Section 10-2.2110(b)(3)(ab) and wall signs permitted by Section 10-2.2110(a)(4)(ac).
- (b) Rotating, Moving, Flashing, Changing or Blinking Signs. No sign shall have or consist of any moving, rotating or otherwise animated part or any flashing, blinking, fluctuating or otherwise animated light. The provisions of this subsection shall not be applied so as to prohibit the following types of signs:
 - (1) A conventional clock face.
 - (2) A sign showing digital time with changes in time not more often than once a minute.
 - (3) A sign showing digital temperature with changes in temperature only when there is a rise or fall of one (1) degree or more. Changes from Fahrenheit readings to Centigrade readings shall occur not more frequently than five (5)-second intervals.
 - (4) A sign showing time and temperature subject to changes not more frequently than at five (5)-second intervals.

- (5) An on-premises barber pole of a length not to exceed thirty (30) inches of traditional design which shall be permitted to revolve during the time that a barbershop is open for business. Said sign shall not exceed ten (10) feet in height.
- (c) Projections. All signs, if otherwise authorized, are permitted to project into required front, side and rear yards. The permitted projection of an authorized sign into any street or alley right-of-way is as follows:
- (1) Freestanding sign: No projection.
 - (2) Wall sign: Up to fourteen (14) inches in thickness.
 - (3) Marquee sign: Not closer than two (2) feet from the face of the curb.
 - (4) Projecting sign: Up to eight (8) feet into any street right-of-way and up to four (4) feet into any alley right-of-way, but not closer than two (2) feet from the face of the curb.
 - (5) Bus bench sign: Entirely within street right-of-way.



**PROJECTION OF SIGNS INTO STREET
AND ALLEY RIGHT-OF-WAY**

- (d) Vertical Clearance. No sign shall be less than eight (8) feet above a public or private sidewalk or fourteen and one-half (14.5) feet above ground level in areas open to vehicular traffic except wall signs not exceeding three (3) inches in thickness.
- (e) Obstructions to Doors, Windows or Fire Escapes. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window, fire escape or exit way.
- (f) Construction Standards. All signs, including all parts, portions, units and material comprising the same, together with the frames, backgrounds, supports and anchorage therefor shall be manufactured, fabricated, assembled, constructed and erected in accordance with applicable Building, Electrical and Fire Prevention Codes of the City of Modesto.
- (g) Illuminated Signs. Any illuminated sign or lighting device shall employ only lights emitting a light of constant intensity; and no sign shall be illuminated by or contain flashing intermittent, rotating or moving light or lights. In no event shall an illuminated sign or lighting device be so placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public street, highway, sidewalk or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.
- (h) Signs Not to Constitute Vehicular Traffic Hazard. No sign, as regulated in this article, shall be erected at the intersection of any street, or at any railroad grade crossing, or at any driveway in such a manner as to obstruct free and clear vision of operators of motor vehicles, or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device; or which makes use of the words "STOP", "DANGER", or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse motorists.
- (i) Sign Company Identification. It shall be unlawful for any person to change copy on or to erect, alter, or relocate any sign without printing or causing to be printed in the lower right-hand corner of the sign in clearly legible letters the name of the person, firm or company doing such work, the date of such work, and the City of Modesto building permit number. Said information shall not exceed sixteen (16) square inches in area. If said information is not printed in the lower right-hand corner of a sign, the Chief Building Official may remove the sign pursuant to the provisions of Section 10-2.2103(k) of this article.

- (j) Temporary Signs. It shall be unlawful for any person to erect, install or maintain any temporary sign.
- (k) Bench Signs. It shall be unlawful for any person to erect, install or maintain any bench sign, except on public property pursuant to a franchise granted by the City of Modesto.
- (l) Wall Signs, Additional Standards. No wall sign shall exceed fourteen (14) inches in thickness; no display or messages shall be permitted on the edges of wall signs except the sign company's identification as required by paragraph (i) of this section.
- (m) Ridgeline Limitation. A wall, canopy, marquee or projecting sign shall not project above the ridgeline of the building on which the sign is mounted. Where the ridgeline as defined in Section 10-2.2102(w) varies in height, such sign shall not project or be mounted above a ridgeline where it is placed nor above the height representing a minimum of 75% of the ridgeline of the building.
- (n) Building Outlining. Outlining of a building or its roof by means of permanent lighting by exposed neon tubing, exposed incandescent lighting or other artificial lighting, or an equivalent effect, is prohibited. "Outlining" means delineation, with a row or band of lights, of the edges of a roof or wall surface. This provision does not prohibit floodlighting or generally illuminating buildings and their roofs nor temporary Christmas displays.
- (o) No Signs on Street Trees, Utility Poles or Structure in Street Right-of-Way. No signs will be attached to any city street tree, or any poles such as utility poles, street signals, street lights, street name signs, or traffic warning signs, or on any bus shelter.
- (p) It shall be unlawful and punishable as an infraction for any person to place or cause to be placed any sign not in conformity with this Section.

SEC. 10-2.2606. HEARING PROCEDURE.

- (a) Upon the filing of a complete application for a zone boundary change, upon adoption of a resolution by the Council or Commission, or at his own initiation, the Secretary shall set a public hearing date. The date shall be not less than ten (10) or more than fifty (50) days after the filing date or date of initiation.

- (b) A public notice of the hearing shall be prepared which at a minimum identifies the hearing body, describes the location of the property (if applicable), nature of the proposed change, and the date, the time and place of the hearing. The notice shall be distributed as follows:
- (1) For amendments other than zone boundary changes, the notice shall appear in the official newspaper of the City at least once not less than ten (10) days prior to the hearing.
 - (2) For zone boundary changes the notice shall be mailed to the owner or authorized agent of the property owner and project applicant and every property owner as shown on the updated equalized assessment role of the County of Stanislaus, who owns property, any part of which is within three hundred (300) feet of the property involved. Notice shall be mailed to the elementary and high school districts serving the area. The notice shall be deposited in the United States mail not less than ten (10) days prior to the hearing. If the number of owners to whom notice would be mailed or delivered pursuant to this paragraph is greater than 1,000, the Director or City Clerk, in lieu of mailed or delivered notice, may provide notice by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the City at least 10 days prior to the hearing.
 - (3) Additional means of distribution may be used at the discretion of the Secretary or City Clerk. Additional means of distribution may include mailing of notices not otherwise required or posting notices in the immediate area of the property.
- (c) No more than twenty (20) days after the close of the public hearing the Commission shall announce its findings and recommendations or decisions by resolution. The resolution shall state the reasons why the Commission's decision was necessary to carry out the purpose of this Chapter as well as any conditions of approval. A copy of the resolution shall be mailed to the applicant.
- (d) A Commission resolution denying an amendment shall be final and effective fifteen (15) days after date of adoption unless the decision is appealed to the Council within the fifteen (15) day period. Filing of an appeal shall stay the effective date of the Commission's decision until the Council has acted upon the appeal.

- (e) Upon receipt of a resolution recommending approval of an amendment, or upon the filing of a written appeal, including receipt of a filing fee, the City Clerk shall set a public hearing date. The date shall be not less than ten (10) or more than fifty (50) days after receipt of the resolution or written appeal.
- (f) Prior to the Council hearing, the Secretary shall send to the Council a copy of the Commission's record of the case.
- (g) A public notice of the Council meeting shall be prepared and distributed as required above for the Commission hearing.
- (h) No more than twenty (20) days after the closing of the Council hearing, the Council shall announce its findings and decision by resolution. The resolution shall state the reasons why the decision was necessary to carry out the purpose of this Chapter as well as any conditions of approval. A copy of the resolution shall be mailed to the applicant. The action of the Council shall be final.

SEC. 10-2.2701. PURPOSE AND INTENT.

Where provisions of this Chapter require plot plan approval by the Board, Commission, or Director, the requirements and procedures of this Article shall apply.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

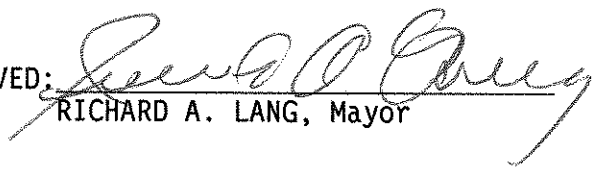
The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of January, 1992, by Councilmember Patterson, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:


RICHARD A. LANG, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

Ord. No. 2801-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 28th day of January, 1992, Councilmember Friedman moved its final adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore,
Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Bird

APPROVED: 

MAYOR RICHARD A. LANG

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 27, 1992

ORDINANCE NO. 2802 -C.S.

AN ORDINANCE AMENDING SECTIONS 4-4.404 AND 4-4.502 OF CHAPTER 4 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO THE APPEAL PERIOD FOR TENTATIVE MAPS.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Sections 4-4.404 and 4-4.502 of Chapter 4 of Title IV of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 4-4.404. ACTION ON TENTATIVE MAP.

- (a) Action by Planning Commission. The Planning Commission shall review the tentative map to determine whether it is in conformity with the provisions of law and of this chapter and upon that basis, within fifty (50) days after the filing of the tentative map, adopt a resolution approving, conditionally approving or disapproving the tentative map. The Planning Commission is authorized to report its action directly to the subdivider and shall also transmit to the City Engineer a copy of the tentative map and a copy of the resolution setting forth the action of the Planning Commission.
- (b) Consistency With General Plan. A tentative map shall not be approved or conditionally approved by the Planning Commission unless the Planning Commission finds that the proposed subdivision, together with the provisions for its design and improvements, is consistent with the General Plan and applicable specific plans of the City.
- (c) Discharge of Waste. In connection with their review of a tentative map, the Planning Commission shall determine whether the discharge of waste from the proposed subdivision into the existing sewer system would result in violation of existing requirements prescribed by the California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code of the State of California. In the event that the Planning Commission finds that the proposed waste discharge would result in or add to violation of requirements of such board, it may disapprove the tentative subdivision map.
- (d) Limitations on Approval. A tentative map shall not be approved or conditionally approved by the Planning Commission if it makes any of the following findings:

- (1) That the proposed map is not consistent with applicable general and specific plans.
 - (2) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
 - (3) That the site is not physically suitable for the type of development.
 - (4) That the site is not physically suitable for the proposed density of development.
 - (5) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
 - (6) That the design of the subdivision or the type of improvements is likely to cause serious public health problems.
 - (7) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the Planning Commission may approve a map if it finds that alternate easements, for access or for use, will be provided and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction.
- (e) Reports and Recommendations. Any reports or recommendations on the map or maps of any subdivision submitted to the Planning Commission or City Council shall be submitted in writing to the subdivider at least three (3) days prior to any hearing or action on the map or maps by the Planning Commission or City Council. Such required submission in writing shall be deemed complied with when such reports or recommendations are placed in the mail, bearing proper postage, and directed to the subdivider at his address shown on the map.
- (f) Appeal. If the subdivider or any interested person is dissatisfied with any action of the Planning Commission with respect to the tentative map, or the kinds, nature and extent of the improvements required by the Planning Commission, he may, within fifteen (15) days after such action is taken by the Planning Commission, appeal in writing to the City Council for

a public hearing thereon. The City Council shall hear the appeal, upon notice being given in accordance with the provisions of Section 66451.3 of the Government Code and to the appellant and the Planning Commission, within thirty (30) days after the date of filing the appeal, unless the appellant consents to a continuance. At the time fixed for the hearing the City Council shall proceed to hear the testimony of the appellant or any witnesses in his behalf. It may also hear the testimony of other competent persons respecting the character of the neighborhood in which the subdivision is to be located; the kinds, nature and extent of improvements; or the quality or kinds of development to which the area is best adapted; and any other phase of the matter with respect to which it may desire to inquire into. Upon conclusion of the hearing the City Council shall, within ten (10) days, declare its findings based upon the testimony and documents produced before it. It may sustain, modify, reject or overrule any recommendations or rulings of the Planning Commission and may make such findings as are not inconsistent with the provisions of this chapter and the Subdivision Map Act.

- (g) Presence of Subdivider. The subdivider or his representative should be present at the time set for the consideration of the tentative map.
- (h) Extension of Time Limits. The time limits for acting and reporting on tentative maps as specified in this section may be extended by mutual consent of the subdivider and the Planning Commission or City Council as the case may be.
- (i) Information To Be Furnished to City Engineer. When the approval or conditioned approval of the tentative map of any subdivision has become final, the subdivider shall furnish the following information to the City Engineer and shall receive his authorization prior to construction of any of the improvements or preparation of the final map:
 - (1) Typical cross sections and proposed final finished grades of all roads, streets and highways in the proposed new subdivision, together with a profile showing the relation between finished grade and existing ground elevations.
 - (2) Proposed lengths, size and type of any pipes, culverts or structures necessary for drainage, erosion control or the public safety with plans and specifications therefor.
 - (3) Any information required by the conditional approval of the Planning Commission or City Council.
 - (4) Elevations shall be referenced to the Modesto City Datum.

SEC. 4-4.502. TENTATIVE PARCEL MAPS

- (a) Filing and Departmental Approval. The legal owner of record, or his authorized representative, desiring the reparceling of any lot or lots or parcels of land under the provisions of this article shall file fifteen (15) copies of a tentative parcel map with the Planning Commission at least thirty-five (35) days prior to the meeting of the Commission at which consideration is desired. The representative of the Planning Commission authorized to receive such maps shall examine any such map upon presentation and shall not accept such map unless the same is in full compliance with this article as to form, the data, information and other matters required to be shown thereon. The tentative map shall not be considered as filed until stamped, signed and dated by said representative. The representative of the Planning Commission shall distribute copies of the tentative parcel map to affected City departments, local utility companies serving the property, and such other individuals or agencies as is deemed advisable. The department, utility company, individual or agency receiving a copy of the tentative parcel map may respond regarding any concerns or requirements within fifteen (15) days from the date the map was mailed. If a reply is not received within said fifteen (15) day period it shall be assumed that the tentative parcel map conforms with the requirements of the particular department, utility company, individual or agency.
- (b) Form of Maps. Tentative parcel maps shall be eighteen (18") inches by twenty-six (26") inches in size. Maps shall be to a scale of one inch equals one hundred (100') feet for large areas, or to a scale of one inch equals fifty (50') feet for small areas where practical. Every tentative parcel map shall be clearly and legibly reproduced and shall contain the following information:
- (1) Date, north point, scale and sufficient description to define the location and boundaries of the proposed reparceling.
 - (2) Name and address of record owner or owners.
 - (3) Name and address of the subdivider, if other than owner.
 - (4) Name and business address of the person who prepared the map, if other than owner.
 - (5) Locations, names and existing width of all adjoining and contiguous highways, streets and ways.

- (6) Locations and size of all pipe lines and structures used in connection therewith.
 - (7) Location and character of all existing public utilities.
 - (8) Location and character of all existing and proposed street improvements.
 - (9) The widths, locations and purpose of all existing and amended easements.
 - (10) Method of serving individual parcels to be created with utilities.
 - (11) Lot layout, dimensions of each lot, and lot designations.
 - (12) The outline of any existing buildings to remain in place and their locations in relation to existing or proposed street and lot lines.
- (c) Consistency with General Plan. A tentative parcel map shall not be approved or conditionally approved by the Planning Commission unless the Planning Commission finds that the proposed parcel map, together with the provisions for its design and improvements, is consistent with the General Plan and applicable specific plans of the City.
- (d) Requirements for Approval. If the tentative parcel map complies with all of the requirements of this article and the Subdivision Map Act, the Planning Commission may approve the division, subject to the dedication of necessary right-of-way for streets and easements, the installation of all improvements along the frontages of the property so divided, as required by the Commission, and the installation of all necessary utilities and connections to each lot. All lot sizes shall conform to the provisions of the zoning regulations of the City of Modesto.
- (e) Limitations on Approval. A tentative parcel map shall not be approved or conditionally approved by the Planning Commission if it makes any of the following findings:
- (1) That the proposed map is not consistent with applicable general and specific plans.
 - (2) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
 - (3) That the site is not physically suitable for the type of development.

- (4) That the site is not physically suitable for the proposed density of development.
 - (5) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
 - (6) That the design of the subdivision or the type of improvements is likely to cause serious public health problems.
 - (7) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large for access through or use of, property within the proposed subdivision. In this connection, the Planning Commission may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easement of record or to easements established by judgment of a court of competent jurisdiction.
- (f) Improvements. If the Planning Commission approves the tentative parcel map it may require the construction of reasonable offsite and onsite improvements for the parcels being created. Requirements for the construction of such offsite or onsite improvements shall be noticed by certificate on the parcel map, on the instrument evidencing the waiver of such parcel map, or by separate instrument and shall be recorded on, concurrently with, or prior to the parcel map or instrument of waiver of a parcel map being filed for record. The construction of such improvements shall be required prior to the subsequent issuance of a permit or other grant of approval for the development of such parcel. The Planning Commission may require the fulfillment of such improvement requirements within a reasonable time following approval of the parcel map and prior to the issuance of a permit or other grant of approval for the development of a parcel upon a finding by the Planning Commission that fulfillment of the improvement requirement is necessary for reasons of:
- (1) The public health and safety; or
 - (2) The required construction is a necessary prerequisite to the orderly development of the surrounding area.

If the improvements are required within such a time period, the Planning Commission may require an improvement security to be

posted in one of the forms set forth in subsection (b) of Section 4-4.605.

- (g) Requirement for Street Trees. As a condition of approval for parcel maps it is the policy of the City of Modesto to require street trees to be planted and maintained along the street frontages of the affected properties. In order to insure that such street trees conform to the City of Modesto Street Tree Plan, and that they are properly planted and maintained whenever street trees are required as a condition of approval of a parcel map, the applicant shall pay to the City of Modesto a sum for each street tree required. Such sum shall be established by resolution of the City Council adopted from time to time. Such sum shall be paid at the time of filing the parcel map. Upon the payment of such sum the City shall be responsible for planting and maintaining such street trees.
- (h) Drainage Facilities. Whenever the city, by ordinance, has adopted a drainage plan for a particular drainage area, pursuant to Section 66483 of the Government Code of the State of California, each subdivider filing a parcel map for the division of land, any part of which is located within the boundaries of such a drainage area and the tentative map of which is filed after the effective date of the addition of this subsection, shall pay to the City at the time of the filing of the parcel map, as a condition of approval thereof, such fees as may be required by said ordinance. The Council may, by resolutions or agreements adopted or entered into from time to time, establish conditions under which such fees may be spread over a period of time.
- (i) Appeal. If the property owner or any interested person is dissatisfied with any action of the Planning Commission with respect to the tentative parcel map, or the kinds, nature and extent of the improvements required by the Planning Commission, he may, within fifteen (15) days after such action is taken by the Planning Commission, appeal in writing to the City Council for a public hearing thereon. The City Council shall hear the appeal, upon notice being given in accordance with the provisions of Section 66451.3 of the Government Code and to the appellant and the Planning Commission, within thirty (30) days after the date of filing the appeal, unless the appellant consents to a continuance. At the time fixed for the hearing the City Council shall proceed to hear the testimony of the appellant or any witnesses in his behalf. It may also hear the testimony of other competent persons relative to the character of the neighborhood in which the parcel is located; the kinds, nature and extent of improvements; or the quality or kinds of development to which the area is best adapted; and any other phase of the matter which it may desire to inquire into. Upon

conclusion of the hearing the City Council shall, within ten (10) days, declare its findings based upon the testimony and documents produced before it. It may sustain, modify, reject or overrule any recommendations or rulings of the Planning Commission and may make such findings as are not inconsistent with the provisions of this chapter and the Subdivision Map Act.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

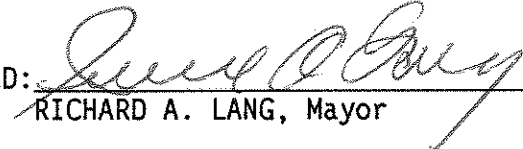
SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of January, 1992, by Councilmember Patterson, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Firedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None


APPROVED: 
RICHARD A. LANG, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

Ord. No. 2802-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 28th day of January, 19 92, Councilmember Friedman moved its final adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

APPROVED: 
MAYOR RICHARD A. LANG

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 27, 1992

ORDINANCE NO. 2803 -C.S.

AN ORDINANCE AMENDING SECTIONS 3-10.06, 3-10.11, 3-10.22, AND 3-10.24 OF CHAPTER 10 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO TOWING SERVICES.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Sections 3-10.06, 3-10.11, 3-10.22, and 3-10.24 of Chapter 10 of Title III of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 3-10.06. ROTATION LIST.

Within sixty (60) days after the effective date of this chapter, the Police Chief shall establish and thereafter maintain a rotation list of towing service operators, which shall include at least four (4) operators. Such rotation list shall be compiled by the Police Chief and consist of the towing service operators that meet the requirements of this chapter and who make application to be included on said list.

Prior to placement on the rotation tow list, each operator of a towing service shall sign the Modesto Police Department Towing Service Agreement and in so doing agrees to comply with the rules and regulations set forth in said agreement and all the provisions of this chapter.

SEC. 3-10.11. MINIMUM EQUIPMENT AND SAFETY STANDARDS, CERTIFICATION AND COMPLIANCE.

Each and every tow vehicle to be used by an operator on the rotation list shall be certified through the standard Department of California Highway Patrol tow truck inspection process. A true and correct copy of the completed Department of California Highway Patrol Tow Truck Inspection Guide or other instrument, certified by the inspecting agent, shall be deemed evidence of certification.

A tow service operator shall, at the time of initial application for participation on the Rotation Tow List, produce evidence of current certification by the Department of the California Highway Patrol as to each and every tow vehicle to be in service. Each and every tow vehicle must be recertified on at least an annual basis beginning with the date of first becoming eligible to participate on the Rotation Tow List. A tow service vehicle shall be disqualified from the Rotation Tow List at any time it fails to have a current certification.

SEC. 3-10.22. SUSPENSION OR REVOCATION OF TOWING SERVICE PERMIT.

The Police Chief may remove any towing service from the rotation list on any one (1) or more of the following grounds:

- (a) That the towing service operator fails to meet the requirements for the approval of an application by a towing service operator, as set forth in Sections 3-10.06 and 3-10.10 of this chapter;
- (b) That the operator has failed to operate the towing service in accordance with the provisions and requirements of this chapter;
- (c) That the operator has ceased to operate the towing service for a period of ten (10) consecutive days without having obtained permission for cessation of such operation from the Police Chief;
- (d) That any of the operator's insurance required by this chapter has been canceled, not renewed or been materially changed in coverage, terms or conditions;
- (e) That the operator has failed to respond to a towing service request made by the police pursuant to the provisions of this chapter;
- (f) When the towing service has been sold to a new owner; and
- (g) When the Police Chief receives one (1) or more complaints against the towing service operator and/or an employee thereof which have been investigated by the Police Chief and found to be justified concerning the services rendered to the Police Department, the City of Modesto, or a member of the public. In considering whether to remove any towing service from the rotation list on either a permanent or temporary basis pursuant to this subsection, the Police Chief shall consider the following factors:
 - (1) The nature of the activity or conduct upon which the complaint is based;
 - (2) The extent to which the activity or conduct upon which the complaint is based had an adverse effect on public safety;
 - (3) The existence, on behalf of the towing service operator and/or an employee thereof, of any mitigating factors.

Written notice of the reasons for removal of an operator's service from the rotation list shall be given seventy-two (72) hours prior to actual suspension or revocation, except, however, when it is

determined by the Police Chief that the violation constituting grounds for suspension or revocation endangers public safety and in such case suspension or revocation shall be effective upon notice.

SEC. 3-10.24. SCHEDULE OF FEES AND CHARGES.

The maximum fees and charges which may be charged by towing service operators for service rendered pursuant to this chapter shall be established by resolutions of the City Council adopted from time to time. Such rates and charges shall be established after a review of rates and charges used in comparable communities and operating data supplied by towing service operators on the rotation list established pursuant to this chapter. Said rates and charges shall provide for extra fees in case of unusual circumstances. Towing service operators on the rotation list established pursuant to this chapter may periodically, but not more frequently than annually, request such schedule of rates and charges be reviewed for possible adjustment.

No rates, charges or other fees shall be charged for towing services provided pursuant to this chapter other than those authorized by the schedule of rates and charges established pursuant to this section. Each towing service operator shall keep full and complete records of all such fees and charges charged for towing service provided pursuant to the provisions of this chapter.

Each tow service operator, subject to the regulations of this chapter, shall post in its entirety, the then current schedule of fees and charges as authorized by the City Council. Said posted schedule shall be clearly visible, and in a location conspicuous to all persons entering the premises. Said schedule shall contain, but may not be limited to the categories and applicable charges which shall be printed in letters no less than one (1) inch in height and the descriptions in letters no less than one-half (½) inch in height on a contrasting background.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto,

setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of February, 1992, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:

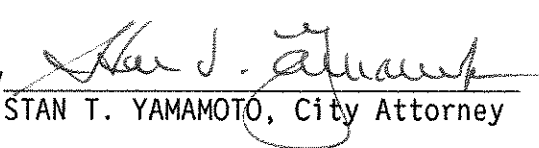

RICHARD A. LANG, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

Ord. No. 2803-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 18th day of February, 19 92, Councilmember Bird moved its final adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED: 
MAYOR RICHARD A. LANG

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: March 19, 1992

ORDINANCE NO. 2804 -C.S.

AN ORDINANCE AMENDING SECTION 9-1.16 OF CHAPTER 1 OF TITLE IX OF THE MODESTO MUNICIPAL CODE TO ADD A DISABLED ACCESS APPEALS BOARD, AND ADDING SECTION 9-1.17 TO CHAPTER 1 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO THE BUILDING CODE.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Section 9-1.16 of Chapter 1 of Title IX of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 9-1.16. DISABLED ACCESS APPEALS BOARD.

- (a) In order to hear appeals to actions taken by the City and to provide reasonable interpretations of the California Access Laws, there is hereby created a Disabled Access Appeals Board, hereinafter referred to as the Board, consisting of five (5) members. Two (2) of the members are to be physically handicapped, two (2) members to be experienced in construction, and one (1) member a public member. The Building Official shall act as Secretary of the Board. The members of the Board shall be appointed and hold office in accordance with the provisions of Article XI of the Charter of the City of Modesto.
- (b) The Board shall adopt reasonable rules and regulations for conducting its business and shall render all decisions and findings in writing to the Building Official with a duplicate copy to the appellant and may recommend to the Council of the City of Modesto such new legislation as is consistent therewith.
- (c) The Board shall hear appeals in accordance with the procedures set forth herein.
- (d) As soon as practicable after receiving a written appeal, the Building Official shall fix a date, time and place for the hearing of the appeal by the Board. Such date shall not be less than ten (10) days nor more than forty-five (45) days from the date the appeal was filed with the Building Official. Written notice of the time and place of the hearing shall be given at least ten (10) days prior to the date of the hearing to the appellant(s) by the Building Official either causing a copy of such notice to be delivered to the appellant(s) personally or by mailing a copy thereof, postage prepaid, addressed to the appellant(s) at the address(es) shown on the appeal.

- (e) The decision of the Board in granting or denying an appeal shall become final and effective fifteen (15) days after the date of adoption of the decision, unless within such fifteen (15) day period an appeal is filed by the appellant(s) in writing with the City Council. The filing of such appeal within such time limit shall stay the effective date of the decision of the Board until such time as the Council has acted on the appeal.

Upon receipt of a written appeal filed with the Council as provided herein, the Secretary of the Board shall thereupon transmit to the Council the Board's complete record of the case.

Within not to exceed forty (40) days following the receipt of the written appeal, the Council shall hold a hearing thereon. Written notice of the time and place of the hearing shall be given at least ten (10) days prior to the date of the hearing to the appellant(s) by the City Clerk either by causing a copy of such notice to be delivered to the appellant(s) personally or by mailing a copy thereof, postage prepaid, addressed to the appellant(s) at the address(es) shown on the appeal.

The Council shall announce its findings and decision by formal resolution not more than forty (40) days following the hearings, and said resolution shall recite, among other things, the facts and reasons which, in the opinion of the City Council, support its grant, or denial or modification subject to such conditions or limitations that it may impose.

The action by the Council on such matters shall be by majority vote of the entire Council and shall be final and conclusive.

Not later than ten (10) days following the adoption of a resolution ordering that an appeal be granted or denied, a copy of such resolution shall be mailed to the appellant(s) and one (1) shall be attached to the Board's file of the case and said file returned to the Secretary of the Board for permanent filing.

SECTION 2. AMENDMENT OF CODE. Section 9-1.17 is hereby added to Chapter 1 of Title IX of the Modesto Municipal Code to read as follows:

SEC. 9-1.17. SECTIONS TO BE DELETED FROM BUILDING CODE.

That Sections 5101, 5102, 5103, 5104, 5105, and 5106 of said Building Code are hereby deleted.

SECTION 3. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

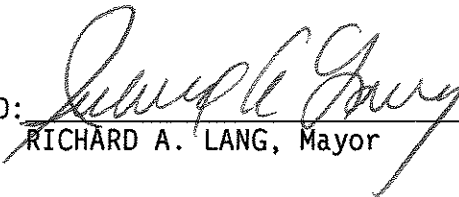
SECTION 4. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of February, 1992, by Councilmember Bird, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: 
RICHARD A. LANG, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

Ord. No. 2804-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 18th day of February, 19 92, Councilmember Bird moved its final adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: 
MAYOR RICHARD A. LANG

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: March 19, 1992

ORDINANCE NO. 2805 -C.S.

AN ORDINANCE AMENDING TITLE IV OF THE MODESTO MUNICIPAL CODE TO CHANGE TITLE IV FROM "PUBLIC WELFARE, MORALS, AND CONDUCT" TO "PUBLIC WELFARE, SAFETY, AND HEALTH"; CHANGING THE TITLE OF CHAPTER 12 FROM "BLIGHT ORDINANCE" TO "NEIGHBORHOOD PRESERVATION"; ADDING ARTICLES 1 AND 3 TO CHAPTER 12 OF TITLE IV, AND AMENDING ARTICLE 2 OF CHAPTER 12 OF TITLE IV RELATING TO NUISANCE PROPERTY CONDITIONS AND VEHICLES; AND REPEALING SECTION 4-2.11.1 OF ARTICLE 11 OF CHAPTER 2 OF TITLE IV AND ARTICLE 6 OF CHAPTER 7 OF TITLE IV OF THE MODESTO MUNICIPAL CODE.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. The title of Title IV of the Modesto Municipal Code "Public Welfare, Morals, and Conduct" is hereby amended to read as follows:

"PUBLIC WELFARE, SAFETY, AND HEALTH"

SECTION 2. AMENDMENT OF CODE. The title of Chapter 12 of Title IV of the Modesto Municipal Code "Blight Ordinance" is hereby amended to read as follows:

CHAPTER 12. NEIGHBORHOOD PRESERVATION

SECTION 3. AMENDMENT OF CODE. Articles 1 and 3 are hereby added to Chapter 12 of Title IV of the Modesto Municipal Code to read as follows:

ARTICLE 1. PROPERTY CONDITIONS

SEC. 4-12.100. POLICY.

The City has a history and reputation for well kept properties, and property values and the general welfare of the community are founded, in part, upon the appearance and maintenance of private properties.

Owners and occupants of some properties within the City have permitted visual blight conditions to exist which are injurious and inimical to the public health, safety, and welfare of the residents of the City and which contribute substantially and increasingly to the deterioration of residential neighborhoods and commercial areas.

The abatement of certain uses and abuses of property as described in this chapter reasonably relates to the proper exercise of police power to protect the health, safety, and general welfare of the public.

Abatement of blight conditions will promote health, safety, and welfare of the residents of the City because maximum use and enjoyment of property closely proximate to another depend upon maintenance of both properties.

SEC. 4-12.101. DEFINITIONS

As used in this Chapter:

- (a) "Property" includes any parcel of land which is identified on the Secured Roll of the Stanislaus County Assessor, and that half of any public street or alley directly abutting thereon as well as any public sidewalk upon said parcel, whether or not such street, alley, or sidewalk space has actually been improved or developed.
- (b) "Building" includes garages, carports, apartments, houses, mobile homes, warehouses, storage sheds, stores, offices, or other similar structures.
- (c) "City Manager" means the Manager of the City of Modesto, the Deputy City Manager, or any person or persons designated by the City Manager to act in his stead in connection with this Chapter.

SEC. 4-12.102. UNSECURED BUILDINGS.

It is unlawful for any person who owns, leases, occupies, or has charge, control, or possession of any property in the City to fail to install, or to fail to use, reasonable security measures to prevent unauthorized entry into any building upon such property. Except when the owner or other authorized person is personally upon the property, all exterior openings, such as doors and windows, affording entry into any building upon such property shall be reasonably secured against unauthorized entry into such building.

SEC. 4-12.103. ABANDONED BUILDINGS.

It is unlawful for any person who owns, leases, occupies, or has charge, control, or possession of any property in the City to allow to remain upon such property any building that is abandoned, partially destroyed, or in a state of partial construction or demolition without an active building permit for the building.

SEC. 4-12.104. USE OF A BUILDING FOR ILLEGAL ACTIVITIES.

It is unlawful for any person who owns, leases, occupies, or has charge, control, or possession of any property in the City to allow any building upon such property to be used to provide shelter to or seclusion of any action, act, or occurrence which is a crime under federal, state, or local laws.

SEC. 4-12.105. RATS, MICE, GROUND SQUIRRELS.

It is unlawful for any person who owns, leases, occupies, or has charge, control, or possession of any developed property in the City to have upon such property any animals commonly known as rats, mice, or ground squirrels unless such animals are securely confined in a cage. For purposes of this section, "developed property" means any property having completed thereon any building, whether occupied or not.

SEC. 4-12.106. ALLEYS.

It is unlawful for any person who owns, leases, occupies, or has charge, control, or possession of any property in the City to place or allow to remain in any alley abutting said property, from ground level up to a height of twelve (12) feet above the alley surface, any object, material, or growth of any nature except a garbage container if such is allowed by MMC 5-5.09. Public utility and cable television equipment, owned or maintained by those companies, is exempt from this section. Accumulated vegetative materials which comply with all regulations of the pruned refuse collection program of the City of Modesto (MMC Sections 4-7.1101 - 4-7.1108) are excluded from this section.

SEC. 4-12.107. NEIGHBORHOOD NUISANCE.

Except as may otherwise be allowed by the Modesto Municipal Code, it is unlawful for any person to allow any condition to exist, occur, or accumulate upon any property within the City that is injurious to health, indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.

SEC. 4-12.108. ABATEMENT OF IMMINENTLY DANGEROUS CONDITIONS.

Whenever a City department head, charged with the enforcement authority therefor, determines that a condition on or a use of property within the City constitutes or reasonably appears to cause or constitute an immediate threat to the health or safety of the public or a significant portion thereof, the department head may institute the following procedures:

- (a) Notice. Appropriate enforcement staff shall attempt to contact, in person or by telephone, the property owner or persons responsible for abatement of the imminently dangerous property condition in order to notify the responsible parties that such condition must be immediately removed, repaired, corrected, or isolated so as to preclude danger and harm to any person, animal, or property.
- (b) Abatement. If personal contact is unsuccessful or the responsible parties fail to take effective remedial action within seventy-two (72) hours after notice, then the department head may summarily abate the same, with the use of City forces or a contractor hired pursuant to the provisions of this Code.
- (c) Cost. The department head shall keep an itemized account of the costs incurred by the City in removing or isolating such imminently dangerous condition. Such costs may be recovered as provided in this Chapter.
- (d) Emergencies. Nothing in this Chapter shall prevent public safety officials from taking such actions in emergency situations as in their discretion are appropriate.

ARTICLE 3. VEHICLES AND VEHICLE PARTS

SEC. 4-12.300. MOTOR VEHICLES, BOATS, AND TRAILERS.

It is unlawful to store, park, leave, maintain, keep, or allow to remain any vehicle upon any property within the City and in public view or in view of any neighbor for longer than fourteen (14) consecutive days if such vehicle cannot be legally, safely, and mechanically operated upon a public highway or upon a waterway in its current condition.

For purposes of this Article, "vehicle" means any motor vehicle, semitrailer, trailer, camp trailer, camper, house car, trailer coach (each as defined by the California Vehicle Code), any boat, motor home, or any combination thereof. For purposes of this Section, "property" does not include any public street, sidewalk, or alley abutting thereon.

This Section does not apply to any vehicle that:

- (a) is placed totally within a carport and completely covered by a tarpaulin or similar covering;
- (b) is completely enclosed within a building in a lawful manner; or
- (c) is upon the property of a properly zoned and licensed vehicle dealer or dismantler operating in compliance with the applicable laws.

SEC. 4-12.301. VEHICLE PARTS.

It is unlawful to store, park, leave, or allow to remain in view of the general public or of any neighbor any part or assemblage of parts of any vehicle defined in MMC 4-12.300, or any automotive repair equipment, tool, hoist, or other automotive repair machinery of any kind upon any property for longer than fourteen (14) consecutive days.

"Part or assemblage of parts" includes any trailer tongue or hitch, pickup or trailer bed, hubcap, tire, wheel, transmission, drive shaft, universal joint, differential, axle, shock absorber, brake pad, door, windshield, seat, fender, grill, body, chassis, frame, hood, starter, alternator, generator, spark plug, spark plug wire, battery, catalytic converter, muffler, exhaust pipe, engine block, piston, piston rings, and any other automotive part or automotive accessory whatsoever.

This Section shall not apply to any part or assemblage of parts that:

- (a) is located completely within a carport, garage or other appropriate building; or
- (b) is upon the property of a lawfully licensed and properly zoned business for the sale, repair, or restoration of vehicles.

SEC. 4-12.302. ABANDONMENT OF VEHICLES OR VEHICLE PARTS.

It shall be unlawful to park, store, place, leave, deposit, or dump any vehicle specified in MMC 4-12.300, or any part or assemblage of parts specified in MMC 4-12.301, upon any property without the permission of the person having lawful authority over said property. The unauthorized leaving of said vehicle or part is unlawful and punishable as an infraction or misdemeanor.

SECTION 4. AMENDMENT OF CODE. Article 2 of Chapter 12 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

ARTICLE 2. NUISANCE VEGETATION AND JUNK

SEC. 4-12.200. DEFINITIONS.

- (a) As used in this Article, "nuisance vegetation" means any of the following:
 - (1) Dry grass, stubble, hay, brush, any dry or dead plant, bush, shrub, tree, or other flammable vegetative material or substance which constitutes a danger to public safety by creating a fire hazard. Accumulated vegetative

materials which comply with all regulations of the Pruned Refuse Collection Program of the City of Modesto (MMC Sections 4-7.1101 - 4-7.1108) are excluded from this definition.

- (2) Any plant or grass, whether growing or dormant, which bears downy or winged seeds.
 - (3) Poison oak (Rhus diversiloba) or poison ivy (Rhus toxicodendron).
 - (4) Mistletoe (phoradendron flavescens) or other parasitic or injurious growth capable of spreading to healthy trees and plants at any time during its germination or growth cycle.
 - (5) Puncture vine (tribulus terrestris).
 - (6) Overgrown vegetation, whether living, dormant, dead, cultured or uncultured, which is capable of harboring insects, rats, mice, or other vermin, or other similar conditions which are dangerous to the public health or welfare or which are hazardous to pedestrian or vehicular traffic.
 - (7) Any tree or other vegetation which is dead, decayed, infected, diseased, infested with or in danger of becoming infested with, objectionable insects, scale, or fungus, or which is otherwise a hazard to public safety and welfare. Accumulated vegetative materials which comply with all regulations of the Pruned Refuse Collection Program of the City of Modesto (MMC 4-7.1101 - 4-7.1108) are excluded from this definition.
 - (8) Any tree, plant, vine, or foliage, whether living, dormant, or dead, that is otherwise noxious, dangerous, or injurious to people or to city trees, or that interferes with the maintenance or inspection of a city tree.
- (b) As used in this Article, "junk" means any of the following objects or materials upon a property if such object or material is left, placed, kept, exposed, or stored in public view for more than fourteen (14) consecutive days. Materials described below which are upon the property of a properly zoned business and which constitute lawfully stored or displayed merchandise or service of said business are excluded from this article.
- (1) A pile, mound, or stack of dirt, soil, rock, gravel, bark, humus, sod, or other similar natural material; providing, however, that an accumulation of such material which is assembled, gathered, or collected as an integral part of

an organized landscape design, or which is collected during use of a building permit, is excluded from this definition if the excess or the residue of such accumulation is completely removed from the property by the completion of the building or landscaping project or by the expiration of the building permit, whichever occurs first. A project shall be deemed completed if there is no obvious change to the accumulation or to the project in any thirty (30) day period.

- (2) Packing material or packing supplies; lumber, dry wall, roofing tile, cement, nails, or other building materials, products, or supplies; irrigation or plumbing pipe; provided, however, that a reasonable quantity of these materials and supplies is excluded from this definition during active construction upon the subject property. A project shall be deemed active if there is obvious change to the accumulation or to the project in any thirty (30) day period.
- (3) Firewood in a disorganized or scattered jumble, heap, or pile.
- (4) An accumulation of aluminum cans, newspaper, plastic bottles, glass, cardboard or cardboard boxes, or an accumulation of other recyclable materials.
- (5) Any stool, couch, love seat, sofa, sofa bed, recliner, hassock, upholstered chair, mattress, bed springs, box springs, bed frame, headboard, desk, dresser, bureau, cabinet, television, radio, stereo, stove, refrigerator, freezer, dish washer, washing machine, dryer, shopping cart, or any similar item, whether or not any such item is broken or abandoned.
- (6) Any appliance, tool, equipment, furniture, furnishing, or other item of personal property which reasonable persons normally or usually keep in an indoors location for protection and convenience.
- (7) Any item or items of personal property, of any size and of any quantity, which are littered on or scattered upon or about the property in a random, haphazard, aimless, disarrayed, or disorganized manner.

SEC. 4-12.201. NUISANCE VEGETATION AND JUNK PROHIBITED.

It is unlawful for any person owning, leasing, occupying, or having charge, control, or possession of any property in the City to maintain or permit to exist upon such property any nuisance

vegetation or junk, regardless of the source or origin of such material.

SEC. 4-12.202. DUMPING PROHIBITED.

- (a) It is unlawful for any person to deposit, place, leave, or dump any nuisance vegetation or junk upon public property, upon any public street, sidewalk, or alley, upon any private property, or on any wharf, waterway, or bank thereof in the City. The unauthorized leaving of nuisance vegetation or junk upon such property is unlawful and punishable as an infraction or misdemeanor.
- (b) It is unlawful for any person to deposit, place, leave, or dump any garbage, trash, rubbish, nuisance vegetation, or junk into any garbage container without the express permission or consent of the person owning or renting same.

SEC. 4-12.203. DUTY OF REMOVAL.

It is hereby made the duty of every owner of real property in the City to keep said property free and clear of all junk, nuisance vegetation, and any other material prohibited thereon by this Code which from any cause whatsoever has accumulated upon said property. It is hereby made the duty of every property owner to lawfully destroy or remove all such prohibited materials from his or her private property, from the abutting half of the street and/or alley, from the sidewalk space thereupon, and between the sidelines thereof as extended. Failure of any property owner so to do is unlawful and punishable criminally or civilly or subject to abatement as provided herein.

SECTION 5. REPEALS. Section 4-2.11.1 of Article 11 of Chapter 2 of Title IV of the Modesto Municipal Code is hereby repealed.

SECTION 6. REPEALS. Article 6 of Chapter 7 of Title IV of the Modesto Municipal Code is hereby repealed.

SECTION 7. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 8. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3)

prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of March, 1992, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Firedman, Muratore, Mayor Lang

NOES: Councilmembers: Bird, Patterson

ABSENT: Councilmembers: None

APPROVED:


RICHARD A. LANG, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

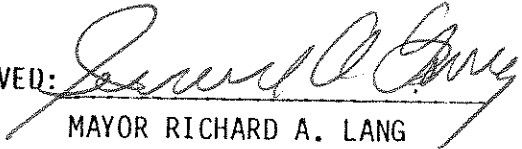
By 
STAN T. YAMAMOTO, City Attorney

Ord. No. 2805-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 17th day of March, 1992, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore,
Mayor Lang
NOES: Councilmembers: Bird, Patterson
ABSENT: Councilmembers: None

APPROVED: 

MAYOR RICHARD A. LANG

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: April 16, 1992

ORDINANCE NO. 2806 -C.S.

AN ORDINANCE AMENDING SECTION MAP 5-4-9 OF THE ZONING MAP TO REZONE FROM MEDIUM DENSITY RESIDENTIAL ZONE, R-2, TO PLANNED DEVELOPMENT ZONE, P-D(489), PROPERTY LOCATED ON THE EAST SIDE OF ROSELAWN AVENUE, EAST OF PELTON AVENUE (MATTHEWS/FABIAN).

The Council of the City of Modesto does ordain as follows:

SECTION 1. ZONING CHANGE. Section 5-4-9 of the Zoning Map is hereby amended to reclassify the following described property from Medium Density Residential Zone, R-2, to Planned Development Zone, P-D(489):

R-2 to P-D(489)

All that certain real property situate in a portion of the Southwest Quarter of Section 5, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

Parcel A, as shown and designated on that certain parcel map filed March 24, 1967 in Volume 3 of Parcel Maps, Page 34, Stanislaus County Records and Lot 22, Block 3180 of Fairway Estates Unit No. 3, according to the official map thereof filed in the office of the recorder of Stanislaus County, California, on April 11, 1967, in Volume 21 of maps, at page 60.

Including also the East 30.00 feet of 60.00 foot wide Roselawn Avenue located immediately adjacent to the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(489) Zone if the plan for construction conforms in principle to the approved plan, or if changes are approved by the Secretary of the Planning Commission as required by Section 10-2.1709(c) of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.1709(a) or (b) of the Modesto Municipal Code:

1. Elderly housing project.
2. Off-street parking as shown on the approved plan.

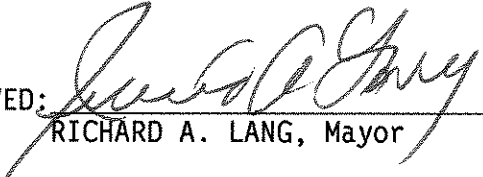
SECTION 3. ZONING MAP. Section Map 5-4-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of March, 1992, by Councilmember Friedman, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and ordered printed and published by the following vote:

- AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

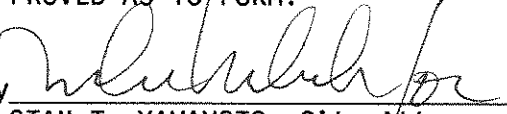
APPROVED: 
RICHARD A. LANG, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:


By 
Department of Planning and
Community Development

Ord. No. 2806-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 24th day of March, 1992, Councilmember Cogdill moved its final adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED: 
MAYOR RICHARD A. LANG

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: April 23, 1992

ORDINANCE NO. 2807 -C.S.

AN ORDINANCE AMENDING SECTION 3-2.808 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO THE RESTRICTED USE OF COASTERS, ROLLER SKATES AND SIMILAR DEVICES.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Section 3-2.808 of Chapter 2 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-2.808. USE OF COASTERS, ROLLER SKATES AND SIMILAR DEVICES RESTRICTED.

- (a) It shall be unlawful for any person upon roller skates or riding on or by means of a skateboard, coaster or similar device to go upon any roadway in the city or upon the sidewalk in any business district as defined by Section 235 of the Vehicle Code of the State of California. Provided, however, the Council may, by resolution, grant approval for the use of roadways and sidewalks for organized skating events of community-wide interest and importance. In granting such approval, the council may impose such conditions, restrictions and requirements as it deems necessary or desirable in order to protect the public interest and promote the general welfare.
- (b) In addition to any other penalty provided by this code, the Police Department or any of the members thereof may impound and retain possession of any roller skates, skateboard, coaster, or similar device used or operated in violation of the provisions of this section, and retain possession of the same for a period not to exceed thirty (30) days. At the expiration of said period, the roller skates, skateboard, coaster, or similar device shall be delivered to the owner at the Police Department.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto,

setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of April, 1992, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Bird, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

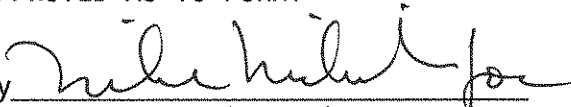
APPROVED: _____
RICHARD A. LANG, Mayor

ATTEST:

By _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

Clerk

ORDINANCE NO. 2808 -C.S.

AN ORDINANCE AMENDING SECTION 3-1.115 OF ARTICLE 1 OF CHAPTER 1 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO THE FIRE CODE AND HAZARDOUS MATERIALS OF THE CITY OF MODESTO - RESTRICTED LOCATIONS OF ABOVEGROUND BULK FUEL STORAGE.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Section 3-1.115 of Article 1 of Chapter 1 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-1.115. RESTRICTED LOCATIONS OF ABOVEGROUND TANKS.

Section 79.501 of said Fire Code is amended to read as follows:

The storage of Class I and Class II flammable liquids in aboveground tanks outside of buildings is prohibited, with the exception of tanks of eleven hundred (1,100) gallons or less capacity approved by the Chief. Total storage is limited to a maximum of two (2) tanks or to one (1) tank with two (2) separated compartments, with each compartment not exceeding eleven hundred (1,100) gallons with an aggregate capacity of twenty-two hundred (2,200) gallons, located on the same premises and under the same management. The provisions of this Section 79.501 shall not apply to facilities for the production, generation, or transmission of electric energy that provide power to entities furnishing retail electrical services to the general public within the City of Modesto.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

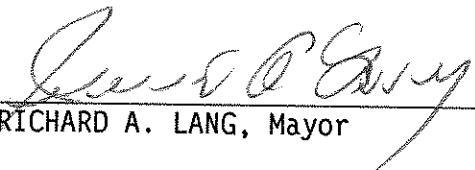
SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of April, 1992, by Councilmember Patterson, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and ordered printed and published by the following vote:

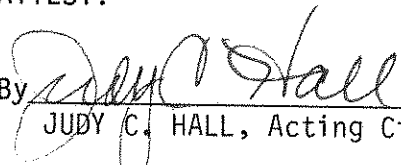
AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

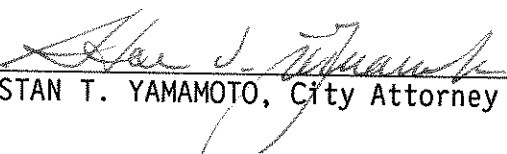
ABSENT: Councilmembers: None

APPROVED: 
RICHARD A. LANG, Mayor

ATTEST:

By 
JUDY C. HALL, Acting City Clerk
(SEAL)

APPROVED AS TO FORM:


By 
STAN T. YAMAMOTO, City Attorney

Ord. No. 2808-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 5th day of May, 1992, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Dobbs

APPROVED: 
MAYOR RICHARD A. LANG

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: June 4, 1992

Clerk

ORDINANCE NO. 2809 -C.S.

AN ORDINANCE AMENDING SECTION MAP 12-3-8 OF THE ZONING MAP TO REPEAL P-D(447) AND REZONE TO PROFESSIONAL OFFICE ZONE, P-0, PROPERTY LOCATED ON THE EAST SIDE OF DALE ROAD NORTH OF VENEMAN AVENUE. (PLANNING COMMISSION INITIATED)

WHEREAS, the City Council, by Ordinance No. 2587-C.S., which became effective on June 23, 1988, amended Section Map 12-3-8 of the Zoning Map to rezone to Planned Development Zone, P-D(447), for a 150-unit, three-story senior housing complex, property located on the east side of Dale Road North of Veneman Avenue, and

WHEREAS, the City Council, by Resolution No. 88-365, adopted on May 17, 1988, approved the development plan for P-D(447) and established the development schedule which specified that the entire program be accomplished in one phase, with construction to begin on or before April 18, 1990, and completion to be by April 18, 1991, and

WHEREAS, the Planning and Community Development Director on April 24, 1990, granted a one year extension of time to the development schedule for P-D(447), calling for start of construction on or before April 18, 1991, and completion to be by April 18, 1992, and

WHEREAS, construction of P-D(447) has not proceeded in accordance with the amended development schedule, and

WHEREAS, the Planning Commission by Resolution No. 92-10, adopted on March 16, 1992, initiated proceedings to repeal P-D(447) and rezone the property to Professional Office Zone, P-0, and

WHEREAS, a public hearing was held by the Planning Commission at its regular meeting on April 6, 1992, in the City Council Chambers, City Hall, 801 11th Street, Modesto, at which hearing evidence both oral and documentary was received and considered, and thereafter the Planning Commission, by Resolution No. 92-14 found and determined that the repeal of Planned Development Zone, P-D(447), and rezoning the property back to Professional Office Zone, P-0, is required by public necessity, convenience and general welfare for the following reasons:

1. P-D(447) did not develop within the extended time limits of the revised development schedule.
2. Section 10-2.1710(c) of the Municipal Code calls for repeal or modification of expired P-D zones. If repealed, the zoning must be to the zone immediately prior to the P-D zone.
3. A letter has been received from a representative of the property owners requesting that the expired P-D(447) zone be allowed to revert to the P-0 zone.

and

WHEREAS, by Resolution No. 92-14, adopted April 16, 1992, the Planning Commission recommended to the Council that Section Map 12-3-8 of the Zoning Map be amended to repeal P-D(447) and rezone the property hereinafter described to Professional Office Zone, P-0, and

WHEREAS, said matter was set for public hearing before the Council of the City of Modesto in the Council Chambers, City Hall, 801 11th Street, in the City of Modesto, at 4:00 p.m. on May 12, 1992, at which time evidence, both oral and documentary, was taken and introduced.

NOW, THEREFORE, the Council of the City of Modesto does ordain as follows:

SECTION 1. COUNCIL FINDINGS. After a public hearing, this Council finds and determines that the recommended rezoning of Planned Development Zone, P-D(447), to Professional Office Zone, P-0, is required by public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 92-14, and quoted above.

SECTION 2. ZONING CHANGE. Section 12-3-8 of the Zoning Map is hereby amended to reclassify the following described property from Planned Development Zone, P-D(447), to Professional Office Zone, P-0:

P-D(447) to P-0

All that certain real property situate in a portion of the Northwest quarter of Section 12, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

All of Parcels 2 and 3 as shown on that certain Parcel Map filed in the office of the Recorder of Stanislaus County, California, on September 25, 1986, in Volume 38 of Parcel Maps, Page 77.

Including also all of the Eastern 50.00 feet of Dale Road located between the above described property and the West line of said Section 12.

SECTION 3. ZONING MAP. Section 12-3-8 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3)

prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of May, 1992, by Councilmember Dobbs, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: *Richard A. Lang*
RICHARD A. LANG, Mayor

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Stan T. Yamamoto*
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By *William S. Nichols, psc*
Department of Planning and
Community Development

Ord. No. 2809-C.S.

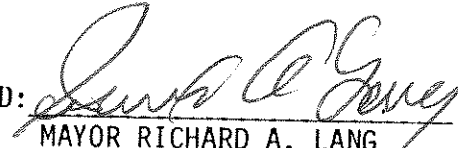
FINAL ADOPTION CLAUSE

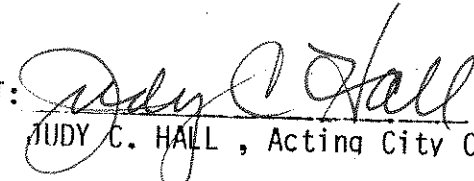
The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 19th day of May, 19 92, Councilmember Bird moved its final adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: 
MAYOR RICHARD A. LANG

ATTEST: 
JUDY C. HALL, Acting City Clerk

EFFECTIVE DATE: June 18, 1992

2810

ORDINANCE NO. 2810 -C.S.

AN ORDINANCE AMENDING SECTION 4-4.802 OF ARTICLE 8 OF
CHAPTER 4 OF TITLE IV OF THE MODESTO MUNICIPAL CODE
RELATING TO STREET SIGNS.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Section 4-4.802 of Article 8 of
Chapter 4 of Title IV of the Modesto Municipal Code is hereby amended to read
as follows:

SEC. 4-4.802. GENERAL REQUIREMENTS.

The subdivider shall install improvements in accordance with the
standards specified in this chapter and in the Standard
Specifications referred to in Section 4-4.801 hereof.

- (a) Streets and Alleys. All streets and alleys shall be improved
in accordance with the requirements of the Standard
Specifications referred to in Section 4-4.801 hereof.
- (b) Drainage Facilities. Drainage facilities shall be installed as
deemed necessary by the City Engineer to provide for the
removal of surface water. Such drainage facilities shall be of
a character and design approved by the City Engineer and in
accordance with the requirements of the Standard Specifications
referred to in Section 4-4.801 hereof, in order to insure
proper grading and erosion control including the prevention of
sedimentation or damage to offsite property.
- (c) Curbs and Gutters. Curbs and gutters shall be installed to
grades, cross section, layout and location approval by the City
Engineer.
- (d) Sidewalks. Sidewalks shall be installed along all streets and
may be required in other locations where sidewalks are deemed
necessary by the Planning Commission.
- (e) Sewage Disposal. Sanitary sewer facilities connecting with the
existing City system shall be installed to serve each lot when
connection to such system is available. Sewers shall be
installed to grades, location, design and sizes approved by the
City Engineer in accordance with the provisions of applicable
laws of the City.
- (f) Water. Water mains connecting with the existing City or public
utility system shall be installed to serve each lot when

connection to such system is available. In the latter case, when it is proposed that water will be supplied by a private water company, the subdivider shall submit a letter from the governing body of such water system showing the ability of the system to serve the proposed subdivision and evidence that a satisfactory agreement has been entered into for connection to the system. Water mains shall then be installed to grades, location, design and sizes approved by the City Engineer and the engineer of the governing body of the water system.

- (g) Street Lights. Street lighting standards, underground cables or conduit and conductors and all materials and appurtenances necessary shall be installed of a design and location approved by the City Engineer. There shall be at least one (1) electrolier at each intersection, and intermediate electroliers not more than three hundred thirty (330) feet apart in blocks exceeding three hundred thirty (330) feet in length. Electroliers shall be spaced not more than three hundred thirty (330) feet apart on both sides of major streets.

When a cul-de-sac is longer than one hundred-fifty (150) feet measured from the center of the turnaround at the end of the cul-de-sac to the center line of the intersecting street, an electrolier shall be provided at the turnaround in a location approved by the City Engineer.

- (h) Railroad Crossings. Provisions shall be made for any and all railroad crossings necessary to provide access to or circulation within the proposed subdivision, including the preparation of all documents necessary for application to the California State Public Utilities Commission for the establishment and improvement of such crossing. The cost of such railroad crossing improvement shall be borne by the subdivider.
- (i) Street Signs. Each subdivider shall pay to the City a fee for each street sign required in the subdivision at the time of approval of the final map, as a condition of said approval; provided, that when only a part of an intersection requiring a street sign is within or contiguous to the subdivision, the charge for said street sign for such an intersection shall be proportional to the number of corners of the intersection within or contiguous to the subdivision. Said fee shall be in accordance with a schedule approved by the Council from time to time by resolution.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

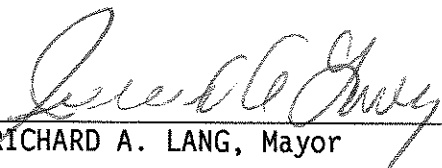
SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of May, 1991, by Councilmember Friedman, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Mayor Lang, was upon roll call carried and ordered printed and published by the following vote:

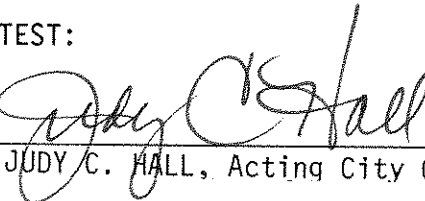
AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: 
RICHARD A. LANG, Mayor

ATTEST:

By 
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney


Ord. No. 2810-C.S.


FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 26th day of May, 1992, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED:


MAYOR RICHARD A. LANG

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: June 25, 1992

ORDINANCE NO. 2811 -C.S.

AN ORDINANCE AMENDING SECTIONS 10-2.409, 10-2.508, AND 10-2.606 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO HEIGHT.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Sections 10-2.409, 10-2.508, and 10-2.606 of Chapter 2 of Title X of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 10-2.409. HEIGHT.

- (a) No structure shall exceed two (2) stories or thirty (30) feet whichever is the lesser height, and no wall or fence shall exceed eight (8) feet except when permitted by a conditional use permit.
- (b) Any second-story portion of any dwelling or accessory building, including additions or alterations to the exterior portions of an existing dwelling or accessory building, shall be subject to plot plan approval by the Director or designee in accordance with Article 27, except as hereinafter specifically excepted. In conducting the plan review, the Director shall consider:
 - (a) The relationship of second-story windows, doors, exterior stairways, exterior balconies, sundecks, etc. with the privacy of the neighbors.
 - (b) The relationship of building mass with the neighbors' views and use and enjoyment of their yards.
 - (c) The relationship of building mass with the neighbors' accessories such as solar collectors and satellite antennas.
- (c) A second-story development is not subject to second-story plan review if at least one of the following two conditions is met:
 - (1) The building permit is issued on the subject lot within seven (7) years of the recordation of the final subdivision map creating the subject lot, and providing that each adjacent residential lot meets at least one of the following criteria:
 - (a) The adjacent residential lot was created by a final subdivision map recorded within the past seven (7) years.

- (b) The adjacent residential lot is greater than one (1) acre in size and contains no dwelling units within forty (40) feet of any lot line abutting the subject lot.
- (2) All second-story portions of any dwelling unit on the subject lot meet the following setback provisions in relation to any adjacent residential lot:
 - (a) Twelve (12) feet where no glazing other than fixed, translucent type is proposed.
 - (b) Forty (40) feet where any clear glazing or decks/balconies are proposed. This forty (40) foot setback shall be measured from the outside edge of the deck or balcony to the respective property line.
- (3) The term "adjacent residential lot" as used in this subsection (c) means each lot zoned or used residentially, even if separated by an alley, that abuts the side or rear lot line of the subject lot, including those which touch only at a corner.

SEC. 10-2.508. HEIGHT.

- (a) No structure shall exceed two (2) stories or thirty (30) feet whichever is the lesser height, and no wall or fence shall exceed eight (8) feet except when permitted by a conditional use permit.
- (b) Any second-story portion of any dwelling or accessory building, including additions or alterations to the exterior portions of an existing dwelling or accessory building, shall be subject to plot plan approval by the Director or designee in accordance with Article 27, except as hereinafter specifically excepted. In conducting the plan review, the Director shall consider:
 - (1) The relationship of second-story windows, doors, exterior stairways, exterior balconies, sun decks, etc. with the privacy of the neighbors.
 - (2) The relationship of building mass with the neighbors' views and use and enjoyment of their yards.
 - (3) The relationship of building mass with the neighbors' accessories such as solar collectors and satellite antennas.
- (c) A second-story development is not subject to second-story plan review if at least one of the following two conditions is met:

- (1) The building permit is issued on the subject lot within seven (7) years of the recordation of the final subdivision map creating the subject lot, and providing that each adjacent residential lot meets at least one of the following criteria:
 - (a) The adjacent residential lot was created by a final subdivision map recorded within the past seven (7) years.
 - (b) The adjacent residential lot is greater than one (1) acre in size and contains no dwelling units within forty (40) feet of any lot line abutting the subject lot.
- (2) All second-story portions of any dwelling unit on the subject lot meet the following setback provisions in relation to any adjacent residential lot:
 - (a) Twelve (12) feet where no glazing other than fixed, translucent type is proposed.
 - (b) Forty (40) feet where any clear glazing or decks/balconies are proposed. This forty (40) foot setback shall be measured from the outside edge of the deck or balcony to the respective property line.
- (3) The term "adjacent residential lot" as used in this subsection (c) means each lot zoned or used residentially, even if separated by an alley, that abuts the side or rear lot line of the subject lot, including those which touch only at a corner.

SEC. 10-2.606. HEIGHT.

- (a) No structure shall exceed two (2) stories or thirty (30) feet whichever is the lesser height, and no wall or fence shall exceed eight (8) feet except when permitted by a conditional use permit.
- (b) On property containing four (4) units or less, any second-story portion of any dwelling or accessory building, including additions or alterations to the exterior portions of an existing dwelling or accessory building, shall be subject to plot plan approval by the Director or designee in accordance with Article 27, except as hereinafter specifically excepted. In conducting the plan review, the Director shall consider:
 - (1) The relationship of second-story windows, doors, exterior stairways, exterior balconies, sundecks, etc. with the privacy of the neighbors.

- (2) The relationship of building mass with the neighbors' views and use and enjoyment of their yards.
 - (3) The relationship of building mass with the neighbors' accessories such as solar collectors and satellite antennas.
- (c) A second-story development is not subject to second-story plan review if at least one of the following two conditions is met:
- (1) The building permit is issued on the subject lot within seven (7) years of the recordation of the final subdivision map creating the subject lot, and providing that each adjacent residential lot meets at least one of the following criteria:
 - (a) The adjacent residential lot was created by a final subdivision map recorded within the past seven (7) years.
 - (b) The adjacent residential lot is greater than one (1) acre in size and contains no dwelling units within forty (40) feet of any lot line abutting the subject lot.
 - (2) All second-story portions of any dwelling unit on the subject lot meet the following setback provisions in relation to any adjacent residential lot:
 - (a) Twelve (12) feet where no glazing other than fixed, translucent type is proposed.
 - (b) Forty (40) feet where any clear glazing or decks/balconies are proposed. This forty (40) foot setback shall be measured from the outside edge of the deck or balcony to the respective property line.
 - (3) The term "adjacent residential lot" as used in this subsection (c) means each lot zoned or used residentially, even if separated by an alley, that abuts the side or rear lot line of the subject lot, including those which touch only at a corner.

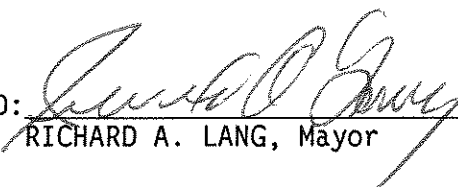
SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. At least two (2) days prior to its final

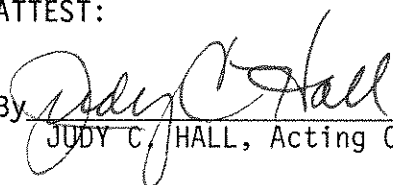
adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of May, 1992, by Councilmember Dobbs, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED: 
RICHARD A. LANG, Mayor

ATTEST:

By 
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

Ord. No. 2811-C.S.


FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 26th day of May, 19 92, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED:


MAYOR RICHARD A. LANG

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: June 25, 1992

ORDINANCE NO. 2812 -C.S.

AN ORDINANCE AMENDING SECTION 4-6.706 OF ARTICLE 7 OF CHAPTER 6 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO ELIGIBILITY FOR A TAXICAB PERMIT.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Section 4-6.706 of Article 7 of Chapter 6 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 4-6.706. ELIGIBILITY FOR PERMIT.

Except as hereinafter set forth, no permit shall be issued to any of the following persons:

- (a) Any person under the age of eighteen (18) years.
- (b) Any person who is currently required to register pursuant to Section 290 of the California Penal Code.
- (c) Any person who has been convicted of a crime involving moral turpitude, narcotic or dangerous drugs, unless a period of not less than five (5) years shall have elapsed since the date of conviction or the date of release from confinement for such offense, whichever is later.
- (d) Any person who has been convicted of driving a vehicle recklessly within the two (2) years immediately preceding application for a permit.
- (e) Any person who has been convicted of driving a vehicle while under the influence of intoxicating liquors within the five (5) years immediately preceding application for a permit.
- (f) Any person not possessing a valid class 3 driver's license, issued by the State of California.
- (g) Any person who has been convicted of three (3) or more felonies.

The Police Chief, in his discretion, may waive the provisions of subparagraph (c) and issue a permit to a person who otherwise would be unqualified due to the provisions of subparagraph (c) provided he receives letters from that persons prospective employer and parole officer which attest to a good faith belief that the applicant has reformed his moral character so as to pose no threat to members of the public.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of June, 1992, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

APPROVED: *Richard A. Lang*
RICHARD A. LANG, Mayor

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Stan T. Yamamoto*
STAN T. YAMAMOTO, City Attorney

Ord. No. 2812-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 16th day of June, 19 92, Councilmember Patterson moved its final adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Friedman, Patterson,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Muratore

APPROVED: 
MAYOR RICHARD A. LANG

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: July 16, 1992

Clerk

ORDINANCE NO. 2813_____-C.S.

AN ORDINANCE AMENDING SECTION MAP 17-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (GARY TURNER)

WHEREAS, a verified application for an amendment to Section 17-3-9 of the Zoning Map was filed by Gary Turner on April 6, 1992, to reclassify from Low Density Residential Zone, R-1, to Professional Office Zone, P-0, property located at the northeast corner of Granger and Timothy Avenues, and

WHEREAS, after a public hearing held on June 1, 1992, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 92-22, adopted on June 1, 1992, the Planning Commission recommended to the Council that the application of Gary Turner to amend Section 17-3-9 of the Zoning Map to reclassify the hereinafter described property from Low Density Residential Zone, R-1, to Professional Office Zone, P-0, be approved,

NOW, THEREFORE, the Council of the City of Modesto does ordain as follows:

SECTION 1. COUNCIL FINDINGS. After a public hearing held on June 23, 1992, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, this Council finds and determines that the requested rezoning is in accordance with the general plan and will serve the public health, safety and

general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource for the following reasons:

1. That a Negative Declaration recommended by the Environmental Assessment Committee in the initial study dated April 22, 1992 should be certified as adopted.
2. The proposed office zoning conforms to the General Plan in that it will add to medical office concentrations near the Doctors Medical Center and its location as a transition between the McHenry Avenue commercial strip and the residential area to the west conforms to the implementation strategy for offices as outlined in the General Plan.
3. Prior to occupancy of the site with office use, a plot plan for the subject site will have to be reviewed and approved by the Board of Zoning Adjustment, thus assuring compatibility of the project with adjacent land uses.

SECTION 2. ZONING CHANGE. Section 17-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Low Density Residential Zone, R-1, to Professional Office Zone, P-0:

R-1 to P-0

All that certain real property situate in a portion of the southeast quarter of Section 17, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 8, Lot 7 and the south 42.39 feet of Lot 6 of Block 6198 of the Huddleson Tract, according to the official map thereof, filed in the office of the recorder of Stanislaus County, California, on December 9, 1946 in Volume 16 of maps, at page 9.

Including also the east 30.00 feet of 60.00-foot wide Timothy Avenue, north 30.00 feet of 60.00-foot wide Granger Avenue, west 10.00 feet of the adjacent

20.00-foot wide alley, which are all immediately contiguous to the above described property.

SECTION 3. ZONING MAP. Section 17-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of June, 1992, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Bird, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Muratore, Patterson, Acting Mayor Friedman

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

APPROVED: *Kenni Friedman*
KENNI FRIEDMAN, Acting Mayor

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Stan T. Yamamoto*
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By *William Smith*
Planning & Community Development
Department

Ord. No. 2813-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 7th day of July, 1992, Councilmember Friedman moved its final adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: 
RICHARD A. LANG, MAYOR

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: August 6, 1992

ORDINANCE NO. 2814 -C.S.

AN ORDINANCE ADOPTING THE BUDGET FOR THE CITY OF MODESTO FOR THE FISCAL YEAR ENDING JUNE 30, 1993, AND PROVIDING FOR CERTAIN TRANSFERS OF FUNDS.

WHEREAS, pursuant to the Charter of the City of Modesto, a proposed budget for the 1992-1993 fiscal year has been submitted to the City Council by the City Manager, and the City Council has made such revisions as it has deemed advisable, and

WHEREAS, in accordance with the City Charter, a public hearing has been held upon the adoption of the proposed budget after due notice, as provided by law, and

WHEREAS, copies of the proposed budget have been and are available for inspection by the public at the office of the City Clerk,

NOW, THEREFORE, the Council of the City of Modesto does ordain as follows:

SECTION 1. That the "City of Modesto Proposed Budget 1992-93", presented by the City Manager to the City Council at its meeting held June 23, 1992, and as thereafter amended by the City Council, a copy of which budget, as amended, is on file in the office of the City Clerk, is hereby adopted as the budget for the City of Modesto for the fiscal year ending June 30, 1993, and the several amounts stated therein as proposed expenditures are hereby appropriated for the various objects therein described.

SECTION 2. That funds of the City of Modesto encumbered on June 30, 1992, are hereby appropriated for the

purposes for which they are encumbered and shall be a part of the budget for the fiscal year 1992-1993 adopted hereby.

SECTION 3. That Capital Projects carried over from fiscal year 1991-1992 are hereby re-appropriated as a part of the budget for the fiscal year 1992-1993 adopted hereby. The amount of said appropriations will equal the Reserve for Appropriated Carryover Projects established in the General Ledger Accounts of the City of Modesto for all funds as of June 30, 1992.

SECTION 4. That the City Council is authorized by resolution to transfer funds from one department to another department and to transfer and authorize the expenditure of funds from the Reserved Fund Balances for specific purposes.

SECTION 5. That the City Manager is authorized to transfer funds within departmental budgets between the following classifications, to wit: Employee Services, Professional and Contractual Services, Materials and Supplies, other operating expenses and Capital Appropriations; and to transfer appropriations for capital items budgeted within the same department within the same capital fund and that the City Manager may delegate this authority to the Deputy City Manager.

SECTION 6. Pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall take effect upon adoption.

SECTION 7. Copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the

official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its adoption and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 234d day of June, 1992, by Councilmember Patterson, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bird, Cogdill, Patterson, Acting Mayor Friedman

NOES: Councilmembers: Dobbs, Muratore

ABSENT: Councilmembers: Mayor Lang

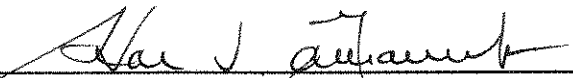
APPROVED: 
KENNI FRIEDMAN, Acting Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

Clark
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ORDINANCE NO. 2815 -C.S.

AN ORDINANCE AMENDING SECTION MAP 21-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(32), AS AN ADDITION AND AN AMENDMENT TO P-D(32), PROPERTY LOCATED ON THE SOUTHWEST CORNER OF COFFEE ROAD AND GLORIA WAY. (JAMES OAK, APPLICANT FOR DOWNEY PARK PROFESSIONAL CENTER)

The Council of the City of Modesto does ordain as follows:

SECTION 1. ZONING CHANGE. Section 21-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(32), as an addition and an amendment to P-D(32):

R-1 to P-D(32)

All that certain property situated in a portion of the northeast quarter of Section 21, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

Commencing at the southwest corner of Lot 2 of Block 1112 as shown on Amended Map of El Vecino Gardens #2, filed in the Office of the Recorder of Stanislaus County, California, on May 26, 1952, in Volume 17 of Maps, at Page 35, Stanislaus County Records; thence north 0° 18' 10" west 149.69 feet to the center line of Gloria Way; thence south 89° 41' 50" east 215 feet to the center line of original 50.00 foot wide Coffee Road; thence along said center line south 0° 36' east 163.71 feet to the eastern prolongation of the south line of the 14.00 foot wide alley in aforementioned Block 1112; thence along said eastern prolongation and south alley line north 89° 41' 50" west 294.65 feet to the southern prolongation of the west property line of Lot 1 of said Block 1112; thence along southern prolongation, north 0° 40' 00" west 14.00 feet to the southwest corner of said Lot 1; thence along the north

line of said 14.00 foot wide alley south 89° 41' 50" east 77.76 feet to the point of beginning.

SECTION 2. USES. The following uses shall be permitted in said P-D(32) Zone, as an addition and an amendment to P-D(32), if the plan for construction conforms in principle to the approved plan, or if changes are approved by the Secretary of the Planning Commission as required by Section 10-2.1709(c) of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.1709(a) or (b) of the Modesto Municipal Code:

A 59-space parking lot.

SECTION 3. ZONING MAP. Section Map 21-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of July, 1992, by Councilmember Dobbs, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

APPROVED: *Richard A. Lang*
RICHARD A. LANG, Mayor

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Stan T. Yamamoto*
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By *William J. ...*
Department of Planning and
Community Development

Ord. No. 2815-C.S.

FINAL ADOPTION CLAUSE

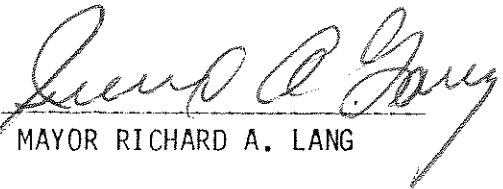
The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 21st day of July, 19 92, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:


MAYOR RICHARD A. LANG

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: August 20, 1992

c^m Clerk (8)

ORDINANCE NO. 2816 -C.S.

AN ORDINANCE AMENDING SECTIONS 9-4.101 AND 9-4.103 OF ARTICLE 1 OF CHAPTER 4 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO FLOOD DAMAGE PREVENTION.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Sections 9-4.101 and 9-4.103 of Article 1 of Chapter 4 of Title IX of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 9-4.101. DEFINITIONS.

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- (a) Appeal means a request for a review of the Chief Building Official's interpretation of any provision of this chapter or a request for a variance.
- (b) Area of shallow flooding means a designated AO Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one (1) to three (3) feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident.
- (c) Area of special flood hazard means the land in the floodplain within a community also known as special flood hazard area (SFHA).
- (d) Base flood means the flood having a one (1) percent chance of being equaled or exceeded in any given year.
- (e) Development means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

- (f) Existing manufactured home park or manufactured home subdivision means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale for which the construction of facilities for servicing the lot on which the manufactured home is to be affixed, including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets, is completed before the effective date of this chapter.
- (g) Expansion to an existing manufactured home park or manufactured home subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets.
- (h) Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (1) The overflow of inland or tidal waters; and/or
 - (2) The unusual and rapid accumulation or runoff of surface waters from any source.
- (i) Flood Insurance Rate Map (FIRM) means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- (j) Flood Insurance Study means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.
- (k) Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.
- (l) "Highest adjacent grade" means the highest natural elevation of the ground surface prior to

construction next to the proposed walls of a structure.

- (m) "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.
- (n) "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- (o) New construction means structures for which the start of construction commenced on or after the effective date of this chapter.
- (p) "Special flood hazard area (SFHA)" means an area having special flood or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V.
- (q) "Start of Construction" (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the

property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

- (r) Substantial improvement means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either:
 - (1) Before the improvement or repair is started; or
 - (2) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:
 - (aa) Any project for improvement of a structure to comply with existing state or local health, sanitary or safety laws or ordinances which are solely necessary to assure safe living conditions; or
 - (ab) Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.
- (s) Variance means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

SEC. 9-4.103. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

- (a) The areas of special flood hazard identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) dated August 17, 1982, on the Flood Insurance Rate Map (FIRM) dated August 17, 1982, and all subsequent amendments and/or revisions are hereby adopted by reference and declared to be a part of this ordinance. This Flood Insurance Study (FIS) and attendant mapping

is the minimum area of applicability of this ordinance and may be supplemented by studies for other areas which allow implementation of this ordinance and which are recommended to the City of Modesto by the Floodplain Administrator. The study and Flood Insurance Maps (FIRMs) are on file at City Clerk, City of Modesto, 801 Eleventh Street, Modesto, California 95354.

- (b) Use of other base flood data. When base flood elevation data has not been provided in accordance with Section 9-4.103(a), the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer Section 9-4.203. Any such information shall be submitted to the City of Modesto Building Inspection for adoption.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

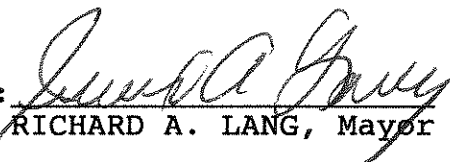
SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of August, 1992, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: 
RICHARD A. LANG, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

Ord. No. 2516-C.S.

FINAL ADOPTION CLAUSE

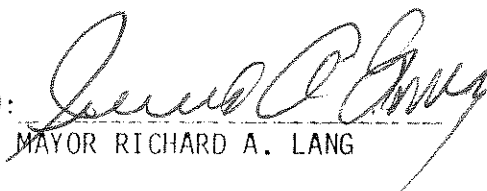
The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 11th day of August, 19 92, Councilmember Friedman moved its final adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

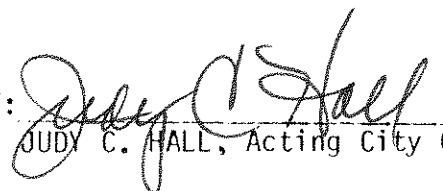
NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:


MAYOR RICHARD A. LANG

ATTEST:


JUDY C. HALL, Acting City Clerk

EFFECTIVE DATE: September 10, 1992

2711
Clerk

ORDINANCE NO. 2817 -C.S.

AN ORDINANCE AMENDING SECTIONS 9-4.404, 9-4.405, AND 9-4.406 OF ARTICLE 4 OF CHAPTER 4 OF TITLE IX OF THE MODESTO MUNICIPAL CODE AND ADDING SECTION 9-4.407 OF ARTICLE 4 OF CHAPTER 4 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO FLOOD HAZARD REDUCTION.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Sections 9-4.404, 9-4.405 and 9-4.406 of Article 4 of Chapter 4 of Title IX of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 9-4.404 STANDARDS FOR MANUFACTURED HOMES.

(a) All manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map on sites (1) outside of a manufactured home park or subdivision, (2) in a new manufactured home park or subdivision, (3) in an expansion to an existing manufactured home park or subdivision, (4) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood:

(1) Be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation collapse and lateral movement.

(b) All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, AE, V1-30, V, and VE on the community's Flood Insurance Rate Map that are not subject to the provisions of paragraph 9-4.404(a) of this section will be elevated so that:

(1) The lowest floor of the manufactured home is at or above the base flood elevation, or

- (2) The manufactured home chasis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- (c) Standards for Utilities shall be the same as those specified in Section 9-4.402.

SEC. 9-4.405. STANDARDS FOR RECREATIONAL VEHICLES.

All recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map will either:

- (a) Be on the site for fewer than one hundred eighty (180) consecutive days,
- (b) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions), or
- (c) Meet the permit requirements of Sections 9-4.201 to 9-4.203 of this ordinance and the elevation and anchoring requirements for manufactured homes in 9-4.404 of this section.

SEC. 9-4.406. FLOODWAYS.

Located within the areas of special flood hazard established by Section 9-4.103 of this chapter are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions apply:

- (a) Encroachments, including fill, new construction, substantial improvements and other development shall be prohibited unless certification by a registered civil engineer or licensed architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

- (b) If subsection (a) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this article.

SECTION 2. AMENDMENT OF CODE. Section 9-4.407 is hereby added to Article 4 of Chapter 4 of Title IX of the Modesto Municipal Code to read as follows:

SEC. 9-4.407. SHALLOW FLOODING.

Located within the areas of special flood hazard established by Section 9-4.103 of this chapter are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

- (a) All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated above the highest adjacent grade to or above the depth number specified on the FIRM, or at least two (2) feet if no depth number is specified.
- (b) All new construction and substantial improvements of nonresidential structures shall:
 - (1) Have the lowest floor, including basement, elevated above the highest adjacent grade to or above the depth number specified on the FIRM or at least two (2) feet if no depth number is specified; or
 - (2) Together with attendant utility and sanitary facilities, be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

SECTION 3. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

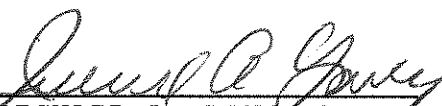
SECTION 4. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of August, 1992, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

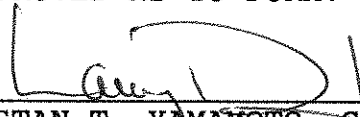
APPROVED: 
RICHARD A. LANG, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

Ord. No. 2517-C.S.

FINAL ADOPTION CLAUSE

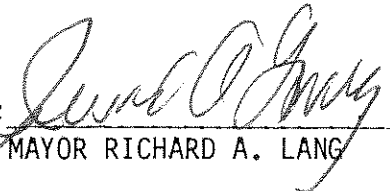
The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 11th day of August, 19 92, Councilmember Friedman moved its final adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

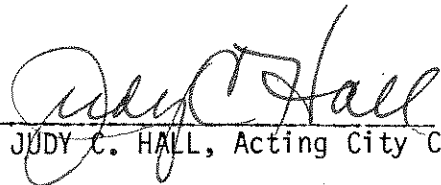
NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:


MAYOR RICHARD A. LANG

ATTEST:


JUDY C. HALL, Acting City Clerk

EFFECTIVE DATE: September 10, 1992

Wink

ORDINANCE NO. 2818 -C.S.

AN ORDINANCE AMENDING SECTION MAP 30-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (GLENN MONTGOMERY)

WHEREAS, a verified application for an amendment to Section 30-3-9 of the Zoning Map was filed by Glenn H. and Mabel L. Montgomery on May 11, 1992, to reclassify from Professional Office Zone, P-O, to Highway Commercial Zone, C-3, property located at the southwest corner of Kansas Avenue and Carpenter Road, and

WHEREAS, after a public hearing held on July 20, 1992, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 92-29, adopted on July 20, 1992, the Planning Commission recommended to the Council that the application of Glenn H. and Mabel L. Montgomery to amend Section 30-3-9 of the Zoning Map to reclassify the hereinafter described property from Professional Office Zone, P-O, to Highway Commercial Zone, C-3, be approved,

NOW, THEREFORE, the Council of the City of Modesto does ordain as follows:

SECTION 1. After a public hearing held on August 25, 1992, in the Council Chambers, City Hall, 801 11th Street, Modesto, California, this Council finds and determines that the requested rezoning is in accordance with the general plan and

will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource for the following reasons:

1. The requested rezoning to C-3 will accommodate a proposed bank, a use which conforms to the General Plan and the long-established "Policy for the Location of Financial Institutions Outside of Commercial Zones."
2. The requested rezoning to C-3 will provide for plot plan approval by the BZA to assure land-use compatibility and any necessary traffic flow mitigation.

SECTION 2. ZONING CHANGE. Section 30-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Professional Office Zone, P-O, to Highway Commercial Zone, C-3:

P-O to C-3

All that real property situate in Lot 10 of Maze Ranch Subdivision as shown on the map filed in Volume 4 of Maps at page 18, Stanislaus County Records, lying in a portion of the southwest one quarter of Section 30, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, more particularly described as follows:

Commencing at the west quarter corner of said Section 30, said corner lying on the south line of original 40.00-foot wide County road known as Kansas Avenue; thence along said south line and quarter section line 89°28'22" East 43.67 feet to the true point of beginning of this description; thence continuing along said quarter section line 89°28'22" East 88.33 feet to the west line of 90.00-foot wide Carpenter Road; thence along said west line, South 0°31'34" East, 136.86 feet to a point on the northern line of future State Highway 132; thence along the northern line of future State Highway 132, South 54°42'08" West 62.16 feet; thence

continuing along said northern line, South 80°38'38" West 37.67 feet; thence leaving the northern line of Future State Highway 132, North 0°31'34" West 179.72 feet to the south line of aforementioned Kansas Avenue and the true point of beginning of this description.

Including also the west one-half of 90.00-foot wide Carpenter Road immediately adjacent to the above described property.

SECTION 3. ZONING MAP. Section 30-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of August, 1992, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Richard A. Lang
RICHARD A. LANG, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By William Proziale
Planning & Community Development

Ord. No. 2818-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 1st day of September, 1992, Councilmember Friedman moved its final adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: 
MAYOR RICHARD A. LANG

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: October 1, 1992

Clark

ORDINANCE NO. 2819 -C.S.

AN ORDINANCE AMENDING SECTION MAP 5-4-9 OF THE ZONING MAP TO REZONE FROM MEDIUM DENSITY RESIDENTIAL ZONE, R-2, AND MEDIUM HIGH DENSITY RESIDENTIAL ZONE, R-3, TO LOW DENSITY RESIDENTIAL ZONE, R-1, AND TO PREZONE TO P-R-1, P-R-2, AND P-R-3, PROPERTY LOCATED EAST OF SUTTER AVENUE SOUTH OF SOUTH AVENUE EXTENDING EAST TO NEECE DRIVE IN THE FAIRWAY NEIGHBORHOOD. (PLANNING COMMISSION INITIATED)

WHEREAS, The Stanislaus County Local Agency Formation Commission (LAFCO) requires that all areas proposed for annexation be prezoned prior to annexation, and

WHEREAS, a large unincorporated "island" exists on the east side of Sutter Avenue between the Dryden Golf Course and South Avenue and extending east across Colorado and Roselawn Avenue to Sunset Avenue all in the Fairway Neighborhood and which contains 159 acres, and

WHEREAS, the Planning Commission has held a series of study sessions brought about as a result of a proposed 6.3 acre annexation called Sunset South Reorganization, which has stalled due to difficulties and expense of providing utilities, and

WHEREAS, on March 30, 1992 the Planning Commission held an informal public hearing at the City's King-Kennedy Center to obtain neighborhood input on a pre zoning proposal, and

WHEREAS, as a result of the neighborhood session, on April 20, 1992, by Resolution 92-19, the Planning Commission initiated proceedings to prezone the unincorporated island primarily to the zoning pattern existing in the County except

that the portion south of those properties which front on Pelton Avenue are proposed to be rezoned to P-R-1, and

WHEREAS, the Planning Commission also included in its proposal the rezoning to R-1 four areas in the City including two portions of City park land, and the City's golf course parking lot and pro shop and the National Guard Armory, and

WHEREAS, after a public hearing held on July 6, 1992, it was found and determined by the Planning Commission that rezoning and rezoning of the property as proposed is required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 92-26, adopted on July 6, 1992, the Planning Commission recommended to the Council an amendment to Section 5-4-9 of the Zoning Map to rezone from Medium Density Residential Zone, R-2, and Medium High Density Residential Zone, R-3, to Low Density Residential Zone, R-1, and to rezone to P-R-1, P-R-2, and P-R-3, primarily as outlined and described as follows except that the area bounded by South Avenue, Rouse Avenue, Roselawn and Sunset Avenues is deleted from this action.

NOW, THEREFORE, the Council of the City of Modesto does ordain as follows:

SECTION 1. COUNCIL FINDINGS. After a public hearing held on September 1, 1992, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, this Council finds and determines that rezoning and rezoning is in accordance with the general plan and will serve the public health, safety and

general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource for the following reasons:

1. Rezoning to P-R-1 of the area extending south from the Pelton Avenue properties will result in a general upgrade and stabilize the area by encouraging owner occupancy and neighborhood stability.
2. Rezoning to primarily the existing County zoning pattern of the northern share of the unincorporated island to R-2 with some R-3 and R-1 will provide for increased densities upon annexation, and will promote more affordable housing, which is a goal of the City.
3. Rezoning the two park areas and the National Guard Armory from R-2 to R-1 and the City's golf course parking area and pro shop from R-3 to R-1 will simplify the area mapping of zone categories and reflect a truer picture of the residential density potential of the overall area.

SECTION 2. ZONING CHANGE. Section 5-4-9 of the Zoning Map is hereby amended to rezone from Medium Density Residential Zone, R-2, and Medium High Density Residential Zone, R-3, to Low Density Residential Zone, R-1, and to prezone to P-R-1, P-R-2, and P-R-3 the following described property:

PREZONE TO R-1

All that certain real property situate in the State of California, County of Stanislaus, Section 5, Township 4 South, Range 9 East, Mount Diablo Base and Meridian described as follows:

AREA 1:

All of Lots 3,4,5,6,7 and the Westerly 107 feet of Lot 2 as shown on that certain map of Southside Tract as filed in Book 8 of Maps at Page 37 Stanislaus County Records, California, on January 11, 1916.

Excluding therefrom the Westerly 20 feet of the Northern 30 feet of said Lot 4.

Also all that property as shown on that certain map of Cassino Tract as filed in Book 16 of Maps at Page 23 Stanislaus County Records, California, on January 31, 1947.

AREA 2:

All of Lots 26, 27, and the Westerly 263.7 feet of Lot 13 as shown on that certain map of Rouse Colony as filed in Book 5 of Maps at Page 24 Stanislaus County Records, California, on January 10, 1911.

Including also the Easterly 30 feet of Colorado Avenue immediately adjacent to the above described property.

AREA 3:

All of Lots 5, 31, 32, 33, and 34 as shown on that certain map of Rouse Colony as filed in Book 5 of Maps at Page 24 Stanislaus County Records, California, on January 10, 1911.

Including also the Easterly one-half of 60 foot Colorado Avenue immediately adjacent to the above described property.

PREZONE TO R-2

All that certain real property situate in the State of California, County of Stanislaus, Section 5, Township 4 South, Range 9 East, Mount Diablo Base and Meridian described as follows:

AREA 1:

All of Lot 1 and the Easterly 58 feet of Lot 2 as shown on that certain map of Southside Tract as filed in Book 8 of Maps at Page 37 Stanislaus County Records, California, on January 11, 1916.

AREA 2:

All of Lots 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 33, 34, 35, 36, 37, 38, 39, 46, 47, 48, 49, 50, 51, and 52 as shown on that certain map of Sunset Acres as filed in Book 5 of Maps at Page 25 Stanislaus County Records, California, on January 14, 1911.

Including also the Westerly 128 feet of the Southerly 132 feet of Lot 53 and the Easterly 30 feet of the Southerly 103 feet of Lot 5; excluding the Northerly 66 feet of Lot 13 and the Westerly 30 feet of the Northerly 66 feet of Lot 14.

Also all of Lots 19, 20, 21, 22, 23, 24, 25, and 28 as shown on that certain map of Rouse Colony as filed in Book 5 of Maps at Page 24 Stanislaus County Records, California, on January 10, 1911.

Excluding therefrom the Southerly 247.5 feet of the Westerly 264 feet of Lot 28, the Northerly 15 feet of Lot 24, and the Northerly 15 feet of the Westerly 184.5 feet of Lot 23.

AREA 3:

All of Lot 30 as shown on that certain map of Rouse Colony as filed in Book 5 of Maps Page 24 Stanislaus County Records, California, on January 10, 1911.

Including also the Easterly 30 feet of Colorado Avenue immediately adjacent to the above described property.

AREA 4:

The Westerly 187.8 feet of Lot 16 as shown on that certain map of Rouse Colony as filed in Book 5 of Maps at Page 24 Stanislaus County Records, California, on January 10, 1911.

PREZONE TO R-3

All that certain real property situate in the State of California, County of Stanislaus, Section 5, Township 4 South, Range 9 East, Mount Diablo Base and Meridian described as follows:

Area 1:

All of Lots 9, 10, 11, and 12 as shown on that certain map of Southside Tract as filed in Book 8 of Maps at Page 37 Stanislaus County Records, California, on January 10, 1916.

Area 2:

All of Lots 9, 10, and 11 as shown on that certain map of Sunset Acres as filed in Book 5 of Maps at Page 25 Stanislaus County Records, California, on January 14, 1911.

Area 3:

All of Lots 14, 15, 16, 17, and 18 as shown on that certain map of Graham Acres as filed in book 6 of Maps at Page 49 Stanislaus County Records, California, on July 16, 1912.

Excepting therefrom the Easterly 214 feet of Lot 16 and the Northerly 65 feet of the Westerly 132 feet of Lot 17.

REZONE R-2 TO R-1

All that certain real property situate in the State of California, County of Stanislaus, Section 5, Township 4 South, Range 9 East, Mount Diablo Base and Meridian described as follows:

Beginning at a point on the centerline of original 40 foot Sunset Avenue, said point being the Southwest corner of Lot 56 as shown on that certain map of Sunset Acres as filed in Book 5 of Maps at Page 27 Stanislaus County Records, California, on March 18, 1911; thence continuing Eastward along the South line of said Lot 56 and the South line of Lot 72 as shown on said map of Sunset Acres to the Southeast corner of said Lot 72; thence continuing Eastward along the Easterly prolongation of the South line of said Lot 72 to the East line of original 60 foot Neece Drive; thence Southwesterly along said East line of Neece Drive to a point of intersection of said East line and the centerline of 60 foot Jean Street; thence Westerly along the centerline of Jean Street to the point of intersection of the centerline of Jean Street and the centerline of original 40 foot Sunset Avenue; thence Northerly along said centerline of Sunset Avenue to the point of beginning.

Also all of Lots 56, 57, 60, 61, 62, 63, and the Southerly 70 feet of Lot 58 as shown on said map of Sunset Acres. Also including the Westerly 30 feet of Lot 59 and the Westerly 30 feet of the Northerly 62 feet of Lot 58.

REZONE R-3 TO R-1

All that certain real property situate in the State of California, County of Stanislaus, Section 5, Township 4 South, Range 9 East, Mount Diablo Base and Meridian described as follows:

Beginning at a point as established by the Dryden-Durand Addition according to the boundary description filed June 23, 1955, as instrument 18187, Stanislaus County Records, said point being the intersection of the centerline of Sunset Avenue and the extension of the Southeastern line of Neece Drive; thence along the Southeastern line of Neece Drive, North 30° 46' 30" East, 220.51 feet; thence continuing along the boundary of said Dryden-Durand Addition and its Southerly extension South 0° 15' West, 579.74 feet; thence along the boundary of said Dryden-Durand Addition and its Easterly extension, North 84° 13' West,

345.55 feet; thence continuing along the boundary of said Dryden-Durand Addition the following bearings and distances, North 14° 47' East 123.00 feet, North 89° 45' West 123.89 feet, to a point on the boundary of the Club House Addition as per description filed July 29, 1959, Instrument 21781, Stanislaus County Records; thence along the boundary of said Club House Addition the following bearings and distances, North 89° 45' West 309.65 feet, North 0° 15' East 264.22 feet, South 89° 45' East 210.00 feet, North 0° 15' East 36 feet, South 89° 45' East 424.65 feet, to the centerline of Sunset Avenue; thence along the centerline of Sunset Avenue South 0° 15' West 62.8 feet to the point of beginning.

SECTION 3. ZONING MAP. Section 5-4-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of September, 1992, by Councilmember Dobbs, who moved its introduction and passage to print, which motion being duly seconded by Mayor Lang, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Mayor Lang

NOES: Councilmembers: Muratore, Patterson

ABSENT: Councilmembers: None

APPROVED: 
RICHARD A. LANG, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, Acting City Attorney

APPROVED AS TO DESCRIPTION:

By 
Planning & Community Development

Ord. No. 2819-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 6th day of October, 19 92, Councilmember Dobbs moved its final adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Patterson,
Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Muratore

APPROVED: 
MAYOR RICHARD A. LANG

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: November 5, 1992

ORDINANCE NO. 2820 -C.S.

AN ORDINANCE AMENDING SECTION MAP 5-4-9 OF THE ZONING MAP TO PREZONE TO P-R-1 PROPERTY LOCATED EAST OF SUTTER AVENUE SOUTH OF SOUTH AVENUE, NORTH OF ROUSE AVENUE, BETWEEN ROSELAWN AND SUNSET AVENUES IN THE FAIRWAY NEIGHBORHOOD. (PLANNING COMMISSION INITIATED)

WHEREAS, The Stanislaus County Local Agency Formation Commission (LAFCO) requires that all areas proposed for annexation be prezoned prior to annexation, and

WHEREAS, a large unincorporated "island" exists on the east side of Sutter Avenue between the Dryden Golf Course and South Avenue and extending east across Colorado and Roselawn Avenue to Sunset Avenue all in the Fairway Neighborhood and which contains 159 acres, and

WHEREAS, the Planning Commission has held a series of study sessions brought about as a result of a proposed 6.3 acre annexation called Sunset South Reorganization, which has stalled due to difficulties and expense of providing utilities, and

WHEREAS, on March 30, 1992 the Planning Commission held an informal public hearing at the City's King-Kennedy Center to obtain neighborhood input on a prezoning proposal, and

WHEREAS, as a result of the neighborhood session, on April 20, 1992, by Resolution 92-19, the Planning Commission initiated proceedings to prezone the unincorporated island primarily to the zoning pattern existing in the County except

that the portion south of those properties which front on Pelton Avenue are proposed to be rezoned to P-R-1, and

WHEREAS, the Planning Commission also included in its proposal the rezoning to R-1 four areas in the City including two portions of City park land, and the City's golf course parking lot and pro shop and the National Guard Armory, and

WHEREAS, after a public hearing held on July 6, 1992, it was found and determined by the Planning Commission that rezoning and rezoning of the property as outlined above is required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 92-26, adopted on July 6, 1992, the Planning Commission recommended to the Council an amendment to Section 5-4-9 of the Zoning Map to rezone from Medium Density Residential Zone, R-2, and Medium High Density Residential Zone, R-3, to Low Density Residential Zone, R-1, and to rezone to P-R-1, P-R-2, and P-R-3, primarily as outlined and described in Resolution No. 92-26 except that the area bounded by South Avenue, Rouse Avenue, Roselawn and Sunset Avenues is deleted from that action, and

WHEREAS, at its September 1, 1992, meeting the City Council received evidence both oral and documentary along with testimony from representatives of the area bounded by South Avenue, Rouse Avenue, and Roselawn and Sunset Avenues that this specific area would be better served with rezoning to P-R-1 in

order to assure continuance of the larger-lot rural atmosphere that presently exists,

NOW, THEREFORE, the Council of the City of Modesto does ordain as follows:

SECTION 1. COUNCIL FINDINGS. After a public hearing held on September 1, 1992, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, this Council finds and determines that rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource for the following reasons:

1. Rezoning to P-R-1 of the area will result in a general upgrade and stabilize the area by encouraging owner occupancy and neighborhood stability.
2. The preponderance of property owners in this area have "ranchettes", and the rezoning to P-R-1 will serve to continue with this rural style residential atmosphere.

SECTION 2. ZONING CHANGE. Section 5-4-9 of the Zoning Map is hereby amended to rezone to P-R-1 the following described property:

PREZONE TO R-1

All that certain real property situate in the State of California, County of Stanislaus, Section 5, Township 4 South, Range 9 East, Mount Diablo Base and Meridian described as follows:

AREA 4:

All of Lots 1, 2, 3, 4, 16, 17, 18, 19, 28, 29, 30, 31, 41, 42, 43, 44, 54, and 55 as shown on that certain map of Sunset Acres as filed in Book 5 of Maps at Page 25 Stanislaus County Records, California, on January 14, 1911.

Including also the Easterly 30 feet of the Northerly 161 feet of Lot 5.

SECTION 3. ZONING MAP. Section 5-4-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of September, 1992, by Councilmember Friedman, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: 
RICHARD A. LANG, Mayor

ATTEST:

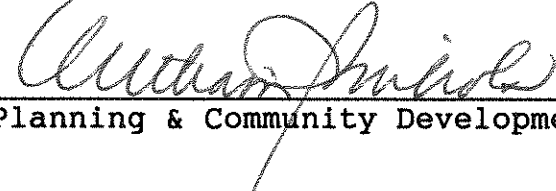
By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, Acting City Attorney

APPROVED AS TO DESCRIPTION:

By 
Planning & Community Development

Ord. No. 2820-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 6th day of October, 19 92, Councilmember Patterson moved its final adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

APPROVED:


MAYOR RICHARD A. LANG

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: November 5, 1992

ORDINANCE NO. 2821 -C.S.

AN ORDINANCE AMENDING SECTIONS 3-2.1401 AND 3-2.1401.1 OF ARTICLE 14 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO SPEED LIMITS IN THE CITY OF MODESTO.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Sections 3-2.1401 and 3-2.1401.1 of Article 14 of Chapter 2 of Title III of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 3-2.1401. CHANGE IN SPEED LIMITS SET BY STATE LAW.

Pursuant to authority contained in the California Vehicle Code Sections 22357 and 22358, it is hereby determined upon the basis of an engineering and traffic survey that the prima facie speed limits hereinafter set forth would facilitate the orderly movement of vehicular traffic and would be reasonable and safe, except when passing school grounds, and it is hereby determined that a speed limit greater than those hereinafter set forth would be more than is reasonable or safe. It is hereby declared that the prima facie speed limits hereinafter set forth are established according to law.

<u>NAME OF STREET OR PORTION AFFECTED</u>	<u>DECLARED PRIMA FACIE SPEED LIMIT</u>
ALICE STREET, between Sycamore Avenue and McHenry Avenue	25 miles per hour
BLUE GUM AVENUE, between Carpenter Road and Culpepper Avenue	25 miles per hour
BRIGGSMORE AVENUE, between Sisk Road and Prescott Road	30 miles per hour
CARPENIER ROAD, between Blue Gum Avenue and Orangeburg Avenue	30 miles per hour
CARPENIER ROAD, between the Tuolumne River and Robertson Road	35 miles per hour
CENTER STREET, between Rosedale Avenue and Calaveras Avenue	25 miles per hour
CONANT AVENUE, between Sisk Road and Rumble Road	25 miles per hour

CONANT AVENUE, between Standiford Avenue and Veneman Avenue	25 miles per hour
CROWS LANDING, between 7th Street and Blankenburg Avenue; those portions within the City	35 miles per hour
CROWS LANDING, between School Avenue and Imperial Avenue; those portions within the City	35 miles per hour
CROWS LANDING, between Imperial Avenue and Whitmore; those portions within the City	45 miles per hour
DEL VALE AVENUE, between Del Vista Avenue and Glenwood Drive	25 miles per hour
EMERALD AVENUE, between Maze Boulevard and Kansas Avenue within the City limits	25 miles per hour
ENSLLEN AVENUE, between Granger Avenue and Orangeburg Avenue	25 miles per hour
FAIRMONT AVENUE, between Virginia Avenue and McHenry Avenue	25 miles per hour
GRAPE AVENUE, between Pearl Street and Evergreen Avenue	25 miles per hour
GRISWOLD AVENUE, between Virginia Avenue and McHenry Avenue	25 miles per hour
HADDON AVENUE, between La Loma Avenue and Conejo Avenue	25 miles per hour
HASHEM DRIVE, between Sylvan Avenue and Oakdale Road	30 miles per hour
JEFFERSON STREET, between Paradise Road and 8th Street	25 miles per hour
K STREET, between Washington Street and 9th Street	25 miles per hour
LEGION PARK ROAD, between Santa Cruz Avenue and Tioga Drive	25 miles per hour

LEVELAND LANE, between College Avenue and TSRR tracks	25 miles per hour
LINCOLN OAK DRIVE, between Merle Avenue and Floyd Avenue	25 miles per hour
LUCERN AVENUE, between Johnson Street and Coffee Road	25 miles per hour
MADISON STREET, between Paradise Avenue and Laurel Avenue	25 miles per hour
MORTON BOULEVARD, between 9th Street and Downey Avenue	25 miles per hour
NEECE DRIVE, between Rouse Avenue and Sunset Avenue	25 miles per hour
N. MARTIN LUTHER KING DRIVE, between Maze Boulevard and Laurel Avenue	25 miles per hour
PARKER ROAD, between Claus Road and the Atchinson, Topeka and Santa Fe Railroad Tracks within the City Limits	50 miles per hour
PEARL STREET, between Carver Road and Dougfir Drive	25 miles per hour
RIVER ROAD, between Herndon Avenue and 1,200 feet west of Herndon Avenue	35 miles per hour
ROBLE AVENUE, between Santa Ana Avenue and Rosina Avenue	25 miles per hour
SHERWOOD AVENUE, between Orangeburg Avenue and Brigsmore Avenue	25 miles per hour
SNYDER AVENUE, between Blue Bird Drive and Dale Road	25 miles per hour
STODDARD AVENUE, between McHenry Avenue and Virginia Avenue	25 miles per hour
TIOGA DRIVE, between Conejo Avenue and Legion Park Drive	25 miles per hour

WESTERN WAY, between Sutter Avenue and Roselawn Avenue	25 miles per hour
WINMOORE WAY, between Crowslanding Road and Jim Way	25 miles per hour
WRIGHT STREET, between Sycamore Avenue and McHenry Avenue	25 miles per hour
7TH STREET, between Sierra Drive and the Tuolumne River	25 miles per hour
9TH STREET, between 400' north of Tully Road and P Street	35 miles per hour
9TH STREET, between D Street and north end of the Tuolumne River Bridge	30 miles per hour
9TH STREET, on the Tuolumne River Bridge	40 miles per hour

SEC. 3-2.1401.1. CHANGE IN SPEED LIMITS SET BY STATE LAW: FOR PURPOSE OF ENFORCEMENT USING RADAR OR OTHER ELECTRONIC DEVICE.

By authority of, and upon the basis of engineering and traffic surveys conducted pursuant to Vehicle Code and the Traffic Manual of the Department of Transportation, it is determined that the prima facie speed limits which follow would facilitate the orderly movement of vehicular traffic and would be reasonable and safe.

<u>NAME OF STREET OR PORTION AFFECTED</u>	<u>DECLARED PRIMA FACIE SPEED LIMIT</u>	<u>DATE SURVEYED</u>
BLUE GUM AVENUE, between Morse Road and Carpenter Road	35 miles per hour	August 31, 1989
BOWEN AVENUE, between Tully Road and McHenry Avenue	35 miles per hour	March 4, 1992
BRIGGSMORE AVENUE, between Prescott Road and Tully Road	45 miles per hour	October 20, 1988
BRIGGSMORE AVENUE, (east and westbound) between Tully Road and McHenry Avenue	45 miles per hour	October 20, 1988
BRIGGSMORE AVENUE, (westbound) between Coffee Road and McHenry Avenue	45 miles per hour	October 20, 1988

BRIGGSMORE AVENUE, (eastbound) between McHenry Avenue and 1,000 feet west of Coffee Road	40 miles per hour	March 12, 1992
BRIGGSMORE AVENUE, (eastbound) between a point 1,000 feet west of Coffee Road and Coffee Road	40 miles per hour	October 20, 1988
BRIGGSMORE AVENUE, between Coffee Road and Rose Avenue	45 miles per hour	October 20, 1988
BRIGGSMORE AVENUE, between Rose Avenue and Oakdale Road	45 miles per hour	October 20, 1988
BRIGGSMORE AVENUE, between Oakdale Road and Claus Road	45 miles per hour	October 20, 1988
BRIGHTON AVENUE, between Coffee Road and Locke Road	30 miles per hour	March 2, 1988
CALIFORNIA AVENUE, between Carpenter Road and N. Martin Luther King Drive within the City limits	35 miles per hour	January 28, 1992
CARPENTIER ROAD, between Blue Gum Avenue and Woodland Avenue within the City limits	45 miles per hour	November 2, 1988
CARPENTIER ROAD, between Woodland Avenue and Maze Boulevard within the City limits	40 miles per hour	March 14, 1989
CARPENTIER ROAD, between Maze Boulevard and Paradise Road within the City limits	45 miles per hour	October 26, 1988
CARVER ROAD, between M.I.D. Lateral No. 6 and Brixton Lane	40 miles per hour	June 18, 1992
CARVER ROAD, between Brixton Lane and Briggsmore Avenue	35 miles per hour	March 12, 1992
CARVER ROAD, between Briggsmore Avenue and Orangeburg Avenue	35 miles per hour	June 29, 1992

CARVER ROAD, between Orangeburg Avenue and 9th Street within the City limits	30 miles per hour	March 12, 1992
CELESTE DRIVE, between Coffee Road and Oakdale Road	30 miles per hour	March 8, 1988
CLAUS ROAD, between M.I.D. Lateral No. 3 and 200' south of Scenic Drive	45 miles per hour	October 26, 1988
CLAUS ROAD, between 200' south of Scenic Drive and Yosemite Boulevard	50 miles per hour	February 14, 1989
COFFEE ROAD, between Mable Avenue and Sylvan Avenue within the City limits	45 miles per hour	July 15, 1992
COFFEE ROAD, between Sylvan Avenue and Floyd Avenue within the City limits	35 miles per hour	October 27, 1988
COFFEE ROAD, between Floyd Avenue and Briggsmore Avenue	35 miles per hour	October 27, 1988
COFFEE ROAD, between Briggsmore Avenue and Scenic Drive	35 miles per hour	October 27, 1988
COLLEGE AVENUE, between Rumble Road and Bowen Avenue	30 miles per hour	October 27, 1988
COLLEGE AVENUE, between Bowen Avenue and Princeton Avenue	35 miles per hour	March 13, 1992
CREEKWOOD DRIVE, between Claus Road and Yosemite Boulevard	30 miles per hour	May 29, 1990
CROWS LANDING ROAD, Blankenburg Avenue to School Avenue, within the City limits	35 miles per hour	March 2, 1988
DALE ROAD, between Pelandale Avenue and Snyder Avenue within the City limits	35 miles per hour	September 2, 1987
DALE ROAD, between Snyder Avenue and Veneman Avenue	35 miles per hour	September 2, 1987
DALE ROAD, between Veneman Avenue and Standiford Avenue	35 miles per hour	October 20, 1988

EASTRIDGE DRIVE, between Orangeburg Avenue and Scenic Drive	30 miles per hour	March 7, 1988
EICHER AVENUE, between Conant Avenue and Goldie Avenue	30 miles per hour	May 21, 1990
EL VISTA AVENUE, between Scenic Drive and Yosemite Boulevard	35 miles per hour	October 26, 1988
EMERALD AVENUE, between Maze Boulevard and California Avenue within the City limits	35 miles per hour	March 2, 1988
ENCINA AVENUE, between Santa Barbara Avenue and Conejo Avenue	30 miles per hour	March 8, 1988
EVERGREEN AVENUE, between Orangeburg Avenue and Carver Road	30 miles per hour	June 23, 1988
FAIRMONT AVENUE, between Sunrise Avenue and Coffee Road	30 miles per hour	March 7, 1988
FLOYD AVENUE, between McHenry Avenue and Coffee Road	35 miles per hour	March 4, 1992
FLOYD AVENUE, between Coffee Road and Oakdale Road	30 miles per hour	March 8, 1988
FLOYD AVENUE, between Oakdale Road and Roselle Avenue within the City limits	35 miles per hour	August 26, 1987
GRANGER AVENUE, between Tully Road and McHenry Avenue	30 miles per hour	March 8, 1988
GRANGER AVENUE, between McHenry Avenue and Sunrise Avenue	30 miles per hour	March 7, 1988
HATCH ROAD, between Crows Landing Road and Carpenter Road within the City limits	45 miles per hour	January 28, 1992
KANSAS AVENUE, between Carpenter Road and Emerald Avenue within the City limits	40 miles per hour	July 8, 1992

KANSAS AVENUE, between Emerald Avenue and Eighth Street	35 miles per hour	October 26, 1988
KEARNEY AVENUE, between Glenwood Drive and Coldwell Avenue	25 miles per hour	May 21, 1990
KELLER STREET, between Sylvan Avenue and Rumble Road within the City limits	30 miles per hour	October 27, 1988
LA LOMA AVENUE, between H Street and Santa Ana Avenue	35 miles per hour	January 27, 1992
LA LOMA AVENUE, between Santa Ana Avenue and Yosemite Boulevard	35 miles per hour	January 27, 1992
LAKEWOOD AVENUE, between Orangeburg Avenue and Scenic Drive	30 miles per hour	March 7, 1988
LINCOLN AVENUE, between 650' north of M.I.D. Lateral No. 2 and Yosemite Boulevard	35 miles per hour	August 30, 1989
MABLE AVENUE, between Coffee Road and Oakdale Road	35 miles per hour	May 29, 1990
MERLE AVENUE, between Oakdale Road and Roselle Avenue	35 miles per hour	March 14, 1989
MILLER AVENUE, between La Loma Avenue and El Vista Avenue	35 miles per hour	March 12, 1992
MITCHELL ROAD, between Finch Road and the southerly City limits	50 miles per hour	March 4, 1992
MORRIS AVENUE, between McHenry Avenue and Coffee Road	30 miles per hour	March 12, 1992
MORSE ROAD, between Blue Gum Avenue and Kansas Avenue within the City limits	40 miles per hour	January 28, 1992
MT. VERNON DRIVE, between Prescott Road and Carver Road	30 miles per hour	March 8, 1988

MT. VERNON DRIVE, between Carver Road and College Avenue	30 miles per hour	March 8, 1988
NEECE DRIVE, between Tuolumne Boulevard and Rouse Avenue	35 miles per hour	March 2, 1988
NEEDHAM STREET, between 9th and and L Streets	35 miles per hour	March 2, 1988
N. MARTIN LUTHER KING DRIVE, between Maze Boulevard and California Avenue	30 miles per hour	March 13, 1992
NORWEGIAN AVENUE, between McHenry Avenue and Coffee Road	35 miles per hour	March 8, 1988
OAKDALE ROAD, between Mable Avenue and Sylvan Avenue within the City limits	50 miles per hour	March 14, 1989
OAKDALE ROAD, between Sylvan Avenue and Floyd Avenue within the City limits	45 miles per hour	March 14, 1989
OAKDALE ROAD, between Floyd Avenue and Briggsmore Avenue	35 miles per hour	April 21, 1988
OAKDALE ROAD, between Briggsmore Avenue and Scenic Drive	35 miles per hour	April 21, 1988
ORANGEBURG AVENUE, between Briggsmore Avenue and Martin Avenue	30 miles per hour	August 30, 1989
ORANGEBURG AVENUE, between Martin Avenue and McHenry Avenue	35 miles per hour	March 9, 1988
ORANGEBURG AVENUE, between McHenry Avenue and Coffee Road	35 miles per hour	March 31, 1988
ORANGEBURG AVENUE, between Coffee Road and Oakdale Road	35 miles per hour	February 12, 1991
ORANGEBURG AVENUE, between Oakdale Road and Lakewood Avenue	35 miles per hour	August 31, 1989

ORANGEBURG AVENUE, between Lakewood Avenue and Claus Road	35 miles per hour	August 31, 1989
PARADISE ROAD, between Vernon Avenue and N. Martin Luther King Drive within the City limits	35 miles per hour	March 14, 1989
PARADISE ROAD, between N. Martin Luther King Drive and Washington Street	30 miles per hour	March 14, 1989
PELANDALE AVENUE, between Sisk Road and Dale Road within the City limits	45 miles per hour	January 28, 1992
PRESCOTT ROAD, between Snyder Avenue and Standiford Avenue	35 miles per hour	March 9, 1988
PRESCOTT ROAD, between Standiford Avenue and Rumble Road	35 miles per hour	March 9, 1988
PRESCOTT ROAD, between Rumble Road and Brigsmore Avenue	35 miles per hour	October 20, 1988
PRINCETON AVENUE, between Tully Road and College Avenue	25 miles per hour	August 30, 1989
RIVERSIDE DRIVE, between Edgebrook Drive and Yosemite Boulevard	30 miles per hour	May 21, 1990
ROSE AVENUE, between Floyd Avenue and Brigsmore Avenue	35 miles per hour	March 4, 1992
ROSE AVENUE, between Briggsmore Avenue and Scenic Drive	35 miles per hour	March 4, 1992
ROSEBURG AVENUE, between Carver Road and Tully Road	30 miles per hour	March 7, 1988
ROSEBURG AVENUE, between Tully Road and McHenry Avenue	30 miles per hour	March 7, 1988
ROSEBURG AVENUE, between McHenry Avenue and Sunrise Avenue	35 miles per hour	March 7, 1988

ROSELLE AVENUE, between Floyd Avenue and Briggsmore Avenue	45 miles per hour	February 12, 1991
ROSEMORE AVENUE, between Blue Gum Avenue and Kansas Avenue within the City limits	40 miles per hour	September 28, 1990
ROUSE AVENUE, between Neece Drive and Colorado Avenue within the City limits	35 miles per hour	April 29, 1992
RUMBLE ROAD, between Sisk Road and Conant Avenue	40 miles per hour	July 6, 1992
RUMBLE ROAD, between Conant Avenue and Tully Road	30 miles per hour	March 9, 1988
RUMBLE ROAD, between Tully Road and McHenry Avenue	35 miles per hour	May 29, 1990
RUMBLE ROAD, between McHenry Avenue and Coffee Road	35 miles per hour	March 8, 1988
SANTA CRUZ AVENUE, between Yosemite Boulevard and Legion Park Drive within the City limits	30 miles per hour	May 29, 1990
SCENIC DRIVE, between Burney Street and Coffee Road	30 miles per hour	March 2, 1988
SCENIC DRIVE, between Coffee Road and Oakdale Road	40 miles per hour	May 26, 1992
SCENIC DRIVE, between Oakdale Road and Lakewood Avenue	40 miles per hour	July 30, 1990
SCENIC DRIVE, between Lakewood Avenue and Lillian Drive	30 miles per hour	March 7, 1988
SCENIC DRIVE, between Lillian Drive and Claus Road	40 miles per hour	May 26, 1992
SHARON WAY, between Budd Street and Prescott Road	30 miles per hour	March 8, 1988
SIERRA DRIVE, between G and South 7th Streets	30 miles per hour	March 2, 1988

SISK ROAD, between 600' north of Vintage Drive and Standiford Avenue	35 miles per hour	May 21, 1990
SISK ROAD, between Pelandale Avenue and Vintage Drive	45 miles per hour	January 28, 1992
SISK ROAD, between Standiford Avenue and Briggsmore Avenue	45 miles per hour	June 18, 1991
SNYDER AVENUE, between Dale Road and Prescott Road within the City limits	35 miles per hour	September 30, 1987
SNYDER AVENUE, between Prescott Road and Carver Road within the City limits	40 miles per hour	September 30, 1987
STANDIFORD AVENUE, between Dale Road and Prescott Road within the City limits	35 miles per hour	August 30, 1989
STANDIFORD AVENUE, between Prescott Road and Carver Road	35 miles per hour	August 30, 1989
STANDIFORD AVENUE, between Carver Road and Tully Road	35 miles per hour	October 5, 1989
STANDIFORD AVENUE, between Tully Road and McHenry Avenue	35 miles per hour	March 14, 1989
SUNRISE AVENUE, between Floyd Avenue and Briggsmore Avenue	30 miles per hour	March 8, 1988
SUNRISE AVENUE, between Briggsmore Avenue and Lucern Avenue	30 miles per hour	August 31, 1989
SURREY AVENUE, between Oakdale Road and Eastridge Drive	30 miles per hour	August 31, 1989
SUTTER AVENUE, between Paradise Road and Robertson Road within the City limits	30 miles per hour	March 13, 1992

SYCAMORE AVENUE, between Orangeburg Avenue and Griswold Avenue	30 miles per hour	October 26, 1988
SYLVAN AVENUE, between McHenry Avenue and Coffee Road	35 miles per hour	August 30, 1989
SYLVAN AVENUE, between Coffee Road and Oakdale Road	35 miles per hour	February 14, 1989
TENAYA DRIVE, between Santa Cruz Avenue and Mitchell Road within the City limits	30 miles per hour	June 4, 1990
TULLY ROAD, between M.I.D. Lateral No. 6 and Standiford Avenue	35 miles per hour	March 9, 1988
TULLY ROAD, between Standiford Avenue and Coldwell Avenue	35 miles per hour	March 13, 1992
TUOLUMNE BOULEVARD, between Paradise Road and 7th Street	35 miles per hour	March 13, 1992
UNION AVENUE, between Tully Road and McHenry Avenue	30 miles per hour	February 12, 1991
VENEMAN AVENUE, between Dale Road and Regency Park Drive	35 miles per hour	March 12, 1992
VENEMAN AVENUE NORTH, between Regency Park Drive and Snyder Avenue	25 miles per hour	October 28, 1988
VIRGINIA AVENUE, between Roseburg Avenue and Needham Street	30 miles per hour	March 7, 1988
WHITMORE AVENUE, between Crows Landing Road and Morgan Road within the City limits	45 miles per hour	June 19, 1991
WHITMORE AVENUE, between Ustick Road and Crows Landing Road within the City limits	45 miles per hour	February 13, 1991
WOODLAND AVENUE, between Morse Road and Carpenter Road, within the City limits	35 miles per hour	October 26, 1988

WOODLAND AVENUE, between Carpenter Road and 9th Street, within the City limits	35 miles per hour	January 27, 1992
WOODROW AVENUE, between Tully Road and McHenry Avenue	30 miles per hour	March 9, 1988
WYLIE DRIVE, between Rose Avenue and Oakdale Road	30 miles per hour	October 26, 1988
9TH STREET, between Carpenter Road and 400' north of Tully Road within the City limits	45 miles per hour	May 26, 1992
9TH STREET, between P Street and L Street	35 miles per hour	May 26, 1992

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

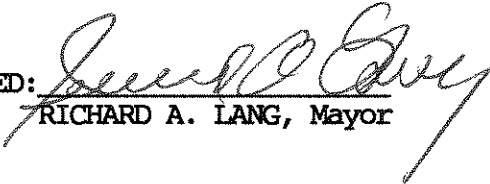
SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of September, 1992, by Councilmember Friedman, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None


APPROVED: 
RICHARD A. LANG, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, Acting City Attorney

Ord. No. 2821-C.S.

FINAL ADOPTION CLAUSE

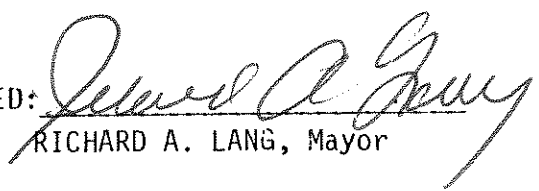
The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 8th day of September, 1992, Councilmember Friedman moved its final adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, Friedman, Muratore, Patterson,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill, Dobbs

APPROVED:


RICHARD A. LANG, Mayor

ATTEST: NORRINE COYLE, City Clerk

EFFECTIVE DATE: October 8, 1992

Clerk

ORDINANCE NO. 2822 -C.S.

AN ORDINANCE AMENDING SECTIONS 9-1.01, 9-1.10, 9-1.11, AND 9-1.12 OF CHAPTER 1 OF TITLE IX OF THE MODESTO MUNICIPAL CODE; AND ADDING SECTIONS 9-1.18, 9-1.19, 9-1.20, 9-1.21, AND 9-1.22 RELATING TO THE BUILDING CODE.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Sections 9-1.01, 9-1.10, 9-1.11, and 9-1.12 of Chapter 1 of Title IX of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 9-1.01. ADOPTION BY REFERENCE OF "UNIFORM BUILDING CODE."

That certain document, three (3) copies of which are on file in the office of the City Clerk, being marked and designated as "Uniform Building Code, 1991 Edition," published by the International Conference of Building Officials, together with Appendix Chapters 7, 11, 29, 32, 38, 49, 55, 57, and 70, and the Uniform Building Code Standards referred to therein, which said Code provides for proper regulations for erecting, constructing, enlarging, altering, repairing, removing, conversions, demolition, occupancy, equipment, use, height, and maintenance of buildings or structures in the City and providing for the issuance of permits and collection of fees therefor, and providing penalties for the violation thereof, as hereinafter amended, deleted and added to, be and the same is hereby adopted by reference as the Building Code of the City of Modesto.

SEC. 9-1.10. CERTIFICATE OF OCCUPANCY.

That subsection (d) of Section 308 be amended to read as follows:

- (d) Temporary Occupancy. If any building or structure including Groups R, Division 3 or M occupancy is to be occupied with the approval of the Building Official prior to the final inspection and/or final corrections, the occupant, owner and contractor shall sign a

temporary certificate of occupancy prior to occupying the building agreeing to make all corrections required and/or listed within thirty (30) days of occupancy. If corrections are not completed within thirty (30) days, the Building Official shall have the authority to request the immediate discontinuance of the electrical service and/or the gas service by the appropriate utility and may file a notice of noncompliance with the County Recorder. The notice of noncompliance shall be removed by the Building Official only after all items requiring correction are completed.

SEC. 9-1.11. CERTIFICATE OF OCCUPANCY.

That subsection (g) be added to Section 308 of said Building Code to read as follows:

- (g) If any building or structure is occupied prior to the issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy as required by subsection a, b, c, d, or f above, the Building Official shall have the authority to request the immediate discontinuance of the electrical service and/or the gas service by the appropriate utility.

SEC. 9-1.12. DEMOLITION OF BUILDINGS: CLEARANCE OF SITE AND SAFETY MEASURES REQUIRED.

That Section 309 be added to said Building Code to read as follows:

Section 309.

Prior to the issuance of a permit to demolish a building, the owner of the property on which the building is to be demolished, or his agent, shall file with the City Clerk a bond in favor of the City of Modesto conditioned as follows:

- (a) Before any work is started on a building or structure, the permittee or his authorized agent shall notify the appropriate utilities in order that all gas, electrical, sewer, water and oil pipelines that are to be disconnected from the building may be capped and sealed or otherwise secured.

- (b) Immediately after the demolition of any building or structure, the permittee or his authorized agent shall securely barricade all basement excavations and other holes or openings, as required by the Building Official.
- (c) Within ten (10) days after the demolition of any building or structure, the permittee or his authorized agent shall complete the following work:
 - (1) Securely close and seal any sanitary piping located on the property.
 - (2) Either fill with dirt or sand or remove, at the discretion of the Building Official, any septic tanks or cesspools located on the property.
 - (3) Fill any openings, excavations or basements remaining on the land with dirt or sand to street level or the natural level of adjoining property, unless otherwise directed by the Building Official.
 - (4) Remove any buried underground tanks formerly used for storage of flammable liquids, as may be required by the Fire Department.
 - (5) Remove all refuse, debris and waste materials from the property.

The bond required by this section shall be in an amount equal to the cost of the work proposed to be done, as estimated by the Building Official.

The bond may be in the form of a corporate surety bond, cash deposit, savings and loan certificate, or an instrument of credit.

An extension of time for completion of the work required by this section may be granted in writing by the Building Official when, in his discretion, circumstances justify such an extension; but no such extension shall

release any bond or other security furnished pursuant to this section.

SECTION 2. AMENDMENT OF CODE. Sections 9-1.18, 9-1.19, 9-1.20, 9-1.21, and 9-1.22 are hereby added to Chapter 1 of Title IX of the Modesto Municipal Code to read as follows:

SEC. 9-1.18. FOAM PLASTIC INSULATION.

Section 1713 B. 3. of said Building Code is amended to read as follows:

Section 1713 B. 3.

Roofing. Foam plastic insulation meeting the requirements of Section 1713 (b), (c) and (d) may be used as part of a roof-covering assembly, provided the assembly with the foam plastic insulation is a Class A or B roof-covering when tested in accordance with U.B.C. Standard No. 32-7. Foam plastic insulation which is part of Class A or B roof covering assembly need not meet the requirements of Section 1713 (b), (c) and (d), provided the assembly with the foam plastic insulation satisfactorily passes a test for insulation roof decks.

Any roof covering installed in accordance with this code and the manufacturer's instructions may be applied over foam plastic insulation when the foam is separated from the interior of the building by plywood sheathing not less than $\frac{1}{2}$ inch in thickness bonded with exterior glue, with edges supported by blocking, tongue-in-grove joints or other approved type of edge support, or an equivalent material. The thermal barrier requirement is waived.

For all roof applications, the smoke-developed rating shall not be limited.

SEC. 9-1.19. ROOF CONSTRUCTION AND COVERING.

Section 3201 (a) of said Building Code be amended to read as follows:

Section 3201 (a)

General. Roofs shall be as specified in this code and as otherwise required by this chapter. Roof coverings shall be secured or fastened to the supporting roof construction and shall provide weather protection for the building at the roof.

Subject to requirements of this chapter, roof insulation may be used in any type of construction.

Skylights shall be constructed as required in Chapter 34.

Penthouses shall be constructed as required in Chapter 36.

For use of plastic roofs see Chapter 52.

For solar energy collectors located above of upon a roof, see Section 1715.

SEC. 9-1.20. ROOF-COVERING REQUIREMENTS.

Section 3203 of said Building Code be amended to read as follows:

That subsection (a) be added to read as follows:

- (a) Reroofing. Reroofing or repairs of a roof with the same material and same rating of less than fifty percent of total roof area will not be restricted to table 32-A, and classifications in 3204 will apply.

SEC. 9-1.21. TABLE NO. 32-A---MINIMUM ROOF CLASSES.

Table No. 32-A of said Building be amended to read as follows:

TABLE NO. 32-A---MINIMUM ROOF CLASSES

OCCUPANCY	TYPES OF CONSTRUCTION								
	I		II		III		IV	V	
	F.R.	F.R.	1-HR	N	1-HR	N	H.T.	1-HR	N
A-1	B	B	--	--	--	--	--	--	--
A)2-2.1	B	B	B	--	B	--	B	B	--
A-3	B	B	B	B	B	B	B	B	B
A-4	B	B	B	B	B	B	B	B	B
B)1-2	B	B	B	B	B	B	B	B	B
B)3-4	B	B	B	B	B	B	B	B	B
E	B	B	B	B	B	B	B	B	B
H-1	A	A	A	A	--	--	--	--	--
H)2-3-4-5-6-7	A	B	B	B	B	B	B	B	B
I)1.1-1.2-2	A	B	B	--	B	--	B	B	--
I-3	A	B	B	--	B	--	--	B	--
M	B	B	B	B	B	B	B	B	B
R-1	B	B	B	B	B	B	B	B	B
R-3	B	B	B	B	B	B	B	B	B

SEC. 9-1.22. REROOFING.

That appendix section in Chapter 32 Section 3209 of said Building Code to be amended to read as follows:

Section 3209 Reroofing or repairs of a roof with the same material and same rating of less than fifty percent of the total roof area shall conform to the applicable provision of chapter 32 of this code.

Roofing materials and methods of application shall comply with the U.B.C. Standards or shall follow manufacturer's installation requirements when approved by the building official.

SECTION 3. FINDING AND DECLARATION. As required by the Health and Safety Code of the State of California, the Council of the City of Modesto finds and declares that the foregoing additions, modifications and changes to the regulations adopted pursuant to said Health and Safety Code are reasonably necessary because of local conditions in that they adopt the 1991 Edition of the Uniform Building Code in lieu of the 1988 Edition, prescribe local fee schedules, prescribe local procedures to be used in the administration and enforcement of said Code, provide

for local interpretations of said Code, make other changes in said Code consistent with local custom and practice as reflected in the prior local building code, and other changes due to local climatic and geographic conditions.

The City Council of the City of Modesto hereby finds that the following local conditions exist in the City of Modesto:

- (a) Summer weather conditions are very dry and windy causing ordinary combustibles to be easily ignited and fires to be fast spreading.
- (b) Very dense fog conditions occur in winter. Reduced visibility causes delays in fire response.
- (c) Fire response is delayed by railroad tracks which:

Divide City from northeast City limits between Tully and McHenry to the west side of Ninth Street.

Run parallel to Highway 99 through City, restricting response at locations where overpasses are not provided.

Run parallel to Yosemite Boulevard (M. & E. T.) blocking access to the Airport, Tuolumne Regional Park, and adjacent areas.

Restrict access at intersections and streets in the areas of 9th, 10th, D, and E. These streets are often blocked due to train operations.

- (d) Irrigation Canal Lateral #3 restricts access to the Orchard Neighborhood from Oakdale to Clause above Briggsmore.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. SAVINGS. The provisions of this ordinance shall not affect any proceedings, suit or prosecution heretofore

or hereafter commenced under the provisions of the Municipal Code as they existed prior to the effective date of this ordinance. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred under the provisions of the Municipal Code as they existed prior to the effective date of this ordinance shall be discharged or affected by the adoption of this ordinance; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted or proceeded with in all respects as if this ordinance had not been adopted.

SECTION 6. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 1992, by Councilmember Friedman, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Bird, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bird, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill, Dobbs

APPROVED: 
RICHARD A. LANG, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, Acting City Attorney

Ord. No. 2822-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 15th day of September, 19 92, Councilmember Dobbs moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED: 
MAYOR RICHARD A. LANG

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: October 15, 1992

Clerk

ORDINANCE NO. 2823 -C.S.

AN ORDINANCE AMENDING SECTION 9-7.01 OF CHAPTER 7 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO THE UNIFORM MECHANICAL CODE.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Section 9-7.01 of Chapter 7 of Title IX of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 9-7.01. ADOPTION BY REFERENCE OF "UNIFORM MECHANICAL CODE".

That certain document, three (3) copies of which are on file in the office of the City Clerk, being marked and designated as "Uniform Mechanical Code, 1991 Edition", published by the International Association of Plumbing and Mechanical Officials and the International Conference of Building Officials, together with Appendices A, B, and C thereto, which said Code provides for proper regulations for erecting, installing, altering, repairing, relocating, replacing, adding to, using and maintenance of, any heating, ventilating, comfort cooling or refrigeration systems and incinerators and other miscellaneous heat-producing appliances in the City and providing for the issuance of permits and collection of fees therefor, and providing penalties for the violation thereof, as hereinafter amended, deleted and added to, be and the same is hereby adopted by reference as the Mechanical Code of the City of Modesto.

SECTION 2. FINDING AND DECLARATION. As required by the Health and Safety Code of the State of California, the Council of the City of Modesto finds and declares that the foregoing additions, modifications and changes to the regulations adopted pursuant to said Health and Safety Code are reasonably necessary because of local conditions in that they adopt the 1991

Edition of the Uniform Mechanical Code in lieu of the 1988 Edition, prescribe local fee schedules, prescribe local procedures to be used in the administration and enforcement of said Code, provide for local interpretations of said Code, make other changes in said Code consistent with local custom and practice as reflected in the prior local mechanical code, and other changes due to local climatic and geographic conditions.

SECTION 3. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 4. SAVINGS. The provisions of this ordinance shall not affect any proceedings, suit or prosecution heretofore or hereafter commenced under the provisions of the Municipal Code as they existed prior to the effective date of this ordinance. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred under the provisions of the Municipal Code as they existed prior to the effective date of this ordinance shall be discharged or affected by the adoption of this ordinance; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted or proceeded with in all respects as if this ordinance had not been adopted.

SECTION 5. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee,

the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 1992, by Councilmember Friedman, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Bird, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bird, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill, Dobbs

APPROVED: 
RICHARD A. LANG, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, Acting City Attorney

Ord. No. 2823-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 15th day of September, 1992, Councilmember Dobbs moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: 

MAYOR RICHARD A. LANG

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: October 15, 1992

Clerk

ORDINANCE NO. 2824 -C.S.

AN ORDINANCE AMENDING SECTIONS 9-2.01, 9-2.06, 9-2.07, 9-2.08, 9-2.09, 9-2.10, 9-2.11, 9-2.12, 9-2.13, AND 9-2.14 OF CHAPTER 2 OF TITLE IX OF THE MODESTO MUNICIPAL CODE; AND REPEALING SECTIONS 9-2.15 AND 9-2.16 OF CHAPTER 2 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO THE PLUMBING CODE.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Sections 9-2.01, 9-2.06, 9-2.07, 9-2.08, 9-2.09, 9-2.10, 9-2.11, 9-2.12, 9-2.13, and 9-2.14 of Chapter 2 of Title IX of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 9-2.01. ADOPTION OF "UNIFORM PLUMBING CODE."

That certain document three (3) copies of which are on file in the office of the City Clerk being marked and designated as the "Uniform Plumbing Code, 1991 Edition," adopted by the International Association of Plumbing and Mechanical Officials, together with Appendices A, B, C, H and I thereto, which said Code provides for the protection of the public health and safety, requires a permit for the installation or alteration of plumbing and drainage systems, defines certain terms, establishes minimum regulations for the installation, alteration or repair of plumbing and drainage systems and the inspection thereof, and provides penalties for the violation thereof, as amended, deleted and added to, be and the same is hereby adopted by reference as the Plumbing Code of the City of Modesto.

SEC. 9-2.06. DUTIES AND POWERS OF THE ADMINISTRATIVE AUTHORITY.

That Section 20.2(f) of said Plumbing Code be amended to read as follows:

- (f) Nonresponsibility of City. Neither the City nor any department, nor any board, commission, officer or employee thereof shall be held liable or responsible for any damage

or injury caused by or resulting from the issuance of or failure to issue or the revocation of any permit or certificate of inspection or the making of any inspection under the provisions of this Code.

SEC. 9-2.07. VIOLATIONS.

That Section 20.3 of said Plumbing Code be amended to read as follows:

Section 20.3.

It shall be unlawful for any person, firm or corporation to erect, install, alter, repair, relocate, add to, replace, use or maintain plumbing or drainage systems or parts thereof or appliances connected thereto in the City, or cause the same to be done, contrary to or in violation of any of the provisions of this Code.

Maintenance of equipment which was unlawful at the time it was installed and which would be unlawful under this Code if installed after the effective date of this Code shall constitute a continuing violation of this Code.

SEC. 9-2.08. PERMIT ISSUANCE.

That Section 30.3(c) and (d) of Said Plumbing Code be amended to read as follows:

(c) Validity. The issuance or granting of a permit or approval of plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this Code. No permit presuming to give authority to violate or cancel the provisions of this Code shall be valid, except insofar as the work or use which it authorizes is lawful.

(d) Expiration. Every permit issued by the Building Official under the provisions of this Code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within one hundred eighty (180) days from the date of said permit, or if such building or work authorized by such permit is suspended or abandoned at any time after the work has commenced for a period of one hundred eighty

(180) days, or if the building or work authorized by such permit is not completed seven hundred thirty (730) days from the date of such permit. Before such work can be recommended, a new permit shall be first obtained to do so, and the fee therefor shall be one-half the amount required of a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that such suspension or abandonment has not exceed one (1) year.

Any permittee holding an unexpired permit may apply for an extension of time within which he may commence the work under that permit when he is unable to commence work within the time required by this section for good and satisfactory reasons. The Building Official may extend the time for action by the permittee for a period not exceeding one hundred eighty (180) days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.

SEC. 9-2.09. FEES.

That Section 30.4(a) of said Plumbing Code be amended to read as follows:

- (a) That the Schedule of Fees set forth in Table 3-A of said Plumbing Code shall be that schedule of fees as adopted from time to time by resolution of the Modesto City Council.

No permit fees shall be required for the issuance of plumbing permits to governmental agencies; however, governmental agencies which obtain permits may be charged inspection fees to defray the actual cost of inspection services.

SEC. 9-2.10. BOARD OF APPEALS.

That Section 30.8 be added to said Plumbing Code to read as follows:

Section 30.8

The Board of Building Appeals established by Section 204 of the Building Code of the City of Modesto shall determine the suitability of alternate materials and types of construction and provide for reasonable interpretations of the provisions of this Code and hear appeals from decisions of the Building Official regarding the intent and meaning of any provisions of this Code.

SEC. 9-2.11. INTERPRETATION.

That Section 30.9 be added to said Plumbing Code to read as follows:

Section 30.9. Interpretation.

The language used in this Code is intended to convey the common and accepted meaning familiar to the plumbing industry.

The Building Official is hereby authorized to determine the intent and meaning of any provision of this Code. Such determination shall be made in writing and a record kept, which shall be open to the public. Such determination may be appealed to the Board of Building Appeals.

SEC. 9-2.12. TELEPHONE PERMIT PROCEDURE.

That Section 30.10 be added to said Plumbing Code to read as follows:

Section 30.10.

The Building Official is hereby authorized to establish a system for the issuance of routine permits upon telephonic request and to issue such directives and regulations as are deemed necessary to govern the operation and administration of such a system. Said directives and regulations shall have the force and effect of law and a violation thereof shall constitute a violation of this Code. Such a system may provide for the payment of

permit fees on permits issued by telephone on an accounts receivable basis.

SEC. 9-2.13. RAINWATER PIPING.

That Section 411 be added to said Plumbing Code to read as follows:

Section 411.

- (a) No overflow from a cistern, tank, expansion tank, drip pan or other device shall be directly connected to any soil waste or vent pipe, house drain or house sewer.
- (b) Rainwater from roofs, parking areas, landscaped areas or other approved areas exposed to rainwater may be drained into the public positive storm water drainage system, but shall not drain into any sewer intended for sanitary sewage. A permit shall be procured in all cases to connect rainwater drainage to a positive storm water drainage system. The Public Works and Transportation Director is authorized to limit the rate of flow of storm water into the public storm water drainage system.

Rainwater from roofs, parking areas, landscaped areas or other approved areas may drain into the public street gutter; provided, that such gutter is paved and runs to a catch basin connected to the public positive storm drain system. The Public Works and Transportation Director is authorized to limit the rate at which this storm water flows into the public storm drain.

In areas of the City not served by a public, positive storm water drainage system, rainwater from roofs, parking areas, landscaped areas and other approved areas shall be retained on the premises and disposed of on the premises. On-premises disposal systems may consist of rock wells, retention basins, or other approved methods that allow the storm drainage to be absorbed into the soil.

- (c) No rainwater from roofs or other rainwater drainages of premises shall discharge upon a public sidewalk. When it is desired to conduct rainwater from a building or premises to a public street gutter, the outside underground piping

shall be cast iron soil pipe. Water leaders connecting to such underground drainage piping, which are on the outside of a building wall that abuts on a public thoroughfare shall be constructed of cast iron pipe for a distance of five (5) feet vertically above grade.

- (d) No sheet metal water leader shall be installed on the inside of a building, inner court or vent shaft. No sheet metal leader shall be directly connected to any drainage system which connects to a public sewer.
- (e) When an existing sheet metal water leader pipe within the walls of a building becomes defective, such water leader shall be replaced with one which conforms to this Code.
- (f) All underground roof and area rainwater drainage piping within the walls of a building shall be cast iron pipe and fittings and all such piping above ground shall be cast iron pipe and fittings or galvanized wrought iron or steel pipe with drainage fittings or approved standards.
- (g) Except the feeding of rainwater leader traps as herein required, no water leader or other rainwater piping shall be used as a soil, waste or vent pipe nor shall any soil, waste or vent pipe be used as a rainwater leader.
- (h) Rainwater leaders connecting to the storm water drainage system shall be effectively trapped if such water leader opening is within twelve (12) inches of a side or rear property line which does not abut on a public street or alley, or if such rainwater leader opening is within twelve (12) feet of any door or window or other source of ventilation or fresh air supply to any building. All water leaders may be served by one (1) master trap or each leader may be trapped separately. All water leader traps shall have their seals maintained by an automatic priming device, designed and installed for that purpose. When a rainwater drainage system is served by one (1) trap, such trap shall be provided with a fresh air inlet, not less than four (4) inches in diameter, which shall lead to the outer air and be provided with an approved cowl or grating so installed as to prevent the entrance of soil, stones or other objectionable materials.

- (i) All roof boxes connected to concealed rainwater leaders (if made of light metal) shall be made by means of a lead stub and caulking ferrule which shall be firmly caulked with lead and oakum into said rainwater leader and the other end of lead stub to be firmly soldered to roof box. Cast iron roof drains may be screwed or caulked to their respective rainwater leaders.
- (j) Rainwater from paved or unpaved areas shall not drain into the sanitary sewer system but may drain to the storm water drainage system. All such rainwater shall drain to a sump constructed of concrete with bottom and walls not less than four (4) inches in thickness. All sumps shall be provided with a trap formed by turning down the outlet pipe with a forty-five (45) degree bend so as to maintain a water seal of not less than twelve (12) inches. No part of such seal shall protrude inside the sump. All sumps shall be not less than eighteen (18) inches wide and eighteen (18) inches long and two (2) feet deep and be provided with suitable grates that may be removed for cleaning purposes.

SEC. 9-2.14. TEMPORARY USE OF GAS.

That Section 1210 of said Plumbing Code be amended to read as follows:

Section 1210.

A structure or building shall pass final inspection as per Section 305(e) of the Building Code prior to connection of the gas service by the gas supplier. Temporary gas connection to the gas source for a period not to exceed ninety (90) days may be granted prior to the final inspection if in the opinion of the Building Official, the gas distributing line pipes and fittings are safe. If after ninety (90) days the structure or building has not passed final inspection, the Building Official shall have the authority to request the gas supplier to discontinue the service.

SECTION 2. REPEALS. Sections 9-2.15 and 9-2.16 of Chapter 2 of Title IX of the Modesto Municipal Code are hereby repealed.

SECTION 3. FINDING AND DECLARATION. As required by the Health and Safety Code of the State of California, the Council of the City of Modesto finds and declares that the foregoing additions, modifications and changes to the regulations adopted pursuant to said Health and Safety Code are reasonably necessary because of local conditions in that they adopt the 1991 Edition of the Uniform Plumbing Code in lieu of the 1988 Edition, prescribe local fee schedules, prescribe local procedures to be used in the administration and enforcement of said Code, provide for local interpretations of said Code, make other changes in said Code consistent with local custom and practice as reflected in the prior local plumbing code, and other changes due to local climatic and geographic conditions.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. SAVINGS. The provisions of this ordinance shall not affect any proceedings, suit or prosecution heretofore or hereafter commenced under the provisions of the Municipal Code as they existed prior to the effective date of this ordinance. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred under the provisions of the Municipal Code as they existed prior to the effective date of this ordinance shall be discharged or affected by the adoption of this ordinance; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted or

proceeded with in all respects as if this ordinance had not been adopted.

SECTION 6. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 1992, by Councilmember Friedman, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Bird, was upon roll call carried and ordered printed and published by the following vote:

- AYES: Councilmembers: Bird, Friedman, Muratore, Patterson, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Cogdill, Dobbs

APPROVED: *Richard A. Lang*
RICHARD A. LANG, Mayor

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, Acting City Attorney

Ord. No. 2824-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 15th day of September, 1992, Councilmember Dobbs moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:


MAYOR RICHARD A. LANG

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: October 15, 1992

Clerk

ORDINANCE NO. 2825 -C.S.

AN ORDINANCE AMENDING SECTIONS 9-9.01, 9-9.04, 9-9.05, 9-9.06, 9-9.07, 9-9.15, AND 9-9.16 OF CHAPTER 9 OF TITLE IX OF THE MODESTO MUNICIPAL CODE, ADDING SECTIONS 9-9.08 AND 9-9.14 OF CHAPTER 9 OF TITLE IX OF THE MODESTO MUNICIPAL CODE, AND REPEALING SECTION 9-9.17 OF CHAPTER 9 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO THE HOUSING CODE.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Sections 9-9.01, 9-9.04, 9-9.05, 9-9.06, 9-9.07, 9-9.15, and 9-9.16 of Chapter 9 of Title IX of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 9-9.01. ADOPTION BY REFERENCE OF "HOUSING CODE".

That certain document, three (3) copies of which are on file in the office of the City Clerk, being marked and designated as "Uniform Housing Code, 1991 Edition", excepting Chapters 8 and 9 thereto, as published by the International Conference of Building Officials, which said Code provides for proper regulations for the alteration, relocation, removing, demolition, sanitation, occupancy, vacation, equipment, use and maintenance of residential buildings within the City, and provides procedures for processing appeals on decisions made by the Building Official, and provides for enforcement of orders, performance of repair or demolition work, and for recovering the costs of repair or demolition, as hereinafter amended, deleted and added to, is hereby adopted by reference as the Housing Code of the City of Modesto.

SEC. 9-9.04. MECHANICAL REGULATION.

That Chapter 7 of said Housing Code be amended to read as follows:

Section 701.

- (a) Heating. Every dwelling unit and guest room used or offered for rent or lease shall be provided with heating facilities capable of maintaining a minimum room temperature of seventy (70) degrees Fahrenheit at a point three (3) feet above the floor in all habitable rooms, and when the heating facilities are not under the control of the tenant or occupant the building owner and/or manager shall be required to provide said heat at a minimum temperature of seventy (70) degrees Fahrenheit twenty-four (24) hours a day. Such facilities shall be installed and maintained in a safe condition and in accordance with Chapter 37 of the Building Code, the Mechanical Code, and other applicable laws. No unvented fuel burning heaters shall be permitted. All heating devices or appliances shall be of the approved type.
- (b) The provisions of subsection (a) are subject to the exemption for existing buildings provided in Section 103 of the Uniform Housing Code.
- (c) Those buildings and structures which are exempt from the requirements of subsection (a) shall be provided with heat at a temperature as close to seventy (70) degrees as the existing heating facilities are capable of providing at a point three (3) feet above the floor in all habitable rooms when the heating facilities are not under control of the tenant.
- (d) Electrical Equipment. All electrical equipment, wiring and appliances shall be installed and maintained in a safe manner in accordance with all applicable laws. All electrical equipment shall be of an approved type.

Where there is electrical power available within three hundred (300) feet of the premises of any building, such building shall be connected to such electrical power. Every habitable room shall contain at least two (2)

supplied electric convenience outlets or one (1) such convenience outlet and one (1) supplied electric light fixture. Every water closet compartment, bathroom, laundry room, furnace room and public hallway shall contain at least one (1) supplied electric light fixture.

- (e) Ventilation. Ventilation for rooms and areas and for fuel-burning appliances shall be provided as required in the Mechanical Code and in this code. Where mechanical ventilation is provided in lieu of the natural ventilation required by Section 504 of this code, such mechanical ventilating system shall be maintained in operation during the occupancy of any building or portion thereof.

SEC. 9-9.05. NOTICE AND ORDER.

That subsection (b)5 of Section 1101 of said Housing Code be amended to read as follows:

5. Statements advising (i) that any person having any record title or legal interest in the building may appeal from the notice and order or any action of the Building Official to the Board of Building Appeals, provided the appeal is made in writing as provided in this Code, and filed with the Building Official within fifteen (15) days from the date of service of such notice and order; (ii) that any appellant may further appeal any decision of the Board of Building Appeals to the City Council, provided the appeal is made in writing as provided in this Code and filed with the City Clerk within fifteen (15) days from the date of the decision of the Board of Building Appeals; and (iii) that failure to file such appeals will constitute a waiver of all right to administrative hearings and determination of the matter.

SEC. 9-9.06. RECORDATION OF NOTICE AND ORDER.

That Section 1102 of said Housing Code be amended to read as follows:

Section 1102.

- (a) Upon issuing a notice and order, the Building Official may, in the exercise of his discretion, file in the office of the County Recorder a certificate describing the property and certifying (i) that the building is a substandard building and (ii) that the owner has been so notified. Whenever the corrections ordered shall thereafter have been completed or the building demolished so that it no longer exists as a substandard building on the property described in the certificate, or an appeal has been granted declaring the building to not be substandard, the Building Official shall file a new certificate with the County Recorder certifying that the building has been demolished, that all required corrections have been made, or that an appeal has been granted so that the building is no longer substandard, whichever is appropriate.
- (b) When the Building Official has not, in the exercise of his discretion, recorded a certificate under the provisions of subsection (a) of this section, if compliance is not had within the time specified in the notice and order, and if (1) no appeal has been properly and timely filed or (2) an appeal has been heard and denied, the Building Official shall at that time file a certificate in the Office of the County Recorder, in accordance with and subject to the provisions set forth in subsection (a) of this section.

SEC. 9-9.07. STANDARDS TO BE FOLLOWED.

That Section 1103 of said Housing Code be amended to read as follows:

Section 1103.

- (a) Standards to be Followed. The following standard shall be followed by the Building Official (and by the Board of Building Appeals, and the City Council, if appeals are taken) in ordering the repair, vacation or demolition of any substandard building or structure:

- (1) If any building is declared a substandard building under this Code, it shall either be repaired in accordance with the current Building Code or shall be demolished at the option of the building owner.
- (2) If the building or structure is in such condition as to make it immediately dangerous to the life, limb, property, or safety of the public or of the occupants, it shall be ordered to be vacated.

SEC. 9-9.15. REPAIR AND DEMOLITION FUND.

That Section 1502 of said Housing Code is hereby deleted.

SEC. 9-9.16. REPAYMENT OF COSTS.

That Section 1612 of said Housing Code be amended to read as follows:

Section 1612.

All money recovered by payment of the charge or assessment or from the sale of the property at foreclosure sale shall be paid to the City Treasurer, who shall credit the same to the General Fund.

SECTION 2. AMENDMENT OF CODE. Sections 9-9.08 and 9-9.14 are hereby added to Chapter 9 of Title IX of the Modesto Municipal Code to read as follows:

SEC. 9-9.08. GENERAL.

That Section 1201 of said Housing Code be amended to read as follows:

Section 1201.

- (a) Form of Appeal. Any person entitled to service under Section 1101(c) may appeal from any notice and order or any action of the Building Official under this Code by filing at the office of the Building Official within 30

days from the date of the service of such order, a written appeal containing:

- (1) A heading in the words: "Before the Board of Building Appeals of the City of Modesto."
- (2) A caption reading: "Appeal of _____," giving the names of all appellants participating in the appeal.
- (3) A brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the notice and order.
- (4) A brief statement in ordinary and concise language of that specific order or action protested, together with any material facts claimed to support the contentions of the appellant.
- (5) A brief statement in ordinary and concise language of the relief sought, and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside.
- (6) The signatures of all parties named as appellants, and their official mailing addresses.

(b) Procedure for Appeal. Except as otherwise provided in this Code, appeals shall be processed pursuant to the procedure of the Board of Building Appeals as set forth in Section 204 of the Building Code.

SEC. 9-9.14. COSTS.

That subsection (b) of Section 1501 of said Housing Code be amended to read as follows:

- (b) Costs. Initially, the cost of such work shall be paid from the General Fund of the City. Such costs may be recovered by a special assessment against the property involved, or may be made a personal obligation of the property owner or both, whichever the City Council may determine

appropriate. Such recovered costs shall be deposited in the General Fund of the City. Any money received by the City for the sale of buildings or structures shall be credited against such costs, and any excess over and above such costs shall be refunded to the property owner.

SECTION 3. REPEALS. Section 9-9.17 of Chapter 9 of Title IX of the Modesto Municipal Code is hereby repealed.

SECTION 4. FINDING AND DECLARATION. As required by the Health and Safety Code of the State of California, the Council of the City of Modesto finds and declares that the foregoing additions, modifications and changes to the regulations adopted pursuant to said Health and Safety Code are reasonably necessary because of local conditions in that they adopt the 1991 Edition of the Uniform Housing Code in lieu of the 1982 Edition, prescribe local procedures to be used in the administration and enforcement of said Code, provide for local interpretations of said Code, make other changes in said Code consistent with local custom and practice as reflected in the prior local housing code, and make other changes due to local climatic and geographic conditions.

SECTION 5. SAVINGS. The provisions of this ordinance shall not affect any proceedings, suit or prosecution heretofore or hereafter commenced under the provisions of the Municipal Code as they existed prior to the effective date of this ordinance. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred under the provisions of the

Municipal Code as they existed prior to the effective date of this ordinance shall be discharged or affected by the adoption of this ordinance; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted or proceeded with in all respects as if this ordinance had not been adopted.

SECTION 6. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 7. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 1992, by Councilmember Friedman, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Bird, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bird, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill, Dobbs

APPROVED: 
RICHARD A. LANG, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:


By 
MICHAEL D. MILICH, Acting City Attorney

Ord. No. 2825-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 15th day of September, 19 92, Councilmember Dobbs moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED: 
MAYOR RICHARD A. LANG

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: October 15, 1992

Clerk

ORDINANCE NO. 2826 -C.S.

AN ORDINANCE AMENDING SECTION 9-8.01 OF CHAPTER 8 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO THE DANGEROUS BUILDINGS CODE.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Section 9-8.01 of Chapter 8 of Title IX of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 9-8.01. ADOPTION BY REFERENCE OF "DANGEROUS BUILDINGS CODE."

That certain document, three (3) copies of which are on file in the office of the City Clerk, being marked and designated as "Uniform Code for the Abatement of Dangerous Buildings, 1991 Edition" published by the International Conference of Building Officials, which said Code provides for a just, equitable and practicable method, to be cumulative and in addition to any other remedy available at law, whereby buildings or structures which from any cause endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupants, may be required to be repaired, vacated or demolished, and providing procedures for processing appeals on decisions made by the Building Official, and providing for enforcement of orders, performance or work, repair or demolition, and for recovery of costs of repair or demolition, as hereinafter amended, deleted and added to, is hereby adopted by reference as the Dangerous Buildings Code of the City of Modesto.

SECTION 2. FINDING AND DECLARATION. As required by the Health and Safety Code of the State of California, the Council of the City of Modesto finds and declares that the foregoing additions, modifications and changes to the regulations adopted pursuant to said Health and Safety Code are reasonably

necessary because of local conditions in that they adopt the 1991 Edition of the Dangerous Buildings Code in lieu of the 1976 Edition, prescribe local procedures to be used in the administration and enforcement of said Code, provide for local interpretations of said Code, make other changes in said Code consistent with local custom and practice as reflected in the prior local building code, and make other changes due to local climatic and geographic conditions.

SECTION 3. SAVINGS. The provisions of this ordinance shall not affect any proceedings, suit or prosecution heretofore or hereafter commenced under the provisions of the Municipal Code as they existed prior to the effective date of this ordinance. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred under the provisions of the Municipal Code as they existed prior to the effective date of this ordinance shall be discharged or affected by the adoption of this ordinance; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted or proceeded with in all respects as if this ordinance had not been adopted.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the

City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 1992, by Councilmember Friedman, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Bird, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bird, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill, Dobbs

APPROVED: 
RICHARD A. LANG, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, Acting City Attorney

Ord. No. 2826-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 15th day of September, 1992, Councilmember Dobbs moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:


MAYOR RICHARD A. LANG

ATTEST:
NORRINE COYLE, City Clerk

EFFECTIVE DATE: October 15, 1992

ORDINANCE NO. 2827 -C.S.

AN ORDINANCE AMENDING SECTION 9-3.101 OF
CHAPTER 3 OF TITLE IX OF THE MODESTO
MUNICIPAL CODE RELATING TO THE NATIONAL
ELECTRICAL CODE.

The Council of the City of Modesto does ordain as
follows:

SECTION 1. AMENDMENT OF CODE. Section 9-3.101 of
Chapter 3 of Title IX of the Modesto Municipal Code is hereby
amended to read as follows:

SEC. 9-3.101. ADOPTION BY REFERENCE OF "NATIONAL
ELECTRICAL CODE".

That certain document, three (3) copies of which are on
file in the office of the City Clerk, being marked and
designated as "National Electrical Code 1990 Edition,"
published by the National Fire Protection Association,
which said Code provides for the protection of the
public health and safety, provides for the design,
construction, installation, alteration, and repair of
electrical work, as hereinafter amended, deleted and
added to, be and the same is hereby adopted by
reference as the Electrical Code of the City of
Modesto.

SECTION 2. FINDING AND DECLARATION. As required by
the Health and Safety Code of the State of California, the
Council of the City of Modesto finds and declares that the
foregoing additions, modifications and changes to the regulations
adopted pursuant to said Health and Safety Code are reasonably
necessary because of local conditions in that they adopt the 1990
Edition of the National Electrical Code in lieu of the 1987
Edition, prescribe local fee schedules, prescribe local
procedures to be used in the administration and enforcement of
said Code, provide for local interpretations of said Code, make

other changes in said Code consistent with local custom and practice as reflected in the prior local electrical code, and other changes due to local climatic and geographic conditions.

SECTION 3. SAVINGS. The provisions of this ordinance shall not affect any proceedings, suit or prosecution heretofore or hereafter commenced under the provisions of the Municipal Code as they existed prior to the effective date of this ordinance. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred under the provisions of the Municipal Code as they existed prior to the effective date of this ordinance shall be discharged or affected by the adoption of this ordinance; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted or proceeded with in all respects as if this ordinance had not been adopted.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 1992, by Councilmember Friedman, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Bird, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bird, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill, Dobbs

APPROVED: 
RICHARD A. LANG, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, Acting City Attorney

Ord. No. 2827-C.S.

FINAL ADOPTION CLAUSE

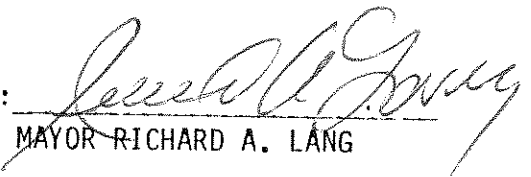
The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 15th day of September, 1992, Councilmember Dobbs moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:


MAYOR RICHARD A. LANG

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: October 15, 1992

ORDINANCE NO. 2828 -C.S.

AN ORDINANCE AMENDING CHAPTER 1 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO THE FIRE CODE AND HAZARDOUS MATERIALS OF THE CITY OF MODESTO.

WHEREAS, in the interest of the public health, safety, and welfare, this ordinance is enacted for the protection of the public health of the residents of the City of Modesto and for the protection of their safety and welfare,

THEREFORE, the Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Chapter 1 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

CHAPTER 1. FIRE CODE AND HAZARDOUS MATERIALS

ARTICLE 1. FIRE CODE

SEC. 3-1.101. ADOPTION BY REFERENCE OF "UNIFORM FIRE CODE".

That certain document, three (3) copies of which are on file in the Office of the City Clerk of the City of Modesto, being marked and designated as "Uniform Fire Code, 1991 Edition," together with appendices I-C, II-B, II-E, II-F, III-A, IV-A, V-A, VI-A, VI-B, VI-C, VI-D, VI-E, and VI-F thereto, as adopted and revised from time to time by the International Fire Code Institute, and as compiled and published by the International Conference of Building Officials, The Western Fire Chiefs' Association, and the Association of International Fire Chiefs, which Code prescribes regulations governing conditions hazardous to life and property from fire and explosion, as hereinafter amended, deleted and added to, be and the same is hereby adopted by reference as the Fire Code of the City of Modesto for the protection of the public health and safety.

SEC. 3-1.102. AUTOMATIC SPRINKLER SYSTEMS.

Section 10.507 of said Fire Code is amended to read as follows:

Section (i) is hereby added to Section 10.507 of said Fire Code to read as follows:

(i) New Construction.

1. The installation of an approved automatic fire sprinkler system is required in all buildings and structures constructed on or after the effective date of this ordinance, notwithstanding the use and occupancy thereof, when:
 - A. The total floor area under one roof exceeds five thousand (5,000) square feet, except for R-3 and M-1 occupancies.
 - B. The building or structure is four (4) or more stories high or exceeds fifty (50) feet in height.
 - C. Additions, alterations, or repairs within any twelve (12) month period exceed fifty (50) percent of the total value (current county assessed valuation) of an existing building or structure or which result in said building or structure exceeding five thousand (5,000) square feet.

SEC. 3-1.103. SPRINKLER SYSTEM SUPERVISION ALARMS.

Section 10.508 of said Fire Code is amended to read as follows:

All valves controlling the water supply for automatic sprinkler systems and water-flow switches on all sprinkler systems shall be electrically supervised when the number of sprinklers are:

- (a) Twenty or more in Group I, Division 1 Occupancies.

(b) One hundred or more in all other occupancies.

Valve supervision and water-flow alarm and trouble signals shall be distinctly different and shall be automatically transmitted to a UL LISTED central station or proprietary supervision station as defined by national standards, or, when approved by the building official with the concurrence of the chief, shall emit an audible signal at a constantly attended location.

EXCEPTION: Underground key or hub valves in roadway boxes provided by the City or a public utility need not be supervised.

SEC. 3-1.104. OPEN BURNING PERMIT REQUIRED.

Section 11.103 of said Fire Code is amended to read as follows:

- (a) No person shall kindle, conduct, or maintain any burning of grass, weeds, agricultural trimmings, or other combustibles or authorize any such fire to be kindled, conducted, or maintained without a permit as required by the San Joaquin Valley Unified Air Pollution Control District and compliance with all safeguards pursuant thereto.
- (b) Any such permitted burning shall be restricted to agricultural purposes and confined to areas of the City in which agricultural uses are lawful.

SEC. 3-1.105. TYPE OF LOCK OR LATCH FOR PREMISES WHERE GOLD OR BULLION IS TRADED.

Section 12.106 of said Fire Code is amended to add subsection (h) to read as follows:

- (h) SPECIAL LATCHING DEVICES. An exit door from a business which has as its primary commercial activity the sale, resale, exchange, or trade of gold or silver coin, bullion, or metal ore may be equipped with a locking mechanism which is not openable from inside without the use of a key or which requires special knowledge or effort so long as all of the following

conditions are met during all times that the business is open to the public:

- (a) The locking mechanism is connected to a smoke detector system in such a manner that activation or malfunction of the smoke detector system results in automatically unlocking the exit door;
- (b) The locking mechanism is connected to the electrical power supply for the building in such a manner that any loss of electrical power to the building results in automatically unlocking the exit door;
- (c) Two (2) employees must be within the area of the premises used for retail purposes, including adjacent service and utility rooms, at all times; and
- (d) A sign is permanently posted upon the premises so as to be readily seen by any person or persons entering the business stating that ingress and egress are electronically controlled by the management.

SEC. 3-1.106. FUELING AND DEFUELING.

Section 24.203(c) of said Fire Code is amended to read as follows:

- (c) Transfer Personnel. During fuel transfer operations of any passenger-occupied aircraft, a qualified person shall be in control of each transfer nozzle and another qualified person shall be in immediate control of the fuel-pumping equipment to shut off or otherwise control the flow of fuel from the time fueling operations are begun until they are completed.

EXCEPTION: For underwing refueling, the person stationed at the point of fuel intake is not required.

SEC. 3-1.107. STORAGE OF EXPLOSIVE MATERIALS; GENERAL REQUIREMENTS.

Section 77.201(a) of said Fire Code is amended to read as follows:

- (a) Magazines Required. Explosive materials shall be stored in magazines in accordance with this division.

A competent person shall be in charge of magazines. The person shall be at least 21 years of age and responsible for compliance with all safety precautions.

- 1. The storage of explosives and blasting agents is restricted to those areas of the City zoned as Heavy Industrial Zone (M-2), except for temporary storage for use in connection with approved blasting operations; provided, however, that this prohibition shall not apply to any wholesale and retail stock of small arms ammunition, gunpowder, explosive bolts, explosive rivets, and cartridges for explosive-activated power tools in quantities involving less than five hundred (500) pounds of explosive material.

SEC. 3-1.108. MANUFACTURE AND DISPLAY OF FIREWORKS.

Section 78.103 of said Fire Code is amended to read as follows:

- (a) Fireworks. 1. Manufacturing. The manufacturing of fireworks is prohibited in the City of Modesto.

SEC. 3-1.109. STORAGE, USE, AND HANDLING OF FIREWORKS.

Section 78.201 of said Fire Code is amended to read as follows:

Storage, use, and handling of fireworks shall be in accordance with this division.

- (a) The sale and use of fireworks within the City of Modesto shall comply with the rules and

regulations of the State Fire Marshal and rules and regulations of the Chief.

- (b) The storage and sale of fireworks within the City of Modesto is limited to State Fire Marshal-approved and labeled fireworks by State licensed wholesalers and retailers. Storage of fireworks within the City of Modesto is limited to the period commencing June 1 and ending July 31 of each year, and shall comply with rules and regulations of the Chief.
- (c) A permit shall be required for the storage and sale of fireworks. Applications for permits shall be made in writing to the Chief at least ten (10) days in advance of the date of the display. After such privilege is granted, the sale, possession, use, and distribution of fireworks for such display shall be lawful for permitted purposes only. No permit granted hereunder is transferable.
- (d) The Chief shall have the power to adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks by a fair association, amusement park, governmental entity, or other organization for the use of fireworks by artisans in pursuit of their trade. Every such use or display shall be handled by a competent operator approved by the Chief, and shall be of such character and so located, discharged or fired as in the opinion of the Chief after proper investigation, so as not to constitute a hazard to property or danger to any person.
- (e) The Chief shall seize, take, remove, or cause to be removed at the expense of the owner all stocks of fireworks offered or exposed for sale, stored, or held in violation of this Division.

SEC. 3-1.110. OPERATING HEATING, LIGHTING, AND COOKING APPLIANCES PROHIBITED.

Section 79.111 of said Fire Code is amended to read as follows:

No person shall use within a building or structure any heating, lighting, or cooking appliance which uses any flammable or combustible liquid.

SEC. 3-1.111. ABOVEGROUND CONTAINER AND TANK STORAGE NEAR BUILDINGS ON THE SAME PROPERTY.

Section 79.404 of said Fire Code is amended to read as follows:

A maximum of eleven hundred (1,100) gallons of liquids stored in closed containers and portable tanks approved by the Chief may be stored adjacent to a building located on the same premises and under the same management, provided that:

- (a) The building does not exceed one (1) story in height. Such building shall be of fire-resistive construction with noncombustible exterior surfaces or noncombustible construction and shall be devoted principally to the storage of liquids, or
- (b) The exterior building wall adjacent to the storage area shall have a fire-resistance rating of not less than two (2) hours, having no opening to the above-grade areas within ten (10) feet horizontally of such storage and no openings to below-grade areas within fifty (50) feet horizontally of such storage.

The quantity of liquids stored adjacent to a building protected in accordance with Item (b) above may exceed eleven hundred (1,100) gallons, provided the maximum quantity per barrel pile does not exceed eleven hundred (1,100) gallons and each barrel pile is separated by a twenty (20) foot minimum clear space along the common wall.

Where the quantity stored exceeds the eleven hundred (1,100) gallons permitted adjacent to a building complying with (a) above, or the provisions of (b) above cannot be met, a minimum distance as specified in Table 79.403-A shall be maintained between buildings and the nearest container or portable tank.

SEC. 3-1.112. RESTRICTED LOCATIONS OF ABOVEGROUND TANKS.

Section 79.501 of said Fire Code is amended to read as follows:

The storage of Class I and Class II flammable liquids in aboveground tanks outside of buildings is prohibited, with the exception of tanks of eleven hundred (1,100) gallons or less capacity approved by the Chief. Total storage is limited to a maximum of two (2) tanks or to one (1) tank with two (2) separated compartments, with each compartment not exceeding eleven hundred (1,100) gallons with an aggregate capacity of twenty-two hundred (2,200) gallons, located on the same premises and under the same management. The provisions of this Section 79.501 shall not apply to facilities for the production, generation, or transmission of electric energy that provide power to entities furnishing retail electrical services to the general public within the City of Modesto.

SEC. 3-1.113. UNDERGROUND TANKS.

Section 79.601(b) of said Fire Code is amended to read as follows:

(b) DEPTH AND COVER. Excavation for underground storage tanks shall be made with due care to avoid undermining foundations of existing structures. Underground tanks shall be set on firm foundations and surrounded with at least six (6) inches of noncorrosive inert material such as clean sand or gravel well tamped in place or in accordance with the manufacturer's installation instructions. Fiber liners shall be installed between the native soil and the backfill material. Tanks shall be covered with a minimum of two (2) feet of earth or shall be covered by not less than one (1) foot of earth, on top of which shall be placed a slab of reinforced concrete not less than four (4) inches thick. When underground tanks are or are likely to be subjected to traffic, they shall be protected against damage from vehicles passing over them by at least three (3) feet of earth cover, or eighteen (18) inches of well-tamped earth plus six (6)

inches of reinforced concrete, or eight (8) inches of asphaltic concrete. When asphaltic or reinforced concrete paving is used as part of the protection, it shall extend at least one (1) foot horizontally beyond the outline of the tank in all directions.

For tanks built in accordance with Section 79.106, the burial depth and the height of the vent line shall be such that the static head imposed at the bottom of the tank will not exceed ten (10) psig if the fill or vent pipe is filled with liquid.

If the depth of cover exceeds seven (7) feet or the manufacturer's specifications, reinforcements shall be provided in accordance with the tank manufacturer's recommendations.

Nonmetallic underground tanks shall be installed in accordance with the manufacturer's instructions. The minimum depth of cover shall be as specified in this subsection.

SEC. 3-1.114. MOTOR FUEL DISPENSING STATIONS.

Section 79.902(c)5 of said Fire Code is amended to read as follows:

Tanks containing Class I, II or II-A liquids shall not exceed eleven hundred (1,100) gallons individually or twenty-two hundred (2,200) gallons aggregate.

SEC. 3-1.115. OPERATION OF TANK VEHICLES.

Section 79.1203 of said Fire Code is amended to read as follows:

Subsection (n) is hereby added to Section 79.1203:

(n) Tank vehicles shall be parked on private property while being unloaded. It shall be unlawful to unload any tank vehicle while it is parked on any street, highway, avenue, alley, or public right-of-way. While a tank vehicle is being unloaded, it shall not be

parked in such a manner as to be endangered by other traffic.

SEC. 3-1.116. LOCATION OF BULK PLANTS FOR STORAGE OF FLAMMABLE AND COMBUSTIBLE LIQUIDS.

Section 79.1401 of said Fire Code is amended to read as follows:

Portions of properties where flammable and combustible liquids are received by tank vessels, pipe lines, tank cars or tank vehicles and are stored or blended in bulk for the purpose of distributing such liquids by tank vessels, pipe-lines, tank cars, tank vehicles or containers shall be in accordance with this division.

The construction of new bulk plants for storage of flammable or combustible liquids is restricted to areas of the City zoned Heavy Industrial Zones (M-2). All existing nonconforming bulk plants for storage of flammable or combustible liquids which substantially comply with the requirements of this Code may be continued in use if a permit therefor shall be granted by the Chief.

SEC. 3-1.117. LIQUEFIED PETROLEUM GASES; LOCATIONS OF CONTAINERS.

Section 82.104 of said Fire Code is amended to read as follows:

Subsection (e) is added to read as follows:

- (e) The storage of liquefied petroleum gas shall conform to the provisions of City of Modesto zoning ordinances. The storage of liquefied petroleum gases is restricted to those areas of the City zoned as Commercial-Light Industrial Zones (C-M), and Heavy Industrial Zones (M-2), and, in addition thereto, to properties used as automotive service stations located in areas of the City zoned General Commercial Zones (C-2) and Highway Frontage Zones (H-1).

The aggregate capacity of any one installation shall not exceed two thousand (2,000) gallons, except that in particular installations this

capacity limit may be altered by the Chief, after consideration of special features such as topographical conditions, nature of occupancy, proximity of buildings, capacity of proposed tanks, degree of private fire protection to be provided, and facilities of the local Fire Department.

SEC. 3-1.118. PROHIBITED USES OF LIQUEFIED PETROLEUM GAS.

Section 82.105 of said Fire Code is amended to read as follows:

- (a) Liquefied petroleum gas shall not be used for the purpose of operating any device or equipment unless such device or equipment is approved by the Chief for use with a liquefied petroleum gas.
- (b) Liquefied petroleum gas shall not be released to the atmosphere except through a liquid level gauge approved by the Chief or other approved device.
- (c) The use of stoves or other similar fuel-burning appliances using liquefied petroleum gas for cooking, lighting, or heating is prohibited inside any building in the City of Modesto except as permitted in subsection (d) of this section.
- (d) The storage and use of liquefied petroleum gas may be permitted by the Chief on construction sites and residential properties when the prohibition of such storage would cause an undue hardship. When permitted, the total aggregate storage of liquefied petroleum gas on any one property shall not exceed two hundred and fifty (250) gallons. The use of liquefied petroleum gas when permitted shall be limited to devices used for cooking or heating approved by the Chief.

SEC. 3-1.119. PERMIT FEE.

The Council of the City of Modesto may, by resolution adopted from time to time, fix a fee for any permit issued pursuant to the Fire Code.

SEC. 3-1.120. ABOVEGROUND STORAGE TANKS FOR DISPENSING STATIONS.

Paragraph 2(d) of Appendix II-F of said Fire Code is amended to read as follows:

- (d) Tanks containing motor fuels shall not exceed an eleven hundred (1,100) gallon individual or twenty-two hundred (2,200) gallon aggregate capacity. Installations having the maximum allowable capacity shall be separated from other such installations by not less than one hundred (100) feet.

ARTICLE 2. HAZARDOUS MATERIALS

SEC. 3-1.201. DEPOSITS OF HAZARDOUS MATERIALS; CLEANUP, ABATEMENT, OR MITIGATION REQUIRED; LIABILITY FOR COSTS.

- (a) The City of Modesto is authorized to clean up, abate, or mitigate the effects of any hazardous material deposited upon or into any property or facilities within the limits of the City. Any person or persons causing such deposit or failing to provide cleanup, abatement, or proper mitigation of such deposits shall be liable for the payment of all costs incurred by the City as a result of such cleanup, abatement, or mitigation activity. The remedy provided by this section shall be in addition to any other remedies provided by law.
- (b) For the purpose of this section, "hazardous material" means material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment or property if released into the work place or the environment. "Hazardous materials" include, but are not limited to, hazardous substances, hazardous wastes, and any materials which a licensed handler or the Police or Fire Chief or their authorized representatives reasonably believe would be injurious to the health and safety of persons or harmful to the environment or property if released into the work place or environment.

- (c) For purposes of this section, costs incurred by the City of Modesto shall include, but shall not necessarily be limited to, the following: actual labor costs of City personnel, including worker's compensation benefits, fringe benefits, administrative overhead; cost of equipment operation; cost of materials obtained directly by the City; and cost of any contract labor and materials.
- (d) The authority to recover costs under this section shall not include actual fire suppression services which are normally or usually provided by the Fire Department.

SEC. 3-1.202. DEFINITION; HAZARDOUS MATERIALS.

Section 9.110 of said Fire Code is amended to read as follows:

Hazardous materials are those chemicals or substances which are physical hazards or health hazards as defined and classified in Article 80, or as defined in the California Health and Safety Code, Division 20, Chapter 6.95, commencing with Section 25500, whether the materials are in usable or waste condition.

SEC. 3-1.203. PERMIT REQUIRED FOR CERTAIN OPERATIONS.

Section 4.108 of said Fire Code is amended to read as follows:

- (a) Subsection f.3.C is amended to read as follows:

To store, handle or use Class II, Class III-A, or Class III-B liquids in excess of twenty-five (25) gallons in a building or in excess of fifty-five (55) gallons outside a building.

- (b) Subsection h.1 is amended to read as follows:

Hazardous materials. To store, transport on site, dispense, use, or handle hazardous materials in excess of the amounts listed in Table No. 4.108-C, or the threshold planning quantity listed in 40-CFR-355, or as specified

in the California Health and Safety Code, Division 20, Chapter 6.95, commencing with Section 25500; or to install, repair, abandon, remove, place temporarily out of service, close, or substantially modify a storage facility or other area regulated by Article 80 when the hazardous materials in use or storage exceed the amounts listed in Table No. 4.108-C.

(c) Subsection 1.1 is amended to read as follows:

Liquefied petroleum gases. Except for portable containers of less than fifty-five (55) gallon aggregate water capacity, to install or maintain any LP-gas container or operate any tank vehicle which is used for the transportation of LP-gas. Where a single container is over two thousand (2,000) gallon water capacity or the aggregate capacity of containers is over four thousand (4,000) gallon water capacity, the installer shall submit plans for such permits. See Article 82.

SEC. 3-1.204. PERMIT AMOUNTS FOR COMPRESSED GASES.

Table No. 4.108-A of said Fire Code is amended to read as follows:

TABLE NO. 4.108-A--PERMIT AMOUNTS FOR COMPRESSED GASES 1

TYPE OF GAS	AMOUNT
Corrosive	Any amount
Flammable (except cryogenic fluids)	200 cubic feet
Highly toxic	Any amount
Inert	200 cubic feet
Oxidizing (including oxygen)	200 cubic feet
Pyrophoric	Any amount
Radioactive	Any amount
Toxic	Any amount

Unstable (reactive)

Any amount

Acutely hazardous
(as listed in 40-CFR-355)

Threshold
Planning
Quantity or
more.

¹ See Articles 74, 80 and 82 for additional requirements and exceptions.

SEC. 3-1.205. PERMIT AMOUNTS FOR CRYOGENS.

Table No. 4.108-B of said Fire Code is amended to read as follows:

TABLE NO. 4.108-B--PERMIT AMOUNTS FOR CRYOGENS¹

TYPE OF CRYOGEN	INSIDE BUILDING	OUTSIDE BUILDING
Corrosive	Over 1 gallon	Over 1 gallon
Flammable	Over 1 gallon	55 gallons
Highly toxic	Over 1 gallon	Over 1 gallon
Nonflammable	55 gallons	55 gallons
Oxidizer (including oxygen)	50 gallons	50 gallons

¹ See Article 75

SEC. 3-1.206. PERMIT AMOUNTS FOR HAZARDOUS MATERIALS.

Table No. 4.108-C of said Fire Code is amended to read as follows:

TABLE NO. 4.108-C--PERMIT AMOUNTS FOR HAZARDOUS MATERIALS 1

AMOUNT TYPE OF MATERIAL	AMOUNT INSIDE BUILDING	OUTSIDE BUILDING
Carcinogen	10 pounds	10 pounds
Cellulose nitrate	See No. c.4	See No. c.4
Combustible fiber	See No. c.5	See No. c.5

Combustible liquids	See No. f.3	55 gallons	
Corrosive gases	See No. c.7	See No. c.7	
Corrosive liquids	55 gallons	55 gallons	
Cryogenics	See No. c.8	See No. c.8	
Explosives	See No. e.1	See No. e.1	
Flammable gases	See No. c.7	See No. c.7	
Flammable liquids	See No. f.3	See No. f.3	
Flammable solids	100 pounds	100 pounds	
Highly toxic gases (includes pesticides and fumigants)	See No. c.7	See No. c.7	
Highly toxic liquids and solids (including pesticides and fumigants)	Any amount	Any amount	
Irritant liquids	55 gallons	55 gallons	
Irritant solids	500 pounds	500 pounds	
Liquefied petroleum gases	55 gallons	55 gallons	
Magnesium	See No. m.1	See No. m.1	
Nitrate film	See No. c.3	See No. c.3	
Oxidizing gases	See No. c.7	See No. c.7	
Oxidizing liquids:	Class 4	Any amount	Any amount
	Class 3	1 gallon	1 gallon
	Class 2	10 gallons	10 gallons
	Class 1	55 gallons	55 gallons
Oxidizing solids:	Class 4	Any amount	Any amount
	Class 3	10 pounds	10 pounds
	Class 2	100 pounds	100 pounds
	Class 1	500 pounds	500 pounds

Organic peroxide liquids & solids:	Class I	Any amount	Any amount
	Class II	Any amount	Any amount
	Class III	10 pounds	10 pounds
	Class IV	20 pounds	20 pounds
Other health hazards:	Liquids	55 gallons	55 gallons
	Solids	500 pounds	500 pounds
Pyrophoric gases		See No. c.7	See No. c.7
Pyrophoric liquids		Any amount	Any amount
Pyrophoric solids		Any amount	Any amount
Radioactive materials (including gases, liquids and solids)		See No. r.1	See No. r.1
Sensitizer liquids		55 gallons	55 gallons
Sensitizer solids		500 pounds	500 pounds
Toxic gases		See No. c.7	See No. c.7
Toxic liquids		50 gallons	50 gallons
Toxic solids		500 pounds	500 pounds
Unstable (reactive) gases		See No. c.7	See No. c.7
Unstable (reactive) liquids:			
	Class 4	Any amount	Any amount
	Class 3	Any amount	Any amount
	Class 2	5 gallons	5 gallons
	Class 1	10 gallons	10 gallons
Unstable (reactive) solids:			
	Class 4	Any amount	Any amount
	Class 3	Any amount	Any amount
	Class 2	50 pounds	50 pounds
	Class 1	100 pounds	100 pounds
Water-reactive liquids:			
	Class 3	Any amount	Any amount
	Class 2	5 gallons	5 gallons
	Class 1	10 gallons	10 gallons

Water-reactive solids:

Class 3	Any amount	Any amount
Class 2	50 pounds	50 pounds
Class 1	100 pounds	100 pounds

¹ See Article 80 for additional requirements and exceptions.

SEC. 3-1.206. HAZARDOUS MATERIALS PERMITS.

Section 80.103 of said Fire Code is amended to read as follows:

- (a) General. Permits are required to store, dispense, use, or handle hazardous materials in excess of or equal to the quantities specified in Section 4.108. A permit is required when a material is classified as having more than one (1) hazard category if the quantity limits are exceeded in any category.

Permits are required to install, repair, abandon, remove, place temporarily out of service, close or substantially modify a storage facility or other area regulated by this article. See also Sections 80.110 and 80.111.

EXCEPTIONS: 1. Routine maintenance. 2. For emergency repair work performed on an emergency basis, application for permit shall be made within two (2) working days of commencement of work.

Permittee shall apply for approval to close storage, use, or handling facilities at least thirty (30) days prior to the termination of the storage, use, or handling of hazardous materials. Such application shall include any change or alteration of the facility closure plan filed pursuant to Section 80.110. This thirty (30) day period may be waived by the Chief if there are special circumstances requiring such waiver.

- (b) Hazardous Materials Management Plan. When required by the Chief, each application for a permit shall include a hazardous materials management plan (HMMP). See Appendix II-E.

- (c) Hazardous Materials Inventory Statement. When required by the Chief, each application for a permit shall include a hazardous materials inventory statement (HMIS). See Appendix II-E.
- (d) An approved lock box, sized to contain emergency information, shall be provided upon request by the Chief.

SEC. 3-1.207. PARKING AND GARAGING.

Section 80.113 is hereby added to said Fire Code to read as follows:

That parking and garaging of transportation vehicles carrying hazardous materials as defined in Section 80.202 shall be in accordance with Sections 79.1205 and 79.1206 of said Fire Code.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 1992, by Councilmember Friedman, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Bird, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bird, Friedman, Muratore, Patterson
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill, Dobbs


APPROVED: 
RICHARD A. LANG, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, Acting City Attorney

Ord. No. 2828-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 27th day of October, 1992, Councilmember Dobbs moved its final adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:


MAYOR RICHARD A. LANG

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: November 26, 1992

to be replaced

ORDINANCE NO. 2828 -C.S.

AN ORDINANCE AMENDING CHAPTER 1 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO THE FIRE CODE AND HAZARDOUS MATERIALS OF THE CITY OF MODESTO.

WHEREAS, in the interest of the public health, safety, and welfare, this ordinance is enacted for the protection of the public health of the residents of the City of Modesto and for the protection of their safety and welfare, and

WHEREAS, in the interest of meeting the critical need for affordable housing in the City of Modesto, the Council of the City of Modesto urges developers and contractors, or their respective agents, when offering to new home buyers the optional installation of automatic fire sprinkler systems, to make such systems available at the lowest possible cost to the consumer so that the largest possible number of Modesto residents may obtain the security and protection of life and property resulting from such systems,

THEREFORE, the Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Chapter 1 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

CHAPTER 1. FIRE CODE AND HAZARDOUS MATERIALS

ARTICLE 1. FIRE CODE

SEC. 3-1.101. ADOPTION BY REFERENCE OF "UNIFORM FIRE CODE".

That certain document, three (3) copies of which are on file in the Office of the City Clerk of the City of Modesto, being marked and designated as "Uniform Fire Code, 1991 Edition," together with appendices I-C, II-B, II-E, II-F, III-A, IV-A, V-A, VI-A, VI-B, VI-C, VI-D, VI-E, and VI-F thereto, as adopted and revised from time to time by the International Fire Code Institute, and as compiled and published by the International Conference of Building Officials, The Western Fire Chiefs' Association, and the Association of International Fire Chiefs, which Code prescribes regulations governing conditions hazardous to life and property from fire and explosion, as hereinafter amended, deleted and added to, be and the same is hereby adopted by reference as the Fire Code of the City of Modesto for the protection of the public health and safety.

SEC. 3-1.102. ACCESS.

Section 10.204(b) of said Fire Code is amended to read as follows:

- (b) Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a paved surface so as to provide all-weather driving capabilities.

SEC. 3-1.103. AUTOMATIC SPRINKLER SYSTEMS.

Section 10.507 of said Fire Code is amended to read as follows:

Section (i) is hereby added to Section 10.507 of said Fire Code to read as follows:

(i) New Construction.

1. The installation of an approved automatic fire sprinkler system is required in all

buildings and structures constructed on or after the effective date of this ordinance, notwithstanding the use and occupancy thereof, when:

- A. The total floor area under one roof exceeds five thousand (5,000) square feet, except for R-3 and M-1 occupancies.
 - B. The building or structure is four (4) or more stories high or exceeds fifty (50) feet in height.
 - C. Additions, alterations, or repairs within any twelve (12) month period exceed fifty (50) percent of the total value (current county assessed valuation) of an existing building or structure or which result in said building or structure exceeding five thousand (5,000) square feet.
2. For new construction of R-3 and M-1 occupancy groups, the developer and/or contractor or their respective agents shall offer to the buyer, as an option, the installation of a automatic fire sprinkler system. Upon completion of the installation of an approved automatic fire sprinkler system and the final inspection of said R-3 and M-1 construction, the City shall refund to the developer, upon written request within one year after issuance of appropriate occupancy permits, a sum equal to one half of that portion of developer fees designated for fire safety services.

SEC. 3-1.104. SPRINKLER SYSTEM SUPERVISION ALARMS.

Section 10.508 of said Fire Code is amended to read as follows:

All valves controlling the water supply for automatic sprinkler systems and water-flow switches on all sprinkler systems shall be electrically supervised when the number of sprinklers are:

- (a) Twenty or more in Group I, Division 1 Occupancies.
- (b) One hundred or more in all other occupancies.

Valve supervision and water-flow alarm and trouble signals shall be distinctly different and shall be automatically transmitted to a UL LISTED central station or proprietary supervision station as defined by national standards, or, when approved by the building official with the concurrence of the chief, shall emit an audible signal at a constantly attended location.

EXCEPTION: Underground key or hub valves in roadway boxes provided by the City or a public utility need not be supervised.

SEC. 3-1.105. OPEN BURNING PERMIT REQUIRED.

Section 11.103 of said Fire Code is amended to read as follows:

- (a) No person shall kindle, conduct, or maintain any burning of grass, weeds, agricultural trimmings, or other combustibles or authorize any such fire to be kindled, conducted, or maintained without a permit as required by the San Joaquin Valley Unified Air Pollution Control District and compliance with all safeguards pursuant thereto.
- (b) Any such permitted burning shall be restricted to agricultural purposes and confined to areas of the City in which agricultural uses are lawful.

SEC. 3-1.106. TYPE OF LOCK OR LATCH FOR PREMISES WHERE GOLD OR BULLION IS TRADED.

Section 12.106 of said Fire Code is amended to add subsection (i) to read as follows:

- (i) SPECIAL LATCHING DEVICES. An exit door from a business which has as its primary commercial activity the sale, resale, exchange, or trade of gold or silver coin, bullion, or metal ore may be equipped with a locking mechanism which

is not openable from inside without the use of a key or which requires special knowledge or effort so long as all of the following conditions are met during all times that the business is open to the public:

- (a) The locking mechanism is connected to a smoke detector system in such a manner that activation or malfunction of the smoke detector system results in automatically unlocking the exit door;
- (b) The locking mechanism is connected to the electrical power supply for the building in such a manner that any loss of electrical power to the building results in automatically unlocking the exit door;
- (c) Two (2) employees must be within the area of the premises used for retail purposes, including adjacent service and utility rooms, at all times; and
- (d) A sign is permanently posted upon the premises so as to be readily seen by any person or persons entering the business stating that ingress and egress are electronically controlled by the management.

SEC. 3-1.107. FUELING AND DEFUELING.

Section 24.203(c) of said Fire Code is amended to read as follows:

- (c) Transfer Personnel. During fuel transfer operations of any passenger-occupied aircraft, a qualified person shall be in control of each transfer nozzle and another qualified person shall be in immediate control of the fuel-pumping equipment to shut off or otherwise control the flow of fuel from the time fueling operations are begun until they are completed.

EXCEPTION: For underwing refueling, the person stationed at the point of fuel intake is not required.

SEC. 3-1.108. STORAGE OF EXPLOSIVE MATERIALS; GENERAL REQUIREMENTS.

Section 77.201(a) of said Fire Code is amended to read as follows:

- (a) Magazines Required. Explosive materials shall be stored in magazines in accordance with this division.

A competent person shall be in charge of magazines. The person shall be at least 21 years of age and responsible for compliance with all safety precautions.

1. The storage of explosives and blasting agents is restricted to those areas of the City zoned as Heavy Industrial Zone (M-2), except for temporary storage for use in connection with approved blasting operations; provided, however, that this prohibition shall not apply to any wholesale and retail stock of small arms ammunition, gunpowder, explosive bolts, explosive rivets, and cartridges for explosive-activated power tools in quantities involving less than five hundred (500) pounds of explosive material.

SEC. 3-1.109. MANUFACTURE AND DISPLAY OF FIREWORKS.

Section 78.103 of said Fire Code is amended to read as follows:

- (a) Fireworks. 1. Manufacturing. The manufacturing of fireworks is prohibited in the City of Modesto.

SEC. 3-1.110. STORAGE, USE, AND HANDLING OF FIREWORKS.

Section 78.201 of said Fire Code is amended to read as follows:

Storage, use, and handling of fireworks shall be in accordance with this division.

- (a) The sale and use of fireworks within the City of Modesto shall comply with the rules and

regulations of the State Fire Marshal and rules and regulations of the Chief.

- (b) The storage and sale of fireworks within the City of Modesto is limited to State Fire Marshal-approved and labeled fireworks by State licensed wholesalers and retailers. Storage of fireworks within the City of Modesto is limited to the period commencing June 1 and ending July 31 of each year, and shall comply with rules and regulations of the Chief.
- (c) A permit shall be required for the storage and sale of fireworks. Applications for permits shall be made in writing to the Chief at least ten (10) days in advance of the date of the display. After such privilege is granted, the sale, possession, use, and distribution of fireworks for such display shall be lawful for permitted purposes only. No permit granted hereunder is transferable.
- (d) The Chief shall have the power to adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks by a fair association, amusement park, governmental entity, or other organization for the use of fireworks by artisans in pursuit of their trade. Every such use or display shall be handled by a competent operator approved by the Chief, and shall be of such character and so located, discharged or fired as in the opinion of the Chief after proper investigation, so as not to constitute a hazard to property or danger to any person.
- (e) The Chief shall seize, take, remove, or cause to be removed at the expense of the owner all stocks of fireworks offered or exposed for sale, stored, or held in violation of this Division.

SEC. 3-1.111. OPERATING HEATING, LIGHTING, AND COOKING APPLIANCES PROHIBITED.

Section 79.111 of said Fire Code is amended to read as follows:

No person shall use within a building or structure any heating, lighting, or cooking appliance which uses any flammable or combustible liquid.

SEC. 3-1.112. ABOVEGROUND CONTAINER AND TANK STORAGE NEAR BUILDINGS ON THE SAME PROPERTY.

Section 79.404 of said Fire Code is amended to read as follows:

A maximum of eleven hundred (1,100) gallons of liquids stored in closed containers and portable tanks approved by the Chief may be stored adjacent to a building located on the same premises and under the same management, provided that:

- (a) The building does not exceed one (1) story in height. Such building shall be of fire-resistive construction with noncombustible exterior surfaces or noncombustible construction and shall be devoted principally to the storage of liquids, or
- (b) The exterior building wall adjacent to the storage area shall have a fire-resistance rating of not less than two (2) hours, having no opening to the above-grade areas within ten (10) feet horizontally of such storage and no openings to below-grade areas within fifty (50) feet horizontally of such storage.

The quantity of liquids stored adjacent to a building protected in accordance with Item (b) above may exceed eleven hundred (1,100) gallons, provided the maximum quantity per barrel pile does not exceed eleven hundred (1,100) gallons and each barrel pile is separated by a twenty (20) foot minimum clear space along the common wall.

Where the quantity stored exceeds the eleven hundred (1,100) gallons permitted adjacent to a building complying with (a) above, or the provisions of (b) above cannot be met, a minimum distance as specified in Table 79.403-A shall be maintained between buildings and the nearest container or portable tank.

SEC. 3-1.113. RESTRICTED LOCATIONS OF ABOVEGROUND TANKS.

Section 79.501 of said Fire Code is amended to read as follows:

The storage of Class I and Class II flammable liquids in aboveground tanks outside of buildings is prohibited, with the exception of tanks of eleven hundred (1,100) gallons or less capacity approved by the Chief. Total storage is limited to a maximum of two (2) tanks or to one (1) tank with two (2) separated compartments, with each compartment not exceeding eleven hundred (1,100) gallons with an aggregate capacity of twenty-two hundred (2,200) gallons, located on the same premises and under the same management. The provisions of this Section 79.501 shall not apply to facilities for the production, generation, or transmission of electric energy that provide power to entities furnishing retail electrical services to the general public within the City of Modesto.

SEC. 3-1.114. UNDERGROUND TANKS.

Section 79.601(b) of said Fire Code is amended to read as follows:

- (b) DEPTH AND COVER. Excavation for underground storage tanks shall be made with due care to avoid undermining foundations of existing structures. Underground tanks shall be set on firm foundations and surrounded with at least six (6) inches of noncorrosive inert material such as clean sand or gravel well tamped in place or in accordance with the manufacturer's installation instructions. Fiber liners shall be installed between the native soil and the backfill material. Tanks shall be covered with a minimum of two (2) feet of earth or shall be covered by not less than one (1) foot of earth, on top of which shall be placed a slab of reinforced concrete not less than four (4) inches thick. When underground tanks are or are likely to be subjected to traffic, they shall be protected against damage from vehicles passing over them by at least three (3) feet of earth cover, or eighteen (18) inches of well-tamped earth plus six (6)

inches of reinforced concrete, or eight (8) inches of asphaltic concrete. When asphaltic or reinforced concrete paving is used as part of the protection, it shall extend at least one (1) foot horizontally beyond the outline of the tank in all directions.

For tanks built in accordance with Section 79.106, the burial depth and the height of the vent line shall be such that the static head imposed at the bottom of the tank will not exceed ten (10) psig if the fill or vent pipe is filled with liquid.

If the depth of cover exceeds seven (7) feet or the manufacturer's specifications, reinforcements shall be provided in accordance with the tank manufacturer's recommendations.

Nonmetallic underground tanks shall be installed in accordance with the manufacturer's instructions. The minimum depth of cover shall be as specified in this subsection.

SEC. 3-1.115. MOTOR FUEL DISPENSING STATIONS.

Section 79.902(c)5 of said Fire Code is amended to read as follows:

Tanks containing Class I, II or II-A liquids shall not exceed eleven hundred (1,100) gallons individually or twenty-two hundred (2,200) gallons aggregate.

SEC. 3-1.116. OPERATION OF TANK VEHICLES.

Section 79.1203 of said Fire Code is amended to read as follows:

Subsection (n) is hereby added to Section 79.1203:

- (n) Tank vehicles shall be parked on private property while being unloaded. It shall be unlawful to unload any tank vehicle while it is parked on any street, highway, avenue, alley, or public right-of-way. While a tank vehicle is being unloaded, it shall not be

parked in such a manner as to be endangered by other traffic.

SEC. 3-1.117. LOCATION OF BULK PLANTS FOR STORAGE OF FLAMMABLE AND COMBUSTIBLE LIQUIDS.

Section 79.1203 of said Fire Code is amended to read as follows:

Portions of properties where flammable and combustible liquids are received by tank vessels, pipe lines, tank cars or tank vehicles and are stored or blended in bulk for the purpose of distributing such liquid by tank vessels, pipe lines, tank cars, tank vehicles or containers shall be in accordance with this division.

The construction of new bulk plants for storage of flammable or combustible liquids is restricted to areas of the City zoned Heavy Industrial Zones (M-2). All existing nonconforming bulk plants for storage of flammable or combustible liquids which substantially comply with the requirements of this Code may be continued in use if a permit therefor shall be granted by the Chief.

SEC. 3-1.118. PARKING AND GARAGING OF VEHICLES TRANSPORTING HAZARDOUS MATERIALS.

Section 80.105 of said Fire Code is amended to read as follows:

Subsection (f) is added to read as follows:

- (f) The parking and garaging of transportation vehicles carrying hazardous materials as defined in Section 80.202 shall be in accordance with Section 79.1206 of this Code.

SEC. 3-1.119. LIQUEFIED PETROLEUM GASES; LOCATIONS OF CONTAINERS.

Section 82.104 of said Fire Code is amended to read as follows:

Subsection (e) is added to read as follows:

- (e) The storage of liquefied petroleum gas shall conform to the provisions of City of Modesto

zoning ordinances. The storage of liquefied petroleum gases is restricted to those areas of the City zoned as Commercial-Light Industrial Zones (C-M), and Heavy Industrial Zones (M-2), and, in addition thereto, to properties used as automotive service stations located in areas of the City zoned General Commercial Zones (C-2) and Highway Frontage Zones (H-1).

The aggregate capacity of any one installation shall not exceed two thousand (2,000) gallons, except that in particular installations this capacity limit may be altered by the Chief, after consideration of special features such as topographical conditions, nature of occupancy, proximity of buildings, capacity of proposed tanks, degree of private fire protection to be provided, and facilities of the local Fire Department.

SEC. 3-1.120. PROHIBITED USES OF LIQUEFIED PETROLEUM GAS.

Section 82.105 of said Fire Code is amended to read as follows:

- (a) Liquefied petroleum gas shall not be used for the purpose of operating any device or equipment unless such device or equipment is approved by the Chief for use with a liquefied petroleum gas.
- (b) Liquefied petroleum gas shall not be released to the atmosphere except through a liquid level gauge approved by the Chief or other approved device.
- (c) The use of stoves or other similar fuel-burning appliances using liquefied petroleum gas for cooking, lighting, or heating is prohibited inside any building in the City of Modesto except as permitted in subsection (d) of this section.
- (d) The storage and use of liquefied petroleum gas may be permitted by the Chief on construction sites and residential properties when the prohibition of such storage would cause an

undue hardship. When permitted, the total aggregate storage of liquefied petroleum gas on any one property shall not exceed two hundred and fifty (250) gallons. The use of liquefied petroleum gas when permitted shall be limited to devices used for cooking or heating approved by the Chief.

SEC. 3-1.121. PERMIT FEE.

The Council of the City of Modesto may, by resolution adopted from time to time, fix a fee for any permit issued pursuant to the Fire Code.

SEC. 3-1.122. ABOVEGROUND STORAGE TANKS FOR DISPENSING STATIONS.

Paragraph 2(d) of Appendix II-F of said Fire Code is amended to read as follows:

- (d) Tanks containing motor fuels shall not exceed an eleven hundred (1,100) gallon individual or twenty-two hundred (2,200) gallon aggregate capacity. Installations having the maximum allowable capacity shall be separated from other such installations by not less than one hundred (100) feet.

ARTICLE 2. HAZARDOUS MATERIALS

SEC. 3-1.201. DEPOSITS OF HAZARDOUS MATERIALS; CLEANUP, ABATEMENT, OR MITIGATION REQUIRED; LIABILITY FOR COSTS.

- (a) The City of Modesto is authorized to clean up, abate, or mitigate the effects of any hazardous material deposited upon or into any property or facilities within the limits of the City. Any person or persons causing such deposit or failing to provide cleanup, abatement, or proper mitigation of such deposits shall be liable for the payment of all costs incurred by the City as a result of such cleanup, abatement, or mitigation activity. The remedy provided by this section shall be in addition to any other remedies provided by law.
- (b) For the purpose of this section, "hazardous material" means material that, because of its

quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment or property if released into the work place or the environment. "Hazardous materials" include, but are not limited to, hazardous substances, hazardous wastes, and any materials which a licensed handler or the Police or Fire Chief or their authorized representatives reasonably believe would be injurious to the health and safety of persons or harmful to the environment or property if released into the work place or environment.

- (c) For purposes of this section, costs incurred by the City of Modesto shall include, but shall not necessarily be limited to, the following: actual labor costs of City personnel, including worker's compensation benefits, fringe benefits, administrative overhead; cost of equipment operation; cost of materials obtained directly by the City; and cost of any contract labor and materials.
- (d) The authority to recover costs under this section shall not include actual fire suppression services which are normally or usually provided by the Fire Department.

SEC. 3-1.202. DEFINITION; HAZARDOUS MATERIALS.

Section 9.110 of said Fire Code is amended to read as follows:

Hazardous materials are those chemicals or substances which are physical hazards or health hazards as defined and classified in Article 80, or as defined in the California Health and Safety Code, Division 20, Chapter 6.95, commencing with Section 25500, whether the materials are in usable or waste condition.

SEC. 3-1.203. PERMIT REQUIRED FOR CERTAIN OPERATIONS.

Section 4.108 of said Fire Code is amended to read as follows:

- (a) Subsection f.3.C is amended to read as follows:

To store, handle or use Class II, Class III-A, or Class III-B liquids in excess of twenty-five (25) gallons in a building or in excess of fifty-five (55) gallons outside a building.

(b) Subsection h.1 is amended to read as follows:

Hazardous materials. To store, transport on site, dispense, use, or handle hazardous materials in excess of the amounts listed in Table No. 4.108-C, or the threshold planning quantity listed in 40-CFR-355, or as specified in the California Health and Safety Code, Division 20, Chapter 6.95, commencing with Section 25500; or to install, repair, abandon, remove, place temporarily out of service, close, or substantially modify a storage facility or other area regulated by Article 80 when the hazardous materials in use or storage exceed the amounts listed in Table No. 4.108-C.

(c) Subsection 1.1 is amended to read as follows:

Liquefied petroleum gases. Except for portable containers of less than fifty-five (55) gallon aggregate water capacity, to install or maintain any LP-gas container or operate any tank vehicle which is used for the transportation of LP-gas. Where a single container is over two thousand (2,000) gallon water capacity or the aggregate capacity of containers is over four thousand (4,000) gallon water capacity, the installer shall submit plans for such permits. See Article 82.

SEC. 3-1.204. PERMIT AMOUNTS FOR COMPRESSED GASES.

Table No. 4.108-A of said Fire Code is amended to read as follows:

TABLE NO. 4.108-A--PERMIT AMOUNTS FOR COMPRESSED GASES 1

TYPE OF GAS	AMOUNT
Corrosive	Any amount

Flammable (except cryogenic fluids)	200 cubic feet
Highly toxic	Any amount
Inert	200 cubic feet
Oxidizing (including oxygen)	200 cubic feet
Pyrophoric	Any amount
Radioactive	Any amount
Toxic	Any amount
Unstable (reactive)	Any amount
Acutely hazardous (as listed in 40-CFR-355)	Threshold Planning Quantity or more.

¹ See Articles 74, 80 and 82 for additional requirements and exceptions.

SEC. 3-1.205. PERMIT AMOUNTS FOR CRYOGENS.

Table No. 4.108-B of said Fire Code is amended to read as follows:

TABLE NO. 4.108-B--PERMIT AMOUNTS FOR CRYOGENS'

TYPE OF CRYOGEN	INSIDE BUILDING	OUTSIDE BUILDING
Corrosive	Over 1 gallon	Over 1 gallon
Flammable	Over 1 gallon	55 gallons
Highly toxic	Over 1 gallon	Over 1 gallon
Nonflammable	55 gallons	55 gallons
Oxidizer (including oxygen)	50 gallons	50 gallons

¹ See Article 75

SEC. 3-1.206. PERMIT AMOUNTS FOR HAZARDOUS MATERIALS.

Table No. 4.108-C of said Fire Code is amended to read as follows:

TABLE NO. 4.108-C--PERMIT AMOUNTS FOR HAZARDOUS MATERIALS 1

AMOUNT TYPE OF MATERIAL	AMOUNT INSIDE BUILDING	OUTSIDE BUILDING
Carcinogen	10 pounds	10 pounds
Cellulose nitrate	See No. c.4	See No. c.4
Combustible fiber	See No. c.5	See No. c.5
Combustible liquids	See No. f.3 60	55 gallons
Corrosive gases	See No. c.7	See No. c.7
Corrosive liquids	55 gallons	55 gallons
Cryogenics	See No. c.8	See No. c.8
Explosives	See No. e.1	See No. e.1
Flammable gases	See No. c.7	See No. c.7
Flammable liquids	See No. f.3	See No. f.3
Flammable solids	100 pounds	100 pounds
Highly toxic gases (includes pesticides and fumigants)	See No. c.7	See No. c.7
Highly toxic liquids and solids (including pesticides and fumigants)	Any amount	Any amount
Irritant liquids	55 gallons	55 gallons
Irritant solids	500 pounds	500 pounds
Liquefied petroleum gases	55 gallons	55 gallons
Magnesium	See No. m.1	See No. m.1
Nitrate film	See No. c.3	See No. c.3

Oxidizing gases		See No. c.7	See No. c.7
Oxidizing liquids:	Class 4	Any amount	Any amount
	Class 3	1 gallon	1 gallon
	Class 2	10 gallons	10 gallons
	Class 1	55 gallons	55 gallons
Oxidizing solids:	Class 4	Any amount	Any amount
	Class 3	10 pounds	10 pounds
	Class 2	100 pounds	100 pounds
	Class 1	500 pounds	500 pounds
Organic peroxide liquids & solids:	Class I	Any amount	Any amount
	Class II	Any amount	Any amount
	Class III	10 pounds	10 pounds
	Class IV	20 pounds	20 pounds
Other health hazards:	Liquids	55 gallons	55 gallons
	Solids	500 pounds	500 pounds
Pyrophoric gases		See No. c.7	See No. c.7
Pyrophoric liquids		Any amount	Any amount
Pyrophoric solids		Any amount	Any amount
Radioactive materials (including gases, liquids and solids)		See No. r.1	See No. r.1
Sensitizer liquids		55 gallons	55 gallons
Sensitizer solids		500 pounds	500 pounds
Toxic gases		See No. c.7	See No. c.7
Toxic liquids		50 gallons	50 gallons
Toxic solids		500 pounds	500 pounds
Unstable (reactive) gases		See No. c.7	See No. c.7
Unstable (reactive) liquids:	Class 4	Any amount	Any amount
	Class 3	Any amount	Any amount
	Class 2	5 gallons	5 gallons
	Class 1	10 gallons	10 gallons

Unstable (reactive) solids:

Class 4	Any amount	Any amount
Class 3	Any amount	Any amount
Class 2	50 pounds	50 pounds
Class 1	100 pounds	100 pounds

Water-reactive liquids:

Class 3	Any amount	Any amount
Class 2	5 gallons	5 gallons
Class 1	10 gallons	10 gallons

Water-reactive solids:

Class 3	Any amount	Any amount
Class 2	50 pounds	50 pounds
Class 1	100 pounds	100 pounds

¹ See Article 80 for additional requirements and exceptions.

SEC. 3-1.206. HAZARDOUS MATERIALS PERMITS.

Section 80.103 of said Fire Code is amended to read as follows:

- (a) General. Permits are required to store, dispense, use, or handle hazardous materials in excess of or equal to the quantities specified in Section 4.108. A permit is required when a material is classified as having more than one (1) hazard category if the quantity limits are exceeded in any category.

Permits are required to install, repair, abandon, remove, place temporarily out of service, close or substantially modify a storage facility or other area regulated by this article. See also Sections 80.110 and 80.111.

EXCEPTIONS: 1. Routine maintenance. 2. For emergency repair work performed on an emergency basis, application for permit shall be made within two (2) working days of commencement of work.

Permittee shall apply for approval to close storage, use, or handling facilities at least thirty (30) days prior to the termination of

the storage, use, or handling of hazardous materials. Such application shall include any change or alteration of the facility closure plan filed pursuant to Section 80.110. This thirty (30) day period may be waived by the Chief if there are special circumstances requiring such waiver.

- (b) Hazardous Materials Management Plan. When required by the Chief, each application for a permit shall include a hazardous materials management plan (HMMP). See Appendix II-E.
- (c) Hazardous Materials Inventory Statement. When required by the Chief, each application for a permit shall include a hazardous materials inventory statement (HMIS). See Appendix II-E.
- (d) An approved lock box, sized to contain emergency information, shall be provided upon request by the Chief.

SEC. 3-1.207. GENERAL REQUIREMENTS.

Section 80.105 of said Fire Code is amended to add subsection (f) to read as follows:

- (f) That parking and garaging of transportation vehicles carrying hazardous materials as defined in Section 80.202 shall be in accordance with Section 79.1206 of this Code.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the

title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 1992, by Councilmember Friedman, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Bird, was upon roll call carried and ordered printed and published by the following vote:

- AYES: Councilmembers: Bird, Friedman, Muratore, Patterson, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Cogdill, Dobbs

APPROVED: RICHARD A. LANG, Mayor

ATTEST:

By NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, Acting City Attorney

ORDINANCE NO. 2829 -C.S.

AN ORDINANCE AMENDING THE LICENSE GRANTED TO BERTIOLOTTI DISPOSAL, INC., A CALIFORNIA CORPORATION, DBA BERTIOLOTTI DISPOSAL SERVICE, FOR THE COLLECTION OF GARBAGE, INDUSTRIAL GARBAGE AND SALVAGEABLE WASTE IN THE CITY OF MODESTO TO INCLUDE THE RIGHT TO CONTINUE TO PROVIDE SERVICE TO EXISTING ACCOUNTS IN THE VILLAGE I AREA AND REPEALING ORDINANCE NOS. 2171-C.S. AND 2296-C.S.

The Council of the City of Modesto does ordain as follows:

SECTION 1. This ordinance is enacted pursuant to the authority provided in, and pursuant to, all of the provisions, terms, and conditions of, Article XIV of the Charter of the City of Modesto and Chapter 5 of Title V of the Modesto Municipal Code.

SECTION 2. A license to collect garbage, industrial garbage, and salvageable waste, including recyclable materials, in the City of Modesto is hereby granted to Bertolotti Disposal, Inc., a California Corporation, dba Bertolotti Disposal Service, subject to the following terms and conditions:

- a. This license shall be for a term of five (5) calendar years commencing retroactively to July 8, 1992, and ending on July 8, 1997, or when Bertolotti Disposal, Inc., ceases to have a license from the County of Stanislaus to provide garbage service and curbside recycling to Stanislaus County Refuse Collection Area No. Ia, whichever occurs first, unless terminated at an earlier date under the provisions of this license. Nothing herein shall be deemed or construed to impair or affect in any way the right of the City to acquire the equipment and assume the operations of the Licensee at any time during the term of this license by purchase of the Licensee's equipment at a fair and just market value, which shall not include any amount for the license itself or for any of the rights or privileges granted by this license.
- b. This license shall be for a term commencing on January 1, 1985 and ending December 31, 1994 for the collection of industrial garbage and salvageable waste, unless terminated at an earlier date under the provisions of this license.
- c. This license shall be an exclusive license to collect garbage and curbside recycling materials from Licensee's existing accounts as of July 8, 1992, within the area delineated and marked as Area 8 on that certain map entitled "Bertolotti Service Area" dated January 6, 1975 and amended

on September 22, 1992 on file in the office of the City Clerk, and to which reference is hereby made, and a nonexclusive license to collect industrial garbage, salvageable waste.

- d. In accepting this license, Licensee thereby agrees to serve the areas covered by the license for the terms herein specified in compliance with the provisions of this ordinance and the provisions of Chapter 5 of Title V of the Modesto Municipal Code.
- e. This license shall automatically extend to any portion of the Licensee's County of Stanislaus service area, which is hereafter annexed to the City, to continue to serve such area or portions thereof for such period of time, not to exceed five (5) years from the date of annexation, as the City deems proper. The Licensee, when required to serve new portions of the City, shall promptly extend its routes and services and, when necessary, shall hire additional personnel and obtain additional equipment.
- f. Rates and charges to be charged by the Licensee for the collection of garbage shall be established by the Council by resolution. Service charges and costs of operation of the Licensee will be reviewed annually by the City and, if deemed necessary by the City Council, rate adjustments shall be made to become effective on or after January 1 of each year.

The City reserves the right to require adjustments in operations of the Licensee due to changing community needs, and/or developments in the field of garbage collection and disposal. Rate adjustments, if necessary, will be considered in such cases.
- g. The Licensee shall bill and collect all garbage service charges, provided, however, that the City may require that all or some of said garbage service charges shall be billed and collected by the City, and may require the Licensee to pay to the City fees, to be determined by the City, for such billing and collection service.
- h. The City reserves the right to revise the provisions of Chapter 5 of Title V of the Modesto Municipal Code, from time to time, as required in order to protect the public health, safety and welfare of the City.
- i. The Licensee shall comply with all existing and future State and Federal laws, and all ordinances and regulations which may in any manner affect the Licensee's operations under the terms and conditions of this license.

- j. The Public Works and Transportation Director of the City of Modesto shall administer and supervise the Licensee's operations under the terms of this license and in accordance with the provisions of Chapter 5 of Title V of the Municipal Code.

In the event of any disagreement between the Licensee and customers regarding the amount of charges for garbage collection service or the type or extent of service provided by the Licensee, the Public Works and Transportation Director shall make an investigation and determination, and the decision of the Public Works and Transportation Director shall be final.

- k. The Licensee shall establish and maintain an office within the City of Modesto, or other location approved by the City Manager, and shall keep said office open for business from 8:00 a.m. to 5:00 p.m. of every day except Saturday, Sunday, and all legal holidays observed by the City of Modesto.

The Licensee shall keep and maintain in said office at all times during the hours it is required to be open, competent personnel who shall have authority to represent the Licensee in its relations with the City and with the public. The Licensee shall obtain and keep in said office sufficient listed telephones and personnel to courteously, quickly, and expeditiously receive and answer all telephone and other calls to said office. A daily log of service calls received and the disposition thereof shall be kept by the Licensee for all operations hereunder.

- l. The Licensee shall maintain full and complete books of account and other records showing all business transacted in connection with this license by said Licensee including but not limited to records of all special monthly collections, receipts, expenses, profits, supporting statements and vouchers, balance sheets, profit and loss statements, and other documents, accurately reflecting and showing all business of the Licensee. All such books and records shall be subject to audit and inspection at any and all reasonable times by the City and its authorized officers, agents, or employees, and shall be made available at said office for such inspection or audit at any and all reasonable times upon written request or demand of the City Attorney, Auditor, Manager, or Public Works and Transportation Director.

- m. The Licensee shall provide the City annually, not later than ninety (90) days after the end of the fiscal year ending June 30th, with five (5) copies of an annual balance sheet and profit and loss statement. The annual financial

statement shall include a separate description of costs and revenues resulting from salvage and recycling operations hereunder and shall encompass cumulative data from the monthly statistical reports required by Section 2 subparagraph y.(4), below. Licensee may include the operating costs of the curbside recycling license when calculating profits of Licensee's entire waste collection license hereunder. Financial statements submitted by the Licensee to the City shall be regarded by the City as confidential financial records of the Licensee, and shall not be released as a public record for inspection by any party other than authorized City officers unless the City is so ordered by a court of competent jurisdiction.

The City may require a complete financial audit prepared by a Certified Public Accountant with his or her opinion attached thereto and such other financial information deemed necessary by the City when considering a request for rate adjustments.

- n. The Licensee shall collect and remove from any and all premises, not later than twenty-four (24) hours after notice, demand or request, any and all garbage and recyclables which Licensee shall have failed to collect and remove at the regularly scheduled time. The customer's failure to place garbage and recyclables for collection at the regularly scheduled time and place shall not be deemed a missed collection.
- o. The Licensee shall collect garbage and recyclables at least once each calendar week, Mondays through Fridays, for residential collections, and on Mondays through Saturdays for commercial and industrial collections. For purposes of such collection, the Licensee shall divide the City into collection routes. Such collection routes shall be each wholly within the City limits, and shall be approved by the Public Works and Transportation Director. Upon approval of the proposed routes by the Public Works and Transportation Director, the Licensee shall prepare route books as soon as possible which shall indicate the address of each service, number of containers, frequency of collection, and such other pertinent information as the Public Works and Transportation Director may require. The Licensee shall keep route books up to date at all times. The Licensee shall give reasonable notice to the general public as to the days and times for collection on each route. No changes in collection schedules shall be made without the approval of the Public Works and Transportation Director and reasonable notice thereof to the customers concerned by the Licensee.

The Licensee is not required to make collections on Sundays or legal holidays observed by the City. The Licensee may

arrange with commercial and industrial customers for Sunday and holiday collections, however. Scheduled collections not made on legal holidays shall be made within twenty-four (24) hours, Sundays excepted.

- p. The Licensee shall make garbage collection service available on request to all schools, public agencies, institutions, and other nonresidential premises at the same rates established for business locations. In special cases where unusual quantities of materials, special types of materials, or special methods of handling and/or disposing are required, the Public Works and Transportation Director may permit independent arrangements between Licensee and the special customer.
- q. The Licensee shall furnish, to all residential customers, a standard sixty (60) gallon or ninety (90) gallon automated collection container for the containerization of household garbage and garden refuse. The Licensee shall be responsible for the general repair and upkeep of all the standard automated collection containers furnished to the residential customers. Containers shall be kept in serviceable condition at all times.

The Licensee shall have approved detachable containers for apartment, commercial, business and industrial services on a rental basis. The Licensee shall be responsible for the general repair and upkeep of all detachable containers. Containers shall be kept in serviceable condition at all times. The Licensee shall provide detachable container cleaning service at a rate approved by the Public Works and Transportation Director.

Detachables containers shall be metal and so constructed that no liquid can leak from said containers. However, containers made of materials other than metal may be proposed by the Licensee for the approval of the Public Works and Transportation Director during the term of this license. No materials may be substituted without prior approval.

- r. The Licensee shall supply all occupants or premises in the Licensee's service areas with printed information cards approved by the Public Works and Transportation Director containing information regarding amounts of garbage and recyclables which will be collected, complaint procedures, charges, regulations, and days of collection. Such cards shall be distributed as required by the Public Works and Transportation Director, and, in addition, upon request by occupants or owners of any premises and in advance of route, charge, or regulation changes.

- s. The Licensee shall not litter any premises or public property in making collections of garbage, nor shall garbage be allowed to leak, blow, or fall from collection vehicles; however, if in spite of normal precautions against spillage, litter is caused on any premises or public property, the Licensee shall immediately remove same and clean up the area of spillage. The Licensee shall, without delay, after removing garbage from any container, replace the container in its designated position on the premises with covers closed on lidded containers, and shall repair or replace at its expense any containers damaged as a result of its handling thereof, normal wear and tear excepted. The Licensee shall close all gates after making collections and shall avoid crossing private or public planted areas and climbing or jumping over hedges and fences. Licensee's personnel shall make all collections in a quiet and orderly manner and shall refrain from making unnecessary disturbances and noise. If, for any reason, garbage is not picked up, such as overweight container, not in container, etc., the Licensee shall attach a tag to the container explaining the reason therefor, and shall maintain a log or record of such refusals.

The Licensee's collection vehicles shall be operated in full compliance with the California Vehicle Code and local ordinances. Vehicles shall be thoroughly washed and disinfected inside the collection body each day, or as approved by the Public Works and Transportation Director, and the exterior of each vehicle shall be cleaned and washed at least once a week.

- t. All equipment used for the collection and hauling of garbage shall be approved by the Public Works and Transportation Director and shall be so constructed and maintained as to prevent leakage, spillage, or overflow. Trucks shall not be loaded in excess of requirements of the California Vehicle Code.

All trucks and equipment shall be clearly identified by an assigned equipment number and with the firm name and local telephone number affixed thereto. Collection trucks shall be painted white, or another color approved by the Public Works and Transportation Director, and shall be equipped with the safety devices and warning lights required by the California Vehicle Code.

All vehicles and equipment used in the collection of garbage, if kept within the boundaries of the City, shall, at all times when not in use in the collection of garbage, be kept on private property in the appropriate zone and not on streets or other public ways.

u. All garbage collection vehicles shall be well maintained, properly identified, painted, clean and in satisfactory mechanical condition. The Licensee shall institute a complete and comprehensive system of preventive maintenance on all vehicles and shall keep them lubricated and in good repair. Records in a form approved by the Public Works and Transportation Director to provide data on operating, maintenance and repair costs shall be kept on each piece of equipment.

v. For purposes of this paragraph the following definitions apply:

(1) "Interruption of service" means:

(a) Any time period during which garbage collection services by the Licensee are interrupted by a labor dispute and scheduled collections are discontinued or substantially reduced; or

(b) Any time period after notice by the City of the termination of the license by reason of a breach or default by the Licensee and until other suitable equipment can reasonably be purchased or otherwise acquired by the City for such purpose.

(2) "Equipment" means any and all vehicles and equipment used by the Licensee for the purpose of performing the services provided for in the license at any time within the ninety (90) days immediately prior to the commencement of the interruption of service.

(3) "Payment for use" has the following meaning:

(a) In the case of equipment subject to a contract, "payment for use" shall mean any installment payment coming due under a contract for such equipment while the City is possessing and using such equipment pursuant to this paragraph during an interruption of service. Payment for use shall not be deemed to include any payment coming due under such contract either prior to, or after the expiration of, such period. Payment for use shall be made by the City, from time to time, directly to the person or company to whom the payment is owed under the contract, and the making of such payment or payments shall constitute full compensation to all persons for the City's temporary use of such equipment.

- (b) In the case of equipment not subject to a contract, "payment for use" shall mean the reasonable rental value of such equipment for such period of time during which the City possesses and uses such equipment pursuant to this paragraph during an interruption of service. Such payment shall, at termination of service interruption, be applied against any sums then owed to the City by the Licensee, or, if none, shall be paid by the City to the Licensee.
- (4) "Contract" means any conditional sales contract, mortgage, encumbrance, lease, rental agreement, or other agreement which provides for retention of title to said equipment or grants a security interest therein, that may exist at the commencement of the interruption of service.
- (5) "Notice" means written notification actually received by the person to be notified or mailed to him or her by registered or certified mail at the most recent address furnished by him or her to the City Clerk of the City of Modesto. As to the holder of a contract, the City shall be required to give notice only if the holder's identity is known to the City and the holder has furnished his or her address to said City Clerk.

In the event of an interruption of service, the City shall be entitled to have the temporary possession of all or any portion of the equipment of Licensee on the condition that the City shall, from time to time, make the payment for use as provided in Section 2 subparagraph u.(3), above. Upon taking such temporary possession, City shall forthwith give notice thereof to the Licensee and to the holder at that time, if any, of the contract on such equipment. Such temporary use shall not be deemed a breach of the terms of any contract regarding said equipment, but it shall otherwise be subject to the terms of such contract which are not in conflict herewith, except that the City shall not be required to make any payment other than the payment for use prescribed in Section 2 subparagraph u.(3), above. The City's payment for use prescribed in Section 2 subparagraph u.(3) shall be deemed to be compensation only for the temporary use of such equipment and the City shall not thereby acquire any ownership interest in such equipment.

So long as the City continues to make the payment for use of equipment when due or within ten (10) days

thereafter, such equipment may be retained by the City and shall not be repossessed from the City. In the event the City fails to make a payment for use when due or within ten (10) days thereafter, the City's right to continued temporary use of such equipment shall cease, and possession of such equipment may be retaken by the Licensee or by the holder of any contract thereon.

At the expiration of the City's temporary possession of any such equipment, the City shall give written notice of such expiration to the Licensee and to the current holder, if any, of a contract on such equipment. In the event the Licensee shall fail to take possession of such equipment within ten (10) days after such notice, the Licensee shall be deemed to have abandoned such equipment and waived all interest therein, and the City shall be free to use and dispose of such equipment without liability or compensation to the Licensee, subject to the terms of any contract that may then exist with regard to such equipment.

All equipment used by the Licensee for the purpose of performing the services provided for in this license shall be solely owned by the Licensee except that the Licensee may, with the prior approval of the City Manager, enter into contracts as defined in Section 2 subparagraph u.(4), above, with respect to such equipment. All such contracts shall provide for temporary possession by the City as set forth herein and shall provide that such temporary possession shall not be deemed a breach of such contract.

- w. All vehicles and equipment used by the Licensee for the collection and hauling of garbage shall be solely owned by Licensee, except that the Licensee may, with the prior approval of the City Manager, enter into conditional sales contracts, mortgages, encumbrances, leases, rental agreements, and other appropriate agreements for the purpose of purchasing, leasing or renting vehicles and equipment to be used in providing the services provided for in this license. All such documents shall provide for temporary possession by the City as set forth in Section 2 subparagraph u.(5) above and shall provide that such temporary possession shall not be deemed a breach of the agreement.
- x. Garbage collected by the Licensee shall be disposed of at the Fink Road sanitary landfill or at the resource recovery facility depending on the makeup of the waste. The City reserves the right to designate other sanitary landfill areas for disposal and other methods of disposal. Disposal

of garbage at the sanitary landfill will be in compliance with regulations in effect for the same as they now exist or may hereafter be amended. Industrial garbage collected by the Licensee may be disposed of at such other locations as are approved by the Health Officer.

- y. Pursuant to Licensee's nonexclusive license to collect salvageable waste and recyclable materials, Licensee shall, at its sole cost and expense, furnish all labor and equipment required to perform curbside collection pursuant to this Ordinance and to bear all costs and charges in connection with the sale of recyclable and salvageable materials. Besides collection of sorted recyclable materials, salvaging or scavenging by the Licensee's employees is prohibited on collection routes; however, salvaging activities are encouraged at properly zoned and otherwise suitable locations.
- z. For the purposes of this Ordinance, recyclable materials means newspapers, glass containers, tin cans, aluminum cans, used motor oil, PET plastic, and such other materials as may be mutually agreed upon in writing by Licensee and the Public Works and Transportation Director, which are collected by Licensee pursuant to this Ordinance. Licensee shall perform recycling services in the City of Modesto as follows:
 - (1) Licensee shall collect and remove all recyclable materials that have been segregated, donated, and placed on scheduled service days at the curb of the public street fronting on all single-family residences and from designated locations near multi-family dwellings located within the service areas as established in Section 2 subparagraphs b., c., and d., above. Licensee shall have the sole right to any and all funds and proceeds from the sale of salvaged and recycled materials. Such funds and proceeds shall be accounted for as part of Licensee's gross revenues.
 - (2) Licensees recycling rights and duties hereunder shall commence upon the effective date of this Ordinance and shall thereafter coincide with the license term and extension provisions contained in Section 2 subparagraph a. of this Ordinance.
 - (3) Licensee shall collect recyclable materials sorted and placed at the curbside for collection once each week, regardless of weather conditions. Collection shall be scheduled as for regular garbage collection service in Section 2.n, above. Licensee may collect recyclable materials between 6:00 a.m. and 6:00 p.m. Licensee

shall service missed collections as provided in Section 2 subparagraph m., above.

- (4) Licensee shall file with the City written monthly statistical reports, not later than the tenth of each month to report statistics for the previous month. Reports shall be directed to the Recycling Program Coordinator of the City of Modesto, Suite 16, 1012 I Street, Modesto, California 95354. The following statistics shall be included in the monthly reports:
 - (a) Daily record of volumes collected for aluminum cans, tin cans, PET plastic, glass, newspaper, and used motor oil.
 - (b) Daily record of the number of set-outs, stops, or pick ups.
 - (c) Monthly totals for each of the above.
 - (d) A copy of the Recycling Miss Log of the missed pick ups reported to Licensee during the preceding month.
 - (e) A summary of the preceding month's sale of recyclables, identifying purchaser, purchase price, costs involved, and quantity sold.
 - (f) Information regarding any problems, changes in routes, drivers, and/or equipment.
 - (g) Suggestions for the expansion or improvement of the recycling program.
 - (5) Licensee shall provide reasonable public access to Licensee's facility where recyclable materials, including items not picked up at curbside, may be dropped off and where waste oil may be deposited.
 - (6) Licensee shall not deposit, in any landfill or waste-to-energy facility, wherever located, any substantial quantity of easily separable recyclable materials without City's prior written consent.
- aa. The Licensee shall file with the City Clerk and maintain during the term of this license a corporate surety bond or other form of security satisfactory to the City Attorney in the sum of One Hundred Thousand and no/100ths (\$100,000.00) Dollars. Said bond or security shall be conditioned upon the faithful performances of the terms and conditions of this license and the provisions of Chapter 5 of Title V of the Modesto Municipal Code.

- ab. Licensee agrees, in connection with the performance of all operations under or pursuant to this license, to be an Equal Opportunity Employer and to refrain from discrimination against any employee or applicant for employment because of race, creed, color, national origin, sex, age, or handicap.
- (1) Licensee agrees that it will undertake an affirmative action program to ensure that no person shall on the grounds of race, creed, color, national origin, sex, age, or handicap be excluded from participating in any employment activities or opportunities. Licensee shall fully document these efforts and shall submit to City on or before January 31 of each year a report detailing the affirmative actions Licensee has taken during the prior calendar year. Licensee shall ensure that seniority practices, job classifications, work assignments, and other personnel practices, including employment reduction actions, do not have a discriminatory effect by continually monitoring all personnel and employment-related activities to ensure that the equal employment opportunity actions required by this License are being carried out.
 - (2) Licensee agrees to ensure and maintain a working environment free of harassment, intimidation, and coercion at all job locations and in all facilities where Licensee's employees are assigned to work. Licensee shall specifically ensure that all foremen and forewomen, superintendents, and other on-site supervisory personnel are aware of and carry out the Licensee's obligation to maintain such a working environment with specific attention to minority and women at such work locations or in such facilities.
 - (3) In the event of breach of any of the above nondiscrimination, equal opportunity, and affirmative action covenants, the Council of the City of Modesto shall have the right to revoke this license in accordance with the provisions of Section 5-5.31 of the Modesto Municipal Code.
- ac. Licensee and City shall cooperate, on such terms as shall be agreed upon, to support, develop, publicize, expand, and promote the concept and benefits of recycling by any reasonable and effective methods. Licensee shall reimburse City for its expenses and mailing costs whenever City determines that it is in the best interest of the curbside recycling program to distribute information and promotional materials to Licensee's customers.

SECTION 2. SUPERSEDES AND REPEALS. This ordinance supersedes and repeals Ordinance Nos. 2171-C.S., and 2296-C.S.

SECTION 3. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption; provided, however, that the license hereby granted shall not become effective unless and until Licensee files with the City Clerk written acceptance thereof and an agreement to be bound by and comply with all of the requirements thereof, in a form satisfactory to the City Attorney, and delivers to the City Clerk the bond and insurance policies required to be furnished, pursuant to the provisions of this ordinance and of Chapter 5 of Title V of the Modesto Municipal Code.

SECTION 4. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in the Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction, and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1992, by Councilmember Friedman who moved its introduction and passage to print, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and order printed and published by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: 

RICHARD A. LANG, Mayor

ATTEST:

By 

NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 

MICHAEL D. MILICH
Acting City Attorney

ACCEPTANCE OF LICENSE

BERTOLOTTI DISPOSAL, INC., a California corporation, DBA BERTOLOTTI DISPOSAL SERVICE, hereby accepts that certain license, and all the terms and conditions thereof, granted by the City Council of the City of Modesto by Ordinance No. 2829 -C.S., entitled "An Ordinance Amending the License Granted to Bertolotti Disposal, Inc., a California corporation, DBA Bertolotti Disposal Service, For the Collection of Garbage, Industrial Garbage and Salvageable Waste in the City of Modesto to Include the Right to Continue to Provide Service to Existing Accounts in the Village I Area and Repealing Ordinance Nos. 2171-C.S. and 2296-C.S."

Licensee hereby agrees to provide the services authorized by the license for the duration of the term of the license. Licensee further agrees to be bound by, to comply with, and to do all things required by the provisions of said Ordinance No. 2829 -C.S. and of Chapter 5 of Title V of the Modesto Municipal Code, as such provisions now exist or may hereafter be amended.

Dated: September 22, 1992

BERTOLOTTI DISPOSAL, INC.
A California corporation,
dba BERTOLOTTI DISPOSAL SERVICE

By _____,
President

By _____,
Secretary

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH
Acting City Attorney

Note: The signatures of the persons authorized to sign for Licensee must be notarized.

CERTIFICATE OF CLERK

I hereby certify that the foregoing Acceptance of License was received by me at the hour of _____ o'clock _____ .m. on the _____ day of _____, 1992.

NORRINE COYLE, City Clerk

Ord. No. 2829-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 6th day of October, 1992, Councilmember Patterson moved its final adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

APPROVED: Richard A. Lang
MAYOR RICHARD A. LANG

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: November 5, 1992

ORDINANCE NO. 2830 -C.S.

AN ORDINANCE AMENDING SECTION MAP 28-3-9 OF THE ZONING MAP TO REZONE FROM NEIGHBORHOOD COMMERCIAL ZONE, C-1, TO PLANNED DEVELOPMENT ZONE, P-D(139), AS AN ADDITION TO P-D(139), PROPERTY LOCATED ON THE SOUTHWEST SIDE OF 18TH STREET, NORTHWEST OF G STREET. (JAMES LEARY, ARCHITECT FOR CITY HOSPITAL)

The Council of the City of Modesto does ordain as follows:

SECTION 1. ZONING CHANGE. Section 28-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Neighborhood Commercial Zone, C-1, to Planned Development, P-D(139), as an addition to P-D(139), to allow additional off-street parking and accommodation of a trash compactor, property located on the southwest side of 18th Street, northwest of G Street, in the City of Modesto:

All that certain real property situate in a portion of the Southwest Quarter of section 28, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, County of Stanislaus, State of California, more particularly described as follows:

Lots 10, 11, 12, and 13 of Block 129.

Including also the Southwest one-half of 80 foot 18th Street and the Northeast one-half of the 20 foot alley, all immediately adjacent to the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(139) Zone, as an addition to P-D(139), if the plan for construction conforms in principle to the approved plan, or if changes are approved by the Secretary of the Planning Commission as required by Section 10-2.1709(c) of the Modesto

Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.1709(a) or (b) of the Modesto Municipal Code:

Additional off-street parking and accommodation of a trash compactor, property located on the southwest side of 18th Street, northwest of G Street.

SECTION 3. ZONING MAP. Section Map 28-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1992, by Councilmember Cogdill, who moved its introduction and passage to print, which motion being duly seconded by Mayor Lang, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Muratore

APPROVED: *Richard A. Lang*
RICHARD A. LANG, Mayor

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, Acting City Attorney

APPROVED AS TO DESCRIPTION:

By *Althain Prichard*
Planning and Community Development
Department

Ord. No. 2830-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 20th day of October, 1992, Councilmember Patterson moved its final adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: 
MAYOR RICHARD A. LANG

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: November 19, 1992

ORDINANCE NO. 2831 -C.S.

AN ORDINANCE AMENDING SECTION MAP 28-3-9 OF THE ZONING MAP TO REZONE FROM MEDIUM DENSITY RESIDENTIAL ZONE, R-2, TO PLANNED DEVELOPMENT ZONE, P-D(490), PROPERTY LOCATED ON THE NORTH SIDE OF SCENIC DRIVE EAST OF BODEM STREET. (THOMAS D. WOODWORTH)

The Council of the City of Modesto does ordain as follows:

SECTION 1. ZONING CHANGE. Section 28-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Medium Density Residential Zone, R-2, to Planned Development Zone, P-D(490):

All that certain real property situate in a portion of the North half of Section 28, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

All of the North 560.00 feet of City of Modesto Block 595, the West 411.40 feet of City of Modesto Block 602, and all of City of Modesto Block 598.

Including all of the Northern one-half of 80.00 foot wide Scenic Drive immediately adjacent to said Block 598.

Also including the Eastern one-half of 60.00 foot wide Bodem Street and the South one-half of 60.00 foot wide Cedar Avenue immediately adjacent to said Block 595.

SECTION 2. USES. The following uses shall be permitted in said P-D(490) Zone, if the plan for construction conforms in principle to the approved plan, or if changes are approved by the Secretary of the Planning Commission as required by Section 10-2.1709(c) of the Modesto Municipal Code, or by the

Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.1709(a) or (b) of the Modesto Municipal Code:

A mausoleum structure to be located on the rear or north portion of the Acacia Memorial Park, formerly Masonic Cemetery.

SECTION 3. ZONING MAP. Section 28-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of October, 1992, by Councilmember Friedman, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: 
RICHARD A. LANG, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, Acting City Attorney

APPROVED AS TO DESCRIPTION:

By 
Department of Planning and Community
Development

Ord. No. 2831-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 27th day of October, 1992, Councilmember Friedman moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: 
MAYOR RICHARD A. LANG

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: November 26, 1992

10/22/92

ORDINANCE NO. 2832 -C.S.

AN ORDINANCE AMENDING SECTION MAP 22-3-9 OF THE ZONING MAP TO REZONE FROM PROFESSIONAL OFFICE ZONE, P-O, TO PLANNED DEVELOPMENT ZONE, P-D(491), PROPERTY LOCATED BETWEEN OAKDALE ROAD AND SANTA PAULA DRIVE NORTH OF EAST ORANGEBURG AVENUE (TIM FISHER/ ARCHITECTURE PLUS).

The Council of the City of Modesto does ordain as follows:

SECTION 1. ZONING CHANGE. Section 22-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Professional Office Zone, P-O, to Planned Development Zone, P-D(491):

P-O to P-D(491)

All that certain real property situate in a portion of the Northeast quarter of Section 22, Township 3 South, Range 9 East Mount Diablo Base and Meridian in the City of Modesto, County of Stanislaus, State of California, described as follows:

All of Parcels A and B as shown on that certain parcel map recorded in volume 37 of Parcel Maps at Page 96, Stanislaus County Records, on March 26, 1986.

All of Parcel B as shown on that certain parcel map recorded in Volume 34 of Parcel Maps at Page 27, Stanislaus County Records, on June 23, 1983.

All of Parcel 2 as shown on that certain parcel map recorded in Volume 43 of Parcel Maps at Page 53, Stanislaus County Records, on October 26, 1990.

Including also all of the East one-half of 50.00 foot wide Santa Paula Drive, the North one-half of 60.00 foot wide East Orangeburg Avenue, and West one-half of 100.00 foot wide Oakdale Road immediately adjacent to the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(491) Zone if the plan for construction

conforms in principle to the approved plan, or if changes are approved by the Secretary of the Planning Commission as required by Section 10-2.1709(c) of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.1709(a) or (b) of the Modesto Municipal Code:

1. Business and Medical/Professional Offices.
2. Acute Care Hospital.
3. Off-street parking as shown on the approved plan.

SECTION 3. ZONING MAP. Section Map 22-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of October, 1992, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: *Richard A. Lang*
RICHARD A. LANG, Mayor

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, Acting City Attorney

APPROVED AS TO DESCRIPTION:

By *William J. ...*
Planning and Community Development

Ord. No. 2832-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 3rd day of November, 19 92, Councilmember _____ moved its final adoption, which motion being duly seconded by Councilmember _____, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

APPROVED: 
MAYOR RICHARD A. LANG

ATTEST 
JUDY C. HALL, Acting City Clerk

EFFECTIVE DATE: December 3, 1992

ORDINANCE NO. 2833 -C.S.

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 1774-C.S. ENTITLED "AN ORDINANCE AMENDING SECTION MAP 11-3-8 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (CHANNEL INVESTMENTS, INC.)" (SANDCASTLE PROPERTIES).

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF ORDINANCE NO. 1774-C.S.

Section 2 of Ordinance No. 1774-C.S. is hereby amended to read as follows:

"SECTION 2. USES. The following uses shall be permitted in said P-D(200) Zone if the plan for construction conforms in principle to the approved plan, or if changes are approved by the Secretary of the Planning Commission as required by Section 10-2.1709(c) of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.1709(a) or (b) of the Modesto Municipal Code:

1. Uses as permitted in C-3, Highway Commercial Zone.
2. Off-street parking in accordance with the plan on file in the Office of the Department of Planning and Community Development.
3. Commercial condominium."

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee,

the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of November, 1992, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: 
RICHARD A. LANG, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, Acting City Attorney

4

Ord. No. 2833-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 24th day of November, 1992, Councilmember Dobbs moved its final adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Muratore, Patterson,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

APPROVED: 
MAYOR RICHARD A. LANG

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: December 24, 1992

Check

ORDINANCE NO. 2834 -C.S.

AN ORDINANCE GRANTING TO RUDY BONZI, INC.
LICENSES FOR THE COLLECTION OF INDUSTRIAL
GARBAGE AND SALVAGEABLE WASTE IN THE CITY OF
MODESTO.

The Council of the City of Modesto does ordain as
follows:

SECTION 1. This ordinance is enacted pursuant to the
authority provided in, and all of the provisions, terms and
conditions of Article XIV of the Charter of the City of Modesto
and Chapter 5 of Title V of the Modesto Municipal Code.

SECTION 2. Limited licenses to collect industrial
garbage and salvageable waste in the City of Modesto are hereby
granted to Rudy Bonzi, Inc. subject to the following terms and
conditions:

- a. Said licenses shall be for terms commencing retroactively to January 1, 1993, and ending December 31, 2002, unless terminated at an earlier date under the provisions of these licenses.
- b. Said licenses shall be non-exclusive licenses to collect industrial garbage and salvageable waste.
- c. In accepting these licenses, Licensee thereby agrees that the services provided during the terms herein specified shall be in compliance with the provisions of this ordinance and the provisions of Chapter 5 of Title V of the Modesto Municipal Code.
- d. The City reserves the right to revise the provisions of Chapter 5 of Title V of the Modesto Municipal Code, from time to time, as required in order to protect the public health, safety and welfare of the City.
- e. The Licensee shall comply with all existing and future State and Federal laws, and all ordinances and regulations which may in any manner affect the

Licensee's operations under the terms and conditions of these licenses.

- f. The Public Works and Transportation Director of the City of Modesto shall administer and supervise the Licensee's operations under the terms of these licenses and in accordance with the provisions of Chapter 5 of Title V of the Municipal Code.
- g. The Licensee shall maintain full and complete books of account and other records showing all business transacted in connection with the license for collection of industrial garbage by said Licensee including, but not limited to, receipts, expenses, profits, supporting statements and vouchers, balance sheets, profit and loss statements, and other documents, accurately reflecting and showing all such business of the Licensee. All such books and records shall be subject to audit and inspection at any and all reasonable times by the City and its authorized officers, agents, or employees and shall be made available at said office of such inspection or audit at any and all reasonable times upon request or demand of the authorized City official. The Licensee shall provide the City annually within ninety (90) days of the end of the preceding fiscal year ending June 30th with five (5) copies of an annual balance sheet and profit and loss statement. Financial statements submitted by the Licensee to the City shall be regarded by the City as confidential financial records of the Licensee, and shall not be released as a public record for inspection by any party other than authorized City officers.
- h. The Licensee shall not litter any premises or public property in making collections of industrial garbage or salvageable waste nor shall industrial garbage or salvageable waste be allowed to leak, blow or fall from collection vehicles; however, if in spite of normal precautions against spillage, a litter is made on any premises or public property, the Licensee shall immediately remove same and clean up the area of spillage. Licensee's personnel shall make all collections in a quiet and orderly manner and shall refrain from making unnecessary disturbances and noise.

The Licensee's collection vehicles shall be operated in full compliance with the State of

California Motor Vehicle Code and local ordinances. Vehicles shall be thoroughly washed and disinfected inside the collection body each day, or as approved by the Public Works and Transportation Director, and the outside of each vehicle shall be cleaned and washed at least once a week.

- i. All equipment and containers used for the collection and hauling of industrial garbage or salvageable waste shall be approved by the Public Works and Transportation Director and shall be so constructed and maintained as to prevent leakage, spillage, or overflow. Trucks shall not be loaded in excess of requirements of the State of California Motor Vehicle Code. All trucks and equipment shall be clearly identified by an assigned equipment number and with the firm name and local telephone number affixed thereto. Collection trucks shall be painted a color approved by the Public Works and Transportation Director, and shall be equipped with such safety devices and warning lights as are required by the State of California Motor Vehicle Code.

All vehicles and equipment used in the collection of industrial garbage or salvageable waste, if kept within the boundaries of the City, shall at all times when not in use be kept on private property in the appropriate zone and not on streets or other public ways.

- j. All collection vehicles shall be well maintained, properly identified, painted, clean and in satisfactory mechanical condition.
- k. Industrial garbage and salvageable waste collected by the Licensee may be disposed of at such locations as are approved by the Health Officer or as directed by the City.
- l. Salvaging or scavenging by the Licensee, or any of his employees, is prohibited during collection.
- m. Licensee agrees, in connection with the performance of all operations under or pursuant to these licenses, to be an equal opportunity employer and not to discriminate against any employee or applicant for employment because of race, creed, color or national origin.

- n. So that City can comply with state mandates regarding diversion of material in the waste stream, Licensee shall document any and all amounts, in tons, of salvageable waste collected by Licensee in the City that Licensee thereafter sells and/or delivers, with or without processing, to recycling facilities, brokers, and/or transformation facilities; Licensee shall, upon reasonable notice, make this documentation available to City for inspection and/or copying.

SECTION 3. EFFECTIVE DATE. This ordinance shall become effective thirty (30) days from and after its final passage and adoption; provided, however, that the licenses hereby granted shall not become effective unless and until Licensee files with the City Clerk written acceptance thereof and an agreement to be bound by and comply with all the requirements thereof, in a form satisfactory to the City Attorney, and delivers to the City Clerk the insurance policies required to be furnished, pursuant to the provisions of this ordinance and of Chapter 5 of Title V of the Modesto Municipal Code.

SECTION 4. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of November, 1992, by Councilmember Patterson, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Cogdill, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: Bird, Dobbs

ABSENT: Councilmembers: Friedman

APPROVED: 
RICHARD A. LANG, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, Acting City Attorney

Ord. No. 2834-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 8th day of December, 19 92, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, Muratore, Patterson,
Mayor Lang

NOES: Councilmembers: Bird, Dobbs

ABSENT: Councilmembers: None

APPROVED: 
MAYOR RICHARD A. LANG

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: January 7, 1993

ORDINANCE NO. 2835 -C.S.

AN ORDINANCE AMENDING SECTION MAP 30-3-10 OF
THE ZONING MAP OF THE CITY OF MODESTO
PREZONING CERTAIN PROPERTY LOCATED THEREON.
(MODESTO CITY SCHOOL DISTRICT)

WHEREAS, a verified application for an amendment to
Section 30-3-10 of the Zoning Map was filed by Modesto City
School District on October 1, 1992, to prezone to Low Density
Residential Zone, R-1, property located on the east side of Claus
Road and south of MID Lateral No. 2 hereinafter described, and

WHEREAS, after a public hearing held on November 2,
1992, it was found and determined by the Planning Commission that
prezoning of the property as requested is required by public
necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 92-49 adopted on November 2,
1992, the Planning Commission recommended to the Council that the
application of Modesto City School District to amend
Section 30-3-10 of the Zoning Map to prezone the hereinafter
described property to Low Density Residential Zone, R-1, be
approved, and

WHEREAS, the subject property is unincorporated and
this prezone is a precursor to annexation of said property,

NOW, THEREFORE, the Council of the City of Modesto does
ordain as follows:

SECTION 1. COUNCIL FINDINGS. After a public hearing
held on December 8, 1992, in the City Council Chambers, City
Hall, 801 11th Street, Modesto, California, this Council finds
and determines that the requested prezoning is in accordance with

the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource for the following reason:

1. That the proposed prezone is in accordance with community objectives as set forth in the General Plan, which provides for a high school and a community park site in the Empire West Neighborhood, Village Two East.

SECTION 2. ZONING CHANGE. Section 30-3-10 of the Zoning Map is hereby amended to prezone the following described property to Low Density Residential Zone, R-1:

Being a portion of Sections 19 and 30, Township 3 South, Range 10 East, Mount Diablo Base and Meridian, situate in the County of Stanislaus, State of California, more particularly described as follows:

COMMENCING at the Northwest corner of said Section 30, said point being on the centerline of Claus Road; thence South $89^{\circ}35'50''$ East along the north line of said Section 30 a distance of 50.00 feet, more or less to the easterly line of Claus Road; thence South $0^{\circ}00'00''$ East along the east line of said Claus Road and the existing City limit line as described in the Yosemite-Claus Reorganization to the City of Modesto, a distance of 71.33 feet, more or less to the southerly line of Garst Road and the TRUE POINT OF BEGINNING; thence North $82^{\circ}23'38''$ East along the southerly line of said Garst Road a distance of 780.85 feet, more or less to the beginning of a curve concave to the south having a radius of 470.00 feet; thence easterly along the arc of said curve through a central angle of $08^{\circ}18'28''$ a distance of 68.15 feet; thence continuing along the southerly line of Garst Road South $89^{\circ}17'54''$ East, a distance of 354.34 feet, more or less to the westerly line of the Modesto Irrigation District Right-of-Way; thence South $00^{\circ}28'41''$ East along the westerly line of said M.I.D. Right-of-Way, distance of 3907.08 feet; thence North $89^{\circ}47'04''$ West, a distance of 689.65 feet; thence South $00^{\circ}14'22''$ East, a distance of 100.00 feet; thence North $89^{\circ}47'04''$ West, a distance of 558.30 feet, more or less to a point on the easterly line of said Claus Road, the existing City limit line as shown on said Yosemite-Claus Reorganization, and the beginning

of a non-tangent curve concave to the east having a radius of 4950.00 feet to which a radial line bears South 88°33'46" East; thence northerly along the easterly line of Claus Road and the said City limit line of the City of Modesto the following eight (8) courses:

- 1) Northerly along arc of said curve through a central angle of 02°11'45" a distance of 189.70 feet to the beginning of a reverse curve concave to the west having a radius of 5050.00 feet;
- 2) thence northerly along the arc of said curve through a central angle of 03°37'28" a distance of 319.44 feet;
- 3) thence North 00°00'31" East a distance of 320.08 feet;
- 4) thence South 89°55'54" West a distance of 15.00 feet;
- 5) thence North 00°00'31" East a distance of 495.00 feet, more or less to a point on the east-west quarter section line of said 30;
- 6) thence North 00°00'00" East a distance of 321.21 feet;
- 7) thence South 89°43'01" East a distance of 15 feet;
- 8) thence North 00°00'00" East a distance of 2254.21 feet, more or less to the point of beginning.

Contains 109.41 acres, more or less.

SECTION 3. ZONING MAP. Section 30-3-10 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1992, by Councilmember Friedman, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED: 
RICHARD A. LANG, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

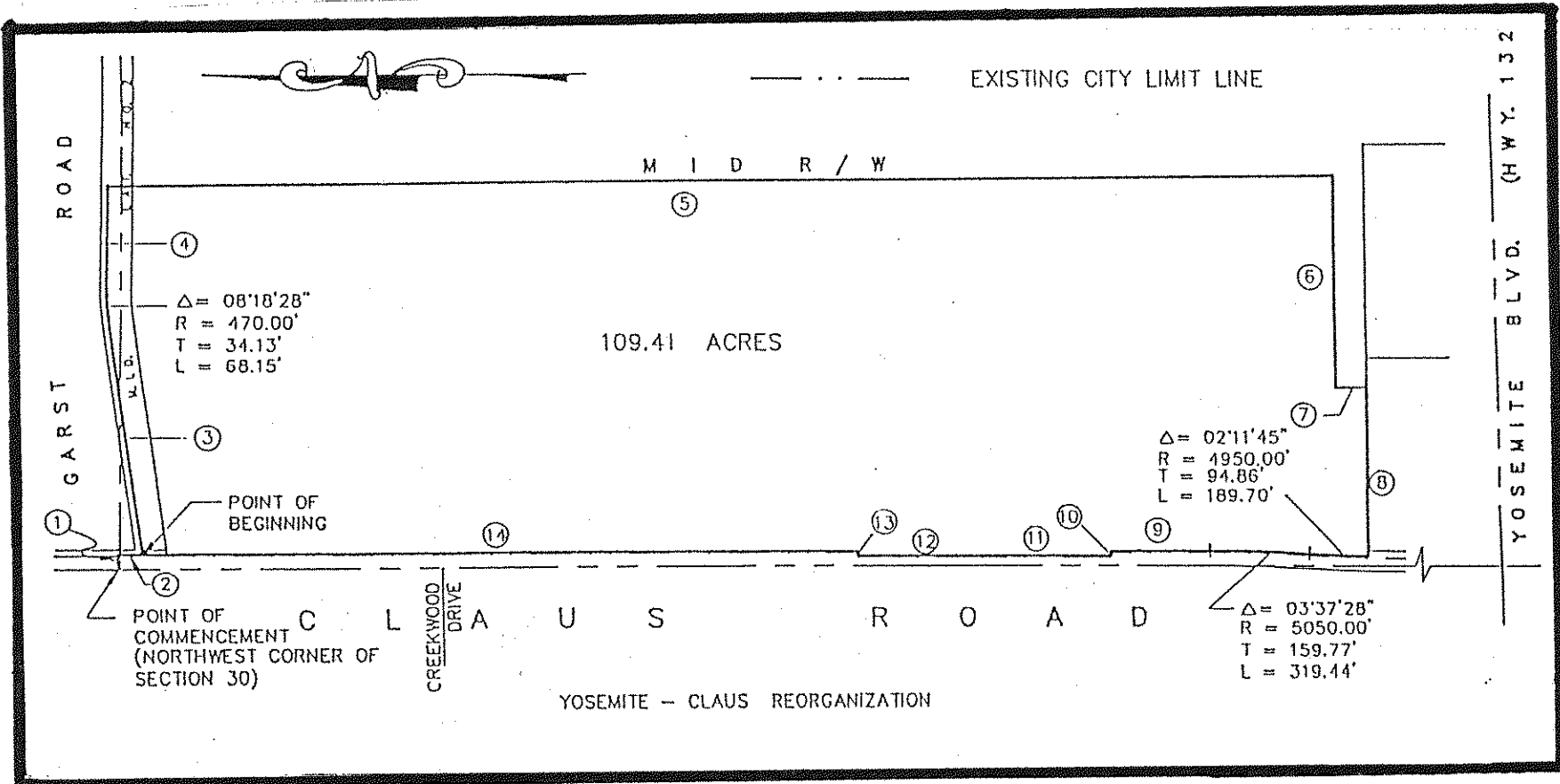
(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, Acting City Attorney

APPROVED AS TO DESCRIPTION:

By 
Department of Planning and Community
Development



PROPOSED PREZONING
 TO R-1

Ord. No. 2835-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 15th day of December, 1992, Councilmember Dobbs moved its final adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: 
RICHARD A. LANG, Mayor

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: January 14, 1993

3/2/92

ORDINANCE NO. 2836 -C.S.

AN ORDINANCE AMENDING CHAPTER 1 OF TITLE XII OF THE MODESTO MUNICIPAL CODE RELATING TO LANDSCAPING AND IRRIGATION STANDARDS.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Chapter 1 of Title XII of the Modesto Municipal Code is hereby amended to read as follows:

CHAPTER 1--LANDSCAPING AND IRRIGATION STANDARDS

SEC. 12-1.01. PURPOSE.

The landscaping of all areas of the community is intended to provide visual relief and delight, complement buildings and other structures, provide transitional areas between potential competing land uses, aid in reducing air pollution, require little supplemental irrigation water, once established, and provide an attractive environment for the enjoyment of public. Landscaping which is integrated with building design is an acceptable and desirable objective of contemporary community development.

SEC. 12-1.02. APPLICABILITY.

Whenever landscaping or a landscape plan is required by this Code or as a condition of any action authorized by this Code, the following standards of landscape and irrigation system design and landscape and irrigation specifications shall apply. Landscape areas under 10,000 square feet are subject to the requirements defined in this Code. All landscape areas in excess of 10,001 square feet are subject to the requirements of the State of California Water Efficient Landscape Ordinance. Landscape area shall mean the total area of the site not covered by buildings, parking lots, driveways or streets, and shall include planting areas, patios, plazas, sidewalks, hard-courts, water features, and parkway areas.

SEC. 12-1.03. STANDARDS OF LANDSCAPE DESIGN.

- (a) **Plan preparation.** It is required that a licensed landscape architect, landscape contractor, architect, or engineer, be employed in preparing the landscape and irrigation plans. In addition to plants, the use of structural elements like pools, fountains, raised planters, benches and sunshades are encouraged but not required in the landscape plan.

Prior to plan preparation, the Parks and Recreation Director should be contacted for street tree information to ensure the landscape plantings will not interfere with the City's tree planting plan. Underground Service Alert and Modesto Irrigation District should also be contacted to avoid conflict with existing or proposed utility lines or appurtenances.

- (b) **Plant materials.** The selection of plant materials should include both evergreen and deciduous trees, shrubs, and attractive erosion-preventing ground cover. It is required that at least 90 percent of the plants selected in non-turf areas be well suited to the climate of the region and require minimal water once established in the landscape. Up to 10 percent of the plants may be of a non-drought tolerant variety as long as they are grouped together and can be irrigated separately. Attention shall be given to appearance, height, spread, growth rate, moisture requirements, potential root damage, disease, and pest susceptibility, climatic adaptability, soil type slope, function, and degree of maintenance required.

- (c) **Plant coverage.** Plants shall be so spaced and sized that, when mature, they will fill the planter area. Although a reasonable number of growing seasons will be allowed for full plant coverage to develop, interim ground cover shall be provided during this period. Interim cover of surfacing materials shall consist of rocks, gravel, wood mulch or chips, or any other acceptable material. Mulches must be a minimum of three (3) inches thick when used as an interim measure.

- (d) **Plant maintenance.** Underground automated irrigation systems shall be provided to assure

efficient water use with a minimum of labor and water waste. Irrigation controllers must have multiple cycle capabilities and include a rain sensing override device. Plant material must be maintained in a healthy condition. Unhealthy plants shall be replaced. Planters shall be kept free of all weeds, debris and trash.

- (e) **Planter construction.** All planter areas shall have a peripheral concrete or acceptable permanent border to prevent cars and pedestrians from damaging plant materials. All planters constructed adjacent to buildings or structures shall be so designed to avoid irrigation water intrusion into or on that adjacent building or structure. The minimum width of a planter bed shall be forty (40) inches measured from the inside of curbing or acceptable permanent border.
- (f) **Compacted soils.** Prior to the planting of any materials, the compacted soils surrounding a building site shall be cultivated or amended to a friable condition. Friable condition shall mean cultivation or amendment of the soil to an easily crumbled or loosely compacted condition down to a minimum depth per planting material requirements, whereby the root structure of newly planted material will be allowed to spread unimpeded.

SEC. 12-1.04. LANDSCAPE PLAN SPECIFICATIONS.

- (a) Three (3) copies of the landscape plan shall be submitted for review and approval by the Parks and Recreation Director, in accordance with the standards of landscape design set forth in this chapter.
- (b) One (1) copy of all building elevations and site grading plans or one (1) copy of all building plans shall be submitted together with the landscape plan. The building elevation and site grading plans shall be in sufficient detail to permit determination of the location, width, and height of all doors and windows, and roof overhangs on all proposed buildings within or adjacent to proposed landscaped areas.
- (c) The landscape plans shall be legible and drawn to a scale no smaller than one (1) inch equals twenty (20) feet. Maximum sheet size on all drawing

efficient water use with a minimum of labor and water waste. Irrigation controllers must have multiple cycle capabilities and include a rain sensing override device. Plant material must be maintained in a healthy condition. Unhealthy plants shall be replaced. Planters shall be kept free of all weeds, debris and trash.

- (e) **Planter construction.** All planter areas shall have a peripheral concrete or acceptable permanent border to prevent cars and pedestrians from damaging plant materials. All planters constructed adjacent to buildings or structures shall be so designed to avoid irrigation water intrusion into or on that adjacent building or structure. The minimum width of a planter bed shall be forth (40) inches measured from the inside of curbing or acceptable permanent border.
- (f) **Compacted soils.** Prior to the planting of any materials, the compacted soils surrounding a building site shall be cultivated or amended to a friable condition. Friable condition shall mean cultivation or amendment of the soil to an easily crumbled or loosely compacted condition down to a minimum depth per planting material requirements, whereby the root structure of newly planted material will be allowed to spread unimpeded.

SEC. 12-1.04. LANDSCAPE PLAN SPECIFICATIONS.

- (a) Three (3) copies of the landscape plan shall be submitted for review and approval by the Parks and Recreation Director, in accordance with the standards of landscape design set forth in this chapter.
- (b) One (1) copy of all building elevations and site grading plans or one (1) copy of all building plans shall be submitted together with the landscape plan. The building elevation and site grading plans shall be in sufficient detail to permit determination of the location, width, and height of all doors and windows, and roof overhangs on all proposed buildings within or adjacent to proposed landscaped areas.
- (c) The landscape plans shall be legible and drawn to a scale no smaller than one (1) inch equals twenty (20) feet. Maximum sheet size on all drawing

shall be twenty-four (24) inches by thirty-six (36) inches ("D" size).

- (d) The landscape plans shall indicate property lines, important dimension lines, setback lines, walls and fences, driveways, adjacent streets, outline of all structures, and adjacent land uses.
- (e) The landscape plans shall indicate planting details, pre-emergent soil treatment rates and materials.

Soil test for horticultural suitability and infiltration rates shall be required at time of landscape plan submittal. Soils shall be prepared and/or amended as appropriate to encourage successful plant growth.

A minimum of three (3) inches of mulch shall be added in non-turf areas to the soil surface after planting. Plant types that are intolerant to mulch shall be excluded from this requirement.

Sheet plastic and other non-porous material shall not be placed under mulch.

- (f) The use of turf as a plant material will not be permitted in narrow planter areas (less than ten (10) feet in width), in traffic median strips, parking strips, between curbs and sidewalks, and on slopes that are in excess of three to one (3:1).

On slopes exceeding fifteen (15) percent, a level buffer zone of eighteen (18) inches is required between bermed turf areas and any hardscape (i.e., streets, walkways, etc.).

- (g) The landscape plans shall include a plant list giving the common and botanical names of plants to be used. This plant list shall be arranged in legend form with a key number assigned to each plant. On the plan, each plant shall be identified by a key number. The size of the plant, its spacing, and the quantity to be used, shall follow in the legend, as the following example illustrates.

<u>#</u>	<u>Botanical Name</u>	<u>Common Name</u>	<u>Size</u>	<u>Space</u>	<u>Qty.</u>
1.	Campanula isophylla	Italian bellflower	Flat	6"	6
2.	Eucalyptus polyanthemos	Silver dollar gum	5 gal.	20'	10
3.	Pinus mugo mughus	Mugho pine	1 gal	10'	14
4.	Ajuga reptans	Carpet bugle	Flat	6"	5
5.	Callistemon red chico	Fireball bush	1 gal.	10'	6
6.	Hedra canariensis	Algerian ivy	Flat	10'	3

SEC. 12-1.05. IRRIGATION PLAN SPECIFICATIONS.

(a) Three (3) copies of the irrigation plans shall be submitted for review and approval by the Parks and Recreation Director to ensure adequate irrigation coverage and compliance with the requirements of the Plumbing Code of the City. The irrigation system shall be designed with water conservation in mind. Wind direction, surface drainage, soil type, and application method shall be considered.

(b) Irrigation plan shall indicate potable water system point of connection and size, water pressure available, and maximum demand of the system in gallons per minute or gallons per hour if appropriate.

Reclaimed water may also be used as an alternate irrigation water source if it is supplied through a dual distribution system that conforms to Stanislaus County Health Department Standards.

(c) Irrigation equipment specified must be identified by manufacturer's name and equipment identification number.

(d) Performance data for irrigation heads and emitters including discharge rates, effective diameter, and operating pressure shall be listed in irrigation legend.

(e) All locations of irrigation valves, controllers, hose bibs, quick coupler valves, sprinkler heads, and backflow prevention devices, valves, filters, pressure regulators, emitters, rain switches, and moisture sensors must be indicated.

(f) Irrigation details must be used to clarify particular situations. Typical details should include backflow prevention devices, valves, irrigation heads, emitters, filters, pressure

regulators, moisture sensors, rain switches, check valves, and irrigation controllers.

- (g) All irrigation lines must be sized.
- (h) Schedule 40 P.V.C. pipe is required under all paved areas. Piping must be installed a minimum of twelve (12) inches underground for non-pressure irrigation lines and eighteen (18) inches underground for constant pressure irrigation lines. Emitter distribution tubing may be located at grade.
- (i) Irrigation watering schedules for the entire year must be provided on irrigation drawings. These schedules will include an establishment (first twelve (12) months) and post establishment. Post establishment schedules will be divided into four (4) quarters. Those quarters are winter, spring, summer and fall. All watering schedules must be in compliance with current City of Modesto water scheduling requirements.
- (j) Irrigation system must be designed by a qualified designer. Qualified designers would include: certified irrigation designers, landscape contractors, and landscape architects, and engineers.
- (k) Pop-up sprinklers in turf areas shall have a minimum four (4) inch pop-up height. Sprinkler coverage shall be one hundred (100) percent. Heads shall be placed at a maximum of fifty (50) percent of the diameter of throw (head to head). Sprinkler heads must have matched precipitation rates within each control valve circuit. System should be designed for minimum runoff and overspray onto non-irrigated areas.
- (l) Sprinklers and sprays shall not be used in areas less than ten (10) feet wide. Drip and bubblers shall be used that do not exceed one and one-half (1½) gallons per minute per device.
- (m) Serviceable check valves are required where elevation differential may cause low head drainage.
- (n) Irrigation controllers must be capable of dual or multiple programming. Controllers must have multiple cycle start capacity and a flexible

calendar program. Controllers shall be set to operate between sunset and sunrise.

- (o) Water application rates shall not exceed the infiltration rate of soil. A minimum of a one (1) hour period shall be allowed prior to the application of additional water.

SEC. 12-1.06. INSPECTION.

Upon installation of landscaping and irrigation systems, the installer must contact the Parks and Recreation Department and requests an inspection. An inspector from the Parks and Recreation Department will inspect the installation to verify compliance with the approved landscape and irrigation plans. The landscape and irrigation installation must conform to the approved plans before a certificate of occupancy will be issued by the Chief Building Official.

SEC. 12-1.07. MAINTENANCE.

Whenever a landscaping and irrigation plan is required by the Code, or as a condition of and action authorized by this Code, it shall be a violation of this Code if a property owner fails to maintain his property in accordance with that approved landscape or irrigation plan.

SEC. 12-1.08. FEES.

A landscaping and irrigation plan review fee shall be paid to the Chief Building Official when the building permit is issued. The amount of the fee will be calculated by multiplying the total square footage of landscaped area times a rate determined by resolution of the Council.

SEC. 12-1.09. MODEL HOMES.

To promote landscape water conservation through education, all single-family residential developments consisting of eight or more homes shall provide at least one model home that demonstrates the principles of water efficient landscapes described in this code.

- (a) Plant Materials. Each "water efficient" model home to be landscaped shall contain exclusively low water use plant materials as identified on a suggested planting list available from the Parks

and Recreation Department or approved by the Parks and Recreation Director.

(b) **Irrigation System.** Each "water efficient" model home shall contain exclusively an irrigation system that provides a high efficiency water application method. (Drip or tickle may not be used in turf areas.)

(c) **Signs.** Each development with "water efficient" model homes shall provide the following information to potential buyers:

(1) **Front Yard Sign:** A four (4) sq. ft. sign shall be located in the front yard of each "water efficient" model such that it is clearly visible to buyers. The sign shall indicate that the model features a water efficient landscape and irrigation elements such as hydrozones, irrigation equipment, and other elements which contribute to the overall water efficient theme.

SECTION 2. **EFFECTIVE DATE.** This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. **PUBLICATION.** At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of December, 1992, by Councilmember Dobbs, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: 

RICHARD A. LANG, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, Acting City Attorney

Ord. No. 2836-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 22nd day of December, 19 92, Councilmember Friedman moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: 
MAYOR RICHARD A. LANG

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: January 21, 1993