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SPECIAL  
NOT IN CODE

ORDINANCE NO. 401 - N. S.

AN ORDINANCE PROVIDING FOR THE PURCHASE OF SAND-TRAPS  
FOR THE MUNICIPAL WATER SYSTEM AND APPROPRIATING MONEY THEREFOR .

---oOo---

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

Section I.

The sum of \$2500.00, or so much thereof as may be necessary, is hereby appropriated out of the Water Fund of the City of Modesto for the purchase and installation of sand-traps for municipal wells Numbers 3 and 6.

Section II.

The City Engineer shall file with the Council specifications covering the design, material and workmanship of the equipment herein provided for, and the City Clerk shall thereupon immediately advertise for bids for said equipment to be opened at the next succeeding meeting of the Council. The contract shall be awarded to the lowest and best bidder. The Notice to Bidders, and the form of bids, and the bonds to be executed, shall be according to the usual practice of the City of Modesto in the purchase of material and equipment.

Section III.

The Council hereby finds and declares that this Ordinance is necessary for the immediate preservation of the public peace, health or safety, for the following reasons: That sand has suddenly appeared in the water now being pumped from said wells which finds its way into the water mains and thence into the fixtures used by residents of the City of Modesto, re-

1 sulting in damage to such fixtures, and resulting also in wear,  
2 tear and erosion of the water equipment of the city, and that the  
3 immediate purchase of such sand-traps is necessary in order to  
4 remove said sand from the water and saving the water equipment  
5 of the city, as well as the fixtures of its residents from undue  
6 wear and erosion.  
7

8 Therefore, this Ordinance shall go into effect  
9 immediately upon its final passage and adoption.

10 Section IV.

11 This Ordinance shall be published in full at least  
12 once at least three days prior to its final passage and adoption  
13 in the Modesto News-Herald, the official newspaper of the City  
14 of Modesto.  
15

16  
17 The foregoing Ordinance was introduced at a reg-  
18 ular meeting of the Council of the City of Modesto held on the  
19 22nd day of April, 1931, by Councilman Blaine who moved  
20 its adoption and passage to print, as aforesaid, which motion  
21 being duly seconded was upon roll call carried and the Ordinance  
22 ordered printed and published as above by the following vote:  
23 Ayes: Councilmen- Brown, Boundey, Blaine and Falger.  
24 Noes: Councilmen- None.  
25 Absent: Mayor Elias.  
26

27 Attest;

28 H. E. Gray  
City Clerk

29 ---oOo---

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The foregoing Ordinance having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 22nd day of April, 1931, and having been published as required by the Charter of the City of Modesto, coming on for final adoption this 1st day of May, 1931, it was finally adopted by the following vote:

- Ayes: Councilmen Blaine, Boundey, Brown, Falger
- Noes: Councilmen None
- Absent: Mayor Elias

Approved: L. L. Bennett  
Mayor

Attest: H. E. Gregg  
City Clerk

ORDINANCE NO. 402-N.S.

2 AN ORDINANCE PROHIBITING SWIMMING OR BATHING IN CANALS  
3 AND CERTAIN OTHER PLACES BETWEEN THE HOURS OF  
4 TEN O'CLOCK P.M. AND SEVEN O'CLOCK A.M.

5  
6 ---oOo---

7 The Council of the City of Modesto do ordain as follows:

8  
9 SECTION I.

10 Swimming or bathing or aquatic sports of any kind in  
11 any ditch, canal, pond, lake, or stream, within the corporate  
12 limits of the City of Modesto, or the use of any ditch, canal,  
13 pond, lake or stream, within the corporate limits of the City of  
14 Modesto, for swimming, bathing, or aquatic sports of any kind be-  
15 tween the hours of ten o'clock P.M. and seven o'clock A. M. is  
16 hereby prohibited.

17 It shall be unlawful, and a misdemeanor, for any per-  
18 son to swim or bathe or participate in aquatic sports or activit-  
19 ies of any kind in any ditch, canal, pond, lake or stream, within  
20 the corporate limits of the City of Modesto, between ten o'clock  
21 P.M. and seven o'clock A. M.

22 SECTION II.

23 Any person violating this Ordinance shall be deemed  
24 guilty of a misdemeanor, and upon conviction thereof, shall be  
25 punished by a fine of not to exceed One Hundred Dollars, or im-  
26 prisoned in the County Jail of Stanislaus County, California, not  
27 exceeding fifty days, or by both such fine and imprisonment.

28 SECTION III.

29 If any section, sub-section, sentence, clause, or  
30 phrase of this ordinance is for any reason held to be unconstit-  
31 utional, such decision shall not effect the validity of the re-  
32

1 maining portions of this ordinance. The City Council hereby de-  
2 clares that it would have passed this ordinance and each section,  
3 subsection, sentence, clause or phrase thereof, irrespective of the  
4 fact that any one or more section, sub-section, sentence, clause  
5 or phrase be declared unconstitutional.

6  
7 SECTION IV.

8 This ordinance shall go into effect and be in full  
9 force and operation from and after fifteen days after its final  
10 passage and adoption.

11 SECTION V.

12 This Ordinance shall be published in full at least  
13 once at least three days prior to its final adoption in the  
14 Modesto News-Herald, the official newspaper of the City of Modesto.

15 The foregoing Ordinance was introduced at a  
16 regular meeting of the Council of the City of Modesto held on  
17 the 27th day of May, 1931, by Councilman Brown who moved its adop-  
18 tion and publication as aforesaid, which motion being duly sec-  
19 onded, was upon roll call carried and the Ordinance ordered print-  
20 ed and published as above, by the following vote:

21 Ayes: Councilmen; Boundey, Brown, Falger, Rogers, and Mayor Dennett

22 Noes: Councilmen: None

23 Absent: Councilmen: None  
24

25 Attest:

26 H.E. Gragg  
H.E. Gragg

27 City Clerk  
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The foregoing Ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 27th day of May, 1931, and having been printed and published as required by the Charter of the City of Modesto, coming on for final adoption this 10th day of June, 1931, it was finally adopted by the following vote:

Ayes: Councilmen Boundey, Brown, Falger, Rogers, and Mayor Dennett

Noes: Councilmen None

Absent: Councilmen None

Approved: L. L. Dennett  
MAYOR

Attest: H. E. Gragg  
CITY CLERK

REPEALED BY  
MUNICIPAL CODE

ORDINANCE NO. 403-N.S.

AN ORDINANCE CREATING A "COMPENSATION INSURANCE FUND", APPROPRIATING MONEY THEREFOR, AND PROVIDING FOR ITS ADMINISTRATION

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*Repealed by*  
*408-N.S.*  
*9/10/31*

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

SECTION I.

There is hereby created a new Fund to be known as the "Compensation Insurance Fund". The sum of FIVE THOUSAND DOLLARS (\$ 5,000.00) is hereby appropriated from the ~~General Fund~~ of the City of Modesto not otherwise appropriated and transferred to the said "Compensation Insurance Fund". The Auditor and Treasurer are hereby authorized and directed to make said transfer upon their respective books.

The surplus moneys, is any, remaining in said Fund at the end of each fiscal year shall not be transferred to the General Fund, but shall be retained in said Compensation Insurance Fund until otherwise disposed of by the City Council.

SECTION II.

The moneys in said Compensation Insurance Fund shall be kept on deposit at one or banks in the City of Modesto in the discretion of the City Treasurer. Provided, however, all portions of the money in said Fund, ~~except~~ such as may be required for immediate use, shall be kept in a Savings Account, and the earnings thereof shall be added to the Fund. The Council shall annually add to said Fund an amount approximately equivalent to the cost of insurance upon the city's liability under the Workmen's Compensation Insurance and Safety Act of 1917 and amendments thereto, and in event said Fund shall be entirely depleted at

1 any time, the same shall be replenished by further appropriations  
2 and transfers from the General Fund. All such additional approp-  
3 riations for and transfers to said Fund may be made by a Resol-  
4 ution or Resolutions of the City Council.

5  
6 SECTION III.

7 Said Fund shall not be used for any purpose, except  
8 to pay claims against the City of Modesto for either compensation  
9 to employees or cost of treatment arising out of injuries for  
10 which the City of Modesto is liable as employer under the terms  
11 of the said Workmen's Compensation Insurance and Safety Act.

12 SECTION IV.

13 This Ordinance shall go into full force and effect  
14 from and after fifteen days after its passage and adoption.

15 SECTION V.

16 This Ordinance shall be published in full at least  
17 once at least three days prior to its final adoption in the  
18 Modesto News-Herald, the official newspaper of the City of Mod-  
19 esto.  
20

21 The foregoing Ordinance was introduced at  
22 a regular meeting of the Council of the City of Modesto held  
23 on the 10th day of June, 1931, by Councilman Falger, who moved  
24 its passage and adoption, which motion being duly seconded, was  
25 upon roll call carried by the following vote:

26 Ayes: Councilmen: Boundey, Brown, Falger, and Mayor Dennett

27 Noes: Councilmen: Rogers

28 Absent: Councilmen: None  
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30 Attest: H. E. Griggs  
31 City Clerk  
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The foregoing Ordinance, having been introduced and ordered printed at a regular meeting of the Council of the City of Modesto held on the 10th day of June, 1931, and having been published as required by the Charter of the City of Modesto, coming on for final adoption this 24th day of June, 1931, it was finally adopted by the following vote:

Ayes: Councilmen Boundey, Brown, Falger, and Mayor Dennett  
Noes: Councilman Rogers  
Absent: Councilmen None

Approved: *R. E. Dennett*  
Mayor

Attest: *H. E. Guff*  
City Clerk



Enforcement of  
by Res # 2214 N.S.  
8/6/31.  
Suspended

ORDINANCE NO. 404 -- N. S.

AN ORDINANCE AMENDING ORDINANCE NO. 345 N. S.  
(TRAFFIC ORDINANCE) BY AMENDING SECTION  
32 THEREOF, AND BY ADDING A NEW  
SECTION TO BE KNOWN AS  
SECTION 32 a.

---o0---

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

REPEALED BY  
MUNICIPAL CODE

Section I.

Ordinance No. 345 N. S. entitled: "An Ordinance regulating traffic upon the public streets of the City of Modesto" is hereby amended by amending Section 32 thereof so as to read as follows:

"Section 32. PARKING TIME LIMITED IN SPECIFIED PLACES. The operator of a vehicle shall not park such vehicle for longer than one hour within any business district between the hours of <sup>nine</sup> ~~ten~~ o'clock A. M. and six o'clock P. M. of any day, except Sunday; subject also to the special restrictions specified in Sections 30 and 31 of this Ordinance, and also to the further limitations in this section provided.

REPEALED BY  
MUNICIPAL CODE

The operator of a vehicle shall not park the same for a longer period than fifteen minutes on the northwesterly side of I Street between the alley running through Block 84 and the southwesterly line of 12th Street, nor for a longer period of time than 20 minutes on the northeasterly side of 10th Street between I Street and J Street.

Signs shall be erected and maintained not more than 150 feet apart in each block designating the provisions of this section."

1 Section II.

2 Said Ordinance No. 345 N. S. is further amended  
3 by adding thereto a new section to be known as Section 32a to  
4 read as follows:

5 "Section 32a. It shall be unlawful for the oper-  
6 ator of any vehicle which carries on the outside thereof any  
7 sign, banner, words or symbols advertising any theatre, dance  
8 or place of amusement of any kind to park the same for a longer  
9 period than ten minutes within any business district within the  
10 City of Modesto between the hours of 8 o'clock A. M. and 10  
11 o'clock P. M."

12 Section III.

13 This Ordinance shall take effect and be in full  
14 force and operation from and after 15 days after its final  
15 passage and adoption.

16 Section IV.

17 This Ordinance shall be published in full at  
18 least once at least three days prior to its final adoption in  
19 the Modesto News-Herald, the official newspaper of the City of  
20 Modesto.

21 The foregoing Ordinance was introduced at a reg-  
22 ular meeting of the Council of the City of Modesto held on the  
23 10th day of June, 1931, by Councilman Brown who moved its adopt-  
24 ion and publication, as aforesaid, which motion being duly sec-  
25 onded was upon roll call carried and the Ordinance ordered  
26 printed and published as above by the following vote:  
27 Ayes: Councilmen: Boundey, Brown, Falger, Rogers, and Mayor Dennett  
28 Noes: Councilmen: None  
29 Absent: Councilmen: None

30 Attest:

31 H. E. G. [Signature]  
32 City Clerk

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The foregoing Ordinance, having been introduced and ordered printed and published at a regular meeting of the Council, held on the 10th day of June, 1931, coming on for final adoption this 24th day of June, 1931, upon having been printed and published as required by the Charter of the City of Modesto, it was finally adopted by the following vote:  
Ayes: Councilmen Boundey, Brown, Falger, Rogers, and Mayor Dennett  
Noes: Councilmen None  
Absent: Councilmen None

Approved: J. R. Russell  
Mayor

Attest: H. E. Guff  
City Clerk



REPEALED BY  
MUNICIPAL CODE

ORDINANCE NO. 405- N. S.

AN ORDINANCE REQUIRING OPERATORS OF JITNEYS AND TAXICABS  
TO CARRY PUBLIC LIABILITY INSURANCE.

---oOo---

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

Section I.

In addition to the requirements of Ordinance 146 N. S. and Ordinance 205 N. S. with relation to the business of carrying passengers for hire within the City of Modesto, the following condition or requirement shall be complied with after August 1, 1931, to-wit:

All persons, firms, or corporations, engaged in, carrying on, or operating, within the City of Modesto, the business of carrying passengers for hire ( as that term is defined by Ordinance 146 N. S. shall be required to deposit with the City Clerk of the City of Modesto a policy or certificate of liability insurance for each vehicle for which a license is sought; said policy or certificate of liability insurance to be acceptable to, and approved by, the City Council, and to be issued by a Company authorized to transact business of that kind in the State of California; said policy or certificate of liability insurance to indemnify the applicant in a sum not less than Ten Thousand (\$10,000.00) Dollars for injury to one person, or Twenty Thousand (\$20,000.00) Dollars for injury to more than one person, and One Thousand (\$1000.00) Dollars property damage in any one accident through the operation of any vehicle used for hire by the applicant; or said applicant shall deposit

See Ord 575 411-778

REPEALED BY  
MUNICIPAL CODE

1 with the City Clerk, in lieu thereof, a bond running to the  
2 City of Modesto, for the same amounts for said contingencies,  
3 which bond shall be executed by a Surety Company authorized  
4 to do business in the State of California.

5 Such policies or certificates of liability in-  
6 surance or bonds shall be so conditioned as to indemnify any  
7 and all persons who may be injured or whose property may be  
8 damaged by the operation of such vehicle, and so that actions  
9 may be brought thereon by any person so damaged against said  
10 insurer or surety company for the amount of such damage up to  
11 the amount therein named. Said policy or certificate of insur-  
12 ance or bond so deposited shall contain a clause obligating  
13 the company issuing the same to give ten days written notice  
14 to the City Clerk before the cancellation of such policy or  
15 bond, and in event such policy or bond so cancelled be not re-  
16 newed or replaced prior to the expiration of said ten days, the  
17 license for the operation of such vehicle shall expire upon  
18 the lapse or termination of such bond.

19  
20  
21 Section II.

22 It shall be unlawful for any person, firm or  
23 corporation to operate upon the public streets, alleys, ways  
24 or places in the City of Modesto, any vehicle for the carrying  
25 of passengers for hire, or to carry or transport upon such  
26 streets, alleys, ways or places within such city, passengers  
27 for hire, as said term is defined by Ordinance No. 146 N. S.,  
28 unless the policy or certificate of insurance or bond referred  
29 to in Section I of this Ordinance has been filed with the City  
30 Clerk, as required by ~~said~~ Section I. No license shall be issued  
31  
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1 pursuant to Ordinance No. 146 N. S. or Ordinance No. 205 N. S.  
2 of the City of Modesto, until such policy or certificate of  
3 insurance or bond shall have been filed, as aforesaid, and in  
4 event any such policy or certificate of insurance or bond shall  
5 be cancelled or become null or void, the license or permit  
6 already licensed pursuant to said ordinance, shall be revoked  
7 at once.  
8

9 Section III.

10 This Ordinance shall go into effect and be in  
11 full force and operation on and after August 1st, 1931.  
12

13 Section IV.

14 This Ordinance shall be published in full at least  
15 once at least three days prior to its final adoption in the  
16 Modesto News-Herald, the official newspaper of the City of Mo-  
17 desto.  
18

19 The foregoing Ordinance was introduced at a reg-  
20 ular meeting of the Council of the City of Modesto held on the  
21 10th day of June, 1931, by Councilman Falger  
22 who moved its adoption as aforesaid, which motion being duly  
23 seconded, the Ordinance was ordered printed and published as  
24 above by the following vote:  
25

26 Ayes: Councilmen: Boundey, Brown, Falger, and Rogers

27 Noes: Councilmen: None

28 Absent: Councilmen: None

29 Mayor Dennett present but not voting.  
30

31 Attest: H. E. Guss  
32 City Clerk

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The foregoing ordinance having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 10th day of June, 1931, and having been published as required by the Charter of the City of Modesto, coming on for final adoption this 24th day of June, 1931, it was finally adopted by the following vote:

Ayes: Councilmen Boundey, Brown, Falger, Rogers and Mayor Dennett  
Noes: Councilmen None  
Absent: Councilmen None

Approved: L. L. Dennett  
Mayor

Attest: H. E. Gaff  
City Clerk

REPEALED ORD 234

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ORDINANCE NO. 406-N.S.

AN ORDINANCE AMENDING ORDINANCE NO. 345-NS BY AMENDING SECTION 32A THEREOF, RELATIVE TO VEHICLES CARRYING ADVERTISEMENTS

--- oOo ---

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

SECTION I.

Section 32A of Ordinance No. 345-N.S. as amended by Ordinance No. 404-N.S. is hereby amended to read as follows:  
"Section 32-A: It shall be unlawful for the operator of any vehicle which carries on the outside thereof any sign, banner, words, or symbols advertising any theater, dance, or place of amusement of any kind or any business enterprise other than a sign printed or painted thereon indicating the ownership of such vehicle to park the same for a longer period than ten minutes within any business district within the City of Modesto between the hours of eight o'clock A. M. and ten o'clock P.M. (unless with the consent of the owner or occupant of the property in front of which said vehicle is parked).

SECTION II.

This Ordinance shall take effect and be in full force and operation from and after fifteen days after its final passage and adoption.

SECTION III.

This Ordinance shall be published in full at least once at least three days prior to its final adoption in the Modesto News-Herald, the official newspaper of the City of Modesto.

The foregoing Ordinance was introduced

1 at an adjourned meeting of the Council of the City of Modesto  
2 held on the 29th day of July, 1931, by Commissioner Boundey,  
3 who moved its adoption and passage to print, which motion being  
4 duly seconded it was upon roll call adopted by the following vote:  
5 Ayes: Councilmen Boundey, Falger, Rogers, and Mayor Dennett  
6 Noes: Councilman Rogers  
7 Absent: Councilmen None  
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10 Attest: H. E. Gragg  
11 H. E. Gragg  
12 City Clerk  
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The foregoing Ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 29th day of July, 1931, and having been printed and published as required by the Charter of the City of Modesto, coming on for final adoption this 18th day of August, 1931, it was finally adopted by the following vote:  
Ayes: Councilmen: Boundey, Falger, Rogers, Mayor Dennett  
Noes: Councilmen: Brown  
Absent: Councilmen: None

APPROVED: L. L. Dennett  
L. L. DENNETT  
MAYOR

ATTEST: H. E. Gragg  
H. E. GRAGG  
CITY CLERK

SPECIAL  
NOT IN CODE

ORDINANCE NO. 407-N.S.

AN ORDINANCE FIXING THE RATE OF TAXATION IN AND FOR THE CITY OF  
MODESTO FOR THE FISCAL YEAR 1931 - 1932

--- oOo ---

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

SECTION I.

There is hereby levied upon the assessed valuation of the property in the City of Modesto, County of Stanislaus, State of California, for the fiscal year beginning July 1st, 1931, and ending June 30th, 1932, the rates of taxation hereinafter specified, said rates being upon each one hundred (\$100.00) dollars of the valuation according to the equalized assessment roll, to-wit:

For the General Fund ...One Dollar (\$1.00) on each one hundred dollars valuation;

For the Bond Redemption and Interest Fund as follows:

- (a) Municipal Improvement Bonds of 1910 .....3 Cents
- (b) Municipal Improvement Bonds of 1911 .....1 Cent
- (c) Municipal Improvement Bonds of 1912 .....3 Cents
- (d) Municipal Improvement Bonds of 1919 .....3 Cents
- (e) Municipal Improvement Bonds of Jan., 1920....12 Cents
- (f) Municipal Improvement Bonds of Jun., 1920.... 2 Cents
- (g) Municipal Improvement Bonds of 1923..... 3 Cents

being a total of 27 Cents on each one hundred dollars in valuation of all property taxable for the redemption of bonds and payments of interest thereon that shall accrue during said fiscal year;

For the Library Fund, 13 Cents on each one hundred dollars of said taxable valuation;

The aggregate of said sums, to-wit: One Dollar and Forty Cents (\$1.40) on each one hundred dollars valuation as determined by the equalized assessment roll for the year 1931-1932 on all property taxable in the City of Modesto for said purpose is hereby levied

1 and apportioned to and shall be paid into the above funds respect-  
2 ively of said City. The rates above specified shall be in addit-  
3 ion to those required to be levied under the general laws of the  
4 State of California for the purpose of paying principal and inter-  
5 est on street improvement bonds in local improvement districts.

6  
7 SECTION II.

8 This Ordinance shall take effect immediately upon its  
9 final passage and adoption.

10 SECTION III.

11 This Ordinance shall be published in full at least  
12 once at least three days prior to its final adoption in the Mod-  
13 esto News-Herald, the official newspaper of the City of Modesto.

14 The foregoing Ordinance was introduced at a reg-  
15 ular meeting of the Council of the City of Modesto held on the  
16 26th day of August, 1931, by Councilman Falger, who moved its  
17 adoption and publication as aforesaid, which motion being duly  
18 seconded, the ordinance was ordered printed and published by the  
19 following vote:

20 Ayes: Councilmen: Boundey, Brown, Falger, Rogers, and Mayor Dennett

21 Noes: Councilmen: None

22 Absent: Councilmen: None

23  
24 Attest: H. E. Gragg

25 H. E. Gragg  
26 City Clerk  
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The foregoing Ordinance having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 26th day of August, 1931, and having been printed and published as required by the Charter of the City of Modesto, coming on for final adoption this 10th day of September, 1931, it was upon roll call finally adopted by the following vote:

Ayes: Councilmen: Boundey, Brown, Falger, Rogers, and Mayor Dennett

Noes: Councilmen: None

Absent: Councilmen: None

APPROVED: L. D. Dennett

Mayor

Attest; H. E. Gray

City Clerk

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ORDINANCE NO. 408 - N. S.

AN ORDINANCE APPROPRIATING MONEY FOR THE  
PURCHASE OF WATER PIPE FOR THE  
MUNICIPAL WATER SYSTEM.

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

Section I.

The sum of Four Thousand (\$4,000) Dollars, or so  
much thereof as may be necessary, is hereby appropriated out  
of the water fund of the City of Modesto for the purchase of  
water pipe, fittings and equipment for the use of the water  
department in extending its lines, mains and services, both  
within and without the corporate limits of the City of Modesto.  
The City Engineer shall file with the City Clerk a specification  
of the amount and kind of materials above mentioned required,  
and the City Clerk shall thereupon advertise for bids for the  
same, requiring bidders to furnish detailed specifications.  
Bidders shall by the notice to bidders be required to furnish  
a bidding bond or certified check on some solvent bank in the  
State of California for 10% of the price bid, as a guarantee  
that if accepted the successful bidder will enter into a  
contract.

Section II.

This Ordinance shall go into effect and be in full  
force and operation from and after fifteen days after its final  
passage and adoption.

Section III.

This Ordinance shall be published in full at least  
once at least three days prior to its final adoption in the

1 Modesto News Herald, the official newspaper of the City of  
2 Modesto.

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5 The foregoing Ordinance was introduced at a  
6 regular meeting of the Council of the City of Modesto held  
7 on the 10th day of September, 1931, by Councilman Boundey, who  
8 moved its adoption and passage to print, which motion being  
9 duly seconded was upon roll call carried and the Ordinance  
10 ordered printed and published as above by the following vote:  
11 Ayes: Councilmen: Boundey, Brown, Falger, Rogers and Mayor  
12 Dennett.  
13

14 Noes: Councilmen: None.

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16 Absent: Councilmen: None.  
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19 Attest: H. E. Grupp  
20 City Clerk  
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The foregoing Ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 10th day of September, 1931, and having been published as required by the Charter of the City of Modesto, coming on for final adoption this 23rd day of September, it was finally adopted by the following vote:

Ayes: Councilmen: Boundey, Brown, Falger, and Mayor Dennett  
Noes: Councilmen: Rogers  
Absent: Councilmen: None

APPROVED: *L. L. Dennett*  
L. L. DENNETT  
MAYOR

ATTEST: *H. E. Gragg*  
H. E. GRAGG  
CITY CLERK

REPEALED BY  
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ORDINANCE NO. 409 - N. S.

AN ORDINANCE REPEALING ORDINANCE NO. 403 N.S.  
CREATING A MUNICIPAL COMPENSATION  
INSURANCE FUND.

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

Section I.

Ordinance No. 403 N.S. entitled "An Ordinance  
Creating a Compensation Insurance Fund, Appropriating Money  
Therefor, and providing for its Administration", is hereby  
repealed.

Section II.

The fund known as the "Compensation Insurance  
Fund" created by said Ordinance No. 403 N.S. is hereby  
abolished. The sum of Five Thousand (\$5000.00) Dollars  
appropriated to said fund by said Ordinance is hereby trans-  
ferred to the General fund.

Section III.

This Ordinance shall go into full force and  
operation from and after fifteen days after its final passage  
and adoption.

Section IV.

This Ordinance shall be published in full at  
least once at least three days prior to its final adoption  
in the Modesto News Herald, the official newspaper of the  
City of Modesto.



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The foregoing Ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 10th day of September, 1931, and having been published as required by the Charter of the City of Modesto, coming on for final adoption this 23rd day of September, 1931, it was upon roll call adopted by the following vote:

Ayes: Councilmen: Boundey, Brown, Falger, Rogers

Noes: Mayor Dennett

Absent: Councilmen: None

APPROVED:



L.L. DENNETT  
MAYOR

ATTEST:



H. E. GRAGG  
CITY CLERK

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ORDINANCE NO. 410 - , N.S.

AN ORDINANCE APPROPRIATING MONEY FOR PUBLIC  
IMPROVEMENTS, INCLUDING WATER AND  
SEWER EXTENSIONS.

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

Section I.

The sum of \$40,000, or so much thereof as may  
be necessary during the fiscal year 1931-1932, is hereby  
appropriated out of the general fund of the City of Modesto,  
not otherwise appropriated, for the purposes of replacing, re-  
storing, extending and enlarging the municipal sewer system of  
said City and of extending, replacing, enlarging and repairing  
the water system of the City of Modesto.

Section II.

The Council may hereafter by resolution determine  
the particular work to be undertaken and accomplished, pursuant  
to the appropriation of funds provided by this Ordinance, and may  
and shall, by such resolution, direct the City Engineer to pre-  
pare plans and specifications for such parts of the work specified  
in Section I of this Ordinance as may by such resolution or  
resolutions hereafter be directed and particularly authorized.  
The plans and specifications above referred to shall be so  
prepared as to leave it optional with the City Council whether  
to advertise for bids for both labor and material in the con-  
struction of any of said work, or to purchase the material and  
hire the labor separately. When such plans and specifications  
have been submitted to and approved by the Council, it shall be

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The foregoing ordinance, having been introduced and ordered published at a regular meeting of the Council of the City of Modesto held on September 23rd, 1931, and having been published as required by the Charter of the City of Modesto, coming on for final adoption this 14th day of October, 1931, it was finally adopted by the following vote:

Ayes: Councilmen: Boundey, Brown, Falger, and Mayor Dennett  
Noes: Councilmen: Rogers  
Absent: Councilmen: None

APPROVED: L. E. Dennett  
MAYOR

ATTEST: H. E. Gagg  
CLERK

*Amended  
by 488-13*

ORDINANCE NO. 411- N. S.

ORDINANCE AMENDING ORDINANCE NO. 405 N.S. WITH  
RELATION TO PUBLIC LIABILITY INSURANCE  
FOR TAXICABS.

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

Section I  
Section I of Ordinance No. 405, N.S. entitled "An Ordinance Requiring Operators of Jitneys and Taxicabs to Carry Public Liability Insurance" is hereby amended so as to read as follows:

"Section I. In addition to the requirements of Ordinance No. 205 N.S. with relation to the business of carrying passengers for hire within the City of Modesto the following condition or requirement shall be complied with after this Ordinance becomes effective, to wit:

All persons, firms or corporations engaged in, carrying on, or operating, within the City of Modesto, the business of carrying passengers for hire, (as that term is defined by Ordinance No. 146, N.S.) shall deposit and leave with the City Clerk of the City of Modesto a motor vehicle liability policy, as that term is defined in Chapter 259, Statutes and Amendments of 1929, for each vehicle for which a license is sought or held; provided, however, that in lieu of the limits of \$5,000 for injury to or death of one person and \$10,000 for injury to or death of more than one person in any one accident as specified in said act of the Legis-

1 lature, the limits shall be not less than \$10,000,  
2 exclusive of interest and costs, on account of  
3 injury to or death of any one person, and \$20,000,  
4 exclusive of interest and costs, on account  
5 of any one accident resulting in the injury to  
6 or death of more than one person, and \$1,000  
7 for damage to property of others, as in said act  
8 provided; or a binder pending the issuance of any  
9 such policy, or an endorsement to an existing  
10 policy; provided further, that in lieu of such  
11 motor vehicle liability policy such operator of  
12 a taxicab or jitney may deposit with the City  
13 Clerk a bond executed by a surety company author-  
14 ized to do business in the State of California  
15 in the same amount and with the same conditpns  
16 specified for the motor vehicle liability policy.

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19 Such motor vehicle liability policy or bond  
20 so deposited shall contain a clause or endorse-  
21 ment obligating the company issuing the same to  
22 give at least ten days' written notice to the  
23 City Clerk before the cancellation of such  
24 policy or bond.

25  
26 In event the holder of a license cover-  
27 ing the business of carrying passengers for hire,  
28 as that term is defined by Ordinance NO. 146.N.S.,  
29 shall fail or neglect to deposit a motor vehicle  
30 liability policy or a bond as herein provided,  
31 or to renew such policy or bond before the ex-  
32 piration or termination thereof, the said license



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The foregoing Ordinance having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 23rd day of September, 1931, and having been published as required by the Charter of the City of Modesto, coming on for final adoption this 14th day of October, 1931, it was upon roll call adopted by the following vote:  
Ayes: Councilmen: Boundey, Brown, Falger, Rogers, Mayor Dennett  
Noes: Councilmen: None  
Absent: Councilmen: None

APPROVED: L. L. Dennett  
MAYOR

ATTEST: H. E. Gagg  
CITY CLERK

ORDINANCE NO. 412-N.S.

AN ORDINANCE DEFINING THE TERM "OLEOMARGERINE": AND REQUIRING PERSONS, FIRMS, AND CORPORATION SELLING OR EXCHANGING, OFFERING FOR SALE OR EXCHANGE, OR HAVING IN POSSESSION WITH INTENT TO SELL OR EXCHANGE, OLEOMARGERINE, TO OBTAIN A LICENSE AUTHORIZING THEM TO DO SO, AND TO PAY A LICENSE FEE; REGULATING THE TRANSPORTATION OF OLEOMARGERINE WITHIN THE CITY OF MODESTO; AND PROVIDING A PENALTY FOR THE VIOLATION OF THIS ORDINANCE.

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

Section 1. The word "oleomargerine" as used in this ordinance shall signify, and it is hereby defined to mean and include, any manufactured substance other than butter, intended to be used or suitable for use as a substitute for butter, or which is an imitation of butter, or which is intended to be used or sold as an ingredient or constituent to be used in the preparation of any substitute for or imitation of butter or of artificial butter. The fact that such manufactured substance or preparation may contain butter as one of its ingredients shall not prevent its being oleomargerine with the meaning of this ordinance, if any other substance or ingredient enters into the composition or manufacture thereof. The term "oleomargerine" shall include also any substance embraced within the definition of that term contained in subdivision a of Section 12 $\frac{1}{2}$  of the General Dairy Law of California, as enacted April 30, 1931, or any amendment thereto heretofore enacted or hereafter to be enacted. The word "butter" as used in the foregoing definition shall be deemed to include nothing but the fatty constituent of cows' milk separated by churning, together with such quantity of salt and water as may be needed to render the same suitable for use, and harmless coloring matter, and such other components of the milk from which the said fatty constituent is obtained as in the ordinary manufacture of butter

1 are not separated or removed therefrom.

2           Section 2. It shall be unlawful for any person,  
3 firm, or corporation, by himself, herself, or itself, or through  
4 his, her, or its employee or agent, or as the employee or agent  
5 of another, to sell, exchange, offer for sale or exchange, or  
6 have in possession with the intent to sell or exchange the same  
7 or offer the same for sale or exchange, within the City of Modesto  
8 any oleomargarine, without first having procured a license so to  
9 do from the City of Modesto, and having paid to the said City  
10 of Modesto the license therefor as herein states. The license  
11 fee shall be the sum of (\$50.00) Fifty Dollars for each quarter  
12 year of three months, or fractional part of a quarter year. The  
13 quarter year for the purpose of this ordinance shall be deemed  
14 to commence on the first day of January, April, July, October  
15 of each year; provided, however, that for the part of the quarter  
16 year between the date that this ordinance goes into effect and  
17 January 1, 1932 the license fee shall be pro rated on the basis  
18 of Fifty Dollars (\$50.00) for the entire quarter. All license  
19 fees must be paid quarterly in advance. Any person, firm or cor-  
20 poration maintaining more than one place of business within the  
21 City of Modesto, at which any oleomargarine, as defined in  
22 Section 1 of this ordinance, is sold, exchanged, offered for  
23 sale or exchange, or held in possession with intent to sell or  
24 exchange the same, shall be required to procure a license for  
25 each of such places of business.

26           Section 3. Such licenses shall be issued by the  
27 City Clerk of said City of Modesto upon the payment to him for  
28 the City of the license fee hereinabove designated, and the money  
29 received as payment of such license fees shall be paid into  
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1 the general fund of the City of Modesto.

2 Section 4. It shall be unlawful for any person,  
3 firm, or corporation to carry, haul, ship or otherwise transport  
4 or cause to be carried, hauled, shipped, or otherwise trans-  
5 ported, into the City of Modesto, or through, over, or across  
6 any portion of said city, any oleomargarine, without having  
7 placed on each package or container thereof a mark or label  
8 stating that such package or container contains oleomargarine,  
9 and stating the names and addresses of the consignor or shipper,  
10 and the consignee or receiver, thereof, and a particular desig-  
11 nation of the destination or intended point of delivery thereof;  
12 provided, however, that this section shall have no application  
13 to any such shipment or transportation of or transaction affecting  
14 oleomargarine as shall constitute interstate commerce.  
15

16 Section 5. Any person, firm, or corporation who  
17 shall violate any of the provisions of this ordinance shall be  
18 punishable by a fine not exceeding Three Hundred Dollars or by  
19 imprisonment in the county jail of the County of Stanislaus, State  
20 of California, for a term not exceeding one hundred days, or by  
21 both such fine and imprisonment.  
22

23 Section 6. If any section, subsection, clause,  
24 phrase, or word of this ordinance for any reason shall be declared  
25 invalid or unconstitutional, such decision, declaration, invalid-  
26 ity, or unconstitutionality shall not affect the validity of  
27 the remaining portions of this ordinance, and the City Council  
28 hereby declares that it would have passed each separate provision,  
29 section, subsection, clause, phrase, and word hereof, irrespective  
30 of the fact that one or more of such sections, subsections, clauses,  
31 phrases, words, or provisions hereof may be declared unconstitutional.  
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Section 7. This ordinance shall go into full force and effect and be in operation from and after fifteen days after its final passage and adoption.

Section 8. This ordinance shall be published in full at least once at least three days prior to its final adoption in the Modesto News Herald, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of October, 1931 by Councilman Falger, who moved its adoption and passage to print, which motion, being duly seconded, was upon roll call carried and the ordinance ordered printed and published as above by the following vote:

Ayes: Councilmen: Boundey, Brown, Falger, Rogers, and Mayor Dennett  
Noes: Councilmen: None  
Absent: Councilmen: None

~~Approved this \_\_\_\_\_ day of \_\_\_\_\_, 1931.~~

~~Mayor of the City of Modesto.~~

ATTEST

H E Gugg  
City Clerk.

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The foregoing ordinance having been introduced and ordered printed at a regular meeting of the Council of the City of Modesto held on the 28th day of October, 1931, and having been published as required by the Charter of the City of Modesto, it came up for final adoption on the 12th and 25th day of November, 1931, and at each meeting the final adoption thereof was postponed; whereupon at the regular meeting on the 9th day of December, 1931, it was duly and regularly adopted by the following vote:

Ayes: Councilmen: Boundey, Brown, Falger, Rogers, and Mayor Dennett  
Noes: Councilmen: None  
Absent: Councilmen: None

APPROVED: L. B. Dennett  
MAYOR

ATTEST: H. E. Gragg  
CITY CLERK

NOT SPECIFIED IN CODE

AN ORDINANCE APPROPRIATING THE SUM OF \$15,000 FOR THE PURCHASE AND SECURING OF ALL RIGHTS OF WAY NECESSARY FOR THE WIDENING OF NINTH STREET IN THE CITY OF MODESTO IN ACCORDANCE WITH THE SPECIFICATIONS PRESCRIBED BY THE STATE HIGHWAY COMMISSION REGARDING WIDTH FOR THROUGH HIGHWAYS, AND NECESSARY FOR THE INITIATION OF A \$200,000 PROJECT BY THE HIGHWAY COMMISSION OF THE STATE OF CALIFORNIA CALLING FOR THE CONSTRUCTION OF A NEW BRIDGE ACROSS THE TUOLUMNE RIVER, CONNECTING WITH THE SOUTHERN EXTENSION OF NINTH STREET, AND THE RELOCATION OF THE THROUGH HIGHWAY EAST OF THE SOUTHERN PACIFIC RAILROAD TRACK AND SOUTH OF SAID RIVER, THEREBY ELIMINATING THREE DANGEROUS GRADE CROSSINGS TO HIGHWAY TRAFFIC, AND FOR ALL OTHER PURPOSES INCIDENTAL TO THE WIDENING OF SAID NINTH STREET, AND TO PROVIDE WORK AND LABOR FOR THE UNEMPLOYED DURING THE ENSUING WINTER.

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

#### Section 1

The sum of \$15,000, or so much thereof as may be necessary is hereby appropriated out of the general fund of the City of Modesto, not otherwise appropriated, for the purpose of widening Ninth Street in the City of Modesto in accordance with the specifications regarding width of through highways prescribed by the Highway Commission of the State of California, for the purchase and securing rights of way necessary to said widening of said street, and for all other purposes incidental to the widening of said street.

#### Section 2

The purpose of the appropriation made in this ordinance is to provide work and labor for the unemployed during the ensuing winter, to cooperate with the California State Highway Commission in carrying into effect the so-called Ninth Street project adopted and approved by it, the appropriation being necessary to the initiation of the \$200,000 project of the Highway Commission calling for the construction of a new bridge across the Tuolumne River, connecting with the southern extension of Ninth Street, the relocation of the through highway east of the Southern Pacific Railroad track and south of the said river, thereby eliminating three dangerous grade crossings in highway traffic in Stanislaus County and in the City of Modesto.

#### Section 3

This ordinance shall go into effect and be in full force and operation from and after fifteen days after its final passage and adoption.

#### Section 4

This Ordinance shall be published in full at least once at least three days prior to its final adoption in The Modesto News-Herald, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto on the 28th day of October, 1931 by Councilman Boundey who moved its adoption and passage to print, which motion being duly seconded, was upon roll call carried, and the Ordinance ordered published and printed as above by the following votes:

Ayes: Councilmen: Boundey, Brown, Falger, and Mayor Dennett

Noes: Councilmen: Rogers

Absent: Councilmen: None

Attest:

*H E Gray*  
City Clerk

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The foregoing Ordinance having been introduced and ordered published at a regular meeting of the Council of the City of Modesto held on the 28th day of October, 1931, and having been published as required by the Charter of the City of Modesto, it came up for final adoption at the regular meeting of November 12th, 1931, whereupon it was duly and regularly finally adopted by the following vote:

Ayes: Councilmen: Boundey, Brown, Falger, and Mayor Dennett

Noes: Councilman: Rogers

Absent: Councilmen: None

Thereupon, at the regular meeting of December 9th, 1931, a petition was filed with the Council signed by thirteen per cent of the registered voters, as ascertained by the number of votes cast at the last preceding municipal election, protesting against the final adoption of said ordinance. The Council not taking any steps toward the repeal of said ordinance, a special municipal election was called and the ordinance submitted to the qualified electors of the City of Modesto on January 19th, 1932, and a canvass of such votes revealed that 2428 votes were cast in favor of the adoption of said ordinance and 779 votes were cast opposing the adoption of said ordinance.

The Ordinance was declared adopted and in full force and effect by the Council of the City of Modesto sitting as a canvassing board on January 20th, 1932.

APPROVED: *D. B. Dunne*

MAYOR

ATTEST: *H. E. Young*

CITY CLERK

AN ORDINANCE PROVIDING FOR THE CREATION AND ORGANIZATION OF A PLANNING COMMISSION IN AND FOR THE CITY OF MODESTO.

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

Section 1. A Planning Commission in and for the City of Modesto is hereby created. Said Commission shall consist of nine members, six of whom shall be appointed by the Mayor with the approval of the City Council. The other three members of said Commission shall be ex officio members and shall consist of the City Engineer, the City Attorney, and one member of the City Council, to be appointed by the Mayor with the approval of the Council. Of the members of the Planning Commission first appointed pursuant to this Ordinance, two shall be appointed for the term of one year, two for the term of two years, one for the term of three years, and one for the term of four years from and after their appointment respectively. Their successors shall be appointed for terms of four years each. If a vacancy shall occur otherwise than by the expiration of term, it shall be filled by appointment for the unexpired portion of the terms. The terms of ex officio members shall correspond to their respective official tenures.

Section 2. It shall be the duty of the Planning Commission to discharge the duties specified in "The Planning Act", being Chapter 838 of the Statutes of California of the 48th (1929) Session, and said Act of the Legislature is hereby by reference incorporated into and made a part of this Ordinance.

Section 3. The City Council shall have the right to allocate and appropriate to the use of the Planning Commission out

For members:  
See Res. #2313-N.S.  
Amended Ord  
ORD 881-N.S.

By  
69-N.S.

REPEALED BY  
MUNICIPAL CODE

1 of the general funds such money as may be necessary during each  
2 fiscal year for the operation of said Planning Commission. If the  
3 amount so appropriated and allocated is less than Five Hundred  
4 (\$500.00) Dollars during any one fiscal year, the appropriation  
5 may be made by a resolution of the Council, either adopted special-  
6 ly for that purpose or by the resolution of the Council approving  
7 each annual budget. If the appropriation during any fiscal year  
8 is in excess of Five Hundred (\$500.00) Dollars it must be made  
9 by Ordinance.

11 Section 4. All Ordinances and parts of Ordinances  
12 in conflict with this Ordinance, and in particular Ordinance No.  
13 78 N. S. of the City of Modesto, are hereby repealed. The  
14 Planning Commission provided for by that Ordinance is hereby  
15 abolished.

17 Section 5. This Ordinance shall go into effect and  
18 be in full force and operation from and after fifteen days after  
19 its final passage and adoption.

20 Section 6. This Ordinance shall be published in full  
21 at least once at least three days prior to its final adoption in  
22 the Modesto News Herald, the official newspaper of the City of  
23 Modesto.

25 The foregoing Ordinance was introduced at a regular  
26 meeting of the Council of the City of Modesto held on the 25th day  
27 of November, 1931 by Councilman Falger, who moved its adop-  
28 tion and passage to print, which motion being duly seconded was  
29 upon roll call carried and the Ordinance ordered printed and  
30 published as above by the following vote:

31 Ayes: Councilmen: Boundey, Brown, Falger, Rogers, and Mayor Dennett  
32 Noes: Councilmen: None  
Absent: Councilman: None

Attest: HE Gragg  
CITY CLERK

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The foregoing Ordinance having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 25th day of November, 1931, and having been published as required by the Charter of the City of Modesto, coming on for final adoption this 9th day of December, 1931, it was finally adopted by the following vote:  
Ayes: Councilmen: Boundey, Brown, Falger, Rogers, and Mayor Dennett  
Noes: Councilmen: None  
Absent: Councilmen: None

APPROVED: *E. L. Dennett*  
MAYOR

ATTEST: *H. E. Gragg*  
CITY CLERK

NOT SPECIAL  
IN CODE

ORDINANCE NO. 415 N. S.

AN ORDINANCE PROVIDING FOR THE PURCHASE OF AN AUTO-  
MOBILE FOR THE FIRE DEPARTMENT.

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

Section 1.

The sum of Fifteen Hundred Dollars (\$1500.00), or so much thereof as may be necessary, is hereby appropriated out of the general fund of the City of Modesto, not otherwise appropriated, for the purchase of an automobile for the use of the Chief of the Fire Department in and about the discharge of his official duties. The City Clerk shall, after this Ordinance goes into effect, cause a notice to bidders to be published, setting forth the time and place when bids will be received, opened and considered by the City Council for the purchase of said equipment. Said notice shall require bidders to submit with their bids specifications of the vehicle offered by such bidders, and shall in other respects be in the usual form to bidders.

NOT SPECIAL  
IN CODE

Section 2.

This Ordinance shall go into effect and be in full force and operation from and after fifteen days after its final passage and adoption.

Section 3.

This Ordinance shall be published in full at least once at least three days prior to its final adoption in the Modesto News-Herald, the official newspaper of the City of Modesto.




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The foregoing Ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 27th day of January, 1932, it was published as required by the Charter of the City of Modesto, and now coming up for final adoption, it was upon roll call finally adopted by the following vote:

Ayes: Councilmen: Boundey, Brown, Falger, Rogers, and Mayor Dennett

Noes: Councilmen: None

Absent: Councilmen: None

Approved:   
MAYOR

Attest:   
CITY CLERK



1 time the application will be heard by the Council. At such hear-  
2 ing, or at any subsequent time to which the same may be post-  
3 poned or adjourned, the City Council may have the right to take  
4 testimony for and against the granting of the permit and to  
5 examine the application and consider the report of the sanitary  
6 inspector, and may thereupon either grant the permit as applied  
7 for or refuse to grant the same if it finds that it would be against  
8 the public interest, welfare, health or safety to grant such  
9 permit, or the Council may upon such hearing grant the same in part  
10 or deny the same in part.

### 12 Section 3.

13 All coops, pens, warrens and/or inclosures in which  
14 such rabbits or hares are kept must be kept and maintained in a  
15 sanitary manner and regularly cleaned in order to prevent any  
16 accumulation of offal or the spreading of noxious odors, and to  
17 provide adequate light and ventilation at all places in which  
18 rabbits or hares are kept, in accordance with the terms of this  
19 ordinance, and shall provide sufficient space for all rabbits or  
20 hares kept thereat without overcrowding, and shall be accessible  
21 to an examination and inspection by the sanitary inspector at  
22 all reasonable times.

### 24 Section 4.

25 Any permit granted pursuant to this ordinance may be  
26 revoked by the Council for violation of the terms hereof, or in  
27 particular for failure to comply strictly with each and all of  
28 the regulations specified in Section 3 of this ordinance. Such  
29 permit shall be revoked only after there shall have been served  
30 upon the permittee a notice from the sanitary inspector specifying  
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1 the particular in which it was claimed the ordinance was being  
2 violated, and further specifying the time and place at which the  
3 matter will be brought on for hearing before the Council, which  
4 notice must be served at least three days before the hearing can  
5 be had.

6  
7 Section 5.

8 Any person who shall violate any of the provisions  
9 of this ordinance shall be guilty of a misdemeanor and upon  
10 conviction thereof shall be punished by a fine not to exceed  
11 Three Hundred Dollars (\$300.00) or by imprisonment in the County  
12 Jail not to exceed one hundred and eighty (180) days, or by  
13 both such fine and imprisonment, and the judgment or commitment  
14 shall also provide that in case of non-payment of any fine  
15 imposed, the person found guilty shall be imprisoned in said  
16 county jail at the rate of one day for each Two Dollars (\$2.00)  
17 of said fine. Each day or fraction thereof during which rabbits  
18 or hares are kept or maintained in violation of the provisions  
19 of this ordinance shall be deemed a separate offense.

20  
21 Section 6.

22 This ordinance shall take effect and be in full force  
23 and operation from and after fifteen days after its final  
24 adoption.

25  
26 Section 7.

27 This ordinance shall be published in full at least  
28 once at least three days prior to its final adoption in the  
29 Modesto News-Herald, the official newspaper of the City of  
30 Modesto.

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The foregoing ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 1932, by Councilman Brown, and having been published as required by the Charter of the City of Modesto, coming up for final adoption this 9th day of March, 1932, it was finally adopted by the following vote:

Ayes: Councilmen: Boundey, Brown, Falger, Rogers, and Mayor Dennett  
Noes: Councilmen: None  
Absent: Councilmen: None

Approved: L. L. Dennett

L. L. DENNETT  
MAYOR

Attest: \_\_\_\_\_

H. E. GRAGG  
CITY CLERK

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ORDINANCE NO. 417 N.S.

AN ORDINANCE AMENDING SECTIONS 23 and 32 OF ORDINANCE NO. 345 N.S., REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF MODESTO.

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

Section 1. Section 23 of Ordinance No. 345 N.S. of the City of Modesto is hereby amended to read as follows:

"Section 23. BOULEVARD STOPS. The following streets and parts of streets are hereby declared to constitute boulevards for the purpose of this section:

Seventh Street between the southeasterly line of F Street and the southeasterly line of I Street, and between the southeasterly line of J Street and the southeasterly line of L Street; the westerly half of Seventh Street between the southeasterly line of I Street, and the northwesterly line of I Street; the westerly half of I Street between the southwesterly line of Seventh Street and the northeasterly line of Seventh Street; Ninth Street between the northwesterly line of J Street and the southeasterly line of L Street; H Street between the northeasterly line of Twelfth Street and the southwesterly line of Eighteenth Street; J Street between the northeasterly line of Eleventh Street and the northeasterly line of Seventeenth Street; McHenry Avenue between the southerly line of Alice Street and the southerly line of McHenry Avenue, and between the southerly line of Maynell Avenue and the northerly line of Modesto Avenue; Needham Avenue between the westerly line of Nellie Avenue and the easterly line of Olive Avenue; the north half of Needham Avenue

1 between its intersection with the easterly line of Poplar  
2 Avenue, and its intersection with the westerly line of  
3 Sycamore Avenue; the northerly half of Downey Avenue between  
4 the easterly line of McHenry Avenue and the westerly line  
5 of Semple Street, and between the easterly line of Semple  
6 Street and the easterly line of Melrose Avenue; the south  
7 half of Stanislaus Street between the westerly line of  
8 Madison Street, and the westerly City limits; the north  
9 half of H Street between the southwesterly line of First  
10 Street and the northerly line of California Avenue;  
11 Tuolumne Blvd. between the easterly line of Kosedale Avenue  
12 and the westerly line of Rosemont Avenue; the north half  
13 of Tenth Street between the southeasterly line of E. Street  
14 and the northwesterly line of C Street; the north half of  
15 Fourteenth Street between the southeasterly line of E  
16 Street and the easterly line of Burney Street.

17  
18  
19 Every operator of a vehicle traversing any street  
20 intersecting any boulevard, as hereinabove specified, shall  
21 bring such vehicle to a full stop at the place where such street  
22 meets the next property line of the boulevard before entering  
23 such boulevard, provided the property line is clearly marked or  
24 sign-posted, as required in this ordinance, except the inter-  
25 sections where and when traffic is subject to stop and go signals  
26 or directions.

27  
28 The City Council is hereby authorized and required  
29 to place and maintain, or cause to be placed and maintained,  
30 upon each and every street intersecting a boulevard, and at or  
31 near the property line of the boulevard, appropriate signs upon  
32 the street, or devices or marks in the roadway, such signs,

1 devices or marks to bear the word "STOP" or the words "BOULEVARD  
2 STOP" in such position and with letters of a size to be clearly  
3 legible from a distance of fifty feet along the street intersect-  
4 ing the boulevard."

5 Section 2. Section 32 of Ordinance No. 345 N.S.  
6 of the City of Modesto is hereby amended to read as follows:  
7 "Section 32. PARKING TIME LIMITED IN SPECIFIED PLACES. The  
8 operator of a vehicle shall not park such vehicle for longer  
9 than one (1) hour within any business district between the hours  
10 of 10 a.m. and 6 p.m. of any day except Sunday and subject to the  
11 special restrictions imposed by Sections 30 and 31, nor shall the  
12 operator of a vehicle park such vehicle between the hours of 9 a.m.  
13 and 6 p.m. for a longer period than 15 minutes on the northwest-  
14 erly side of I Street between the alley running through Block  
15 84 and the southwesterly line of 12th Street, nor on the north-  
16 westerly side of J Street between the alley running through  
17 Block 85 and the southwesterly side of 12th Street.

18 Signs shall be erected and maintained not more  
19 than one hundred fifty (150) feet apart in each block design-  
20 ating the provisions of this section."

21 Section 3. This Ordinance shall go into effect  
22 and be in full force and operation from and after 15 days after  
23 its final passage and adoption.

24 Section 4. This Ordinance shall be published in  
25 full at least once at least three days prior to its final  
26 adoption in the Modesto News-Herald, the official newspaper of  
27 the City of Modesto.  
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1 REPEALED BY  
2 MUNICIPAL CODE  
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ORDINANCE NO. 418 N.S.

AN ORDINANCE AMENDING SECTIONS 23 AND 32 OF  
ORDINANCE NO. 345 N.S., REGULATING TRAFFIC UPON THE PUBLIC STREETS  
OF THE CITY OF MODESTO.

4 --oOo--

5 The Council of the City of Modesto do ordain as  
6 follows:

7 Section 1. Section 23 of Ordinance No. 345 N.S.  
8 of the City of Modesto is hereby amended to read as follows:

9 "Section 23. BOULEVARD STOPS. The following  
10 streets are hereby declared to constitute boulevards for the  
11 purpose of this section: ✓

12 Seventh Street between the northwesterly line of  
13 F Street and the southeasterly line of I Street and between  
14 the southeasterly line of K Street and the southeasterly  
15 line of L Street; the westerly half of Seventh Street between  
16 the southeasterly line of I Street and the northwesterly  
17 line of I Street; the westerly half of I Street between the  
18 southwesterly line of Seventh Street and the northeasterly  
19 line of Seventh Street; Ninth Street between the north-  
20 westerly line of J Street and the southeasterly line of L  
21 Street; H Street between the northeasterly line of Twelfth  
22 Street and the southwesterly line of Eighteenth Street; J  
23 Street between the northeasterly line of Eleventh Street  
24 and the northeasterly line of Seventeenth Street; McHenry  
25 Avenue between the southerly line of Alice Street and the  
26 southerly line of Needham Street, and between the southerly  
27 line of Maynell Avenue and the northerly line of Modesto  
28 Avenue; the north half of Stoddard Avenue between the west  
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1 line of Elmwood Avenue and the east line of Magnolia Avenue;  
2 Needham Street between the easterly line of Nellie Avenue  
3 and the westerly line of Olive Avenue; the north half of  
4 Needham Street between the west line of Hackberry Avenue and  
5 the east line of Orange Street, and between the easterly  
6 line of Poplar Street and the westerly line of Sycamore  
7 Avenue, and between the westerly line of Elmwood Avenue and  
8 the easterly line of Sycamore Avenue; the northerly half of  
9 Downey Avenue between the easterly line of McHenry Avenue  
10 and the westerly line of Semple Street, and between the  
11 easterly line of Semple Street and the westerly line of  
12 Melrose Street; the south half of H Street between the  
13 westerly line of High Street and the east line of Burney  
14 Street extended and produced; the south half of Stanislaus  
15 Street between the westerly line of Madison Street and the  
16 westerly City limits; the north half of H Street between  
17 the southwesterly line of First Street and the northerly  
18 line of California Street; the east half of Roselawn Avenue  
19 between the south line of Center Street and the north line  
20 of Western Way extended and produced; the north half of  
21 Tenth Street between the southeasterly line of E Street  
22 and the northwesterly line of C Street; the north half of  
23 Fourteenth Street between the southeasterly line of E  
24 Street and the easterly line of Burney Street.

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28       ↙ Every operator of a vehicle traversing any street  
29 intersecting any boulevard, as hereinabove specified, shall  
30 bring such vehicle to a full stop at the place where such  
31 street meets the next property line of the boulevard before  
32

1 entering such boulevard, provided the property line is  
2 clearly marked or sign-posted, as required in this ordinance,  
3 except the intersections where and when traffic is subject  
4 to stop and go signals or directions.

5 The City Council is hereby authorized and required  
6 to place and maintain, or cause to be placed and maintained,  
7 upon each and every street intersecting<sup>a</sup>/boulevard, and at or  
8 near the property line of the boulevard, appropriate signs  
9 upon the street, or devices or marks in the roadway, such  
10 signs, devices or marks to bear the word "STOP" or the words  
11 "BOULEVARD STOP" in such position and with letters of a size  
12 to be clearly legible from a distance of fifty feet along the  
13 street intersecting the boulevard."  
14

15 Section 2. Section 32 of Ordinance No. 345 N.S.  
16 of the City of Modesto is hereby amended to read as follows:

17 "Section 32. PARKING TIME LIMITED IN SPECIFIED  
18 PLACES. The operator of a vehicle shall not park such  
19 vehicle for longer than one (1) hour within any business  
20 district between the hours of 9 a.m. and 6 p.m. of any day,  
21 except Sunday, and subject to the special restrictions im-  
22 posed by Sections 30 and 31, nor shall the operator of a  
23 vehicle park such vehicle between the hours of 9 a.m. and  
24 6 p.m. for a longer period than 15 minutes on the northwest-  
25 erly side of I Street between the alley running through  
26 Block 84 and the southwesterly line of 12th Street, nor on  
27 the northwesterly side of J Street between the alley running  
28 through Block 85 and the southwesterly side of 11th Street.

29 Signs shall be erected and maintained not more  
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1 than one hundred fifty (150) feet apart in each block desig-  
2 nating the provisions of this section."

3 Section 3. This Ordinance shall go into effect  
4 and be in full force and operation from and after 15 days after  
5 its final passage and adoption.

6 Section 4. This Ordinance shall be published in  
7 full at least once at least three days prior to its final  
8 adoption in the Modesto News-Herald, the official newspaper of  
9 the City of Modesto.  
10

11  
12 The foregoing Ordinance was introduced at a  
13 regular meeting of the Council of the City of Modesto held on the  
14 13th day of April, 1932 by Councilman Falger, who moved its  
15 adoption and passage to print, which motion being duly seconded  
16 was upon roll call carried and the Ordinance ordered printed and  
17 published as above by the following votes:


18 Ayes: Councilmen: Boundey, Brown, Falger, Rogers,  
19 Mayor Dennett.  
20 Noes: Councilmen: None.  
21 Absent: Councilmen: None.


22  
23 Attest: H. E. Gragg

24 H. E. GRAGG  
25 CITY CLERK  
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The foregoing ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 13th day of April, 1932, and having been published as required by the Charter of the City of Modesto, coming on for final adoption this 27th day of April, 1932, it was finally adopted by the following vote:  
Ayes: Councilmen: Boundey, Brown, Falger, Rogers, and Mayor Dennett  
Noes: Councilmen: None  
Absent: Councilmen: None

Approved:   
L.L. DENNETT  
MAYOR

ATTEST:   
H. E. GRAGG  
CITY CLERK

CODE SEC.  
NO. 6-2.01  
6-2.07

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ORDINANCE NO. 419- N.S.

AN ORDINANCE LICENSING AND REGULATING THE MANUFACTURE, BOTTLING AND SALE OF SOFT DRINKS, MALTED BEVERAGES AND CEREAL BEVERAGES IN THE CITY OF MODESTO, AND PROVIDING A PENALTY FOR THE VIOLATION OF SUCH REGULATIONS.

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

Section 1.

It shall be unlawful for any person, firm or corporation to have or to bring or receive or cause or permit to be bought or received into the City of Modesto for sale, or to sell, exchange or deliver, or cause or permit to be sold, exchanged or delivered, or to be received for sale, exchange or delivery, or to have in possession for exchange or delivery, in said City of Modesto, any soft drinks, as hereinafter defined, or any malted beverages or cereal beverages, including near beer and root bear, except in accordance with the terms of this ordinance.

Section 2.

It shall be unlawful for any person, firm or corporation to engage in the business in the City of Modesto of manufacturing or bottling, or to sell or to offer for sale or to bring into said City of Modesto for the purpose of selling or offering for sale, any bottled water or soft drink, as hereinafter defined, or any malted beverages or cereal beverages, including near beer and root bear, unless the owner, manager or person operating the plant at which said soft drinks, malted beverages, cereal beverages near beer or root beer are manufactured or bottled has first obtained a license or permit therefor, as in this ordinance provided.

1 Section 3.

2 For the purpose of this ordinance the term "soft  
3 drinks" is hereby defined to mean all beverages (other than  
4 beverages made for immediate consumption on the premises where  
5 they are manufactured) made from potable water, sugar, syrup  
6 or flavoring materials with or without added fruit or fruit  
7 juices, and with or without added coloring, and whether carbonated  
8 or plain.  
9

10 Section 4.

11 Permits may be obtained in the following manner:

12 An application in writing shall be made to and filed with the  
13 Commissioner of Public Health and Safety; said application shall  
14 clearly state the name and address of the applicant or the firm  
15 or corporation in whose behalf the application is made; it shall  
16 contain a description of the property, the street or number  
17 wherein or whereon the applicant is conducting his principal  
18 place of business and where the drinks or beverages specified  
19 herein are manufactured or prepared, and if said principal place  
20 has no street and number, then such description as will enable  
21 the same to be found. Said application shall also clearly  
22 state all facts necessary to assist said Commissioner in  
23 determining whether the person, firm or corporation seeking the  
24 permit is competent properly to conduct the business, as well  
25 as any additional facts that may be necessary to assist said  
26 Commissioner in determining whether the plant and all equipment  
27 to be used is such as to comply with the terms of this ordinance.  
28 Attached to said application shall be a copy of the trade mark,  
29 brand or other designation, not used by any other person, firm  
30 or corporation, which trade mark, brand or designation shall  
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1 appear on each bottle or other package in the identical manner  
2 as the same is filed with the said Commissioner. It shall be  
3 unlawful for any person, firm or corporation to use or offer  
4 for sale or have in its possession for the purpose of selling  
5 or offering for sale any soft drink, malted or cereal beverages,  
6 including near beer and root beer, which does not present a  
7 designation filed or registered, as aforesaid, and it shall  
8 be unlawful for any person, firm or corporation to use a desig-  
9 nation other than the one specified in the application for a  
10 permit.

11  
12 After due investigation, either by himself or the  
13 health officer or the sanitary inspector of the City of Modesto,  
14 said Commissioner shall, if he finds that the application and the  
15 premises comply with the requirements of this ordinance, approve  
16 the same and transmit it to the City Clerk with his approval  
17 endorsed thereon, and the City Clerk shall thereupon issue to  
18 said applicant a license or permit upon the payment of the license  
19 fees hereinafter specified. If the said Commissioner finds from  
20 such investigation that the application does not comply with this  
21 ordinance, or that the premises at which soft drinks and other  
22 beverages as herein defined are to be manufactured, are not in  
23 accord with the provisions of this ordinance, he shall return  
24 the same to the applicant with his disapproval endorsed thereon.

#### 25 Section 5.

26  
27 The fee for the license herein provided for shall be  
28 the sum of Fifty Dollars (\$50.00) per annum, payable quarterly  
29 in advance, the quarter commencing on the first days of January,  
30 April, July and October of each year. Fractions of a quarter  
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1 shall be deemed to constitute an entire quarter for the purpose  
2 of this ordinance.

3  
4 Section 6.

5 The City Council shall have the right to revoke or  
6 cancel a license issued pursuant thereto in event of any viola-  
7 tion by any licensee of any of the terms hereof; provided, however,  
8 that no permit or license shall be cancelled, unless and until  
9 a hearing is had thereon by the City Council after notice shall  
10 have been given to the licensee. Such notice shall be served  
11 upon the licensee either by person or by mail at least five  
12 days before the time set for hearing, and shall specify in what  
13 respect it is claimed that the licensee has violated this ordinance.  
14 No permit or license issued pursuant to this ordinance shall be  
15 transferable.

16  
17 Section 7.

18 The licensee shall comply with the following regulations  
19 and requirements in the manufacture of the soft drinks and other  
20 beverages herein specified: All materials used in the manufacture  
21 thereof shall be stored, handled, transported and kept in such  
22 a manner as to protect the same from spoilage, contamination or  
23 unwholesomeness. No material of any kind, including water, shall  
24 be used in the manufacture or bottling of any such beverage which  
25 is decomposed or contaminated or impure or which may render the  
26 product unwholesome, unfit for food or drink, or injurious to  
27 health. Concrete or other similar construction of floors shall  
28 be maintained in the bottling room, suitably drained to keep the  
29 same in a sanitary condition. All syrups, cereals, malts and  
30 other materials shall be handled in a room separate from the  
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1 bottling room, which said room shall be thoroughly clean and  
2 screened. All finished syrups, malts and cereal products used  
3 in the manufacture of such beverages shall be handled only in  
4 glass enameled tanks or glazed crockery, and proper connections  
5 of block tinned pipe or pure rubber hose must be provided to  
6 feed the filling machines. Such methods must be used for the  
7 washing of bottles and other materials as to insure the proper  
8 cleaning and sterilization of the same. No person must be per-  
9 mitted to handle any of the materials entering into the manufac-  
10 ture of such beverages or production thereof who is infected with  
11 a contagious or infectious disease.  
12

13 Section 8.

14 Any person, firm or corporation violating any of the  
15 provisions of this ordinance shall be deemed guilty of a mis-  
16 demeanor and upon conviction thereof shall be punished by a fine  
17 of not more than Five Hundred Dollars (\$500.00) or imprisonment  
18 in the County Jail of Stanislaus County for not more than one  
19 hundred and eighty (180) days, or by both such fine and imprison-  
20 ment. Upon such conviction the license or permit granted in  
21 accordance with this ordinance shall be cancelled and annulled.  
22

23 Section 9.

24 This ordinance shall go into effect and be in full  
25 force and operation from and after fifteen days after its final  
26 passage and adoption; provided, however, that it shall not be  
27 construed to require the making of a new application by any  
28 person, firm or corporation now holding a permit under Ordinances  
29 Nos. 266 N.S. and 273 N.S. of the City of Modesto, and provided  
30 further, that the provisions of this ordinance, in any other  
31 respect than the making of application for a permit in any  
32

1 particular in which they are inconsistent with said ordinances  
2 Nos. 266 N.S. and 273 N.S., shall control

3 Section 10.

4 If any section, subsection, sentence, clause or phrase  
5 of this ordinance is for any reason held to be unconstitutional  
6 or invalid, such decision shall not affect the validity of the  
7 remaining portion of the ordinance. The City Council hereby  
8 declares that it would have passed this ordinance and each section,  
9 subsection, sentence, clause or phrase thereof irrespective of  
10 the fact that any one or more sections, subsections, sentences,  
11 clauses or phrases be declared unconstitutional or invalid.  
12

13 Section 11.

14 This ordinance shall be published in full at least  
15 once in the Modesto News-Herald, the official newspaper of the  
16 City of Modesto, at least three days prior to its final passage  
17 and adoption.  
18

19  
20 The foregoing ordinance was introduced at a regular  
21 meeting of the Council of the City of Modesto held on the 13th  
22 day of April, 1932 by Councilman Rogers, who moved  
23 its adoption and passage to print, which motion being duly second-  
24 ed was upon roll call carried and the ordinance ordered printed  
25 and published as above by the following vote:

26 Ayes: Councilmen: Boundey, Brown, Falger, Rogers, and Mayor  
27 Noes: Councilmen: None Dennett  
28 Absent: Councilmen: None

29 Attest: H.E. Gragg

30 H.E. GRAGG  
31 CITY CLERK  
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The foregoing ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 13th day of April, 1932, and having been published as required by the Charter of the City of Modesto, it was finally adopted this 27th day of April, 1932, by the following vote:

Ayes: Councilmen: Boundey, Brown, Falger, Rogers, and Mayor Dennett

Noes: Councilmen: None

Absent: Councilmen: None

Approved: *L. L. Dennett*  
L. L. DENNETT  
MAYOR OF THE CITY  
OF MODESTO

Attest: *H. E. Gragg*  
H. E. GRAGG, CITY  
CLERK OF THE CITY  
OF MODESTO

ORDINANCE NO. 420- N.S.

AN ORDINANCE REGULATING SMOKING IN PLACES USED FOR THEATRICAL OR OPERATIC PERFORMANCES, PUBLIC ENTERTAINMENT OR ASSEMBLAGES OF ANY KIND, AND PROVIDING PENALTY FOR THE VIOLATION OF THIS ORDINANCE.

--oOo--

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

Section 1. It shall be unlawful for any person to smoke by means of cigars, cigarettes, pipes, or otherwise, in any place in the City of Modesto used for the purpose of a theatre, opera, public entertainment or assemblage of any kind, except in those portions thereof commonly called and designated as the gallery or balcony, and except also in rooms entirely removed from the main auditorium, stage or projecting room of any of said places, and except also by actors or performers upon the stage as a part of the business of the act or performance being presented. It shall also be unlawful for any person, firm or corporation owning, managing or controlling any such place to permit smoking therein, save in the portions thereof hereinabove excepted.

Section 2. Every person, firm or corporation controlling or managing any theatre, opera house, auditorium or place of public assemblage shall cause to be made a thorough inspection of the premises so used, managed or controlled by them immediately at the close of every meeting or performance for the purpose of discovering any smoldering embers or latent conditions that might lead to the development of a conflagration, and in particular to sweep and clean at such time all portions of such place where smoking is, by the terms of this ordinance, permitted.

1 Section 3. There shall be displayed in every  
2 theatre, opera house, auditorium or other public entertainment  
3 or assemblage, in which smoking is forbidden or prohibited by  
4 the terms of this ordinance, in conspicuous places notices to the  
5 effect that smoking is prohibited therein, with reference to this  
6 ordinance as carrying such prohibition.  
7

8 Section 4. The provisions of this ordinance, with  
9 the exception of Section 2 hereof, shall not apply to any open  
10 air place of entertainment or assemblage, nor shall it, except as  
11 to the provisions of Section 2 hereof, apply to any place of  
12 entertainment or assemblage where neither upholstered furniture,  
13 nor carpets, nor draperies, nor curtains, nor flies, nor scenery  
14 is used or employed.  
15

16 Section 5. Any person, firm or corporation who  
17 either as principal, agent or employee, violates any of the prov-  
18 isions of this ordinance shall be guilty of a misdemeanor and  
19 upon conviction thereof shall be punished by a fine not exceeding  
20 Five Hundred Dollars (\$500.00), or by imprisonment in the County  
21 Jail of Stanislaus County, California, not exceeding six (6)  
22 months, or by both such fine and imprisonment.  
23

24 Section 6. This ordinance shall go into effect and  
25 be in full force and operation from and after 15 days after its  
26 final passage and adoption.

27 Section 7. Ordinance No. 326 of the City of  
28 Modesto is hereby repealed.

29 Section 8. If any section, sentence, ~~clause~~ or  
30 phrase of this ordinance is for any reason held to be unconstitu-  
31 tional or invalid, said decision shall not affect the validity  
32

1 of the remaining portions of this ordinance. This Council hereby  
2 declares that it would have passed this ordinance and/or each  
3 section, sentence, clause and phrase thereof irrespective of  
4 the fact that any one or some other sections, sentences,  
5 clauses or phrases be unconstitutional or invalid.

6 Section 9. This ordinance shall be published in  
7 full at least once at least three days prior to its final  
8 adoption in the Modesto News-Herald, the official newspaper of  
9 the City of Modesto.  
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11  
12 The foregoing ordinance was introduced at a  
13 regular meeting of the Council of the City of Modesto held on  
14 the 27 day of April, 1932 by Councilman Boundey, who moved  
15 its adoption and passage to print, which motion being duly  
16 seconded was upon roll call carried and the ordinance ordered  
17 printed and published as above by the following vote:  
18

19 Ayes: Councilmen: Boundey, Rogers, and Mayor  
Dennett

20 Noes: Councilmen: Brown and Falger

21 Absent: Councilmen: None  
22

23 Attest: H. E. Gragg

24 H. E. GRAGG  
25 CITY CLERK  
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The foregoing Ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 27th day of April, 1932, and coming on for final adoption this 11th day of May, 1932, it was finally adopted by the following vote:

Ayes: Councilmen: Boundey, Rogers, and Mayor Dennett  
Noes: Councilmen: Brown, and Falger  
Absent: Councilmen: None

APPROVED: L. L. Dennett  
MAYOR

ATTEST: H. E. Gugg  
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ORDINANCE NO. 421-N.S.

REPEALED BY  
MUNICIPAL CODE

\* \* \* \* \*

AN ORDINANCE TO REGULATE AND LICENSE  
HAWKERS, PEDDLERS AND SOLICITORS, AND TO PRO-  
HIBIT THE SALE BY THEM OF MERCHANDISE, FOOD STUFFS  
AND SERVICES WITHOUT A LICENSE, AND REPEALING CERTAIN  
ORDINANCES IN CONFLICT HEREWITH.

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AN ORDINANCE TO REGULATE AND LICENSE HAWKERS, PEDDLERS AND SOLICITORS, AND TO PROHIBIT THE SALE BY THEM OF MERCHANDISE, FOOD STUFFS AND SERVICES WITHOUT A LICENSE, AND REPEALING CERTAIN ORDINANCES IN CONFLICT THEREWITH.

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

REPEALED BY MUNICIPAL CODE

Section 1. No person, firm or corporation, except one having a fixed place of business within the City of Modesto as hereinafter defined, and the servants, agents or employees thereof, shall engage in the business of hawking, peddling or vending at retail, or soliciting, or taking orders for any goods, wares, merchandise, food stuffs, services or advertising, from door to door, or upon the streets, alleys or public places in the City of Modesto, or from any hotel or rooming house, or on foot or with a pushcart or vehicle, either by immediate delivery or by sample, or by delivery in the future, without first obtaining a license, as hereinafter provided; provided, however, that this ordinance shall not apply to any person soliciting employment for himself only, nor to minors under the age of 18 years peddling, vending or soliciting the sale of or subscription to newspapers or magazines, nor shall it, except as hereinafter specifically mentioned, apply to drummers, agents, solicitors or traveling salesmen of wholesale or trade supply houses who take orders for or make sales to any person, firm or corporation, selling such goods at retail when such goods, articles or commodities are sold for the purpose of resale by such person, firm or corporation.

Section 1a. For the purpose of this ordinance a fixed place of business is hereby defined to be the premises occupied for the exclusive use of one business only, and regularly kept open for that purpose, with a competent person in exclusive attendance for the purpose of attending to said business for not less than eight (8) hours per day for at least five (5) days in each and every week, and which have been so maintained and established for not less than ninety (90) days prior to the time that this ordinance goes into effect, or which premises so used for said business may hereafter be acquired by the owner of such business either by the ownership of said premises or by a bona fide lease thereon for a period of not less than six (6) months thence next ensuing.

Section 2. Any person desiring to obtain a license to engage in the business of hawking, peddling or vending in the manner and as defined in Section 1 of this ordinance shall make application in writing therefor to the City Clerk upon a blank form to be furnished by the Clerk, which said application shall contain information in regard to the matters hereinafter stated, together with such additional information as the City Clerk may require, to-wit:

- (a) Full name, permanent address, business address, local address, age and occupation of the applicant at the time of filing the application.
- (b) The name of the person, firm or corporation represented, or by whom the applicant is or will be employed in said business, if any, together with the address of the principal office and of the state, district or local office, through which the applicant transacts his business.

Section 2. (c). A general description or list of the article or articles to be sold or offered for sale.

(d). The proposed method of delivery to buyers, whether by weight, package or otherwise, and whether delivery will be made personally or immediately or in the future or by mail or express, or some other manner.

(e). Each applicant shall file with the application two copies of a recent photograph.

Disposition of the photograph shall be made as hereinafter provided.

retail dealers

Section 3. Each applicant who proposes to vend anything to be used for food purposes shall file with the application a certificate from the City or County Health Officer, stating that the applicant is free from communicable, contagious, infectious, loathsome or dangerous diseases. Such certificate shall be granted only after a careful examination by a licensed physician of good repute, residing within the City. The examination shall include all tests and other measures necessary to establish the fact that the individual is free from such disease. The Health Officer, in lieu of an examination, may accept a certified statement from a physician residing either in this City or elsewhere in this State when, in his judgment, the qualifications of the physician and the nature of the examination meet the requirements of this section. Such certificate shall bear date within six months prior to the filing of the application. The Health Officer shall not be required to make such examination except upon payment of his customary fees therefor.

Section 4. The Clerk shall also require that the applicant establish his identity with the Chief of Police of the City of Modesto, and he shall file with said application a certificate from the Chief of Police stating that the applicant is definitely established by references, or otherwise; that he is the person named and described in the application, and is of good moral character. The Chief of Police shall, in such cases, take and keep records of the finger prints of the applicant, and such other identification data as he shall deem necessary.

Section 5. The application shall be accompanied by a bond to the City of Modesto, approved as to form and surety by the City Clerk, with sufficient surety or sureties, or sufficient currency or collateral security, conditioned for the due observance, during the time that the license or any continuation thereof may be in effect, with any and all ordinances which are now or may hereafter be adopted by the Council of the City of Modesto. In the case of hawkers, vendors and peddlers who demand, accept or receipt payments or deposits of money in advance of final delivery, such bond shall be further conditioned for making final delivery of the goods, wares or merchandise ordered, or the service to be performed, in accordance with the terms of such order, or failing therein, that the advance payment of such order be refunded. Any person aggrieved by the action of any such licensed hawker or peddler shall have a right of action upon the bond for the recovery of money, or damages, or both. Such bond shall remain in full force and effect, and in case of a cash deposit, shall be retained by the City Clerk and remain in full force and effect all for the period of ninety (90) days after the expiration of such license, or any renewal thereof, or after the termination of any action upon such bond or deposit, of which the City Clerk shall

have been notified, unless sooner released by the City Clerk.

Section 6. For each license issued under the provisions of this ordinance, the applicant shall pay the appropriate fee according to the following schedule:

(a) Every person, firm or corporation conducting, carrying on, or operating the business of selling farm or garden or orchard produce or vegetables or fruit at wholesale, except at and from a fixed and established place of business within the City of Modesto, as herein defined, shall pay a license fee of \$50.00 per quarter, or a fraction thereof, payable quarterly in advance. Each helper with or to such person, firm or corporation shall pay, or his employer shall pay for him, a license fee of \$1.00 per day, or \$25.00 per quarter. For purpose of this section a wholesale dealer is defined to be and mean a person who sells farm produce to retail dealers for the purpose of resale.

(b) Every other person, firm or corporation, unless expressly exempted hereunder, shall pay a license fee of \$50.00 per quarter, or fraction thereof, quarterly in advance.

(c) Honorably discharged or released soldier, sailors or marines of the United States, who have served in the Civil War, any Indian War, the Spanish-American War, any Philippine insurrection or in the Chinese Relief Expedition, or in the World War of 1914 and year following, who is physically unable to obtain a livelihood by manual labor, and who shall be a qualified elector of the State of California, shall not be required to pay any license fee, but must fulfill and comply with the other requirements of this ordinance, and must file with the City Clerk proof of his identity, his qualifications as an elector, and his inability to earn a livelihood by manual labor. The exemption herein provided for veterans shall be personal to the veteran applicant, and shall not apply to any employer or employee of such veteran applicant.

(d) Peddlers, solicitors and hawkers engaged in interstate commerce and whose principals are by law exempt from the payments of license fee under the Constitution of the United States, shall not be required to pay the license fees provided for in this ordinance, provided the business in which they are engaged is of such a nature as to make the collection of a license fee invalid under the Constitution of the United States, but they shall be required to make the application, furnish proof of identity, and comply with all the other provisions of this ordinance, and they shall in addition thereto furnish the City Clerk with an affidavit and other proofs establishing their right to exemption from the payments of fees hereunder.

(e) ... upon the ... of the City Clerk ...

(e) The actual growers and producers of ranch farm, orchard, vineyard or poultry produce or products, who, by himself or by an agent or employee, sells such produce or products, actually produced or grown by him, shall be entitled to a license without a fee; provided, however, that such grower or producer shall file with the City Clerk an affidavit setting forth his name and address and amount and variety of produce he proposes to sell, the place or places where said products are grown or produced, and that said produce was grown or produced by him, and that he personally, or through or by an agent or an employee, whose name shall be designated in the affidavit, intends to vend and/or deliver the same.

(f) The sellers or distributors of milk or cream, who comply with or are licensed under Ordinance No. 263 N.S., shall not be required to pay the license fee specified in this ordinance, but must comply with the other provisions hereof.

(g) Housewives who, in the kitchens of their own homes, and as an incident only to their other housekeeping duties, make or produce and sell food products of a value not exceeding \$1000.00 per year are exempted from the payment of the license fee herein specified; provided, however, that other provisions of this ordinance must be complied with by them, except that the City Council may, for good cause shown, waive the requirements of this ordinance with reference to a bond, as specified in Section 5 hereof.

Section 7. The City Clerk shall collect the appropriate fee, as herein provided, before issuing the license, except as otherwise herein specified. All photographs, health certificates, affidavits and/or proofs of exemption must be furnished by the applicants at their own cost.

Section 8. Upon receipt of the application, together with the accompanying documents, and the appropriate fees, and being satisfied that the applicant is of good moral character, the City Clerk shall issue a license in writing to such applicant.

No license shall be granted to any minor under sixteen years of age.

The license shall be issued in duplicate and the duplicate thereof filed in the office of the Clerk.

One of the photographs, submitted by the licensee, shall be firmly affixed to each copy and stamped with the Clerk's seal.

Section 9. The following conditions and regulations shall also apply to the exercise of the privileges granted by licenses issued under the provisions of this ordinance, in addition to those set forth in other parts of this ordinance or in the general ordinances of the City of Modesto.

(a) No licensee shall shout or call his wares in a loud, boisterous or unseemly manner, or to the disturbance of citizens or dwellers in the City, nor shall any licensee use any horn or bell or other noise-making device to call attention to his wares.

(b) Every licensee, upon the request of any police officer or other officer of the City, shall sign.

his name for comparison with the signature upon the license or the signature upon the license application.

(c) Any licensee who solicits orders for future delivery shall write each order at least in duplicate, plainly stating the quantity of each article or commodity ordered, the price to be paid therefor, the total amount ordered, the amount paid or deposited and the amount to be paid on or after delivery. One copy of such order shall be given to the customer.

(d) No licensee shall stop or remain in any one place upon the streets, alleys, or public places in the City longer than necessary to make a sale to a customer wishing to buy, except by permission of the Police Department, nor shall any licensee stop or remain upon any private property within the City without the consent of the owner thereof or some person having authority to grant such permission.

Section 10. Each licensee, upon receipt of said license, and in the presence of the City Clerk, shall affix his signature upon the license, accepting the license under all the conditions, and agreeing to the suspension and revocation of said license, should any of said conditions or regulations be violated.

Section 11. No licensee shall alter, remove or obliterate any entry made upon such license, or deface such license in any way. Each license shall be personal and not assignable or transferable, nor shall any license be used by any person other than the licensee. The violation of any of the provisions of this section shall be considered grounds for the summary suspension and revocation of the license, in addition to the criminal penalties hereinafter provided.

Section 12. Each licensee shall carry his license at all times while he is engaged in the conduct of the business of hawking and peddling. Such licensee shall exhibit his license upon the request of any officer of the City, or of any police officer or of any other citizen. Refusal to exhibit a license shall be prima facie evidence of failure to obtain a license.

Section 13. Each person licensed under this ordinance shall obtain from the City Clerk a numbered badge of metal or other suitable material bearing the year issued and the words "Licensed Peddler, City of Modesto." Each licensee shall wear said badge in a conspicuous place upon the upper part of the front of his outer garment at all times when he is engaged in the conduct of the business of hawking, peddling or soliciting.

Section 14. No licensee shall willfully alter or deface any badge issued under the terms of this section.

Section 15. The Clerk shall notify the Chief of Police of all licenses issued under the terms of this ordinance, and shall render a report thereof regularly to the City Council.

Section 15. Any police officer shall have power to suspend and take up the license and badge issued under the terms of this ordinance to any licensee found violating any of the express terms under which the said license was granted and accepted, or any ordinance of the City. Such suspension shall be reported at once to the Chief of Police and by him to the Clerk.

Section 16. In case the license is revoked for violation to the express conditions and regulations under which it was granted, the full amount of the fee paid therefor shall be forfeited to the City, and no licensee shall have a right to refund of any part of said fee.

Section 17. It shall be unlawful for any peddler or person pretending to be a peddler for the purpose of selling or pretending to sell or peddle any goods, wares, merchandise, or any article, material or substance, or any solicitor or any person pretending to be a solicitor for the purpose of soliciting orders for any goods, wares or merchandise or any article, material or substance of whatsoever kind, to ring the bell or knock at the door or any residence or dwelling whereon a sign bearing the words "No Peddlers," or "No Agents", or words of similar import, is painted or affixed so as to be exposed to public view, or to peddle or pretend to peddle, or to solicit or pretend to solicit orders for any goods, wares or merchandise or any article, material or substance in any building whereon or wherein a sign bearing the words "No Peddlers" or "No Agents", or words of similar import, is painted or affixed so as to be exposed to public view.

Section 18. Any person who engages in the business of hawking, peddling, vending or soliciting, according to the provisions of this ordinance, without a license, or who shall violate any of the provisions of this ordinance, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than Five Dollars (\$5.00), nor more than One Hundred Dollars (\$100.00) or by imprisonment in the City Jail of the City of Modesto or the County Jail of the County of Stanislaus for a period not exceeding ninety days, or by both such fine and imprisonment. Each day or part of a day that a person shall hawk, peddle, vend or solicit without a valid license shall be considered a separate violation of this ordinance.

Section 19. If any section, sub-section, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not effect the validity of the remaining portions of this ordinance. The Council of the City of Modesto hereby declares that it would have passed this ordinance and each section, sub-section, sentence, clause and/or phrase thereof irrespective of the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section 20. All other ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall be construed to repeal or amend Ordinance No. 54 of the City of Modesto as heretofore amended, except Section 1 thereof, nor any of the ordinances of said City with relation to zoning or traffic, nor any other license ordinance of the City of Modesto, except, as aforesaid, Section 1 of Ordinance 54.

Section 21. This ordinance shall go into effect and be in full force and operation from and after 15 days after its final passage and adoption.

Section 22. This ordinance shall be published in full at least once at least three days prior to its final adoption in the Modesto News-Herald, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1932, by Councilman Rogers, who moved its adoption and passage to print, which motion being duly seconded was upon roll call carried and the ordinance ordered printed and published as above by the following vote:

Ayes: Councilmen: Boundey, Brown, Falger, Rogers, and Mayor Dennett

Nees: Councilmen: None

Ayes: Absent: Councilmen: None

Attest: H. E. Gragg

H. E. GRAGG  
CITY CLERK

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The foregoing Ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1932, and having been published as required by the Charter of the City of Modesto, coming on for final adoption this 13th day of July, 1932, it was finally adopted by the following vote:

Ayes: Councilmen: Boundey, Brown, Rogers, and Mayor Dennett  
Noes: Councilmen: None  
Absent: Councilmen: Falger

Approved: L.L. Dennett  
L.L. DENNETT  
MAYOR

Attest: H.E. Gragg  
H.E. GRAGG  
CITY CLERK

SPECIAL  
NOT IN CODE

ORDINANCE NO. 422-N.S.

AN ORDINANCE APPROPRIATING MONEY FOR THE  
PURCHASE OF EQUIPMENT FOR THE PUBLIC WORKS  
DEPARTMENT.

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

Section 1. The following appropriations are  
hereby made out of the funds hereinafter specified for  
the purchase of material and equipment for the City of  
Modesto, to-wit: the sum of Twenty-two Hundred Dollars  
(\$2200.00) out of the General Fund for the purchase of  
two trucks for the Public Works Department; the sum of  
Six Hundred and Fifty Dollars (\$650.00) out of the  
General Fund for the purchase of one Bitumuls Patcher  
for the Public Works Department; the sum of Twenty-  
five Hundred Dollars (\$2500.00) out of the Water  
Fund for the drilling of a well for the municipal  
water system and the purchase of pumping equipment  
therefor. The purchase of the equipment in the per-  
formance of the services hereinabove specified is hereby  
authorized.

Section 2. The City Engineer shall hereafter,  
when authorized and directed by the City Council by  
resolution, prepare and file with the City Clerk  
specifications for the purchase of the equipment and the  
performances of the contract for labor hereinabove  
specified and authorized. The City Clerk shall there-  
upon advertise for bids for the same, in accordance with  
the City Charter, and shall specify in his notice to  
bidders the time and place when bids will be received:

that each bidder must, if so required by the general specifications, submit detailed specifications of the equipment described in his offer, and that each bid must be accompanied by a bidding bond or certified check upon some solvent bank of the State of California for 10% of the amount bid, as a guarantee that the successful bidder will enter into a contract with the

City of Modesto for the delivery of the equipment or performance of the services specified, and that the City Council reserves the right to reject any and all bids or portions of bids.

Section 3. This ordinance shall go into effect and be in full force and operation from and after 15 days after its final passage and adoption.

Section 4. This ordinance shall be published in full at least once at least three days prior to its final adoption in the Modesto News-Herald, the official newspaper of the City of Modesto.

The foregoing Ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 1932, by Councilman Boundey, who moved its adoption and passage to print, which motion being duly seconded was upon roll call carried and the ordinance ordered printed and published as above by the following vote:

- Ayes: Councilmen: Boundey, Brown, Falger, Rogers, Mayor Dennett.
- Noes: Councilman: None
- Absent: Councilmen: None.

Attest: H. E. GRACE  
H. E. GRACE  
CITY CLERK

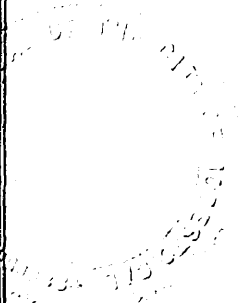
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The foregoing Ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 1932, and having been published as required by the Charter of the City of Modesto, coming on for final adoption this 24th day of August, 1932, it was finally adopted by the following vote:

Ayes: Councilmen: Boundey, Brown, Falger, Rogers, and Mayor Dennett  
Noes: Councilmen: None  
Absent: Councilmen: None

Approved: *L.L. Dennett*  
L.L. DENNETT  
MAYOR OF THE CITY OF  
MODESTO.

Attest: *H.E. Gragg*  
H.E. GRAGG  
CLERK OF THE CITY OF  
MODESTO.



NOT SPECIAL  
IN CODE

ORDINANCE NO.423-N.S.

AN ORDINANCE FIXING THE RATE OF TAXATION IN AND FOR THE CITY OF  
MODESTO FOR THE FISCAL YEAR 1932-1933

---oOo---

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

SECTION I.

There is hereby levied upon the assessed valuation of the property in the City of Modesto, County of Stanislaus, State of California, for the fiscal year beginning July 1st, 1932, and ending June 30th, 1933, the rates of taxation hereinafter specified, said rates being upon each one hundred (\$100.00) dollars of the valuation according to the equalized assessment roll, to-wit:

FOR THE GENERAL FUND .... One Dollar (\$ 1.00) on each one hundred dollars valuation;

FOR THE BOND REDEMPTION AND INTEREST FUND as follows:

- (a) Municipal Improvement Bonds of 1910 . . . . 3 Cents
- (b) Municipal Improvement Bonds of 1911 . . . . 1 Cent
- (c) Municipal Improvement Bonds of 1912 . . . . 2 Cents
- (d) Municipal Improvement Bonds of 1919 . . . . 2 Cents
- (e) Municipal Improvement Bonds of Jan., 1920. .10 Cents
- (f) Municipal Improvement Bonds of Jun., 1920. . 2 Cents
- (g) Municipal Improvement Bonds of 1923 . . . . 2 Cents

being a total of 22 Cents on each one hundred dollars in valuation of all property taxable for the redemption of bonds and payments of interest thereon that shall accrue during said fiscal year;

FOR THE LIBRARY FUND ... 8 Cents on each one hundred dollars of said taxable valuation;

The aggregate of said sums, to-wit: One Dollar and Thirty Cents (\$ 1.30) on each one hundred dollars valuation as determined by the equalized assessment roll for the year 1932-1933 on all property taxable in the City of Modesto for said purpose is hereby levied

1 and apportioned to and shall be paid into the above funds res-  
2 pectively of said City. The rates above specified shall be in  
3 addition to those required to be levied under the general laws  
4 or the State of California for the purpose of paying principal and  
5 interest on street improvement bonds in local improvement dis-  
6 tricts.

7 SECTION II.

8 This Ordinance shall take effect immediately upon  
9 its final passage and adoption.

10 SECTION III.

11 This Ordinance shall be published in full at  
12 least once at least three days prior to its final adoption in the  
13 Modesto News-Herald, the official newspaper of the City of Mod-  
14 esto.

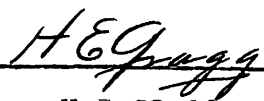
15 The foregoing Ordinance was introduced at a  
16 regular meeting of the Council of the City of Modesto held on the  
17 24th day of August, 1932, by Commissioner Falger, who moved its  
18 adoption, which motion being duly seconded, the ordinance was  
19 ordered printed and published by the following vote:

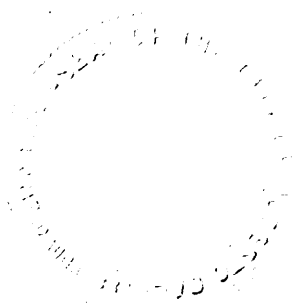
20 Ayes: Councilmen: Boundey, Brown, Falger, Rogers, and Mayor Dennett

21 Noes: Councilmen: None

22 Absent: Councilmen: None

23  
24 Attest:

  
H.E. GRAGG  
CITY CLERK



ORDINANCE NO. 423-N.S.

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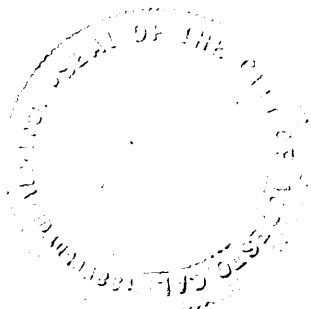
The foregoing ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 24th day of August, 1932, and having been published as required by the Charter of the City of Modesto, coming on for final adoption this 14th day of September, 1932, it was finally adopted by the following vote:  
Ayes: Councilmen: Boundey, Brown, Falger, Rogers, and Mayor Dennett  
Noes: Councilmen: None  
Absent: Councilmen: None

Approved: L.L. Dennett

L.L. DENNETT  
MAYOR OF THE CITY OF  
MODESTO.

Attest: H.E. Gragg

H.E. GRAGG  
CLERK OF THE CITY OF  
MODESTO.



AN ORDINANCE REGULATING THE COLLECTION AND DISPOSAL OF GARBAGE, REFUSE, WASTE MATTER AND SWILL IN THE CITY OF MODESTO, PROVIDING FOR LICENSES FOR GARBAGE COLLECTORS, PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE, AND REPEALING CONFLICTING ORDINANCES.

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

Section 1. For the purpose of this ordinance

the general term "garbage" shall be construed to mean and include any and all matter and materials which are rejected, abandoned or discarded by the owners or producers thereof as offensive

or useless or no longer desired by said owners or producers

thereof, and which, by their presence or accumulation, may

injuriously affect the health, comfort or safety of the community by increasing disease or hazard by fire. It shall include

rubbish, refuse, waste matter and swill; and provided further,

that the keeping of the term "swill" when used hereinafter shall

be applied to and construed to mean all classes of putrefactive

or easily decomposable animal or vegetable matter, and shall

include any matter or substance used in the preparation, cooking,

dealing in or storage of meats, fowls, fish, fruits and vege-

tables that are subject to immediate decay and the attraction

of flies or rodents and which shall have a property value.

The term shall have the term "garbage collector", when used

hereinafter, shall be construed to mean an agent or employee

of the City of Modesto, or any person, firm or corporation or

association with the agents or employees thereof, to whom a

license shall have been issued for the collection of garbage,

as hereinafter set forth, all at all times be closed, and

the access of flies and rodents to the contents of such container shall be

contents of such container shall be delivered not less than

once a week, or oftener if directed by the health

Amended by 425-N.S. amended by 430-N.S. Ord 960-N.S. Ord 1017-N.S.

CODE SEC. NO. 5-5.01 5-5.07 5-5.09 5-5.20

The term "swill collector" shall be construed to mean an agent or employee of the City of Modesto, or any person, firm or corporation, or the agents or employees thereof, to whom a license shall have been issued by the City of Modesto under the terms of this ordinance to collect, receive, carry ~~out~~ or transport swill, as herein defined, through the streets, alleys or public places of said City.

Section 2. Every producer of garbage may, at his option, segregate the same into refuse, rubbish and other waste matter on the one hand and swill on the other. Where the garbage is so segregated, the swill may be sold to the swill collector or may be fed to chickens, fowls or any animals on the premises where the same is produced, provided always that such premises are and shall be kept in a neat, clean and sanitary manner and condition to the satisfaction of the Sanitary Inspector of the City of Modesto; and provided further, that the keeping of such animals and such feeding shall at all times conform to the statutes, ordinances and regulations covering the same in force in the City of Modesto.

Section 3. All garbage, unless otherwise disposed of, as in this ordinance permitted, and all swill, unless fed upon the premises, as hereinabove provided, shall be placed by the person, firm or corporation, upon whose premises

Section 4. No collection shall be made in a water-tight galvanized metal container of not less than ten nor not more than thirty gallons net capacity of a design to be approved by the Sanitary Inspector, which container shall be kept clean and continuously closed, except when garbage or swill is being dumped into or removed therefrom, and shall at all times be closed against the access of flies and rodents to the contents thereof. The contents of such container shall be delivered not less than once a week, or oftener if deemed necessary by the Health

Officer, to the collector, or otherwise disposed of, as in this ordinance specified. If the producer thereof shall elect to segregate non-putrefactive material from the other garbage, the said non-putrefactive material may be placed in a box or barrel located near the said galvanized container, but the material so segregated shall be kept in a dry condition, in accordance with the regulations of the Health Officer. The receptacle shall be placed at such point on the premises as to be easily accessible to the collector and not more than thirty feet from the real property line where alleys are used for collection. The receptacle shall not be placed or allowed to remain on any alley, sidewalk or public street.

Section 4. Collections of garbage shall be the City Dumps. The collector shall not pick up refuse made at least once a week and collections of swill shall be made daily; provided that from apartments and tenements housing more than eight families collections of garbage shall be made daily. The collector shall transfer the contents of all containers into the vehicle provided therefor without spilling any materials on stairs, walks, yards or streets, and shall, in the case of refuse or rubbish to be delivered at the City Dumps, make delivery on the same day that such rubbish or refuse is collected.

within the City Limits.

Section 5. No collection shall be made and no cart, truck, wagon or vehicle used in making such collections shall be or remain within the limits of Fire Zone No. 1 as now defined, or as may be hereafter defined, between the hours of 9 o'clock a.m. of any day and midnight following. No cart, truck, vehicle or other conveyance shall be used for the collection of refuse, including garbage and swill, unless the same be so constructed as to prevent the contents from falling or

spilling therefrom, and shall be provided with a canvas cover, and shall not be overloaded. Vehicles used in collection of rubbish only need not be metal lined. Vehicles used in the collection of swill shall be of metal, shall be water-tight and shall be provided with a metal cover. Every vehicle used in the collection of garbage and swill shall be well painted and shall be kept in a clean and sanitary condition, and shall be properly marked in a conspicuous place to show its classification and number.

Section 6. All refuse consisting of rags, used clothing, bedding, mattresses, shoes or other rubbish which may carry germs or communicable diseases shall be taken by the collector directly, if possible on the day of collection to the City Dumps. The collector shall not pick or retain any such described rubbish nor carry any such rubbish to any barn, garage or premises for storage, segregation or use. As specified in Section 7 of the shall be unlawful to deposit or bury any refuse or swill within the City Limits of the City of Modesto, except at the City Dumps; provided, however, that non-putrefactive land waste matter may be made use of when levelled and properly covered, and upon the written permission of the Sanitary Inspector for the filling in of holes, depressions and low lots within the City limits be deposited with refuse or rubbish. Kitchen Section 8. It shall be unlawful for any person to burn any refuse, waste matter or rubbish on any street, public or private lot or park or open space within said City, except that producers of dry rubbish or garbage which can be easily consumed by fire, from the burning of which no noxious odors or stenches are produced, may burn or consume the same by fire in incinerators or metal inclosures upon their own premises. It be code for the removal of the regular weekly accumulation of such the same.

Section 9. It shall be unlawful for any person, firm or corporation to place, leave or deposit any garbage, refuse or rubbish at the City Dumps of the City of Modesto, except where and as directed by an employee of the City of Modesto.

Section 10. It shall be unlawful to place, leave or deposit any refuse, waste material or garbage upon any part of the City Dumps of the City of Modesto which said refuse, waste material or garbage is not produced within the corporate limits of the City of Modesto.

Section 11. It shall be the duty of every tenant or occupant of any dwelling, or the keeper of any hotel, restaurant or boarding house, or any building where meals are furnished, and every other person, firm or corporation having garbage, to provide and at all times keep in a place easily accessible to the garbage collector, and where they will not be a public nuisance or in any degree be offensive, receptacles as specified in Section 2 of the ordinance. No such can or receptacle for receiving garbage shall be kept in or on any public street, alley, sidewalk, <sup>part</sup> footpath or any public place whatsoever. It shall be unlawful to keep or deposit rubbish or garbage on any private grounds, except as specified in this ordinance, or at the City Dumps maintained by the City of Modesto. Refuse of a liquid nature shall not be deposited with garbage or rubbish. Kitchen refuse collected by garbage collectors must be drained of all moisture and completely wrapped in paper before being placed in a receptacle, and the receptacle must at all times be kept in a neat and sanitary condition. Tin cans may be deposited in the same receptacle with the regular garbage, or may be deposited in a separate covered receptacle which shall not be permitted to become offensive; and no extra charge shall be made for the removal of the regular weekly accumulation of such tin cans.

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Section 12. It shall be unlawful for any person, firm or corporation to collect or transport refuse matter, rubbish or garbage upon or through any street or public place of the City of Modesto unless such person is an employee or agent of the City of Modesto, or is licensed so to do, or is the employee of a person, firm or corporation holding a license or is the actual producer of such refuse matter, rubbish or garbage then and there engaged in transporting the same from the premises where produced to the dump or garbage disposal plant provided therefor.

Section 13. It shall be unlawful for any person, firm or corporation to engage in the business of collecting swill in the City of Modesto, or to haul the same through any public way or street of said City, unless such person, firm or corporation is an agent or employee of the City of Modesto or has been duly licensed as in this ordinance provided.

Section 14. It shall be unlawful for any person, firm or corporation to engage in the business of hauling waste matter, refuse, garbage or rubbish to the municipal dumping grounds, or to dump the same thereon without having first secured a license so to do, unless such person, firm or corporation is an employee or agent of the City of Modesto.

Section 15. The license fee for collecting and transporting garbage, including waste matter, refuse and rubbish, through the streets of the City of Modesto, as defined in Section 14 of this ordinance, shall be the sum of \$60.00 per quarter for each vehicle, provided that no vehicle shall be used therefor having a greater capacity than 14 cubic yards. The license fee for the business of collecting swill and hauling or transporting the same through and upon the public streets, alleys and other public places of the City.

of Modesto shall be the sum of \$15.00 per quarter. The license fee for hauling waste matter to the municipal dumping ground and dumping the same thereon shall be the sum of \$15.00 per quarter and shall be in addition to the other license fees in this ordinance specified.

Section 16. Nothing in this ordinance contained shall be construed to prohibit any producer of refuse, waste matter, garbage or refuse from hauling the same to and dumping the same at the municipal garbage dumps; provided, however, that if such refuse, waste matter, garbage or rubbish is produced at any industrial or manufacturing place ~~or premises used for commercial purposes~~ the person, firm or corporation dumping the same at the municipal dumping ground shall pay the license fee for the use of the dumping grounds specified in Section 15 hereof; and provided further, that the person, firm or corporation so using said dumping grounds shall obtain a permit from the Department of Public Works, so to do in the manner specified in Section 16 hereof. ~~or from premises~~

Section 17. Applications for licenses under this ordinance shall be made in writing to the City Clerk, and shall specify the purpose for which the license is sought, the number, kind and capacity of the vehicles to be therein used, the name of the applicant and if the same be a firm or copartnership the names of all the members thereof, and if the same be a corporation the names of the officers thereof. Said application shall be accompanied by the deposit of the license fee for the current quarter. After the license shall be issued it shall be renewed quarterly by the payment of the license fee therefor in advance. The quarters shall commence on the first day of July, October, January and April of each year; provided, however, the license for the quarter in which this ordinance goes into

effect shall be pro rated from the effective date of the ordinance until the end of the quarter. Every license certificate issued hereunder shall specify the name of the person to whom issued, as well as the name or names of his assistant or assistants, if there be such, and each vehicle used shall have attached in a conspicuous place a metal tag showing the number of the license issued therefor. Licenses so issued shall be valid for the period of the quarter for which they are issued (subject to renewal as hereinabove specified,) and may be revoked by the City Engineer whenever it shall appear that the person doing business by virtue of such license has failed to comply with any of the terms hereof.

Section 18. Applications for permits to dump or dispose of refuse, waste matter, garbage or rubbish at the municipal garbage dumps shall be made in writing to the Department of Public Works and filed with the City Clerk. The applications shall state whether the garbage, etc., is produced from industrial or manufacturing plants or commercial premises or from premises used for domestic or household purposes, the location of the premises where the same is produced and the name of the producers thereof, the approximate or estimated quantity to be produced, and the period of time for which a permit is sought, which, in the case of industrial or manufacturing plants or commercial premises, shall be for a period of not to exceed three months, and in other cases may be for an indefinite period. The application shall be accompanied by the license fee, as under the terms of this ordinance a license fee is required. It shall thereupon be referred by the City Clerk, with the notation of the payment of any fee, to the City Engineer, who, after investigation, shall issue a permit if he finds and determines that the facts stated

in the application are true and that the applicant is entitled, under the terms of this ordinance, to a permit authorizing such applicant to dump at the municipal garbage dumps. Such permit shall be exhibited by the permittee to the employee of the City of Modesto at the garbage dumps in charge thereof and authorized by the City Engineer to inspect the same. Such employee shall not permit any garbage to be dumped by any person except upon the production and exhibition of said permit.

Section 19. The Sanitary Inspector and policemen and all employees of the Department of Public Works are hereby specifically required to enforce the provisions of this ordinance, and shall have the right to enter any and all premises for the purpose of determining the sanitary condition thereof, and any person denying or obstructing such entry shall be guilty of misdemeanor and subject to the penalty hereinafter provided.

Section 20. If any section, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, said decision shall not effect the validity of the remaining portion of this ordinance. This Council hereby declares that it would have passed this ordinance and each section, sentence, clause and phrase thereof, irrespective of the fact that any one or some other sections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section 21. Any person, firm or corporation violating any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment in the City Prison for not more than six months or by both such fine and imprisonment.

Section 22. This ordinance shall go into effect and be in full force and operation from and after 15 days after

its final passage and adoption.

Section 23. This ordinance shall be published in full at least once at least three days prior to its final adoption in the Modesto News-Herald, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 14 day of Sept., 1932 by Councilman Rogers, who moved its adoption and passage to print, which motion being duly seconded was upon roll call carried and the ordinance ordered printed and published as above by the following vote:

of Modesto, it was adopted by the following vote:  
Ayes: Councilmen: Bourndey, Brown, Falger, Rogers and Mayor Bennett  
Noes: Councilmen: None  
Absent: Councilmen: None

Approved: [Signature]  
Attest: [Signature]  
City Clerk

Attest: [Signature]  
City Clerk

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The foregoing ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 14th day of September, 1932, coming on for final adoption this 28th day of September after having been published as required by the charter of the City of Modesto, it was upon roll call adopted by the following vote:  
Ayes: Councilmen: Boundey, Brown, Falger, Rogers, and Mayor Dennett  
Noes: Councilmen: None  
Absent: Councilmen: None

Approved: *L.L. Dennett*  
L.L. DENNETT  
MAYOR OF THE CITY OF  
MODESTO.

Attest: *H.E. Gragg* (signed)  
H.E. GRAGG  
CLERK OF THE CITY OF  
MODESTO.

See also 430-N.S.

ORDINANCE NO. 425-N.S.

AN ORDINANCE AMENDING SECTIONS 16 AND 18 OF ORDINANCE NO. 424-N.S., WHICH IS AN ORDINANCE REGULATING THE COLLECTION AND DISPOSAL OF GARBAGE, ETC.

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

CODE SEC. NO. 5-5.16

Section 1. Section 16 of Ordinance No. 424-N.S. entitled "AN ORDINANCE REGULATING THE COLLECTION AND DISPOSAL OF GARBAGE, REFUSE, WASTE MATTER AND SWILL IN THE CITY OF MODESTO, PROVIDING FOR LICENSES FOR GARBAGE COLLECTORS, PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE AND REPEALING CONFLICTING ORDINANCES" is hereby amended so as to read as follows:

"Section 16. Nothing in this ordinance contained shall be construed to prohibit any producer of garbage, waste matter or refuse actually produced within the corporate limits of the City of Modesto from hauling the same to any dump or at the municipal garbage dumps, provided, however, that the person, firm or corporation so using said dumping grounds shall obtain a permit from the Department of Public Works so to do in the manner specified in Section 18 hereof." fee required under the terms of this

Ordinance. Section 2. Section 18 of said Ordinance No. 424-N.S. entitled as aforesaid is hereby amended to read as follows:

"Section 18. Applications for permits to dump or dispose of refuse, waste matter, garbage or rubbish at the municipal garbage dumps or dumping ground shall be made in writing to the Department of Public Works and shall first be

filed with the City Clerk. The application shall state whether it is made on behalf of the producer of such garbage, waste matter, etc., or by a person licensed to transport the same through the streets, pursuant to Section 15 of this Ordinance. In the former case the applicant shall also state whether the garbage is produced from industrial or manufacturing plants or commercial premises or from premises used for domestic or household purposes, the location of the premises within the City of Modesto, where the same is produced and the name of the producer thereof, the approximate or estimated quantity to be produced and the period of time for which a permit is sought, which shall be for a period not exceeding one year. In event the application

is made by a person, firm or corporation who is licensed to transport garbage through the streets of the City of Modesto, or who has made an application for such license, it shall specify the equipment to be used therefor and shall be accompanied by the license fee required under the terms of this Ordinance.

Upon the receipt of such applications, a note of the same shall be made by the City Clerk and he shall thereupon refer it to the City Engineer of the payment with the notation of any fee, and the City Engineer shall issue a permit to the applicant if he finds, after investigation, that the facts stated in the application are true and that the

applicant is entitled, under the terms of this ordinance, to a permit authorizing him to dump at the municipal garbage dumps. The permit shall contain such description of the applicant as will enable him to be identified, and shall be exhibited by him to the employee of the City of Modesto at the garbage dumps in charge thereof, and authorized by the City Engineer to inspect the same. Such employee shall not permit any garbage to be dumped except upon the production and exhibition of such permit.

It is hereby made a misdemeanor for any person, firm or corporation to dump or deposit refuse, waste matter, garbage or rubbish on any part of the said dumping ground unless a permit shall have been issued to them for that purpose, or to haul or transport upon any street, alley or public way or place in the City of Modesto any such matter to be so dumped thereupon at the City dumping ground without having first procured the permit hereinabove referred to."

Section 3. This Ordinance shall go into effect and be in full force and operation from and after 15 days after its final passage and adoption.

Section 4. This Ordinance shall be published in full at least once at least three days prior to its final adoption in the Modesto News-Herald, the official newspaper of the City of Modesto.

The foregoing Ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of October by Councilman Rogers, who moved its adoption and passage to print, which motion being duly seconded was upon roll call carried and the ordered Ordinance/printed and published as above by the following vote:

Ayes: Councilmen: Boundey, Brown, Falger, Rogers, and Mayor Dennett

Noes: Councilmen: None

Absents: Councilmen: None

Attest: H. E. Gragg  
H. E. GRAGG  
CITY CLERK

Ayes: Councilmen: Boundey, Brown, Falger, Rogers, and Mayor

Noes: Councilmen: None

Absent: Councilmen: None

Approved: L. L. Dennett  
L. L. DENNETT  
MAYOR

Attest: H. E. Gragg  
H. E. GRAGG  
CITY CLERK

as follows:

of \$5,200.00, or so much

purposes hereinafter

The foregoing ordinance having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 13th day of October, 1932, and having been published as required by the charter of the City of Modesto, coming on for final adoption this 20th day of October, 1932, it was upon roll call/adopted by the following vote:

Ayes: Councilmen: Boundey, Brown, Falger, Rogers, and Mayor Dennett

Noes: Councilmen: None

Absent: Councilmen: None

Approved:

*L. L. Dennett*

L. L. DENNETT  
MAYOR

Attest:

*H. E. Gragg*

H. E. GRAGG  
CITY CLERK

AN ORDINANCE APPROPRIATING MONEY FOR CERTAIN SEWER IMPROVEMENTS.

SPECIAL NOT IN CODE

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The Council of the City of Modesto do ordain

as follows:

Section 1. The sum of \$5,200.00, or so much thereof as may be necessary for the purposes hereinafter stated, is hereby appropriated out of the general funds of the City of Modesto, not otherwise appropriated, for the purpose of installing an outfall storm sewer to provide for the disposal of storm waters in certain portions of the City of Modesto lying generally east of McHenry Avenue and north of Downey Avenue. The money hereby appropriated shall be used for the purchase of material and the employment of labor in the installation of a piping system, man holes and catch basins and appurtenances thereto for said proposed storm sewer.

Section 2. The City Engineer shall immediately, after this ordinance goes into effect, prepare and file with the City Council plans and specifications for said contemplated work, and when the same are adopted bids for the same shall be immediately asked for as provided in Section 59 of the Charter. The plans and specifications shall be so prepared as to provide for separate bids for the material required and for the labor necessary to be employed therein. The Council expressly reserves the right to reject any and all bids for either labor or material, or to accept bids for material and reject those for labor. In event any or all of the bids are rejected,

SPECIAL IN CODE

or no bids are received, the Department of Public Works may be authorized by the City Council by resolutions to purchase the material and to employ the labor necessary for the said construction.

Section 3. This ordinance is hereby found and declared to be necessary for the immediate preservation of the public peace, health and safety and shall therefore go into effect and be in full force and operation immediately upon its final passage and adoption. The grounds upon which this ordinance is found and declared to be necessary for the immediate preservation of the public peace, health and safety are as follows:

First: In view of the approach of the rainy winter season, the construction of storm sewer within said area is necessary for the public health in order to drain the area thereby affected and to prevent the accumulation upon the streets within said area of large bodies of storm waters, which have no adequate means of escape, and which will otherwise stand upon the streets and around the homes in said area for long periods of time and become stale and breed disease, and which, while so standing, prevent adequate access to the private homes in said area;

Second: The employment of citizens of Modesto who are out of work and who can only be provided with employment necessary for the support of themselves and their families at public expense during the present emergency must be accomplished immediately.

Section 4. This ordinance shall be published in full at least once at least three days prior to its final

adoption in the Modesto News-Herald, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1932, by Councilman Boundey, who moved its adoption and passage to print, which motion being duly seconded was upon roll call carried and the ordinance ordered printed and published as above by the following vote:

Ayes: Councilmen: Boundey, Brown, Falger, Rogers, and Mayor Dennett

Noes: Councilmen: None

Absent: Councilmen: None

Attest:

W. E. Gray  
CITY CLERK

SPECIAL  
NOT IN CODE

AN ORDINANCE APPROPRIATING MONEY FOR THE IMPROVEMENT  
NINTH STREET.

---oOo---

Section 1. The sum of \$21,000.00, or so much thereof as may be necessary, is hereby appropriated out of the general funds of the City of Modesto not otherwise appropriated, for the purpose of developing and improving Ninth Street in said City in accordance with the agreements heretofore made with the Highway Department of the Division of Public Works of the State of California, in order to make Ninth Street a portion of the Golden State Highway passing through Modesto. The money hereby appropriated shall be used for the purchase and acquisition of rights of way wherever necessary within the corporate limits of the City of Modesto, the remodeling of and setting back of the necessary buildings and structures to a new property line to be established on the west side of Ninth Street, and the performances of such work as may be required to complete said improvement in accordance with said agreements with the State Highway Department. The sum hereby appropriated is in addition to and exclusive to all sums previously appropriated for said improvement, which said previous appropriations are continued in effect. The appropriation hereinafter made shall not lapse with the expiration of the current fiscal year, but shall continue until the improvement herein provided for and contemplated is completed.

Section 2. The moneys herein appropriated shall be expended under the direction and control of the Council of the City of Modesto, either upon resolutions

adopted by said Council, or <sup>rants</sup> ~~was~~ approved by said Council but only for the construction and completion of the improvements herein provided for, including the purchase and acquisition of rights of way and the payment of such costs as may be necessarily incurred in the procuring of the same.

Section 3. This ordinance shall go into effect and be in full force and operation from and after 15 days after its final passage and adoption.

Section 4. This ordinance shall be published ~~in full at least once at least three days prior to its final adoption in the Modesto News-Herald, the official newspaper of the City of Modesto.~~ <sup>1932</sup> ~~and copy of the City of Modesto, coming on for~~ <sup>ber, 1932, it was upon roll call</sup> ~~vote:~~

The foregoing ordinance was introduced at ~~a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1932, by Councilman~~ Boundey ~~who~~ moved its adoption and passage to print, which motion being duly seconded was upon roll call carried and the ordinance ~~ordered printed and published as above by the following vote:~~

Ayes: Councilmen: Boundey, Brown, Falger, Rogers,  
and Mayor Dennett  
Noes: Councilmen: None  
Absent: Councilmen: None

Attest: NE Gugg  
CITY CLERK

The foregoing ordinance having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1932, and having been published as required by the Charter of the City of Modesto, coming on for final adoption this 9th day of November, 1932, it was upon roll call finally adopted by the following vote:

When this ordinance becomes effective.  
 Ayes: Councilmen: Boundey, Brown, Falger, Rogers, and Mayor Dennett  
 Noes: Councilmen: None

Specifications covering the equipment required. The City  
 Absent: Councilmen: None

Clerk shall thereupon publish notice to bidders referring to the specifications on file, and approved: L. L. Dennett  
 will be required to furnish further and detailed specifications of the equipment they offer. Said notice shall specify the time and place at which bids shall be received, and shall require bidders to file their offers certified checks on a solvent bank of the State of California or bidding bonds for not less than 10% of the price offered, and shall further state that the Council reserves the right to accept or reject any or all bids.

L. L. DENNETT  
 MAYOR

Attest: H. E. Gragg  
 H. E. GRAGG  
 CITY CLERK

SPECIAL  
NO 1 IN CODE

AN ORDINANCE APPROPRIATING MONEY FOR THE PURCHASE OF  
A TREE SPRAYING MACHINE.

---oOo---

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

at their case of laws, passed prior to its final

Section I.

The sum of \$1800.00, or so much thereof as  
may be necessary, is hereby appropriated out of the

general fund of the City of Modesto not otherwise

appropriated for the purchase of equipment and machinery  
for the spraying of the trees growing upon the public  
streets and parks of the City of Modesto.

Board, who approved its adoption and passage to print.

Section II.

which motion being duly seconded was upon roll call

carried and the ordinance ordered printed and published  
the City Engineer shall file with the City Clerk general  
specifications covering the equipment required. The City

Clerk shall thereupon publish notice to bidders referring  
to the specifications on file, and stating that the bidders  
will be required to furnish further and detailed specifica-  
tions of the equipment they offer. Said notice shall

specify the time and place at which bids shall be opened  
and considered, and shall require bidders to file with  
their offers certified checks on a solvent bank of the  
State of California or bidding bonds for not less than  
10% of the price offered, and shall further state that  
the Council reserves the right to accept or reject  
any or all bids.

SPECIAL  
NO 1 IN CODE

*[Signature]*  
E. S. GRAY  
CITY CLERK

Section III.

This ordinance shall go into effect and be in full force and operation from and after 15 days after its final passage and adoption.

Section IV.

This ordinance shall be published in full at least once at least three days prior to its final adoption in the Modesto News-Herald, the official newspaper of the City of Modesto.

and having been published as required...

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of <sup>November</sup> October, 1932, by Councilman Boundey, whomoved its adoption and passage to print, which motion being duly seconded was upon roll call carried and the ordinance ordered printed and published as above by the following vote:

Ayes: Councilmen: Falger, Rogers, Boundey, Brown and Mayor Dennett.

Noes: Councilmen: None

Absent: Councilmen: None.

Attest:

H. E. GRACE  
CITY CLERK

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The foregoing Ordinance having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 1932, and having been published as required by the Charter of the City of Modesto, coming on for final adoption this 14th day of December, 1932, it was upon roll call adopted by the following vote:

Ayes: Councilmen: Boundey, Brown, Falger, Rogers, and Mayor Dennett  
Noes: Councilmen: None  
Absent: Councilmen: None

Approved: *L.L. Dennett*  
L.L. DENNETT  
MAYOR

Attest: *H.E. Gragg*  
H.E. GRAGG  
CITY CLERK

1 REPEALED BY  
2 MUNICIPAL CODE

ORDINANCE NO. 429- N.S.

AN ORDINANCE AMENDING SECTION 15 OF ORDINANCE NO. 197 N.S.

---oOo---

4  
5 The Council of the City of Modesto do ordain  
6 as follows:

7 Section 1. Section 15 of Ordinance No. 197  
8 N.S., which said Ordinance No. 197 is entitled as follows:

9 "AN ORDINANCE ENFORCING THE PROVISIONS OF ARTICLE EIGHTEEN  
10 OF THE CONSTITUTION OF THE UNITED STATES PROHIBITING THE  
11 MANUFACTURE, SALE, STORAGE, SERVICE, GIFT, TRANSPORTATION,  
12 IMPORTATION OR EXPORTATION OF INTOXICATING LIQUOR FOR  
13 BEVERAGE PURPOSES; REGULATING ALL OTHER TRAFFIC IN SUCH  
14 LIQUOR; AND PROVIDING PENALTIES FOR VIOLATION HEREOF", is  
15 hereby amended so as to read as follows:

16  
17 "Sec. 15. Any person who shall violate any  
18 of the provisions of this ordinance shall be guilty  
19 of a misdemeanor and on conviction thereof shall  
20 be punished by a fine of not more than Five Hundred  
21 Dollars (\$500.00) or imprisonment in the County Jail  
22 for a period not to exceed six months, or by both  
23 such fine and imprisonment; and all judgments for the  
24 payment of a fine may specify and direct that in default of  
25 its payment, the defendant shall be imprisoned in said  
26 County Jail until said fine is paid, at the rate of  
27 one day's imprisonment for each Two Dollars (\$2.00)  
28 of the fine."

29 Section 2. This ordinance shall go into  
30 effect from and after 15 days after its final passage and  
31 adoption, but the penalties prescribed in Section 15 of said  
32 Ordinance No. 197 shall apply to offenses heretofore committed  
for which prosecutions are now pending, as well as to offenses  
which may be committed and for which prosecutions may be  
instituted prior to the expiration of the period of fifteen  
days.

1                   Section 3. This ordinance shall be published  
2 in full at least once at least three days prior to its  
3 final adoption in the Modesto News-Herald, the official  
4 newspaper of the City of Modesto.  
5

6  
7                   The foregoing ordinance was introduced at a  
8 regular meeting of the Council of the City of Modesto  
9 held on the 14th day of December, 1932, by Councilman  
10 Falger, who moved its adoption and passage to  
11 print, which motion being duly seconded was upon roll call  
12 carried and the ordinance ordered printed and published  
13 as above by the following vote:

14                   Ayes: Councilmen: Boundey, Falger, and Mayor Dennett

15                   Noes: Councilmen: Rogers and Brown

16                   Absent: Councilmen: None  
17  
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19

20                   Attest: \_\_\_\_\_

*A.E. Bragg*  
A. E. BRAGG  
CITY CLERK

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The foregoing ordinance having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 1932, and having been published by the Charter of the City of Modesto, coming on for final adoption this 11th day of January, 1933, it was finally adopted by the following vote:

Ayes: Councilmen: Boundey, Falger, and Mayor Dennett  
Noes: Councilmen: Brown and Rogers  
Absent: Councilmen: None

APPROVED: *L.L. Dennett*  
L.L. DENNETT  
MAYOR

ATTEST: *H.E. Gragg*  
H.E. GRAGG  
CITY CLERK

ORDINANCE NO. 430- N.S.

AN ORDINANCE AMENDING SECTION 5, SECTION 10 AND SECTION 18 OF ORDINANCE NO. 424- N.S., WHICH IS AN ORDINANCE REGULATING THE COLLECTION AND DISPOSAL OF GARBAGE, ETC.

The Council of the City of Modesto do ordain as

follows:

Section 1. Section 5 of Ordinance No. 424- N.S., entitled, "AN ORDINANCE REGULATING THE COLLECTION AND DISPOSAL OF GARBAGE, REFUSE, WASTE MATTER AND SWILL IN THE CITY OF MODESTO PROVIDING FOR LICENSES FOR GARBAGE COLLECTORS, PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE AND REPEALING CONFLICTING ORDINANCES", is hereby amended so as to read as follows:

"Section 5. No collection shall be made and no cart, truck, wagon or vehicle used in making such collections shall be or remain within the limits of Fire Zone No. 1 as now defined, or as may be hereafter defined, between the hour of 9 a.m. of any day and the hour of 6:30 p.m. of the same day. No cart, truck, vehicle or other conveyance shall be used for the collection of refuse, including garbage and swill, unless the same be so constructed as to prevent the contents from falling or spilling therefrom, nor shall any such cart, truck, vehicle or conveyance be overloaded. Vehicles used in the collection of rubbish only need not be metal lined. Vehicles used in the collection of swill shall be of metal, shall be water tight and shall be provided with a metal cover. All other vehicles shall be provided with a canvas cover. Every vehicle used in the collection of garbage and/or swill shall be well painted and shall be kept in a clean and sanitary condition, and shall be properly marked in a conspicuous place to show its classification and number."

Section 2. Section 10 of said Ordinance No. 424- N.S., entitled as aforesaid, is hereby amended so as to read as follows:

"Section 10. It shall be unlawful to place, leave or deposit any garbage, as defined in Section 1 of this Ordinance, upon any part of the City dumps of the City of Modesto, unless a permit is obtained therefor and the fee therefor is paid, as specified in Section 19 of this Ordinance."

Section 3. Section 18 of said Ordinance No. 424- N.S., entitled as aforesaid, is hereby amended to read as follows:

1 "Section 18. Permits to dump or deposit garbage  
2 at the City dumps of the City of Modesto may be obtained as  
3 herein specified:

4 a. GARBAGE PRODUCED WITHIN THE CORPORATE LIMITS.

5 For the disposal or deposit at the City dumping grounds of garbage  
6 produced within the City of Modesto, application for a permit  
7 shall be made in writing to the Department of Public Works, and  
8 shall be first filed with the City Clerk. The application  
9 shall state whether it is made on behalf of the producers of  
10 such garbage or by a person licensed to transport the same through  
11 the streets, pursuant to Section 15 of this ordinance. In the  
12 former case, the applicant shall also state whether the garbage  
13 is produced from industrial or manufacturing plants or commercial  
14 premises, or from premises used for domestic or household  
15 purposes, the location of the premises within the City of  
16 Modesto where the same is produced, the name of the producer,  
17 thereof, the approximate or estimated quantity to be produced,  
18 and the period of time for which a permit is sought, which  
19 shall be for a period not exceeding one year. In event the  
20 application is made by a person, firm or corporation who is  
21 licensed to transport garbage through the streets of the City  
22 of Modesto, or who has made an application for such license,  
23 it shall specify the equipment to be used therefor (including  
24 the number and classification of the vehicle), and shall be  
25 accompanied by the license fee required under the terms of this  
26 ordinance.

27 Upon the receipt of such application, a note of  
28 the same shall be made by the City Clerk, and he shall thereupon  
29 refer to the City Engineer the application with the notation of  
30 the payment of any fee, and the City Engineer shall issue a  
31 permit to the applicant if he finds that the facts stated in  
32 the application are true and that the applicant is entitled,  
under the terms of this ordinance, to a permit authorizing  
him to dump at the municipal dumping grounds.

The permit, in either event, shall contain such  
description of the applicant as to enable him to be identified  
and shall be exhibited by him to the employee of the City of  
Modesto at the municipal dumping ground in charge thereof and  
authorized by him to inspect the same. Such employee shall  
not permit any garbage to be dumped except upon the production  
and exhibition of such permit, and shall designate the portion  
of the dumping grounds where said garbage may be deposited.

b. GARBAGE PRODUCED OUTSIDE OF THE CORPORATE  
LIMITS. Any person who produces garbage, as defined in Section  
1 of this ordinance, outside the corporate limits of the City  
of Modesto may deposit or dispose of the same at the City  
dumps of the City of Modesto upon obtaining a permit and paying  
the fee herein specified. Application therefor may be made  
to the employee of the City of Modesto in charge of the City  
dumps located south of the airport.

1 A receipt for the fees herein specified shall  
2 operate as a permit, provided that the garbage proposed to be  
3 dumped or deposited is of the kind that may be dumped or deposit  
4 ed under the terms of this ordinance. The fee for the use of  
5 the dumping grounds for garbage produced beyond the corporate  
6 limits shall be as follows: A minimum of Twenty-five Cents (25¢)  
7 for two 30-gallon cans, the equivalent of .3 of a cubic yard, and  
8 Ten Cents (10¢) for each 30-gallon can or .15 cubic yard in  
9 addition thereto, or Sixty Cents (60¢) per cubic yard or fraction  
10 thereof. The payment of said fees is required for each deposit  
11 at the dumping grounds. For a collector of garbage licensed  
12 under this ordinance who uses said dumping grounds for the disposal  
13 of garbage collected beyond the City limits, an additional fee  
14 of Five Dollars (\$5.00) per quarter for each wagon or vehicle  
15 in addition to the fee specified in Section 13 shall be paid  
16 to the City Clerk.

17 c. All garbage taken to the City dumping grounds  
18 shall be deposited as and where directed by the City employee  
19 in charge thereof. Bulk materials, such as packing cases,  
20 automobile bodies and other articles of a similar nature shall  
21 be broken up to a reasonable size, so as to occupy as little  
22 space as is reasonably necessary, before being deposited at the  
23 City dumping ground. The regulations contained in this sub-  
24 section c. shall apply to garbage produced within as well as gar-  
25 bage produced outside of the corporate limits.

26 d. It is hereby made a misdemeanor for any person,  
27 firm or corporation to dump or deposit refuse, waste matter,  
28 garbage or rubbish on any part of the said dumping ground  
29 unless a permit shall have been issued or the fee therefor paid,  
30 as in this ordinance specified, or to dump the same at said  
31 dumping grounds except as directed by the employee of the City  
32 of Modesto in charge thereof.

33 e. The employee of the City of Modesto in charge  
34 of the dumping grounds shall make duplicate receipts for all  
35 fees or money received by him pursuant to this ordinance, which  
36 receipts shall be serially numbered; and shall, through the  
37 City Engineer, account for and pay over into the City Treasury  
38 all sums of money received by him pursuant to the terms of this  
39 ordinance.

40 Section 4. This ordinance shall go into effect  
41 from and after 15 days after its final passage and adoption.

42 Section 5. This ordinance shall be published  
43 in full at least once at least three days prior to its final  
44 adoption in the Modesto News-Herald, the official newspaper of  
45 the City of Modesto.



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The foregoing Ordinance having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 1932, and having been published as required by the Charter of the City of Modesto, coming on for final adoption this 28th day of December, 1932, it was upon roll call adopted by the following vote:  
Ayes: Councilmen: Boundey, Brown, Falger, Rogers, and Mayor Dennett  
Noes: Councilmen: None  
Absent: Councilmen: None

Approved: L. L. Dennett  
L. L. DENNETT  
MAYOR

Attest: H. E. Gragg  
H. E. GRAGG  
CITY CLERK

Revised by  
Ord No. 820-N.S.

ORDINANCE NO. 431- N.S.

AN ORDINANCE CREATING AND ESTABLISHING FIRE ZONES IN THE CITY OF MODESTO.

---oOo---

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

Section 1. For the purpose of regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupying, equipment, use, height, area and maintenance of buildings and/or structures in the City of Modesto, as defined in Ordinance No. 387 N.S. of the City of Modesto adopting a Building Code and passed and adopted on September 24, 1930, the entire City of Modesto is hereby declared to be, and is, established as a Fire District comprising four zones, respectively known and designated as Fire Zone No. 1, Fire Zone No. 2, Fire Zone No. 3 and Fire Zone No. 4.

The territory or portions of the City of Modesto included in each of said zones is more particularly described in the following described boundaries of each thereof, and is also shown, outlined, designated and delineated on a certain map on file in the office of the City Clerk of the City of Modesto, which is designated as "Fire Zones of the City of Modesto."

FIRE ZONE NO. 1 shall include and comprise all the territory within the City of Modesto lying within the exterior boundary line described as follows:

Beginning at a point on the center line of H Street and the intersection of the alley between 9th Street and 10th Street, thence northeast along the center line of H Street to a point on the center line of 12th Street, thence northwest along

1 the center line of 12th Street to a point on the center line of  
2 I Street, thence southwest along the center line of I Street to  
3 a point on the center line of 11th Street, thence northwest along  
4 the center line of 11th Street to a point on the center line of  
5 K Street, thence southwest along the center line of K Street to  
6 a point on the center line of the alley between 9th and 10th  
7 Streets, thence southeast along the center line of the alley  
8 in Blocks 57, 56, and 55, to the point of beginning.  
9

10 FIRE ZONE NO. 2 shall include and comprise all  
11 the territory within the City of Modesto lying within the exterior  
12 boundary lines described as follows:

13 Beginning at a point on the center line of G Street  
14 and at the intersection of said center line with the alley pro-  
15 longed and produced between 6th and 7th Streets, thence north-  
16 east along the center line of G Street to a point in the center  
17 line of 9th Street, thence southeast along the center line of  
18 9th Street to the center line of F Street, thence northeast along  
19 the center line of F Street to the center line of the alley  
20 prolonged and produced between 11th and 12th Streets, thence  
21 northwest along the center line of said alley to the center  
22 line of G Street, thence northeast along the center line of G  
23 Street to its intersection with the center line of the alley  
24 prolonged and produced between 12th and 13th Streets, thence  
25 northwest along the center line of said alley to a point 100  
26 feet southeasterly of the southeast property line of H Street,  
27 thence northeasterly parallel with the southeasterly property  
28 line of H Street to a point in the center line of the alley  
29 between 14th and 15th Streets in Block 114, and 100 feet south  
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1 of the south property line of H Street, thence northwesterly  
2 along the center line of the alley between 14th and 15th Streets  
3 to a point 100 feet southeasterly of the southeast property line  
4 of I Street in Block 113, thence northeasterly parallel with  
5 the southeast property line of I Street and 100 feet distant  
6 therefrom to the alley between 16th and 17th Streets in Block  
7 126, thence northwesterly along the center line of the alley  
8 between 16th and 17th Streets in Blocks 126, 125 and 124 to a  
9 point in said alley 100 feet northwesterly of the northwest  
10 property line of J Street; thence southwesterly parallel with  
11 the northwest property line of J Street and distant 190 feet  
12 therefrom to the center line of the alley between 12th and 13th  
13 Streets in Block 92, thence northwesterly along the center line  
14 of said alley in Block 92 to the center line of K Street, thence  
15 southwesterly along the center line of K Street to its inter-  
16 section with the alley extended and produced between 11th and  
17 12th Streets in Block 86, thence northwesterly along the center  
18 line of said alley to the center line of L Street, thence south-  
19 westerly along the center line of L Street to its intersection  
20 with the alley extended and produced between 10th and 11th  
21 Streets in Block 66, thence northwesterly along the center line  
22 of the alley between 10th and 11th Streets to the center line of  
23 Needham Street, thence along the center line of Needham Street  
24 to its intersection with the center line of 9th Street, thence  
25 along the center line of Ninth Street to a point on the southerly  
26 property line of the Modesto Irrigation Canal No. 4, thence  
27 southwesterly along the southerly property line of the Modesto  
28 Irrigation Canal No. 4 to the center line of Block 146 extended  
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1 and produced, thence southeasterly along the center line of  
2 Block 146 to the center line of L Street, thence southwesterly  
3 along the center line of L Street to its intersection with the  
4 center line of 8th Street, thence southeasterly along the center  
5 line of 8th Street to its intersection with the center line  
6 of J Street to its intersection with the alley extended and  
7 produced between 6th and 7th Streets in Block 34, thence  
8 southeasterly along the center line of said alley in Block 34  
9 and Block 33 to a point 100 feet northwesterly from the  
10 property line of H Street, thence southwesterly parallel with  
11 the northwest property line of H Street and distant 100 feet  
12 therefrom to the centerline of Washington Street, thence  
13 southerly along the center line of Washington Street to its  
14 intersection with the center line of H Street, thence north-  
15 easterly along the center line of H Street to its intersection  
16 with the center line of First Street, thence southeasterly along  
17 the center line of First Street to a point 100 feet southeasterly  
18 of the property line extended and produced along the southeast  
19 side of H Street, thence at right angles northeasterly parallel  
20 with the southeast property line of H Street and distant 100  
21 feet therefrom to the center line of the alley between 6th and 7th  
22 Streets in Block 32, thence southeasterly along the center line  
23 of said alley to its intersection with the center line of G  
24 Street, the point of beginning.

28 FIRE ZONE NO. 3 shall include and comprise all of  
29 the territory within the corporate limits of the City of Modesto  
30 not included in either Fire Zones No. 1, Fire Zone No. 2 or Fire  
31 Zone No. 4.

1 FIRE ZONE NO. 4 shall include and comprise all of  
2 the territory within the City of Modesto lying within the  
3 exterior boundary lines described as follows:

4 Beginning at a point on the center line of the inter-  
5 section of F Street and 9th Street, thence northeast along the  
6 center line of F Street to a point on the alley between 11th  
7 Street and 12th Street, thence southeast along the center  
8 line of the alley in Blocks 80-79 and the alley extended and  
9 produced through Blocks 78 and 77 to a point on the center line  
10 of B Street, thence southwest along the center line of B Street  
11 to the center line of 9th Street, thence northwest along the  
12 center line of 9th Street to the point of beginning.

13 In event any lot or parcel of land within said  
14 City lies partly within two or more of said Fire Zones, it shall  
15 be considered as lying wholly within the Zone in which the grat-  
16 er portion thereof is situated.

17 Section 2. This ordinance shall go into full  
18 force and effect from and after fifteen days after its final  
19 passage and adoption.

20 Section 3. This ordinance shall be published in full at  
21 least once at least three days prior to its final passage and  
22 adoption in the Modesto News-Herald, the official newspaper  
23 of the City of Modesto.

24 The foregoing ordinance was introduced at a regular  
25 meeting of the Council of the City of Modesto held on the 28th  
26 day of December, 1932, by Councilman Falger, who moved  
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1 its adoption and passage to print, which motion being duly sec-  
2 onded, was upon roll call carried by the following votes:

3  
4 Ayes: Councilmen: Boundey, Brown, Falger, Rogers,  
and Mayor Dennett

5 Noes: Councilmen: None

6 Absent: Councilmen: None

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9 Attest: H. E. Gragg

H. E. GRAGG  
CITY CLERK

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ORDINANCE NO. 431-N.S.

FINAL ADOPTION CLAUSE:

The foregoing Ordinance having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 28th day of December, 1932, and having been published as required in Section 30 ARTICLE VII of the Charter of the City of Modesto, coming on for final adoption this 11th day of January, 1933, it was upon roll call finally adopted by the following vote:

Ayes: Councilmen: Boundey, Brown, Falger, Rogers, and Mayor Dennett

Noes: Councilmen: None

Absent: Councilmen: None

Approved: *L. L. Dennett*

L. L. DENNETT  
MAYOR

Attest: *H. E. Gragg*

H. E. GRAGG  
CITY CLERK

refer to  
n. vacant dwelling  
see Res. # 2600 - N.S.  
Ord # 718 - N.S.  
Ord # 751 - N.S.

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ORDINANCE NO. 432 - N.S.

AN ORDINANCE TO PROVIDE FOR THE ADMINISTRATION OF THE WATER DEPARTMENT OF THE CITY OF MODESTO, ESTABLISHING RULES AND REGULATIONS AND FIXING THE RATES TO BE CHARGED FOR WATER SERVICE.

---oOo---

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

Section 1. The management, control and care of the municipal water system of the City of Modesto shall be vested in the City Engineer, who shall, for the purposes specified in this ordinance, be known and designated as the Superintendent of the municipal water works. Notwithstanding the general powers herein given to the Superintendent of municipal water works, he shall nevertheless be subject to the general control of the Council of the City of Modesto. The personnel of the water department shall consist of such deputies, engineers and employees as have heretofore been designated for that purpose or as may hereafter by resolutions or orders of the City Council be designated therefor. All such employees shall be under the control and direction of the Superintendent, who shall, with the consent of the Council, have the power to discharge any officer or employee under his control for cause.

Section 2. The City Clerk, or any other person authorized by resolution of the City Council, shall be in charge of the collection of all moneys that may become due the City by virtue of this ordinance, and shall pay the same into the City Treasury and account for the same in the same manner as he pays

1 into the City Treasury and accounts for all other sums received  
2 by him in his official capacity.

3 Section 3. Water from the municipal water  
4 works shall be delivered to consumers thereof, both within  
5 and without the corporate limits of the City of Modesto,  
6 in accordance with the terms of this ordinance and not other-  
7 wise. The City of Modesto will furnish the service complete  
8 from its main to the property line in case of an alley and  
9 to the curb line if the service is from a street main. In  
10 case of metered services it will furnish all meters from  
11 5/8" to 2", inclusive, in size. If a meter larger than  
12 2" is required, it must be of a type approved by the Super-  
13 intendent, must be paid for by consumer and installed at his  
14 own expense, including a meter box and a steel cover. A  
15 valve must be installed on the outlet side of all meters.  
16 Meters, after their installation, shall be maintained by  
17 the City.  
18  
19

20 Section 4. INSTALLATION COSTS. The following  
21 schedule of costs to be paid by consumers for service connec-  
22 tions is hereby established:

23	3/4" Service	\$10.00
24	1" Service	15.00
25	1 1/2" Service	20.00
	2" Service	25.00

26 For larger than 2" service, cost plus 10%.

27 For all service outside of the corporate limits the sum of  
28 One Hundred and Fifty Dollars (\$150.00), in addition to the  
29 above service charges, must be paid.

30 Section 5. CHARGES FOR WATER. Water will be  
31

1 delivered either through meters, as hereinafter specified, or for  
2 a flat charge, as also hereinafter specified.

3 A. METERS. Subject to the minimum charges herein-  
4 after specified, all water delivered through a meter shall be  
5 charged and paid for as follows:

6 For the first 3,000 cubic feet Ninety Cents  
7 (\$\$.90) per 1,000 cu. ft.

8 For the next 30,000 cubic feet Seventy-five Cents  
9 (\$\$.75) per 1,000 cu. ft.

10 For all over 33,000 cubic feet Seventy Cents  
11 (\$\$.70) per 1000 cu. ft.; provided, however, that in any event  
12 the following minimum rates shall be charged and paid:  
13

		Cubic Feet for Min. Rate.
14		
15	5/8" meter	\$1.00 per month 1111.
16	3/4" meter	1.50 per month 1667.
17	1" meter	2.00 per month 2222.
18	1 1/4" meter	2.50 per month 2778.
19	1 1/2" meter	2.50 per month 2778.
20	2" meter	3.00 per month 3400.
21	3" meter	4.00 per month 4733.
22	4" meter	5.50 per month 6733.
23	6" meter	8.00 per month 10067.
24	8" meter	10.00 per month 12733.
25		

26 Independent fire sprinkler systems used as  
27 standby service shall pay a minimum of 1/2 of the above  
28 minimum meter rates.  
29

30 If a meter shall be found out of order, the  
31 monthly charge will be based upon 1/3 of the aggregate  
32 amount of water used as shown by the meter during the

*Modified By Resolution  
No. 2660-N.S.*

1 preceding three months.

2           If a consumer has more than one meter, a  
3 separate charge will be made for each meter, as well as the  
4 amount of water registered for each meter. Compound meters,  
5 however, shall not be construed to mean two meters. The owner  
6 shall furnish and install all piping on his premises to the  
7 City meter connection.  
8

9           The rate for any person, firm or corporation  
10 using temporary meters for any purpose which are installed  
11 for less than one year shall be One Dollar (\$1.00) per  
12 1,000 cubic feet plus a Two Dollars (\$2.00) installation  
13 charge. When a meter is not installed, a minimum rate  
14 of Two Dollars and Fifty Cents (\$2.50) per month shall be  
15 charged. No charge will be made for water used in private  
16 building construction where a fee for a building permit  
17 is charged and paid.  
18

19           All consumers served outside of the City  
20 Limits must have meters installed and operating and pay  
21 the rates therefor hereinabove specified for service  
22 within the corporate limits.

23           All hotels, lodging houses, apartments, duplex  
24 houses, camp grounds, office buildings, butcher shops, eating  
25 houses, candy stores, ice plants, canneries, theatres, hospitals,  
26 laundries, mills, dance halls, bakeries, warehouses, railroad  
27 properties, bus line stations, creameries, milk plants, manu-  
28 facturing places, wash racks, service stations, cooling systems,  
29 swimming or bathing pools and any other place of business  
30 offering commodities for sale, as well as owners of gardens  
31 using water for the irrigation of flowers and vegetables  
32

1 produced commercially must be equipped with meters, and shall  
2 be charged with water on the meter rate as hereinabove specified.

3 The rate for all places of business or other  
4 places using water for any purposes, excepting those either  
5 hereinabove or hereinafter in this ordinance mentioned, will  
6 be established by placing a temporary meter on such premises  
7 for determining the amount to be charged; provided, however,  
8 that the minimum shall not be less than One Dollar (\$1.00)  
9 per month.

10  
11 B. FLAT RATES. Water will be delivered to  
12 dwelling houses on a flat or unmetered rate as follows:

13 For the use of water within the building  
14 One Dollar and Fifty Cents (\$1.50) per month for each  
15 family occupying the same. For the use upon the lot occupied  
16 by said dwelling, the sum of Twenty-five Cents (\$.25) per month  
17 for each 3500 square feet of land or fraction thereof upon  
18 which water is used up to 14,000 square feet. For each  
19 3500 square feet of land or fraction thereof upon which water  
20 is used over 14,000 square feet, the sum of Fifty Cents (\$.50)  
21 per month.

22  
23 When water is turned on at any time between  
24 the first day and the last day in the month, the amount to  
25 be charged will be as follows:

26 Between the 1st and 10th, the full monthly  
27 water rate.

28 Between the 11th and 25th, one-half of the full  
amount of water rate.

29 Between the 26th and 1st, the full monthly  
water rate, which is to be credited for the succeeding month.

30 C. SCHOOL PROPERTY. The property of the Modesto  
31 City School District, including the grammar schools, the  
32

1 high school and the Junior College as now constituted and  
2 connected with the city water system, shall pay the sum of  
3 Three Thousand Dollars (\$3000.00) annually, beginning with  
4 the first day of July of each year and an additional charge  
5 of Forty-five Dollars (\$45.00) per annum for each 10,000  
6 square feet of new or additional lawn seeded and irrigated  
7 after February 1st, 1933. The rate for additional  
8 buildings which may hereafter be constructed shall be established  
9 by placing a temporary meter thereat to determine the amount  
10 to be charged, with a minimum of not less than One Dollar  
11 (\$1.00) per month.  
12

13 D. THE COUNTY COURT HOUSE. The rate for the  
14 Stanislaus County Courthouse and the grounds upon which it  
15 stands shall be Thirty Dollars (\$30.00) per month.  
16

17 E. MISCELLANEOUS. Any other rates already  
18 established and not in conflict herewith may continue as now  
19 established or fixed until a change of occupancy takes place  
20 or a meter is installed, in which event the rates herein  
21 specified shall apply.

22 Section 4. RULES AND REGULATIONS. The follow-  
23 ing additional rules and regulations for the use of water  
24 are hereby established:

25 1. Consumers on a flat or unmetered rate shall  
26 not be permitted to waste water. The city shall have the  
27 right, after notifying the occupant in writing of such  
28 waste, to install a meter if waste continues.  
29

30 2. All water services hereafter installed  
31 must have an independent wheel valve within two feet of  
32

1 the City service valve in order that all fixtures on the premises  
2 may be controlled therefrom.

3           3. All dwellings must have separate water  
4 services from the City line and shall be separately charged  
5 therefor, except that two dwellings on the same lot or pair of  
6 lots, as shown on the official City Map, may be connected with  
7 the same metered service.

8           4. Water bills for service on a flat rate  
9 must be paid in advance by the 10th of each month, or a 10%  
10 penalty will be added. If the bill is not paid by the  
11 30th of the same month, the water may be disconnected and  
12 shall not again be turned on until the amount of the delinquent  
13 bill plus a charge of Two Dollars and Fifty Cents (\$2.50)  
14 for disconnecting and reconnecting is paid. A 2% discount  
15 will be made on all bills on a flat rate paid six months  
16 in advance, and a 5% discount on all bills on a flat rate  
17 paid one year in advance.

18           5. Consumers on meters must pay their bills  
19 by the 10th of the month following the date of the bill,  
20 or a 10% penalty will be added. If the bill is not paid by the  
21 30th of the month following the date of the bill, service  
22 may be discontinued and will not be resumed until the  
23 delinquent charge plus a charge of Two Dollars and Fifty  
24 Cents (\$2.50) for disconnecting and reconnecting is paid.

25           6. No person, firm or corporation shall  
26 supply water in any way for use outside of the premises to which  
27 the service is assigned or appurtenant, unless by special  
28 permission from the Superintendent.

29           7. The water charges herein specified will  
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31  
32

1 be charged against vacant or untenanted buildings unless  
2 notice of the vacancy and a request for discontinuance of  
3 service is made at the office of the City Clerk.

4           8. All use of water for irrigation and  
5 sprinkling must be discontinued during a fire. The  
6 provisions of Ordinance No. 124 N.S. with reference to which  
7 days may be used for the irrigation of lawns, etc., are  
8 hereby adopted and made a part of this ordinance.  
9

10           9. Access to water meters must be provided at  
11 all times.

12           10. All persons, firms or corporations must  
13 keep the service pipes in good order at their own expense  
14 ~~and will be held liable for charges~~ and may be held liable  
15 for damages which may result from their failure to do so.  
16 When leaky faucets or fixtures are discovered and not immediately  
17 repaired, the water service may be withdrawn. A city Inspector  
18 or authorized employee of the Water Department shall be  
19 admitted at all reasonable hours to all parts of any premises  
20 supplied with water, except the interior of dwellings, but  
21 including the meter, box, to see that the regulations contained  
22 in this ordinance are observed and complied with.  
23

24           11. It shall be unlawful for any person, firm  
25 or corporation to interfere with the City service lines,  
26 valves or meters or to construct a by-pass around a meter  
27 or service. Any person violating this subsection of this  
28 ordinance shall be deemed guilty of a misdemeanor and punished  
29 as hereinafter specified.  
30

31           12. Owners of property will be held responsible  
32

1 for water used on their premises, although payments will be  
2 accepted from tenants. In case the tenants do not pay in  
3 accordance with the provisions of this ordinance, the penalties  
4 herein specified may be applied or the service may be dis-  
5 continued and shall not be restored until the delinquent water  
6 charges, including the cost of water delivered, as well as  
7 the cost of disconnecting and reconnecting the service, shall  
8 have been paid.  
9

10 13. All unpaid accounts for water delivered  
11 at any premises shall be a lien against the same.

12 14. All sprinkler systems installed for the  
13 irrigation of lawns and flowers shall be so designed and  
14 installed that the water shall not be sprayed or permitted  
15 to be sprayed over or upon a sidewalk. Portable sprinklers  
16 will not be permitted on the sidewalk, nor may they be placed  
17 in such a manner as to spray the water upon the sidewalk or  
18 so as to prevent pedestrians from using the sidewalks at all  
19 times without being struck or wet by the spray from the  
20 sprinklers.  
21

22 Section 5<sup>A</sup>. The Superintendent of water works  
23 is hereby empowered to make interpretations of this ordinance  
24 whenever a question may arise as to the meters or methods  
25 or manner in which materials shall be installed. Said inter-  
26 pretation shall be in writing, a copy thereof shall be filed  
27 in the office of the Superintendent, and shall be final as to  
28 that class of installation.

29 Section 6. The Superintendent of the water  
30 works shall keep complete records of all permits issued and  
31

1 other official work performed under the provisions of this  
2 ordinance.

3 Section 7. Any person, firm or corporation  
4 violating any of the provisions of this ordinance shall be  
5 deemed guilty of a misdemeanor and upon conviction thereof  
6 shall be punished by a fine not to exceed Five Hundred Dollars  
7 (\$500.00) or by imprisonment in the City Jail for a period not  
8 to exceed 180 days, or by both such fine and imprisonment.  
9

10 Any person, firm or corporation violating  
11 any of the provisions of this ordinance shall be deemed  
12 guilty of a separate offense for each day or portion thereof  
13 during which such violating continues and shall be punishable  
14 therefor as herein provided.

15 Section 8. All ordinance, or parts of ordinances,  
16 in conflict with the terms and provisions of this ordinance are  
17 repealed; provided, however, that nothing herein contained  
18 shall <sup>be</sup> construed as repealing any portion of Ordinance No. 124  
19 N.S.

20 Section 9. This ordinance shall go into effect  
21 from and after fifteen days after its final passage and adoption.  
22

23 Section 10. This ordinance shall be published  
24 in full at least once at least three days prior to its final  
25 adoption in the Modesto News-Herald, the official newspaper  
26 of the City of Modesto.  
27

28 The foregoing ordinance was introduced at a  
29 regular meeting of the Council of the City of Modesto held  
30 on the 11th day of January, 1933 by Councilman Boundey,  
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who moved its adoption and passage to print, which motion being  
duly seconded was upon roll call carried and the ordinance  
ordered printed and published as above by the following vote:

Ayes: Councilmen: Boundey, Brown, Falger, Rogers  
and Mayor Dennett  
Noes: Councilmen: None  
Absent: Councilmen: None

Attest: H. E. Grace  
H. E. GRACE  
CITY CLERK

1  
2 FINAL ADOPTION CLAUSE  
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5 The foregoing Ordinance, having been duly intro-  
6 duced and ordered printed and published at a regular meeting of  
7 the Council of the City of Modesto held on the 11th day of Jan-  
8 uary, 1933, and having been published as required by the Charter  
9 of the City of Modesto, coming on for final adoption this 25th day  
10 of January, 1933, it was upon roll call finally adopted by the  
11 following vote:

12 Ayes: Councilmen: Boundey, Brown, Falger, Mayor Dennett

13 Noes: Councilmen; None

14 Absent: Councilmen: None  
15

16 Approved: L. L. Dennett

17 L. L. DENNETT  
18 MAYOR

19 Attest: H. E. Gragg

20 H. E. GRAGG  
21 CITY CLERK

22 (SEAL)  
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NOT SPECIAL  
IN CODE

ORDINANCE NO. 433- N.S.

AN ORDINANCE APPROPRIATING FUNDS FOR LABOR AND MATERIAL FOR THE CONSTRUCTION OF A FOUNDATION FOR A WEIR DAM ACROSS THE TUOLUMNE RIVER.

---oOo---

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

Section 1. The sum of Thirty-five Hundred Dollars (\$3500.00), or so much thereof as may be necessary, is hereby appropriated out of the general fund of the City of Modesto for the purchase of material and the employment of labor necessary for the construction of the floor, including the cut-off walls, of the weir to constitute the foundation for a weir dam across the Tuolumne River at or immediately below the location of the State Highway bridge now under construction across said river. The City Engineer is authorized and directed to prepare and submit to the Council plans for said improvement and specifications of the materials required therefor and of the labor necessary therefor. Upon approval of such plans by the City Council, the City Clerk shall advertise for bids for the same, specifying a time and place (the place being the Council chambers of the City of Modesto) when and where bids will be opened and considered, and further specifying that bids may be made separately for all or parts of the labor and for all or parts of the material as may be indicated in the plans and specifications to be prepared and submitted, as aforesaid, by the City Engineer, and further specifying that the City shall have the right to reject all or any portion of the bid or bids for labor or material. Upon the award of a contract or contracts therefor, the Mayor and

NOT SPECIAL  
IN CODE

1 the City Clerk are authorized to enter into contracts for the  
2 furnishing of said labor and material, either or both, as may  
3 be hereafter determined by the City Council.

4 Section 2. This ordinance shall go into effect and  
5 be in full force and operation from and after fifteen days  
6 after its final passage and adoption.

7 Section 3. This ordinance shall be published  
8 in full at least once at least three days prior to its final  
9 adoption in the Modesto News-Herald, the official newspaper of  
10 the City of Modesto.

11 The foregoing ordinance was introduced at a  
12 regular meeting of the Council of the City of Modesto held on  
13 the 28th day of December, 1932, by Councilman Falger,  
14 who moved its adoption and passage to print, which motion being  
15 duly seconded was upon roll call carried and the ordinance  
16 ordered printed and published as above by the following vote:  
17  
18  
19

20  
21 Ayes: Councilmen: Boundey, Brown, Falger,  
22 Rogers and Mayor Dennett  
23 Noes: Councilmen: None  
24 Absent: Councilmen: None

25  
26 Attest: H. E. Grace  
27 H. E. GRACE  
28 CITY CLERK  
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3 FINAL ADOPTION CLAUSE  
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5 The foregoing Ordinance, having been introduced  
6 at a regular meeting of the Council of the City of Modesto held  
7 on the 11th day of January, 1933, and having been printed and publish-  
8 ed as required by the Charter of the City of Modesto, coming on for  
9 final adoption this 25th day of January, 1933, it was finally adopt-  
10 ed by the following vote:

11 Ayes: Councilmen: Boundey, Brown, Falger, and Mayor Dennett

12 Noes: Councilmen: None

13 Absent: Councilmen: Rogers  
14

15 Approved: *L. L. Dennett*

16 L. L. DENNETT  
17 MAYOR

18 Attest: *H. E. Gragg*

19 H. E. GRAGG  
20 CITY CLERK

21 (SEAL)  
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ORDINANCE NO. 434-N.S.

AN ORDINANCE REGULATING THE OPENING, CONDUCTING AND CARRYING ON OF DANCES IN PUBLIC DANCE HALLS IN THE CITY OF MODESTO, PROVIDING FOR THE ISSUANCE OF PERMITS FOR THE SAME, AND A PENALTY FOR THE VIOLATION OF ANY OF THE PROVISIONS HEREOF, AND DEFINING CERTAIN WORDS AND PHRASES.

---oOo---

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

Section 1. The term "public dance" as used in this ordinance shall mean any dance to which the public generally may gain admission with or without the payment of a fee; provided, however, that no dance, the income of which, over and above a sufficient sum to pay the actual expenses of the dance, is devoted to charity, shall be considered a public dance; and no dance at which the only fee collected is a sufficient sum, pro-rated among the persons present, to pay the actual expenses of conducting the dance, shall be considered a public dance. The term "public dance hall", as used herein, shall mean a room, place or space in which a public dance shall be held, or in which classes in dancing are held and instruction in dancing is given for hire. The term "known", used in connection with the words "prostitute" or "male or female procurer", or "vagrant" shall mean known to the manager, owner or lessee of the public dance hall, or to the person conducting a public dance, or to the police or other authorities having to do with regulation or supervision of public dance halls or public dances, to be one of the persons named, or who has such reputation or character, or one who has pleaded guilty to or has been convicted of being a prostitute, male or female procurer, or vagrant.

REPEALED BY MUNICIPAL CODE

REPEALED BY MUNICIPAL CODE

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1                   Section 2. It shall be unlawful for any person,  
2 firm, association or corporation to open, conduct or carry on  
3 or to participate in the opening, conducting or carrying on  
4 of a public dance or a dance in a public dance room or public  
5 ballroom in the City of Modesto, except upon the conditions  
6 hereinafter specified and except by and after securing a permit  
7 from the City of Modesto as hereinafter provided, and during the  
8 continuance of such permit; and it shall be unlawful for the  
9 holder of any such permit or any officer, agent or employee of  
10 the holder of such permit to violate or permit a violation  
11 of all or any of the following rules and/or regulations, or  
12 any part thereof, at and in connection with any dance under  
13 such permit.  
14

15                   Section 3. It shall be unlawful to open,  
16 conduct or carry on a public dance or to dance in a public dance  
17 hall in violation of the following rules and regulations:  
18

19                   (1) No public dance shall be held or conducted  
20 unless the holder or manager of such dance, or the person  
21 conducting the same, has a valid unrevoked permit in full force  
22 and effect with all fees and costs prepaid, as specified in  
23 Section 4 hereof, which permit is posted in a conspicuous  
24 place on the premises.

25                   (2) No immoral, obscene or disorderly dance or  
26 dances shall be permitted, nor shall the holder or manager of  
27 such dance permit at any such dance, any known prostitute,  
28 pimp, vagrant or procurer. Any member of the Police Department  
29 or the Commissioner of Health and Safety or other properly  
30 constituted authority shall be admitted free of charge to any  
31 public dance hall in the said City, and they shall have the  
32

1 power and it shall be the duty of each of them to cause any  
2 dance hall to be vacated whenever any provision of this ordinance  
3 or any of any other ordinance, regulation, or law concerning  
4 dance halls has been or is violated; or whenever any ordinance,  
5 regulation or law of any character shall be violated; or when-  
6 ever any indecent act shall be committed, or any vulgar dance  
7 indulged in, or whenever any disorder or conduct of a gross,  
8 violent or vulgar character shall take place therein, or any  
9 known prostitute, pimp or procurer shall be found to be present  
10 in such place. No person to whom a dance permit is issued shall  
11 allow any alcoholic liquor to be brought into any dance hall or  
12 room, or compartment adjoining or in the same building, or any  
13 outbuilding on the same premises, if under the control of the  
14 person holding such permit, nor allow any person under the  
15 influence of liquor to remain at any public dance. No slot  
16 machines, wheels of chance or any gambling devices or parapher-  
17 nalia shall be permitted upon the premises where a public dance  
18 is being held.

21 (3) Every person, firm, association or corpora-  
22 tion obtaining a permit under the provisions of this ordinance  
23 shall place such permit in a conspicuous place in the place  
24 or premises named in such application for such permit, and  
25 shall show such permit whenever required to do so by any  
26 peace officer who may make demand at or in said place to  
27 see the same, and shall permit any peace officer to enter said  
28 place or premises at all times during the continuance of any  
29 dance, for which such permit may be granted.

31 (4) A copy of this ordinance shall be posted  
32 in a conspicuous place in such dance hall at all times during

1 the holding of such dance therein, and during the period of  
2 two hours next preceding and two hours next succeeding the  
3 holding of any such dance.

4 (5) The holder of the permit, or some person  
5 designated in the application for the permit under which said  
6 dance is held, must at all times be present on the dance floor.  
7 There must also be present at all times during the holding of  
8 such dance and during the period of one hour next preceding and  
9 one hour next succeeding the holding of such dance, some  
10 responsible man who shall act as a special police officer, and  
11 whose duty it shall be to see that the provisions of this  
12 ordinance relating to the conduct of such dances and of the  
13 persons attending the same are enforced. No public dance shall  
14 be conducted in the City of Modesto without the presence of  
15 such special police officer; provided that in event of the  
16 illness of such officer the Chief of Police may designate a  
17 substitute for him for one day only. Such special officer  
18 shall be appointed by the Chief of Police and approved by  
19 the Commissioner of Public Health and Safety, and may be  
20 removed by the Chief of Police with the approval of said  
21 Commissioner. The compensation of such officer shall be the  
22 ~~sum agreed upon and specified between such officer and the~~  
23 ~~holder of the permit, not to exceed~~ <sup>of</sup> Four Dollars (\$4.00) ~~per~~  
24 ~~day, and if they cannot agree, then the amount thereof shall~~  
25 ~~be specified and stated by the Chief of Police, but shall not~~  
26 ~~exceed Four Dollars (\$4.00) per day. A statement in writing~~  
27 ~~specifying the amount of such compensation shall be filed with~~  
28 ~~the City Clerk.~~ The payment of the same shall not be a charge  
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1 against the City of Modesto except out of the funds deposited  
2 for that purpose with the City Clerk by the holder of the permit,  
3 as hereinafter specified.

4 (6) No dancing shall be permitted between the  
5 hour of 2 o'clock a.m. and 9 o'clock a.m. next ensuing.

6 Section 4. No permit shall be issued to any  
7 person, firm or corporation or association, unless such person,  
8 firm, association or corporation, and all and singular the  
9 officers thereof be of good moral character, nor unless a  
10 written verified application therefor is presented to the  
11 City Clerk of the City of Modesto, showing the following facts:

12 (1) The name and residence of the applicant or  
13 applicants, and if any applicant be a firm, the names and  
14 residences of the partners thereof, and if the applicant be  
15 an association, the names and residences of the officers  
16 thereof, and if the applicant be a corporation, the names and  
17 residences of the officers and directors thereof.

18 (2) The particular place for which the permit  
19 is desired, or at which any dance is to be or dances are to  
20 be held.

21 (3) The name of the owner of the place or  
22 premises in or at which said dance is to be held.

23 (4) Such persons as from time to time will be  
24 in charge and who will be responsible for the order and due  
25 observance of the provisions of this ordinance.

26 (5) The number and date of dances to be held  
27 under the permit, or the length of time for which the permit  
28 is desired, which shall not in any event be for a longer period  
29 than three months.  
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1 (6) A statement that the applicant is the sole  
2 party, or the applicants are the sole parties, either directly  
3 or indirectly interested in the dance or dance hall or premises  
4 for which a permit is sought, and that no other person, firm,  
5 association or corporation is or will be in any manner interested  
6 therein, directly or indirectly, during the continuance of  
7 the permit.  
8

9 Section 5. Upon the receipt of such application  
10 by the City Clerk, the same shall be referred to the Chief  
11 of Police for investigation and report, and if the Chief of  
12 Police, after investigation, determines and so reports that  
13 the applicants therefor are of good moral character, that the  
14 premises for which a permit is sought complies with and  
15 conforms to this ordinance and any other law, ordinance, health  
16 or fire regulation applicable thereto, and is properly ventil-  
17 ated and supplied with separate and sufficient toilet conven-  
18 iences for each sex within the building in which the dance hall  
19 is located, with no entrance thereto or exit therefrom except  
20 through the dance hall, and is a safe and proper place for the  
21 purpose for which it shall be used, the City Clerk, shall, upon  
22 the payment of the fee hereinafter specified, issue such permit;  
23 provided, however, that in event of a refusal by the City Clerk  
24 to issue such permit, the applicant therefor may appeal in  
25 writing to the City Council, which shall hear the matter, includ-  
26 ing the application and the reason for refusing it at its next  
27 meeting, regular or special, and may either grant said permit  
28 or refuse the same if in its discretion it finds that the  
29 application or the premises at which it is proposed to hold  
30 said dance do not comply with this Section.  
31  
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1                   Section 6. The license fee for such permit  
2 shall be the sum of Five Dollars (\$5.00) per quarter year, or  
3 fraction thereof. The quarter year for that purpose shall  
4 begin on the first day of January, April, July and October of  
5 each year. At the expiration of any permit by the lapse of time  
6 it may be renewed by the filing of an application therefor with  
7 the City Clerk, without any investigation by the Chief of Police,  
8 and upon the payment of the quarterly license fee in advance.

10                   Section 7. In addition to the quarterly license  
11 fee, the applicant for a permit or the holder thereof shall  
12 deposit with the City Clerk each week a sufficient sum of money  
13 to pay the compensation of the special officer for one week  
14 at the rate and in the manner specified in Subdivision 5 of  
15 Section 3 hereof. Failure to make such deposit and to keep the  
16 same intact shall, without notice or action by any department  
17 of the City, operate to suspend the permit and to make the  
18 holding of dances thereunder illegal until it shall have been  
19 made or restored.

21                   Section 8. A permit issued to any person to  
22 hold a public dance may be revoked by the Council upon five days'  
23 notice to the holder thereof, for violation of any of the pro-  
24 visions of this ordinance, or any other ordinance or law relating  
25 to such places, or the rules or regulations promulgated  
26 thereunder. If at any time the permit of any person shall be  
27 so revoked, no new permit shall be granted to such person or  
28 any person who was an agent or employee of such person at the  
29 time of such violation, or at the time of the application for  
30 a new permit

1                   Section 9. Any person, firm, association or  
2 corporation violating any of the provisions of this ordinance  
3 shall be deemed guilty of a misdemeanor and upon conviction  
4 thereof shall be punished by a fine of not more than One  
5 Hundred and Fifty Dollars (\$150.00), or by imprisonment  
6 in the County Jail not to exceed one hundred and eighty  
7 (180) days, or by both such fine and imprisonment and upon  
8 a second conviction thereof shall be fined not less than  
9 One Hundred and Fifty Dollars (\$150.00) and not more than  
10 Three Hundred Dollars (\$300.00), or imprisoned in the County  
11 Jail not less than thirty (30) days nor more than one hundred  
12 and eighty (180) days, and shall be thereafter ineligible  
13 to hold a permit hereunder.  
14

15                   The penal provisions herein contained shall  
16 not be construed to abridge the right of the City of Modesto  
17 or its Council or any citizen to invoke and pursue any other  
18 proper remedy, including injunction or abatement proceedings.  
19

20                   Section 10. In this ordinance the singular  
21 shall include the plural, the feminine gender the masculine,  
22 and vice versa, and the word person shall be construed to  
23 include copartnerships, associations and corporations.  
24

25                   Section 11. If any section, subsection, sen-  
26 tence, clause, word or phrase of this ordinance is held to  
27 be unconstitutional or otherwise invalid for any reason, such  
28 decision shall not affect the validity of the remainder of  
29 this ordinance. The Council hereby declares that it would  
30 have passed this ordinance and each section, subsection,  
31 sentence, clause, word or phrase thereof irrespective of  
32

1 the fact that any one section, subsection, sentence, clause,  
2 word or phrase be held unconstitutional or otherwise invalid.

3 Section 12. This ordinance shall go into  
4 effect and be in full force and operation from and after  
5 fifteen days after its final passage and adoption.  
6

7 Section 13. This ordinance shall be published  
8 in full at least once at least three days prior to its final  
9 adoption in the Modesto News-Herald, the official newspaper  
10 of the City of Modesto.

11 The foregoing ordinance was introduced at a  
12 regular meeting of the Council of the City of Modesto held on  
13 the 23rd day of February, 1933, by Councilman Rogers,  
14 who moved its adoption and passage to print, which motion  
15 being duly seconded was upon roll call carried and the ordinance  
16 printed and published as above by the following vote:  
17

18 Ayes: Councilmen: Boundey, Brown, Falger, Rogers, and Mayor  
19 Dennett

20 Noes: Councilmen: None

21 Absent: Councilmen: None  
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23 Attest: \_\_\_\_\_  
24 H.E. GRAGG  
25 CITY CLERK  
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FINAL ADOPTION CLAUSE

The foregoing Ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 23rd day of February, 1933, and having been printed and published as required by the Charter of the City of Modesto, it was upon roll call finally adopted by the following vote:

Ayes: Councilmen: Boundey, Brown, Falger, Rogers, and Mayor Dennett

Noes: Councilmen: None

Absent: Councilmen: None

Approved: L. L. Dennett

L. L. DENNETT  
MAYOR

Attest: H. E. Gragg

H. E. GRAGG  
CITY CLERK

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ORDINANCE NO. 435-N.S.

REPEALED BY  
MUNICIPAL CODE

AN ORDINANCE REPEALING A CERTAIN ORDINANCE ADOPTED BY THE PEOPLE OF THE CITY OF MODESTO AT A SPECIAL ELECTION HELD ON TUESDAY, AUGUST 21st, 1917, ENTITLED: "AN ORDINANCE FOR POLICE REGULATION, RELATING TO PLACES WHERE ALCOHOLIC LIQUORS ARE SOLD, STORED, DELIVERED, KEPT, SERVED, DISPOSED OF, OR DISTRIBUTED, OR GIVEN AWAY WITHIN THE CORPORATE LIMITS OF THE CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA ; MAKING UNLAWFUL THE SALE, STORAGE, POSSESSION, DELIVERY, DISPOSAL, DISTRIBUTION OR GIVING AWAY OF SUCH LIQUORS (WITH CERTAIN EXCEPTIONS) WITHIN SAID CITY, PROVIDING A PENALTY FOR THE VIOLATION OF THE PROVISIONS HEREOF AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES, IN CONFLICT HEREWITH."

\* \* \* \*

The People of the City of Modesto do ordain as follows:

SECTION 1.

That certain ordinance adopted by the People of the City of Modesto at a special election held on Tuesday, August 21st, 1917, entitled as follows: "AN ORDINANCE FOR POLICE REGULATION, RELATING TO PLACES WHERE ALCOHOLIC LIQUORS ARE SOLD, STORED, DELIVERED, KEPT, SERVED, DISPOSED OF, OR DISTRIBUTED, OR GIVEN AWAY WITHIN THE CORPORATE LIMITS OF THE CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA, MAKING UNLAWFUL THE SALE, STORAGE, DISPOSAL, DISTRIBUTION OR GIVING AWAY OF SUCH LIQUOR (WITH CERTAIN EXCEPTIONS) WITHIN SAID CITY, PROVIDING A PENALTY FOR THE VIOLATION OF THE PROVISIONS HEREOF, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH" is hereby repealed.

SECTION 2.

This Ordinance shall go into effect and said Ordinance entitled as specified in Section 1 of this ordinance shall be repealed immediately upon the adoption of this ordinance.

\* \* \* \*

City of Modesto }  
County of Stanislaus } SS  
State of California }

I, H. E. Gragg, Clerk of the City of Modesto, do hereby certify that pursuant to Resolution No. 2551-N.S. of the City Council, the foregoing Ordinance was placed upon the ballot and submitted to the Vote of the People of the City of Modesto at

1 the General Municipal Election held on the 11th day of April, 1933,  
2 and upon the canvass of the results of said Election, the Council  
3 did by Resolution No. 2572-N.S. declare the ordinance adopted as  
4 above, the vote being 2924 in favor of its adoption, and 1077  
5 votes against its adoption.

6 IN WITNESS WHEREOF, I have hereunto set my hand  
7 and affixed the official seal of the City of Modesto this 6th day  
8 of May, 1933.

9 Signed: HE Gugg  
10 CLERK OF THE CITY OF  
11 MODESTO.

12 (SEAL)

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15 Approved: L L Dennett  
16 MAYOR  
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REPEALED BY  
MUNICIPAL CODE

ORDINANCE NO. 436-N.S.

AN ORDINANCE REPEALING ORDINANCE NO.197-N.S. OF THE CITY OF MODESTO ENTITLED: "AN ORDINANCE ENFORCING THE PROVISIONS OF ARTICLE 18 OF THE CONSTITUTION OF THE UNITED STATES PROHIBITING THE MANUFACTURE, SALE, STORAGE, SERVICE, GIFT, TRANSPORTATION, IMPORTATION OR EXPORTATION OF INTOXICATING LIQUORS FOR BEVERAGE PURPOSES; REGULATING ALL OTHER TRAFFIC IN SUCH LIQUORS; AND PROVIDING PENALTIES FOR THE VIOLATION HEREOF."

\* \* \* \* \*

The People of the City of Modesto do ordain as follows:

SECTION 1.

That certain ordinance adopted by the Council of the City of Modesto, numbered Ordinance No. 197-N.S., and entitled: "AN ORDINANCE ENFORCING THE PROVISIONS OF ARTICLE EIGHTEEN OF THE CONSTITUTION OF THE UNITED STATES PROHIBITING THE MANUFACTURE, SALE, STORAGE, SERVICE, GIFT, TRANSPORTATION, IMPORTATION, OR EXPORTATION, OF INTOXICATING LIQUORS FOR BEVERAGE PURPOSES; REGULATING ALL OTHER TRAFFIC IN SUCH LIQUORS; AND PROVIDING PENALTIES FOR THE VIOLATION HEREOF," is hereby repealed.

SECTION

This ordinance shall ~~be~~ into effect, and said Ordinance No. 197-N.S. shall be repealed immediately upon the adoption of this ordinance.

\* \* \* \* \*

City of Modesto }  
County of Stanislaus } SS  
State of California }

I, H. E. Gragg, Clerk of the City of Modesto, do hereby certify that pursuant to Resolution No. 2551-N.S. of the City Council, the foregoing Ordinance was placed upon the ballot and submitted to the Vote of the People of the City of Modesto at the General Municipal Election held on the 11th day of April, 1933, and upon canvassing the results of said Election, the Council did

1 by Resolution No. 2572-N.S. declare the ordinance adopted as above,  
2 there being 2920 votes cast in favor of its adoption and 1044 votes  
3 cast against its adoption.

4 IN WITNESS WHEREOF, I have hereunto set my hand and  
5 affixed the official seal of the City of Modesto this 6th day of  
6 May, 1933.

9 (SEAL)

7 Signed: *W. E. Grogan*  
8 CLERK OF THE CITY OF  
9 MODESTO.

10 Approved: *L. L. Dennett*  
11 L. L. DENNETT  
12 MAYOR  
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INITIATIVE ORDINANCE NO.14

ORDINANCE NO. 437-N.S.

AN ORDINANCE TO PROVIDE FOR THE ADMINISTRATION OF THE WATER DEPARTMENT OF THE CITY OF MODESTO, ESTABLISHING RULES AND REGULATIONS AND FIXING THE RATES TO BE CHARGED FOR WATER

---oOo---

SECTION 1.

Installation Rates

The costs to be paid by consumers of water in the City of Modesto for service connections are as follows:

3/4" Service \$ 5.00

1" Service \$ 5.00

SECTION 2.

Where the City Ordinances provide for disconnecting and connecting water or for connecting water only, the charge hereafter for such service shall be fifty cents.

SECTION 3.

Water will be delivered to dwelling houses on flat or unmetered rates as follows:

For the use of water within the building, fifty cents per month.

For the use upon the lot occupied by said dwelling fifty cents per month for each 7000 square feet of land or fraction thereof upon which water is used up to 14,000 square feet.

For each 3500 square feet of land or fraction thereof upon which water is used over 14,000 square feet, the sum of fifty cents per month.

SECTION 4.

The Council is advised by the passage of this ordinance

1 that meters should not take the place of flat rates except where  
2 unavoidably necessary.

3 In the case of dwelling houses, the City of Modesto  
4 shall not have the right to compel the consumer to use a meter  
5 instead of paying a flat rate for water unless the owner of said  
6 dwelling house consents thereto or unless water is being wasted  
7 and the occupant permits said waste to continue after being notif-  
8 ied in writing of such waste.

9 SECTION 5.

10 The following portion of the Ordinance No. 432-N.S., to-  
11 wit:

12 "All hotels, lodging houses, apartments, duplex houses,  
13 camp grounds, office buildings, butcher shops, eating houses, candy  
14 stores, ice plants, canneries, theatres, hospitals, laundries, mills,  
15 dance halls, bakeries, warehouses, railroad properties, busline  
16 stations, creameries, milk plants, manufacturing places, wash racks,  
17 service stations, cooling systems, swimming or bathing pools, and  
18 any other place of business offering commodities for sale, as well  
19 as owners of gardens using water for irrigation of flowers and veg-  
20 etables produced commercially must be equipped with meters, and  
21 shall be charged with water on the meter rate as hereinabove specif-  
22 ied," is hereby repealed.

23 SECTION 6.

24 The following portion of Ordinance No. 432-N.S., to-wit:  
25 "Water will be delivered to dwelling houses on flat or unmetered rates  
26 as follows:

27 For the use of water within the building One Dollar and  
28 Fifty Cents (\$ 1.50) per month for each family occupying the same.  
29 For the use upon the lot occupied by said dwelling, the sum of  
30 Twenty-Five Cents (25¢) per month for each 3500 square feet of  
31 land or fraction thereof upon which water is used up to 14,000 sq.  
32 ft. For each 3500 square feet of land or fraction thereof upon

1 which water is used over 14000 square feet, the sum of Fifty Cents  
2 (50¢) per month, is hereby repealed.

3 SECTION 7.

4 Ordinance No. 124-N.S. provides for using water on  
5 alternate days, during certain months of the year.

6 Ordinance No. 124-N.S. is hereby repealed.

7 SECTION 8.

8 All Ordinance and parts of ordinances in conflict  
9 herewith are hereby repealed.

10 SECTION 9.

11 This Ordinance shall go into effect when it has been  
12 approved and voted for by a majority of the qualified electors of  
13 the City of Modesto voting thereon.

14 \* \* \* \*

15 City of Modesto  
16 County of Stanislaus } SS  
17 State of California }

18 I, H. E. Gragg, City Clerk of the City of  
19 Modesto, do hereby certify that the foregoing ordinance, having  
20 been found to contain the requisite number of signatures, to-wit:  
21 518, being more than 15% of the total votes cast at the last  
22 general municipal election, was placed upon the ballot at the  
23 General Municipal Election held on Tuesday, April 11th, 1933, and  
24 upon the canvassing of the results of said Election, the Council  
25 did, by Resolution No. 2572-N.S. adopted April 12th, 1933, declare  
26 said ordinance defeated by the following vote: 1153 votes cast in  
27 its favor and 2873 votes cast against its adoption.

28 IN WITNESS WHEREOF, I have hereunto set my hand  
29 and affixed the official seal of the City of Modesto this 6th  
30 day of May, 1933.

31 (SEAL)

Signed: H. E. Gragg

CLERK OF THE CITY OF MODESTO

32

NOT SPECIAL  
IN CODE

ORDINANCE NO. 438 N.S.

AN ORDINANCE APPROPRIATING MONEY FOR THE COMPLETION  
OF THE DAM ACROSS THE TUOLUMNE RIVER.

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

Section 1. The sum of Eighty-five Hundred Dollars (\$8500.00), or so much as may be necessary, is hereby appropriated out of that certain fund known as the Beard Park Improvement fund for the purpose of completing the construction of a certain improvement in the development and improvement of the parks of the City of Modesto, to-wit: the completion of a weir dam across the Tuolumne River below the mouth of Dry Creek. The fund out of which this appropriation is to be taken is known as the Beard Park Improvement fund, created by Ordinance No. 289 N.S., adopted by the City Council of the City of Modesto on the 11<sup>th</sup> day of August, 1926. The City Council finds as a fact that the construction and completion of the improvement proposed and authorized herein is a development and improvement of the parks of the City of Modesto, and in particular that certain park now known as Beard Brook Park, by reason of the facts that the construction of said dam will not only raise the water in the Tuolumne River to such an extent as to provide for boating and aquatic sports thereon but will also raise the water in Beard Brook so as to make the same more available for boating and aquatic sports and result in a distinct development and improvement of Beard Brook Park, and that the use of the funds hereby appropriated is in accordance with the terms of the last

1 Will and Testament of T. K. Beard referred to and accepted by  
2 said Ordinance No. 289 N.S.

3 Section 2. The construction and completion of  
4 said dam across the Tuolumne River shall be in accordance  
5 with the plans therefor heretofore made by the City Engineer  
6 and submitted to and accepted by the City Council.  
7

8 Section 3. The Council hereby authorizes and directs  
9 that notice to bidders for the construction and completion  
10 of said dam be given forthwith as provided for in the Charter,  
11 and that bids for the construction and completion of said  
12 improvement be made and received on alternative propositions  
13 for either the whole or the several parts of said work, as  
14 shown on said plans and specifications; that authority be  
15 reserved to the City Council to accept or reject the whole  
16 or any portion of such bid or bids, and that the right and  
17 power be further reserved to the City Council in the accept-  
18 ance of such portions of such bids, if any, to provide that  
19 any remaining portion of the work to be done and any material  
20 required therefor be done and purchased and acquired under  
21 the direction of the Department of Public Works.  
22

23 Section 4. This ordinance shall go into effect  
24 and be in full force and operation from and after 15 days  
25 after its final passage and adoption.

26 Section 5. This ordinance shall be published  
27 in full at least once at least three days prior to its final  
28 adoption in the Modesto News-Herald, the officials newspaper  
29 of the City of Modesto.  
30

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2 The foregoing ordinance was introduced at a  
3 regular meeting of the Council of the City of Modesto held  
4 on the 12th day of April, 1933, by Councilman Boundey, who  
5 moved its adoption and passage to print, which motion being  
6 duly seconded was upon roll call carried and the ordinance  
7 ordered printed and published as above by the following vote:

8 Ayes: Councilmen: Boundey, Brown, Falger, Rogers,  
9 Noes: Councilmen: None Mayor Dennett.  
10 Absent: Councilmen: None.

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13 Attest: H.E. Grazeo  
14 H.E. GRAZEO  
15 CITY CLERK  
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FINAL ADOPTION CLAUSE:

The foregoing Ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 12th day of April, 1933, and having been printed and published as required by the Charter of Modesto, coming on for final adoption this 26th day of April, 1933, it was upon roll call finally adopted by the following votes:  
Ayes: Councilmen: Boundey, Brown, Falger, Rogers, and Mayor Dennett  
Noes: Councilmen: None  
Absent: Councilmen: None

APPROVED: L. L. Dennett  
L. L. DENNETT  
MAYOR

ATTEST: H. E. Gragg  
H. E. GRAGG  
CITY CLERK

ORDINANCE NO. 439-N.S.

AN ORDINANCE AMENDING SECTIONS 1 AND 2 OF ORDINANCE NO. 377-N. S.  
ENTITLED: "AN ORDINANCE PROVIDING FOR THE CREATION AND ORGANIZATION OF A BOARD OF PARK COMMISSIONERS"

---oOo---

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

SECTION 1.

Section 1 of said Ordinance No. 377-N.S. is hereby amended as to read as follows:

"Section 1. A Board of Park Commissioners of the City of Modesto is hereby created. Said Board of Park Commissioners shall consist of a chairman and two members appointed by the Council. They shall hold office for three years from the time of their appointment. Provided, however, that when the first appointment is made under this Ordinance the resolution designating the Commissioners shall designate which one shall hold office for one year, which one for two years, and which one for three years. Such Park Commission shall be under the jurisdiction of the Commissioner of Finance.

SECTION 2.

Section 2 of said Ordinance No. 377-N.S. is hereby amended to read as follows:

"SECTION 2. It shall be the duty of the Park Commissioners to hold a meeting immediately following their appointment and monthly thereafter. Special meetings may be called by the Commissioner of Finance, by the chairman, or by any two members. The Commissioner shall appoint one of their members as the Secretary of the Board and shall keep a record of their proceedings. They shall also, not later than the 1st day of June of each year, prepare and file with the City Council a report in writing of their proceedings and transactions during the preceding year,

1 which report shall exhibit the condition of the parks, with rec-  
2 ommendations for additions and improvements, and an estimate of  
3 the amount of money required for the maintenance and operation  
4 of the parks during the ensuing fiscal year.

5 SECTION III.

6 This Ordinance shall take effect and be in full force  
7 and operation from and after fifteen days after its final adoption.

8 SECTION IV.

9 This Ordinance shall be published in full at least once  
10 at least three days prior to its final adoption in the Modesto  
11 News-Herald, the official newspaper of the City of Modesto.

12 The foregoing Ordinance was introduced at a  
13 special meeting of the Council of the City of Modesto held on  
14 the 20th day of April, 1933, by Mayor Dennett, who moved its adop-  
15 tion, which motion being duly seconded, it was upon roll call  
16 carried and the ordinance ordered printed and published as above  
17 by the following vote:

18 Ayes: Councilmen: Boundey, Brown, Falger, Rogers, and Mayor Dennett

19 Noes: Councilmen: None

20 Absent: Councilmen: None

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22 Attest: H.E. Gragg

23 H.E. GRAGG  
24 CITY CLERK  
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FINAL ADOPTION CLAUSE:

The foregoing Ordinance, having been introduced and ordered printed and published at a special meeting of the Council of the City of Modesto held on the 20th day of April, 1933, and having been published as required by the Charter of the City of Modesto, coming on for final adoption this 26th day of April, 1933, it was upon roll call adopted by the following vote:

Ayes: Councilmen: Boundey, Brown, Falger, Rogers, and Mayor Dennett  
Noes: Councilmen: None  
Absent: Councilmen: None

APPROVED: L.L. Dennett  
L.L. DENNETT  
MAYOR

ATTEST: H.E. Gragg  
H.E. GRAGG  
CITY CLERK

REPEALED BY  
MUNICIPAL CODE

AN ORDINANCE DEFINING "INTOXICATING LIQUOR," AND PROHIBITING THE MANUFACTURE, SALE, STORAGE, SERVICE, GIFT, TRANSPORTATION, IMPORTATION OR EXPORTATION OF INTOXICATING LIQUOR FOR BEVERAGE PURPOSES, AND PROVIDING PENALTIES FOR THE VIOLATION HEREOF.

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

Section 1. When used in this ordinance, the word "liquor" or the phrase "intoxicating liquor" shall be construed to include alcohol, brandy, whiskey, rum, gin, beer, ale, porter and wine, and in addition thereto any spirituous, vinous, malt, fermented or distilled liquor, liquids and compounds thereof, whether medicated, proprietary, patented or not, and by whatever name called, having an alcoholic content greater than that permitted by any law of the United States that is now or may hereafter be in force, and which are potable or capable of being used as a beverage; provided, that the foregoing definition shall not extend to dealcoholized wine nor to any beverage or liquor produced by the process by which beer, ale, porter or wine is produced if it contains less or an equal alcoholic content by volume and is made as described in laws enacted by the Congress of the United States, and is otherwise denominated than as beer, ale or porter and is contained and sold in or from such sealed and labeled bottles, casks or containers as the United States Commissioner of Internal Revenue may by regulation prescribe.

Section 2. In the interpretation of this ordinance words of the singular number shall be deemed to include the plural, and words of the masculine gender shall be deemed to include the feminine and

REPEALED BY  
MUNICIPAL CODE

neuter gender, as the case may be. The word "person" wherever used in this ordinance shall be construed to mean and include natural persons, firms, co-partnerships, corporations, clubs and all associations, or combinations of persons, whether acting by themselves or by a servant, agent or employee.

Section 3. The following acts are hereby made unlawful within the City of Modesto:

(a) For any person directly or indirectly to manufacture, purchase, receive, sell, serve, give away, carry, transport or otherwise dispose of any intoxicating liquor within said City, or to import any such liquor into or export any such liquor from said City, except as herein provided.

(b) For any person, while on any street, alley, road, park or highway or in any car, airplane, boat, motor or other vehicle or means of transportation, or in any club, hotel, hall, theatre, store or other public or semi-public place in said City, to have on his person or in his possession any intoxicating liquor, except as herein provided.

(c) For any person to have, keep or store any intoxicating liquor in any public or semi-public place in said City, except as hereinafter provided.

Section 4. The following articles shall not, after having been manufactured and prepared for the market, be subject to the provisions of this ordinance, if they correspond with the following descriptions and limitations merely:

(a) Denatured alcohol or denatured rum

produced and used <sup>as</sup> provided by laws and regulations now or hereafter in force.

(b) Medicinal preparations manufactured in accordance with formulas prescribed by the United States Pharmacopeia, National Formulary, or the American Institute of Homeopathy that are unfit for use for beverage purposes.

(c) Patented, patent, and proprietary medicines that are unfit for use for beverage purposes.

(d) Toilet, medicinal, and antiseptic preparations and solutions that are unfit for use for beverage purposes.

(e) Flavoring extracts and syrups that are unfit for use as a beverage, or for intoxicating beverage purposes.

(f) Vinegar and preserved sweet cider.

And person who manufactures any of the articles mentioned in this section within the City of Modesto may purchase and possess liquor for that purpose, provided permits be secured from the United States Internal Revenue Department to manufacture such articles and to purchase such liquor, as provided by the laws enacted by Congress enforced under the direction of the United States Internal Revenue Department. No such manufacturer shall sell, use, or dispose of any liquor within the City of Modesto, otherwise than as an ingredient of the articles authorized to be manufactured therefrom. No more alcohol shall be used in the manufacture of any extract, syrup, or the articles named in paragraphs b.c. and d of this section which may be used for beverage purposes than the quantity necessary for extraction or

solution of the elements contained therein and for the preservation of the article.

Any person who shall, within the City of Modesto, knowingly sell any of the articles mentioned in paragraphs a, b, c, and d of this section for beverage purposes, or any extract or syrup for intoxicating

beverage purposes, or who shall sell any of the same under circumstances from which the seller might reasonably deduce the intention of the purchaser to use them for such purposes, or shall sell any beverage having an alcoholic content greater than that permitted by any law of the United States that is now, or may be hereafter in force, in which any extract, syrup, or other article is used as an ingredient, shall be subject to the penalties in this ordinance provided.

Section 5. Nothing in this ordinance contained shall be construed as rendering unlawful the manufacture, sale, storage, transportation, importation or exportation of intoxicating liquor for scientific manufacturing, of the public peace, health and safety by sacramental and medicinal purposes in the manner authorized and permitted by the laws of the United States, and the rules and regulations of the United States Commissioner of Internal Revenue and the prohibition enforcement division of the United States Government pertaining thereto, and it shall be competent for any defendant in a prosecution for the violation of any of the provisions of this ordinance to show that the manufacture, sale, storage, transportation, importation or exportation of intoxicating liquor charged in the information comes within such laws or rules and regulations.

Section 6. Any person who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed \$500.00, or imprisonment in the County Jail of Stanislaus County not to exceed six months, or by both such fine and imprisonment.

Section 7. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not effect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section 8. The Council of the City of Modesto hereby determines and declares that this ordinance is necessary for the immediate preservation of the public peace, health and safety by reason of the fact that ordinances heretofore adopted prohibiting and controlling the traffic in and use of intoxicating liquor have been repealed, and that there is now no ordinance nor any State law operating within the City of Modesto in any manner controlling or regulating the use of intoxicating liquors. This ordinance shall therefore go into full force and effect immediately upon its final passage and adoption.

Section 9. This ordinance shall be published in full at least once at least three days prior to its

final adoption in the Modesto News-Herald, the official newspaper of the City of Modesto.

The foregoing Ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 1933, by Commissioner Rogers, who moved its adoption and passage to print, which motion being duly seconded, it was upon roll call adopted and ordered printed and published as above by the following vote:

Ayes: Councilmen: Neece, Brown, Pack, Rogers, and Mayor Dennett  
Noes: Councilmen: None  
Absent: Councilmen: None

Attest: H. E. Gragg  
H. E. GRAGG  
CITY CLERK

Attest: \_\_\_\_\_

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FINAL ADOPTION CLAUSE

The foregoing Ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 1933, and having been published as required by the Charter of the City of Modesto coming on for final adoption this 24th day of May, 1933, it was upon roll call finally adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Pack, Rogers, and Mayor Dennett  
Noes: Councilmen: None  
Absent: Councilmen: None

Approved: L. L. Dennett  
L. L. DENNETT  
MAYOR

Attest: \_\_\_\_\_  
H. E. GRAGG  
CITY CLERK

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REPEALED BY  
MUNICIPAL CODE

ORDINANCE NO. 441-N.S.

AN ORDINANCE AMENDING SECTION 23 of ORDINANCE NO. 345 REGULATING TRAFFIC UPON PUBLIC STREETS OF THE CITY OF MODESTO.

---oOo---

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

Section 1. Section 23 of Ordinance No. 345 N.S. of the City of Modesto is hereby amended to read as follows:

"Section 23. BOULEVARD STOPS. The following streets are hereby declared to constitute boulevards for the purpose of this section:

Seventh Street between the northwesterly line of F Street and the southeasterly line of I Street and between the southeasterly line of K Street and the southeasterly line of L Street; the westerly half of Seventh Street between the southeasterly line of I Street and the northwesterly line of I Street; the westerly half of I Street between the southwesterly line of Seventh Street and the northeasterly line of Seventh Street; Ninth Street between the westerly line of Tully Road and the easterly line of Morton Boulevard; H Street between the northeasterly line of Twelfth Street and the southwesterly line of Eighteenth Street; J Street between the northeasterly line of Eleventh Street and the northeasterly line of Seventeenth Street; McHenry Avenue between the southerly line of Alice Street and the southerly line of Needham Street, and between the southerly line of Maynell Avenue and the northerly line of Modesto Avenue;

REPEALED BY  
MUNICIPAL CODE

1 the north half of Stoddard Avenue between the west  
2 line of Elmwood Avenue and the east line of Magnolia  
3 Avenue; Needham Street between the easterly line of  
4 Nellie Avenue and the westerly line of Olive Avenue;  
5 the north half of Needham Street between the west  
6 line of Hackberry Avenue and the east line of Orange  
7 Street, and between the easterly line of Poplar  
8 Street and the westerly line of Sycamore Avenue, and  
9 between the westerly line of Elmwood Avenue and the  
10 easterly line of Sycamore Avenue; the northerly half  
11 of Downey Avenue between the easterly line of McHenry  
12 Avenue and the westerly line of Semple Street, and  
13 between the easterly line of Semple Street and the  
14 westerly line of Melrose Street; the south half of  
15 H Street between the westerly line of High Street  
16 and the east line of Burney Street extended and  
17 produced; the south half of Stanislaus Street  
18 between the westerly line of Madison Street and the  
19 westerly City limits; the north half of H Street  
20 between the southwesterly line of First Street and  
21 the northerly line of California Street; the east  
22 half of Roselawn Avenue between the south line of  
23 Center Street and the north line of Western Way  
24 extended and produced; the north half of Tenth  
25 Street between the southeasterly line of E Street  
26 and the northwesterly line of C Street; the north  
27 half of Fourteenth Street between the southeasterly  
28 line of E Street and the easterly line of Burney  
29 Street.  
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1           Every operator of a vehicle traversing any street  
2 intersecting any boulevard, as hereinabove specified,  
3 shall bring such vehicle to a full stop at the place  
4 where such street meets the next property line of  
5 the boulevard before entering such boulevard, pro-  
6 vided, the property line is clearly marked or  
7 sign-posted, as required in this ordinance, except  
8 the intersections where and when traffic is subject  
9 to stop and go signals or directions.  
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11           The City Council is hereby authorized and required  
12 to place and maintain, or cause to be placed and  
13 maintained, upon each and every street intersecting  
14 a boulevard, and at or near the property line of  
15 the boulevard, appropriate signs upon the street, or  
16 devices or marks in the roadway, such signs, devices  
17 or marks to bear the word "STOP" or the words  
18 "BOULEVARD STOP" in such position and with letters  
19 of a size to be clearly legible from a distance of  
20 fifty feet along the street intersecting the boulevard."  
21

22           Section 2. This ordinance shall go into effect and  
23 be in full force and operation from and after 15 days after  
24 its final passage and adoption.

25           Section 3. This ordinance shall be published in full  
26 at least once at least three days prior to its final adoption  
27 in the Modesto News-Herald, the official newspaper of the  
28 City of Modesto.  
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30           The foregoing ordinance was introduced at a regular  
31 meeting of the Council of the City of Modesto held on the 10th  
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1 day of May, 1933, by Councilman Rogers, who moved  
2 its adoption and passage to print, which motion being duly  
3 seconded was upon roll call carried and the ordinance ordered  
4 printed and published as above by the following vote:

5  
6 Ayes: Councilmen: Brown, Neece, Paack, Rogers, and Mayor Dennett

7 Noes: Councilmen: None

8 Absent: Councilmen: None  
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10 Attest: H.E. Gragg  
11 H.E. GRAGG  
12 CITY CLERK  
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FINAL ADOPTION CLAUSE

The foregoing Ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 1933, and having been printed as required by the Charter of the City of Modesto, coming on for final adoption this 24th day of May, 1933, it was upon roll call adopted by the following vote:  
Ayes: Councilmen: Brown, Neece, Pack, Rogers, and Mayor Dennett  
Noes: Councilmen: None  
Absant: Councilmen: None

Approved: L. L. Dennett  
L. L. DENNETT  
MAYOR

Attest: \_\_\_\_\_  
H. E. GRAGG  
CITY CLERK

ORDINANCE NO. 442 N.S.

AN ORDINANCE PROVIDING FOR THE SALE OF CERTAIN BEVERAGES WITHIN THE CITY OF MOLESTO, SPECIFYING THE LICENSE FEES TO BE PAID THEREFOR, AND THE CONDITIONS UNDER WHICH SUCH BEVERAGES MAY BE DELIVERED.

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

Section 1. (a) For the purpose of and within the meaning of this ordinance, a beverage means and is defined to be any beer, lager beer, ale, porter, wine, similar fermented malt or vinous liquor and fruit juices, or any other fermented beverage containing not less than one-half of one per cent and not more than 3.2% of alcohol by weight; provided, however, that in event the Congress of the United States shall hereafter, pursuant to the powers conferred upon it by the Eighteenth Amendment to the Constitution, define non-intoxicating liquor so as to include malted cereal or fermented vinous liquor containing more than 3.2% by weight of alcohol, then the definition so adopted by the Congress of the United States shall be the definition of beverages referred to and embraced within the terms of this ordinance.

(b) The term "wholesale beverage dealer" shall be construed to mean a person selling, distributing and/or delivering beverages, as hereinabove defined, at wholesale to retail dealers thereof.

(c) Retail dealers are hereby defined to mean and include persons who sell beverages, as herein defined, at retail to the consumers thereof. The term shall embrace and include the following classes of retail dealers, and none others:

1                   (1) "On sale dealers" shall include persons who  
2 sell such beverages at retail for consumption only on the  
3 premises, for which a license therefor is issued, as herein-  
4 after stated.

5                   (2) "Off sale dealers" means and includes persons  
6 who sell such beverages at retail in original packages for  
7 consumption off the premises in respect to which the license  
8 is issued.

9  
10                   (d) The term "person" or "persons" where herein  
11 used shall include individuals, copartnerships, associations  
12 of individuals and corporations. The singular number shall  
13 be construed to include the plural, and vice versa, and the  
14 masculine gender shall include the feminine and neuter, and  
15 vice versa.

16  
17                   (e) Nothing in this ordinance contained shall  
18 be construed as repealing Ordinance No. 491 N.S. of the City  
19 of Modesto relating to the manufacture, keeping and sale of  
20 soft drinks, but said ordinance, in so far as the manufacture,  
21 distribution and sale of the articles therein described is  
22 concerned, shall remain in full force and effect.

23                   Section 2. It shall be unlawful for any person,  
24 firm or corporation to bring, ship or transport or cause the  
25 same to be done, into the City of Modesto for sale or to keep  
26 for the purposes of sale or to sell or offer for sale or deliver  
27 or dispense as the result of a sale any beverages as herein  
28 defined, either at wholesale or retail, unless such person or  
29 his employer or principal shall be the holder of a valid,  
30 unsuspended and unrevoked license granted to him in accordance  
31 with the terms and provisions of this ordinance.  
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1           Section 3. Licenses may be obtained by the persons  
2 entitled thereto in the following manner: An application in  
3 writing and verified by the oath of the applicant, or a  
4 responsible officer thereof if a corporation, shall be made  
5 to the City Council and filed with the City Clerk. If the  
6 applicant is an individual it shall state whether he is a  
7 citizen of the United States, his age, the length of time he  
8 has been a resident in the City of Modesto, his place of  
9 previous employment, whether married or single, whether he  
10 has ever been convicted of a felony, or of a misdemeanor  
11 involving a violation of the Volstead Act or of any state  
12 law or city ordinance adopted in conformity therewith, the  
13 location and description of the premises for which a  
14 license is sought, whether the applicant proposes to engage in  
15 business as a wholesale dealer or as a retail dealer, and if  
16 as a retail dealer, whether as an "on sale dealer" or as an  
17 "off sale dealer", or a combination of said classifications,  
18 and a stipulation that the applicant covenants and agrees to  
19 comply and be responsible for compliance by others at the  
20 licensed premises with this ordinance and all of its terms and  
21 conditions in the receipt, possession, sale and dispensing of  
22 such beverages, and that the applicant consents to the full  
23 and complete inspection of said premises by police officers  
24 of the City of Modesto without any writ or process of law,  
25 as specified in Section 7 hereof. In case of applications for  
26 retail licenses, the applicant must further covenant and agree  
27 to buy and take delivery of such beverages only from persons  
28 holding an unrevoked license as a wholesale dealer thereof  
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1 issued by the City of Modesto. If the applicant is a corporation  
2 it shall set forth, in addition to the other matters herein  
3 required, the name, date and place of incorporation, the names,  
4 ages and residences and citizenship of its directors and the  
5 holders of at least 50% of its capital stock, and whether, and  
6 if so, where and when, any of such individuals have ever been  
7 convicted of a felony, or of a misdemeanor involving the  
8 violation of the Volstead Act, or of any law or ordinance  
9 adopted by any state or municipality in conformity therewith.  
10 Said application shall be accompanied by the annual license  
11 fee for the business proposed to be conducted, as hereinafter  
12 stated.  
13

14           Section 4. Upon the receipt of such application,  
15 it shall be referred by the City Clerk to the Commissioner  
16 of Public Health and Safety, who shall make an investigation  
17 of the same and of the premises at which it is proposed to  
18 conduct said business, as therein stated, either personally  
19 or through the police or health department of the City of  
20 Modesto. It shall be the duty of the said Commissioner, upon  
21 the completion of said investigation, to make and file his  
22 report and recommendation thereon with the City Clerk, and  
23 the said application, together with said report and recommenda-  
24 tion, shall thereupon be submitted to the City Council at  
25 its next meeting. The City Council may thereupon grant said  
26 application and direct the City Clerk to issue a license  
27 to the applicant, or if in the judgment of said Council it  
28 appears that the application and/or premises do not conform with  
29 this ordinance, they shall reject the same, and they may  
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1 also reject the same and decline to issue a license if in  
2 their judgment the granting of such application would be  
3 contrary to the welfare of the City of Modesto, or its  
4 inhabitants, or the neighborhood in which said business is  
5 to be conducted.

6           Section 5.. All licenses or permits issued  
7 pursuant to the terms of this ordinance shall be posted in a  
8 conspicuous place at the licensed premises and shall have  
9 printed thereon in legible characters the substance or a resume  
10 of the provisions of Sections 6, 7, 8 and 9 of this ordinance.

11           Section 6. No license shall be granted to any  
12 person under the age of 21 years, nor to any person who is not  
13 a citizen of the United States, nor to any person who has ever  
14 been convicted of a felony, nor to any person who, within one  
15 year last past, has been convicted of a misdemeanor involving  
16 a violation of the national, state or municipal prohibition  
17 laws. No license shall be granted to any corporation unless  
18 all of the directors and officers thereof and at least 50%  
19 of the stockholders thereof are over the age of 21 years,  
20 citizens of the United States, and not convicted of any  
21 felony or, within one year last past, of a misdemeanor  
22 involving a violation of the national, state or municipal  
23 prohibition laws. No license for "on sale" handling, storage,  
24 selling or distribution at retail of such beverages shall be  
25 granted to any person in event any manufacturer of beverages,  
26 as herein defined, or any officer, director or employee of such  
27 manufacturer, or any person who owns any interest in the  
28 business of such manufacturer, shall hold, acquire or have  
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1 any interest, either direct or indirect, in the business of  
2 such "on sale" licensee, nor in the furniture or fixtures of  
3 the premises wherein the business of such licensee is conducted,  
4 nor in cases when any such person has endorsed, guaranteed  
5 or stood surety for or shall endorse, guarantee or stand  
6 surety for a lease or any other obligation of any such licensee.  
7 No license except for "off sale", as defined herein, shall be  
8 granted for any premises which are or will be located within  
9 300 feet of any church or public school. No license shall be  
10 granted to any person who is not then and there in the  
11 possession of an unsuspended and unrevoked Federal permit  
12 authorizing the sale of non-intoxicating beverages. No license  
13 shall be issued to any person to carry on the licensed business  
14 in any dwelling house, flat or apartment house.

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17 Section 7. All places licensed for the sale and  
18 dispensing of beverages, as herein defined, shall be open to  
19 full and complete inspection of all parts thereof by the police  
20 officers of the City of Modesto at all times when said  
21 premises are open for business, without a search warrant  
22 or other legal process. All retail places herein designated  
23 as "on sale" where such beverages licensed by the terms of  
24 of this ordinance are sold for consumption on the premises  
25 shall be open to public view from the street; provided, however,  
26 that clear glass doors and windows without screens or curtains  
27 may be maintained; nor shall such premises contain any room,  
28 place or apartment, alcove or booth which shall have more than  
29 one entrance there to, and which entrance shall be from the  
30 interior and be in plain view from all parts of such place of  
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1 business, and which entrance shall be accessible only through  
2 the main entrance of such ~~beer parlor or~~ place of business.

3 Section 8. No person licensed under the terms of  
4 this ordinance shall sell any beverage, as herein defined, to  
5 any minor under the age of 18 years, nor to any person anparent-  
6 ly or actually under the influence of intoxicating liquor at  
7 the time of such sale. No person licensed under the terms of  
8 this ordinance shall keep, store, buy, receive, sell, give  
9 away or dispense, or permit to be kept, stored, bought, received,  
10 sold, given away or dispensed at the licensed premises any  
11 intoxicating liquor as that term is defined by any other  
12 ordinance of the City of Modesto, or by any law of the United  
13 States that is now or may hereafter be in force. The licensee  
14 shall at all times be personally responsible for the proper  
15 operation of the business licensed which is conducted at such  
16 place and for the observance thereat of all the laws and  
17 ordinances applicable thereto by anyone in connection with or  
18 engaged in said business. No person holding a retail license  
19 shall purchase or receive any such beverage except from a  
20 person holding a valid license as a wholesale dealer issued by  
21 the City of Modesto.

22 Section 9. No license granted pursuant to the  
23 provisions of this ordinance shall be assignable or transferable,  
24 but all such licenses shall become null and void by the transfer  
25 by the licensee of the business covered by the license.

26 Section 10. The license fee for the operation of  
27 the business authorized to be carried on by this ordinance  
28 for the wholesale ~~non-intoxicating~~ beverage dealer is the sum  
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1 of \$100.00 per year, or fraction thereof; for "on sale" premises  
2 the sum of \$25.00 per year, or fraction thereof; for "off sale"  
3 premises the sum of \$10.00 per year, or fraction thereof.

4 All fees herein provided for shall be paid in advance.

5 Section 11. Any person violating any of the terms  
6 of the provisions of this ordinance shall be deemed guilty  
7 of a misdemeanor and upon conviction thereof shall be punished  
8 by a fine not exceeding \$500.00, or imprisonment in the County  
9 Jail of Stanislaus County not exceeding six months, or by  
10 both such fine and imprisonment.  
11

12 Section 12. In addition to the penal provisions  
13 contained in the last preceding section, any such licensee  
14 who shall violate or permit a violation of this ordinance, or  
15 any of its provisions, within the licensed establishment may  
16 be cited to appear before the City Council upon ten days'  
17 notice to show cause why the license shall not be revoked or  
18 suspended, and upon such hearing the City Council shall have  
19 the right and the power, in event in its judgment the violation  
20 of this ordinance is established, to suspend the license for such  
21 time as it may determine or to revoke the same absolutely. A  
22 notice to the licensee, as herein specified, may be given by  
23 delivery personally or by delivery through registered mail  
24 addressed to the licensee at the place of business stated in  
25 the application.  
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28 Section 13. The Council of the City of Modesto  
29 hereby determines and declares that this ordinance is necessary  
30 for the immediate preservation of the public peace, health and  
31 safety by reason of the fact that Congress has passed and there  
32 is now in effect a national law permitting the sale of beverages

1 classed as non-intoxicating beverages, containing not more  
2 than 3.2% by weight of alcohol, and that there are no ordinances  
3 in effect in the City of Modesto regulating or controlling the  
4 possession, distribution and sale of beverages with an alcoholic  
5 content. This ordinance shall therefore go into full force  
6 and effect immediately upon its final passage and adoption.  
7

8 Section 14. If any section, subsection, sentence,  
9 clause or phrase of this ordinance is for any reason held to  
10 be unconstitutional or invalid, such decision shall not  
11 effect the validity of the remaining portions of this ordinance.  
12 The City Council hereby declares that it would have passed  
13 this ordinance and each section, subsection, sentence, clause,  
14 or phrase thereof irrespective of the fact that any one or  
15 more sections, subsections, sentences, clauses or phrases be  
16 declared unconstitutional or invalid.  
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18 Section 15. This ordinance shall be published in  
19 full at least once at least three days prior to its final  
20 adoption in the Modesto News-Herald, the official newspaper  
21 of the City of Modesto.  
22

23 The foregoing ordinance was introduced at a  
24 meeting of the Council of the City of Modesto held on the  
25 24 day of May, 1933, by Councilman Rogers, who  
26 moved its adoption and passage to print, which motion being  
27 duly seconded was upon roll call carried and the ordinance  
28 ordered printed and published as above by the following vote:  
29 Ayes: Councilmen: **Brown, Neece, Pack, Rogers, and Mayor Dennett**

30 Noes: Councilmen: **None**

31 Absent: Councilmen: **None**

32 Attest: \_\_\_\_\_

**H.E. GRAGG  
CITY CLERK**

FINAL ADOPTION CLAUSE

The foregoing Ordinance having been introduced and ordered printed and published as required by the Charter of the City of Modesto, after having been adopted at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 1933, coming on for final adoption this 14th day of June, 1933, it was upon roll call finally adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Pack, Rogers, and Mayor Dennett

Noes: Councilmen: None

Absent: Councilmen: None

Approved: L. L. Dennett

L. L. DENNETT  
MAYOR

Attest: \_\_\_\_\_

H. E. GRAGG  
CITY CLERK



1 to the dates of the delinquencies and the performance of certain  
2 acts in which there is a conflict between said Ordinance No.  
3 396-N.S. and this Ordinance.

4 Section 5. The City Council hereby finds and  
5 declares that an emergency exists inasmuch as an economic  
6 condition exists throughout the City of Modesto, which has  
7 made and will make it impossible for property owners to pay  
8 the second installment of taxes promptly. Further delinquencies  
9 at this time will add a tremendous burden on the property which  
10 will have to bear the cost of government. It is essential that  
11 confidence be restored by giving property owners additional  
12 time to secure funds to meet their obligations. This ordinance  
13 will aid in accomplishing this necessary result, and it shall  
14 therefore go into effect immediately upon its final passage  
15 and adoption.  
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18 Section 6. This ordinance shall be published  
19 in full at least once at least three days prior to its final  
20 adoption in the Modesto News-Herald, the official newspaper  
21 of the City of Modesto.

22 The foregoing ordinance was introduced at a  
23 regular meeting of the Council of the City of Modesto held on the  
24 24th day of May, 1933, by Mayor L.L. Dennett, who moved  
25 its adoption and passage to print, which motion being duly  
26 seconded was upon roll call carried and the ordinance/printed  
27 and published as above by the following vote:

28  
29 Ayes: Councilmen: Brown, Rogers, Neece, Pack, Mayor Dennett.  
30 Noes: Councilmen: None.  
31 Absent: Councilmen: None.

32 Attest: 

H.E. GRAGG  
CITY CLERK

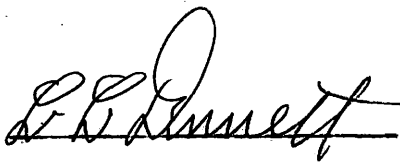
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2  
3 FINAL ADOPTION CLAUSE  
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5 The foregoing Ordinance having been introduced and  
6 ordered printed and published at a regular meeting of the Coun-  
7 cil of the City of Modesto held on the 24th day of May, 1933,  
8 and having been published as required by the Charter of the City  
9 of Modesto, it was upon roll call finally adopted this 14th day  
10 of June, 1933, by the following vote:

11 Ayes: Councilmen: Brown, Neece, Pack, Rogers, and Mayor Dennett

12 Noes: Councilmen: None

13 Absent: Councilmen: None

14  
15 Approved: 

16 L.L. DENNETT  
17 MAYOR

18 Attest: \_\_\_\_\_  
19

20 H.E. GRAGG  
21 CITY CLERK  
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ORDINANCE NO. 444 N.S.

AN ORDINANCE ABANDONING THE MUNICIPAL AIRPORT, ALSO  
KNOWN AS BUD COFFEE FIELD.

---oOo---

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

Section 1. The use of that certain real property  
both within and outside the corporate limits of the City of  
Modesto lying southerly of Tuolumne Boulevard and easterly  
of Roselawn Avenue, and of all parts of said area as an  
airport or as a landing field or for the purpose of flying  
aircraft, shall be discontinued from and after the first day  
of August, 1933.

Section 2. From and after August 1, 1933, it shall  
be unlawful and a misdemeanor for any person to land any  
airship or airplane or to take off or fly in an airship or  
airplane from the Modesto municipal airport or Bud Coffee  
field, being the property described in Section 1 of this  
ordinance; provided, however, that the prohibition herein  
stated shall not apply to the landing upon said area in an  
emergency of a disabled ship or plane; provided further, that  
the landing of any ship or plane upon said area after August 1,  
1933, shall be prima facie evidence of a violation of this  
section, and the burden of showing that said ship or plane was  
disabled and that the landing was caused by an emergency shall  
be upon the operator.

Section 3. Any person violating any of the  
terms or provisions of this ordinance, and in particular  
Section 2 hereof, shall be guilty of a misdemeanor and

REPEALED BY  
MUNICIPAL CODE

REPEALED BY  
MUNICIPAL CODE

1 upon conviction shall be fined not more than \$500.00 or imprisoned  
2 in the County Jail of Stanislaus County not more than six  
3 months, or both fine and imprisonment, and a judgment for the  
4 payment of a fine shall also provide that the defendant shall  
5 be committed to said jail until said fine is paid at the rate  
6 of one day for each \$2.00 of said fine.  
7

8 Section 4. This ordinance shall go into effect  
9 on and after August 1, 1933.

10 Section 5. This ordinance shall be published in  
11 full at least once at least three days prior to its final  
12 adoption in the Modesto News-Herald, the official newspaer  
13 of the City of Modesto.  
14

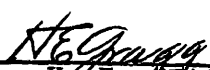
15 The foregoing Ordinance was introduced at a regular  
16 meeting of the Council of the City of Modesto held on the 14th  
17 day of June, 1933, by Councilman Neece, who moved its adoption  
18 and passage to print, which motion being duly seconded was upon  
19 roll call carried and the ordinance ordered printed and published  
20 as above by the following vote:

21 Ayes: Councilmen: Brown, Neece, Pack, Rogers, and Mayor Dennett

22 Noes: Councilmen: None

23 Absent: Councilmen: None  
24

25 Attest:

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27 H. E. CHAGG  
28 CITY CLERK  
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FINAL ADOPTION CLAUSE:

The foregoing Ordinance, having been introduced and ordered printed and published on the 14th day of June, 1933, and having thereupon been printed and published as required by the Charter of the City of Modesto, it coming up for final adoption this 28th day of June, 1933, upon roll call was finally adopted by the following vote:

Ayes: Commissioner: Brown, Neece, Rogers, and Mayor Pro Tempore Pack

Noes: Councilmen: None

Absent: Councilmen: None

APPROVED:

*Ray E Pack*

MAYOR PRO TEMPORE

ATTEST:

*W E Gragg*

CITY CLERK

(SEAL)

REPEALED BY  
MUNICIPAL CODE

ORDINANCE NO. 445 - N.S.

AN ORDINANCE AMENDING CERTAIN SECTIONS OF ORDINANCE NO. 196 N.S. RELATING TO THE BUSINESS OF CONDUCTING POOL OR BILLIARD PARLORS AND CARD ROOMS.

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

Section 1. Subsection g of Section 3 of Ordinance No. 196 N.S. of the City of Modesto, entitled, "AN ORDINANCE REGULATING THE BUSINESS OF CONDUCTING POOL OR BILLIARD PARLORS OR CARD ROOMS IN THE CITY OF MODESTO", is hereby amended so as to read as follows:

"(g) The applicant covenants and agrees to comply with all the ordinances of the City of Modesto and in particular agrees not to permit any person under the age of twenty-one years to enter, or be at, or play any game at, said premises; not to permit any intoxicated person to remain in said room, or to permit the sale, drinking or use of intoxicating liquors in said room or the premises connected therewith in any manner whatsoever; not to permit any disorderly conduct or loud, boisterous or obscene language at said premises; not to permit any electric piano or other musical instrument to be played after the hour of ten o'clock at night; to close said place of business not later than the hour of twelve o'clock at night and to keep the same closed until at least 6 o'clock the following morning, and to permit police officers of the City of Modesto to visit the same and have reasonable access to all parts thereof during business hours."

Section 2. Section 6 of said Ordinance No. 196 N.S. is hereby amended so as to read as follows:

"Section 6. It shall be unlawful for any person, either as principal, agent, servant or employee, to permit any person under twenty-one years of age, or any intoxicated person, to enter, be or remain at the premises for which a license is issued, as herein provided, or any intoxicating liquor to be kept, used, taken or had therein, or to permit any loud, boisterous or obscene language to be indulged in at said premises, or to fail to keep and maintain the same in a decent and orderly manner,

1 or to permit any electric piano or other musical  
2 instrument to be played thereat after the hour of  
3 ten o'clock p.m., or to fail to close the same not  
4 later than the hour of twelve o'clock p.m."

5 Section 3. This ordinance shall go into effect  
6 and be in full force and operation from and after 15 days after  
7 its final passage and adoption.

8 Section 4. This ordinance shall be published in  
9 full at least once at least three days prior to its final  
10 adoption in the Modesto News-Herald, the official newspaper  
11 of the City of Modesto.

12 The foregoing ordinance was introduced at a  
13 regular meeting of the Council of the City of Modesto held on  
14 the 14th day of June, 1933, by Councilman Brown, who moved its  
15 adoption and passage to print, which motion being duly seconded  
16 was upon roll call carried and the ordinance ordered printed and  
17 published as above by the following vote:

18 Ayes: Councilmen: Brown, Neece, Pack, and Rogers

19 Noes: Councilmen: Mayor Dennett

20 Absent: Councilmen: None

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24 Attest: H. E. Gracy

25 H. E. GRACY  
26 CITY CLERK  
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FINAL ADOPTION CLAUSE:

The foregoing ordinance having been introduced and ordered printed and published at a regular meeting of the Council held on the 24th day of June, 1933, and having been printed and published as required by the Charter of the City of Modesto, coming on for final adoption this 28th day of June, 1933, it was finally adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor Pro Tempore Pack  
Noes: Councilmen: None  
Absent: Councilmen: None

APPROVED: *Ray E Pack*  
MAYOR PRO TEMPORE

ATTEST: *H E Gragg*  
CITY CLERK

(SEAL)

1 REPEALED BY  
2 MUNICIPAL CODE  
3

ORDINANCE NO. 446 N.S.

AN ORDINANCE REPEALING ORDINANCE NO. 107 N.S. RELATING TO GAMBLING.

4 The Council of the City of Modesto do ordain as  
5 follows:

6 Section 1. Ordinance No. 107 N.S. of the City  
7 of Modesto, entitled, "AN ORDINANCE PROHIBITING GAMBLING IN THE  
8 CITY OF MODESTO AND IMPOSING A PENALTY FOR THE VIOLATION THEREOF",  
9 is hereby repealed.

10 Section 2. This ordinance shall go into effect  
11 and said repeal shall be effective from and after fifteen days  
12 after the final adoption of this ordinance.

13 Section 3. This ordinance shall be published in  
14 full at least once at least three days prior to its final  
15 adoption in the Modesto News-Herald, the official newspaper  
16 of the City of Modesto.

17  
18  
19 The foregoing ordinance was introduced at a  
20 regular meeting of the Council of the City of Modesto held on  
21 the 14th day of June, 1933, by Councilman Brown, who moved its  
22 adoption and passage to print, which motion being duly seconded  
23 was upon roll call carried and the ordinance ordered printed  
24 and published as above by the following vote:

25  
26 Ayes: Councilmen: Brown, Neece, Pack, and Rogers

27 Noes: Councilmen: Mayor Dennett

28 Absent: Councilmen: None  
29

30 Attest: \_\_\_\_\_

*H.E. Gray*  
H.E. GRAY  
CITY CLERK

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FINAL ADOPTION CLAUSE:

The foregoing Ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 14th day of June, 1933, and having been so printed and published as required by the Charter of the City of Modesto, it was this 28th day of June, 1933, finally adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor Pro Tempore Pack

Noes: Councilmen: None

Absent: Councilmen: None

APPROVED: *Roy E Pack*  
MAYOR PRO TEMPORE

ATTEST: *W E Gragg*  
CITY CLERK

REPEALED BY  
MUNICIPAL CODE

ORDINANCE NO. 447 N.S.

AN ORDINANCE AMENDING SECTION 6 OF ORDINANCE NO. 54 N.S.  
RELATING TO LICENSE FEES UPON ICE CREAM WAGONS.

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

Section 1. Section 6 of Ordinance 54 N.S. is hereby amended so as to read as follows:

"Section 6. For the business of selling ice cream when the same is sold from wagons or other vehicles on the public streets, the sum of Fifteen Dollars (\$15.00) for the season for each wagon used in said business. For the purpose of this ordinance the season shall be construed as beginning on the 1st day of April of each year and ending on the 1st day of October of each year."

Section 2. This ordinance shall go into effect 15 days after its final passage and adoption; provided, however, that it shall apply to the season beginning May 1st, 1933. All license fees which have been paid or accrued during the present season shall be collected and accounted for in accordance with the terms of this ordinance.

Section 3. This ordinance shall be published in full at least once at least three days prior to its final adoption in the Modesto News-Herald, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on

1 28th day of June, 1933, by Councilman Neece, who  
2 moved its adoption and passage to print, which motion being  
3 duly seconded was upon roll call carried and the ordinance  
4 ordered printed and published as above by the following vote:

5  
6 Ayes: Councilmen: Brown, Neece, Rogers, and vice-mayor Pack

7 Noes: Councilmen: None

8 Absent: Councilmen: None  
9

10 Attest: H. E. Gragg

H. E. GRAGG  
CITY CLERK

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3 FINAL ADOPTION CLAUSE:

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5 The foregoing Ordinance, having been duly adopted  
6 and passed to print and publish at a regular meeting of the Coun-  
7 cil of the City of Modesto held on the 28th day of June, 1933, it  
8 was thereupon printed and published as required by the Charter of  
9 the City of Modesto, and coming on for final adoption this 12th  
10 day of July, 1933, it was upon roll call finally adopted by the  
11 following vote:

12 Ayes: Councilmen: Brown, Rogers, Neece, and Mayor Pro Tempore Pack

13 Noes: Councilmen: None

14 Absent: Councilmen: None

15 Approved: Roy E. Pack  
16 MAYOR PRO TEMPORE

17  
18 Attest: N. E. Gragg  
19 CITY CLERK  
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ORDINANCE NO. 448-N.S.

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CODE SEC. 1  
NO. 12-1.01 3

AN ORDINANCE CREATING RULES AND REGULATIONS FOR THE USE OF THAT PORTION OF LAKE MODESTO LYING WITHIN THE CITY LIMITS.

---oOo---

4  
5 The Council of the City of Modesto do ordain  
6 as follows:

7 Section 1. The City Council does hereby adopt  
8 the following rules and regulations for the use of that portion  
9 of Lake Modesto comprising the northerly half of Tuolumne River  
10 from the dam at the Golden State Highway to the mouth of ~~Dry~~ *Beard*  
11 ~~Creek~~ *Brook* and the ~~easterly~~ *westerly* half of ~~Dry~~ *Beard Brook* ~~Creek~~, which lies within the  
12 corporate limits of the City of Modesto, to-wit:

13  
14 1. No swimming or bathing whatever shall be  
15 permitted between the weir dam and the floating log boom located  
16 approximately fifty feet upstream.

17 2. No motor or row boats, canoes or water  
18 craft of any kind shall be allowed in the area between the log  
19 boom mentioned in the last paragraph and the buoy boom located  
20 approximately 180 feet upstream therefrom. Said area is  
21 reserved exclusively for bathing and swimming.

22 3. Any person driving or operating a motor boat  
23 on the Tuolumne River or in Beard Brook within the corporate  
24 limits of the City of Modesto shall drive and operate the same  
25 at a careful and prudent speed not greater than is reasonable  
26 and proper, having due regard for the traffic, width and use of said  
27 streams and adjacent bathing and boating beaches and consistent  
28 with the safety of bathers, swimmers and users of canoes and  
29 row boats, and no person shall drive or operate any motor boat  
30 thereon at such a speed as to endanger the life, limb or property  
31  
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1 or any person.

2 4. Subject to the provisions of subdivision 3  
3 of this section, it shall be unlawful for the driver or operator  
4 of a motor boat to drive or operate the same at a speed in excess  
5 of the following limits:

6 a. At a greater rate of speed than 4 miles  
7 an hour in any part of Beard Brook; or

8 b. At a greater rate of speed than 15 miles  
9 an hour in any part of the Tuolumne River.

10 5. It shall be unlawful to operate a motor boat  
11 at all in that portion of Beard Brook within the corporate  
12 limits of the City of Modesto above or north of a point beginning  
13 200 feet north of the south end of Beard Brook Park, except  
14 for the purpose of mooring or making the same fast at a pier  
15 or other mooring place.  
16

17 6. All motor boats traversing waters of said  
18 Tuolumne River and/or Beard Brook opposite any beach whereon  
19 the public congregate, or wherefrom swimmers or bathers bathe  
20 or swim, or whereon boats are moored or from which canoes  
21 are rented to the public, except when entering its mooring,  
22 or stopping to take on or let off passengers, shall pass said  
23 points as nearly as possible in the center of the waters of said  
24 streams.  
25

26 Section 2. Any person violating any of the terms  
27 or conditions of this ordinance shall be guilty of a misdemeanor,  
28 and upon conviction thereof shall be punished by a fine not to  
29 exceed \$100.00, or imprisonment in the County Jail not to exceed  
30 30 days, or by both such fine and imprisonment.  
31

1 Section 3. The City Council hereby finds and  
2 determines that at the present time the beaches and banks of  
3 Beard Brook and Tuolumne River within the City Limits are  
4 thickly populated with men, women and children who are continually  
5 using the said banks, beaches and waters thereof for boating  
6 and bathing, and that the unregulated use of motor boats thereon  
7 is a constant source of danger to the peace and safety of the  
8 public, and that the adoption of this ordinance is therefore  
9 necessary for the immediate preservation of the public peace,  
10 health and safety. For said reasons, this ordinance shall go  
11 into effect and be in full force and operation immediately upon  
12 its final passage and adoption.

14 Section 4. This ordinance shall be published  
15 in full at least once at least three days prior to its final  
16 adoption in the Modesto News-Herald, the official newspaper  
17 of the City of Modesto.

19 The foregoing ordinance was introduced at a  
20 regular meeting of the Council of the City of Modesto held on  
21 the 26th day of July, 1933, by Councilmen Neece, who  
22 moved its adoption and passage to print, which motion being  
23 duly seconded was upon roll call carried and the ordinance  
24 ordered printed and published as above by the following vote:

25 Ayes: Councilmen: Brown, Neece, Rogers, and Mayor Pro Tempore Back

26 Noes: Councilmen: None

27 Absent: Councilmen: None

29  
30 Attest:

*H.E. GRAGG*  
H.E. GRAGG  
CITY CLERK

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4 FINAL ADOPTION CLAUSE:  
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7                   The foregoing Ordinance, having been duly passed  
8 to print and publish at a regular meeting of the Council of the  
9 City of Modesto held on the 26th day of July, 1933, and having  
10 been duly printed and published as required by the Charter of the  
11 City of Modesto, coming on for final adoption this 9th day of  
12 August, 1933, it was upon roll call finally adopted by the follow-  
13 ing vote:

14 Ayes: Councilmen: Brown, Neece, Rogers, and Mayor Pro Tempore Pack

15 Noes: Councilmen: None

16 Absent: Councilmen: None  
17

18 Approved: Ray E Pack  
19 MAYOR PRO TEMPORE  
20

21 Attest: NE Gragg  
22 CITY CLERK  
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REPEALED BY  
MUNICIPAL CODE

ORDINANCE NO. 449 - N.S.

ORDINANCE AMENDING ORDINANCE NO. 442 N.S. BY AMENDING SECTION 7 THEREOF AND ADDING A NEW SECTION TO BE KNOWN AS SECTION 7A.

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

Section 1. Section 7 of Ordinance No. 442 N.S., entitled "AN ORDINANCE PROVIDING FOR THE SALE OF CERTAIN BEVERAGES WITHIN THE CITY OF MODESTO, SPECIFYING THE LICENSE FEES TO BE PAID THEREFOR, AND THE CONDITIONS UNDER WHICH SUCH BEVERAGES MAY BE DELIVERED", is hereby amended to read as follows:

"Section 7. All places licensed for the sale and dispensing of beverages, as herein defined, shall be open to full and complete inspection of all parts thereof by the police officers of the City of Modesto at all times when said premises are open for business, without a search warrant or other legal process."

Section 2. A new section, to be known as Section 7A, is hereby added to said Ordinance No. 442 N.S. to read as follows:

"Section 7A. Except as hereinafter specified, all retail places herein designated as "on sale", or where such beverages licensed by the terms of this ordinance are sold for consumption on the premises, shall be open to public view from the street; provided, however, that clear glass doors and windows without screens or curtains may be maintained; nor shall such premises contain any room, place or apartment, alcove or booth which shall have more than one

1 entrance thereto, and which entrance shall be  
2 from the interior and be in plain view from  
3 all parts of such place of business, and which  
4 entrance shall be accessible only through the  
5 main entrance of such place of business;  
6 provided, however, that the foregoing provisions  
7 and conditions of this section shall not apply  
8 to the following places:  
9

10 (a) Bona fide hotels having at least  
11 <sup>50</sup> sleeping apartments or rooms properly  
12 furnished for the accommodation of guests and  
13 actually used and operated as a hotel for  
14 the accommodation of guests; nor

15 (b) Club rooms owned, maintained  
16 and operated by regularly organized and  
17 established fraternal organizations, which  
18 club rooms are used and maintained for the  
19 exclusive use of the members of such  
20 organization and their personal guests  
21 only and are not open to the general public."  
22

23 Section 3. This ordinance shall go into effect  
24 and be in full force and operation from and after 15 days after  
25 its final passage and adoption.  
26

27 Section 4. This ordinance shall be published  
28 in full at least once at least three days prior to its final  
29 adoption in the Modesto News-Herald, the official newspaper  
30 of the City of Modesto.  
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1                   The foregoing ordinance was introduced at a  
2 regular meeting of the Council of the City of Modesto held on  
3 the 26th day of July, 1933, by Councilman Brown,  
4 who moved its adoption and passage to print, which motion being duly  
5 seconded was upon roll call carried and the ordinance ordered  
6 printed and published as above by the following vote:  
7

8       Ayes: Councilmen: Brown, Neece, Rogers, and Mayor Pro Tempore Pack

9       Noes: Councilmen: None

10      Absent: Councilmen: None

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12                   Attest: \_\_\_\_\_

*H.E. Geage*  
H.E. GEAGE  
CITY CLERK

1 FINAL ADOPTION CLAUSE:

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The foregoing ordinance having been duly passed to print and publish at a regular meeting of the Council of the City of Modesto held on the 26th day of July, 1933, and having been printed and published as required by the Charter of the City of Modesto, coming on for final adoption this 9th day of August, 1933, it was upon roll call adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor Pro Tempore Pack  
Noes: Councilmen: None  
Absent: Councilmen: None

APPROVED: Ray E Pack  
MAYOR PRO TEMPORE

ATTEST: H. E. Gragg  
CITY CLERK

SPECIAL  
NOT IN CODE

ORDINANCE NO. 450- N.S.

AN ORDINANCE APPROPRIATING MONEY FOR THE PURCHASE  
OF REAL PROPERTY.

3  
4 The Council of the City of Modesto do ordain as  
5 follows:

6 Section 1. The sum of Sixteen Hundred Dollars  
7 (\$1600.00), or so much thereof as may be necessary, not other-  
8 wise appropriated, is hereby appropriated out of the general  
9 fund for the fiscal year 1933 for the purchase of Lots 12 and  
10 13 of Block 49 of the City of Modesto.

11 Section 2. The City Clerk is hereby authorized  
12 to deliver a warrant of the City of Modesto for the sum of  
13 Fifteen Hundred Seventy-five Dollars (\$1575.00) to the person  
14 authorized to receive the same upon the delivery of a deed for  
15 said property vesting the title thereto in the City of Modesto,  
16 free and clear of all liens and encumbrances, excepting liens  
17 and taxes for the fiscal year 1933; provided, however, that said  
18 warrant shall not be delivered until the City Engineer files  
19 a certificate with the said City Clerk that said lots of  
20 ground have been completely cleared of all buildings and remains  
21 of buildings, including foundations, so as to be ready for  
22 use by the City of Modesto. Said property, when purchased,  
23 shall be added to and used as a part of the corporate yards  
24 of the City of Modesto.

25 Section 3. This ordinance shall go into effect and  
26 be in full force and operation from and after 15 days after  
27 its final passage and adoption.

28 Section 4. This ordinance shall be published in  
29 full at least once at least three days prior to its final  
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1 adoption in the Modesto News-Herald, the official newspaper  
2 of the City of Modesto.  
3

4 The foregoing ordinance was introduced at a  
5 special meeting of the Council of the City of Modesto held  
6 on the 16th day of August, 1933, by Councilman Rogers,  
7 who moved its adoption and passage to print, which motion  
8 being duly seconded was upon roll call carried and the  
9 ordinance ordered printed and published as above by the  
10 following vote:

11 Ayes: Councilmen: Brown, Neece, Rogers, and Mayor Pro Tempore Pack  
12 Noes: Councilmen: None  
13 Absent: Councilmen: None  
14

15 Attest: H. E. Gragg  
16 H. E. GRAGG  
17 CITY CLERK  
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5 FINAL ADOPTION CLAUSE:  
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7 The foregoing ordinance, having been introduced  
8 and ordered printed and published at a special meeting of the  
9 Council of the City of Modesto held on the 16th day of August,  
10 1933, by Commissioner Rogers, and having been printed and publish-  
11 ed as required by the Charter of the City of Modesto, it was brought  
12 up for final adoption on the 23rd day of August, 1933, and was so  
13 finally adopted by the following vote:

14 Ayes: Councilmen: Brown, Neece, Rogers, and Mayor Pro Tem Pack

15 Noes: Councilmen: None

16 Absent: Councilmen: None  
17

18 Approved: Roy E Pack  
19

MAYOR PRO TEM

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21 Attest: \_\_\_\_\_

22 CITY CLERK  
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SPECIAL  
NOT IN CODE

ORDINANCE NO.451-N.S.

AN ORDINANCE FIXING THE RATE OF TAXATION IN AND FOR THE CITY OF  
MODESTO FOR THE FISCAL YEAR 1933-34

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

SECTION 1.

There is hereby levied upon the assessed valuation of the property in the City of Modesto, County of Stanislaus, State of California, for the fiscal year beginning July 1st, 1933, and ending June 30th, 1934, the rates of taxation hereinafter specified, said rates being upon each one hundred (\$100.00) dollars of the valuation according to the equalized assessment roll, to-wit:

FOR THE GENERAL FUND: .....\$ 1.00

on each one hundred dollars valuation;

FOR THE BOND REDEMPTION AND INTEREST FUNDS.

- (a) Municipal Improvement Bonds of 1910 .....\$ .03
- (b) Municipal Improvement Bonds of 1911 ..... .01
- (c) Municipal Improvement Bonds of 1912 ..... .02
- (d) Municipal Improvement Bonds of 1919 ..... .02
- (e) Municipal Improvement Bonds of Jan., 1920..... .10
- (f) Municipal Improvement Bonds of Jun., 1920..... .02
- (g) Municipal Improvement Bonds of 1923 ..... .02

being a total of .....\$ .22

on each one hundred dollars valuation of all property taxable for the redemption of bonds and payments of interest thereon that shall accrue during said fiscal year;

FOR THE LIBRARY FUND: .....\$ .08

on each one hundred dollars of said taxable valuation;

The aggregate of said sums, to-wit:.....\$ 1.30

(One Dollar and Thirty Cents) on each one hundred dollars valuation

as determined by the equalized assessment roll for the year 1933-

1934 on all property taxable in the City of Modesto for said

1 purpose is hereby levied and apportioned to and shall be paid into  
2 the above funds respectively of said City. The rates above specif-  
3 ied shall be in addition to those required to be levied under the  
4 general laws of the State of California for the purpose of paying  
5 principal and interest on street improvement bonds in local improve-  
6 ment districts.

7 SECTION II.

8 This Ordinance shall take effect immediately upon its  
9 final passage and adoption.

10 SECTION III.

11 This Ordinance shall be published in full at least once  
12 at least three days prior to its final adoption in the Modesto News-  
13 Herald, the official newspaper of the City of Modesto.

14 The foregoing Ordinance was introduced  
15 at a regular meeting of the Council of the City of Modesto held on  
16 the 23rd day of August, 1933, by Commissioner Neece, who  
17 moved its adoption and passage to print, which motion being duly  
18 seconded, the ordinance ordered printed and published by the foll-  
19 owing vote:

20 Eyes: Councilmen: Brown, Neece, Rogers, and Mayor Pro Tempore Pack

21 Noes: Councilmen: None

22 Absent: Councilmen: None

23  
24  
25 Attest:

*H.E. Gragg*  
26 H.E. GRAGG  
27 CITY CLERK  
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FINAL ADOPTION CLAUSE

The foregoing ordinance having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 23rd day of August, 1933, and having been thereupon published as required by the Charter of the City of Modesto, coming on for final adoption this 13th day of September, 1933, it was upon roll call adopted by the following vote:  
Ayes: Councilmen: Brown, Neece, Rogers, and Mayor Pro Tem Pack  
Noes: Councilmen: None  
Absent: Councilmen: None

APPROVED: Ray E Pack  
MAYOR PRO TEM

ATTEST: \_\_\_\_\_  
CITY CLERK

*This Ord  
Repealed  
Sept 11, 1930*

ORDINANCE NO.452-N.S.

AN ORDINANCE TO REGULATE WALKING BACK AND FORTH, LOITERING OR REMAINING, OR EXHIBITING SIGNS, PLACARDS, POSTERS OR WRITINGS ON THE STREETS, ALLEYS AND SIDEWALKS OF THE CITY OF MODESTO, CALIFORNIA

---oOo---

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

SECTION I.

It shall be unlawful for any person or persons to walk back and forth, loiter or remain, or cause any person to walk back and forth, loiter or remain upon the streets, alleys or sidewalks of the City of Modesto, in front of, near to or in the vicinity of any business house or place of business for the purpose of persuading or discouraging any person or persons by word of mouth from entering said place or places of business for the purpose of transacting business therein.

SECTION II.

It shall be unlawful for any person or persons to walk back and forth, loiter or remain, or cause any person to walk back and forth, loiter or remain upon the streets, alleys or sidewalks of the City of Modesto, California, in front of, near to or in the vicinity of any business house for the purpose of persuading any person or persons by signs, placards, posters or written or pictured exhibits of any kind, carried or exhibited, from entering said place of business for the purpose of transacting business therein.

SECTION III.

It shall be unlawful for any person to show or exhibit or cause any other person to show or exhibit upon the streets, alleys or sidewalks of the City of Modesto, any sign, placard, poster, or other written or pictured exhibit designed to discourage or

1  
2 prevent or tending to discourage or prevent any person or persons  
3 from dealing with, patronizing or transacting business with any  
4 business house or place of business in the said City of Modesto.

5  
6 SECTION IV.

7 Any person or persons violating the foregoing ordin-  
8 ance shall be deemed guilty of a misdemeanor and upon conviction  
9 thereof shall be punished by a fine of not exceeding Two Hundred  
10 Fifty Dollars ( \$ 250.00) or by imprisonment in the County jail of  
11 the County of Stanislaus, State of California, for not more than  
12 ninety days or by both such fine and imprisonment.

13 SECTION V.

14 The Council finds as a fact that the acts prohibited  
15 by this ordinance have recently been committed; are now being  
16 committed and will probably be continued to be committed within  
17 the City of Modesto; that affrays and disturbances of the peace  
18 and the congregation of crowds of persons have already occurred,  
19 and will continue to occur, all as the result of said acts; that  
20 there is not now any adequate statute or ordinance prohibiting or  
21 penalizing the commission of said acts. And that the continuance  
22 of the same especially for any length of time may and probably will  
23 result in disorders and further disturbances of the public peace.  
24 That, therefore, in order to preserve the public peace and safety  
25 it is necessary that this act go into effect immediately upon its  
26 final passage and adoption. It is, therefore, ordained that this  
27 ordinance shall be in full force and operation immediately upon  
28 its final passage and adoption.

29 SECTION VI.

30 Should it be hereafter discovered by any court that  
31 any section or portion of this ordinance is unconstitutional,  
32

1 void or invalid for any reason, it shall not affect the validity  
2 or constitutionality of the remaining portions of this ordinance,  
3 and the Council of said City of Modesto hereby declares that it  
4 would have passed this ordinance without such unconstitutional,  
5 void or invalid section or portion.

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7 SECTION VII.

8 This Ordinance shall be published in full at least  
9 once at least three days prior to its final passage and adoption  
10 in the Modesto News-Herald, the official newspaper of the City of  
11 Modesto.

12 The foregoing ordinance was introduced at a  
13 regular meeting of the Council of the City of Modesto held on the  
14 23rd day of August, 1933, by Commissioner Brown, who moved its  
15 adoption and passage to print, which motion being duly seconded,  
16 the ordinance was ordered printed and published as above by the  
17 following vote:

18 Ayes: Councilmen: Brown, Neece, Rogers, and Mayor Pro Tempore Pack

19 Noes: Councilmen: None

20 Absent: Councilmen: None

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22 Attest: H. E. Gragg

23 H. E. GRAGG  
24 CITY CLERK  
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1 REJECTION CLAUSE:  
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4 The foregoing ordinance, having been introduced and ordered  
5 printed and published at a regular meeting of the Council of  
6 the City of Modesto held on the 23rd day of August, 1933, and  
7 having been published as required by the Charter of the City  
8 of Modesto, it being now before the Council for consideration  
9 for final adoption, and there having been a great many object-  
10 ions and protest to the ordinance in its present form, it was  
11 unanimously rejected by the following vote:

12 Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem Pack

13 Noes: Councilmen: None

14 Absent: Councilmen: None  
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16 APPROVED: Roy E. Pack  
17  
18

19 MAYOR PRO TEM PACK  
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21 ATTEST: H.E. Gragg  
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24 H.E. GRAGG, CITY CLERK  
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ORDINANCE NO. 453- N.S.

AN ORDINANCE AMENDING SECTION 23 OF ORDINANCE NO.  
345 N.S. REGULATING TRAFFIC UPON THE PUBLIC  
STREETS OF THE CITY OF MODESTO.

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

Section 1. Section 23 of Ordinance No. 345 N.S. of the City of Modesto is hereby amended to read as follows:

"Section 23. BOULEVARD STOPS. The following streets are hereby declared to constitute boulevards for the purpose of this section:

Seventh Street between the northwesterly line of F Street and the southeasterly line of H Street and between the southeasterly line of K Street and the southeasterly line of L Street; the westerly half of Seventh Street between the southeasterly line of I Street and the northwesterly line of I Street; the westerly half of I Street between the southwesterly line of Seventh Street and the northeasterly line of Seventh Street; Ninth Street between the westerly line of Tully Road and the easterly line of Morton Boulevard; H Street between the northeasterly line of Sixth Street, and the southwesterly line of Eighth Street between the northeasterly line of Twelfth Street and the southwesterly line of Eighteenth Street; J Street between the northeasterly line of Eleventh Street and the northeasterly line of Seventeenth Street; McHenry Avenue between the southerly line of Alice Street and the southerly line of Needham Street, and between the southerly line of Maynell Avenue and the northerly

1 line of Modesto Avenue; the north half of Stoddard Avenue  
2 between the west line of Elmwood Avenue and the east line  
3 of Magnolia Avenue; Needham Street between the easterly  
4 line of Nellie Avenue and the westerly line of Olive  
5 Avenue; the north half of Needham Street between the west  
6 line of Hackberry Avenue and the east line of Orange Street,  
7 and between the easterly line of Poplar Street and the  
8 westerly line of Sycamore Avenue, and between the westerly  
9 line of Elmwood Avenue and the easterly line of Sycamore  
10 Avenue; the northerly half of Downey Avenue between the  
11 easterly line of McHenry Avenue and the westerly line of  
12 Temple Street, and between the easterly line of Temple  
13 Street and the westerly line of Melrose Street; the  
14 south half of H Street between the westerly line of  
15 High Street and the east line of Burney Street extended  
16 and produced; the south half of Stanislaus Street  
17 between the westerly line of Madison Street and the  
18 westerly City limits; the north half of H Street between  
19 the southwesterly line of First Street and the northerly  
20 line of California Street; the east half of Roselawn  
21 Avenue between the south line of Center Street and the  
22 north line of Western Way extended and produced; the  
23 north half of Tenth Street between the southeasterly line  
24 of E Street and the northwesterly line of C Street; the  
25 north half of Fourteenth Street between the southeasterly  
26 line of E Street and the easterly line of Burney Street.

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30 Every operator of a vehicle traversing any street  
31 intersecting any boulevard, as hereinabove specified, shall  
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1 bring such vehicle to a full stop at the place where such  
2 street meets the next property line of the boulevard before  
3 entering such boulevard, provided the property line is  
4 clearly marked or sign-posted, as required in this ordinance,  
5 except the intersections where and when traffic is subject  
6 to stop and go signals or directions.  
7

8 The City Council is hereby authorized and required  
9 to place and maintain, or cause to be placed and maintained,  
10 upon each and every street intersecting a boulevard, and  
11 at or near the property line of the boulevard, appropriate  
12 signs upon the street, or devices or marks in the roadway,  
13 such signs, devices or marks to bear the word "STOP" or the  
14 words "BOULEVARD STOP" in such position and with letters of  
15 a size to be clearly legible from a distance of fifty feet  
16 along the street intersecting the boulevard."  
17

18 Section 2. This Ordinance shall go into effect and  
19 be in full force and operation from and after 15 days after  
20 its final passage and adoption.

21 Section 3. This Ordinance shall be published in  
22 full at least once at least three days prior to its final  
23 adoption in the Modesto News-Herald, the official newspaper  
24 of the City of Modesto.

25 The foregoing Ordinance was introduced at a regular  
26 meeting of the Council of the City of Modesto held on the 27th  
27 day of September, 1933 by Councilman Brown, who moved  
28 its adoption and passage to print, which motion being duly  
29 seconded was upon roll call carried and the Ordinance  
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1 ordered printed and published as above by the following vote:  
2 Ayes: Councilman: Brown, Neece, Rogers, and Mayor Pro Tem Pack  
3 Noes: Councilmen: None  
4 Absent: Councilmen: None

7 Attest: H. E. Gragg  
8 H. E. GRAGG  
9 CITY CLERK

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4 FINAL ADOPTION CLAUSE  
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8 The foregoing ordinance having been introduced  
9 and ordered printed and published at a regular meeting of the  
10 Council of the City of Modesto held on the 27th day of September,  
11 1933, and thereupon having been printed and published as required  
12 by the Charter of the City of Modesto, coming on for final adopt-  
13 ion this 11th day of October, 1933, it was upon roll call so fin-  
14 ally adopted by the following vote:

15 Ayes: Councilmen: Brown, Neece, Rogers, and Mayor Pro Tem Pack

16 Noes: Councilmen; None

17 Absent: Councilmen: None  
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Approved: Roy E. Pack

ROY E. PACK  
MAYOR PRO TEM

Attest: H. E. Graeg

H. E. GRAEG  
CITY CLERK

SPECIAL  
NOT IN CODE

ORDINANCE NO. 454 N.S.

AN ORDINANCE APPROPRIATING MONEYS FOR THE PURCHASE OF A PUMP FOR WELL NO. 8 AND FOR THE CONSTRUCTION OF HOUSING AT THE MUNICIPAL GOLF COURSE.

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

Section 1. The sum of Sixteen Hundred Dollars (\$1600.00), or so much thereof as may be necessary, is hereby appropriated out of the funds of the Water Department of the City of Modesto not otherwise appropriated for the purchase and installation of a pump with motor and <sup>ments</sup> attach~~in~~ in Well No. 8 of the Modesto municipal water system. The City Engineer is directed to file with the City Council plans and specifications for said pump, motor and attachments, and upon such plans and specifications being approved, the Clerk shall advertise for bids therefor in the manner provided by the Charter and in accordance with the practice heretofore adopted. The Council shall expressly reserve the right to accept or ~~reject~~ <sup>reject</sup> any or all bids or portions thereof.

Section 2. The sum of Fifteen Hundred Dollars (\$1500.00), or so much thereof as may be necessary, is hereby appropriated out of the general fund of the City of Modesto not otherwise appropriated for the construction and completion of a house or building on the Municipal Golf Course to be used as a shop and club house. The City Engineer shall prepare plans and specifications for said building and submit the same to the City Council, and when the same have been approved, the ~~Clerk~~ shall advertise for bids for the construction and completion of such building in accordance with the provisions

SPECIAL  
NOT IN CODE

1 of the Charter and the practice heretofore adopted by the City  
2 of Modesto in relation thereto. The City Council reserves  
3 the right to reject all bids or portions of bids, and thereupon  
4 to proceed to purchase the material and employ the labor  
5 necessary for the construction of said building. The  
6 appropriation hereby made is intended to cover the cost of said  
7 building, whether it is done by contract or by the purchase of  
8 material and employment of labor directly under the supervision  
9 of the City Engineer.  
10

11 Section 3. This ordinance shall go into effect and  
12 be in full force and operation from and after 15 days after its  
13 final passage and adoption.  
14

15 Section 4. This ordinance shall be published in full  
16 at least once at least three days prior to its final adoption  
17 in the Modesto News-Herald, the official newspaper of the City  
18 of Modesto.  
19


20 The foregoing ordinance was introduced at a special  
21 meeting of the Council of the City of Modesto held on the 4th  
22 day of October, 1933, by Councilman Neece, who moved its  
23 adoption and passage to print, which motion being duly seconded  
24 was upon roll call carried and the ordinance ordered printed  
25 and published as above by the following vote:

26 Ayes: Councilmen: Brown, Neece, Rogers, and Mayor Pro Tem Pack

27 Noes: Councilmen: None

28 Absent: Councilmen: None

29 Attest:

  
H. E. CRAGG  
CITY CLERK

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4 FINAL ADOPTION CLAUSE  
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8 Ordinance No. 454-N.S., having been introduced  
9 and ordered printed and published at a special meeting of the  
10 Council of the City of Modesto held on the 4th day of October,  
11 1933, and having been so published as required by the Charter of  
12 the City of Modesto, coming on for final adoption this 11th day  
13 of October, 1933, it was upon roll call finally adopted by the  
14 following vote:

15 Ayes: Councilmen: Brown, Neece, Rogers, and Mayor Pro Tem Pack

16 Noes: Councilmen: None

17 Absent: Councilmen: None  
18

19 Approved: *Roy E. Pack*

ROY E. PACK  
MAYOR PRO TEM  
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22 Attest: *H. E. Gragg*

H. E. GRAGG  
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AN ORDINANCE RELATING TO THE USE OF THE MODESTO MUNICIPAL GOLF COURSE AND PROVIDING FOR RULES AND REGULATIONS FOR ITS USE.

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

Section 1. The piece of real property owned by the City of Modesto and heretofore used as an aviation field shall be known as the Modesto Municipal Golf Course. It shall be used and maintained for the benefit and entertainment of the public generally, subject, however, to the restrictions and limitations contained in this ordinance, and such further rules and regulations as the City Council may hereafter by resolution adopt. The power to make and enforce further and additional rules and regulations covering the use and the enjoyment of said Municipal Golf Course by resolution is hereby expressly conferred upon the Council.

Section 2. The following acts are hereby prohibited upon said Modesto Municipal Golf Course; the commission of any of them is hereby declared to be a misdemeanor punishable as hereinafter specified, to-wit:

- a. To trespass upon said Municipal Golf Course.
- b. To play on said golf course or said links, or any part thereof, without first having obtained a ticket in proper form so to do; provided that a separate ticket shall be required for each player for each and every round of golf played over said golf links, said round of golf being a continuous play over the nine holes in their sequence, unless the player has a monthly ticket; or to fail or

1 refuse to show said golf ticket to any employee of the City  
2 connected with said golf course when requested so to do, or to  
3 cut in, on or double back over any portion of the course or  
4 to play on or attempt to play with or by authority of a ticket  
5 other than the one regularly issued for the round then being  
6 played.

7  
8 c. For any <sup>Caddy</sup>~~caddy~~ or other employee of said City  
9 connected with said golf links and while working or present  
10 thereon to fail or refuse to obey and carry out the lawful  
11 instructions of the golf professional or keeper in charge of  
12 said golf course with relation to matters or things connected  
13 with the orderly operation and carrying on of said golf links  
14 or of the club house situate thereon.

15  
16 d. For any person wilfully or maliciously to injure  
17 the turf of said golf links, or in any way destroy or injure  
18 property thereon, or remove property or equipment from said  
19 premises without permission from the keeper or professional in  
20 charge thereof.

21  
22 e. To drive or park any vehicle on or over any part  
23 of the lands comprising said golf course, except at the desig-  
24 nated parking area.

25  
26 f. For any person to take possession of golf balls  
27 other than those belonging to themselves upon or from said  
28 course or the lands and streets adjacent thereto, or to sell  
29 or offer to sell thereon golf balls or equipment, food, drinks  
30 or other commodities except as may be provided by the rules  
31 and regulations which may be adopted by the City Council.

32  
33 g. To deposit rubbish, garbage, cut grass or other

1 foreign matter upon said golf course, or any part thereof.

2 h. To play any game with cards or dice for money  
3 or representative of money, or to bet at or against any such  
4 game.

5 Section 3. Any person violating any of the terms,  
6 conditions or provisions of this ordinance shall be deemed  
7 guilty of a misdemeanor and upon conviction thereof shall be  
8 punished by a fine not exceeding Three Hundred Dollars (\$300.00)  
9 or by imprisonment in the County Jail not exceeding six months,  
10 or by both such fine and imprisonment.

11 Section 4. The Council of the City of Modesto is  
12 hereby authorized and empowered by resolution or resolutions  
13 from time to time to control, regulate and manage said  
14 municipal golf course<sup>in</sup>/all particulars not inconsistent with  
15 this ordinance, specify the conditions under which the same  
16 may be used or played upon, to provide the fees to be paid  
17 for the use thereof and for their collection and payment into  
18 the City Treasury, and to specify the compensation to be paid  
19 to the professional or keeper and other employees thereof,  
20 including caddies, and to provide for the employment of such  
21 employees and to enter into contracts therefor, and to require  
22 bonds from all employees handling any money, to provide for the  
23 construction and maintenance of a club house or a caddy house  
24 thereon, and for the sale thereof by concession, or otherwise,  
25 of golf equipment and refreshments, to provide for practice  
26 greens and practice fairways, and for exhibition matches and  
27 tournaments, and for the control and regulation, maintenance  
28 and upkeep in every other manner and to every extent of said  
29 premises.  
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4 FINAL ADOPTION CLAUSE  
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6 The foregoing ordinance, having been introduced and  
7 ordered printed and published at a regular meeting of the Council  
8 of the City of Modesto held on the 11th day of October, 1933, and  
9 having been published as required by the Charter of the City of  
10 Modesto, coming on for final adoption this 25th day of October,  
11 1933, it was finally adopted by the following vote:

12 Ayes: Councilmen; Brown, Neece, Rogers, and Mayor Pro Tem Pack

13 Noes: Councilmen: None

14 Absent: Councilmen: None  
15  
16

17 Approved: \_\_\_\_\_

*Roy E. Pack*

18 ROY E. PACK  
19 MAYOR PRO TEM

20 Attest: \_\_\_\_\_

*H. E. Gragg*

21 H. E. GRAGG  
22 CITY CLERK  
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SPECIAL  
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AN ORDINANCE APPROPRIATING MONEY FOR THE PURCHASE OF MOTOR CARS  
FOR THE POLICE AND FIRE DEPARTMENTS

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

SECTION 1.

The sum of Fifteen Hundred Dollars (\$ 1500.00), or so much thereof as is necessary, is hereby appropriated out of the general fund of the City of Modesto for the purchase of two motor cars as follows, to-wit: one light-weight 6-cylinder motor car for the Police Department; one light-weight car for the use of the Fire Department.

SECTION 2.

When this ordinance goes into effect the City Clerk shall, pursuant to such directions as may be given to him by the City Council, advertise for bids for the purchase of said motor car equipment in the manner provided by law and according to the practice of his office. Bidders shall be required to submit their own specifications with their bids, to accompany their bids with certified checks on some solvent bank in California, or a bidding bond for 10% of the price bid, as a guarantee that the successful bidder will perform his bid. The Council will reserve the right to accept or reject any or all bids, and to accept the bid for the car best suited to the City's purpose according to the specifications thereof, whether it is the low bid or not.

SECTION 3.

This ordinance is hereby declared to be necessary for the immediate preservation of the public peace, health and safe-

1 ty, and shall therefore go into effect immediately upon its final  
2 adoption. The facts upon which the Council finds that this ordin-  
3 ance is necessary for the immediate preservation of the public  
4 peace, health and safety are as follows: It is essential that both  
5 the Police Department and the Fire Department be equipped with  
6 apparatus and equipment necessary to perform their respective func-  
7 tions, and the functions of each of said departments is directly  
8 concerned with the public peace, health and safety. The motor  
9 equipment hereinabove specified is necessary at this time for the  
10 proper performance by said Police and Fire Departments respective-  
11 ly of their duties and functions.

12 SECTION 4.

13 This ordinance shall go into effect and be in full  
14 force and operation immediately after its final passage and adoption.

15 SECTION 5.

16 This ordinance shall be published in full at least  
17 once at least three days prior to its final adoption in the Modesto  
18 Bee, the official newspaper of the City of Modesto.

19 The foregoing Ordinance was introduced at a  
20 regular meeting of the Council of the City of Modesto held on the  
21 8th day of November, 1933, by Councilman Brown, who moved its adopt-  
22 ion and passage to print, which motion being duly seconded, it was  
23 upon roll call carried and the ordinance ordered printed and pub-  
24 lished as above by the following vote:  
25 Ayes: Councilmen: Brown, Neece, Rogers, Mayor pro tem. Pack  
26 Noes: Councilmen: None  
Absent: Councilmen: None

27 Attest:

*H. E. Grace*  
H. E. GRACE  
CITY CLERK

"FINAL ADOPTION CLAUSE"

The foregoing ordinance having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 8th day of November, 1933, and having been printed and published as required by the Charter of the City of Modesto, coming on for final adoption this 22nd day of November, 1933, it was upon roll call adopted by the following vote:

Ayes: Councilmen; Brown, Neece, Rogers, and Mayor pro tem Pack

Noes: Councilmen: None

Absent: Councilmen: None

APPROVED:

*Ray E. Pack*

ROY E. PACK  
MAYOR PRO TEM

ATTEST:

*H. E. Gragg*

H. E. GRAGG  
CITY CLERK

CODE SEC. 3  
NO. 4-1.703

AN ORDINANCE AMENDING SECTIONS 3 AND 4 of ORDINANCE NO. 196 N.S. REGULATING THE BUSINESS OF CONDUCTING POOL OR BILLIARD PARLORS OR CARD ROOMS IN THE CITY OF MODESTO.

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

Section 1. Section 3 of Ordinance No. 196 N.S., entitled "An Ordinance Regulating the Business of Conducting Pool or Billiard Parlors or Card Rooms in the City of Modesto", is hereby amended so as to read as follows:

"Section 3. Any person, firm or corporation desiring to engage in, carry on or operate the business within the City of Modesto as herein defined of conducting, operating, managing or having a pool or billiard parlor or card room shall first make application to the City Collector for a license so to do. Said application shall be in substantially the following form:

"Modesto, California,

Application is hereby made for a license to conduct, operate, manage and have within the limits of the City of Modesto a pool and billiard parlor (and card room) in accordance with the provisions of Ordinance No. 196 N.S. of the City of Modesto, and in that behalf applicant makes the following statements:

- (a) The name of the applicant is \_\_\_\_\_
- (b) Applicant is \_\_\_\_\_ (Person, firm or corporation.)
- (c) The location at which it is proposed to conduct said business is at \_\_\_\_\_ Street in the City of Modesto.
- (d) The applicant proposes to operate at said premises \_\_\_\_\_ billiard tables, \_\_\_\_\_ pool tables, and \_\_\_\_\_ card tables.
- (e) No other business will be conducted at said premises except as follows: \_\_\_\_\_
- (f) Applicant hereby tenders the sum of \$ \_\_\_\_\_ being Two Dollars and Fifty Cents application fee and \$ \_\_\_\_\_ license tax for the current quarter for \_\_\_\_\_ billiard tables, \_\_\_\_\_ pool

1 tables and \_\_\_\_\_ card tables to be operated by and in  
2 the business herein asked to be licensed, and agrees  
3 to pay to the city tax and license collector in advance  
4 a quarterly license of Five Dollars for each pool and  
5 billiard table and Ten Dollars for each card table  
6 during such time as this license shall be in force.  
7 It is understood that the quarter commences on the  
8 first days of January, April, July and October of each  
9 year.

10 (g) The applicant covenants and agrees to comply with  
11 all of the ordinances of the City of Modesto and  
12 in particular agrees not to permit any person  
13 under the age of twenty-one years to enter, or be  
14 at, or play any game at, said premises; not to  
15 permit any intoxicated person to remain in said  
16 room, or to permit the sale, drinking or use of  
17 intoxicating liquors in said room or the premises  
18 connected therewith in any manner whatsoever; not  
19 to permit any disorderly conduct or loud, boi-  
20 terous or obscene language at said premises; not  
21 to permit any electric piano or other musical  
22 instrument to be played after the hour of ten  
23 o'clock at night; to close said place at twelve  
24 o'clock at night and to keep the same closed  
25 until at least six o'clock the following morning,  
26 and to permit police officers of the City of  
27 Modesto to visit the same and have reasonable  
28 access to all parts thereof during business  
29 hours.

30 (h) Applicant further particularly agrees that any  
31 violation by him of any of the terms of this  
32 application, or of this ordinance, or of any  
33 ordinance of the City of Modesto, relating to  
34 the conduct of a pool or billiard parlor or  
35 card room shall be sufficient grounds for the  
36 revocation by the City Council of the license  
37 herein applied for.

38 Section 2. Section 4 of said Ordinance No. 196 N.S.  
39 is hereby amended so as to read as follows:

40 "Section 4. Upon the filing of said application  
41 with the City Collector an application fee of Two Dollars  
42 and Fifty Cents for each such pool and billiard parlor  
43 or card room, together with a fee for a quarter of  
44 a year at the rate of Five Dollars per quarter for each  
45 pool or billiard table and Ten Dollars per quarter for

1 each card table operated or to be operated therein shall  
2 be paid to the City Collector. Upon the filing of said  
3 application and the payment of said fees it shall be  
4 the duty of the City Collector to issue to the appli-  
5 cant a license giving the date of the issuance thereof,  
6 the name of the licensee, together with a description  
7 of the premises at which the business so licensed  
8 shall be conducted, together with the number of the  
9 license corresponding with the serial number of the  
10 application therefor, and a statement that the license  
11 may be revoked by the City Collector upon two days  
12 notice to show cause to the licensee for failure to  
13 comply with the terms of this ordinance, or any  
14 other ordinance of the City of Modesto, relating  
15 thereto. The applications for licenses herein  
16 provided for shall be filed by the City Collector  
17 in his office and each application numbered consec-  
18 utively in the order of filing. A separate receipt  
19 or certificate shall be issued by the tax collector  
20 for each quarterly payment of the license fee after  
21 the first so that the same may be affixed to the  
22 original license.  
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26 Section 3. This ordinance shall go into effect  
27 and be in full force and operation from and after fifteen days  
28 after its final passage and adoption; provided, however, that  
29 if said period of fifteen days shall elapse prior to January  
30 1st, 1934, the ordinance shall go into effect on January 1st, 1934.  
31  
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1                   Section 4. This ordinance shall be published in  
2 full at least once at least three days prior to its final  
3 adoption in the Modesto News-Herald, the official newspaper of  
4 the City of Modesto.  
5

6                   The foregoing ordinance was introduced at a  
7 regular meeting of the Council of the City of Modesto held on  
8 the 13th day of December, 1933, by Councilman Neece, who  
9 moved its adoption and passage to print, which motion being  
10 duly seconded was upon roll call carried and the ordinance  
11 ordered printed and published as above by the following vote:  
12

13       Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem Pack

14       Noes: Councilmen: None

15       Absent: Councilmen: None  
16

17                   Attest: \_\_\_\_\_

18                                   W. E. CHAZG  
19                                   CITY CLERK  
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FINAL ADOPTION CLAUSE

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5 The foregoing ordinance having been introduced and ordered  
6 printed and published at a regular meeting of the Council of  
7 the City of Modesto held on the 13th day of December, 1933, and  
8 having been published as required by the Charter of the City of  
9 Modesto, coming on for final adoption this 27th day of Decem-  
10 ber, 1933, it was upon roll call adopted by the following vote:  
11 Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem Pack  
12 Noes: Councilmen: None  
13 Absent: Councilmen: None  
14

15 APPROVED:

*Roy E. Pack*  
ROY E. PACK  
MAYOR PRO TEM

16  
17  
18 ATTEST:

*H. E. Grace*  
H. E. GRACE  
CITY CLERK  
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SPECIAL  
NOTES IN  
CODE

ORDINANCE NO. 458- N.S.

AN ORDINANCE CHANGING THE NAME OF STANISLAUS STREET TO MAZE BOULEVARD.

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

Section 1. The name of that certain street in the City of Modesto now known as Stanislaus Street, from the west side of Washington Street to the westerly City limits, is hereby changed to Maze Boulevard, and said street shall hereafter be known and designated as Maze Boulevard in the place and stead of Stanislaus Street.

Section 2. This ordinance shall go into effect and be in full force and operation from and after 15 days after its final passage and adoption.

Section 3. This ordinance shall be published in full at least once at least three days prior to its final adoption in the Modesto News-Herald, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of December, 1933, by Councilman Rogers, who moved its adoption and passage to print, which motion being duly seconded was upon roll call carried and the ordinance ordered printed and published as above by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem Pack

Noes: Councilmen: None

Absent: Councilmen: None

Attest: H. E. Gragg  
H. E. GRAGG  
CITY CLERK

FINAL ADOPTION CLAUSE:

The foregoing ordinance having been duly introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 27th day of December 1933, and having been printed and published as required by the Charter of the City of Modesto, coming on for final adoption this 10th day of January, 1934, it was upon roll call adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem Pack

Noes: Councilmen: None

Absent: Councilmen: None

APPROVED:

Ray E. Pack  
MAYOR PRO TEM

ATTEST:

H. E. Gugg  
CITY CLERK

CODE SEC.  
NO. 12-3.01  
12-3.03

ORDINANCE NO. 459- N.S.

AN ORDINANCE DESIGNATING THE BASEBALL FIELD SOUTH OF THE MUNICIPAL GOLF COURSE AS ROOSEVELT FIELD; AND PROVIDING AND AUTHORIZING THE ADOPTION OF RULES AND REGULATIONS FOR ITS USE.

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

Section 1. That piece or parcel of real property owned by the City of Modesto and situated south of the property now used for the Modesto Municipal Golf Course shall be known as Roosevelt Field. It shall be used and maintained for athletic sports and for the benefit and entertainment of that portion of the public which engages in or patronizes athletic sports, and particularly baseball; subject, however, to the restrictions and limitations contained in this ordinance and to such further rules and regulations as the City Council may hereafter by resolution adopt.

Section 2. The following acts are hereby prohibited upon said Roosevelt Field, the commission of any of them is declared to be a misdemeanor, punishable as hereinafter specified, to-wit:

- a. To trespass upon said Roosevelt Field.
- b. To engage in or play sports activities of any kind thereon without first having obtained permission so to do from the Commissioner or officer of the City of Modesto in charge thereof.
- c. To wilfully or maliciously injure the turf or sod thereon, or in any way to destroy property thereon, or to remove property or equipment therefrom (except the property

*Amended  
Ord*

1 of the person so removing the same) without permission from the  
2 custodian thereof.

3 d. To take possession of any athletic equipment  
4 other than that belonging to themselves upon or from said  
5 course or the lands or streets adjacent thereto or the sale  
6 or offer for sale thereon<sup>of</sup>/athletic equipment, food, drinks or  
7 other commodities, except as may be provided by the rules and  
8 regulations which may hereafter be adopted by the City Council.  
9

10 e. To drive or park any vehicle on or over any  
11 part of the lands comprising said Roosevelt Field except at the  
12 designated parking area, or as may be designated by the custodian  
13 thereof.

14 f. To deposit rubbish, garbage, cut grass or other  
15 foreign matter upon said Roosevelt Field, or any part thereof.

16 Section 3. Any person violating any of the terms,  
17 conditions or provisions of this ordinance shall be deemed  
18 guilty of a misdemeanor and upon conviction thereof shall be  
19 punished by a fine not exceeding Three Hundred Dollars (\$300.00)  
20 or by imprisonment in the County Jail not exceeding six months,  
21 or by both such fine and imprisonment.  
22

23 Section 4: The Council of the City of Modesto is  
24 hereby authorized and empowered by resolution or resolutions  
25 from time to time to control, regulate and manage said Roosevelt  
26 Field in all particulars not inconsistent with this ordinance,  
27 to specify the conditions under which the same may be used or  
28 played upon, to provide the fees to be paid for the use thereof  
29 and for their collection and payment into the City Treasury, to  
30 designate one or more Commissioners of the City of Modesto to be  
31

1 in charge of said Roosevelt Field, and to provide for and appoint  
2 a custodian or caretaker thereof, and such other employees as  
3 may be necessary from time to time, and to fix the duties and  
4 the compensation of such custodian and other employees, to  
5 provide for the construction and maintenance of a grandstand,  
6 bleachers and other permanent equipment thereon, and for the  
7 sale thereat by concession or otherwise of athletic equipment  
8 and refreshments, and to provide generally for the control and  
9 regulation, maintenance and upkeep of said Roosevelt Field in  
10 every other manner and to such extent as may be necessary.

12 Section 5. If any section, subsection, sentence,  
13 clause or phrase of this ordinance is for any reason declared  
14 to be unconstitutional or invalid, such decision shall not  
15 affect the validity of the remaining portions of this ordinance.  
16 The Council hereby declares that it would have passed this  
17 ordinance and each section, subsection, sentence, clause or  
18 phrase thereof irrespective of the fact that any one or more  
19 of the other portions thereof may hereafter be found or declared  
20 to be unconstitutional or invalid.

22 Section 6. This ordinance shall go into effect and  
23 be in full force and operation from and after 15 days after its  
24 final passage and adoption.

25 Section 7. This ordinance shall be published in  
26 full at least once at least three days prior to its final adoption  
27 in the Modesto News-Herald, the official newspaper of the City  
28 of Modesto.

30 The foregoing ordinance was introduced at a regular  
31 meeting of the Council of the City of Modesto held on the 10th day

1 of January, 1934, by Councilman Rogers, who moved its adoption  
2 and passage to print, which motion being duly seconded was  
3 upon roll call carried and the ordinance ordered printed and  
4 published as above by the following vote:

5 Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack

6 Noes: Councilmen: None

7 Absent: Councilmen: None

10 Attest: H. E. Gragg  
11 H. E. GRAGG  
12 CITY CLERK

13 FINAL ADOPTION CLAUSE

14 The foregoing ordinance having been duly introduced  
15 and ordered printed and published at the regular meeting of January  
16 10th, 1934, and having been so printed and published as required  
17 by the Charter of the City of Modesto, coming on for final adoption  
18 this 24th day of January, 1934, it was finally adopted by the  
19 following vote:

20 Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem Pack

21 Noes: Councilmen: None

22 Absent: Councilmen: None

23 APPROVED: Roy E. Pack  
24 ROY E. PACK  
25 MAYOR PRO TEMPORE

26 ATTEST: H. E. GRAGG  
27 H. E. GRAGG  
28 CITY CLERK

SPECIAL  
NOT IN CODE

ORDINANCE NO. 460-N.S.

2 AN ORDINANCE APPROPRIATING \$7000.00 FOR THE CONSTRUCTION OF  
3 ADDITIONAL SEWER FACILITIES FOR THE CITY OF MODESTO.

4 ---oOo---

5 The Council of the City of Modesto do ordain as follows:

6 Section 1. The sum of Seven Thousand Dollars (\$7000)  
7 is hereby appropriated out of the general fund of the City of  
8 Modesto not heretofore appropriated for the acquisition, con-  
9 struction, reconstruction and completion of the following improve-  
10 ment in and for the City of Modesto, to-wit: the acquisition,  
11 construction, reconstruction and completion of a portion of the  
12 sanitary sewer system of the City of Modesto, consisting of a  
13 pressure system with pumps, motor, pipes and necessary equipment  
14 to eliminate the present septic tank at Rue De Yoe near Beard  
15 Brook, and to force the sewage therefrom into existing gravity  
16 sewage lines in said City. The City Engineer is hereby directed  
17 to file with the City Council plans and specifications and  
18 estimates of the doing of said work, including labor, material  
19 and complete installation.  
20

21 Section 2. The Council shall have the power hereafter  
22 by resolution to determine whether to advertise for bids for the  
23 completed improvement in one contract or in separate or unit  
24 contracts, or to purchase the material separately and employ the  
25 labor on its own account to complete said improvement; provided,  
26 however, that no single purchase of material shall be for a sum  
27 in excess of Five Hundred Dollars (\$500.00), unless bids are  
28 advertised and received therefor; and provided, further, that in  
29 event the Council shall hereafter determine to purchase the  
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1 material separately and to employ the labor directly for the  
2 completion of said job, it may by resolution so determine, and  
3 shall thereupon have the power to so proceed. The appropriation  
4 of Seven Thousand Dollars (\$7000.00) hereby made includes the  
5 amount granted heretofore by the ~~State~~-Emergency Administration of  
6 the Federal Government therefor.  
7

8 Section 3. It is hereby found and determined that  
9 the immediate passage and adoption of this ordinance is necessary  
10 for the immediate preservation of the public peace, health and  
11 safety in that the immediate commencement of work is necessary  
12 in order that the unemployed persons may receive compensation for  
13 their labor upon said project immediately, and in that the sewer  
14 facilities now existing in the area where said improvement will  
15 be installed are inadequate and a menace to public health. This  
16 ordinance shall therefore go into effect and be in full force  
17 and operation immediately upon its final passage and adoption.  
18

19 Section 4. This ordinance shall be published in full  
20 at least once at least three days prior to its final adoption  
21 in the Modesto <sup>Bee</sup> ~~News Herald~~, the official newspaper of the  
22 City of Modesto.  
23

24 The foregoing Ordinance was introduced at a regular  
25 meeting of the Council of the City of Modesto held on the 10th day  
26 of January, 1934, by Councilman Rogers, who moved its adoption  
27 and passage to print, which motion being duly seconded was upon  
28 roll call carried and the ordinance ordered printed and published  
29 as above by the following vote:

30  
31 Ayes: Councilmen: Brown, Neece, Rogers, Mayor pro tem. Pack  
32 Noes: Councilmen: none  
Absent: Councilmen: None

Attest: NE Gagg  
CITY CLERK

FINAL ADOPTION CLAUSE

Ordinance No. 460-N.S., having been introduced and ordered printed and published at the regular meeting of the Council held on the 10th day of January, 1934, and having been subsequently printed and published as required by the Charter of the City of Modesto, coming on for final adoption at this meeting of January 24th, 1934, it was finally adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem Pack

Noes: Councilmen: None

Absent: Councilmen: None

APPROVED:

Roy E. Pack  
ROY E. PACK  
MAYOR PRO TEMPORE

ATTEST:

H. E. GRAGG  
H. E. GRAGG  
CITY CLERK



SPECIAL  
NOT IN CODE

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4 The Council of the City of Modesto do ordain as  
5 follows:

6 Section 1.

7 That certain contract or agreement between the City of  
8 Modesto, California, as first party, and the United States of  
9 America, as second party, heretofore submitted to the City of  
10 Modesto, in connection with the application by the City of Mod-  
11 esto for a grant from the United States of America of Twenty-One  
12 Hundred Dollars (\$2100.00) to aid in financing the construction  
13 of a certain proposed improvement, consisting of the improvement  
14 of a municipal sewer system by extensions, installation of pump-  
15 ing equipment and construction of a force main substantially in  
16 accordance with the application of the City of Modesto, numbered  
17 by the United States of America, P.W.A., as Docket No.2800, be  
18 and the same is hereby approved; that the Mayor pro tempore of  
19 the City of Modesto and the City Clerk of the City of Modesto are  
20 hereby authorized, empowered and directed on behalf of said City  
21 of Modesto to execute the said contract and counterparts thereof  
22 as may be required by the United States of America, and to bind  
23 and obligate the City of Modesto to the performance of all the  
24 covenants and conditions therein contained. Said City of Modesto  
25 does further covenant and agree to carry out, perform and execute  
26 all of the matters and things in said contract specified to be  
27 performed, carried out and executed by said City of Modesto. The  
28 power and authority hereby conferred upon the said Mayor pro tem-  
29 pore and the City Clerk are hereby extended to include and cover  
30 all matters and things connected with or incidental to the exec-  
31 ution of said contract on behalf of the City of Modesto and the  
32 performance of the terms thereof.

1 Section 2.

2 The funds appropriated by the City of Modesto pursuant  
3 to Ordinance No. 460-N.S. for the acquisition, construction and  
4 completion of said project shall be deposited in the Modesto Trust  
5 & Savings Bank at Modesto, California, in a separate or special  
6 account to be called City of Modesto Rue de Yoe Sewer Account, and  
7 said funds shall be expended only in paying the cost of the acquis-  
8 ition and construction of said project until said project shall  
9 have been fully completed.

10 Section 3.

11 It is hereby found and determined that the immediate  
12 passage and adoption of this ordinance is necessary for the immed-  
13 iate preservation of the public peace, health and safety for the  
14 following reasons: the City of Modesto has heretofore adopted and  
15 there is now in force a certain ordinance numbered Ordinance No.  
16 460-N.S., by the terms of which Seven Thousand Dollars (\$7000.00)  
17 was appropriated for the acquisition, construction, reconstruction  
18 and completion of said improvement, and the said moneys so approp-  
19 riated by the City of Modesto is now available therefor. Said  
20 appropriation was made and the grant from the United States of  
21 America has been allowed for the express purpose of giving immed-  
22 iate employment to unemployed persons in the emergency now exist-  
23 ing, and it is necessary that said project be commenced immediate-  
24 ly in order that said employment may be available when it is need-  
25 ed. The City Council further finds and declares that the sewer  
26 facilities now existing in the area where said improvement will  
27 be installed are inadequate and a menace to public health. This  
28 Ordinance shall therefore go into effect and be in full force and  
29 operation immediately upon its final passage and adoption.

30 Section 4.

31 This ordinance shall be published in full at least  
32 once at least three days prior to its final adoption in the

1 Modesto Bee, the official newspaper of the City of Modesto.

2 The foregoing ordinance was introduced at a  
3 special meeting of the Council of the City of Modesto duly held,  
4 convened and called on the 7th day of February, 1934, by Council-  
5 man Rogers, who moved its adoption and passage to print, which  
6 motion being duly seconded, was upon roll call carried and the  
7 ordinance ordered printed and published as above by the following  
8 vote:

9 Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro. tem. Pack

10 Noes: Councilmen: None

11 Absent: Councilmen: None

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13 Attest: H.E. Gragg  
14 H.E. GRAGG  
15 CITY CLERK  
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FINAL ADOPTION CLAUSE

The foregoing ordinance having been duly introduced and ordered printed and published at a special meeting of the Council of the City of Modesto held on the 7th day of February, 1934, and subsequently thereto printed and published as required by the Charter of the City of Modesto, coming on for final adoption at the regular meeting of February 14th, 1934, and acted on at the adjourned meeting of February 15th, 1934, it was upon roll call finally adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem Pack

Noes: Councilmen: None

Absent: Councilmen: None

Approved: Roy E. Pack  
ROY E. PACK  
MAYOR PRO TEMPORE

Attest: \_\_\_\_\_  
H. E. GRAGG  
CITY CLERK

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NOT SPECIAL  
IN CODE

AN ORDINANCE APPROPRIATING MONEY FOR THE PURCHASE OF WATER PIPE FOR EXTENSIONS TO THE MUNICIPAL WATER SYSTEM.

---oOo---

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

Section 1. The sum of Four Thousand Dollars (\$4000.00), or so much thereof as may be necessary, is hereby appropriated out of the general fund of the City of Modesto not otherwise appropriated for the purchase of water pipes and for such incidental labor as may be necessary in laying the same. The material herein provided for shall include such fittings and other equipment as may be necessary to install such pipe. The pipe and material herein provided/ shall be used for the extension of the water mains to and at Roosevelt Field and the installation of additional water pipes on the municipal golf course.

Section 2. After this ordinance becomes effective, the City Engineer shall file with the City Council specifications of the material required for said purposes, either in one lot or from time to time as the same may be needed, and the City Clerk shall thereupon advertise for bids for the same in accordance with the Charter and the practice of his office; provided, however, that purchases in lots not to exceed Five Hundred Dollars (\$500.00) in value may be made from time to time by the City Engineer upon the order of the Council and without advertising for bids.

Section 3. This ordinance shall go into effect and be in full force and operation from and after 15 days after

1 its final passage and adoption.

2 Section 4. This ordinance shall be published in full  
3 at least once at least three days prior to its final adoption  
4 in the Modesto News-Herald, the official newspaper of the City  
5 of Modesto.  
6

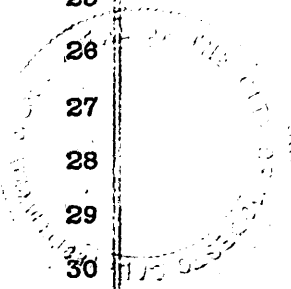
7 The foregoing ordinance was introduced at a regular  
8 meeting of the Council of the City of Modesto held on the 28th  
9 day of February, 1934, by Councilman Rogers, who moved its  
10 adoption and passage to print, which motion being duly seconded  
11 was upon roll call carried and the ordinance ordered printed  
12 and published as above by the following vote:  
13

14 Ayes: Councilmen: Rogers, Neece, Brown, Mayor pro tem. Pack

15 Noes: Councilmen: None

16 Absent: Councilmen: None

17 Attest: H. E. CRAIG  
18 H. E. CRAIG  
19 CITY CLERK  
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2 FINAL ADOPTION CLAUSE  
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5 The foregoing ordinance, having been introduced  
6 and ordered printed and published at the regular meeting of the  
7 Council of the City of Modesto held on the 28th day of February,  
8 1934, and having been printed and published as required by the  
9 Charter of the City of Modesto, coming on regularly for final  
10 adoption at this meeting of March 14th, 1934, it was upon roll call  
11 so finally adopted by the following vote:

12 Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack

13 Noes: Councilmen: None

14 Absent: Councilmen: None  
15

16 Approved: Roy E. Pack  
17 ROY E. PACK  
18 MAYOR PRO TEM.

19 Attest: H. E. Grady  
20 H. E. GRADY  
21 CITY CLERK  
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SPECIAL  
NOTES  
IN CODE

ORDINANCE NO. 463 - N.S.

AN ORDINANCE APPROVING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF MODESTO.

---oOo---

WHEREAS, heretofore, to-wit: on the 27th day of December, 1933, there was received by the City Council of the City of Modesto, which said City Council is the legislative body of said municipal corporation, a written petition signed by not less than one-fourth in number of all the qualified electors residing within the territory therein and hereinafter described, as shown by the registration of voters in the county in which such territory is situated, asking that such territory be annexed to the City of Modesto, and asking that the question to be submitted to the electors residing in the territory proposed by said petition to be annexed to said City of Modesto shall be whether such new territory shall be annexed to, incorporated in and made a part of said municipal corporation and the property therein be, after such annexation, subject to taxation equally with the property within such municipal corporation to pay the bonded indebtedness of said City of Modesto outstanding at the date of the filing of said petition or theretofore authorized; and

WHEREAS, thereafter and pursuant to said petition an election was called to submit to the qualified electors in the territory proposed by such petition to be annexed to the said city the said question as hereinbefore stated, which said election was thereafter, to-wit: on February 13th, 1934, held in accordance with the said order and resolution and in accordance with the Statutes in such case made and provided; and

1           WHEREAS, the proper officers of said election did  
2 thereupon and thereafter deliver the ballots, tally sheets and  
3 returns of said election to and deposit the same with the Clerk  
4 of the legislative body of said municipal corporation, to-wit:  
5 the Clerk of the City Council of the City of Modesto, and the  
6 said City Council did thereafter and at the time provided by  
7 law meet and proceed to canvass said returns and did find there-  
8 from that within the said election precinct, which constituted  
9 the whole of said territory proposed to be annexed, the total  
10 number of votes cast was three votes, that the total number of  
11 votes cast in favor of said proposition was ~~five~~ five votes, and that  
12 the number of votes cast against said proposition was none, and  
13 that said proposition carried. The said City Council did there-  
14 upon immediately upon the completion of said canvass cause a  
15 record thereof to be made and entered upon its minutes, stating  
16 the proposition submitted, and showing the whole number of votes  
17 cast thereon in the territory proposed to be annexed, the  
18 number of votes cast therein in favor of annexation and the  
19 number of votes cast therein against annexation, and that all  
20 of the matters and things required by law to be done in the  
21 premises have been done and complied with, and that a majority  
22 of all the votes cast in such outside territory on the question  
23 of annexation, as hereinabove stated, were cast in favor of  
24 such annexation.  
25  
26

27           NOW, THEREFORE, The Council of the City of Modesto  
28 do ordain as follows:  
29

30           Section 1. That the annexation of the following des-  
31 cribed territory lying and being in the County of Stanislaus,  
32 State of California, and contiguous to the City of Modesto,

1 and particularly described as follows, to-wit:

2 All that portion of the northwest quarter of  
3 the southeast quarter and of the northeast  
4 quarter of the southwest quarter of Section 28,  
5 Township 3 South, Range 9 East, M.D.B. & M.,  
6 lying south and east of Beard Brook;

7 be approved.

8 Section 2. That the said territory hereinabove des-  
9 cribed be, and the same is, hereby annexed to, incorporated in  
10 and made a part of the said City of Modesto, to be effective  
11 upon the filing with the Secretary of State of the State of  
12 California of a copy of the record of the canvass of the returns  
13 of said election in such new territory and a certified copy  
14 of this Ordinance.

15 Section 3. The Clerk of the City of Modesto is  
16 hereby authorized and directed to make and certify, under the  
17 seal of the City of Modesto, and transmit to the Secretary of  
18 State of the State of California, a copy of the record of the  
19 canvass of the returns of said election in such new territory,  
20 and a copy of this Ordinance, giving the date of its passage  
21 in accordance with the ~~Statutes~~<sup>Statutes</sup> providing therefor.

22 Section 4. That the said territory hereinabove des-  
23 cribed shall, after such annexation, be subject to taxation  
24 equally with the property within such municipal corporation, to  
25 pay such bonded indebtedness of such municipal corporation out-  
26 standing at the date of said annexation or indebtedness thereto-  
27 fore authorized, and to be represented by bonds of said municipal  
28 corporation after said election to be issued, which said bonds  
29 so issued or authorized are described in Resolution No. 2784-  
30 N.S. Of the City Council of the City of Modesto.  
31

1 Section 5. This ordinance shall take effect and be  
2 in full force and operation upon the filing of a certified copy  
3 thereof, together with a copy of the record of said canvass as  
4 specified in Section 2 hereof, with the Secretary of State of  
5 California, but in any event not less than fifteen days after  
6 its final passage and adoption.  
7

8 Section 6. It is further ordered that this ordinance  
9 be published in full at least once at least three days prior to  
10 its final passage and adoption in the Modesto News-Herald, the  
11 official newspaper of the City of Modesto.

12 The foregoing ordinance was introduced by Councilman  
13 Rogers <sup>at a regular meeting of the Council of the City of Modesto held Dec 28, 1934</sup>, who moved its adoption and passage to print,  
14 which motion being duly seconded was upon roll call carried  
15 and the ordinance ordered printed and published as above  
16 by the following vote:

17 Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack  
18 Noes: Councilmen: None  
19 Absent: Councilmen: None

20 Roy E Pack  
Mayor Pro Tem.

21 Attest:

22 W. G. Gandy  
City Clerk

23  
24 The foregoing ordinance, coming on regularly for  
25 final passage and adoption, and having been published in full at  
26 least once at least three days prior to this time in the Modesto  
27 News-Herald, the official newspaper of the City of Modesto,  
28 it was finally passed and adopted by the following vote:

29 Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack  
30 Noes: Councilmen: None  
31 Absent: Councilmen: None

32 Approved this 14th day of March, 1934.

Roy E Pack  
Mayor Pro Tem.

Attest:

W. G. Gandy  
City Clerk.

ORDINANCE NO.464-N.S.

AN ORDINANCE PROVIDING FOR THE LICENSING AND REGULATING THE BUSINESS OF SELLING FARM PRODUCE AT WHOLESALE, AND PROVIDING PENALTIES FOR ITS VIOLATION

--- oOo ---

CODE SEC.  
NO.6-3.017  
6-3.08

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

SECTION 1.

For the purpose of this ordinance the word "person" is hereby defined to include individuals, co-partnerships, associations of individuals, and corporations. The singular number shall be construed to include the plural, and vice versa, and the masculine gender shall include the feminine and neuter, and vice versa. For the purpose of this ordinance a fixed place of business is hereby defined to be the premises occupied for the exclusive use of one business only and regularly kept open for that purpose, with a competent person in exclusive attendance for the purpose of attending to said business not less than eight hours per day for at least five days in each and every week, and which shall have been so maintained and established for not less than ninety days prior to the time that this ordinance goes in effect, or which said premises so used for said business may hereafter be acquired by the owner of such business by the ownership of said premises or by a bona fide lease thereon for a period of not less than six months next thence ensuing. The term "farm produce" as herein used, shall be construed to include vegetables, berries, fruits, and nuts of all kinds. The word "wholesale" whenever used in this ordinance shall be construed to mean the sale to a dealer for the purpose of re-sale or to a restaurant, hotel, boarding house or public institution. A single transaction involving the sale of farm produce to a dealer for the purpose of re-sale, or

1 to a restaurant, hotel, boarding house or public institution,  
2 shall be construed as engaging in, carrying on or doing business  
3 within the meaning of this ordinance.

4  
5 SECTION 2.

6 Every person desiring to engage in <sup>the</sup> business of selling  
7 farm produce, as hereinabove defined, at wholesale shall apply  
8 to the license collector of the City of Modesto for a license in  
9 the manner provided by law and the ordinances of the City. Such  
10 license shall be issued upon the payment of the license fee here-  
11 inafter stated, and there shall also be issued with said license  
12 suitable metal license plates in the number required by the licen-  
13 see, which said license plates shall show the license number of  
14 the licensee and shall be placed on the truck or wagon used by  
15 said licensee in the transaction of his business. A sufficient  
16 charge to cover the cost thereof shall be made by the license  
17 collector for each license plate so issued. No license issued  
18 hereunder shall be assignable without the permission of the  
19 Council.

20 SECTION 3.

21 Such applicant for a license or permit not having a  
22 fixed place of business within the City of Modesto shall also file  
23 with said license collector a bond or liability insurance policy  
24 to be approved by the license collector, executed by the applicant  
25 as principal and a surety company qualified and authorized to do  
26 business in California as surety, in the sum of Five Thousand  
27 Dollars (\$5,000.00), conditioned that the applicant shall fully  
28 comply with the provisions of this ordinance and with the provis-  
29 ions of all other applicable ordinances of the City of Modesto and  
30 the statutes of the State of California regulating or concerning  
31 the sale of the commodities or products in this ordinance mention-  
32 ed by wholesale dealers, and that he shall pay all judgments ren-

1 dered against said applicant for any violation thereof to the per-  
2 son recovering such judgment, and shall pay all judgments rendered  
3 against the applicant for injuries to persons and loss by damage  
4 to property resulting from the negligent operation of the business  
5 of such wholesale dealer within said City of Modesto, and shall  
6 pay all judgments recovered by any person against said principal  
7 arising out of any misrepresent<sup>ation</sup> or deception practiced upon any  
8 person transacting business with said principal as such wholesale  
9 dealer within said City of Modesto, and any person injured by such  
10 negligent operation of said business or having a claim or cause of  
11 action, as herein provided, shall have a right of action directly  
12 on said bond or policy.

#### 13 SECTION 4.

14 Every person engaged in the business of selling farm  
15 produce at wholesale, as herein defined, without having a fixed  
16 place of business within the City of Modesto shall pay an annual  
17 license fee of One Hundred and Fifty Dollars (\$150.00), payable  
18 annually in advance. Every person engaged in the business of sell-  
19 ing farm produce at wholesale, as herein defined, having a fixed  
20 place of business within the City shall pay an annual license fee  
21 of Seventy-Five Dollars (\$75.00), payable annually in advance.

#### 22 SECTION 5.

23 Every person engaged in the business of selling farm  
24 produce at wholesale, as herein defined, shall stock, store or  
25 arrange such produce, whether the same be upon wagons or trucks  
26 or in warehouses or other buildings, in such manner that said pro-  
27 duce may be readily inspected by the City Health Officer or the  
28 Sanitary Inspector, and such produce shall always be kept stored  
29 and stocked in a sanitary place and condition. No wholesale  
30 dealer in farm produce, as herein defined, including growers there-  
31 of, who sell the same from a wagon, truck or other portable vehicle,  
32 shall remain in any one place upon the street, alley or sidewalk,

1 in the City of Modesto, or between the same two blocks on the  
2 streets in the City of Modesto, or opposite the same block in the  
3 same street in the City of Modesto, or within or upon any alley  
4 within the City of Modesto for more than one hour at any one time  
5 while actually engaged in the business of selling such produce.

6  
7 SECTION 6.

8 Any license issued pursuant to the terms of this  
9 ordinance shall remain in force for the period of one year from  
10 and after the date of its issuance, unless sooner revoked and any  
11 person desiring to renew any license issued pursuant to the terms  
12 of this ordinance shall make application to the City license  
13 collector of the City of Modesto for the renewal thereof, which  
14 application for renewal shall be made in the same manner as for  
15 the issuance of said original permit.

16 SECTION 7.

17 Any permit issued pursuant to the terms of this  
18 ordinance may be revoked by the City Council for any violation  
19 of the conditions of said license, or for any violation of this  
20 ordinance by the holder of said license. Before any such license  
21 shall be revoked, notice in writing shall be given to the holder  
22 thereof of the time and place of hearing the matter of the revoc-  
23 ation thereof, which said notice shall briefly state the reasons  
24 for revoking said permit and shall be mailed to the holder of said  
25 license or permit at his place of business or residence, as the  
26 same appears on his application therefor at least five days be-  
27 fore the hearing thereof.

28 SECTION 8.

29 The actual grower and producer of farm produce, as  
30 herein defined, who, by himself or by an agent or employee, sells  
31 such produce or products actually grown or produced by him, shall  
32

1 be entitled to a license without <sup>a</sup> fee; provided, however, that  
2 such grower or producer shall file with the City Clerk an affidavit  
3 setting forth his name and address and the amount and variety of  
4 produce he proposes to sell, the place or places where such pro-  
5 ducts are grown and produced, and that such products are so pro-  
6 duced by him, and ~~the~~ <sup>that he</sup> personally, or by an agent or employee,  
7 whose name shall be designated in the affidavit, intends to sell  
8 or deliver the same. Such grower, in lieu of the license plate,  
9 shall print the word "grower" in legible letters not less than  
10 three inches in height on each side of his vehicle.

#### 11 SECTION 9.

12 Every person violating any of the provisions of  
13 this ordinance shall be guilty of a misdemeanor, and upon convict-  
14 ion thereof shall be punished by a fine not exceeding Five Hundred  
15 Dollars (\$500.00), or by imprisonment in the County Jail of Stan-  
16 islaus County for not more than six months, or by both such fine  
17 and imprisonment, and the judgment shall provide that in event of  
18 default of any payment of a fine, said defendant shall be impris-  
19 oned in said County Jail at the rate of not less than one day for  
20 each Two Dollars (\$2.00) of said fine, but not to exceed 180 days,  
21 in all.

#### 22 SECTION 10.

23 If any section, subsection, sentence, clause or  
24 phrase of this ordinance is for any reason held to be unconstitut-  
25 ional or invalid, such decision shall not affect the validity of  
26 the remaining portions of this ordinance. The Council hereby de-  
27 clares that it would have passed this ordinance and each and every  
28 section, subsection, sentence, clause or phrase thereof irrespect-  
29 ive of the fact that any one or more other sections, subsections,  
30 sentences, clauses, or phrases be declared unconstitutional or  
31 invalid.

1 SECTION 11.

2 Subsection a of Section 6 of Ordinance No. 421-N.S.  
3 is hereby repealed.

4 SECTION 12.

5 This ordinance shall go into effect and be in full  
6 force and operation from and after 15 days after its final  
7 passage and adoption.

8 SECTION 13.

9 This ordinance shall be published in full at least  
10 once at least three days prior to its final adoption in the Modesto  
11 Bee, the official newspaper of the City of Modesto.

12 The foregoing ordinance was introduced at a  
13 regular meeting of the Council of the City of Modesto held on the  
14 28th day of March, 1934, by Councilman Brown, who moved its adop-  
15 tion and passage to print, which motion being duly seconded was  
16 upon roll call carried and the ordinance ordered printed and  
17 published as above by the following vote:

18 Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack

19 Noes: Councilmen: None

20 Absent: Councilmen: None

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23 Approved:

*Ray E. Pack*  
MAYOR PRO TEMPORE

24  
25 Attest:

*W. E. Gandy*  
CITY CLERK

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FINAL ADOPTION CLAUSE

The foregoing ordinance having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 1934, and having been printed and published as required by the Charter of the City of Modesto, coming on for final adoption this 11th day of April, 1934, it was upon roll call adopted by the following vote:  
Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack  
Noes: Councilmen: None  
Absent: Councilmen: None

Approved: *Roy E. Pack*  
ROY E. PACK  
MAYOR PRO TEMPORE

Attest: *H. E. Gragg*  
H. E. GRAGG  
CITY CLERK

ORDINANCE NO. 465-N.S.

AN ORDINANCE REGULATING AND PROHIBITING BESETTING, PICKETING, ASSEMBLING, AND CONGREGATING FOR CERTAIN PURPOSES, PROHIBITING THE USE OF CERTAIN DEROGATORY, INDECENT AND SEDITIOUS LANGUAGE, AND PROHIBITING CONSPIRING FOR CERTAIN PURPOSES, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF

--- oOo ---

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

Section 1.

It shall be unlawful within the City of Modesto for any persons in association or agreement with each other, or with any other person or persons, to assemble, congregate or meet together in the vicinity of any premises where other persons are employed or seek employment, or upon the streets, highways or approaches adjacent thereto, for the purpose of or with the result of inducing such person so employed or such person seeking employment, by means of compulsion, coercion, intimidation, threats or acts of violence or fear, to quit his or her employment or refrain from seeking or freely entering into employment. Each individual participating in any act described in this section shall be guilty of a violation of this ordinance.

Section 2.

It shall be unlawful within the City of Modesto for any persons in association or agreement with each other, or with any other person or persons, to assemble, congregate or meet together in the vicinity of the premises of another, or upon the streets, highways or approaches thereto, for the purpose of inducing others, by means of compulsion, coercion, intimidation, threats, acts of violence or fear, to refrain from entering such premises or refrain from patronizing, negotiating with or transact-

1 ing business with the owner or occupant of such premises. Each  
2 individual participating in any act described in this section  
3 shall be guilty of a violation of this ordinance.

4  
5 **Section 3.**

6 It shall be unlawful within the City of Modesto for  
7 any persons in association or agreement with each other, or with  
8 any other person or persons, to assemble or meet together for the  
9 purpose of disturbing the peace, tranquility or order of the commun-  
10 ity of the City of Modesto, or any part thereof.

11 **Section 4.**

12 It shall be unlawful for any person to utter to or  
13 within the hearing of another any derogatory, indecent, approbrious  
14 or seditious epithets or language, or to make any loud or unusual  
15 noise or to speak in a loud or unusual tone, or to cry out or  
16 proclaim or to use any gestures for the purpose of inducing any  
17 person, by means of compulsion, coercion, intimidation, threats,  
18 acts of violence or fear to quit his or her employment or to re-  
19 frain from seeking or freely entering into employment.

20 **Section 5.**

21 It shall be unlawful for two or more persons to con-  
22 spire to agree together to commit any of the acts specified, de-  
23 fined or prohibited by Sections 1, 2, 3 or 4 of this ordinance.

24 **Section 6.**

25 Any person violating any of the provisions of this  
26 ordinance shall be deemed guilty of a misdemeanor, and upon con-  
27 viction thereof shall be punished by imprisonment in the County  
28 Jail of Stanislaus County not exceeding six months, or by a fine  
29 not exceeding \$ 500.00, or by both such fine and imprisonment.  
30  
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1 Section 7.

2 If any section, subsection, sentence, clause or phrase  
3 of this ordinance is for any reason held to be unconstitutional or  
4 invalid, such decision shall not affect the validity or constitution-  
5 ality of the remaining portions of this ordinance. The City Coun-  
6 cil hereby declares that it would have passed this ordinance and  
7 each section, subsection, sentence, clause or phrase thereof  
8 irrespective of the fact that one or more of the sections, sub-  
9 sections, sentences, clauses or phrases thereof be declared un-  
10 constitutional or invalid.

11 Section 8.

12 The City Council hereby finds and declares that  
13 this ordinance is necessary for the immediate preservation of the  
14 public peace, health and safety by reason of the following facts:  
15 there now exists in and around the City of Modesto, and in Stan-  
16 islaus County adjacent to the City of Modesto in territory so  
17 closely interwoven with the City of Modesto as to be indistinguish-  
18 able, a situation created by certain agitators and opponents of  
19 our form of government, which threatens to interfere seriously  
20 with the orderly conduct of business of all kinds, and to cause  
21 great disorder and many breaches of the peace, and to attract  
22 criminal, vicious and other undesirable characters to the City  
23 and community. This ordinance shall therefore take effect immediate-  
24 ly, upon its final passage and adoption.

25 SECTION 9.

26 This ordinance shall be published in full at least  
27 once at least three days prior to its final adoption in the  
28 Modesto Bee, the official newspaper of the City of Modesto.  
29

30 The foregoing ordinance was introduced at a  
31 regular meeting of the Council of the City of Modesto held on the  
32

1 9th day of May, 1934, by Councilman Brown, who moved its adoption  
2 and passage to print, which motion being duly seconded, was upon  
3 roll call carried and the ordinance ordered printed and published  
4 as above by the following vote:

5 Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem Pack

6 Noes: Councilmen: None

7 Absent: Councilmen: None

Attest:

  
H.E. GRAGG  
CITY CLERK

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FINAL ADOPTION CLAUSE

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4           The foregoing ordinance, having been introduced  
5 and ordered printed and published at a regular meeting of the  
6 Council of the City of Modesto held on the 9th day of May,  
7 1934, and having been printed and published as required by the  
8 Charter of the City of Modesto, it was brought up for final  
9 adoption at the regular meeting of the Council held on the  
10 23rd day of May, 1934, and upon roll call was finally adopted  
11 by the following vote:

12 Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack

13 Noes: Councilmen: None

14 Absent: Councilmen: None

15  
16 Approved: Ray E. Pack

MAYOR PRO TEM.

17  
18  
19 Attest: St. George

CITY CLERK

ORDINANCE NO. 466 N.S.

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AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 448 N.S., BEING AN ORDINANCE CREATING RULES AND REGULATIONS FOR THE USE OF THAT PORTION OF LAKE MODESTO LYING WITHIN THE CITY LIMITS.

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

Section 1. Section 1 of Ordinance No. 448 N.S., entitled "AN ORDINANCE CREATING RULES AND REGULATIONS FOR THE USE OF THAT PORTION OF LAKE MODESTO LYING WITHIN THE CITY LIMITS", is hereby amended to read as follows:

"Section 1. The City Council does hereby adopt the following rules and regulations for the use of that portion of Lake Modesto comprising the northerly half of Tuolumne River from the dam at the Golden State Highway to the mouth of Beard Brook, and the westerly half of Beard Brook, which lies within the corporate limits of the City of Modesto, to-wit:

1. No swimming or bathing whatever shall be permitted between the weir dam and the floating log boom located approximately fifty feet upstream.

2. No motor or row boats, canoes or water craft of any kind shall be allowed in the area between the log boom mentioned in the last paragraph and the buoy boom located approximately 180 feet upstream therefrom. Said area is reserved exclusively for bathing and swimming.

3. Any person driving or operating a motor boat on the Tuolumne River or in Beard Brook within the corporate limits of the City of Modesto shall drive and operate the same at a careful and prudent speed not greater than is reasonable and proper, having due regard for the traffic, width and use of said streams and adjacent bathing and boating beaches

1 and consistent with the safety of bathers, swimmers and users of  
2 canoes and row boats, and no person shall drive or operate any  
3 motor boat thereon at such a speed as to endanger the life, limb  
4 or property of any person, nor in such a manner as to wash or  
5 disturb or erode the soil on the banks of said Lake Modesto.

6 4. Subject to the provisions of subdivision 3 of  
7 this section, it shall be unlawful for the driver or operator of  
8 a motor boat to drive or operate the same at a speed in excess  
9 of the following limits:

10 a. At a greater rate of speed than 4 miles an  
11 hour in any part of Beard Brook; or

12 b. At a greater rate of speed than 15 miles an  
13 hour in any part of the Tuolumne River.

14 5. It shall be unlawful to operate a motor boat at  
15 all in that portion of Beard Brook within the corporate limits  
16 of the City of Modesto above or north of a point beginning 200 feet  
17 north of the south end of Beard Brook Park, except for the purpose  
18 of mooring or making the same fast at a pier or other mooring place.  
19

20 6. All motor boats traversing waters of said  
21 Tuolumne River and/or Beard Brook opposite any beach whereon the  
22 public congregate, or wherefrom swimmers or bathers bathe or swim,  
23 or whereon boats are moored or from which canoes are rented  
24 to the public, except when entering its mooring, or stopping to  
25 take on or let off passengers, shall pass said points as nearly  
26 as possible in the center of the waters of said streams.  
27

28 7. All motor boats or boats equipped with motors  
29 upon said Lake Modesto within the corporate limits of the City  
30 of Modesto shall have attached thereto a silencer or muffler  
31 in constant operation to prevent any excessive or unusual noise.  
32

1 It shall be unlawful for any person to drive or operate any motor  
2 boat or boat equipped with a motor unless there is attached  
3 thereto a silencer or muffler in constant operation to prevent  
4 any excessive or unusual noise.

5 8. It shall be unlawful for any person to operate  
6 a motor boat or a boat with outboard motor attachment on that  
7 portion of the Tuolumner River, or in Beard Brook, within the  
8 corporate limits of the City of Modesto unless said boat shall  
9 first have been registered with the caretaker or custodian at  
10 the pier in Beard Brook and shall have been given or assigned  
11 to it a number, which shall be painted upon each side of the  
12 boat in legible characters not less than six inches in height.  
13 The registration shall be made in a book to be provided for that  
14 purpose and shall show the size, capacity and type of boat,  
15 type of motor and name and address of the owner or owners thereof.

16 Section 2. This ordinance shall take effect and  
17 be in full force and operation from and after 15 days after its  
18 final passage and adoption.

19 Section 3. This ordinance shall be published in  
20 full at least once at least three days prior to its final adoption  
21 in the Modesto News <sup>Beard</sup> Herald, the official newspaper of the  
22 City of Modesto.

23 The foregoing ordinance was introduced at a  
24 regular meeting of the Council of the City of Modesto held on  
25 the 9th day of May, 1934, by Councilman Brown, who moved  
26 its adoption and passage to print, which motion being duly  
27 seconded was upon roll call carried and the ordinance ordered  
28 printed and published as above by the following vote:  
29

30  
31 Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack  
32 Noes: Councilmen: None  
Absent: Councilmen: None

Attest: W. E. Gray  
CITY CLERK

FINAL ADOPTION CLAUSE

The foregoing ordinance having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 1934, and thereafter printed and published as required by the Charter of the City of Modesto, coming on for final adoption at this meeting of the Council on the 23rd day of May, 1934, it was upon roll call/adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack

Noes: Councilmen: None

Absent: Councilmen: None

Approved Ray E. Pack  
MAYOR PRO TEM.

Attest: W. E. Gray  
CITY CLERK

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AN ORDINANCE AMENDING CERTAIN SECTIONS OF ORDINANCE NO. 464 N.S.  
RELATING TO LICENSES FOR THE WHOLESALE PRODUCE  
BUSINESS.

CODE SEC.  
NO. 6-3.02  
6-3.045

Section 1. Section 1 of said Ordinance No. 464 N.S. is hereby amended so as to read as follows:

"Section 1. For the purpose of this ordinance the word "person" is hereby defined to include individuals, co-partnerships, associations of individuals, and corporations. The singular number shall be construed to include the plural, and vice versa, and the masculine gender shall include the feminine and neuter, and vice versa. The term "farm produce" as herein used, shall be construed to include vegetables, berries, fruits, and nuts of all kinds. The word "wholesale" whenever used in this ordinance shall be construed to mean the sale to a dealer for the purpose of resale or to a restaurant, hotel, boarding house or public institution. A single transaction, involving the sale of farm produce to a dealer for the purpose of re-sale, or to a restaurant, hotel, boarding house or public institution, shall be construed as engaging in, carrying on or doing business within the meaning of this ordinance. The term "license collector" when herein used shall be deemed to mean the City Clerk of the City of Modesto."

Section 2. Section 2 of said Ordinance No. 464 N.S. is hereby amended so as to read as follows:

"Section 2. It shall be unlawful for any person to engage in, carry on or transact the business of selling farm produce at wholesale within the City of Modesto unless such person has a license so to do, as hereinafter specified. It

1 unless paid, shall be deemed a debt owing by the person engaged  
2 in such business in favor of the City of Modesto and may be  
3 recovered by civil action. The provisions of the Code of  
4 Civil Procedure of the State of California with relation to  
5 attachments are hereby made applicable to the enforcement of  
6 the collection of such licensee fees."

7  
8 Section 5. This ordinance shall go into effect  
9 and be in full force and operation from and after 15 days after  
10 its final passage and adoption.

11 Section 6. This ordinance shall be published in  
12 full at least once at least three days prior to its final  
13 adoption in the Modesto <sup>Bee</sup> News-Herald, the official newspaper  
14 of the City of Modesto.

15 The foregoing ordinance was introduced at a  
16 regular meeting of the Council of the City of Modesto held  
17 on the 23rd day of May, 1934, by Councilman Rogers, who moved  
18 its adoption and passage to print, which motion being duly  
19 seconded was upon roll call carried and the ordinance ordered  
20 printed and published as above by the following vote:

22 Ayes: Councilmen: Brown, Neece, Rogers and Mayor pro tem. Pack

23 Noes: Councilmen: None

24 Absent: Councilmen: None

25  
26 Attest:

*H. Z. Gragg*  
H. Z. GRAGG  
CITY CLERK

FINAL ADOPTION CLAUSE

The foregoing ordinance having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 1934, and thereafter printed and published as required by the Charter of the City of Modesto, coming on for final adoption at this regular meeting of June 13th, 1934, it was so finally adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Park

Noes: Councilmen: None

Absent: Councilmen: None

Approved:

*Percy E. Park*  
MAYOR PRO TEM.

Attest:

*N. E. Gragg*  
CITY CLERK

CODE SEC. 1  
NO. 4-7.401  
4-7.4042

AN ORDINANCE DECLARING CERTAIN PRACTICES TO CONSTITUTE A NUISANCE AND PROVIDING A PUNISHMENT THEREFOR.

---oOo---

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

Section 1. The practice of going to, in and upon private residences, homes and/or apartments in the City of Modesto by solicitors, peddlers, hawkers, itinerant merchants and transient vendors of merchandise, not having been requested so to do by the owner or owners, occupant or occupants of said residences, apartments or premises, for the purpose of soliciting orders for the sale of goods, wares and/or merchandise and/or for the purpose of disposing of and/or peddling and/or hawking the same, is hereby declared to be nuisance and punishable as such nuisance as a misdemeanor.

Section 2. The practice of going and/or being upon the streets of the City of Modesto within the limits of Fire Zone No. 3, as defined by Ordinance No. 386- N.S., between the hours of 6 o'clock p.m. and 6 o'clock a.m. of the following day for the purpose of selling, disposing of, peddling, vending or hawking newspapers is hereby declared to be a nuisance and punishable as such nuisance as a misdemeanor.

Section 3. This ordinance shall not be construed to apply to the following classes of persons:

(a) Persons, firms or corporations, or their agents, who have a fixed place of business within the City of Modesto, as defined by Section 1a of Ordinance No. 421 N.S.

(b) The actual growers and producers of ranch, farm, orchard, vineyard or poultry produce or products, as defined by

1 Subsection e of Section 6 of Ordinance No. 421 N.S., providing  
2 that such persons shall have complied with the provisions of  
3 said Ordinance.

4 (c) Housewives who, in the kitchens of their own  
5 homes and as an incident only to their other housekeeping duties,  
6 make or produce and sell food products, as defined and in  
7 accordance with Subsection g of Section 6 of Ordinance No. 421 N.S.,  
8 provided that the applicable provisions of said ordinance have  
9 been otherwise complied with by such persons.  
10

11 (d) The sellers or distributors of milk or cream  
12 who comply with and are licensed under the provisions of  
13 Ordinance No. 263 N.S.

14 Section 4. If any section, subsection, sentence,  
15 clause or phrase of this ordinance is for any reason held to be  
16 unconstitutional or invalid, such decision shall not effect the  
17 validity of the remaining portions of this ordinance. The  
18 Council of the City of Modesto hereby declares that it would  
19 have passed this ordinance and each section, subsection, sentence,  
20 clause or phrase thereof irrespective of the fact that any  
21 one or more sections, subsections, sentences, clauses or phrases  
22 be declared unconstitutional or invalid.  
23

24 Section 5. The Chief of Police and the police force  
25 of the City of Modesto are hereby required and requested to  
26 suppress the practices forbidden by Sections 1 and 2 hereof  
27 and to abate any such nuisance as is described in Sections 1  
28 and 2 of this ordinance.  
29

30 Section 6. Any person violating any of the provisions  
31 of Section 1 and 2 of this ordinance shall be deemed guilty  
32 of a misdemeanor and upon conviction thereof shall be fined

1 in a sum not to exceed \$100.00, or imprisoned in the County  
2 Jail of Stanislaus County for not to exceed 50 days, or be  
3 punished by both fine and imprisonment within the limits above  
4 stated, and any judgment for the payment of a fine shall direct  
5 that in default of such payment the defendant shall be imprisoned  
6 in said County Jail until the fine is paid, at the rate of not  
7 to exceed one day for each \$2.00 of such fine.  
8

9 Section 7. This ordinance shall go into effect and  
10 be in full force and operation from and after 15 days after its  
11 final passage and adoption.

12 Section 8. This ordinance shall be published in  
13 full at least once at least three days prior to its final  
14 adoption in the Modesto Bee, the official newspaper of the  
15 City of Modesto.

16 The foregoing ordinance was introduced at a regular  
17 meeting of the Council of the City of Modesto held on the 25th  
18 day of July, 1934, by Councilman Brown, who moved its  
19 adoption and passage to print, which motion being duly seconded  
20 was upon roll call carried and the ordinance ordered printed  
21 and published as above by the following vote:  
22

23 Ayes: Councilmen: Brown, Neace, Rogers, and Mayor pro tem. Pack

24 Noes: Councilmen: None

25 Absent: Councilmen: None  
26

27 Approved: Roy E. Pack

Roy E. Pack  
Acting Mayor

28  
29 Attest: \_\_\_\_\_

H. E. Gragg  
City Clerk  
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FINAL ADOPTION CLAUSE

The foregoing ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 25th day of July, 1934, and thereafter printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the regular meeting of June 13, 1934, considerable opposition thereto was voiced by interested parties, and the Council wishing to give the matter further consideration did by resolution lay the same over for final adoption to some future date; and on the 8th day of August, 1934, the ordinance having come up before the Council for consideration and final adoption, upon roll call the ordinance was finally adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack

Noes: Councilmen: None

Absent: Councilmen: None

Approved:

Perse E. Pack  
MAYOR PRO TEM.

Attest:

W. E. Gray  
CITY CLERK

AN ORDINANCE REGULATING SLOT MACHINES  
IN THE CITY OF MODESTO.

---oOo---

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

SECTION 1.

1. For the purposes of this ordinance, slot machines shall be defined and shall include:

Any machine or device designed and/or intended to be operated and/or to be used for amusement purposes and/or playing game, upon the insertion of a coin or anything representing a coin, which does not vend or deliver any prize;

(b). A mechanical device by which, upon the deposit of a coin, slug, or similar article, the depositor becomes or may become entitled to receive merchandise or representative merchandise, the amount which varies from time to time and is determined by the mechanical operation of the machine, but the exact amount of which is capable of ascertainment prior to any operation of or play upon the machine, provided that machines of this class shall be so equipped that upon such deposit of a coin or slug or other article, it shall immediately deliver to the depositor, candy, gum or other merchandise equivalent in market value to the money deposited, and all such machines shall at all times have stored therein, ready for immediate delivery to the depositor, merchandise of sufficient quantity to enable it to make immediate delivery as aforesaid; and provided further that any device or machine prohibited by any law of the

Repealed  
by 492-N.S.

REPEALED BY  
MUNICIPAL CODE

REPEALED BY  
MUNICIPAL CODE

1 State of California, is not included in this definition and is  
2 hereby prohibited; and provided, further, that this ordinance shall  
3 not apply to any vending machine so designed and so ~~to~~ operated  
4 as to sell and deliver merchandise only, upon the deposit of coins  
5 only, without the payment or delivery, or the promise of payment  
6 or delivery, of anything except merchandise.  
7

### 8 SECTION II.

9 It shall be unlawful for any person, firm or corporation,  
10 either ~~as~~ principal, agent, servant or employee, or any agent, ser-  
11 vant or employee, to run, operate or conduct or maintain within  
12 the City of Modesto, any slot machine as hereinabove defined, with-  
13 out having a valid, unrevoked license so do do, and except upon  
14 complying with the terms of this ordinance.  
15

### 16 SECTION III.

17 Any person, firm or corporation desiring to operate, conduct,  
18 lease or maintain, either as owner or proprietor or lessee or em-  
19 ployee or agent or servant, any slot machine as defined herein  
20 shall pay a license fee therefor as follows: The sum of twelve  
21 hundred dollars (\$1200.) per annum or any part thereof, payable  
22 in advance, plus a sum equal to three tenths of one per cent (.3%)  
23 of the aggregate sums of money deposited in said machines, which  
24 said percentage shall be payable quarterly. The year, for the  
25 purpose of computing the payment of the annual license fee,  
26 shall begin on the first day of July of each year and end at mid-  
27 night on June thirtieth of the following year. The quarters of  
28 the year shall begin on the first days of October, January, April  
29 and July of each year; said percentage shall be payable within ten  
30 days after the commencement of each quarter, and shall be based  
31 on the business of the preceding quarter. The amount of such  
32

1 gross receipts shall be verified by the oath of the licensee or  
2 a responsible ~~XXXXXX~~ officer, if a corporation, and shall be sub-  
3 ject to an audit ~~of~~ by the City Tax and License Collector, who  
4 shall have access to all of the books and records of the licensee  
5 for that purpose. The license fee for the year beginning July 1,  
6 1934, shall be in proportion to that part of the year which  
7 remains after this ordinance goes into effect.  
8

9 Applications for licenses required hereunder shall be in  
10 writing, signed by the applicant, giving his business address,  
11 business or occupation, age, citizenship, , and such other infor-  
12 mation as may be required. Applications shall be filed with the  
13 City License and Tax Collector, with the deposit of the license  
14 fee, shall be referred ~~to~~ by him to the Commissioner of Public  
15 Health and Safety for investigation and examination and a report  
16 to the Council with his recommendation. If the Council finds from  
17 an examination of the application and such report and such further  
18 facts as may be officially brought to its attention that the appli-  
19 cation is in proper form, the applicant a person of good moral  
20 character, and that the business therein applied for may be car-  
21 ried on without danger to the public health, morals and safety,  
22 the Council shall grant the permit applied for and direct the Tax  
23 and License Collector to issue the license; but the Council may,  
24 in its sound discretion, and if in its judgment, the applicant is  
25 not a person of good moral character, or the business can not be  
26 carried on without danger to the public peace, health and safety,  
27 deny the application.  
28  
29

#### 30 SECTION IV.

31 No slot machine as herein defined shall be maintained,  
32 operated or conducted nor kept for such purposes within any

1 place which is closer than three hundred feet from any public or  
2 private school, or in any place where minors under the age of  
3 eighteen years are allowed to assemble or congregate. Nor shall  
4 any person under the age of eighteen years be permitted to play  
5 or operate such slot machine. The City Tax and License Collector  
6 or his deputies shall securely affix or cause to be affixed in a  
7 conspicuous place on each such machine operated by a licensee a  
8 sticker or label legibly setting forth the name and address of  
9 the licensee, the license number and the year for which issued,  
10 together with the words "City of Modesto", which sticker or label  
11 shall bear the genuine signature or a facsimile thereof of the  
12 City Tax and License Collector.

#### 14 SECTION V.

15  
16 All licenses issued under or in pursuance of this ordin-  
17 ance shall be subject to revocation by the City Council for  
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1 violation of any of the terms or provisions of this ordinance or  
2 for any cause therefore which appears satisfactory to the City  
3 Council, provided that before such action is taken a notice to  
4 appear before the City Council to show cause why such license should  
5 not be ~~repealed~~ <sup>revoked</sup> and cancelled or suspended shall be served upon  
6 the licensee not less than two days before the time fixed for such  
7 hearing. The action of the City Council as to any of the matters  
8 referred to in this section shall be conclusive and not subject to  
9 review, and all applications for licenses under this ordinance  
10 shall be deemed to have agreed to the provisions of this section.

#### 12 SECTION VI.

13 It shall be the duty of the City Tax and License Coll-  
14 lector, as well as of the Chief of Police and the agents of each  
15 of them to enforce this ordinance. Any slot machine as herein  
16 defined not labeled as herein above specified, as well as any  
17 machine prohibited by this ordinance, or by the State law, as well as  
18 any machine which is being operated contrary to the provisions of  
19 this ordinance shall be seized and confiscated.

#### 21 SECTION VII.

22 The City Council does hereby find and determine that it  
23 is necessary for the immediate preservation of the public peace,  
24 health and safety that this ordinance take effect immediately  
25 upon its <sup>final</sup> adoption. It is therefore ordained that this ordinance  
26 shall go into effect and be in full force and operation immediately  
27 upon its final passage and adoption. The Council finds and det-  
28 ermines that there is not now any adequate ordinance for the control  
29 of the so called slot machines, and that many machines, in violation  
30 of the law, are being operated, conducted and maintained secretive-  
31 ly and without the possibility of adequate control.  
32

SECTION VII-A

1  
2 Any person violating any of the terms, provisions or  
3 sections of this Ordinance, or operating or conducting or  
4 maintaining for operation, either by himself or for another, or  
5 by another, any slot machines in violation of the terms of this  
6 Ordinance shall be deemed guilty of a misdemeanor, and, upon  
7 conviction thereof, shall be punished by fine, not exceeding  
8 \$300.00, or by imprisonment in the County Jail of Stanislaus  
9 County not exceeding six months, or by both such fine and impris-  
10 onment. Every day that any person so conducts or operates such  
11 a machine without a license, or otherwise in violation of the  
12 terms of this Ordinance shall be deemed a separate offense.  
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SECTION VIII.

1 If any section, sub-section, sentence, clause or phrase  
2 of this Ordinance is for any reason held to be unconstitutional  
3 or void, such decision shall not affect the validity of the  
4 remaining portions of this Ordinance.

5 The City Council hereby declares that it would have  
6 passed this Ordinance and each section, sub-section, sentence,  
7 clause or phrase thereof irrespective of the fact that any one  
8 or more sections, sub-sections, sentences, clauses or phrases  
9 be declared unconstitutional or void.

11 SECTION IX.


12 This Ordinance shall be published in full at least once,  
13 at least three days prior to its final adoption, in the Modesto  
14 Bee, the official newspaper of Modesto.

15 The foregoing Ordinance was introduced at the regular  
16 meeting of the Council of the City of Modesto, held on the 27th  
17 day of June, 1934, by Councilman Neece, who  
18 moved that its adoption and publication as aforesaid, which  
19 motion being duly seconded was upon roll call carried and ordered  
20 printed and published as above, by the following votes:

22  
23 AYES: Councilmen Brown, Neece, Rogers, and Mayor protem, Pack.

24 NOES: Council None.

25 ABSENT: Council None.

26  
27  
28  
29 Attest: 

H.E. GAGG  
CITY CLERK

FINAL ADOPTION CLAUSE

The foregoing Ordinance having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 1934, and thereafter printed and published as required by the Charter of the City of Modesto; whereupon at the regular meeting of the Council held on the 11th day of July, 1934, it was brought up for final adoption, and upon roll call was so finally adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Paack

Noes: Councilmen: None

Absent: Councilmen: None

Approved:

Ray E. Paack  
MAYOR PRO TEM.

Attest:

W. E. Gungg  
CITY CLERK

ORDINANCE NO. 470-N.S.

AN ORDINANCE APPROPRIATING MONEY FOR THE  
CONSTRUCTION OF A BULKHEAD IN FRONT OF  
LEGION PARK ON THE TUOLUMNE RIVER.

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

Section 1. The sum of Two Thousand  
Dollars (\$2,000), or so much thereof as may be necessary, is here-  
by appropriated out of the general funds of the City of Modesto  
not otherwise appropriated, for the construction and installation  
of a Bulkhead or protecting pier along the North Bank of the  
Tuolumne River at Legion Park, and for the purchase of materials  
therefor, and the employment of labor necessary in said con-  
struction. The City Engineer is hereby directed to prepare and  
file with the City Council, plans and specifications for the con-  
struction of such Bulkhead, and to include in the area to be pro-  
tected thereby, such frontage on the River adjacent to said Legion  
Park, as may be necessary for complete protection. Upon the ap-  
proval by the Council of the plans and specifications, the City  
Clerk shall advertise for bids for said construction and instal-  
lation in the manner provided by the Charter and in accordance  
with the practice heretofore adopted. The Council expressly re-  
serves the right to accept or reject any or all bids or portions  
thereof, and to purchase the material and to employ the labor  
for the construction of said improvement.

Section 2. This ordinance is adopted, and the  
appropriation herein provided for is made pursuant to sub-  
division 19 of section 4, of the Charter of the City of Modesto.  
The City Council finds as a fact, that the Tuolumne River is a  
river or stream flowing through the City of Modesto and adjacent

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1 thereto. That the City of Modesto is the owner of a portion of  
2 the waterfront on said river, consisting of tract known as  
3 LEGION PARK. That the banks thereof are in danger of erosion and  
4 washing away from the wash of motor boats using said stream.  
5 That in order to protect the said waterfront of the City of Modesto  
6 from such damage, it is necessary that said Bulkhead be extended  
7 Westerly of the waterfront owned by City of Modesto so as to  
8 include at least the property owned by Modesto Post #74 of the  
9 American Legion. That said American Legion has given its con-  
10 sent to the construction of said improvement in front of its  
11 property. That the construction of said Bulkhead will con-  
12 stitute a necessary improvement of said Tuolumne River adjoining  
13 said City of Modesto.  
14

15 Section 3. This ordinance shall go into effect and  
16 be in full force and operation from and after 15 days after its  
17 final passage and adoption.

18 Section 4. This ordinance shall be published in full  
19 at least once at least three days prior to its final adoption  
20 in the Modesto Bee, the official newspaper of the City of Modesto.  
21

22 The foregoing ordinance was introduced at a regular  
23 meeting of the Council of the City of Modesto held on the 11th  
24 day of July 1934, by Councilman Neece, who moved  
25 its adoption and passage to print, which motion being duly  
26 seconded was upon roll call carried and the ordinance ordered  
27 printed and published as above by the following vote:

28 Ayes: Councilmen: Brown, Neece, and Mayor pro tem. Pack

29 Noes: Councilmen: ~~Rogers~~

30 Absent: Councilmen: None  
31

32 Attest: HC Gray  
CITY CLERK

FINAL ADOPTION CLAUSE

The foregoing Ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 1934, and thereafter having been printed and published as required by the Charter of the City of Modesto, coming on for final adoption at this regular meeting of July 25th, 1934, it was upon roll call finally adopted by the following vote:

Ayes: Councilmen: Brown, Neece, and Mayor pro tem. Pack  
Noes: Councilmen: Rogers  
Absent: Councilmen: None

Approved: Ray E. Pack  
MAYOR PRO TEM.

Attest: H. E. Grago  
H. E. GRAGO  
CITY CLERK

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ORDINANCE NO. 471 - N.S.

AN ORDINANCE APPROPRIATING MONEY FOR THE CONSTRUCTION OF A MACHINE AND REPAIR SHOP AS THE FIRST UNIT OF A CORPORATION YARD.

---oOe---

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

Section 1. The sum of Ten Thousand Dollars (\$10,000.00), or so much thereof as may be necessary, is hereby appropriated out of the general fund of the City of Modesto not heretofore appropriated for the acquisition, construction and completion of the following improvement in and for the City of Modesto, to-wit:

A machine and repair shop to be located in Block 40 of the City of Modesto, according to the official map thereof on file in the Recorder's Office of Stanislaus County, the same to be the first unit of a corporation yard to be located upon said Block 40.

The City Engineer is hereby directed to prepare and file with the City Council plans and specifications and estimates for the doing of said work, including labor, material and complete installation.

Section 2.. The City of Modesto does hereby accept a grant from the United States of America through the Public Works Administration in the sum of Three Thousand Dollars (\$3000.00), to aid in financing the construction of said improvement. The Mayor pro tempore and City Clerk of the City of Modesto are hereby authorized and empowered to enter into a contract or agreement between the City of Modesto, California, as first party and the United States of America as second party, pursuant to the application heretofore made by said City of Modesto for said grant, and the granting of the same by the said United States of America PWA, and to execute such contract

1 and counterparts thereof, as may be required by the United States  
2 of America, and to bind and obligate the City of Modesto to the  
3 performance of all the covenants and conditions therein contained.  
4 Said City of Modesto does further covenant and agree and does  
5 hereby authorize its Mayor pro tempore <sup>and City Clerk</sup> to so bind the said  
6 City of Modesto to carry out, perform and execute all of the  
7 matters and things which may be specified in said contract to  
8 be performed, carried out and executed by said City of Modesto.  
9  
10 The power and authority hereby conferred upon said Mayor pro  
11 tempore and City Clerk are hereby extended to include and cover  
12 all matters and things connected with or incidental to the  
13 execution of said contract on behalf of the City of Modesto in  
14 the performance of the terms thereof.

15  
16 Section 3. The funds of the City of Modesto appropriated  
17 by Section 1 of this ordinance for the acquisition, construction  
18 and completion of said project shall be deposited in the Modesto  
19 Trust & Savings Bank at Modesto, California, in a separate  
20 or special account to be called "City of Modesto Corporation  
21 Yard Account", and said funds shall be expended only in paying  
22 the costs of the acquisition, construction and completion of  
23 said project.

24  
25 Section 4. The Council shall have the power hereafter  
26 by resolution to determine whether to advertise for bids for the  
27 improvement in one contract or in separate or unit contracts,  
28 or to purchase the material separately and employ the labor  
29 on its own account to complete said improvement. The Council  
30 shall further have the power to direct the City Clerk to  
31 advertise for bids for the acquisition, construction and  
32

1 completion of said improvement. Notice to bidders shall specify  
2 that bids and offers shall comply not only with the Charter  
3 of the City of Modesto with reference to bidding bonds and  
4 completion, labor and material bonds, but with the laws of the  
5 State of California and the United States of America with  
6 reference to hours and kind of labor to be employed, and with  
7 the regulations and rules of the United States of America and  
8 the Public Works Administration with reference to all other  
9 matters, and that no contract shall be let to any bidder except  
10 upon the understanding that such bidder agrees to comply with  
11 all of said laws, ordinances, rules and regulations.

12 Section 5.  
13 This ordinance shall take effect and be in full  
14 force and operation from and after 15 days after its final  
15 passage and adoption.

16 Section 6. This ordinance shall be published in  
17 full at least once at least three days prior to its final  
18 adoption in the Modesto Bee, the official newspaper of the  
19 City of Modesto.

20 The foregoing ordinance was introduced at a regular  
21 meeting of the Council of the City of Modesto held on the 11th  
22 day of July, 1934, by Councilman Rogers, who moved its  
23 adoption and passage to print, which motion being duly seconded  
24 was upon roll call carried and the ordinance ordered printed  
25 and published as above by the following vote:

26 Ayes: Councilmen: Brown, Rogers, Mayor pro tem. Pack  
27 Noes: Councilman: Neece  
28 Absent: Councilmen: None

29 Attest: e

30 *H.E. Dragg*  
31 H.E. DRAGG  
32 CITY CLERK

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 1934, and thereafter printed and published as required by the Charter of the City of Modesto, coming on for final adoption at this meeting of July 25th, 1934, upon roll call it was so finally adopted by the following vote:

Ayes: Councilmen: Brown, Rogers, and Mayor pro tem. Pack

Noes: Councilmen: Neece

Absent: Councilmen: None

Approved: *Paul E. Pack*  
MAYOR PRO TEM.

Attest: *St. George*  
City Clerk

SPECIAL  
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ORDINANCE NO. 472 - N.S.

AN ORDINANCE APPROVING A LOAN AND GRANT AGREEMENT BETWEEN THE CITY OF MODESTO AND THE UNITED STATES OF AMERICA, AND AUTHORIZING ITS EXECUTION.

---oOo---

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

Section 1. That the Loan and Grant Agreement between the City of Modesto and the United States of America under and subject to the terms of which the United States will by loan and grant not exceeding in the aggregate the sum of \$3000.00 aid said City of Modesto in financing the construction of unit of corporation yard, a copy of which Loan and Grant Agreement is filed among the public records of the City of Modesto in the office of the City Clerk, and which Loan and Grant Agreement is hereby made a part hereof, be and the same is hereby in all respects approved.

Section 2. That the Mayor pro tem. of said City be and he is hereby authorized and directed to execute such Loan and Grant Agreement in triplicate on behalf of the City, and the City Clerk of said City be and he is hereby authorized and directed to impress or affix the official seal of said City to each of said three copies of said Loan and Grant Agreement and to attest such seal.

Section 3. That said City Clerk be and he is hereby authorized and directed to forthwith forward three copies of said Loan and Grant Agreement as executed on behalf of said City to the Federal Emergency Administration of Public Works, Washington, D.C.

Section 4. That the Mayor pro tem. and City Clerk be and they are hereby, authorized and empowered on behalf of said

1 City to request, and consent to, modifications of or changes in  
2 said Loan and Grant Agreement with reference to the designation,  
3 date, denominations, medium of payment, places of payment, and  
4 registration or conversion privileges of the bonds to be issued  
5 thereunder in order to comply with the requirements of law  
6 and of the proceedings taken for the issuance of said bonds, and  
7 to execute in the same manner as said Loan and Grant Agreement  
8 any further instruments that may be found desirable in connection  
9 with such modifications or changes.  
10

11 Section 5. That said City Clerk be and he is hereby  
12 authorized and directed to forthwith send to said Federal Emergency  
13 Administration of Public Works two certified copies of this Ord-  
14 inance and two certified copies of the proceedings of the City  
15 Council in connection with the adoption of this Ordinance, and  
16 such further documents or proofs in connection with the approval  
17 and execution of said Loan and Grant Agreement as may be requested  
18 by said Federal Emergency Administration of Public Works.  
19

20 Section 6. This ordinance shall go into effect and  
21 be in full force and operation from and after <sup>15</sup>days after its  
22 final passage and adoption.

23 Section 8. This ordinance shall be published in  
24 full at least once at least three days prior to its final  
25 adoption in the Modesto Bee, the official newspaper of the  
26 City of Modesto.  
27

28 The foregoing ordinance was introduced at a regular  
29 meeting of the Council of the City of Modesto held on the 25th  
30 day of July, 1934, by Councilman Rogers, who moved  
31 its adoption and passage to print, which motion being duly  
32

1 seconded was upon roll call carried and the ordinance ordered  
2 printed and published as above by the following vote:

3 Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack

4 Noes: Councilmen: None

5 Absent: Councilmen: None

7 Approved:

*Ray E. Pack*  
RAY E. PACK  
ACTING MAYOR

11 Attest:

*H. E. Bragg*  
H. E. BRAGG  
CITY CLERK

FINAL ADOPTION CLAUSE

The foregoing ordinance having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 25th day of July, 1934, and thereafter printed and published as required by the Charter of the City of Modesto, coming on for final adoption this 8th day of August, 1934, upon roll call it was finally adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Paek

Noes: Councilmen: None

Absent: Councilmen: None

Approved: Res E Paek  
MAYOR PRO TEM

Attest: NE Gagg  
CITY CLERK

ORDINANCE NO.473-N.S.

AN ORDINANCE APPROPRIATING MONEY FOR THE PURCHASE OF GASOLINE FOR THE MOTOR EQUIPMENT OF THE CITY OF MODESTO

--- oOo ---

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

SECTION 1.

The sum of \$6,000.00, or so much thereof as may be necessary, is hereby appropriated out of the General Fund of the City of Modesto, not otherwise appropriated, for gasoline in quantity lots for the use of the motor equipment of the various departments of the City of Modesto for the current fiscal year ending June 30th, 1935.

SECTION 2.

The requirements shall be filed with the Council from time to time for the quantity of gasoline required and the same shall thereupon be purchased in the largest possible quantities as the Council may hereafter direct and shall be stored in the gasoline storage tank now owned by the City. The Council shall have full power and by resolution determine the time and manner of purchase of such gasoline and the quantity to be purchased.

SECTION 3.

This ordinance shall go into effect and be in full force and operation from and after 15 days after its final passage and adoption.

SECTION 4.

This ordinance shall be published in full at least once at least three days prior to its final adoption in the Modesto Bee, the official newspaper of the City of Modesto.

1 The foregoing ordinance was introduced at a  
2 regular meeting of the Council of the City of Modesto held on  
3 the 25th day of July, 1934, by Councilman Rogers, who moved its  
4 adoption and passage to print, which motion being duly seconded  
5 was upon roll call carried and the ordinance ordered printed and  
6 published as above by the following vote:

7 Ayes: Councilmen: Brown Neece, Rogers, and Mayor pro tem. Pack  
8 Noes: Councilmen: None  
9 Absent: Councilmen: None

10  
11 Approved: Ray E Pack  
12 Mayor Pro Tem.

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15 Attest: NE Gugg  
16 City Clerk  
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FINAL ADOPTION CLAUSE

The foregoing ordinance having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 25th day of July, 1934, and thereafter printed and published as required by the Charter of the City of Modesto, coming on for final adoption this 22nd day of August, 1934, it was upon roll call finally adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack

Noes: Councilmen: None

Absent; Councilmen: None

Approved:

*Ray E. Pack*  
MAYOR PRO TEM.

Attest:

*N. E. Gandy*  
CITY CLERK

NO. 1  
SPECIAL  
IN CODE

ORDINANCE NO. 474 N.S.

AN ORDINANCE APPROPRIATING MONEY FOR THE INSTALLATION OF AN AUTOMATIC STOP SIGN.

---oOo---

4  
5 The Council of the City of Modesto do ordain as  
6 follows:

7 Section 1. The sum of Fifteen Hundred Dollars  
8 (\$1500.00), or so much thereof as may be necessary, is hereby  
9 appropriated out of the general funds of the City of Modesto not  
10 heretofore appropriated, for the purchase, construction and  
11 installation of an automatic stop and go signal, to be placed  
12 at the intersection of Ninth and H Streets in the City of  
13 Modesto.  
14

15 Section 2. The City Engineer shall prepare and  
16 file with the City Council drawings and specifications for the  
17 construction and installation of said improvement. Upon the  
18 approval of such plans, the City Clerk shall advertise for bids  
19 for the same, specifying that bids will be received separately  
20 for complete installation and for sale and delivery to the City  
21 of the manufactured materials complete for installation, and  
22 that the Council reserves the right to reject any and all bids  
23 or portions of bids. Bidders will be required to file with  
24 their bids a bidding bond <sup>5%</sup> and certified check <sup>10% of</sup> for the amount of  
25 their bid as a guarantee that a contract will be entered into  
26 with the City by the successful bidder. Any contract entered  
27 into must be secured by a bond for 25% of the contract price  
28 for faithful performance, and in case of construction by the  
29 contractor for 50% of the contract price in addition thereto  
30 to secure the payment of labor and material claims.  
31  
32

1 Section 3. This ordinance shall go into effect and  
2 be in full force and operation from and after 15 days after its  
3 final passage and adoption.

4 Section 4. This ordinance shall be published in full  
5 at least once at least three days prior to its final adoption  
6 in the Modesto Bee, the official newspaper of the City of Modesto.  
7

8 The foregoing ordinance was introduced at a regular  
9 meeting of the Council of the City of Modesto held on the 8th  
10 day of August, 1934, by Councilman Rogers, who moved its  
11 adoption and passage to print, which motion being duly seconded  
12 was upon roll call carried and the ordinance ordered printed  
13 and published as above by the following vote:  
14

15 Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack

16 Noes: Councilmen: None

17 Absent: Councilmen: None  
18

19 Approved: Roy E. Pack

ROY E. PACK  
MAYOR PRO TEM.

22 Attest: H. E. Grace

H. E. GRACE  
CITY CLERK  
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FINAL ADOPTION CLAUSE

THE foregoing Ordinance having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 1934, and thereafter printed and published as required by the Charter of the City of Modesto, coming on for final adoption this 22nd day of August, 1934; it was finally adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack

Noes: Councilmen: None

Absent: Councilmen: None

Approved:

Ray E. Pack  
MAYOR PRO TEM.

Attest:

W. E. Gragg  
CITY CLERK

SPECIAL  
NOTES IN  
CODE

ORDINANCE NO.475-N.S.

AN ORDINANCE FIXING THE RATE OF TAXATION IN AND FOR THE CITY OF  
MODESTO FOR THE FISCAL YEAR 1934-35

--- oOo ---

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

Section 1.

There is hereby levied upon the assessed valuation of the property in the City of Modesto, County of Stanislaus, State of California, for the fiscal year beginning July 1st, 1934, and ending June 30th, 1935, the rates of taxation hereinafter specified, said rates being upon each one hundred dollars (\$100.00) of the valuation according to the equalized assessment roll, to-wit:

FOR THE GENERAL FUND .....\$ .90  
on each one hundred dollars valuation;

- FOR THE BOND REDEMPTION AND INTEREST FUND:
- (a) Municipal Improvement Bonds of 1910 ... \$ .03
- (b) Municipal Improvement Bonds of 1911 ... .01
- (c) Municipal Improvement Bonds of 1912 ... .02
- (d) Municipal Improvement Bonds of 1919 ... .03
- (e) Municipal Improvement Bonds of 1920 (Jan.) .14
- (f) Municipal Improvement Bonds of 1920 (Jun.) .02
- (g) Municipal Improvement Bonds of 1923 ... .02

being a total of .....\$ .24  
on each one hundred dollars in valuation of property taxable for the redemption of bonds and the payments of interest thereon that shall accrue during said fiscal year;

FOR THE LIBRARY FUND.....\$ .13  
on each one hundred dollars of said taxable valuation;

FOR THE SPECIAL FUND.....\$ .03  
on each one hundred dollars of said taxable valuation for the purpose of paying for lands purchased or to be purchased at tax sales under the "Improvement Bond Act of 1915" in accordance with Section 16 of said Act

The Aggregate of said sums, to-wit.....\$ 1.30  
on each one hundred dollars valuation as determined by the

1 equalized assessment roll for the year 1934-1935 on all property  
2 taxable in the City of Modesto for said purpose is hereby levied  
3 and apportioned to and shall be paid into the above funds respect-  
4 ively of said City. The rates above specified shall be in addit-  
5 ion to those required to be levied under the general laws of the  
6 State of California for the purpose of paying principal and inter-  
7 est on street improvement bonds in local improvement districts.

8  
9 Section 2.

10 This Ordinance shall take effect immediately upon  
11 its final passage and adoption.

12 Section 3.

13 This Ordinance shall be published in full at least  
14 once at least three days prior to its final adoption in the Modesto  
15 Bee, the official newspaper of the City of Modesto.

16 The foregoing Ordinance was introduced at a  
17 regular meeting of the Council of the City of Modesto held on the  
18 2nd day of August, 1934, by Commissioner Rogers, who moved its  
19 adoption and passage to print, which motion being duly seconded,  
20 the ordinance was upon roll call ordered printed and published as  
21 Charter of the  
22 required by the City of Modesto by the following vote:

23 Ayes: Councilmen: Brown, Rogers, and Mayor pro tem. Pack

24 Noes: Councilmen: None

25 Absent: Councilman Neece

26 Approved:

*Roy E. Pack*  
ROY E. PACK  
MAYOR PRO TEM.

27  
28 Attest:

*H. E. Gracy*  
H. E. GRACY  
CITY CLERK

FINAL ADOPTION CLAUSE

The foregoing Ordinance having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 22nd day of August, 1934, and thereafter printed and published as required by the Charter of the City of Modesto, coming on for final adoption this 12th day of September, 1934, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Brown, Rogers, and Mayor pro tem. Pack

Noes: Councilmen: None

Absent: Councilmen: Neece

Approved: Ray E. Pack  
MAYOR PRO TEM.

Attest N. E. Gung  
CITY CLERK

NCST SPECIAL IN CODE

AN ORDINANCE APPROPRIATING MONEY FOR SEWER AND WATER PIPE AND FOR MOTOR EQUIPMENT FOR THE PUBLIC WORKS DEPARTMENT.

---oOo---

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

Section 1. The following appropriations are hereby made and the expenditures of the funds herein specified are hereby authorized, to-wit:

(a) The sum of Eight Thousand Dollars (\$8000.00) from the Water <sup>Fund</sup> Department for the purchase of water pipe and fittings, as may be hereafter determined by the Council, for the water system of the City of Modesto.

(b) The sum of One Thousand Dollars (\$1000.00) from the general fund for the purchase of sewer pipe and fittings as may be hereafter determined by the Council.

(c) The sum of Seven Hundred and Fifty Dollars (\$750.00) from the general fund for the purchase of an automobile for the Public Works Department.

(d) The sum of Fifteen Hundred Dollars (\$1500.00) from the general fund for the purchase of a truck for the Public Works Department.

Section 2. The City Engineer is authorized and directed to file with the City Clerk specifications of the material and equipment for which the foregoing appropriations are made. The City Council may thereupon by resolution authorize the City Clerk to advertise for bids for the same, to be opened at the times and places specified in such resolution.

1 The advertisement for said equipment and supplies shall refer  
2 the bidders to the plans and specifications so prepared by the  
3 City Engineer, and on file with the City Clerk, for further  
4 particulars and details. Such notices to bidders shall be given  
5 as in accordance with the practice in the City Clerk's office,  
6 and shall require the bidders to furnish the certified checks  
7 or bidding bonds to guarantee that the successful bidder will  
8 enter into a contract, and that in so far as the material is  
9 concerned the Council reserves the right to reject or accept  
10 any bid or portion of a bid.

12 Section 3. This ordinance shall go into  
13 effect and be in full force and operation from and after 15 days  
14 after its final passage and adoption.

15 Section 4. This ordinance shall be published  
16 in full at least once at least three days prior to its final  
17 adoption in the Modesto Bee, the official newspaper of the  
18 City of Modesto.

19  
20 The foregoing ordinance was introduced at a  
21 regular meeting of the Council of the City of Modesto held on  
22 the 12th day of September, 1934, by Councilman Rogers, who  
23 moved its adoption and passage to print, which motion being duly  
24 seconded was upon roll call carried and the ordinance printed and  
25 published as above by the following vote:

26 Ayes: Councilmen Brown, Rogers, Mayor pro tem. Pack  
27 Noes: Councilmen None  
28 Absent: Councilman Neece.

29 Approved: Ray E. Pack  
ACTING MAYOR

30 Attest: W. E. Gray  
CITY CLERK

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 12th day of September, 1934, and thereafter printed and published as required by the Charter of the City of Modesto, coming on for final adoption this 26th day of September, 1934, it was upon roll call adopted by the following vote:

Ayes: Councilmen: Brown, Rogers, and Mayer pro tem. Paack

Noes: Councilmen: None

Absent: Councilmen: Neece

Approved:

Ray E Paack  
MAYOR PRO TEM.

Attest:

W. E. Gugg  
CITY CLERK



REPEALED BY  
MUNICIPAL CODE

ORDINANCE NO. 477-N.S.

AN ORDINANCE AMENDING ORDINANCE NO. 434- N.S. WITH RELATION TO PUBLIC DANCES BY ADDING A NEW SECTION THERETO, TO BE KNOWN AS SECTION 8 $\frac{1}{2}$ .

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

Section 1. Ordinance No. 434- N.S., entitled, "AN ORDINANCE REGULATING THE OPENING, CONDUCTING AND CARRYING ON OF DANCES IN PUBLIC DANCE HALLS IN THE CITY OF MODESTO, PROVIDING FOR THE ISSUANCE OF PERMITS FOR THE SAME, AND A PENALTY FOR THE VIOLATION OF ANY OF THE PROVISIONS HEREOF, AND DEFINING CERTAIN WORDS AND PHRASES," is hereby amended by adding thereto, following Section 8 thereof, a new section, to be known as Section 8 $\frac{1}{2}$ , as follows:

"Section 8 $\frac{1}{2}$ . The admission fee shall entitle any person paying the same to participate in all dances, and no separate or individual fee shall be charged or collected for participation in any individual dance. ~~No pass-out or return checks shall be issued.~~ No so-called jitney dances shall be allowed or permitted. The term "jitney dance" is defined to mean a dance where a separate charge or fee is imposed and collected for single or individual dances. No permit for dance shall be issued where dances of the type prohibited by this section are allowed, indulged or engaged in. In event any such dance is operated, it shall be the power and the duty of the police officers of the City of Modesto to close the same and to clear the dancing

1 room. If any permit has been issued for any premises  
2 which shall be used in violation of this section, the  
3 same may be revoked in the manner specified in Section  
4 8 of Ordinance No. 434- N.S."

5 Section 2. An emergency is hereby found and  
6 declared to exist effecting the immediate preservation of the  
7 public peace, health and safety in that due to the influx of  
8 certain classes of laboring people, certain dances of the type  
9 in this ordinance prohibited have flourished, resulting not only  
10 in immorality, but in disturbances of the public peace. This  
11 ordinance is therefore found and declared to be necessary for  
12 the immediate preservation of the public peace and safety, and  
13 shall go into effect and be in full force and operation  
14 immediately upon its final passage and adoption.  
15

16 Section 3. This ordinance shall be published in  
17 full at least once at least three days prior to its final  
18 adoption in the Modesto Bee, the official newspaper of the City  
19 of Modesto.  
20

21 The foregoing ordinance was introduced at a  
22 regular meeting of the Council of the City of Modesto held on the  
23 12th day of September, 1934, by Councilman Brown, who moved  
24 its adoption and passage to print, which motion being duly  
25 seconded was upon roll call carried and the ordinance ordered  
26 printed and published as above by the following vote:

27 Ayes: Councilmen: Brown, Rogers, Mayor pro tem. Pack

28 Noes: Councilmen: None

29 Absent: Councilmen: Neece

30 Approved: Roy E. Pack  
31 Mayor pro tem.

32 Attest: H. E. Gragg  
City Clerk

Sept 15.

FINAL ADOPTION CLAUSE

The foregoing Ordinance having been introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of September, 1934, and thereafter printed and published as required by the Charter of the City of Modesto, coming on for final adoption at this adjourned session of the Council held on the 19th day of September, 1934, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Brown, Rogers, and Mayor pro tem. Pack

Noes: Councilmen: None

Absent: Councilmen: Neece

Approved: \_\_\_\_\_

*Ray E. Pack*  
MAYOR PRO TEM.

Attest: \_\_\_\_\_

*N. E. Gray*  
CITY CLERK

AN ORDINANCE PROVIDING FOR LICENSING AND REGULATING THE CARRYING ON OF CERTAIN PROFESSIONS, TRADES, CALLINGS AND OCCUPATIONS IN THE CITY OF MODESTO, PROVIDING THE METHOD OF COLLECTING SUCH LICENSES, AND REPEALING CERTAIN ORDINANCES.

*Not finally adopted  
see Minutes  
Sept. 19, 1934*

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1                   The Council of the City of Modesto do ordain  
2 as follows:

3                   Section 1. For the purpose of this ordinance,  
4 words and phrases in this ordinance shall be held to mean,  
5 unless the context shows a different meaning, the following:  
6 the word "person" shall mean and include natural persons,  
7 corporations, associations, clubs and co-partnerships. The  
8 masculine shall include the feminine and neuter, and the singular  
9 the plural. "Business" shall be held and construed to mean  
10 and include professions, trades, occupations and all and every  
11 kind of calling carried on for profit or livelihood. "Vehicle"  
12 means and includes every device in, upon or by which any person  
13 or property is or may be transported or drawn upon a public  
14 highway, except devices moved by human power or used exclusively  
15 upon stationary rails or tracks. The word "collector" shall  
16 mean the City tax and license collector, or such other officer  
17 of the City as may be charged with the collection of the license  
18 fees and the issuance of the licenses. The word "City" shall  
19 mean the City of Modesto.  
20  
21

22                   Section 2. It shall be unlawful for any person,  
23 whether as principal or agent, clerk or employee, either for  
24 himself or for any other person or for any body corporate, or  
25 as an officer of any corporation, or otherwise, to commence  
26 or carry on any trade, calling, profession or occupation, in  
27 this ordinance specified, in the City, without first having  
28 procured a license from said City so to do, or without complying  
29 with any and all regulations of such trade, calling, profession  
30 or occupation contained in this ordinance; and the carrying on  
31 of any trade, calling, profession or occupation mentioned in  
32

1 this ordinance without complying with any and all regulations of  
2 such trade, calling, profession or occupation contained in this  
3 ordinance, shall constitute a separate violation of this ordi-  
4 nance for each and every day that such trade, calling, profession  
5 or occupation is so carried on.

6 Section 3. The amount of any license imposed by  
7 this ordinance shall be deemed a debt to the City; and any person  
8 carrying on any trade, calling, profession or occupation men-  
9 tioned in this ordinance without having a license from said City  
10 so to do, shall be liable to an action in the name of said City  
11 in any court of competent jurisdiction, for the amount of license  
12 by this ordinance imposed on such trade, calling, pr ofession or  
13 occupation.

14 A suit may be brought against any person for any  
15 license fee in this ordinance specified due and unpaid, in the  
16 name of the City, in any court of competent jurisdiction. The  
17 City Attorney is authorized to bring such action; when in his  
18 judgment there is reason to believe the amount can be collected  
19 and an attachment may also be issued.

20 The conviction and punishment of any person for  
21 transacting any trade, calling, profession or occupation without  
22 a license shall not excuse or exempt such persons from the payment  
23 of any license due or unpaid at the time of such conviction, and  
24 nothing herein shall prevent a criminal proseection for any  
25 violation of the provisions of this ordinance.

26 Section 4. The collector shall provide license  
27 questionnaires and applications printed in duplicate with receipt  
28 stubs attached thereto, said applications being numbered serially  
29 by the printer. Separate forms shall be prepared for business  
30 shall answer to the satisfaction of the collector.

1 separately classified herein, and shall provide proper spaces to  
2 be filled in by the applicant so that each application, when  
3 properly filled in, shall furnish all information required to  
4 enable the collector to properly classify the business of the  
5 applicant and determine the proper license to be paid by such  
6 applicant. Each applicant for a license must properly fill in  
7 one of such applications, sign and swear to the same before the  
8 collector, or a deputy collector, or some other person authorized  
9 to administer oaths. The collector and his deputies and assis-  
10 tants are authorized to administer oaths in all matters pertain-  
11 ing to the duties of their respective offices. The completed  
12 application shall be submitted to the collector, who shall  
13 compute the proper amount of the license fee and enter the  
14 same on such application, and on payment of the license fee  
15 the date and amount of payment shall be endorsed on both the  
16 original and duplicate of the application, and thereupon issue  
17 to the applicant the proper license, with a receipt attached.  
18

19 In all cases ~~for~~ the renewal of an expired  
20 license, the applicant shall render to the collector, for his  
21 guidance in ascertaining the amount of the license to be paid  
22 by the applicant, a written statement upon a form to be provided  
23 by the collector, sworn to before a person authorized to  
24 administer oaths, setting forth such information concerning the  
25 applicant's business during the preceding license period as  
26 may be required by said collector to enable him to ascertain  
27 the amount of the license fee to be paid pursuant to this  
28 ordinance.  
29

30 No statement in this section required shall be  
31 conclusive upon the City of Modesto or the collector whenever  
32 it shall appear to the satisfaction of the collector that such

1 statement does not set forth the true facts of the business for  
2 which a license is required, and the collector may thereupon  
3 withhold the issuance of a license until the applicant shall  
4 have furnished satisfactory evidence of the truth of such state-  
5 ment. If such evidence is not furnished to the collector within  
6 a reasonable time, or it shall at any time appear to said  
7 collector that by reason of error, misrepresentation, fraud or  
8 for any other cause whatsoever the license fee has not been  
9 properly fixed for any license issued, he shall give not less  
10 than five days written notice to the licensee to show cause,  
11 at the time and place fixed in said notice, why a fee to be  
12 determined by said collector and specified in said notice shall  
13 not be fixed for such a license. At such hearing the licensee  
14 shall appear and offer evidence why such specified fee should  
15 not be fixed as a license fee. After such hearing, the collector  
16 shall determine the proper fee to be charged and forthwith  
17 give notice to the licensee of such determination and the amount  
18 of the fee. The licensee may appeal in writing to the City  
19 Council ten days after notice of such determination. The  
20 Council shall forthwith set said matter for hearing and cause  
21 notice thereof to be given to the licensee not less than five  
22 days prior to such hearing. At such hearing the licensee shall  
23 show cause why the fee fixed by the collector should not be  
24 approved. The findings of the City Council thereon shall be  
25 final and conclusive in the matter. Any fee finally determined  
26 shall be due and payable as of the date the original license  
27 fee was due and payable, together with any penalties that may  
28 be due thereon; provided, however, if such fee shall be fixed  
29 in accordance with the original statement of the licensee, then  
30 shall be of such size that the ordinary licensee could pay the same.

1 no penalties shall attach to such fee by reason of any delinquency  
2 Any notice herein required shall be deemed to have been served  
3 when the same is posted in the United States mail, enclosed in  
4 a sealed envelope, postage prepaid, addressed to such person  
5 at his place of business as the address of the same appears on  
6 the records in the office of the collector. These statements  
7 filed pursuant hereto shall be deemed confidential in character  
8 and shall not be subject to public inspection and shall be kept  
9 so that the contents thereof shall <sup>not</sup> become known except to the  
10 persons charged with the administration of this ordinance.

11 Section 5. Every person having a license under  
12 the provisions of this ordinance, and carrying on a trade,  
13 calling, profession or occupation at a fixed place of business,  
14 shall keep such license posted and exhibited while in force  
15 in some conspicuous part of said place of business. Every person  
16 having such a license, and not having a fixed place of business,  
17 shall carry such license with him at all times while carrying  
18 on the trade, calling, profession or occupation for which the  
19 same was granted. Every person having a license under the  
20 provisions of this ordinance shall produce and exhibit the same,  
21 when applying for a renewal thereof, and whenever requested to  
22 do so by any police officer, or by any officer authorized to  
23 issue, inspect or collect licenses.

24 Section 6. Every person driving, operating or  
25 having control of any wagon, truck, cart, or other vehicle, or  
26 using or controlling any tray, basket, or other receptacle  
27 for which a license is required, shall procure from the collector  
28 a metal device, hereby designated as a "license holder", which  
29 shall be of such size that the ordinary license issued under  
30  
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1 the provisions of this ordinance may be easily inserted and held  
2 therein under a transparent face.

3           Such "license holder" must be firmly attached to  
4 and carried on the right hand side of the wagon, cart, or other  
5 vehicle, or on the outside of the tray, basket or other receptacle,  
6 in such manner that the license inserted therein shall be plainly  
7 visible whether the vehicle is in motion or not, or whether the  
8 receptacle is being carried or is stationary.

9           When a "license holder" is procured from the  
10 collector and attached to any wagon, cart, tray, basket or  
11 other vehicle or receptacle, as herein provided, the current  
12 license for such wagon, cart, tray, basket or other vehicle or  
13 receptacle, must be inserted and kept in such "license holder"  
14 at all times during the term of the license as specified therein.

15           It shall be unlawful for any person to place or  
16 keep any license in any such "license holder" after the expiration  
17 of the term for which the license is granted, and it shall  
18 be unlawful for any person except the licensee, or his authorized  
19 agent, to take or remove from any such "license holder" any  
20 license therein contained.

21           Section 7. The collector may appoint such license  
22 inspectors as may be authorized by the City Council. Police  
23 officers may be appointed inspectors of licenses, and, in addition  
24 to their several duties as police officers, when so appointed  
25 shall examine all places of business and persons in their  
26 respective beats liable to pay a license, and to see that such  
27 licenses are taken out, and shall have and exercise the power:  
28

29           1st. To make arrests for the violation of any  
30 of the provisions of this ordinance.  
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1 2nd. To enter free of charge, at any time, any  
2 place of business for which a license is required by this  
3 ordinance and to demand the exhibition of such license for the  
4 current term by any person engaged or employed in the trans-  
5 action of such business, and, if such person shall then and there  
6 fail to exhibit such license, such person shall be liable to  
7 the penalty provided for a violation of this ordinance.  
8

9 It is hereby made the duty of the police officers,  
10 so acting as inspectors, to cause complaints to be filed against  
11 all persons violating any of the provisions of this ordinance.

12 Such police officers, as such inspectors of  
13 licenses, shall make out once a month a list of persons, firms  
14 or corporations carrying on business within their respective  
15 beats and having no license, with their addresses, and deliver  
16 such list, carefully and legibly written, to the collector, and also  
17 report to the collector the names of all such doing business  
18 without a license immediately upon the fact coming to their  
19 knowledge.

20 Any police officer acting as such inspector  
21 failing or neglecting for more than thirty days to report any  
22 person, firm or corporation who or which is engaged in carrying  
23 on business without having paid the required license, shall  
24 be guilty of neglect of duty, and be either suspended from  
25 duty or dismissed from the police force, in the discretion of  
26 the Commissioner of Public Health and Safety. License  
27 inspectors appointed by the collector shall have the same  
28 powers as are hereinbefore vested in Police Officers while  
29 acting as inspectors of licenses and shall also have power to  
30 collect and receive money in payment of license fees, provided  
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1 that Police Officers shall not be authorized to receive or collect  
2 license fees.

3                   Section 8. No licenses shall be issued except on  
4 the filing of the application and questionnaire hereinbefore  
5 provided for and in the event it shall appear that by reason of  
6 incorrect information contained in such application the license  
7 fee collected was not in the correct amount, the City shall be  
8 entitled to collect any balance necessary or if any licensee  
9 has overpaid to refund the excess collected.

10                   No such statement shall be conclusive upon the  
11 City, or upon any officer thereof, as to the matters therein set  
12 forth, and the same shall not prejudice the right of the said  
13 City to examine or audit the books or accounts of any person  
14 subject to license or to recover any amount that may be ascer-  
15 tained to be due from such person, in addition to the amount  
16 shown by such statement to be due, in case such statement  
17 should be found to be incorrect. If any person hereby required  
18 to make any such statement shall fail to do so, such person shall  
19 be required to pay a license at such rate as the collector  
20 may, after investigation, fix as the proper rate to be paid  
21 by such person, and shall also be guilty of a violation of  
22 this ordinance and be punishable therefor as hereinafter provided;  
23 provided, however, that in any case where the first license is  
24 to be issued for a newly established business, no statement need  
25 be made, at the time such first license is issued, of the amount  
26 of receipts or sales or business transacted. And the minimum  
27 rate herein prescribed shall be paid at the time such first  
28 license is issued for any such newly established business, the  
29 amount of license for which is regulated by the amount of  
30 receipts or sales or business transacted, and, at the  
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1 termination of the license period during which the operation of  
2 such business is commenced, the license for such license period  
3 shall be ascertained and paid in the manner provided by this  
4 section for the ascertaining and paying of licenses for other  
5 license periods, after deducting from the amount so found to be  
6 due the amount paid at the time such first license was issued.

7 Section 9. The collector shall, at the hour of  
8 5 o'clock p.m. of the 60th day after licenses are payable, add  
9 to all licenses remaining unpaid a penalty of 25 per cent of the  
10 amount of such delinquent license, and no license shall be  
11 issued to such delinquent until both the license and penalty  
12 shall have been paid.

13 The collector shall deposit daily with the City  
14 Treasurer all moneys collected by him for licenses issued, and  
15 shall, on or before the 15th day of each month, report the  
16 amount thereof to the City Council.

17 Section 10. ~~The amount or rate of license fees~~  
18 ~~to be paid to the City by any person engaged in or carrying~~  
19 ~~on any profession, trade, calling or occupation hereinafter~~  
20 ~~designated is hereby fixed and established as hereinafter in~~  
21 ~~this ordinance provided, and such license fee shall be paid by~~  
22 ~~every person engaged in carrying on any such profession, trade,~~  
23 ~~occupation or calling in the City.~~

Section 10. The amount or rate of license fees to be paid to the City by any person engaged in or carrying on any profession, trade, calling or occupation hereinafter designated is hereby fixed and established as hereinafter in this ordinance provided, and such license fee shall be paid by every person engaged in carrying on any such profession, trade, occupation or calling in the City.

Section 10. For every person conducting, carrying on or managing, at an established place of business in said City:

- (1) A machine shop, boiler works, or foundry; or,
- (2) A restaurant, eating house, cafeteria, lunch room, lunch wagon, lunch counter, or tamale house; or,
- (3) An automobile repair garage, motorcycle or bicycle repair shop; or
- (4) The business of selling, supplying or manufacturing ice; or
- (5) The business of photography or picture making; or
- (6) Automobile spring, brazing, welding, vulcanizing, tire repairing, or tin shop; or
- (7) A horseshoeing shop; or
- (8) A carriage, automobile or sign painting shop; or
- (9) Massage parlor, where facial massage, fomentations, electric or magnetic treatment or alcohol rubs are administered, beauty parlor or manicure parlor; provided that this sub-section shall not be held to apply to the holder of any license to conduct a bath house, barber shop or natatorium licensed under other provisions of this ordinance; or
- (10) A blacksmith shop; or

- (11) An engraving, lithographing or bookbinding establishment; or
- (12) An office for the sale of rock, sand, gravel, brick, tile, or a similar substance; or
- (13) The business of trimming carriages, automobiles, or other vehicles; or
- (14) The business of selling nursery stock; or
- (15) A cooperage, or business of manufacturing or selling casks, barrels and other cooperage; or
- (16) An association or combination of producers or dealers selling farm, orchard or dairy produce; or
- (17) A boot and shoe making or repairing shop; or
- (18) A funeral or undertaking parlor; or
- \* (19) A laundry or wash house; or
- (20) A livery or boarding stable, feed yard, or the business of buying, selling, exchanging or dealing in horses, mules, or other animals, or conducting the business of hiring out automobiles, without chauffeurs, not including taxicabs or rent cars; or
- (21) A warehouse or cold storage plant, for storing merchandise, goods, fruits, raisins, or other articles, for compensation; or
- (22) A tailoring shop or establishment; or
- (23) A flour or feed mill; or
- (24) Factory for the manufacture of syphon soda, soda pop, or artificial mineral or carbonated waters, malt liquors or soft drinks; or
- (25) Selling syphon soda, soda pop, artificial mineral water, carbonated mineral waters, malt liquors, or soft drinks; or
- (26) The business of repairing, renovating or

(26) Dealing in second-hand goods, wares and merchandise of every kind; or

(27) A planing mill, and selling its products, furniture factory, or factory for making grill work or box shock; or

(28) Public scales, where weighing is done for compensation; or

(29) Carpet cleaning establishment; or

(30) Dyeing, cleaning, or spotting and sponging establishment, other than carpets and bedding; or

(31) The business of supplying towels for stores, offices, and public institutions, at regular intervals and for stated times; or

(32) A job printing establishment, where job printing is done for hire; or

(33) Dental laboratory; or

(34) Chemical laboratory assay shop, or where materials are tested and analyses are made; or

(35) The business of repairing auto carburetors, or recharging electric storage batteries, including the rental and sale of batteries; or

(36) The business of a merchant or manufacturer who sells, or manufactures and sells, any goods, wares or merchandise, drugs, medicines, jewelry, wares or precious metals, automobiles, motorcycles, bicycles, trucks or other vehicles, machinery, tobaccos, cigars, petroleum and petroleum products and all other articles of personal property, the sale or manufacture of which is not otherwise licensed by this ordinance, at a fixed place of business, whether sales are on commission or otherwise; or

(37) The business of re-making, renovating or

cleaning feather pillows, beds, down pillows, quilts, quilted bed mattresses, beds, bunks or cushions; rugs or carpets; or

(38) The business of operating or running, within the City of Modesto, any horse-drawn or self-propelled vehicle for the transportation of freight or material for hire.

A minimum of \$5.00 per quarter. Provided, however, that where the gross monthly income receipts or sales therefrom are in excess of \$1500.00 per quarter, there shall be paid for the ensuing quarter, in addition to the basic license fee of \$5.00, an amount equal to three-tenths of one percent upon the excess thereof over said sum of \$1500.00.

Provided that any person who conducts any of the businesses in this subdivision specified as wholesale only shall only be required to pay one-half of the license fees herein required, but if such person conducts both a wholesale and retail business on the same premises, such person shall pay the retail license.

For the purpose of this subdivision, a wholesale dealer is defined to be and mean a person who sells only to retail dealers, and any sale by a wholesaler to a consumer shall classify him as a retailer, and he shall be liable for the difference between what he paid at the beginning of the quarter as a wholesaler and what it would have been had he been paying a retail license.

Provided further that a wholesale dealer, jobber, or manufacturer shall only be required to pay a license fee upon his gross <sup>quarterly</sup> monthly sales, receipts or income derived from business transacted in the City of Modesto.

Section 102 For any person conducting, carrying on or managing the business of an auctioneer, the sum of this section shall not apply to public sales or auctions.

\$25.00 per quarter; provided that if the person by or for whom the auctioneering is done is an itinerant merchant or vendor of goods, wares or merchandise, the license shall be the sum of \$50.00 per day; provided that no person who has received a license as auctioneer shall permit another person to conduct an auction under his license. For the purpose of this section, an itinerant merchant or vendor of goods is defined to be a person, whether as principal or agent, who engages in a temporary or transient business in said city, selling goods, wares and merchandise, and who for such purpose leases or occupies a room, store building, structure or <sup>vacant lot or</sup> place in said city for the exhibition or sale of such goods, wares and merchandise, and such person shall not escape the payment of the higher license by temporarily associating himself with any local merchant, dealer or tradesmen, or by conducting such temporary or transient business in connection with or as part of or in the name of any local dealer, merchant or auctioneer.

Section 103. For every person conducting, carrying on or managing the business of soliciting for or selling city, or other directories, the sum of \$25.00 per year.

Section 104. For any person conducting, carrying on or managing any theatre, moving picture show, opera, concert, minstrel show, band concert, musical performance or exhibition, lecture, or other public exhibition or entertainment, where a charge is made for admission or seats, the sum of \$10.00 per day; if for one month, the sum of \$20.00 <sup>per month</sup>; if for longer than one month, where the seating capacity of the theatre is 300 or less, the sum of \$25.00 per quarter, and for each additional 100 seats, or fraction thereof, over and above 300 seats, the sum of \$1.00 per quarter; provided that this section shall not apply to public dances or circuses.

Section 105 For every person conducting, carrying on or managing a street carnival, the sum of \$2.00 per day for each and every separate show, entertainment, game, merry-go-round, ferris wheel, device, amusement, vaudeville or dramatic performance, game of chance or skill, for which a separate charge is made for admission, seats or standing room, or to operate or play at such game of chance or skill; or if only one charge is made for admission, or seat, or standing room, or to play at any such game of chance or skill, the license fee per day shall be ascertained by multiplying the number of each of such shows, exhibitions and entertainments by the amount fixed herein for each separate exhibition, show or game, where a separate charge is made.

For the purpose of this section, the words "street carnival" are defined to mean and include a group of two or more shows, entertainments, games, devices, amusements, vaudeville, dramatic, or minstrel performance, or games, tricks, devices or wheels, the result of the operation of which is dependent upon chance or skill, and as a result of the operation of which things or representatives of value are given or paid, which are conducted in tents or temporary structures upon the public street, parks or upon vacant lots, not including circuses.

Provided that nothing in this section shall be construed to license or authorize the conduct of any gambling or any game or device prohibited by the laws of California or ordinance of the City.

Provided further that in event the use of any street, public place or other place or property belonging to the City of Modesto is required, permission for the use of the same must be obtained from the City Council.

less than 20 rooms, the sum of \$4.00 per quarter

Section 106. For any person exhibiting or charging a compensation for the use of any microscope, telescope, lung or muscle tester, phonographic diversion, ball, knife or ring throwing, galvanic battery, or other feat, performance or diversion of a similar character or dependent on chance or skill, where no other license is provided for in this ordinance, the sum of \$5.00 per day, \$30.00 per week, or \$120.00 per month;

provided that if said exhibition is a part of a street carnival, the license fee provided for in Section 105 shall be applied.

Section 107. For every person conducting, carrying on or managing a merry-go-round, flying horses, ferris wheel, or other similar device, \$5.00 per day, \$20.00 per month, or fraction thereof, or \$100.00 per annum, payable

annually; provided that if the exhibition herein described is a part of a street carnival, the license fee provided for in Section 105 shall be applied.

Section 108. For every person conducting, carrying on or managing a hotel:

(1) Where it consists of less than 25 rooms, the sum of \$7.50 per quarter;

(2) Where it consists of exceeding 25 rooms, but not exceeding 50 rooms, the sum of \$15.00 per quarter;

(3) Where it consists of exceeding 50 rooms, but not exceeding 75 rooms, the sum of \$30.00 per quarter;

(4) Where it consists of exceeding 75 rooms, the sum of \$50.00 per quarter, plus the sum of 25 cents per quarter for each room in excess of 75 rooms.

Section 109. For every person conducting, carrying on or managing the business of packing, or marketing green or dried fruits, for hire or otherwise, for shipment or otherwise:

(1) Where it consists of ten or more, but less than 25 rooms, the sum of \$4.00 per quarter;

(2) Where it consists of 25, or more, but less than 40 rooms, the sum of \$10.00 per quarter;

(3) Where it consists of 40, or more, but less than 50 rooms, the sum of \$15.00 per quarter;

(4) Where it consists of 50 rooms, the sum of \$20.00 per quarter, and the sum of 25 cents per quarter for each room in excess of 50 rooms.

For the purpose of this section, a lodging or rooming house is defined to be a place where lodging is furnished, without the usual and customary service furnished guests of a hotel.

Section 110. For every person conducting, carrying on or operating an office building:

(1) Where it consists of less than 25 rooms, a sum of \$35.00 per quarter;

(2) Where it consists of more than 25 rooms, but less than 50 rooms, \$10.00 per quarter;

(3) Where it consists of 50, or more, but less than 100 rooms, \$15.00 per quarter;

(4) Where it consists of 100, or more, rooms, the sum of 25¢ per quarter for each room in excess of 100.

For the purpose of this section, an office building is defined to be a place where rooms are rented either singly or en suite for the purpose of conducting any trade, business, profession or occupation. The term "room" shall be defined to mean the space adapted for occupation by a tenant for any of said purposes.

Section 111. For every person conducting, carrying on or managing the business of selling or giving away trading stamps, or tickets of any kind, redeemable in merchandise, money or anything of value, or redeeming them, for hire or otherwise, for shipment or otherwise, for sale upon commission or otherwise, where the amount of

Section 112. For every person conducting, carrying on or managing the business of packing or preparing green or dried fruits, for hire or otherwise, for shipment or otherwise, for sale upon commission or otherwise, where the amount of

fruit packed, prepared, shipped, sold or consigned is as follows:

(1) Does not exceed 300 tons per annum, the sum of \$25.00 per annum;

(2) Exceeds 300 tons per annum, but does not exceed 600 tons, the sum of \$50.00 per annum.

(3) Exceeds 600 tons per annum, but does not exceed 1200 tons, the sum of \$75.00 per annum;

(4) Exceeds 1200 tons per annum, but does not exceed 1800 tons, the sum of \$100.00 per annum;

(5) Exceeds 1800 tons, but does not exceed 2500 tons per annum, the sum of \$125.00 per annum and \$150.00 per annum for all in excess of 2500 tons.

Section 112, For any person conducting, carrying on or managing a stock or produce exchange, where orders may be placed, by telegraph or otherwise, for the purchase or sale of stocks, securities, grain, oil, meat, coffee, cotton, or other commodities, or where a call board is maintained giving or quoting prices of any such article sold, the sum of \$10.00 per quarter.

Section 113, For any person conducting, carrying on, or managing a pawnshop, or acting as pawnbroker, the sum of \$10.00 per quarter.

Section 114, For any person conducting, carrying on or managing a shooting gallery, the sum of \$5.00 per quarter, or fraction thereof.

Section 115, For every person conducting, carrying on or managing the business of selling or giving away trading stamps, or tickets of any kind, redeemable in merchandise, money or anything of value, or redeeming them, the sum of \$15.00 per quarter.

Section 116, For every person conducting, carrying

on or managing a natatorium, swimming tank, or Hammam or Turkish Bath establishment, where a charge is made for baths, rubs, or the privilege of swimming, or where a charge is made for admission, seats, or use of bathing suits, the sum of \$20.00 per year, and such license shall not authorize the carrying on of any other business.

Section 117. For any person conducting, carrying on or managing the business of advertising, by means of distributing dodgers, handbills, circulars, printed advertisements, cards, tickets, or advertising samples of merchandise, the sum of \$25.00 per quarter, or fraction thereof.

For the purpose of this section, the words "conducting, carrying on or managing the business" are defined to be and are construed to mean the doing of any act or series of acts of distributing or advertising by means or in any manner in this section specified.

Provided, however, that nothing herein contained shall be construed to permit the carrying on of the business hereinabove defined in violation of Ordinance No. 382 N.S. of the City of Modesto.

Section 118. For every person conducting, carrying on or managing the business of advertising by means of electric signs, the sum of \$10.00 per quarter for the first quarter, and thereafter two cents per quarter for each square foot of the front surface area of all electric signs maintained by such person at the time of filing of the verified statement hereinafter required.

Before receiving a license for such business after the first quarter for any succeeding quarter, the applicant shall file a verified statement showing in detail the electric signs maintained by the applicant at the date of such application, and the location and front surface of each sign.

Nothing in this section shall be construed to require any person who maintains on the building in which his business is located an electric sign advertising his own business to pay a license therefor.

Section 119. For every person conducting, carrying on or managing the business of advertising by means of a stereopticon, biograph moving picture, or any similar device, \$5.00 per quarter for each such machine so used.

For the purpose of this section, the words "conducting, carrying on or managing the business" are defined to be and construed to mean the doing or performing of any act or series of acts advertising in any manner or by any means in this section specified; provided that this section shall not apply to advertising on moving picture screens in moving picture theatres, unless the right or privilege is hired by or rented to persons other than those whose advertisements are shown, nor to newspaper bulletins of election returns, ball games, or to matters of general news interest.

Section 120. For every person conducting, carrying on or managing the business of advertising by means of a writing, placing, designing, or soliciting advertisements for others, not included in Section 117, 118, 119 hereof the sum of \$10.00 per year.

Section 121. For every person conducting, carrying on or managing an employment office, the sum of \$25.00 per quarter.

For the purpose of this section, "employment office" is defined as the business of securing employment for any person or persons for a fee or compensation of any kind, however designated, or furnishing information regarding situations or employment for a fee or compensation.

Section 122 For every person conducting, carrying on or managing a skating rink, where a fee or compensation is charged for admission, seats, use of skates or privilege of skating, the sum of \$10.00 per quarter.

Section 123 For every person conducting, carrying on or managing the business of house moving along or over the public streets of said City, the sum of \$25.00 per year.

Provided that nothing herein contained shall be construed to exempt the licensee from complying with other ordinances of the City of Modesto with reference to the moving of houses, or the payment of the fees for the use of the streets.

Section 124 For every person conducting, carrying on or managing a hospital, sanitarium, or sanatorium, at the rate of seventy-five cents per quarter for every bed or cot maintained for the accommodation of patients.

Section 125 For every person conducting, carrying on or managing a barber shop containing one chair, the sum of \$1.00 per quarter; where the shop contains more than one chair, the sum of \$1.00 per quarter for each additional chair kept in said shop, whether used continuously or not; provided that if one person, or more, be employed in connection with any barber shop for the purpose of shoe shining or shoe polishing, there shall be paid an additional license fee of 50¢ per quarter per person for each person so employed.

Section 126 For every person conducting, carrying on or managing an apartment house, where there are four apartments, the sum of \$5.00 per year, and for each additional apartment the sum of \$1.00 per year.

Section 127 For every person, firm or corporation conducting, carrying on or managing the business of peddling food

stuffs such as are sold in delicatessen stores, tamales, butter-milk, ice cream, cakes, pies, doughnuts, bread, candy, popcorn, peanuts, if by means of any horse-drawn or motor vehicle, the sum of \$5.00 per vehicle per quarter, or fraction thereof; if by means of any hand or push cart, the sum of \$3.00 per quarter per cart; or fraction thereof; if by means of any hand tray or basket, the sum of \$1.00 per quarter or fraction thereof per person.

Section 128. For any person conducting, carrying on or managing the business of peddling blocks, shavings, sawdust, firewood or fertilizer, the sum of \$15.00 per year per wagon.

Section 129. For any person conducting, carrying on or managing the business of selling or delivering fresh or slaughtered meats to dealers, other than himself:

(1) Where the average monthly sales are under \$2,000.00, the sum of \$12.50 per quarter;

(2) Where the average monthly sales exceed \$2000.00, and are under \$5000.00, the sum of \$20.00 per quarter;

(3) Where the average monthly sales are \$5000.00, or over, the sum of \$50.00 per quarter, and over \$5000.00, \$10.00 for each additional \$1000.00.

Section 130 For every person conducting, carrying on or managing the business of peddling flags, banners, balloon, canes, horns, trumpets, medals, musical or noise-making instruments of any kind, toys, buttons, badges, shoe strings, hair pins, lead pencils, combs, chewing gum, souvenirs of any kind, the sum of \$20.00 per month, or \$5.00 per day per person.

Section 131. For every person conducting, carrying on or managing the business of peddling medicines, who calls attention to his wares or advertises the same by the use of entertainment, music, speech, fancy or grotesque dress, or chart, or device, or by demonstrating the use thereof or

results of the use thereof, or applying the same, in or upon any public street, alley, or other public place, doorway of any room or building, unenclosed or vacant lot or parcel of land, whether the actual sale of such commodities is made upon said premises or elsewhere, the sum of \$50.00 per day per person so employed, any to sell and deliver goods to waiting customers, and in no event. For every peddler of medicines other than as described

in this section, the sum of \$50.00 per quarter per person.   
 stand on a public Section 132. For every person conducting, carrying on or managing the business of peddling notions, books, charts, receipts, formulas, toys, goods, wares, or merchandise (other than medicines), who calls attention to his wares or advertises the same by the use of entertainment, music, speech, fancy or grotesque dress, or chart, or device, or by demonstrating the use thereof or results of the use thereof, or applying the same in or upon any public street, alley, or other public place, doorway of any room or building, unenclosed or vacant lot or parcel of land, whether the actual sale of such commodities is made upon said premises or elsewhere, the sum of \$20.00 per month, or \$5.00 per day per person.

Section 133 For every person conducting, carrying on or managing the business of peddling goods, wares, merchandise, or other articles, not otherwise in this ordinance provided for, operating by means of a horse-drawn or motor vehicle, the sum of \$15.00 per quarter per vehicle; if by means of a hand or push cart, the sum of \$10.00 per quarter per cart; or if by means of a basket, tray, or other container carried by hand, the sum of \$7.50 per quarter, or fraction thereof.

For the purpose of this ordinance, a peddler is defined to be and include every person not having a regularly established place of business in the City of Modesto, who travels from place to place or has a stand upon any public

street, alley, or other place, doorway of any room or building, unenclosed or vacant lot, or parcel of land, who sells or offers for sale any goods, wares, merchandise, or article of personal property in his possession. No peddler on any public street or highway shall stop or remain in any one block longer than is necessary to sell and deliver goods to waiting customers, and in no event longer than ten minutes within the same block. The time limit herein provided shall not apply to peddlers having a stand on a public street, under permit from the City Council.

**Section 134.** For every person conducting, carrying on or managing the business of peddling tickets, checks or coupons to be used in payment or part payment for picture frames, pictures, portraits, photographs, or the enlarging or retouching of the same who does not maintain a fixed place of business within said City where said articles are kept or made, the sum of \$50.00 per quarter per person.

**Section 135.** For every person, firm, or corporation who operates, conducts or carries on, or any person who assists or participates in the operating, conducting or carrying on in the City of Modesto any system of merchandising by means of a scheme commonly known as "Endless Chain", the sum of \$12.00 per quarter.

For the purpose of this ordinance an endless chain is defined to be and shall be construed to mean and include any plan or scheme wherein any person, firm or corporation sells, transfers, assigns or issues to any person any right, property, ticket, coupon, certificate, contract, or other token, and wherein the purchaser, transferee or assignee thereof or the person to whom the same is issued, undertakes or is required or permitted to undertake for himself, or as the agent, representative, or attorney of such person, firm or corporation, to sell, transfer, assign or issue to another any right, property, ticket, coupon, certificate,

contract or other token which may under certain conditions entitle the purchaser or recipient thereof to any right, property, ticket, coupon, certificate, contract, or other token and wherein the which abstract, certificate or statement does not insure or purport to insure the title to any real property, or any interest therein, purchasers, transferees, or assignees thereof from the original purchasers, assignees, or transferees, or from subsequent purchasers, assignees, or transferees are also given, as a consideration for policies are issued or furnished by or through such persons as their entry into or participation in such plan or scheme and their additional rate of \$25.00 per quarter.

Section 135 For every person conducting, carrying on or managing the business of publishing, obligation of making further sales, assignments, or transfers of any right, property, ticket, coupon, certificate, or other token.

Section 136 For every person conducting, carrying on or managing the business of peddling, soliciting or taking orders for or selling stocks, bonds, securities, who does not maintain a fixed place of business in said city, the sum of \$50.00 per quarter per person.

Section 137 For every person conducting, carrying on or managing the business of selling different articles of apparel, dry goods, fancy notions, jewelry, cutlery, groceries, harness, pianos, organs, machinery, vehicles, hardware, tin ware, mill

Section 138 For every person conducting, carrying on or managing the business of blacking, shining or polishing

regularly engaged in or carrying on such lines of business, the sum of \$100.00 per month, or \$15.00 per day.

Section 139 For every person who maintains an office, shop, or store within said city, where orders are taken or solicited for books, coats, wearing apparel or corsets, or where coats, clothing, wearing apparel or corsets are fitted, the sum of \$10.00 per quarter.

Section 140 For every person conducting, carrying on or managing the business of examining, searching or investigating titles to real estate and issuing abstracts, statements or

or certificates of title showing or purporting to show or certify the condition or state of the title to any particular property or properties as disclosed by examination of the public records, but which abstract, certificate or statement does not insure or purport to insure the title to any real property, or any interest therein, the sum of \$50.00 per quarter, and in the event title insurance policies are issued or furnished by or through such person an additional rate of \$25.00 per quarter.

Section 40 For every person conducting, carrying on or managing the business of publishing: the of two per cent upon

(1) A newspaper, magazine, periodical, less often than daily, the sum of \$5.00 per quarter;

(2) A daily newspaper, where the circulation does not exceed 4000, the sum of \$20.00 per quarter, and the sum of \$2.50 per quarter per 1000 of circulation in excess of 4000.

For the purpose of this section, a newspaper, magazine or periodical is defined to be such as has a regular paid subscription list (excepting papers printed or issued by schools or colleges); a daily newspaper is defined to be a paper is sued fire or more times per week.

Section 41 For every person conducting, carrying on or managing the business of blacking, shining or polishing boots or shoes:

(1) Where the stand is in a public street or alley where only one person is employed or engaged in said work, the sum of \$15.00 per quarter; and the sum of \$5.00 per quarter for each additional person so engaged or employed;

(2) Where the stand is within a building, the sum of \$1.00 per quarter.

Provided that this section shall not apply to persons engaged in blacking, shining or polishing shoes in barber shops.

Section 42 For every person, conducting, carrying on or managing a dancing school or academy, where dancing is

taught by instructors regularly employed, and where no charge is made for admission or seats, and dancing is not allowed or permitted except by pupils or instructors, the sum of \$5.00 per quarter.

Section 143. For every person conducting, carrying on or managing the following business, occupations and professions, a minimum of \$10.00 per annum; provided, however, that where the gross annual income or receipts from such business, occupation or profession are in excess of \$5000.00 per year, there shall be paid for the ensuing year, in addition to the basic license fee of \$10.00, an amount equal to three-tenths of one per cent upon the excess thereof over said sum of \$5000.00.

- Appraiser
- Architect
- Artist
- Assayer
- Attorney at Law
- Auditor
- Accountant
- Bacteriologist
- Chemist
- Chiropodist
- Civil, electrical, chemical, mechanical, hydraulic or mining engineer, or land surveyor.
- Chiropractor
- Dentist
- Draftsman
- Designer or Illustrator
- Detective
- Engraver
- Insurance Adjuster
- Landscape Architect
- Lapidary
- Lithographer
- Masseur or Masseuse
- Optician
- Optometrist
- Oculist
- Osteopath or Osteopathist
- Physician
- Surgeon
- Veterinary
- Christian Science Practitioner

The business of managing a medical laboratory, including that of making X-Ray photographs of others than himself for a compensation, without the practice of medicine or surgery, or any other profession or occupation; and every other person carrying on or engaged in the business or occupation of treating, curing or administering to or giving treatment to the sick, wounded or infirm, for the purpose of bringing about their recovery, by any

method or pursuant to any belief, doctrine, or system, other than those specifically named, and charging or accepting a fee or compensation therefor, the sum of \$10.00 per annum.

Nothing, however, in this section shall be construed or deemed to apply to any person engaged in any of the professions or occupations hereinbefore enumerated solely as the employee of any other person conducting, carrying on or managing such business, occupation or profession in said City, but if such employee shares in the profits of the business, he shall be liable for said fee; but a separate fee must be paid by each member of every firm, association or partnership. Any such person conducting two or more such businesses, occupations or professions at the same place of business shall be required to take out one license, where conducted at the same place of business, but the license shall specify the business, occupations or professions for which the license is issued.

Section ~~144~~ For every person conducting, carrying on or managing a detective agency, the sum of \$10.00 per quarter; provided, that no additional fee shall be required of any employee of said agency.

Section ~~145~~ For every person conducting, carrying on or managing the business of buying or collecting junk, second-hand goods, furniture, bedding, carpets, clothing, books, bottles, rags, iron, copper, brass, papers or second-hand goods, where any vehicle is used in making such collection, the sum of \$20.00 per vehicle per year, if animal-drawn, or if motor-propelled, of not exceeding one-ton capacity; for each truck in excess of one-ton capacity, the sum of \$25.00 per truck per year.

Section ~~146~~ For every person conducting, carrying on or managing the business of night watch service, patrolling and watching property, or engaged in carrying on the business or occupation of private policeman, the sum of \$1.50 per quarter for

each person so employed. Every such night watchman or private policeman shall register in the office of the Chief of Police of said City, giving his name, age, residence, employer, and place of employment, and the Chief of Police shall keep a record thereof, and issue to such person a certificate that he is a registered nightwatchman or private policeman, and no license shall be issued by the <sup>Collector</sup> ~~Commissioner~~ of Finance except upon the production of such certificate.

Section 47. For every person conducting, carrying on or managing the business of a check room, for the checking or storing of parcels, or other personal property, issuing checks therefor, and charging compensation therefor, the sum of \$5.00 per annum; provided that a person holding a license under this section shall not be entitled to engage in the warehouse and storage business.

Section 48. For every person conducting, carrying on or managing the business of a bowling alley, or alleys, the sum of \$4.00 per quarter for each bowling alley or bed kept or maintained.

Section 49. For every person conducting, carrying on or managing any manicuring, shampooing or hair dressing establishment, where surplus hair, moles, warts, or other facial blemishes are removed or eradicated, the sum of \$3.00 per quarter for each person employed or working therein; provided that this section shall not apply to barber shops.

Section 50. For every person conducting, carrying on or managing any automobile storage or parking place in or upon any lot or parcel of land, but maintaining no building or other structure upon such lot or parcel of land in which are kept or stored such automobiles, the sum of \$5.00 per quarter.

Section 51. For every person conducting, carrying on or managing the business of an automobile ticket agency, for

the sale of tickets for transportation in or upon any inter-urban or sight-seeing bus, the sum of \$50.00 per annum.

Section 152 For every person conducting, carrying on or managing, whether or not a fee for admission is charged, the sum of \$30.00 per month, of \$2.50 for each exhibition; provided that no license shall

Provided that nothing in this section shall be deemed issue therefor until permit has been secured from the City Commission of said City.

Section 153 For every person conducting, carrying on or managing the business of cleaning building, rooms, carpets, or furnishings, by compressed air or vacuum cleaning, or by means of any machine drawn, propelled or operated by power or other means than handpower, the sum of \$5.00 per quarter.

Section 154 For every person conducting, carrying on or managing the business of furnishing messengers, or messenger service, the sum of \$5.00 per quarter.

Section 155 For every person conducting, carrying on or managing the business of a mercantile or commercial agency, the sum of \$10.00 per annum.

For the purposes of this section, the term "mercantile or commercial agency" is defined as an establishment which makes the business of collecting information relating to the credit, character, responsibility of merchants of others for the purpose of furnishing the same to subscribers, for a compensation, the sum of \$10.00 per month.

Section 156 For every person conducting, carrying on or managing the business of a collection agency, the sum of \$25.00 per annum, or fraction thereof.

For the purpose of this section, a "collection agency" is defined as an establishment for the collection of accounts, notes, obligations or debts for others, for a compensation or fee; provided that this section shall not apply to attorneys at law.

Section 157 For every person conducting, carrying on or managing the business of a collection agency, the sum of \$25.00 per annum, or fraction thereof.

Section 158 For every person conducting, carrying on or managing the business of a collection agency, the sum of \$25.00 per annum, or fraction thereof.

connected with science, art or literature, are exhibited or displayed and a compensation is charged for admission, or a museum of anatomy, whether or not a fee for admission is charged, the sum of \$30.00 per month, of taxidermist, or tanning, curing, preserving. Provided that nothing in this section shall be deemed or construed to apply to circuses, exhibitions, shows, carnivals or other exhibitions licensed under other sections of this ordinance; provided that if any goods, wares, merchandise, college commodities, stocks, bonds, or securities are sold or offered for sale in any such museum, to which no admission fee is charged, or in the event that such museum is maintained for the purpose of attracting purchasers for any goods, wares, merchandise, commodities, stocks, securities, bonds, sold or offered for sale in any such museum, then and in that event the license fee provided for herein shall be required to be paid in addition to any license required for any such sales.

Section 158. For every person conducting, carrying on or managing the business of soliciting custom or patronage upon any public street, alley, railroad depot, or other public place, for any hotel, inn, lodging house, rooming house, apartment house, restaurant, cafeteria, dining room or house or place, where meals, board, or lodging are furnished for compensation, the sum of \$10.00 per month, ~~and~~ from the provisions of this

Section 159. For every person conducting, carrying on or managing a stand in or upon any public street, alley, or other public place, or doorway of any room or building, for the sale of flowers, ferns, plants, candy, peanuts, pop corn, chewing gum, ice cream, or other confections, the sum of \$15.00 per quarter. ~~None of this section shall apply to~~

commercial. Section 160. For every person conducting, carrying on or managing a newsstand upon any public street, alley or public place, for the sale of foreign or domestic newspapers,

per article, or other commodities or articles not in this ordinance otherwise provided for, the sum of \$15.00 per quarter, or other farm or ranch produce.

Section 161. For every person conducting, carrying on or managing the business of taxidermist, or tanning, curing, preserving or mounting hides, pelts or skins of birds, or animals, the sum of \$5.00 per quarter, salary demands, or any

personal property. Section 162. For every person conducting, carrying on or managing any trade, school, trade college, business college or school, where instruction is given in any trade, profession or occupation, and a fee is charged for such instruction, the sum of \$5.00 per quarter.

Section 163. For every person engaged in the business or occupation of an itinerant vendor, where not otherwise provided for herein, the sum of \$25.00 per day.

The words "itinerant vendor" shall be construed to mean and include all persons, both principal and agent, who engage in a temporary and transient business in the city, selling goods, wares or merchandise, with the intention of continuing said business in said city for a period of not more than ninety days, and who for the purpose of carrying on such business hire, lease or occupy any room, building or structure for the exhibition or sale of such goods, wares or merchandise, and the person or firm so engaged shall not be relieved from the provisions of this section by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such temporary or transient business in connection with or as a part of, or in the name of, any local dealer, trader, merchant or auctioneer.

The provisions of this section shall not apply to mobile or commercial travelers or selling agents selling their goods to dealers, whether selling for present or future deliveries.

by peddlers from vehicles, nor to persons selling fruit, vegetables, butter, eggs, or other farm or ranch produce.

Section 164 For every person conducting, carrying on or managing the business of loaning money, either for himself or for any person, upon personal security, upon evidence of debt, assignments of salary, salary warrants, salary demands, or any personal property, or purchasing for himself or for another of salaries due or to become due, the sum of \$10.00 per quarter or fraction thereof.

Provided that nothing in this section shall apply to persons holding pawnbroker licenses, or to banks or loan companies authorized to do business under the laws of the United States or State of California.

Section 165 For every person conducting, carrying on or managing the business of running, driving or operating any animal-drawn coach, bus, carriage or vehicle for transportation of passengers for hire, when driven by the owner or representative of the owner, at rates per mile, per hour, per trip, per day, per week, month, or per person, and such vehicle is routed under the direction of such passenger or persons hiring the same, where one animal is used, the sum of \$2.50 per quarter per vehicle; where two animals are used, the sum of \$5.00 per quarter per vehicle, or the sum of \$1.00 per day.

Section 166 For every person conducting, carrying on or managing the business of running or operating any automobile or motor-propelled vehicle for the transportation of passengers or freight for hire, over a defined route from a terminus or termini in the city to a terminus without the city,

and which vehicle does not receive or discharge passengers

or freight along said route within said city, and which vehicle does not do local business as a jitney bus, for each such vehicle the sum of \$10.00 per annum, or \$2.00 per day.

Section 167 For every person conducting, carrying on or managing the business of driving or operating any vehicle over the public streets of the city solely for the transportation of passengers for hire, between railroad stations and hotels, for each vehicle, the sum of \$10.00 per year.

Section 168 For every person conducting, carrying on or managing a fire sale, wreck sale or bankrupt sale, the sum of \$100.00 per month.

For the purpose of this section, a fire sale or wreck sale is defined to be and include the sale of goods, wares and merchandise salvaged from a fire, wreck, or other calamity; and a bankrupt sale is defined to be and include the sale of goods, wares and merchandise which have been previously purchased from a trustee or receiver in bankruptcy, or trustee or receiver in insolvency, or trustee for the benefit of creditors; provided that no license shall be required under the provisions of this section for the sale of goods, wares and merchandise salvaged from any fire, wreck, or other calamity in the city, or from any bona fide sale, of goods, wares and merchandise in any bankrupt, receiver's, trustee's, or assignee's sale within said city.

Section 169 For every person conducting, carrying on or managing an auction sale of goods, wares, merchandise or real estate, the sum of \$10.00 per day.

Provided that no license shall be required for an auction sale conducted under the order of any court or judge, or under authority of any mortgage or deed of trust.

Section 170 For every person conducting, carrying

on or managing the business of contractor or sub-contractor in the building trades, in the erection in whole or in part of building, structures, or any additions, alterations or improvements thereon, or in wrecking, demolishing or removing building or structures, or partially destroyed buildings and debris, or excavating, or in the construction, repair or grading of any street, sidewalk, pavement, sewer, engineering structure, plumbing construction, metal or electric construction, street construction, whether said work shall be done under a percentage basis, or otherwise;

Where the gross monthly income, receipts or sales is or are \$2000.00 or less, \$10.00 per year;

Exceeding \$2000.00 per month, but not exceeding \$4000.00 per month, \$12.50 per year;

Exceeding \$4000.00 per month, but not exceeding \$6000.00 per month, \$15.00 per year;

Exceeding \$6000.00 per month, but not exceeding \$12,000.00 per month, the sum of \$20.00 per year;

Exceeding \$12,000.00 per month, but not exceeding \$20,000.00 per month, \$35.00 per year;

Exceeding \$20,000.00 per month, but not exceeding \$30,000.00 per month, \$50.00 per year;

Exceeding \$30,000.00 per month, but not exceeding \$45,000.00 per month, \$75.00 per year;

Exceeding \$45,000.00 per month, but not exceeding \$60,000.00 per month, \$100.00 per year;

Exceeding \$60,000.00 per month, but not exceeding \$75,000.00 per month, \$125.00 per year;

Exceeding \$75,000.00 per month, but not exceeding \$100,000.00 per month, \$150.00 per year;

Exceeding \$100,000.00 per month, but not exceeding \$125,000.00 per month, \$175.00 per year;

Exceeding \$125,000.00 per month, but not exceeding \$150,000.00 per month, \$200.00 per year;

Exceeding \$150,000.00 per month, the sum of \$225.00

per year.

Section 171 For every person conducting, carrying on or managing a place for the development of photographic negatives or printing of photographs for a continuous period the sum of \$1.00 per quarter.

Section 172 For every person conducting, carrying on or managing the business of buying or selling bonds, or other securities or other evidences of indebtedness of county or city bonds, or of state, county, city or district indebtedness, or other evidences of indebtedness of any corporation, at a fixed place of business the sum of \$200.00 per year or fraction thereof for the quarter.

Section 173 Every person, firm or corporation maintaining a fixed place of business within the City, and not being herein otherwise licensed or authorized, who solicits orders for, or delivers to regular customers, or maintains a regular delivery or distribution system for the delivery of any goods, wares, merchandises, including products, within the City shall pay the following license: Where a single horse wagon is used, the sum of \$1.00 per quarter; where a two-horse wagon is used, the sum of \$2.00 per wagon per quarter; where an automobile or truck of one or less capacity is used the sum of \$10.00 per automobile or truck per quarter; where an automobile or truck of over one ton capacity is used, the sum of \$15.00 per automobile or truck per quarter; where an automobile or truck of over two tons capacity is used, the sum of \$20.00 per automobile or truck per quarter; provided that the provisions of this section shall

1 Section 171 For every person conducting, carrying  
2 on or managing a place for the development of photographic  
3 negatives or printing of photographs for a compensation, the  
4 sum of \$5.00 per quarter.

5 Section 172 For every person conducting, carry-  
6 ing on or managing the business of buying or selling notes,  
7 bonds, or other securities or other evidences of indebtedness,  
8 or in buying or selling county or city bonds, or other evidences  
9 of state, county, city or district indebtedness, or stocks,  
10 bonds, or other evidences of indebtedness of private corporations  
11 or associations, at a fixed place of business in said City, the  
12 sum of \$25.00 per year or fraction thereof for every person  
13 employed.

14 Section 173, Every person, who without having  
15 or maintaining a fixed place of business within the City of  
16 Modesto, and not being herein otherwise licensed or classified,  
17 who solicits orders for, or delivers to regular customers, or  
18 maintains a regular delivery or distribution system for the  
19 delivery of any goods, wares, merchandise, including petroleum  
20 products, within the City shall pay the following license fee:  
21 Where a single horse wagon is used, the sum of \$7.50 per wagon  
22 per quarter; where a two-horse wagon is used, the sum of \$10.00  
23 per wagon per quarter; where an automobile or truck of one ton  
24 or less capacity is used the sum of \$10.00 per automobile or truck  
25 per quarter; where an automobile or truck of over one ton, but  
26 under two tons capacity is used, the sum of \$12.50 per automobile  
27 or truck per quarter; where an automobile or truck of over two  
28 tons capacity is used, the sum of \$15.00 per automobile or truck  
29 per quarter; provided that the provisions of this section shall  
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1 not apply to producers of food stuffs who solicit or offer for  
2 sale their own products.

3 Section 174 For every person who engages in the  
4 business (whether he devotes the whole or a part of his time  
5 thereto) of a real estate broker in said City, as defined by  
6 the laws of the State of California, the sum of \$10.00 per annum,  
7 or fraction thereof; provided that where a partnership is engaged  
8 in such business the co-partnership shall pay the sum of \$10.00  
9 per annum, or fraction thereof, and each member of such co-  
10 partnership shall pay a separate fee of \$2.00 each per annum,  
11 or fraction thereof. If a corporation is engaged in said business,  
12 then the sum of \$10.00 per annum, or fraction thereof, and the sum  
13 of \$2.00 per annum, or fraction thereof, for each officer or  
14 agent of said corporation who acts as a real estate broker.

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16 Section 175 For every person engaged in the  
17 business of a real estate salesman of a licensed real estate  
18 broker, the sum of <sup>(\$2.00)</sup>~~\$2.00~~ per annum, or fraction thereof.

19 Section 176. For every person engaged in carry-  
20 ing on within said City the business of a broker in buying or  
21 selling fruits, grapes, crops, dried fruits, raisin or dried  
22 grapes, nuts or grain, or other dairy or ranch products, the  
23 sum of \$25.00 per annum.

24 Section 177 For every person engaged in conducting  
25 carrying on or managing any business not otherwise specifically  
26 licensed by other sections of this ordinance, he shall pay the  
27 licenses set forth in Section 101 hereof.

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29 Section 178. In the event that any person, firm  
30 or corporation is conducting, managing or carrying on two or more  
31 business licensed by this ordinance at the same location and  
32 under the same management, the license to be paid under this

1 ordinance shall be computed by excluding the proceeds of receipts  
2 received or derived from any such business, whether as a  
3 merchant, manufacturer or otherwise, there transacted or carried  
4 on as are specifically licensed under other sections of this  
5 ordinance, and the license to be paid as provided in Section  
6 (O) shall be determined by and be based upon the gross  
7 receipts or proceeds received or derived from only such  
8 businesses as are not otherwise specifically licensed by any  
9 other section or sections of this ordinance.  
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1                   Section 201   The provisions of this ordinance  
2 shall not be deemed or construed to require the payment of a  
3 license to conduct, manage or carry on the following businesses  
4 of occupations:

5                   (a) From any institution or organization which  
6 is conducted, managed or carried on wholly for the benefit of  
7 charitable purposes, or from which profit is not derived either  
8 directly or indirectly by any person; nor shall any license be  
9 required for the conducting of any entertainment, concert,  
10 exhibition or lecture on scientific, historical, literary,  
11 religious or moral subjects, whenever the receipts of any such  
12 entertainment, concert, exhibition or lecture are to be appro-  
13 priated to any church, or school, or to any religious or benev-  
14 olent purpose within the City; nor shall any license be required  
15 for the conducting of any entertainment, dance, concert,  
16 exhibition or lecture by an religious, charitable, fraternal,  
17 educational, military, state, county or municipal organization  
18 or association whenever the receipts of any such entertainment,  
19 dance, concert, exhibition or lecture are to be appropriated for  
20 the purposes and objects for which such association or organiza-  
21 tion was formed, and from which profit is not derived, either  
22 directly or indirectly, by any person; provided, however, that  
23 nothing in this section contained shall be deemed to exempt  
24 any such institution or organization from complying with the  
25 provisions of any ordinance of the City requiring such institu-  
26 tion or organization to obtain a permit from the proper board,  
27 commissioner or officer to conduct, manage or carry on any  
28 profession, trade, calling or occupation; provided that such  
29 institution or organization shall file with the collector  
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1 satisfactory proof by affidavit that the receipts of such  
2 business are to be used for the purposes herein specified.

3 (b) In any case where the payment of a license  
4 would cast a burden upon the right to engage in commerce with  
5 foreign nations or among the several states, or conflicts with  
6 the regulations of the United States Congress respecting inter-  
7 state commerce, but any applicant claiming exemption upon that  
8 ground shall file a verified statement with the collector  
9 disclosing the interstate or other character of his business  
10 entitling it to such exemption, which statement shall contain  
11 the name and location of the company or firm for which orders  
12 are to be solicited or secured, the name and address of the  
13 nearest local or state manager, the kind of goods, wares and  
14 merchandise to be delivered, the place from which the same are  
15 to be shipped or forwarded, the method of solicitation or taking  
16 orders, the location of any warehouse, factory or plant within  
17 the State of California, the method of delivery, the name and  
18 location of the residence of the applicant, and any other facts  
19 necessary to establish such claim of exemption. A copy of the  
20 order blank, contract form or other papers used by such person  
21 in taking orders shall be attached to the affidavit for the  
22 information of the collector. If it appears that the applicant  
23 is entitled to such exemption, the collector shall forthwith  
24 issue a free license.  
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26 (c) If the applicant is an honorably dis-  
27 charged or released soldier, sailor or marine of the United  
28 States, who has served in the Civil War or any Indian War, the  
29 Spanish-American War, any Philippine Insurrection, or in the  
30 Chinese Relief Expedition, or in the World War commencing in 1914.  
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1 who is physically unable to earn a livelihood by manual labor,  
2 who is a qualified elector of the State of California, provided  
3 that such applicant shall produce evidence of such discharge  
4 or his physical disability and of his qualifications as an  
5 elector.

6 (d) The actual grower<sup>s</sup> and producer<sup>s</sup> of ranch,  
7 farm, orchard, vineyard or poultry produce or products who, by  
8 himself or by an agent or employee, sells such produce or  
9 products actually produced or grown by him; provided, however,  
10 that such grower or producer shall file with the collector an  
11 affidavit setting forth his name and address, the amount and  
12 variety of produce he proposes to sell, the place or places  
13 where said products are grown or produced, and that said  
14 produce or products are or will be grown or produced by him  
15 and not purchased for re-sale, either directly or indirectly,  
16 and that he personally or indirectly, or by  
17 /an agent or employee, whose name shall be designated in the  
18 affidavit, intends to vend and/or deliver the same.

19 (e) Housewives who, in the kitchens of their  
20 own homes and as an incident only to their other housekeeping  
21 duties, make or produce and sell food products of a value not  
22 exceeding \$300.00 per year; provided, however, that such  
23 producers shall file with the collector an affidavit showing  
24 that said products are produced and sold only as aforesaid.

1                   Section 202. Any person violating any of the  
2 provisions of this ordinance shall be deemed guilty of a mis-  
3 demeanor and upon conviction thereof shall be punished by a  
4 fine of not more than \$500.00, or by imprisonment in the County  
5 Jail for a period of not more than six months, or by both such  
6 fine and imprisonment.

7                   Each such person shall be deemed guilty of a  
8 separate offense for every day during any portion of which any  
9 violation of this ordinance is committed, continued or permitted  
10 by such person, and shall be punishable therefor as provided  
11 in this ordinance.

12                   Section 203. This ordinance shall go into effect  
13 and be in full force and operation from and after 15 days after  
14 its final passage and adoption; provided, however, that in the  
15 case of annual licenses the license fee shall be computed for  
16 the first year from October 1st, 1934. In the case of quarterly  
17 licenses, likewise from the 1st day of October, 1934, and in the  
18 case of monthly licenses, likewise from the 1st day of October,  
19 1934.

20                   All licenses shall be paid in advance in legal  
21 currency of the United States, at the office of the collector.  
22 Annual licenses shall be due and payable at the time herein  
23 respectively stated, or when not so specified on the first day  
24 of July of each year, but the first annual license issued to  
25 any person, as herein provided, shall be issued for the  
26 unexpired term of such year, except as herein otherwise specifi-  
27 cally provided. The quarterly licenses shall be due and payable  
28 on the 1st day of October, January, April and July of each year,  
29 and all such licenses shall expire on the last day of June,  
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1 September, December and March of each year, but the first  
2 quarterly license issued to any person, as herein provided,  
3 shall be issued for the quarter ending December 31st, 1934. The  
4 monthly licenses herein provided for shall be due and payable  
5 on the first day of each month in advance. From all persons  
6 who have for the previous month been licensed to carry on the  
7 same trade, calling, profession or occupation, and from all  
8 persons who have not been licensed for the previous month for  
9 the same trade, calling, profession or occupation, the license  
10 shall be due and payable and must be procured by such persons  
11 before commencing to carry on such trade, calling, profession  
12 or occupation; provided, however, that licenses for the first  
13 month after this ordinance goes into effect shall be due  
14 immediately after this ordinance goes into effect, and shall be  
15 for the entire month of October, 1934.

17 The weekly licenses in this ordinance provided  
18 for shall be due and payable on Monday of each week in advance.

19 The daily licenses in this ordinance provided  
20 shall be due and payable each day in advance.

21 No greater or less amount of money shall be  
22 charged or received for any license than is provided for in  
23 this ordinance, and no license shall be sold or issued for any  
24 period of time other than is provided for in this ordinance.

25 For a licensee conducting several branches of  
26 business of the same class only one license need be secured,  
27 covering said business and all its branches.

28 Section 204. Except as otherwise herein specifi-  
29 cally provided, all ordinances and parts of ordinances in conflict  
30 herewith are hereby repealed, provided that such repeal shall  
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1 not effect or prevent the prosecution and punishment of any  
2 person for any act done or committed in violation of any  
3 ordinance which may be repealed by this ordinance, nor prohibit  
4 civil actions for the collection of any unpaid license under any  
5 license hereby repealed, and the same shall be continued in  
6 force and effect for the purpose of any prosecution, civil or  
7 criminal.

8                   The following ordinances, or parts of ordinances,  
9 heretofore adopted, are not repealed but are continued in  
10 full force and effect, to-wit:

- 11 Ordinance No. 442 N.S. (Alcoholic beverages)
- 12 Ordinance No. 266 N.S., as amended by Ordinance No. 419 N.S.  
13 (Bottling works)
- 14 Ordinance No. 302 N.S. (Bill boards)
- 15 Ordinance No. 312 O.S. (Driving livestock through town)
- 16 Ordinance No. 316 N.S. (Surb pumps)
- 17 Ordinance No. 434 N.S. (Dance halls)
- 18 Ordinance No. 203 N.S. (Dogs)
- 19 Ordinance No. 322 N.S. (Fortune telling)
- 20 Ordinance No. 424 N.S., as amended by Ordinance 425 NS. (Garbage)
- 21 Ordinance No. 263 N.S., as amended by Ordinance 285 N.S. (Retail milk)
- 22 Ordinance No. 196 N.S., as amended by Ordinance 457 N.S. (Pool halls)
- 23 Ordinance No. 469 N.S. (Slot machines)
- 24 Ordinance No. 464 N.S. (Wholesale peddling)
- 25 Ordinance No. 205 N.S. (Taxicabs)
- 26 Ordinance No. 315 N.S. (Circuses)

27                   Section 205. If any section, subsection, sen-  
28 tence, clause or phrase of this ordinance is for any reason  
29 held to be invalid or unconstitutional, such decision shall  
30 not affect the validity of the remaining portions of this  
31 ordinance. The Council of the City of Modesto hereby declares  
32 that it would have passed this ordinance, and each section, sub-  
section, clause and phrase thereof irrespective of the fact that  
any one or more sections, subsections, sentences, clauses or  
phrases be declared invalid or unconstitutional.

                  Section 206. This ordinance shall, as herein-

1 before stated, go into effect and be in full force and operation  
2 from and after 15 days after its final passage and adoption.

3 Section 207. This ordinance shall be published  
4 in full at least once at least three days prior to its final  
5 adoption in the Modesto Bee, the official newspaper of the  
6 City of Modesto.

7 The foregoing ordinance was introduced at a  
8 special meeting of the Council of the City of Modesto held on  
9 the 13th day of September, 1934, by Councilman Rogers, who  
10 moved its adoption and passage to print, which motion being  
11 duly seconded, by Councilman Brown, was upon roll call carried  
12 and the ordinance ordered printed and published as above by  
13 the following vote:  
14

15 Ayes: Councilmen: Brown, Rogers, Mayor pro tem. Pack  
16 Noes: Councilmen None  
17 Absent: Councilman Neece

18 Approved:

*Roy E. Pack*  
\_\_\_\_\_  
ROY E. PACK  
ACTING MAYOR OF  
MODESTO

19  
20  
21  
22 Attest:

\_\_\_\_\_  
H. E. GRAGG  
CITY CLERK

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4 The foregoing Ordinance having been introduced  
5 and ordered printed and published at a special session of the  
6 Council of the City of Modesto held on the 13th day of September,  
7 1934, and thereafter printed and published as required by the  
8 City Charter, coming on for final adoption at this adjourned  
9 session of September 19th, 1934, and there being considerable  
10 opposition voiced thereto by various merchants and professional  
11 men, and it being the opinion of the Council that it should not  
12 at this time be finally adopted, the ordinance was by Resolution  
13 laid over for consideration indefinitely.  
14

15  
16 Approved: \_\_\_\_\_

*Ray E. Park*  
MAYOR PRO TEM.

17  
18  
19 Attest: \_\_\_\_\_

*W. E. Gandy*  
CITY CLERK  
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REPEALED BY  
MUNICIPAL CODE

ORDINANCE NO. 479 - N.S.

AN ORDINANCE PROVIDING FOR THE LICENSING AND REGULATION OF CERTAIN GAMES OF SKILL, AND FIXING PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE.

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

Section 1. It shall be unlawful for any person, firm or corporation, either as principal, agent, servant or employee, or any agent, servant or employee of any principal, to run, operate, maintain or conduct within the City of Modesto any of the games specified and mentioned in Section 2 of this ordinance without having a valid unrevoked license so to do, with the license fee prepaid, and/or except upon compliance with the terms of this ordinance.

Section 2. The license fee for the following games of skill shall be as follows:

Twenty-six Game, Dart the Dart Game, Bell Game, Blower Game, Cat Game, Dish-breaking Game, Milk Bottle Game, Barrel Game, Cane Rack Game, Fish Pond Game, Golf Game, and other games of similar character, and Roll-Down Games, such as Ping Pong Game, Target Game, Roll-Down Game, Kiss Ball Game, Manko Game, Penny Game, Pitch-to-Win Game, and other games of similar character using alleys where same is played by individual players, Fifteen Dollars (\$15.00) per quarter.

For the Kentucky Derby Game, Balloon Race Game, Rabbit Game, Airplane Race Game, and other games of similar character, being mechanical games where more than one plays and the winning depends upon the skill of the players in the manipula-

1 tion thereof, Twenty-five Dollars (\$25.00) per quarter; providing  
2 that if equipped with seats for more than ten players, Two and  
3 50/100 Dollars (\$2.50) per seat per quarter.

4  
5 For those games of skill commonly designated as  
6 individual ball skill games and other games of similar character,  
7 including Bingo and Keeno, where said game is equipped with  
8 seats for the players thereof, whether said seats are used or  
9 not, Two and 50/100 Dollars (\$2.50) per seat per quarter. In the  
10 event that no seats are used as equipment for the players of said  
11 games, One Hundred and Twenty-five Dollars (\$125.00) per quarter.

12 Provided, however, that any device or machine  
13 prohibited by any law of the State of California is not included  
14 in the definitions or classifications herein provided for, and  
15 is hereby prohibited, whether a license has been issued for the  
16 same or not.

17  
18 For the purpose of this ordinance the quarter  
19 shall be construed to begin on the 1st day of January, April, July  
20 and October of each year. The license for the quarter ending  
21 December 31st, 1934, shall be pro-rated on the quarterly basis  
22 from the time that this ordinance goes into effect or an applica-  
23 tion is made pursuant hereto until the 31st day of December, 1934.

24  
25 Section 3. Any person, firm or corporation  
26 desiring to operate, conduct, lease or maintain, either as  
27 owner or proprietor or as lessee, employee, agent or servant,  
28 any of the games specified and mentioned in Section 2 of this  
29 ordinance shall make an application in writing and file the  
30 same with the City License and Tax Collector with a deposit of  
31 the license fee, according to the schedule mentioned in Section 2  
32

1 hereof. Said application shall be in writing, shall be verified  
2 by the oath of the applicant, shall specify the address and  
3 location where such games are to be played, including a drawing  
4 of the interior of the premises showing all booths and partitions  
5 and the proposed location of the various games or devices. It  
6 shall contain or have appended thereto a statement showing the  
7 manner of operation of each of said games of skill. It shall  
8 contain the names of all persons interested, together with their  
9 ages, business or occupations and citizenship, and such other  
10 information as may be required. Upon the receipt of such  
11 applications by the City License and Tax Collector with the  
12 deposit of the license fee, the application shall be referred by  
13 him to the Commissioner of Public Health and Safety for examina-  
14 tion and investigation and a report to the Council with his  
15 recommendation. If the Council find from an examination of the  
16 application and such report and such other facts as may be  
17 officially brought to its attention that the application is in  
18 proper form, the applicant a person of good moral character,  
19 and that the business therein applied for may be carried on  
20 without danger to the public health, morals and safety, the  
21 Council shall grant the permit applied for and direct the License  
22 and Tax Collector to issue the license; but the Council may,  
23 in its sound discretion and if in its judgment the applicant is  
24 not a person of good moral character or the business cannot be  
25 carried on without danger to the public health, morals and  
26 safety, deny the application. No game of skill or other game  
27 herein mentioned or specified shall be maintained, operated or  
28 conducted nor kept for such purpose within any place which is

1 closer than 300 feet from any public or private school, or in  
2 any other place where minors under the age of 18 years are  
3 allowed to assemble or congregate. Nor shall any person under  
4 the age of 18 years be permitted to play at or operate such  
5 games, or any of them. The City License and Tax Collector, or  
6 his deputies, shall securely affix or cause to be affixed in a  
7 conspicuous place on each machine, apparatus or contrivance  
8 operated by the licensee a sticker or label, legibly setting  
9 forth the name and address of the licensee, the license number  
10 and the year for which issued, together with the words "City of  
11 Modesto", which sticker or label shall bear the genuine signa-  
12 ture or a facsimile thereof of the City License and Tax Collector.

14 Section 4. All licenses issued under and pursuant  
15 to this ordinance shall be subject to revocation by the City  
16 Council for any violation of any of the terms or provisions of  
17 this ordinance, or for any cause therefor which appears satis-  
18 factory to the City Council; provided that before such action is  
19 taken a notice to appear before the City Council to show cause  
20 why such license should not be revoked and cancelled or suspended  
21 shall be served upon the licensee not less than two days before  
22 the time fixed for such hearing. The action of the City Council  
23 as to any of the matters referred to in this section shall be  
24 conclusive and not subject to review, and all applicants for  
25 licenses under this ordinance shall be deemed to have agreed  
26 to the provisions of this section.

28 Section 5. It shall be the duty of the City  
29 License and Tax Collector, as well as of the Chief of Police and  
30 the agents of each of them, to enforce this ordinance. Any game,  
31 machine or apparatus, as herein mentioned, not labelled as herein  
32

1 above specified, as well as any machine prohibited by this ordin-  
2 ance or by the state law, as well as any game, machine or con-  
3 trivance which is being operated contrary to the provisions of  
4 this ordinance, shall be seized and confiscated.

5  
6 Section 6. Any person violating any of the terms,  
7 provisions or sections of this ordinance, or operating or con-  
8 ducting or maintaining for operation, either by himself or for  
9 another, or by another, any slot machines in violation of the  
10 terms of this ordinance shall be deemed guilty of a misdemeanor,  
11 and upon conviction thereof shall be punished by fine not exceed-  
12 ing \$300.00, or by imprisonment in the County Jail of Stanislaus  
13 County not exceeding six months, or by both such fine and  
14 imprisonment. Every day that any person so conducts or operates  
15 such a machine without a license, or otherwise, in violation of  
16 the terms of this ordinance shall be deemed a separate offense.

17 Section 7. If any section, subsection, sentence,  
18 clause or phrase of this ordinance is for any reason held to be  
19 unconstitutional or void, such decision shall not affect the  
20 validity of the remaining portions of this ordinance. The City  
21 Council hereby declares that it would have passed this ordinance  
22 and each section, subsection, sentence, clause or phrase thereof  
23 irrespective of the fact that any one or more sections, sub-  
24 sections, sentences, clauses or phrases be declared uncon-  
25 stitutional or void.

26  
27 Section 8. This ordinance shall be published in  
28 full at least once, at least three days prior to its final adoption  
29 in the Modesto Bee, the official newspaper of the City of Modesto.  
30

FINAL ADOPTION CLAUSE

having been  
The foregoing Ordinance/introduced at a regular meet-  
ing of the Council of the City of Modesto held on the 14th day of  
November, 1934, and thereafter printed and published as required  
by the Charter of the City of Modesto, and coming on for final  
adoption this 28th day of November, 1934, it was upon roll call  
so finally adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack

Noes: Councilmen: None

Absent: Councilmen: None

Approved: Ray E. Pack  
MAYOR PRO TEM.

Attest: NE Gandy  
CITY CLERK

SPECIAL  
NOT IN CODE

ORDINANCE NO. 480- N.S.

AN ORDINANCE PROVIDING FOR THE PURCHASE OF A CASH REGISTER FOR THE CITY CLERK'S OFFICE, AND APPROPRIATING THE MONEY THEREFOR.

3  
4 The Council of the City of Modesto do ordain  
5 as follows:

6 Section 1. The sum of Thirteen Hundred Dollars  
7 (\$1300.00), or so much thereof as may be necessary, is hereby  
8 appropriated out of the general funds of the City of Modesto not  
9 otherwise appropriated, for the purchase of a cash register for  
10 the office of Clerk, Auditor and tax and license collector.

11 Section 2. The City Clerk shall file with the  
12 Council a general specification of the type of equipment desired,  
13 and upon the acceptance of such specification, he shall advertise  
14 for bids for the purchase of such cash register. Bidders shall be  
15 required to furnish their own details, specifications and guarantees,  
16 and to accompany their bids with certified checks on some solvent  
17 bank of the State of California, or a bidding bond for 10% of the  
18 amount of the bid, which bids shall be opened and declared at a  
19 public session of the Council to be stated in the notice to  
20 bidders.  
21  
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23 Section 3. This ordinance shall go into effect  
24 and be in full force and operation from and after 15 days after  
25 its final passage and adoption.

26 Section 4. This ordinance shall be published in  
27 full at least once at least three days prior to its final  
28 adoption in the Modesto Bee, the official newspaper of the City  
29 of Modesto.  
30

31 The foregoing ordinance was introduced at a regular  
32 meeting of the Council of the City of Modesto held on the 14th

1 day of November, 1934, by Councilman Neece, who moved its adoption  
2 and passage to print, which motion being duly seconded was upon  
3 roll call carried and the ordinance ordered printed and published  
4 as above by the following vote:

5 Ayes: Councilmen Brown, Neece, Rogers, Mayor pro tem. Pack  
6 Noes: Councilmen None  
7 Absent: Councilmen None .

8  
9  
10 Approved:

*Roy E. Pack*

ROY E. PACK  
ACTING MAYOR

11  
12  
13 Attest:

*H. E. Grace*  
H. E. GRACE  
CITY CLERK

FINAL ADOPTION CLAUSE

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5 The foregoing ordinance having been introduced and  
6 ordered printed and published at a regular meeting of the Council  
7 of the City of Modesto held on the 14th day of November, 1934,  
8 coming on for final adoption at this meeting of November 28th,  
9 1934, upon roll call it was so finally adopted by the following  
10 vote: Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack  
11 Noes: None  
12 Absent: None

11 Approved: Ray E. Pack  
MAYOR PRO TEM.

15 Attest: W. E. Grady  
CITY CLERK

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SPECIAL  
NOT IN CODE

ORDINANCE NO. 481- N.S.

AN ORDINANCE APPROPRIATING \$12,000.00 TO PAY THE BALANCE OF THE PURCHASE PRICE ON THE NEW AIRPORT.

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4  
5 The Council of the City of Modesto do ordain as  
6 follows:

7 Section 1. The sum of Twelve Thousand Dollars  
8 (\$12,000.00), or so much thereof as may be necessary, is hereby  
9 appropriated out of the general fund of the City of Modesto for  
10 the fiscal year beginning July 1st, 1934, for the purpose of  
11 completing the purchase of that certain real property for airport  
12 purposes, which said property is lying, situate and being in  
13 the County of Stanislaus, State of California, and particularly  
14 described as the north half of the southeast quarter of Section  
15 34, Township 3 South, Range 9 East, said money to be paid to the  
16 persons entitled thereto upon the delivery of a deed to the  
17 City of Modesto conveying to it said property free and clear  
18 of liens and encumbrances, except such easements as may exist  
19 upon, over or across the same for County roads and irrigation  
20 ditches. The City Council is hereby authorized to provide by  
21 resolution for all details with respect to the expenditure of  
22 said money in connection with the purchase of said property  
23 and the acquisition of the title thereto by the City of Modesto.  
24  
25

26 Section 2. This ordinance shall go into effect  
27 and be in full force and operation from and after 15 days after  
28 its final passage and adoption.

29 Section 3. This ordinance shall be published  
30 in full at least once at least three days prior to its final  
31 adoption in the Modesto Bee, the official newspaper of the City  
32 of Modesto.

1 The foregoing ordinance was introduced at a  
2 regular meeting of the Council of the City of Modesto held on  
3 the 14th day of November, 1934, by Councilman Neece, who  
4 moved its adoption and passage to print, which motion being duly  
5 seconded was upon roll call carried and the ordinance ordered  
6 printed and published as above by the following vote:

7  
8 Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack  
9 Noes: Councilmen : None  
10 Absent: Councilmen: None

11  
12 Approved: Roy E. Pack  
13 ROY E. PACK  
14 MAYOR PRO TEM.

15 Attest: H. E. Gragg  
16 H. E. GRAGG  
17 CITY CLERK

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 14th day of November, 1934, and thereafter printed and published as required by the Charter of the City of Modesto, coming on for final adoption this 28th day of November, 1934, it was so finally adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack  
Noes: Councilmen: None  
Absent: Councilmen: None

Approved: Ray E. Pack  
MAYOR PRO TEM.

Attest: N. G. Gugg  
CITY CLERK

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1011-N.S

ORDINANCE NO. 482- N.S.

Ord

AN ORDINANCE REGULATING THE OPENING, CONDUCTING AND CARRYING ON OF DANCES IN PUBLIC DANCE HALLS IN THE CITY OF MODESTO, PROVIDING FOR THE ISSUANCE OF PERMITS FOR THE SAME, AND A PENALTY FOR THE VIOLATION OF ANY OF THE PROVISIONS HEREOF, AND DEFINING CERTAIN WORDS AND PHRASES.

CODE SEC.  
NO. 4-1.4015  
4-1.409

---oOo---

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

Section 1. The term "public dance" as used in this ordinance shall mean any dance to which the public generally may gain admission, with or without the payment of a fee or compensation therefor; provided, however, that no dance, the income of which, over and above a sufficient sum to pay the actual expenses of the dance, is devoted to public charity, shall be considered a public dance, and no dance at which the only fee collected is a sufficient sum pro-rated among the persons present to pay the actual expenses of conducting the dance shall be considered a public dance. The words "public charity" when used herein shall be deemed to be a charity under the control or supervision of a public or general organization created and existing for the purpose of administering relief and charity to needy people generally, and without regard to their affiliation with any particular organization. The term "public dance hall", or "public ball room" when used herein shall mean a room, place, space or premises in which a public dance shall be held, or in which classes in dancing are held and instruction in dancing is given for compensation, either directly or indirectly. The term "known" used in connection with the words "prostitute", or "male or female procurers" or "vagrant" shall mean known to the manager, owner or lessee of the public dance hall or to the person conducting

1 a public dance or to the police or other authorities having to do  
2 with regulation or supervision of public dance halls or public  
3 dances, to be one of the persons named or who has such reputation  
4 or character, or who has pleaded guilty to or has been convicted  
5 of being a prostitute, male or female procurer or vagrant.  
6

7 Section 2. It shall be unlawful for any person,  
8 firm, association or corporation to open, conduct or carry on  
9 or to participate in the opening, conducting or carrying on of  
10 a public dance room or public ball room in the City of Modesto  
11 without having a valid and existing license or permit so to do,  
12 granted as hereinafter specified; and it shall be unlawful for  
13 the holder of any such permit or any officer, agent or employee  
14 of the owner of such permit to violate or permit a violation  
15 of all or any of the rules and regulations or any part thereof  
16 at and in connection with any dance under such permit, which  
17 rules and regulations are set forth and contained in Section  
18 4 of this ordinance.  
19

20 Section 3. It shall be unlawful for any person,  
21 firm, association or corporation to give or hold, conduct or  
22 manage or operate a <sup>public</sup> dance within the City of Modesto except at  
23 a place or premises for which a license or permit has been  
24 issued and is in force and effect, as specified in this ordinance.  
25

26 Section 4. It shall be unlawful to open, conduct,  
27 carry on, manage or operate a public dance or to dance in a public  
28 dance hall or ball room in violation of the following rules  
29 and regulations.

30 (1) No immoral, obscene or disorderly dance or  
31 dances shall be permitted thereat, nor shall any known prostitute,  
32 pimp, vagrant or procurer be permitted to be and remain at a

*Amended by Ord 522-155*

1 public dance. No person to whom a dance permit is issued shall  
2 allow any alcoholic liquor to be brought into or kept in any  
3 public dance hall or ball room or compartment adjoining or in  
4 the same building or any outbuilding on the same premises if  
5 under the control of the person holding such permit, nor allow  
6 any person under the influence of intoxicating liquor to remain  
7 at any public dance thereat. No slot machine, wheels of chance,  
8 gambling device or paraphernalia shall be permitted upon the  
9 premises where a public dance is being held. The fee charged  
10 for admission to any public dance hall or ball room shall  
11 entitle the person paying the same to participate in all dances  
12 or dancing exhibitions conducted thereat until two o'clock the  
13 next morning. No separate or individual fee shall be charged  
14 or collected for participation in any individual dance. No  
15 so-called jitney dances shall be allowed or permitted. The  
16 term "jitney dance" is defined to be a dance where a separate  
17 charge or fee is imposed and collected for single or individual  
18 dances. No dances shall be permitted where the owner, manager  
19 or proprietor of the dance hall or ball room undertakes to  
20 furnish or provide females for dancing partners or instructors.  
21  
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1 Any member of the Police Department or the  
2 Commissioner of Health and Safety or other properly constituted  
3 authority shall be admitted free of charge to any public dance  
4 hall in the said City and they shall have the power and it shall  
5 be the duty of each of them to cause any dancehall to be vacated  
6 whenever any provision of this ordinance or any of any other  
7 ordinance, regulation or law concerning dance halls has been or  
8 is violated; or whenever any ordinance, regulation or law of any  
9 character shall be violated; or whenever any indecent act shall  
10 be committed, or any vulgar dance indulged in, or whenever any  
11 disorder or conduct of a gross, violent or vulgar character shall  
12 take place therein, or any known prostitute, pimp or procurer shall  
13 be found to be present in such place.  
14

1 (3) A copy of this ordinance shall be posted in  
2 a conspicuous place in such dance hall at all times during the  
3 holding of such dance therein, and during the period of two hours  
4 next preceding and two hours next succeeding the holding of any  
5 such dance.

6  
7 (4) The holder of the permit, or some person  
8 designated in the application for the permit under which said  
9 dance is held, must at all times be present on the dance floor.  
10 There must also be present at all times during the holding of  
11 such dance and during the period of one hour next preceding and  
12 one hour next succeeding the holding of such dance, some respon-  
13 sible man who shall act as a special police officer, and whose  
14 duty it shall be to see that the provisions of this ordinance  
15 relating to the conduct of such dances and of the persons attend-  
16 ing the same are enforced. No public dance shall be conducted in  
17 the City of Modesto without the presence of such special police  
18 officer; provided that in event of the illness of such officer the  
19 Chief of Police may designate a substitute for him for one day  
20 only. Such special officer shall be appointed by the Chief of  
21 Police and approved by the Commissioner of Public Health and  
22 Safety, and may be removed by the Chief of Police with the  
23 approval of said Commissioner. The compensation of such officer  
24 shall be the sum of Four Dollars (\$4.00) or such other amount as  
25 the Council may hereafter by resolution fix and determine. The  
26 payment of the same shall not be a charge against the City of  
27 Modesto except out of the funds deposited for that purpose with  
28 the City Clerk by the holder of the permit, as hereinafter  
29 specified.

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1 5. No dancing shall be permitted between the  
2 hour of 2 o'clock a.m. and 9 o'clock a.m. next ensuing.

3 Section 5. No permit shall be issued to any person,  
4 firm or corporation or association unless such person, firm  
5 association or corporation, and all and singular the officers  
6 thereof be of good moral character, nor unless a written verified  
7 application therefor is presented to the City Clerk of the City  
8 of Modesto, showing the following facts:

9 (1) The name and residence of the applicant or  
10 applicants, and if any applicant be a firm, the names and  
11 residences of the partners thereof, and if the applicant be an  
12 association, and names and residences of the officers thereof, and  
13 if the applicant be a corporation, the names and residences of the  
14 officers and directors thereof.

15 (2) The particular place for which the permit is  
16 desired, or at which any dance is to be or dances are to be held.

17 (3) The name of the owner of the place or premises  
18 in or at which said dance is to be held.

19 (4) Such persons as from time to time will be in  
20 charge and who will be responsible for the order and due obser-  
21 vance of the provisions of this ordinance.

22 (5) The number and date of dances to be held  
23 under the permit, or the length of time for which the permit is  
24 desired, which shall not in any event be for a longer period than  
25 three months.

26 (6) A statement that the applicant is the sole  
27 party, or the applicants are the sole parties, either directly  
28 or indirectly interested in the dance or dance hall or premises  
29 for which a permit is sought, and that no other person, firm,  
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1 association or corporation is or will be in any manner interested  
2 therein, directly or indirectly, during the continuance of  
3 the permit.

4 (7) A covenant and promise by the applicant to  
5 comply with the terms of this ordinance, and in particular  
6 Section 4 hereof, and to consent to the entry by police officers  
7 upon the premises at which the dance is held, and permission to  
8 cause the dance hall to be vacated in event said Section 4 is  
9 violated.

10  
11 Section 6. Upon the receipt of such application  
12 by the City Clerk, the same shall be referred to the Chief of  
13 Police for investigation and report, and if the Chief of Police,  
14 after investigation, determines and so reports that the applicants  
15 therefor are of good moral character, that the premises for which  
16 a permit is sought complies with and conforms to this ordinance  
17 and any other law, ordinance, health or fire regulation applicable  
18 thereto, and is properly ventilated and supplied with separate and  
19 sufficient toilet conveniences for each sex within the building  
20 in which the dance hall is located, with no entrance thereto or  
21 exit therefrom except through the dance hall, and is a safe and  
22 proper place for the purpose for which it shall be used, the  
23 City Clerk shall, upon the payment of the fee hereinafter  
24 specified, issue such permit; provided, however, that in event  
25 of a refusal by the City Clerk to issue such permit, the  
26 applicant therefor may appeal in writing to the City Council,  
27 which shall hear the matter, including the application and the  
28 reason for refusing it at its next meeting, regular or special,  
29 and may either grant said permit or refuse the same if in its  
30 discretion it finds that the application or the premises at  
31 which it is proposed to hold said dance do not comply with  
32

1 this section.

2 Section 7. The license fee for such permit shall  
3 be the sum of \_\_\_\_\_ per quarter year, or fraction  
4 thereof. The quarter year for that purpose shall begin on the  
5 first day of January, April, July and October of each year. At  
6 the expiration of any permit by the lapse of time it may be  
7 renewed by the filing of an application therefor with the City  
8 Clerk, without any investigation by the Chief of Police, and upon  
9 the payment of the quarterly license fee in advance.  
10

11 Section 8. In addition to the quarterly license  
12 fee, the applicant for a permit or the holder thereof shall  
13 deposit with the City Clerk each week a sufficient sum of money  
14 to pay the compensation of the special officer for one week at  
15 the rate and in the manner specified in Subdivision 4 of Section 4  
16 hereof. Failure to make such deposit and to keep the same intact  
17 shall, without notice or action by any department of the City,  
18 operate to suspend the permit and to make the holding of dances  
19 thereunder illegal until it shall have been made or restored.  
20

21 Section 9. A permit issued to any person to hold  
22 a public dance may be revoked by the Council upon five days' notice  
23 to the holder thereof, for violation of any of the provisions  
24 of this ordinance, or any other ordinance or law relating to  
25 such places, or the rules or regulations promulgated thereunder.  
26 If at any time the permit of any person shall be so revoked, no  
27 new permit shall be granted to such person or any person who was  
28 an agent or employee of such person at the time of such violation,  
29 or at the time of the application for a new permit.  
30

31 Section 10. Any person, firm, association or  
32 corporation violating any of the provisions of this ordinance

1 shall be deemed guilty of a misdemeanor and upon conviction thereof  
2 shall be punished by a fine of not more than One Hundred and  
3 Fifty Dollars (\$150.00), or by imprisonment in the County Jail  
4 not to exceed one hundred and eighty (180) days, or by both  
5 such fine and imprisonment, and upon a second conviction thereof  
6 shall be fined not less than One Hundred and Fifty Dollars (\$150.00)  
7 and not more than Three Hundred Dollars (\$300.00), or imprisoned  
8 in the County Jail not less than thirty (30) days nor more than one  
9 hundred and eighty days (180), and shall be thereafter ineligible  
10 to hold a permit hereunder.

11  
12 The penal provisions herein contained shall not  
13 be construed to abridge the right of the City of Modesto or its  
14 Council or any citizen to invoke and pursue any other proper  
15 remedy, including injunction or abatement proceedings.

16 Section 11. In this ordinance the singular shall  
17 include the plural, the feminine gender the masculine, and  
18 vice versa, and the word person shall be construed to include co-  
19 partnerships, associations and corporations.

20  
21 Section 12. If any section, subsection, sentence,  
22 clause, word or phrase of this ordinance is held to be unconstitu-  
23 tional or otherwise invalid for any reason, such decision shall  
24 not affect the validity of the remainder of this ordinance. The  
25 Council hereby declares that it would have passed this ordinance  
26 and each section, subsection, sentence, clause word or phrase  
27 thereof irrespective of the fact that any one section, subsection,  
28 sentence, clause, word or phrase be held unconstitutional or  
29 otherwise invalid.

30  
31 Section 31. This ordinance shall go into effect  
32 and be in full force and operation from and after fifteen days

1 after its final passage and adoption.

2 Section 14. This ordinance shall be published  
3 in full at least once at least three days prior to its final  
4 adoption in the Modesto Bee, the official newspaper of the City  
5 of Modesto.

6 The foregoing ordinance was introduced at a  
7 regular meeting of the Council of the City of Modesto held on the  
8 12th day of December, 1934, by Councilman Brown, who moved  
9 its adoption and passage to print, which motion being duly  
10 seconded was upon roll call carried and the ordinance printed and  
11 published as above by the following vote:

12 Ayes: Councilmen Brown, Neece, Rogers, and Mayor pro tem. Pack

13 Noes: Councilmen None

14 Absent: Councilmen None

15  
16  
17  
18 Approved: *Roy E. Pack*  
19 ROY E. PACK  
20 MAYOR PRO TEM.

21  
22 Attest: *H. E. Gragg*  
23 H. E. GRAGG  
24 CITY CLERK  
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FINAL ADOPTION CLAUSE

The foregoing Ordinance having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 1934, and thereafter reprinted and published as required by the Charter of the City of Modesto, coming up for final adoption on the 26th day of December, 1934, it was upon roll call finally adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack

Noes: Councilmen: None

Absent: Councilmen: None

Approved: *Roy E. Pack*

ROY E. PACK  
MAYOR PRO TEM.

Attest: \_\_\_\_\_

H. E. GRAGG  
CITY CLERK

SPECIAL  
NOT IN  
CODE

ORDINANCE NO. 483- N.S.

AN ORDINANCE MAKING AN APPROPRIATION FOR THE PURCHASE OF ADDITIONAL PROPERTY FOR THE MODESTO AIRPORT.

---oOo---

4  
5 The Council of the City of Modesto do ordain as  
6 follows:

7 Section 1. The Sum of Twelve Hundred Dollars  
8 (\$1200.00), or so much thereof as may be necessary, is hereby  
9 appropriated out of the general funds of the City of Modesto, not  
10 otherwise appropriated, for the purchase and acquisition of an  
11 additional area of seven acres, more or less, on the south  
12 side of the east end of the Modesto airport for use as a part  
13 of the airport premises. Said money shall be paid to the owner  
14 of said property upon the delivery to the City of Modesto of a  
15 deed conveying title thereto free and clear of encumbrances. The  
16 City Engineer is hereby authorized on behalf of said City of  
17 Modesto to enter into a contract with said owner of the property  
18 for its conveyance to the City of Modesto at a purchase price  
19 of One Hundred and Fifty Dollars (\$150.00) per acre, and to  
20 obligate and bind said City of Modesto to the payment of said  
21 purchase price upon the delivery of a good title thereto.  
22  
23

24 Section 2. This ordinance shall go into effect  
25 and be in full force and operation from and after 15 days after  
26 its final passage and adoption.

27 Section 3. This ordinance shall be published in  
28 full at least once at least three days prior to its final adoption  
29 in the Modesto Bee, the official newspaper of the City of Modesto.  
30

31 The foregoing ordinance was introduced at a  
32 regular meeting of the Council of the City of Modesto held on

1 the 12th day of December, 1934, by Councilman Rogers, who moved  
2 its adoption and passage to print, which motion being duly seconded  
3 was upon roll call carried and the ordinance ordered printed and  
4 published as above by the following vote:

5 Ayes: Councilmen Brown, Neece, Rogers, and Mayor pro tem. Pack

6 Noes: Councilmen None

7 Absent: Councilman None  
8

9  
10 Approved: Roy E. Pack

ROY E. PACK  
MAYOR PRO TEM.

11  
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13  
14 Attest: H. E. Gragg

H. E. GRAGG  
CITY CLERK  
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FINAL ADOPTION CLAUSE

The foregoing ordinance having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 1934, and thereafter printed and published as required by the Charter of the City of Modesto, coming on for final adoption at this meeting of December 26th, 1934, it was upon roll call adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack

Noes: Councilmen: None

Absent: Councilmen: None

Approved:

*Ray E. Pack*  
MAYOR PRO TEM.

Attest:

*H. E. Gagg*  
CITY CLERK

SPECIAL  
NOT IN CODE

ORDINANCE NO. 484 N.S.

2 AN ORDINANCE APPROPRIATING MONEY TO COMPLETE THE PURCHASE OF NINTH  
3 STREET RIGHT OF WAY.

4 The Council of the City of Modesto do ordain as  
5 follows:

6 Section 1. The sum of Twelve Hundred and Fifty Dollars  
7 (\$1250.00), or so much thereof as may be necessary, is hereby  
8 appropriated out of the general funds of the City of Modesto for  
9 the purpose of paying the balance due upon the judgment in favor  
10 of Podesto and Arata against the City of Modesto for the condemna-  
11 tion of the right of way for the Ninth Street bridge. When this  
12 ordinance becomes effective, the City Clerk is authorized and  
13 directed to issue and deliver his warrant for the balance still  
14 due to the defendants named in the action.  
15

16 Section 2. This ordinance shall go into effect and  
17 be in full force and operation from and after 15 days after its  
18 final passage and adoption.

19 Section 3. This ordinance shall be published in full  
20 at least once at least three days prior to its final adoption  
21 in the Modesto Bee, the official newspaper of the City of Modesto.  
22

23 The foregoing ordinance was introduced at a  
24 special meeting of the Council of the City of Modesto called,  
25 convened and held on the 12th day of January, 1935, by Councilman  
26 Rogers, who moved its adoption and passage to print, which motion  
27 being duly seconded was upon roll call carried and the ordinance  
28 ordered printed and published as above by the following vote:

29 Ayes: Councilmen: Rogers, ~~Nessee~~, Brown, Mayor pro tem. Pack  
30 Noes: Councilmen: None  
31 Absent: Councilmen: ~~Nessee~~.

32 Approved: Roy E Pack  
Mayor pro tem.

Attest: NE Gump  
City Clerk

FINAL ADOPTION CLAUSE

The foregoing ordinance having been introduced and ordered printed and published at a special meeting of the Council of the City of Modesto held on the 12th day of January, 1935, at 10:00 A. M., and having been so printed and published as required by the Charter of the City of Modesto, coming on for final adoption this 23rd day of January, 1935, it was upon roll call finally adopted by the following vote:

Ayes: Councilmen: Neece, Rogers, and Mayor pro tem. Pack

Noes: Councilmen: None

Absent: Councilmen: Brown

Approved: Ray E. Pack  
RAY E. PACK  
MAYOR PRO TEM.

Attest: H. E. Ragg  
H. E. RAGG  
CITY CLERK

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INITIATIVE ORDINANCE NO. 485-N.S.

AN ORDINANCE LEVYING A SPECIAL TAX UPON THE TAXABLE PROPERTY IN THE CITY OF MODESTO FOR THE FISCAL YEAR BEGINNING JULY 1, 1935, TO RAISE MONEY TO PAY THE COST OF AN APPRAISEMENT OF A CERTAIN PUBLIC UTILITY, TO-WIT: THE PROPERTY OF THE MODESTO GAS COMPANY, PRELIMINARY TO THE TAKING OVER AND ACQUISITION THEREOF BY THE CITY OF MODESTO.

The people of the City of Modesto do ordain as follows:

Section 1. There shall be and hereby is levied for the fiscal year beginning July 1, 1935, in accordance with subdivision 17, Section 4, of the Charter of the City of Modesto, a special tax upon all the taxable real and personal property within said City of Modesto in the sum of Sixteen Thousand Five Hundred Dollars (\$16,500.00) to raise the money necessary for the purpose of having a valuation and appraisement made of the properties of the Modesto Gas Company, or its successors, within and/or adjacent to the corporate limits of the City of Modesto, by the Railroad Commission of the State of California, and/or other competent engineers or authority, with necessary incidental costs, as a preliminary step to the taking over and acquisition by the City of Modesto of said property for public purposes.

Section 2. The special tax herein provided for and authorized shall be in addition to the annual tax levy provided in Section 51 of the Charter. At the time when the City Council fixes the general tax rate for said City for the fiscal year beginning July 1, 1935, it shall also levy upon the assessed valuation of the property in said City a rate of taxation for said fiscal year, sufficient to raise the special fund aforesaid. The provisions of Ordinance No. 396 N.S. shall apply to the levying and collection of said special tax.

1           Section 3. The proceeds of such special tax levy are  
2 hereby appropriated, and their expenditure authorized, for the  
3 purposes specified in Section 1 hereof, and for no other purpose.  
4 The same shall be kept in a separate fund. In event, however,  
5 that upon the expiration of five years from June 1, 1935, there shall  
6 remain an unexpended balance in said fund, the same may be trans-  
7 ferred to the general fund. The City Council of the City of  
8 Modesto is hereby authorized and empowered to employ the Railroad  
9 Commission of the State of California, and if by said Council  
10 deemed advisable, such additional engineers and assistants as  
11 may be necessary, to make an inventory and appraisal and  
12 valuation of the properties of the Modesto Gas Company, or such  
13 other utility as may serve the incorporated and/or adjacent  
14 territory of the City of Modesto with gas for heat, cooking,  
15 lighting or power purposes, with the object of proceeding there-  
16 after to have the same taken over and acquired by said City by  
17 condemnation or other proceedings.  
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State of California )  
County of Stanislaus )  
City of Modesto )

SS

I, H. E. Gragg, Clerk of the City of Modesto,  
do hereby certify that the foregoing ordinance was duly placed  
upon the ballot in the General Municipal Election held April 9th  
1935, pursuant to Resolution No. 3136-N.S. and No. 3140-N.S., and  
that a subsequent canvass of returns of said election, reference  
being made to Resolution No. 3150-N.S., showed the said ordinance  
to be defeated by the following vote:

For its adoption 1206 Votes  
Against its adopt. 2625 Votes

IN WITNESS WHEREOF, I have hereunto set my hand  
and affixed the official seal of the City of Modesto this 22nd  
day of May, 1935.

H. E. Gragg  
CLERK OF THE CITY OF  
MODESTO

INITIATIVE ORDINANCE NO. 486-N.S.

AN ORDINANCE PROVIDING FOR AND FIXING COMPENSATION BY WAY OF  
SALARY FOR THE MAYOR OF THE CITY OF  
MODESTO.

The People of the City of Modesto do ordain as  
follows:

Section 1. The Mayor of the City of Modesto shall  
receive as compensation for his services as such a salary in the  
sum of Fifty Dollars (\$50.00) per month, payable monthly in  
the same way that the compensation or salary of the other chief  
officials of the City of Modesto are paid.

Section 2. This ordinance shall go into and be in  
full force and effect from and after June 1, 1935.

1 State of California )  
2 County of Stanislaus ) SS  
3 City of Modesto )  
4

5  
6 I, H. E. Gragg, Clerk of the City of  
7 Modesto, do hereby certify that the foregoing ordinance was duly  
8 placed upon the ballot in the General Municipal Election held  
9 April 9th, 1935, pursuant to Resolution No. 3137-N.S. and No. 3140-N.S.  
10 and that a subsequent canvass of the returns of said election,  
11 reference being made to Resolution No. 3150-N.S., showed the said  
12 ordinance to be defeated by the following vote: 5865

13 For its Adoption 1555 Votes 1074  
14 Against its Adoption 2267 Votes 1307

15 IN WITNESS WHEREOF, I have hereunto set my hand and  
16 affixed the official seal of the City of Modesto this 22nd day of  
17 May, 1935,  
18

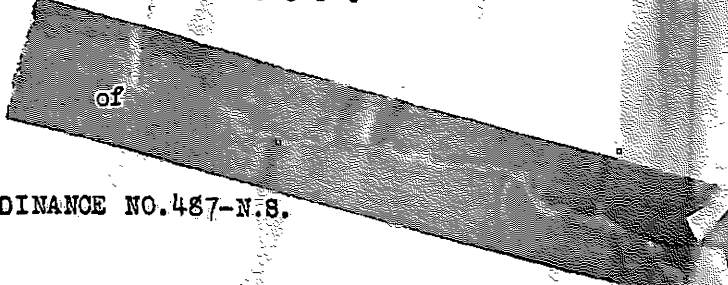
19 H. E. Gragg  
20 CLERK OF THE CITY OF  
21 MODESTO.  
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Amended by  
Ord - 1114-N.S.

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CODE SEC.  
NO. 6-1.101  
6-1.127<sup>4</sup>  
6-1.2015  
6-1.220  
6-1.222<sup>6</sup>  
6-1.265<sup>7</sup>  
6-6.01  
6-6.07<sup>8</sup>

ORIGINAL COPY



of

ORDINANCE NO.487-N.S.

providing for licensing and regulating the carrying on of certain trades, professions, callings and occupations in the City of Modesto, providing the method of collecting such licenses, and repealing certain ordinances.

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ING THE CARRIAGE OF  
CERTAIN PROFESSIONS,  
TRADES, CALLINGS AND OC-  
CUPATIONS IN THE CITY OF  
MODESTO, PROVIDING THE  
METHOD OF COLLECTING  
SUCH LICENSES, AND RE-  
PEALING CERTAIN ORDI-  
NANCES.

The Council of the City of Mo-  
desto do ordain as follows:

SECTION 1

For the purpose of this ordinance,  
words and phrases in this ordinance  
shall be held to mean, unless the  
context shows a different meaning,  
the following: the word "person"  
shall mean and include natural per-  
sons, corporations, association, club  
and co-partnerships. The masculine  
shall include the feminine and neu-  
ter, and the singular the plural.  
"Business" shall be held and con-  
strued to mean and include profes-  
sions, trades, occupations and all  
and every kind of calling carried on  
for profit or livelihood. "Vehicle"  
means and includes every device in,  
upon or by which any person or  
property is or may be transported  
or drawn upon a public highway,  
except devices moved by human  
power or used exclusively upon  
stationary rails or tracks. The  
word "collector" shall mean the  
City tax and license collector, or  
such other officer of the City as  
may be charged with the collection  
of the license fees and the issuance  
of the licenses. The word "City"  
shall mean the City of Modesto.  
The word "quarter" when used  
herein shall mean quarter-annually,  
and each quarter shall be deemed  
to be a period of three months.  
The quarters begin on the first day  
of July, October, January and April  
of each year. The quarter shall in-  
clude fractions thereof. The term  
"hawker" or "peddler" when used  
herein shall be construed to mean  
and include any person who shall  
travel from house to house or  
apartment to apartment, or office  
to office, or place to place, or from  
person to person upon the streets  
for the purpose of selling, offering  
for sale or soliciting orders for  
goods, wares or merchandise by  
sample or otherwise. The word  
"Wholesale" when used herein shall  
be construed to mean and include  
selling goods in gross to retail deal-  
ers and not by small quantity or  
parcel to consumers thereof. The  
words "fixed place of business" when  
used herein are defined to be the  
premises occupied for the particu-  
lar purpose of conducting the busi-  
ness thereat and regularly kept  
open for that purpose with a com-  
petent person in attendance for the  
purpose of attending to said busi-  
ness, and which have been so main-  
tained and established for not less  
than ninety days prior to the time  
that this ordinance goes into effect,  
or which premises so used for said  
business may hereafter be acquired  
by the owner of such business,  
either by the ownership of said  
premises or by a bona fide lease  
thereon for a period of not less  
than six months thence next ensu-  
ing.

*As amended by Ord.*

*Section 19 added  
in Ord. 51-02*

clerk or employee either for himself or for any other person or for any body corporate, or as an officer of any corporation, or otherwise, to commence or carry on any trade, calling, profession or occupation, in this ordinance specified, in the City, without first having registered or procured a license from said City so to do, or without complying with any and all regulations of such trade, calling, profession or occupation contained in this ordinance; and the carrying on of any trade, calling, profession or occupation mentioned in this ordinance without complying with any and all regulations of such trade, calling, profession or occupation contained in this ordinance, shall constitute a separate violation of this ordinance for each and every day that such trade, calling, profession or occupation is so carried on.

*business*

#### SECTION 3

The amount of any license imposed by this ordinance shall be deemed a debt to the City; and any person carrying on any trade, calling, profession or occupation mentioned in this ordinance without having a license from said City so to do, shall be liable to an action in the name of said City in any court of competent jurisdiction, for the amount of license by this ordinance imposed on such trade, calling, profession or occupation.

A suit may be brought against any person for any license fee in this ordinance specified due and unpaid, in the name of the City, in any court of competent jurisdiction. The City Attorney is authorized to bring such action, when in his judgment there is reason to believe the amount can be collected; and an attachment may also be issued.

The conviction and punishment of any person for transacting any trade, calling, profession or occupation without a license shall not excuse or exempt such persons from the payment of any license due or unpaid at the time of such conviction, and nothing herein shall prevent a criminal prosecution for any violation of the provisions of this ordinance.

*Section 3A added  
see Ord 516-N.S.*

printed in duplicate with receipt stubs attached thereto, said applications being numbered serially by the printer. Separate forms shall be prepared for business separately classified herein, and shall provide proper spaces to be filled in by the applicant so that each application, when properly filled in, shall furnish all information required to enable the collector to properly classify the business of the applicant and determine the proper license to be paid by such applicant. Each applicant for a license must properly fill in one of such applications, sign and swear to the same before the collector, or a deputy collector, or some other person authorized to administer oaths. The collector and his deputies and assistants are authorized to administer oaths in all matters pertaining to the duties of their respective offices. The completed application shall be submitted to the collector, who shall compute the proper amount of the license or registration fee and enter the same on such application, and on payment of the license or registration fee the date and amount of payment shall be endorsed on both the original and duplicate of the application, and thereupon issue to the applicant the proper license, with a receipt attached.

In all cases of the renewal of an expired license, the applicant shall render to the collector, for his guidance in ascertaining the amount of the license to be paid by the applicant, a written statement upon a form to be provided by the collector, sworn to before a person authorized to administer oaths, setting forth such information concerning the applicant's business during the preceding license period as may be required by said collector to enable him to ascertain the amount of the license fee to be paid pursuant to this ordinance.

No statement in this section required shall be conclusive upon the City of Modesto or the collector, whenever it shall appear to the satisfaction of the collector that such statement does not set forth the true facts of the business for which a license is required, and the collector may thereupon withhold the issuance of a license until the applicant shall have furnished satisfactory evidence of the truth of such statement. If such evidence is not furnished to the collector within a reasonable time, or it shall at any time appear to said collector that by reason of error, misrepresentation, fraud or for any other cause whatsoever the license fee has not been properly fixed for any license issued, he shall give not less than five days' written notice to the licensee to show cause, at the time and place fixed in said notice, why a fee to be determined by said collector and specified in said notice shall not be fixed for such a

and forthwith give notice to the licensee of such determination and the amount of the fee. The licensee may appeal in writing to the City Council ten days after notice of such determination. The Council shall forthwith set said matter for hearing and cause notice thereof to be given to the licensee not less than five days prior to such hearing. At such hearing the licensee shall show cause why the fee fixed by the collector should not be approved. The findings of the City Council thereon shall be final and conclusive in the matter. Any fee finally determined shall be due and payable as of the date the original license fee was due and payable, together with any penalties that may be due thereon; provided, however, if such fee shall be fixed in accordance with the original statement of the licensee, then no penalties shall attach to such fee by reason of any delinquency. Any notice herein required shall be deemed to have been served when the same is posted in the United States mail, enclosed in a sealed envelope, postage prepaid, addressed to such person at his place of business as the address of the same appears on the records in the office of the collector. The statements filed pursuant hereto shall be deemed confidential in character and shall not be subject to public inspection and shall be kept so that the contents thereof shall not become known except to the persons charged with the administration of this ordinance.

Any officer or deputy officer or employee of the City of Modesto who shall in any manner reveal the contents or any part or portion of the contents of any such statements shall be guilty of a misdemeanor and punishable as provided by Section 202 hereof, and shall also, if an appointive officer, deputy or employee, upon hearing by the City Council in such manner as it may prescribe to determine the facts, be dismissed.

#### SECTION 5

Every person having a license under the provisions of this ordinance, and carrying on a trade, calling, profession or occupation at a fixed place of business, shall keep such license posted and exhibited while in force in some conspicuous part of said place of business. Every person having such a license, and not having a fixed place of business, shall carry such license with him at all times while carrying on the trade, calling, profession or occupation for which the same was granted. Every person having a license under the provisions of this ordinance shall produce and exhibit the same, when applying for a renewal thereof, and whenever requested to do so by any police officer, or by any officer authorized to issue, inspect or collect licenses.

#### SECTION 6

Every person driving, operating or having control of any wagon, truck, cart or other vehicle, or using or controlling any tray, basket, or other receptacle for which a license is required, shall procure from the collector a metal device, hereby designated as a "license holder," which shall be of such size that the ordinary license issued under the provisions of this ordinance may be easily inserted and held therein under a transparent face.

Such "license holder" must be firmly attached to and carried on the right hand side of the wagon, cart or other vehicle, or on the outside of the tray, basket or other receptacle, in such manner that the license inserted therein shall be plainly visible whether the vehicle is in motion or not, or whether the receptacle is being carried or is stationary.

When a "license holder" is procured from the collector and attached to any wagon, cart, tray, basket or other vehicle or receptacle, as herein provided, the current license for such wagon, cart, tray, basket or other vehicle or receptacle, must be inserted and kept in such "license holder" at all times during the term of the license, as specified therein.

It shall be unlawful for any person to place or keep any license in any such "license holder" after the expiration of the term for which the license is granted, and it shall be unlawful for any person except the licensee, or his authorized agent, to take or remove from any such "license holder" any license therein contained.

The collector may appoint such license inspectors as may be authorized by the City Council. Police officers may be appointed inspectors of licenses, and, in addition to their several duties as police officers, when so appointed shall examine all places of business and persons in their respective beats liable to pay a license, and to see that such licenses are taken out, and shall have and exercise the power:

1st. To make arrests for the violation of any of the provisions of this ordinance.

2nd. To enter free of charge, at any time, any place of business for which a license is required by this ordinance and to demand the exhibition of such license for the current term by any person engaged or employed in the transaction of such business, and if such person shall then and there fail to exhibit such license, such person shall be liable to the penalty provided for a violation of this ordinance.

It is hereby made the duty of the police officers, so acting as inspectors, to cause complaints to be filed against all persons violating any of the provisions of this ordinance.

Such police officers, as such inspectors of licenses, shall make out once a month a list of persons, firms or corporations carrying on business within their respective beats and having no license, with their addresses, and deliver such list, carefully and legibly written, to the collector, and also report to the collector the names of all such doing business without a license immediately upon the fact coming to their knowledge.

Any police officer acting as such inspector failing or neglecting for more than thirty days to report any person, firm or corporation who or which is engaged in carrying on business without having paid the required license, shall be guilty of neglect of duty, and be either suspended from duty or dismissed from the police force, in the discretion of the Commissioner of Public Health and Safety. License inspectors appointed by the collector shall have the same powers as are heretofore vested in Police Officers while acting as inspectors of licenses and shall also have power to collect and receive money in payment of license fees, provided that Police Officers shall not be authorized to receive or collect license fees.

out

**SECTION 8V**

The collector shall, at the hour of five o'clock p. m. of the 60th day after licenses are payable, add to all licenses remaining unpaid a penalty of 25 per cent of the amount of such delinquent license, and no license shall be issued to such delinquent until both the license and penalty shall have been paid.

The collector shall deposit daily with the City Treasurer all moneys collected by him for licenses issued and shall, on or before the 15th day of each month, report the amount thereof to the City Council.

Section 9. The amount or rate of license fees to be paid to the City by any persons engaged in or carrying on any profession, trade,

calling or occupation hereinafter designated is hereby fixed and established as hereinafter in this ordinance provided, and such license fee shall be paid by every person engaged in carrying on any such profession, trade, occupation or calling in the City.

*amended by  
532-N.S. +  
540-N.S.*

at a fixed place of business in said City of Modesto any business as in Section 1 hereof defined, the fee shall be the sum of \$5.00 per year or a fraction thereof as a registration fee, the year beginning on the first of each July, payable in advance, and in addition thereto a license fee equal to one and one-half mills of each dollar of the gross income, receipts or sales resulting from the operation of said business, payable quarterly, the first payment to be made within fifteen days after the expiration of the first quarter.

Provided, however, that the provisions of this section shall not extend to or include:

(1) Any business expressly defined or otherwise provided for in subsequent sections of this ordinance.

(2) The business of merchandising at wholesale, except where specifically mentioned herein.

(3) The business of manufacturing provided the products are sold at wholesale, unless specifically mentioned herein.

(4) Businesses carried on under licenses pursuant to ordinances not repealed by this ordinance.

(5) Any business exempt from the imposition of a license fee by the Constitution of the State of California or the Constitution of the United States.

(6) Persons employed by other persons for a fixed wage or compensation, or who work for wages only.

Provided, further, that all license fees, except the \$5.00 registration fee, paid on account of any business in said City of Modesto pursuant to this section shall be credited as a payment against the personal property tax of the owner of said business upon the fixtures, equipment and stock in trade of the business so licensed; and provided further, that every person who begins the operation of a new business which is subject to the terms of this section shall, when he applies for a license, deposit with the collector an additional sum in the amount of \$50.00 as a guarantee that the license fee for the first two quarters following the commencement of said business will be paid, said sum of \$50.00 to be refunded to such person at the expiration of six months from the first of the next ensuing quarter, provided said business is still operating, and all charges imposed upon the same under the terms of this ordinance have been paid; and provided further in this respect, that every change of ownership of a business shall be construed as the commencement of a new business by the owner, and shall require the deposit of the \$50.00 as above stated.

Sec 101

*Amended  
by Ord 541-N.S*

that no person who has received a license as auctioneer shall permit another person to conduct an auction under his license or under his name; and, provided further, that in event of an auction sale of merchandise by a person who is licensed pursuant to Section 101 of this ordinance, a complete inventory of the goods to be sold at auction must, prior to the commencement of the auction, be filed with the collector and thereafter a report made each day to the collector, showing in detail the items of merchandise sold at auction during the preceding 24 hours, and setting forth also an inventory of any additional merchandise to be thereafter offered for sale at the same auction, together with the name of the consignor thereof and the date when the same was delivered at the auction room.

#### SECTION 102

For the business of selling goods, wares or merchandise at auction by or for an itinerant merchant or vendor of goods, the license fee shall be the sum of \$50.00 per day. For the purpose of this section an itinerant merchant or vendor of goods is defined to be a person, whether as principal or agent who engages in a temporary or transient business in said City without having a fixed place of business as herein defined, and/or who for such purpose leases a room, store, building, structure, vacant lot or other place in said city for the exhibition or sale of such goods, wares or merchandise and who brings into the City of Modesto merchandise for sale at such auction during the course of the auction and not enumerated or specified in the original inventory thereof filed with the City collector, as specified in Section 02 hereof. Such person shall be classed as an itinerant merchant or vendor of goods notwithstanding he may temporarily associate himself with any local merchant, dealer or tradesman regularly licensed pursuant to Section 101 hereof, or notwithstanding he may conduct such auction business in connection with or as a part of or in the name of any local dealer, merchant or auctioneer.

#### SECTION 104

For every person conducting, carrying on or managing the business of soliciting for or selling city or other directories, the sum of \$25.00 per year.

of any person conducting, carrying on or managing any concert, minstrel show, band concert, musical performance or exhibition or entertainment or other public exhibition, where a charge is made for admission or seats, except at a theater or opera house licensed under section 101 of this ordinance, the license fee shall be the sum of ten dollars per day, or one hundred dollars per month. If for a longer period than one month, where the seating capacity of the auditorium or hall is 300 or less, the license fee shall be the sum of \$150 per quarter; and for each 100 additional seats or fraction thereof over and above 300 seats, the sum of \$15 per quarter; provided, that this section shall not apply to public dances, or to circuses.

#### SECTION 108

For every person conducting, carrying on or managing a Hamman or Turkish bath establishment, where a charge is made for baths, rubs, or for admission or seats, the license fee shall be the sum of \$20.00 per year.

#### SECTION 109

For every person conducting, carrying on or managing a merry-go-round, flying horses, Ferris wheel, or other similar device, \$5.00 per day, \$30.00 per week, or fraction thereof, or \$80 per month or fraction thereof in excess of one week.

#### SECTION 110

For every person conducting, carrying on or managing the business of housemoving along or over the public streets of said city, the license fee shall be the sum of \$10.00 per year, provided, however, that nothing herein contained shall be construed to exempt the licensee from complying with other ordinances of the City with reference to the moving of houses, or the payment for the use of the streets or indemnity for damage, in connection therewith.

#### SECTION 111

Every person conducting, carrying on or managing an apartment house, or a series of court apartments, or an auto camp, in either of which there are four or less apartments, shall pay a license of \$5.00 per year, and for each additional apartment the sum of \$1.00 per year.

or produce exchange, where orders may be placed by telegraph or otherwise, for the purchase or sale of stocks, securities, grain, oil, meat, coffee, cotton, or other commodities, or where a call board is maintained giving or quoting prices of any such article sold, the sum of \$5.00 per quarter.

SECTION 113

For any person conducting, carrying on or managing a pawnshop, or acting as pawnbroker, the sum of \$10.00 per quarter.

SECTION 114

For any person conducting, carrying on or managing a shooting gallery, the sum of \$5.00 per quarter, or fraction thereof.

SECTION 115

For every person conducting, carrying on or managing the business of selling or giving away (fading stamps, or tickets of any kind, redeemable in merchandise, money or anything of value, or redeeming them; the sum of \$15.00 per quarter.

SECTION 116

Every person conducting, carrying on or managing an employment office, shall pay a license in the sum of \$10.00 per quarter. For the purpose of this section, an employment office is defined to be a place where the business is pursued of securing employment for any person or persons for a fee or compensation of any kind, however designated; or furnishing information regarding situations or employment for a fee or compensation.

SECTION 117

For any person conducting, carrying on or managing the business of advertising, by means of distributing dodgers, handbills, circulars, printed advertisements, cards, tickets, or advertising samples of merchandise, the sum of \$25.00 per quarter, or fraction thereof.

For the purpose of this section, the words "conducting, carrying on or managing the business" are defined to be and are construed to mean the doing of any act or series of acts of distributing or advertising by means or in any manner in this section specified.

Provided, however, that nothing herein contained shall be construed to permit the carrying on of the business herein above defined in violation of Ordinance No. 352 N. S. of the City of Modesto.

*See Ord # 716-N.S.*

*Amended by 553-N.S.  
589-N.S.*

and thereafter two cents per quarter for each square foot of the front surface area of all electric signs maintained by such person at the time of filing of the verified statement hereinafter required.

Before receiving a license for business after the first quarter for any succeeding quarter, the applicant shall file with the collector a verified statement, showing in detail the electric signs maintained by the applicant at the date of such application, and the location and front surface area of each sign; provided, however, that all signs erected or maintained hereunder shall comply with the structural requisites of Ordinance No. 302 N. S. (billboard ordinance), and that the rates specified in said ordinance shall apply to all signs except electric signs; and provided, further, that nothing in this section shall be construed to require any person who maintains on the building in which his business is located, or on any addition thereto, an electric sign advertising his own business to pay a license therefor under this section.

#### SECTION 119

For every person conducting, carrying on or managing the business of advertising by means of a stereopticon, biograph moving picture, or any similar device, \$5.00 per quarter for each such machine so used.

For the purpose of this section the words "conducting, carrying on or managing the business" are defined to be and construed to mean the doing or performing of any act or series of acts advertising in any manner or by any means in this section specified; provided, that this section shall not apply to advertising on moving picture screens in moving picture theaters, unless the right or privilege is hired by or rented to persons other than those whose advertisements are shown, nor to newspaper bulletins of elections returns, ball games, or to matters of general news interest.

#### SECTION 120

For every person conducting, carrying on or managing the business of writing, placing, designing or soliciting advertisements for others not included in Sections 117, 118, 119 here of the sum of \$10.00 per year.

#### SECTION 121

For the business of collecting a service charge in connection with the deposit of money subject to withdrawal upon checks or orders and/or in connection with the payment of checks or orders drawn on against money so deposited, the sum of ~~one~~ <sup>37.50</sup> per quarter, payable in advance.

\$37.50

SECTION 122

For every person conducting, carrying on or managing a skating rink, where a fee or compensation is charged for admission, seats, use of skates or privilege of skating the sum of \$10.00 per quarter.

SECTION 123

Every person not otherwise specifically mentioned in this ordinance conducting, managing or carrying on the business of driving or operating any automobile, automobile truck, automobile tank wagon or any other motor vehicle for the transportation into or out of the City of Modesto of freight, baggage, household goods, lumber, brick, cement, oil, rock, gravel, fruit, produce or other merchandise, whether at wholesale or retail, shall pay a quarterly license tax of \$10.00 for each such motor vehicle. A trailer shall be deemed to be a separate vehicle.

*Carrying on the business of*

SECTION 124

For every person, firm or corporation who operates, conducts or carries on, or any person who assists or participates in the operating, conducting or carrying on in the City of Modesto any system of merchandising by means of a scheme commonly known as "Endless Chain", the sum of \$25.00 per quarter.

For the purpose of this ordinance an endless chain is defined to be and shall be construed to mean and include any plan or scheme wherein any person, firm or corporation sells, transfers, assigns or issues to any person any right, property ticket, coupon, certificate, contract, or other token, and wherein the purchaser, transferee or assignee thereof or the person to whom the same is issued, undertakes or is required or permitted to undertake for himself, or as the agent representative, or attorney of such person, firm or corporation, to sell, transfer, assign or issue to another, any right, property, ticket, coupon, certificate, contract or other token which may under certain conditions, entitle the purchaser or recipient thereof to any right, property, ticket, coupon, certificate, contract, or other token and wherein the purchasers, transferees, or assignees thereof from the original purchasers, assignees, or transferees, or from subsequent purchasers, assignees or transferees are also given as a consideration for their entry into or participation in such plan or scheme and their purchase or receipt of such right, property ticket, coupon, certificate, contract, or other token, the right, privilege or obligation of making further sales, assignments, or transfers of any right, property, ticket, coupon, certificate, or other token.

*For every person who carries on the business of carrying on the streets, alleys or public squares, places or thoroughfares of the City of Modesto, the sum of \$1.00 per quarter.*

*in the business of carrying on the streets, alleys or public squares, places or thoroughfares of the City of Modesto, the sum of \$1.00 per quarter.*

of a check room for the checking or storing of parcels, or other personal property, issuing checks therefor, and changing compensation therefore, the sum of \$8.00 per annum, provided that a person holding a license under this section shall not be entitled to engage in the warehouse and storage business. Provided further, that this section shall not apply to a common carrier operating a check room for checking or storing parcels or other property.

#### SECTION 126

For every person, firm or corporation conducting, carrying on or managing the business of peddling food stuffs such as are sold in delicatessen stores, tamales, butter, milk, ice cream, cakes, pies, doughnuts, bread, candy, popcorn, peanuts, if by means of any horse-drawn or motor vehicle, the sum of \$5.00 per vehicle per quarter, or fraction thereof; if by means of any hand or push cart, the sum of \$8.00 per quarter per cart, or fraction thereof; if by means of any hand tray or basket, the sum of \$1.00 per quarter or fraction thereof per person.

#### SECTION 127

For any person conducting, carrying on or managing the business of peddling blocks, shavings, sawdust, firewood or fertilizer, the sum of \$15.00 per year per wagon.

### Section 128

For every person who engages in the business of carrying in his hands or on his person on the streets, alleys or public places in the City of Modesto any banner, placard or poster advertising or calling attention to any business carried on in said City, the license fee shall be the sum of \$1.00 per day or \$2.50 per week.

#### SECTION 129

For every person conducting, carrying on or managing the business of peddling flags, banners, balloons, canes, horns, trumpets, medals, musical or noise-making instruments of any kind, toys, buttons, badges, shoe strings, hair pins, lead pencils, combs, chewing gum, souvenirs of any kind, the sum of \$20.00 per month, or \$5.00 per day per person.

*Selling or*

...ent, music, speech, fancy or grotesque dress, or chart, or device, or by demonstrating the use thereof or results of the use thereof, or applying the same, in or upon any public street, alley, or other public place, doorway of any room or building, unenclosed or vacant lot or parcel of land, whether the actual sale of such commodities is made upon said premises or elsewhere, the sum of \$50.00 per day per person so employed:

For every peddler of medicines other than as described in this section, the sum of \$50.00 per quarter per person.

**SECTION 131**

For every person conducting, carrying on or managing the business of peddling notions, books, charts, receipts, formulas, toys, goods, wares or merchandise (other than medicines), who calls attention to his wares or advertises the same by the use of entertainment, music, speech, fancy or grotesque dress, or chart, or device, or by demonstrating the use thereof or results of the use thereof, or applying the same in or upon any public street, alley, or other public place, doorway of any room or building unenclosed or vacant lot or parcel of land, whether the actual sale of such commodities is made upon said premises or elsewhere, the sum of \$30.00 per month, or \$3.00 per day per person.

*Selling or*

**SECTION 132**

For every person conducting, carrying on or managing the business of peddling tickets, checks or coupons to be used in payment or part payment for picture frames, pictures, portraits, photographs, or the enlarging or retouching of the same who does not maintain a fixed place of business within said City where said articles are kept or made, the sum of \$50.00 per quarter per person.

*Selling or*

**SECTION 133**

For every person conducting, carrying on or managing the business of peddling, soliciting or taking orders for or selling stocks, bonds, securities, who does not maintain a fixed place of business in said city, the sum of \$50.00 per quarter per person.

*✓  
year*

**SECTION 134**

For every person conducting, carrying on or managing the business of selling different articles of apparel, dry goods, fancy notions, jewelry, cutlery, groceries, harness, pianos, organs, machinery, vehicles, hardware, tin ware, mill products, or merchandise of any class or character who does not maintain a fixed place of business in said City, to persons not regularly engaged in or carrying on such lines of business, the sum of \$100.00 per month, or \$15.00 per day.

*amended by  
Ord # 575-N.S.*

or carpets, or for the fitting of suits, clothing, wearing apparel or corsets, shall pay a license fee in the sum of \$10.00 per quarter.

#### SECTION 136

For every person conducting, carrying on or managing the business of blacking, shining or polishing boots or shoes:

(1) Where the stand is in a public street or alley, where only one person is employed or engaged in said work, the sum of \$15.00 per quarter; and the sum of \$5.00 per quarter for each additional person so engaged or employed;

(2) Where the stand is within a building, the sum of \$1.00 per quarter.

Provided that this section shall not apply to persons engaged in blacking, shining or polishing shoes in barber shops.

#### SECTION 137

For every person conducting, carrying on or managing a dancing school or academy, where dancing is taught by instructors regularly employed, and where no charge is made for admission or seats, and dancing is not allowed or permitted except by pupils or instructors, the sum of \$5.00 per quarter.

#### SECTION 138

For every person conducting, carrying on or managing a detective agency, the sum of \$10 per quarter; provided, that no additional fee shall be required of any employee of said agency.

#### SECTION 139

For every person conducting, carrying on or managing the business of buying or collecting junk, second-hand goods, furniture, bedding, carpets, clothing, books, bottles, zinc, iron, copper, brass, papers or second-hand goods, where any vehicle is used in making such collection, the sum of \$20.00 per vehicle per year, if animal-drawn, or if motor-propelled, of not exceeding one-ton capacity; for each truck in excess of one-ton capacity, the sum of \$25.00 per truck per year.

#### SECTION 140

For every person conducting, carrying on or managing the business of night watch service, patrolling, and watching property, or engaged in carrying on the business or occupation of private policeman, the sum of \$1.50 per quarter for each person so employed. Every such night watchman or private policeman shall register in the office of the Chief of Police of said City, giving his name, age, residence, employer, and place of employment, and the Chief of Police shall keep a record thereof, and issue to such person a certificate that he is a registered nightwatchman or private policeman, and no license shall be issued by the collector except upon the production of such certificate.

**SECTION 141**

For every person conducting, carrying on or managing any automobile storage or parking place in or upon any lot or parcel of land, but maintaining no building or other structure upon such lot or parcel of land in which are kept or stored such automobiles, the sum of \$5.00 per quarter.

**SECTION 142**

For every person conducting, carrying on or managing the business of an automobile ticket agency, for the sale of tickets for transportation in or upon any interurban or sight-seeing bus, the sum of \$50.00 per annum.

**SECTION 143**

For every person conducting, carrying on or managing sparring exhibitions or wrestling matches, the license fee shall be the sum of \$5.00 for each day; provided, however, that no license shall be issued therefor until a permit has been secured from the City Council.

**SECTION 144**

For every person conducting, carrying on or managing the business of cleaning buildings, rooms, carpets, or furnishings, by compressed air or vacuum cleaning, or by means of any machine drawn, propelled or operated by power or other means than handpower, the sum of \$5.00 per quarter.

**SECTION 145**

For every person conducting, carrying on or managing the business of furnishing messengers, or messenger service, the sum of \$5.00 per quarter.

**SECTION 146**

For every person conducting carrying on or managing the business of a mercantile or commercial agency, the sum of \$10.00 per annum.

For the purposes of this section, the term "mercantile or commercial agency" is defined as an establishment which makes the business of collecting information relating to the credit, character, responsibility of merchants or others for the purpose of furnishing the same to subscribers, for a compensation.



of a person engaged in the business of preparing or mounting hides, pelts or skins of birds, or animals, the sum of \$5.00 per quarter.

#### SECTION 152

For every person engaged in the business or occupation of an itinerant vendor, where not otherwise provided for herein, the sum of \$25.00 per day.

The words "itinerant vendor" shall be construed to mean and include all persons, both principal and agent, who engage in a temporary and transient business in the city, selling goods, wares or merchandise, with the intention of continuing said business in said city for a period of not more than ninety days, and who for the purpose of carrying on such business hire, lease or occupy any room, building structure or vacant lot for the exhibition or sale of such goods, wares or merchandise, and the person or firm so engaged shall not be relieved from the provisions of this section by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such temporary or transient business in connection with or as a part of or in the name of, any local dealer, trader, merchant or auctioneer.

The provisions of this section shall not apply to commercial travelers or selling agents selling their goods to dealers, whether selling for present or future deliveries by sample or otherwise, nor to hawkers on the street, nor peddlers from vehicles, nor to persons selling fruit, vegetables, butter, eggs, or other farm or ranch produce.

#### Section 153.

For every person conducting, carrying on or managing the business of loaning money, either for himself or for any person, upon personal security, upon evidence of debt, assignments of salary, salary warrants, salary demands, or any personal property, or purchasing for himself or for another commercial paper, evidence of debt, assignment of salary, salary warrants, salary demands, time checks, or other evidences of salaries due or to become due, the sum of \$25.00 per year or fraction thereof.

Provided that nothing in this section shall apply to persons holding pawnbroker licenses, or to banks or loan companies authorized to do business under the laws of the United States or State of California.

**SECTION 154**

For every person conducting, carrying on or managing a fire sale, wreck sale or bankrupt sale, the sum of \$100 per month.

For the purpose of this section, a fire sale or wreck sale is defined to be and include the sale of goods, wares and merchandise salvaged from a fire, wreck, or other calamity; and a bankrupt sale is defined to be and include the sale of goods, wares and merchandise which have been previously purchased from a trustee or receiver in bankruptcy, or trustee or receiver in insolvency, or trustee for the benefit of creditors; provided that no license shall be required under the provisions of this section for the sale of goods, wares and merchandise salvaged from any fire, wreck, or other calamity in the city, or from any bona fide sale of goods, wares and merchandise in any bankrupt, receiver's, trustee's, or assignee's sale within said city, except as specified in Section 101 hereof.

**SECTION 155**

For every person conducting, carrying on or managing the business of buying or selling notes, bonds, or other securities or other evidences of indebtedness, or in buying or selling county or city bonds, or other evidences of state, county, city or district indebtedness, or stocks, bonds, or other evidences of indebtedness of private corporations or associations, at a fixed place of business in said City, the sum of \$25.00 per year or fraction thereof for every person employed.

**SECTION 156**

For every person engaged in conducting, carrying on or managing any business not otherwise specifically licensed by other sections of this ordinance, he shall pay the license set forth in Section 101 hereof.

from which profit is not derived either directly or indirectly by any person; nor shall any license be required for the conducting of any entertainment, concert, exhibition or lecture on scientific, historical, literary, religious or moral subjects, whenever the receipts of any such entertainment, concert, exhibition or lecture are to be appropriated to any church, or school, or to any religious or benevolent purpose within the City; nor shall any license be required for the conducting of any entertainment, dance, concert, exhibition or lecture by ~~any~~ <sup>any</sup> religious, charitable, fraternal, educational, military, state, county or municipal organization or association whenever the receipts of any such entertainment, dance, concert, exhibition or lecture are to be appropriated for the purposes and objects for which such association or organization was formed, and from which profit is not derived, either directly or indirectly, by any person; provided, however, that nothing in this section contained shall be deemed to exempt any such institution or organization from complying with the provisions of any ordinance of the City requiring such institution or organization to obtain a permit from the proper board, commissioner or officer to conduct, manage or carry on any profession, trade, calling or occupation; provided that such institution or organization shall file with the collector satisfactory proof by affidavit that the receipts of such business are to be used for the purposes herein specified.

(b) In any case where the payment of a license would cast a burden upon the right to engage in commerce with foreign nations or among the several states, or conflicts with the regulations of the United States Congress respecting interstate commerce, but any applicant claiming exemption upon that ground shall file a verified statement with the collector disclosing the interstate or other character of his business entitling him to such exemption, which statement shall contain the name and location of the company or firm for which orders are to be solicited or secured, the name and address of the nearest local or state manager, the kind of goods, wares and merchandise to be delivered, the place from which the same are to be shipped or forwarded, the method of solicitation or taking orders, the location of any warehouse, factory or plant within the State of California, the method of delivery, the name and location of the residence of the applicant, and any other facts necessary to establish such claim of exemption. A copy of the order blank, contract form or other papers used by such person in taking orders shall be attached to the statement.

(c) If the applicant is an honorary discharged or released soldier, sailor or marine of the United States, who has served in the Civil War or any Indian War, the Spanish-American War, any Philippine

Insurrection, or in the Chinese Relief Expedition, or in the World War commencing in 1914, who is physically unable to earn a livelihood by manual labor, who is a qualified elector of the State of California, provided that such applicant shall produce evidence of such discharge, and of his physical disability, and of his qualifications as an elector.

(d) The actual grower and producer of ranch, farm, orchard, vineyard or poultry produce or products who, by himself or by an agent or employee, sells or delivers to the market or at the landing platform such produce or products actually produced or grown by him, provided however, that such grower or producer shall file with the collector an affidavit setting forth his name and address, the amount and variety of product he proposes to sell and/or deliver, the place or places where said products are grown or produced, and that said produce or products are or will be grown and produced by him and not purchased for resale, either directly or indirectly; that he personally or by an agent or employee, whose name shall be designated in the affidavit, intends to vend or deliver the same, and that he is the owner of the vehicle in which the same is transported.

#### SECTION 202

Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$500.00, or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment.

Each such person shall be deemed guilty of a separate offense for every day during any portion of which any violation of this ordinance is committed, continued or permitted by such person, and shall be punishable therefor as provided in this ordinance.

For every person conducting, carrying on or managing a street carnival, the sum of \$2.00 per day for each and every separate show, entertainment, game, merry-go-round, ferris wheel, device, amusement, vaudeville or dramatic performance, game of chance or skill, for which a separate charge is made for admission, seats or standing room, or to operate or play at such game of chance or skill; or if only one charge is made for admission, or seat, or standing room, or to play at any such game of chance or skill, the license fee per day shall be ascertained by multiplying the number of each of such shows, exhibitions and entertainments by the amount fixed herein for each separate exhibition, show or game, where a separate charge is made.

5. For the purpose of this section, the words "street carnival" are defined to mean and include a group of two or more shows, entertainments, games, devices, amusements, vaudeville, dramatic, or minstrel performance, or games, tricks, devices or wheels, the result of the operation of which is dependent upon chance or skill, and as a result of the operation of which things or representatives of value are given or paid, which are conducted in tents or temporary structures upon the public street, parks or upon vacant lots, not including circuses.

Provided that nothing in this section shall be construed to license or authorize the conduct of any gambling or any game or device prohibited by the laws of California or ordinances of the City.

Provided further that in event the use of any street, public place or other place or property belonging to the City of Modesto, is required, permission for the use of the same must be obtained from the City Council.

#### SECTION 106

For any person exhibiting or charging a compensation for the use of any microscope, telescope, lung or muscle tester, phonographic diversion ball, knife or ring throwing, galvanic battery, or other feat performance or diversion of a similar character or dependent on chance or skill, where no other license is provided for in this ordinance, the sum of \$5.00 per day, \$30.00 per week, or \$120.00 per month, provided that if said exhibition is a part of a street carnival, the license fee provided for in Section 105 shall be applied.

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SECTION 200

This ordinance shall go into effect and be in full force and operation from and after July 1st, 1935; provided, however, that in the case of annual licenses the license fee shall be computed for the the first year from July 1st, 1935. In the case of quarterly licenses, likewise from July 1st, 1935, and in the case of monthly licenses, likewise from the 1st day of July, 1935.

Except as herein otherwise provided, all licenses shall be paid in advance in legal currency of the United States, at the office of the collector. Annual licenses shall be due and payable at the time herein respectively stated, or when not so specified on the first day of July of each year, but the first annual license issued to any person, as herein provided, shall be issued for the unexpired terms of such year, except as herein otherwise specifically provided. The quarterly licenses shall be due and payable on the 1st day of October, January, April and July of each year, and all such licenses shall expire on the last day of June, September, December and March of each year, but the first quarterly license issued to any person, as herein provided, shall be issued for the quarter ending September 30th, 1935. The monthly licenses herein provided for shall be due and payable on the first day of each month in advance. From all persons who have for the previous month been licensed to carry on the same trade, calling, profession or occupation, and from all persons who have not been licensed for the previous month for the same trade, calling, profession or occupation, the license shall be due and payable and must be procured by such persons before commencing to carry on such trade, calling, profession or occupation; provided, however, that licenses for the first month after this ordinance goes into effect shall be due immediately after this ordinance goes into effect, and shall be for the entire month of July, 1935.

The weekly licenses in this ordinance provided for shall be due and payable on Monday of each week in advance.

The daily licenses in this ordinance provided for shall be due and payable each day in advance.

No greater or less amount of money shall be charged or received for any license than is provided for in this ordinance, and no license shall be sold or issued for any period of time other than is provided for in this ordinance.

SECTION 204

Except as otherwise herein specifically provided, all ordinances and parts of ordinances in conflict herewith are hereby repealed, provided that such repeal shall not effect or prevent the prosecution and punishment of any person for any act done or committed in violation of any ordinance which may be repealed by this ordinance, nor prohibit civil actions for the collection of any unpaid license under any license hereby repealed, and the same shall be continued in force and effect for the purpose of any prosecution, civil or criminal.

*ordinance*

The following ordinances, or parts of ordinances, heretofore adopted, are not repealed but are continued in full force and effect, to-wit:

- Ordinance No. 286 N. S., as amended by Ordinance No. 419 N. S. (Bottling works.)
- Ordinance No. 303 N. S. (Bill boards.)
- Ordinance No. 312 N. S. (Driving livestock through town.)
- Ordinance No. 336 N. S. (Curb pumps.)
- Ordinance No. 366 N. S. (Dance halls.)
- Ordinance No. 208 N. S. (Dogs.)
- Ordinance No. 322 N. S. (Fortune telling.)
- Ordinance No. 404 N. S., as amended by Ordinance 485 N. S. (Garbage.)
- Ordinance No. 260 N. S., as amended by Ordinance 265 N. S. (Retail milk.)
- Ordinance No. 196 N. S., as amended by Ordinance 407 N. S. (Wool bales.)
- Ordinance No. 400 N. S. (Hot machines.)
- Ordinance No. 404 N. S. (Wholesale peddling.)
- Ordinance No. 205 N. S. (Taxicabs.)
- Ordinance No. 246 N. S. (Circuses.)

*O.S.*

*482*

*as amended by 430-N.S.*

Ordinance No. 387 N.S. (Building Code)

SECTION 206

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Council of the City of Modesto hereby declares that it would have passed this ordinance, and each section, subsection, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

This ordinance shall go into effect and be in full force and operation from and after July 1st, 1935.

Section 207.

This ordinance shall be published in full at least once at least three days prior to its final adoption in the Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of May, 1935, by Councilman Oliver, who moved its adoption and publication as aforesaid, which motion being duly seconded ~~was~~ was upon roll call carried and the ordinance ordered printed and published as above by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley, Mayor King.

Noes: Councilmen: None

Absent: Councilmen: None

CERTIFICATION OF ORIGINAL COPY

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City of Modesto  
County of Stanislaus } SS  
State of California }

I, H. E. Gragg, Clerk of the City of Modesto, do  
hereby certify that the foregoing is <sup>the</sup> full, true and correct  
original version of Ordinance No. 487-N.S. as adopted by the  
City Council at its regular meeting of May 22, 1935, and finally  
adopted at its regular meeting of June 12, 1935.

IN WITNESS WHEREOF, I have hereunto set my hand and  
affixed the official seal of the City of Modesto this 24th day of  
July, 1935.

(SEAL)

H. E. GRAGG, CLERK OF THE  
CITY OF MODESTO.

FINAL ADOPTION CLAUSE

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The foregoing ordinance having been duly introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 22nd day of May, 1935, and having been published as required by the City Charter, coming on for final adoption at the regular meeting of June 12th, 1935, it was upon roll call finally adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley, and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

Approved: \_\_\_\_\_  
J. H. KING  
MAYOR OF MODESTO

Attest: \_\_\_\_\_  
H. E. GRAGG  
CITY CLERK

REPEALED BY  
MUNICIPAL CODE

ORDINANCE NO. 488 - N.S.

AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 405 N.S. WITH  
RELATION TO PUBLIC LIABILITY INSURANCE FOR  
TAXICABS.

---oOo---

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

Section 1. Section 1 of Ordinance No. 405 N.S., entitled "AN ORDINANCE REQUIRING OPERATORS OF JITNEYS AND TAXICABS TO CARRY PUBLIC LIABILITY INSURANCE", is hereby amended so as to read as follows:

"Section 1. In addition to the requirements of Ordinance 146 N.S. and Ordinance 205 N.S. with relation to the business of carrying passengers for hire within the City of Modesto, the following condition or requirement shall be complied with when and after this ordinance becomes effective, to-wit:

All persons, firms or corporations engaged in carrying on or operating within the City of Modesto the business of carrying passengers for hire (as that term is defined by Ordinance No. 146 N.S.) shall file with the City Clerk a motor vehicle liability policy as that term is defined in Chapter 259, Statutes and Amendments 1929, for each vehicle for which a license is sought or held; provided, however, that in lieu of the limits of liability specified in said Act of the Legislature, the limit shall be not less than \$10,000.00, exclusive of interest and costs, on account of injury to or death of any one person, and \$20,000.00, exclusive of interest and costs, on account of any one accident resulting in injury to or death of more than one person, and \$1000.00 for damage to <sup>property of</sup> others as in said act specified; or a binder pending the issuance of any

1 such policy, or an endorsement to an existing policy; provided,  
2 further, that in lieu of such motor vehicle liability policy  
3 such operator of a taxicab or jitney may deposit with the City  
4 Clerk a bond executed by a surety company authorized to do busi-  
5 ness in the State of California in the same amount and with the  
6 same conditions specified in this section for the motor vehicle  
7 liability policy; provided, further, that such motor vehicle  
8 liability policy or bond shall also contain a clause or endorse-  
9 ment obligating the company issuing the same to give at least  
10 ten days written notice to the City Clerk before the cancellation  
11 of such policy or bond.  
12

13 Such liability policy or bond must, prior to being  
14 so filed with the Clerk, be approved by the City Council, both  
15 as to form and as to sufficiency of surety.  
16

17 In event the holder of a license covering the business  
18 of carrying passengers for hire, as that term is defined by  
19 Ordinance 146 N.S., shall fail and neglect to file a bond or  
20 policy as herein required, or to renew such policy or bond before  
21 the expiration or termination thereof, or in event the insurance  
22 carrier or surety thereon withdraws/there- from or cancels the same or  
23 becomes insolvent or passes into receivership or the hands of  
24 the Insurance Commissioner or has its license to do business  
25 revoked, the said license to carry on the business of carrying  
26 passengers for hire within the City of Modesto shall be  
27 immediately suspended upon notice to that effect to the licensee,  
28 the suspension to continue until (not to exceed five days) the  
29 licensee files another policy or bond within said period of  
30 five days, and if he fails or neglects to file another policy  
31 or bond within said period, complying with the terms of this  
32

1 ordinance, the license shall immediately upon the expiration of  
2 said five days be cancelled and terminated."

3 Section 2. This ordinance shall go into effect and  
4 be in full force and operation from and after 15 days after  
5 its final passage and adoption.

6 Section 3. This ordinance shall be published in  
7 full at least once at least three days prior to its final  
8 adoption in the Modesto Bee, the official newspaper of the  
9 City of Modesto.

10  
11 The foregoing ordinance was introduced at a regular  
12 meeting of the Council of the City of Modesto held on the 26th  
13 day of June, 1935, by Councilman Stanley, who moved its  
14 adoption and passage to print, which motion being duly seconded  
15 was upon roll call carried and the ordinance ordered printed and  
16 published as above by the following vote:

17 Ayes: Councilmen:Neece, Oliver, Pack, Stanley, and Mayor King

18 Noes: Councilmen:None

19 Absent: Councilmen:None

20  
21 Approved: \_\_\_\_\_  
22 J. H. KING  
23 MAYOR

24 Attest: \_\_\_\_\_  
25 H. E. GRACE  
26 CITY CLERK  
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FINAL ADOPTION CLAUSE

The foregoing ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held the 26th day of June, 1935, and thereupon duly printed and published as required by the Charter of the City of Modesto, was read for final adoption at the regular meeting of July 10th, 1935, and so finally adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley, and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

Approved: \_\_\_\_\_

J. H. KING  
MAYOR

Attest; \_\_\_\_\_

H. E. GRAGG  
CITY CLERK

ORDINANCE NO. 489 -N.S.

AN ORDINANCE AMENDING SECTION 5(a) OF ORDINANCE NO. 306 N.S.  
RELATING TO MOTOR BUSES.

--oOo--

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

Section 1. Section 5(a) of Ordinance No. 306 N.S. entitled "AN ORDINANCE PROVIDING FOR THE SUPERVISION AND REGULATION OF MOTOR BUSES OPERATING ON FIXED SCHEDULES AND OVER ESTABLISHED ROUTES WITHIN THE CITY OF MODESTO, PROVIDING FOR THE ISSUANCE OF PERMITS AND LICENSES FOR SUCH OPERATION OF MOTOR BUSES, AND PROVIDING FOR THE PUNISHMENT OF VIOLATIONS OF THIS ORDINANCE," is hereby amended so as to read as follows:

"Section 5. In order to insure the safety of the public, and in order to insure reasonably adequate service of any such grantee of a permit or license, the grantee of any such permit or license shall comply with each and all of the following requirements, the breach of any of which requirements shall be unlawful and shall be cause for the revocation or suspension of such permit or license in the discretion of the City Council.

(a) He shall not at any time operate any such motor bus pursuant to said license unless he shall have given, and there is in full force and effect and on file with the City Clerk of the City of Modesto at all times during which said motor bus is being operated, a bond or policy of insurance of the grantee of said permit and license with a solvent and responsible surety or insurance company authorized to do business under the laws of the State of California, approved as to form and sufficiency of surety by the City Council, and conditioned that the grantee,

1 or any person operating a motor bus under said license as employee  
2 of the grantee, will pay all loss or damage that may result to  
3 any person or property from the negligent operation or defective  
4 construction of said motor bus or which may arise or result from  
5 any violation of any of the provisions of this ordinance, or of  
6 any ordinance of the City of Modesto, or of the laws of the State  
7 of California. The recovery upon said bond or policy of insurance  
8 shall be not less than \$10,000.00 for the injury or death of one  
9 person resulting from any accident, \$20,000.00 for two or more  
10 persons injured in any single accident, and \$2500.00 for damage to  
11 property of others. Such bond or policy shall be given to the City  
12 of Modesto, and shall, by its terms, insure to and be for the bene-  
13 fit and protection of any and all persons and their heirs suffer-  
14 ing loss or damage, either to person or property, as herein  
15 provided. Said bond or policy of insurance shall contain a pro-  
16 vision that there is a continuing liability thereunder, notwith-  
17 standing any recovery thereon. If at any time, in the judgment  
18 of said Council, said bond or policy is not sufficient for any  
19 cause, the Council may require the licensee to replace the  
20 same with another bond or policy satisfactory to the said  
21 Council, and in default thereof for a period of 5 days, after  
22 notice to the licensee, the license and permit of said person  
23 may be suspended, unless and until replaced by another bond or  
24 policy of insurance conditioned as herein specified.  
25

26 Nothing herein contained shall be construed to place  
27 any limit upon any recovery against the licensee or permittee."

28 Section 2. This ordinance shall go into full force  
29 and effect from and after 15 days after its final passage and  
30 adoption.  
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FINAL ADOPTION CLAUSE

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The foregoing ordinance having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 26th day of June, 1935, and thereupon duly printed and published as required by the Charter of the City of Modesto, was read for final adoption at the regular meeting of July 10, 1935, and thereupon finally adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley, and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

Approved: J. H. KING  
MAYOR

Attest: H. E. GRAGG  
CITY CLERK

AN ORDINANCE PROHIBITING MARATHON OR ENDURANCE CONTESTS.

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

Section 1. It shall be unlawful and a misdemeanor for any person, firm or corporation to manage, conduct, operate or hold in any public place in the City of Modesto, to which the public is invited or admitted, either with or without an admission fee, any marathon or endurance dance, exhibition or contest of any type or kind in which the participants are required or permitted to engage in dancing, walking or physical exercises or movements of any kind for a longer period than 48 hours without a rest or intermission of at least eight consecutive hours during each period of twenty-four hours.

Section 2. Any person convicted of a violation of this ordinance shall, upon such conviction, be punished by a fine of not to exceed \$500.00, or by imprisonment in the County Jail of Stanislaus County not to exceed six months, or by both such fine and imprisonment.

Section 3. The Council hereby finds as a fact that this ordinance is necessary for the immediate preservation of the public peace, health and safety for the reason that the City of Modesto now has no ordinance covering the subject matter of this ordinance; that there is now being promoted in the City of Modesto a walkathon or other endurance contest commencing on about July 1st, 1935, which would be well under way before this ordinance would be effective in the ordinary course; that the State Legislature has adopted legislation prohibiting exhibitions of the type herein prohibited, which will not be effective, however, until September 1st, 1935; that such exhibitions or

1 contests are against the policy of the law and of the times, as  
2 exemplified by said State legislation; that a contest or  
3 exhibition of the kind prohibited by this ordinance results in  
4 the keeping open the premises where the exhibition is given not  
5 only during the day, but during all hours of the night, with the  
6 attendant turmoil, noise and distractions during the time when  
7 the residents of the neighborhood are ordinarily taking their  
8 rest and sleep, and will thus result in a disturbance of public  
9 peace; that adequate rest for continuous or consecutive periods  
10 of approximately eight hours is also necessary for the health and  
11 well-being of participants in such a contest, and the holding of  
12 such a contest would therefore be dangerous to the health of the  
13 participants therein. This ordinance shall therefore go into  
14 effect and be in full force and operation immediately upon its  
15 final adoption.  
16

17 Section 4. This ordinance shall be published in full  
18 at least once at least three days prior to its final adoption in  
19 the Modesto Bee, the official newspaper of the City of Modesto.

20 The foregoing ordinance was introduced at a regular  
21 meeting of the Council of the City of Modesto held on the 26th day  
22 of June, 1935, by Councilman Stanley, who moved its adoption  
23 and passage to print, which motion being duly seconded was upon roll  
24 call carried and the ordinance ordered printed and published as  
25 above by the following vote:

26 Ayes: Councilmen: Neece, Oliver, Pack, Stanley, and Mayor King

27 Noes: Councilmen: None

28 Absent: Councilmen: None

29 Approved: \_\_\_\_\_  
MAYOR

30 Attest: He G... ..  
31 CITY CLERK  
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FINAL ADOPTION CLAUSE

The foregoing ordinance was introduced and order-  
ed printed and published at the regular meeting of the Council of the  
City of Modesto held on the 26th day of June, 1935, and thereupon  
duly printed and published as required by the Charter of the City  
of Modesto. It was read for final adoption at the regular meeting  
of July 10th, 1935, and upon roll call was finally adopted by the  
following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley, and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

Approved: \_\_\_\_\_  
J. H. KING  
MAYOR

Attest: \_\_\_\_\_  
H. E. GRAGG  
CITY CLERK

AN ORDINANCE PROHIBITING THE KEEPING OF CALVES WITHIN THE CITY OF  
MODESTO.

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

Section 1. It shall be unlawful for any person, firm or corporation, either as principal or agent, to have or keep for any period of time at all, or for any purpose, upon any lot or premises at any place within said City, owned, leased, occupied or controlled by such person, firm or corporation, any calf or calves.

Section 2. A violation of any of the provisions of this ordinance shall constitute a misdemeanor, and upon conviction thereof shall be punished by a fine of not to exceed \$500.00 or by imprisonment in the County Jail of Stanislaus County not to exceed six months, or by both such fine and imprisonment.

Section 3. This ordinance shall go into effect and be in full force and operation from the after 15 days after its final passage and adoption.

Section 4. This ordinance shall be published in full at least once at least three days prior to its final adoption in the Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of June, 1935, by Councilman Stanley, who moved its adoption and passage to print, which motion being duly seconded, was upon roll call carried and the ordinance ordered printed and published as above by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley, and Mayor King  
Noes: Councilmen: None  
Absent: Councilmen: None

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Approved: \_\_\_\_\_  
J. H. KING  
MAYOR

Attest: H. E. Gragg  
H. E. GRAGG  
CITY CLERK

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 26th day of June, 1935, and thereupon duly printed and published as required by the Charter of the City of Modesto, was read for final adoption at the regular meeting of July 10th, 1935, and upon roll call finally adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley, and Mayor King  
Noes: Councilmen: None  
Absent: Councilmen: None

Approved: \_\_\_\_\_  
J. H. KING  
MAYOR

Attest: \_\_\_\_\_  
H. E. GRAGG  
CITY CLERK

AN ORDINANCE Regulating and Licensing Certain amusement Devices  
And Prohibiting Slot Machines and Gambling Devices.

--o\*\*0\*\*o--

The Council of the City of Modesto do Ordain as follows:

Section 1. It shall be unlawful, on any public or private premises, within the City of Modesto for any person, firm or corporation, either as principal, agent, servant or employee, to use or operate or permit to be used or operated any slot machine or other gaming or gambling devices as defined by an ordinance of the City of Modesto, or any law of the State of California.

Section 2. It shall be lawful to have, possess, use and operate amusement machines or devices as herein defined, under the terms and regulations herein specified.

Section 3. An amusement device within the meaning of Section 2 of this ordinance shall consist only of a machine or device designed and/or intended to be operated and/or used for amusement purposes only and/or playing a game (such as and including the machines or devices commonly known as pin and ball machines and similar devices), and which does not, except as the result of skill in its operation and not as a result of chance, vend or deliver any prize, coin, slug, or other value or representative of value.

Section 4. This ordinance shall not apply to any vending machine so designed and so operated as to sell and deliver merchandise only, equivalent in market value to the value of the coin or coins deposited, without the payment or delivery or the promise of payment or delivery of anything except the merchandise therein kept for sale.

ODE SEC.  
10.4-1.101  
4-1.108 6

*Amended by Ord 550-11-5*  
*Amended by Ord 525-11-5*

*Amended by Ord 678-11-5*

1 Section 5. It shall be unlawful for any person, firm  
2 or corporation, either as principal, agent, servant or employee,  
3 to operate machines or devices of the kind specified in Section 3  
4 hereof without having a license therefor, as herin specified.

5 Applications for licenses shall be in writing, signed by  
6 the applicant, giving his business address, business or occupation,  
7 age, citizenship, and such other information as may be required.  
8 They shall be filed with the City License and Tax Collector, with  
9 the deposit of the license fee, shall be referred by him to the  
10 Commissioner of Public Health and Safety for investigation and  
11 examination and a report to the Council with his recommendation.  
12 If the Council finds from an examination of the application and  
13 such report and such further facts as may be officially brought  
14 to its attention that the application is in proper form, the applicant  
15 of good moral character, and that the business therein applied for  
16 may be carried on without danger to the public peace, health and  
17 safety, the Council shall grant the permit applied for and direct  
18 the Collector to issue the license; but if it finds that the  
19 applicant is not a person of good moral character or that the  
20 business cannot be carried on without danggr to the public peace,  
21 health and safety, it may deny the application.

22 The license fee shall be the sum of four hundred (\$400.)  
23 per year, payable in advance, the year for the purpose of this  
24 license ~~commencing~~ <sup>Commencing</sup> on July first, provided, however, that the li-  
25 cense fee for the year beginning July 1, 1935, shall be in pro-  
26 portion to that part of the year remaining after this ordinance  
27 goes into effect. Each license shall permit the operation of not  
28 to exceed thirty (30) such devices or machines. The Collector,  
29 or his deputies, shall securely affix or cause to be affixed  
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1 in a conspicuous place on each such machine operated by a licensee  
2 a sticker or label legibly setting forth the name and address of  
3 the licensee, the license number and the year for which issued,  
4 together with the words "City of Modesto," which sticker or label  
5 shall bear the genuine or a facsimile signature of the Collector.  
6 It shall be unlawful to use or operate any such machine or device  
7 to which a sticker or label is not attached as aforesaid.

8 Section 6. No amusement machine or device as herein de-  
9 fined shall be maintained, operated, conducted or used, nor kept  
10 for such purposes, within any place which is closer than 300 feet  
11 from any public or private school.

12 Section 7. All licenses issued in pursuance to this  
13 ordinance shall be subject to revocation by the Council for viola-  
14 tion of any of the terms or provisions of this ordinance, or for any  
15 cause therefore which is deemed satisfactory to the Council, provi-  
16 ded that before such action is taken a notice to appear before the  
17 Council to show cause why such license should not be revoked and  
18 cancelled or suspended shall be served upon the licensee not less  
19 than two days before the time fixed for such hearing. The action  
20 of the City Council as to any of the matters referred to in this  
21 section shall be conclusive and not subject to review, and all ap-  
22 plications for licenses under this ordinance shall be deemed to  
23 have agreed to the provisions of this section.

24 Section 8. It shall be the duty of the City Tax and Li-  
25 cense Collector, as well as of the Chief of Police and the agents  
26 of each of them, to enforce this ordinance. Any amusement machine  
27 as herein defined not labeled as hereinabove specified, as well as  
28 any machine prohibited by this ordinance or by State law, or which  
29 is operated contrary to the provisions of this ordinance shall be  
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1 seized and confiscated.

2 Section 9. Any person violating any of the terms, pro-  
3 vions or sections of this ordinance, shall be deemed guilty of a  
4 misdemeanor, and upon conviction shall be punished by a fine not  
5 exceeding \$300, or by imprisonment in the County jail of Stanislaus  
6 County for not exceeding six months, or by both such fine and  
7 imprisonment. Every day that any person so conducts or operates ~~of~~  
8 uses such a machine without a license, or otherwise in violation of  
9 the terms of this ordinance, or uses a machine or device prohibited  
10 herein, shall be deemed a separate offense.

12 Section 10. If any section, subsection, sentence, clause  
13 or phrase of this ordinance is for any reason held to be unconsti-  
14 tutional or void, such decision shall not affect the validity of the  
15 remaining, separable portions of this ordinance. The Council hereby  
16 declares that it would have passed this ordinance and each section,  
17 subsection, sentence, clause or phrase thereof irrespective of the  
18 fact that any one or more sections, subsections, sentences, clauses,  
19 or phrases be declared unconstitutional or void.

21 Section 11. This ordinance shall go into effect from and  
22 after fifteen days after its final passage and adoption. All ordin-  
23 ances or parts of ordinances in conflict herewith, and in particular  
24 ordinance No. 469 N.S. are hereby repealed.

25 Section 12. This ordinance shall be published in full  
26 at least once at least three days prior to its final adoption in  
27 the Modesto Bee, the official newspaper of the City of Modesto.  
28

29 -----  
30 The foregoing ordinance was introduced at a regular meeting  
31 of the Council of the City of Modesto held on July 10, 1935, by  
32 Councilman Stanley, who moved its adoption and passage to print as  
aforesaid, which motion being duly seconded was upon roll call  
carried, and the ordinance ordered published as above by the follow-

1 ing vote:

2 Ayes: Councilmen: Neece, Oliver, Pack, Stanley, and Mayor King

3 Noes: Councilmen: None

4 Absent: Councilmen: None

5  
6 Approved: \_\_\_\_\_  
7 J. H. KING  
8 MAYOR

9 Attest: \_\_\_\_\_  
10 H. E. GRAGG  
11 CITY CLERK

12 FINAL ADOPTION CLAUSE

13 The foregoing ordinance having been introduced and order-  
14 ed printed and published at a regular meeting of the City Council  
15 held on the 10th day of July, 1935, and thereupon having been duly  
16 printed and published as required by the Charter of the City of  
17 Modesto, coming on for final adoption at this regular meeting of  
18 July 24th, 1935, it was so finally adopted by the following vote:

19 Ayes: Councilmen: \_\_\_\_\_

20 Noes: Councilmen: \_\_\_\_\_

21 Absent: Councilmen: \_\_\_\_\_

22 Attest: \_\_\_\_\_  
23 CITY CLERK  
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SPECIAL  
NOT IN CODE

ORDINANCE NO. 493 N.S.

AN ORDINANCE APPROPRIATING \$7500.00 FOR THE PURCHASE OF A STREET SWEEPER.

---oOo---

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

Section 1. The sum of Seventy-five Hundred Dollars (\$7500.00), or so much thereof as may be necessary, is hereby appropriated out of the general funds of the City of Modesto not otherwise appropriated for the purchase and acquisition of certain equipment for use on the public streets, to-wit: a street sweeper.

Section 2. The City Engineer is hereby directed to file with the City Council general plans and specifications for said equipment, and thereupon the City Clerk shall advertise for bids or offers, to be received and opened by the City Council at a time and place therein designated, for the sale to said City of Modesto of said equipment, said notices to bidders to be in the usual form and to specify that each bid must be accompanied by a certified check on some solvent bank in the State of California or a bidding bond equal to 10% of the amount bid, conditioned that the bidder, if awarded the contract, shall enter into a contract with the City and deliver the said equipment as per the contract and specifications, and that the City Council shall reserve the right to reject any and all bids.

Section 3. This ordinance shall go into effect and be in full force and operation from and after 15 days after its final passage and adoption.

Section 4. This ordinance shall be published in full at least once at least three days prior to its final adoption in the Modesto Bee, the official newspaper of the City of Modesto.



FINAL ADOPTION CLAUSE

Ordinance No. 493-N.S., having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 24th day of July, 1935, and having been thereupon printed and published as required by the Charter of the City of Modesto, coming on for final adoption this 14th day of August, 1935, it was upon roll call finally adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Paak, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: Paak

APPROVED:

MAYOR

Attest:

CITY CLERK

ORDINANCE NO. 494 N.S.

AN ORDINANCE PROVIDING FOR MILK INSPECTION DEPARTMENT OF THE CITY OF MODESTO.

---oOo---

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

Section 1. A Milk Inspection Department of and for the City of Modesto is hereby created. The same shall be in charge of the health officer or other officer or employee of the City of Modesto acting as and in the capacity of health officer. Whenever the term 'health officer' is used in this ordinance it shall refer to and mean the officer or employee of the City of Modesto, whether appointed by resolution or ordinance or acting by virtue of a contract with the County of Stanislaus, who discharges the duties of health officer. The said Milk Inspection Department shall be conducted so as to meet the approval of the State Department of Agriculture. The City Council shall also, from time to time, by resolution, appoint a milk inspector and such assistants as may be necessary to carry out the provisions of this ordinance. Until another appointment is made, the Sanitary Inspector of the said City of Modesto shall act as milk inspector. Within such limits as may be permitted by law, the health officer shall make, formulate and enforce rules and regulations to carry out the provisions of this ordinance.

Section 2. It shall be unlawful for any person, firm or corporation, or agent or employee of any person, firm or corporation, to sell, offer for sale, distribute, or have in possession for sale or distribution, any milk or cream for human consumption as milk or cream, unless it conforms to the standards of grading and to the requirements for the production of milk and

1 cream, established by the Agriculture Code, Statutes of 1933, of  
2 the State of California, and amendments thereto, and the rules  
3 and regulations of the State Department of Agriculture for its  
4 enforcement, and in addition thereto milk shall contain not  
5 less than 3.5% of milk fat.

6 (b) The maximum bacterial count on Grade A pasteurized  
7 milk before pasteurization shall be twenty-five thousand per  
8 *milliliter* ~~milliliter~~ and after pasteurization shall contain not more than ten  
9 thousand bacteria per milliliter.

10 (c) Grade A raw milk shall contain not more than,  
11 twenty-five thousand bacteria per *milliliter* ~~milliliter~~.

12 (d) The construction of dairy milkhouses and milking  
13 barns used for the production of Grade A milk shall comply with  
14 "Public Health Standards" as recommended by the California State  
15 College of Agriculture, State Department of Agriculture, and  
16 California Association of Dairy and Milk Inspectors with the excep-  
17 tions: that milk houses shall have a wall height from floor to  
18 top plate of not less than 8.6 feet; that litter alley exclusive  
19 of gutter shall not be less than five (5) feet wide behind a single  
20 string of cows or nine (9) feet between two strings.

21 Section 3. No person, firm, association or corporation  
22 engaged in the production, processing or distribution of milk  
23 for retail distribution, shall produce for sale, sell, offer for  
24 sale, distribute or have in his or their charge or possession for  
25 sale or distribution in the City of Modesto, any milk without first  
26 obtaining a permit from the Health Officer or his authorized  
27 representatives to conduct such business or distribution, nor shall  
28 any person sell, offer for sale or have in his charge, custody or  
29 control any milk purchases, acquired or received from or produced  
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1 by any person, firm, association or corporation engaged in produc-  
2 tion, processing or distribution of milk for retail redistribution,  
3 who has not secured or does not possess at that time such a permit.  
4 ~~and~~ In no case shall a permit be issued to any person, firm,  
5 association or corporation to sell or expose for sale or exchange,  
6 deliver or distribute any milk in the City of Modesto unless the  
7 dairy, source of supply or place of origin is regularly inspected  
8 by the Health Officer or his authorized representatives.

9  
10 Permits issued under the provisions of this ordinance  
11 may be revoked by the Health Officer upon the violation by the  
12 holder of any of the provisions of this ordinance or in any  
13 emergency when in the judgment of the Health Officer the milk  
14 supply in question has become a public health menace, provided,  
15 however, that the holder of such permit shall first be given a  
16 hearing, upon at least twenty-four hours notice in writing to  
17 appear at a time and place therein specified to show cause why  
18 the permit should not be revoked, cancelled or suspended.

19 Section 4. It shall be unlawful for any person, firm,  
20 association or corporation to sell or exchange or offer for sale  
21 or exchange for human consumption any milk from animals that have  
22 not passed<sup>a</sup>/tuberculin test applied annually by a qualified veter-  
23 inarian in the full-time employ of the Department of Agriculture  
24 of the State of California, or veterinarian acceptable to and  
25 designated by the said Department/. If reacting animals are found,  
26 they must be removed from the herd immediately by the owner.

27 (b) Permits as required by this ordinance shall not  
28 be issued for the production, sale or distribution of milk until  
29 it has been demonstrated herds producing such milk contain less  
30 than ten per cent (10%) of reactors.  
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1 (c) No animal shall be admitted to a herd producing  
2 milk under the provisions of this ordinance unless said animal shall  
3 come from a herd of non-reacting tuberculin tested animals, and  
4 said animal shall be again tested for tuberculosis if in the dis-  
5 cretion of the Health Officer or his authorized representatives  
6 such re-test is deemed necessary.

7  
8 (d) A certificate signed by the veterinarian herein-  
9 before designated and filed with the Health Officer or with his  
10 authorized representatives shall be the only valid evidence of  
11 the foregoing tests.

12 Section 5. It shall be unlawful for any person, firm,  
13 association or corporation to sell or offer for sale any pas-  
14 teurized milk before complying with the following paragraph:

15 (b) All persons engaged in operating a pasteurizer  
16 for the processing of Grade A Pasteurized milk shall first obtain  
17 and hold a written permit to do so from the Health Officer or his  
18 authorized representatives, said permit to be known as a pasteur-  
19 izer's permit. Upon receipt of an application for such permit,  
20 the Health Officer or his authorized representatives shall examine  
21 into the qualifications of the applicant and every applicant shall  
22 satisfy said Health Officer or his authorized representatives of  
23 his qualifications and shall have a thorough knowledge of the  
24 provisions of the law with which he must comply.

25  
26 (c) Any pasteurizer's permit may be suspended or revoked  
27 by the Health Officer for violation, by the holder thereof, of  
28 any of the provisions of the Pure Milk Law of California, the  
29 rules and regulations promulgated thereunder, or of this ordinance.

30 Section 6. All persons engaged in the work of producing  
31 or handling Grade A milk must exercise scrupulous cleanliness and  
32

1 must not be afflicted with any communicable disease or in a con-  
2 dition to disseminate the germs of typhoid fever, tuberculosis,  
3 diphtheria or other communicable disease liable to be conveyed by  
4 milk. The condition of all such persons shall be determined by  
5 physical examination by a graduate of a medical college, who is  
6 the holder of a valid and unrevoked physician's and surgeon's  
7 certificate issued under the medical practice act of the State,  
8 at the time of employment and every year thereafter.

*Amended by  
Ord 518-11.5  
new section*

9 Section 7. All milk brought into the City of Modesto,  
10 or received therein for sale, and all milk sold, offer or exposed  
11 for sale or exchange, and all milk presented or delivered to any  
12 creamery, milk pasteurizing plant, or any buyer, consumer, or user  
13 of milk which does not conform wholly to the requirements of this  
14 ordinance, or which has not been produced, inspected, handled,  
15 transported, processed, labelled, kept or sold in accordance with  
16 all of the provisions of the Agricultural Code of California,  
17 the rules and regulations promulgated thereunder, and the provisions  
18 of this ordinance, is hereby declared to be a public health  
19 menace, and the Health Officer, or his authorized representatives,  
20 are hereby authorized and empowered to summarily seize, confiscate  
21 and destroy said milk, or to mark said milk for identification with  
22 a nontoxic substance.  
23

24 Section 8. It shall be unlawful for any person, firm  
25 or corporation, or agent or employee of any person, firm or  
26 corporation, to sell, offer for sale, distribute, or have in  
27 possession for sale, or distribution, any milk or cream graded by  
28 the City of Modesto until a registration fee of five hundredths of  
29 a cent (.0005) for each quart of milk distributed during the  
30 calendar month preceding be paid into the City Treasury. These  
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1 fees shall constitute a milk inspecting fund and shall be paid  
2 on or before the first day of each month and shall be expended  
3 solely for the enforcement of the provisions of this ordinance.

4 Section 9. The receipt for registration fees shall be  
5 deemed a permit allowing the sale of milk by the person to whom  
6 issued for the calendar month in which it was issued and shall be  
7 posted in a conspicuous place either in the delivery wagon or  
8 other regular place of business of such person.

9 Section 10. Any person, firm or corporation, or agent  
10 or employee of any person, firm or corporation, who violates any  
11 provisions of this ordinance, or any rules and regulations made  
12 hereunder, shall be guilty of a misdemeanor, punishable by a fine  
13 of not less than twenty-five dollars (\$25.00), nor more than  
14 five hundred dollars (\$500.00), or not more than ninety (90) days  
15 in jail, or both such fine and imprisonment.

16 Section 11. All ordinances, or parts of ordinances in  
17 conflict herewith, are hereby repealed. This ordinance shall be  
18 in full force and effect fifteen days from and after its final  
19 passage and publication as required by law.

20 Section 12. This ordinance shall be published in full  
21 at least once at least three days prior to its final adoption  
22 in the Modesto Bee, the official newspaper of the City of Modesto.

23 The foregoing ordinance was introduced at a regular  
24 meeting of the Council of the City of Modesto held on the 24th  
25 day of July, 1935, by Councilman Stanley, who moved its adoption  
26 and passage to print, which motion being duly seconded was  
27 upon roll call carried and the ordinance ordered printed and  
28 published as above by the following vote:

29 Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King  
30 Noes: Councilmen: None  
31 Absent: Councilmen: None

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Approved: J.H. King  
J.H. KING  
MAYOR

Attest: H.E. Grace  
H. E. GRACE  
CITY CLERK

FINAL ADOPTION CLAUSE

The foregoing ordinance having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 24th day of July, 1935, and having been printed and published as required by the City Charter, it was brought up for final adoption at the regular meeting of August 14th, 1935, and upon roll call so finally adopted by the following vote:

- Ayes: Councilmen: Neece, Oliver, Pack, Stanley, and Mayor King
- Noes: Councilmen: None
- Absent: Councilmen: None

Attest: H.E. Grace  
CITY CLERK

NO. 6-1.202  
6-1.215  
6-1.228  
6-1.263

ORDINANCE NO. 495-N.S.

AN ORDINANCE ADDING TWO NEW SECTIONS TO ORDINANCE NO. 487 N.S. (RELATING TO LICENSES), AND AMENDING SECTIONS 112 AND 128 THEREOF.

---oOo---

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

Section 1. Ordinance No. 487 N.S. of the City of Modesto, entitled, "An Ordinance providing for licensing and regulating the carrying on of certain professions, trades, callings and occupations in the City of Modesto, providing the method of collecting such licenses, and repealing certain ordinances", is hereby amended by adding thereto a new section to be numbered 101a, reading as follows:

"Section 101a. For every person conducting, carrying on or managing, at a fixed place of business in the City of Modesto, the business of merchandising at wholesale, except where otherwise specifically stated in this ordinance, or the business of manufacturing, at a fixed place of business in the City of Modesto, where the products are sold at wholesale, except where otherwise specifically stated herein, the license fee shall be the sum of \$10.00 per annum."

Section 2. Said Ordinance No. 487 N.S. of the City of Modesto is further amended by adding thereto a new section to be numbered 158, reading as follows:

"Section 158. Every person not having a fixed place of business within the City of Modesto as herein defined who solicits or offers to take for collection on a percentage basis accounts, notes and other debts or evidences of indebtedness, shall pay a license fee of \$25.00 per month."

1 Section 3. Section 112 of said ordinance No. 487 N.S.  
2 is hereby amended so as to read as follows:

3 "Section 112. Every person conducting, carrying on or  
4 managing at a fixed place of business in the City of Modesto a  
5 stock, bond or produce exchange where orders may be placed by  
6 telegraph or otherwise for the purchase or sale of stocks,  
7 securities, grain, oil, meat, coffee, cotton, or other commodities,  
8 or where a call board is maintained, giving or quoting prices of  
9 any such article sold, shall pay the registration fee and the  
10 license fee specified in Section 101 hereof, and shall also be  
11 subject to the other provisions of said Section 101."

12 Section 4. Section 123 of said Ordinance No. 487 N.S.  
13 is hereby amended so as to read as follows:

14 "Section 123. Every person not otherwise specifically  
15 mentioned in this ordinance or not licensed under any other ordin-  
16 ance of the City of Modesto, conducting, managing or carrying on  
17 the business of driving or operating any automobile, automobile  
18 truck, automobile tank wagon, or other motor vehicle used for the  
19 transportation of baggage, freight, household goods, merchandise,  
20 lumber, brick, cement, oil, rock, gravel, laundry, clothing, or  
21 any other commodity, shall pay a license fee of \$5.00 per  
22 quarter for the first vehicle, and \$2.50 per quarter for each  
23 additional vehicle. A trailer shall be deemed to be a separate  
24 vehicle. A single transaction whereby property of the kinds  
25 described herein is either loaded or unloaded in the City of  
26 Modesto shall be construed as conducting, managing, or carrying  
27 on the business specified in this ordinance."

28 Section 5. In event any persons have paid a license  
29 fee either under sections 112 or 123 of said Ordinance No. 487 N.S.  
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1 at the rates therein specified subsequent to July 1, 1935, and  
2 prior to the adoption of these amendments, the difference between  
3 the license fee so paid and the amount specified in this ordinance  
4 shall be refunded upon filing a claim therefor with the License  
5 Collector.

6 Section 6. This ordinance shall go into effect, in so  
7 far as any penal provisions are concerned, from and after 15  
8 days after its final passage and adoption; but the year for the  
9 payment of the annual licenses herein provided for and the  
10 quarter for the payment of the quarterly licenses herein provided  
11 for shall begin on July 1, 1935.

12 Section 7. The declaration with reference to the  
13 constitutionality of any part of the ordinance set forth in  
14 section 205 of said Ordinance No. 487 N.S. is hereby made a part  
15 of this ordinance with the same force and effect as if repeated  
16 here.

17 Section 8. This ordinance shall be published in full at  
18 least once at least three days prior to its final adoption  
19 in the Modesto bee, the official newspaper of the City of Modesto.

20 The foregoing ordinance was introduced at a special  
21 meeting of the Council of the City of Modesto held on the 31st  
22 day of July, 1935, by Councilman Pack, who moved its adoption  
23 and passage to print, which motion being duly seconded was upon  
24 roll call carried and the ordinance ordered printed and published  
25 as above by the following vote:  
26

27 Ayes: Councilmen: Neece, Pack, Stanley, and Mayor King  
28 Noes: Councilmen: None  
29 Absent: Councilmen: Oliver

30 Approved: J. H. King  
MAYOR

31 Attest: \_\_\_\_\_  
32 CITY CLERK

FINAL ADOPTION CLAUSE

Ordinance No. 495-N.S. having been introduced and ordered printed and published at a special meeting of the Council of the City of Modesto held on the 31st day of July, 1935, and having been printed and published as required by the Charter of the City of Modesto, coming on for final adoption at this meeting of August 14, 1935, it was upon roll call finally adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: Paak

APPROVED:

*J. King*  
MAYOR

ATTEST:

*H. E. Fragg*  
H. E. FRAGG  
CITY CLERK

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SPECIAL  
NOTES IN CODE

ORDINANCE NO. 496- N.S.

AN ORDINANCE APPROPRIATING \$1500.00 FOR THE PURCHASE OF  
ADDITIONAL LAND FOR CITY PARKS.

---oOo---

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

Section 1. The sum of Fifteen Hundred Dollars (\$1500.00) or so much thereof as may be necessary, is hereby appropriated out of the general funds of the City of Modesto not otherwise appropriated for the purpose of acquiring certain lots or areas of land adjacent to Legion Park, which said lots or areas of land when purchased or acquired are to become a part of said Legion Park.

The Commissioner of Finance and Revenue is hereby authorized and empowered on behalf of said City to enter into contracts with the owners for the sale to said City of Modesto of said parcels or lots of land, and to do all acts and things necessary for the purchase thereof by said City of Modesto.

The City Clerk and Auditor are hereby authorized and instructed to draw the warrant of the City of Modesto upon the City Treasury and to execute and deliver the same in payment of the purchase price of said lots or parcels of land.

Section 2. This ordinance shall go into full force and operation from and after 15 days after its final passage and adoption.

Section 3. This ordinance shall be published in full at least once at least three days prior to its final adoption in the Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of August, 1935, by Councilman Oliver, who moved its adoption

1 and passage to print, which motion was duly seconded, and upon roll  
2 call carried and the ordinance ordered printed and published as  
3 above by the following vote:

4 Ayes: Councilmen: Neece, Oliver, Stanley, Mayor King  
5 Noes: Councilmen: None  
6 Absent: Councilmen: Pack

7 Approved: J. H. King  
8 Mayor

9  
10 Attest: H. E. Gandy  
11 CITY CLERK

FINAL ADOPTION CLAUSE

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Ordinance No. 496-N.S. having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 14th day of August, 1935, and coming on for final adoption this 28th day of August, 1935, it was upon roll call finally adopted by the following vote:  
Ayes: Councilmen: Neece, Paek, and Mayor pro tem. Stanley  
Noes: Councilmen: None  
Absent Councilmen: Oliver and Mayor King

APPROVED: J. King  
MAYOR

ATTEST: H. G. King  
CITY CLERK





SPECIAL CODE  
NOT IN

ORDINANCE FIXING THE RATE OF TAXATION IN AND FOR THE CITY OF  
MODESTO FOR THE FISCAL YEAR 1935-36

---000---

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

Section 1.

There is hereby levied upon the assessed valuation of the property in the City of Modesto, County of Stanislaus, State of California, for the fiscal year beginning July 1st, 1935, and ending June 30th, 1936, the rates of taxation hereinafter specified, said rates being upon each One Hundred Dollars (\$100.00) of the valuation according to the equalized assessment roll, to-wit:

FOR THE GENERAL FUND .....\$ .70  
On each One Hundred Dollars  
valuation;

FOR THE BOND REDEMPTION AND INTEREST FUND:

- (a) Municipal Improvement Bonds of 1910 .... \$ .03
- (b) Municipal Improvement Bonds of 1911 .... .01
- (c) Municipal Improvement Bonds of 1912 .... .02
- (d) Municipal Improvement Bonds of 1919 .... .03
- (e) Municipal Improvement Bonds of 1920 (Jan.) .11
- (f) Municipal Improvement Bonds of 1920 (Jun.) .02
- (g) Municipal Improvement Bonds of 1923 .... .02

being a total of .....\$ .24  
on each One Hundred Dollars  
in valuation of property tax-  
able for the redemption of  
bonds and the payments of inter-  
est thereon that shall accrue  
during said fiscal year;

FOR THE LIBRARY FUND .....\$ .13  
on each One Hundred Dollars  
of said taxable valuation;

FOR THE SPECIAL FUND .....\$ .03  
on each One Hundred Dollars  
of said taxable valuation for  
the purpose of paying for lands  
purchased or to be purchased at  
tax sales under the "Improvement  
Bond Act of 1915" in accordance  
with Section 16 of said Act.

The Aggregate of said sums, to-wit ..... \$1.10  
on each One Hundred Dollars valuation as determined by the

1 equalized assessment roll for the year 1935-36 on all property  
2 taxable in the City of Modesto for said purpose is hereby levied  
3 and apportioned to and shall be paid into the above funds respect-  
4 ively of said City. The rates above specified shall be in addit-  
5 ion to those required to be levied under the general laws of the  
6 State of California for the purpose of paying principal and inter-  
7 est on street improvement bonds in local improvement districts.

8  
9 Section 2.

10 This Ordinance shall take effect immediately upon  
11 its final passage and adoption.

12 Section 3.

13 This Ordinance shall be published in full at least  
14 once at least three days prior to its final adoption in the Modesto  
15 Bee, the official newspaper of the City of Modesto.

16  
17 The foregoing Ordinance was introduced at a regular  
18 meeting of the Council of the City of Modesto held on the 14th day  
19 of August, 1935, by Commissioner Oliver, who moved its  
20 adoption and passage to print, which motion being duly seconded,  
21 the Ordinance was upon roll call ordered printed and published as  
22 required by the Charter of the City of Modesto by the following vote:

23 Ayes: Councilmen: Neece, Oliver, Stanley and Mayor King

24 Noes: Councilmen: None

25 Absent: Councilman: Pack

26  
27 Approved: J. H. King

J. H. KING, MAYOR

28  
29 Attest: H. W. Grace

H. W. GRACE,  
CITY CLERK

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FINAL ADOPTION CLAUSE

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Ordinance No. 498-N.S., having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 14th day of August, 1935, and thereupon published as required by the Charter of the City of Modesto, coming on for final adoption at this regular meeting of August 28, 1935, it was upon roll call finally adopted by the following vote:

Ayes: Councilmen: Neece, Paak, and Mayor pro tem. Stanley  
Noes: Councilmen: None  
Absent: Councilmen: Oliver and Mayor King

APPROVED: J. King  
MAYOR

ATTEST: M. E. King  
CITY CLERK

... of the ...  
... with the ...  
... motor cars to be purchased ...  
... The City Clerk is directed to ...  
... to the City of said motor cars. Said ...  
... shall specify that bidders will be required to ...  
... modifications of each piece of equipment ...  
... City pursuant to such notice, and will also be ...  
... the allowance that will be made by the bidder ...  
... of the purchase price for certain motor vehicles to ...  
... by the City on the purchase price, and which are ...  
... to be designated in the reports to be made by the Chiefs of ...  
... Police and Fire Departments; and will also specify that such ...  
... must be accompanied by a billing bond or certified check on

SPECIAL  
NOT IN CODE

ORDINANCE NO. 499- N.S.

2 AN ORDINANCE APPROPRIATING MONEY FOR THE PURCHASE OF MOTOR EQUIP-  
3 MENT FOR THE POLICE DEPARTMENT AND FOR THE FIRE DEPARTMENT.

4 ---00---

5 The Council of the City of Modesto do ordain as follows:

6 Section 1. The following sums are hereby appropriated  
7 out of the general funds of the City of Modesto for the purchase  
8 of automotive equipment for the Police Department and the Fire  
9 Department of the City of Modesto, to-wit: the sum of Seventeen  
10 Hundred Dollars (\$1700.00), or so much thereof as may be necessary,  
11 for the purpose of purchasing two motor cars for the Police  
12 Department, and the sum of One Thousand Dollars (\$1000.00), or  
13 so much thereof as may be necessary, for the purchase of a motor  
14 car for the use of the Chief of the Fire Department.

15 Section 2. When this ordinance becomes effective the  
16 Chief of the Police Department and the Chief of the Fire Department,  
17 respectively, shall file with the City Clerk general specifications  
18 of the type of motor cars to be purchased, as provided in this  
19 ordinance. Thereupon, the City Clerk is directed to advertise  
20 for bids for the sale to the City of said motor cars. Said  
21 notice to bidders shall specify that bidders will be required to  
22 furnish detailed specifications of each piece of equipment  
23 offered to the City pursuant to such notice, and will also be  
24 required to state the allowance that will be made by the bidder  
25 as a part of the purchase price for certain motor vehicles to  
26 be turned in by the City on the purchase price, and which are  
27 to be designated in the reports to be made by the Chiefs of  
28 the Police and Fire Departments; and will also specify that each  
29 bid must be accompanied by a bidding bond or certified check on  
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1 some solvent bank in the State of California for 10% of the bid  
2 made by each bidder as a guarantee that a contract will be entered  
3 into and delivery made according to the contract; that the City  
4 reserves the right to reject any and all bids, or parts of bids;  
5 and shall also specify a time when the bids will be opened by  
6 the Council at the Council Chambers.  
7

8 Section 3. This ordinance shall go into effect and  
9 be in full force and operation from and after 15 days after its  
10 final passage and adoption.

11 Section 4. This ordinance shall be published in full  
12 at least once at least three days prior to its final adoption in  
13 the Modesto Bee, the official newspaper of the City of Modesto.

14 The foregoing ordinance was introduced at a regular  
15 meeting of the Council of the City of Modesto held on the 28th  
16 day of August, 1935, by Councilman Stanley, who moved its  
17 and passage to print,  
18 adoption, which motion being duly seconded was upon roll call  
19 carried and the ordinance ordered printed and published as above  
20 by the following vote:

21 Ayes: Councilmen: Neece, Pack and Mayor pro tem. Stanley

22 Nees: Councilmen: None

23 Absent: Councilmen: Oliver and Mayor King

24  
25 Approved: J. H. King  
MAYOR

26  
27  
28 Attest: H. E. Gugg  
CITY CLERK

FINAL ADOPTION CLAUSE

Ordinance No. 499-N.S. having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 28th day of August, 1935, and thereupon printed and published as required by the Charter of the City of Modesto, coming on for final adoption this 11th day of September, 1935, it was upon roll call finally adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

APPROVED:

  
MAYOR

ATTEST:

  
CITY CLERK

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2 AN ORDINANCE AMENDING ORDINANCE NO. 487 N.S. OF THE CITY OF MODESTO  
3 (LICENSE ORDINANCE) BY ADDING A NEW SECTION THERETO.

4 ---p0o---

5 The Council of the City of Modesto do ordain as follows:

6 Section 1. Ordinance No. 487 N.S., entitled, "An  
7 ordinance providing for licensing and regulating the carrying on  
8 of certain professions, trades, callings and occupations in the  
9 City of Modesto, providing the method of collecting such licenses,  
10 and repealing certain ordinances", is hereby amended by adding  
11 thereto a new section, to be known as Section 158, which shall  
12 read as follows:

13 "Section 158. For every person engaged in the business  
14 of itinerant mechanic, where not otherwise provided for herein,  
15 the license shall be the sum of \$15.00 per quarter.

16 The words "itinerant mechanic" shall be construed to  
17 mean and include all persons, both principal and agent, who  
18 engage in a temporary and transient business in the City with the  
19 intention of continuing said business for a period of not more  
20 than ninety days, and who, for the purpose of carrying on such  
21 business, travel about from place to place upon the public  
22 streets or alleys thereof with a motor or horse drawn or hand  
23 propelled vehicle of any kind, or hire, lease or occupy any  
24 vacant lot, room, building or structure, for the purpose of  
25 sharpening or repairing knives, scissors or other tools, or of  
26 mending or repairing tools, equipment, machinery, household  
27 goods or furniture of any kind. The person so engaged shall not  
28 be relieved from the provisions of this section by joining  
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1 temporarily with any local dealer, tradesman or mechanic, or by  
2 conducting such temporary or transient business in connection  
3 with or as a part of or in the name of any local mechanic or shop

4  
5 Section 2. This ordinance shall go into effect and  
6 be in full force and operation from and after 15 days after its  
7 final passage and adoption.

8 Section 3. This ordinance shall be published in full  
9 at least once at least three days prior to its final adoption in  
10 the Modesto Bee, the official newspaper of the City of Modesto.

11 The foregoing ordinance was introduced at a regular  
12 meeting of the Council of the City of Modesto held on the 28th  
13 day of August, 1935, by Councilman Pack, who moved its  
14 adoption and passage to print, which motion being duly seconded  
15 was upon roll call carried and the ordinance ordered printed  
16 and published as above by the following vote:

17  
18 Ayes: Councilmen: Neece, Pack, and Mayor pro tem. Stanley

19 Noes: Councilmen: None

20 Absent: Councilmen: Oliver and Mayor King

21  
22 Approved: J. W. King  
23 MAYOR

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26 Attest: N. E. Gray  
27 CITY CLERK

FINAL ADOPTION CLAUSE

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Ordinance No. 500-N.S., having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 28th day of August, 1935, and thereupon printed and published as required by the Charter of the City of Modesto, coming on for final adoption this 11th day of September, 1935, it was upon roll call finally adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

APPROVED: J. H. King  
MAYOR

ATTEST: H. G. Gray  
CITY CLERK