

ORDINANCE NO. 1101 -C.S.

AN ORDINANCE AMENDING THE PARKING METER ZONING MAP OF THE CITY OF MODESTO.

WHEREAS, Section 3-2.1501 of the Modesto Municipal Code provides that changes in the boundaries of the parking meter zones shall be made by ordinance adopting an amended Parking Meter Zoning Map, or section or unit thereof.

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

SECTION 1. PARKING METER ZONING MAP. The Parking Meter Zoning Map of the City of Modesto is hereby amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) 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 5th day of April, 19 71, by Councilman Simon, who moved its introduction and passage to print, which motion being duly seconded by Councilman Smith, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Robinson

APPROVED:

Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST:

By W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

Ord. No. 1101-C.S.

FINAL ADOPTION CLAUSE


The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 19th day of April, 1971, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Simon, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Robinson, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED   
LEE H. DAVIES, Mayor

ATTEST:   
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: May 19, 1971

AN ORDINANCE AMENDING SECTION MAP 12-3-8 OF  
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSI-  
FYING CERTAIN PROPERTY LOCATED THEREON. (KAISER-AETNA)

The Council of the City of Modesto does ordain as fol-  
lows:

SECTION 1. ZONING CHANGE. Section 12-3-8 of the  
Zoning Map is hereby amended to reclassify the following-described  
property from One-family Residential Zone, R-1,  
to Planned-Development Zone, P-D (89) :

All that certain real property situate in the City  
of Modesto, County of Stanislaus, State of California,  
described as follows:

The East 20 acres of Lot 12 of McKinney Colony, accord-  
ing to the official map thereof, filed in the Office  
of the Recorder of Stanislaus County, California, on  
November 21, 1903 in Volume 1 of Maps, at Page 57.

SECTION 2. USES. The following uses shall be permitted in said P-D (89) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

1. A maximum of 129 mobile home lots.
2. A homeowners building, recreation area and swimming pool.
3. A boat, trailer and camper storage area.

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

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) 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 12th day of April, 1971, by Councilman Robinson, who moved its introduction and passage to print, which motion being duly seconded by Councilman Smith, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Robinson, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST: W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By William Nichols  
Planning Department

Ord. No. 1102-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 26th day of April, 1971, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Robinson, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Robinson, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: May 26, 1971

AN ORDINANCE AMENDING SECTION MAP 19-3-9 OF  
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSI-  
FYING CERTAIN PROPERTY LOCATED THEREON. (JAMES C. CHAMPION)

The Council of the City of Modesto does ordain as fol-  
lows:

SECTION 1. ZONING CHANGE. Section 19-3-9 of the  
Zoning Map is hereby amended to reclassify the following-described  
property from Two-Family Residential Zone, R-2,  
to Planned-Development Zone, P-D (87):

A portion of the NE 1/4 of Section 19, T3S, R9E,  
M. D. B. & M. described as follows:

Commencing at the N/E corner of said Section 19;  
thence S1° 00'E along the East line thereof, 916 feet,  
to the point of beginning of description; thence  
N89° 00'W, 231.57 feet, to a point that is 60 feet  
East of the East line of the Wilen Tract No. 2 according  
to the Map, filed in Volume 14 of maps, Page 43; thence  
South and parallel with the East line of said Wilen  
Tract No. 2, 198.29 feet; thence S89° 00'E 231.57 feet,  
to the East line of said Section; thence N1° 00'W along  
the Section line 198.36 feet, to the point of beginning.

SECTION 2. USES. The following uses shall be permitted in said P-D (87) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

1. A maximum of 11, 1 and 2-story apartment units and at least 17 off-street parking spaces as part of phase 1.
2. A maximum of 11, 1 and 2-story apartment units and at least 17 off-street parking spaces as a part of phase 2.
3. Accessory buildings and swimming pool as shown on the plan.

SECTION 3. ZONING MAP. Section Map 19-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) 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 April, 1971, by Councilman Smith, who moved its introduction and passage to print, which motion being duly seconded by Councilman Robinson, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Robinson, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST: W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By John R. Doney  
Planning Department

Ord. No. 1103-C.S.

FINAL ADOPTION CLAUSE


The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 17th day of May, 1971, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Newton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Newton, Simon, Smith,  
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Dixon

APPROVED

  
LEE H. DAVIES, Mayor

ATTEST:

  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: June 16, 1971

ORDINANCE NO. 1104 -C.S.

AN ORDINANCE AMENDING SECTION MAP 22-3-9  
OF THE ZONING MAP OF THE CITY OF MODESTO,  
RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON.  
( SAM T. UCCELLO)

WHEREAS, a verified application for an amendment to Section 22-3-9 of the Zoning Map was filed by Sam T. Uccello

on February 16, 1971, to reclassify from One-Family Residential Zone, R-1, to Two-Family Residential Zone, R-2, the hereinafter described property, and

WHEREAS, after public hearing held on March 16, 1971, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 71-35, adopted on March 16, 1971, the Planning Commission recommended to the Council that the application of Sam T. Uccello

to amend Section 22-3-9 of the Zoning Map to reclassify the hereinafter described property from One-Family Residential Zone, R-1, to Two-Family Residential Zone, R-2, be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing, this Council finds and determines that the requested rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource.

SECTION 2. ZONING CHANGE. Section 22-3-9 of the Zoning Map is hereby amended to reclassify the following described property from One-Family Residential Zone,

All that portion of Lot 23 of the Broughton Colony Tract, according to the map thereof filed in the office of the County Recorder of Stanislaus County, California, on March 17, 1904, in Volume 1 of Maps at Page 78, described as follows:

Commencing at the northwest corner of said Lot 23, said northwest corner being located on the east line of County Road along the north line of said Lot 23; thence East along the said north line of said Lot 23, a distance of 248.00 feet to the true point of beginning of this description; thence continuing East along the north line of said Lot 23 to the northwest corner of Gemini Manor, a subdivision recorded in Volume 21 of Maps at Page 27, Stanislaus County Records; thence South  $0^{\circ} 39' 45''$  East along the west line of Gemini Manor a distance of 125.00 feet; thence at right angles South  $89^{\circ} 20' 15''$  West a distance of 125.00 feet; thence North  $0^{\circ} 39' 45''$  West to a point that is 105.00 feet south of the north line of Lot 23; thence at right angles South  $89^{\circ} 20' 15''$  West a distance of 125.00 feet; thence at right angles South  $0^{\circ} 39' 45''$  East to a point that is 140.00 feet South of the north line of Lot 23; thence in a westerly direction along a line that is parallel to and 140.00 feet South of the north line of Lot 23 to a point that is 125.00 feet East of the east line, as described in deed to Bernice Della Willebrands, recorded in Volume 909 at Page 426, Official Records of Stanislaus County; thence North along a line that is parallel to and 125.00 feet East of the aforementioned line to a point that is 100.00 feet South of the north line of Lot 23; thence in a westerly direction along a line that is parallel to and 100.00 feet south of the north line of Lot 23, a distance of 125.00 feet to a point in the east line, as described in deed to Bernice Della Willebrands, recorded in Volume 909 at Page 426, Official Records of Stanislaus County; thence North along the east line of the deed described above, a distance of 100.00 feet to the point of beginning.

CONTAINING: 2.4 acres net

SECTION 3. ZONING MAP. Section 22-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) 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 April, 1971, by Councilman Newton, who moved its introduction and passage to print, which motion being duly seconded by Councilman Mitchell, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Robinson, Simon, Smith, Mayor Davies  
NOES: Councilmen: None  
ABSENT: Councilmen: None

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST: W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By John R. Lopez  
Planning Department

Ord. No. 1104-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 17th day of May, 1971, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Newton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Newton, Simon, Smith,  
Mayor Davies


NOES: Councilmen: None

ABSENT: Councilmen: Dixon

APPROVED

  
LEE H. DAVIES, Mayor

ATTEST:

  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: June 16, 1971

AN ORDINANCE AMENDING SECTION MAP 22-3-9 OF  
THE ZONING MAP OF THE CITY OF MODESTO PREZONING  
CERTAIN PROPERTY LOCATED THEREON. ( ARTHUR J. WYLIE JR.)

WHEREAS, a verified application for an amendment to  
Section 22-3-9 of the Zoning Map was filed by Arthur J.  
Wylie Jr. on February 1,  
19 71, to prezone to Two-Family Residential Zone,  
R-2, the hereinafter described property, and

WHEREAS, after public hearing held on March 16,  
19 71, it was found and determined by the Planning Commission  
that pre zoning of the property as requested is required by public  
necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 71-33, adopted on  
March 16, 19 71, the Planning Commission recommended to  
the Council that the application of Arthur J. Wylie Jr.  
to amend Section 22-3-9 of the Zoning  
Map to prezone the hereinafter described property to Two-Family  
Residential Zone, R-2, be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing,  
this Council finds and determines that the requested pre zoning is  
in accordance with the general plan and will serve the public health,  
safety and general welfare and provide the economic and social advan-  
tages resulting from orderly, planned use of land resource.

SECTION 2. ZONING CHANGE. Section 22-3-9 of the  
Zoning Map is hereby amended to prezone the following described  
property to Two-Family Residential Zone, R-2:

All that certain real property situate in portion of the Northwest Quarter of Section 22, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the County of Stanislaus, State of California, described as follows:

Beginning at the intersection of the centerline of Rose Avenue with the Easterly extension of the North line of Liberini Park No. 1 as shown on map of Liberini Park No. 1 recorded in Volume 21 of Maps, at Page 7, Stanislaus County Records; thence North 0° 37' West along the centerline of said Rose Avenue 371.98 feet; thence South 88° 55' 28" West 101.75 feet; thence North 1° 04' 32" West 123.01 feet; thence South 88° 55' 28" West 130.00 feet; thence South 89° 54' 15" West 521.82 feet; thence South 1° 34' 53" West 22.19 feet; thence South 89° 21' West 127.54 feet; thence North 0° 39' West 3.81 feet; thence South 89° 21' West 116.95 feet; thence North 0° 05' 45" West 28.68 feet; thence South 84° 37' 37" West 313.37 feet; thence South 0° 36' 56" East 140.00 feet; thence South 0° 25' 56" East 116.00 feet; thence North 89° 34' 04" East 105.00 feet; thence North 0° 25' 56" West 27.25 feet; thence North 89° 54' 15" East 964.22 feet; thence North 0° 37' West 26.14 feet; thence North 89° 23' East 119.00 feet; thence South 0° 37' East 269.23 feet; thence North 89° 54' 15" East 124.01 feet to the point of beginning.

CONTAINING: 7.74 Acres.

SECTION 3. ZONING MAP. Section 22-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) 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 April, 1971, by Councilman Mitchell, who moved its introduction and passage to print, which motion being duly seconded by Councilman Newton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Robinson, Simon, Smith, Mayor Davies  
NOES: Councilmen: None  
ABSENT: Councilmen: None

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST: W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

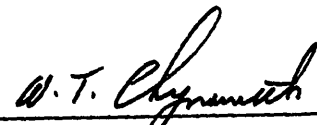
By John R. Day  
Planning Department

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 17th day of May, 1971, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Newton, was upon roll call carried and the ordinance adopted by the following vote:

- AYES: Councilmen: Dunlap, Elliott, Newton, Simon, Smith,  
Mayor Davies
- NOES: Councilmen: None
- ABSENT: Councilmen: Dixon

APPROVED   
LEE H. DAVIES, Mayor

ATTEST:   
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: June 16, 1971

AN ORDINANCE AMENDING THE PARKING METER ZONING MAP OF THE CITY OF MODESTO.

WHEREAS, Section 3-2.1501 of the Modesto Municipal Code provides that changes in the boundaries of the parking meter zones shall be made by ordinance adopting an amended Parking Meter Zoning Map, or section or unit thereof.

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

SECTION 1. PARKING METER ZONING MAP. The Parking Meter Zoning Map of the City of Modesto is hereby amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) 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 3rd day of May, 19 71, by Councilman Simon, who moved its introduction and passage to print, which motion being duly seconded by Councilman Smith, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, Newton, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST:

By W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 10th day of May, 1971, Councilman Simon moved its final adoption, which motion being duly seconded by Councilman Smith, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, Newton, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED   
LEE H. DAVIES, Mayor

ATTEST:   
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: June 9, 1971

AN ORDINANCE ANNEXING UNINHABITED TERRITORY  
KNOWN AS THE **EAST ORANGEBURG No. 4** ADDITION  
TO THE CITY OF MODESTO.

WHEREAS, a petition was filed with the City Clerk by Charles M. Gargotto, Alta M. Gargotto and R. W. Lowe

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on January 25, 19 71, to annex to the City of Modesto under the provisions of the Annexation of Uninhabited Territory Act of 1939, as amended, certain uninhabited territory, hereinafter described and designated as the East Orangeburg No. 4 ADDITION, situated in the County of Stanislaus, State of California, and contiguous to the City of Modesto, and

WHEREAS, the City Council by resolution adopted on the 15th day of March, 19 71, set said petition for hearing at the hour of 7:35 o'clock P.M. on the 10th day of May, 19 71, in the Council Chambers at the City Hall, 801 Eleventh Street in the City of Modesto, and

WHEREAS, it appears to said Council and the Council so finds that a copy of the resolution giving notice of the proposed annexation and fixing the time and place for hearing objections to the proposed annexation was published in newspapers of general circulation, to wit: The Modesto Bee, a newspaper published in the City of Modesto on March 18, 19 71, and on March 25, 19 71; and in The Ceres Courier, a newspaper published outside the City of Modesto, but in the County of Stanislaus, on March 25, 19 71, and on April 1, 19 71, for the time and in the manner required by law, which publications were completed at least twenty (20) days prior to the date set for hearing; that written notice of the proposed annexation has been mailed by the City Clerk of the City of Modesto to each person to whom land within the territory proposed to be annexed was assessed on the last equalized assessment roll available on the date the proceedings were initiated, at the address as shown thereon, or as known to said Clerk, and to any person who has filed his name and address and the designation of the lands in which he has any interest, either legal or equitable, with said Clerk, which notices were mailed not less than twenty (20) days before the date set for public hearing, and that all the requirements of the Annexation

of Uninhabited Territory Act of 1939, as amended, have been complied with, and

WHEREAS, the Stanislaus County Local Agency Formation Commission did on January 20, 1971, approve the annexation of said uninhabited territory to the City of Modesto, pursuant to the Government Code, and

WHEREAS, on the 10th day of May, 1971, at the hour of 7:35 o'clock P.M., in the Council Chambers at the City Hall, 801 Eleventh Street in the City of Modesto, County of Stanislaus, State of California, the Council of the City of Modesto did hear and pass upon all protests made to the proposed annexation and did determine that protests had not been made by the owners of one-half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll, nor by public and private owners of one-half of the value of the territory proposed to be annexed as determined by said Council, and

WHEREAS, said territory is contiguous to the City of Modesto and is uninhabited territory in the County of Stanislaus,

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

SECTION 1. The territory hereinafter described is hereby annexed to and made a part of the City of Modesto.

SECTION 2. The area or territory so annexed, designated as the East Orangeburg No. 4 ADDITION, is uninhabited territory within the meaning of the Annexation of Uninhabited Territory Act of 1939, as amended, and is more particularly described as attached hereto and made a part hereof as though set forth in full herein.

SECTION 3. No change in school district boundaries shall be effected by reason of the annexation of the hereinafter described area to the City of Modesto.

SECTION 4. Said territory shall be subject to municipal taxes to pay any indebtedness or liability of the City of Modesto authorized or existing at the time of the adoption of this ordinance.

SECTION 5. The City Clerk is hereby authorized and directed to prepare a certified copy of this ordinance under seal, giving the date of its passage and transmit the same to the Secretary of State of the State of California

as required by the provisions of Section 35316 of the Government Code of the State of California.

SECTION 6. The City Clerk is hereby authorized and directed to comply with the provisions of Sections 34080, 34081 and 54900 through 54904, both inclusive, of the Government Code of the State of California relating respectively to the filing of an affidavit of completion of annexation proceedings and the filing of a statement of change of boundary.

SECTION 7. Pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall become effective immediately upon its adoption.

SECTION 8. This ordinance shall be published in full at least once 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 10th day of May, 1971, by Councilman Smith, who moved its adoption and passage to print, which motion being duly seconded by Councilman Simon, was upon roll call carried and ordered printed and published by the following vote:

AYES:	Councilmen:	Dixon, Dunlap, Elliott, Newton, Simon, Smith, Mayor Davies
NOES:	Councilmen:	None
ABSENT:	Councilmen:	None

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST:  
By W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:  
By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:  
By R. C. Hayward  
Public Works Department

All that real property in the State of California, County of Stanislaus, being a portion of the Northwest quarter of the Northwest quarter of Section 22, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, also being a portion of Lot 5 of the Broughton Colony as per map filed March 17, 1904, in Volume 1 of Maps, Page 78, Stanislaus County Records, described as follows:

Beginning at a point on the existing City Limits as established by a Southeastern corner of the MEMORIAL HOSPITAL NORTH ADDITION (261), as per description filed November 4, 1970, as Instrument 36348, Stanislaus County Records, said point being the quarter corner common to Sections 21 and 22; thence along the section line common to Sections 21 and 22 and on the Eastern boundary of said Addition (261), North  $0^{\circ} 27' 00''$  West, 329.91 feet, to the Westerly extension of the South line of the GARDEN ACRES TRACT, as per map filed November 18, 1940, in Volume 14 of Maps, Page 9, Stanislaus County Records; thence along said extension and the Southern line of said Garden Acres Tract and its Easterly extension, North  $89^{\circ} 55' 35''$  East, 1314.12 feet, to the Eastern line of Lot 5 of the Broughton Colony; thence along said Eastern line, South  $0^{\circ} 36' 14''$  East, 329.31 feet, to the Northeastern corner of the LIBERINI ADDITION (170), as per description filed January 1, 1965, as Instrument 1768, Stanislaus County Records; thence along the existing City Limits on the Northern boundary of said Addition (170), South  $89^{\circ} 54' 00''$  West, 328.01 feet, to the Northeastern corner of the DOWNEY PARK NO. 2 ADDITION (188), as per description filed May 3, 1966, as Instrument 15774, Stanislaus County Records; thence along said City Limits on the Northern boundary of said Addition (188), South  $89^{\circ} 54' 00''$  West, 550.99 feet, to the Northeastern corner of the EAST ORANGEBURG-COFFEE ADDITION (262), as per description filed November 3, 1970, as Instrument 36116, Stanislaus County Records; thence continuing along said City Limits on the Northern boundary of said Addition (262), South  $89^{\circ} 54' 00''$  West, 436.00 feet, to the point of beginning, containing 9.947 Acres, more or less.

AN ORDINANCE AMENDING SECTION 9-6.04 OF CHAPTER  
6 OF TITLE IX OF THE MODESTO MUNICIPAL CODE  
RELATING TO SIGN REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Section 9-6.04 of Chapter 6 of  
Title IX of the Modesto Municipal Code is hereby amended to read as  
follows:

SEC. 9-6.04. ADMINISTRATION. (a) Duty to Enforce.  
It is the duty of the Chief Building Official to  
enforce all of the provisions of this chapter.

(b) Inspection. Every sign erected in the City  
of Modesto shall be subject to inspection by the  
Chief Building Official to assure compliance with all  
provisions of this chapter and all other laws and  
ordinances of the City. Signs incorporating electrical  
wiring shall be inspected and approved by the Chief  
Building Official prior to erection, unless such  
sign bears the seal of approval of the National  
Board of Fire Underwriters.

(c) Compliance with Chapter; Nuisance; Abatement.  
The Council hereby determines that the public peace,  
safety, morals, health and welfare, require that all  
signs heretofore constructed or erected in violation  
of any law or ordinance of the City of Modesto in  
effect at the time such sign was constructed or erected,  
be and they are hereby made subject to the provisions  
of this chapter, and shall conform and comply with  
such requirements forthwith and that all signs which  
shall not so conform and comply and all signs which  
shall hereafter be constructed or erected in violation  
of the provisions of this chapter shall be and they  
are hereby declared public nuisances to be removed  
and abated in the manner provided herein.

(d) Permits Required. It shall be unlawful  
for any person to erect, alter, other than change  
in copy, or relocate within the City any sign as  
defined in this chapter without first obtaining  
a permit from the Chief Building Official and making  
payment of the fee required in subsection (i) of  
this section; except that the following listed signs  
are not required to have permits or pay permit fees,  
but shall meet all other requirements of this chapter:

Construction Signs  
For Sale or Rent Signs  
Name Plates  
Political Signs permitted by Section 9-6.07(a)(6)(aa)  
of this Code

(e) Application for Permit. Application for  
sign permits shall be made upon forms provided by  
the Chief Building Official, and shall contain or have  
attached thereto the following information and material:

(1) Name, address and telephone number of the owner of the property.

(2) Name, address and telephone number of the applicant (owner of the sign).

(3) Name, address and telephone number of the sign contractor.

(4) Location of building, structure or lot to which, or upon which, the sign is to be attached or erected.

(5) Two (2) copies of plan showing:

(aa) Position of sign in relation to adjacent buildings or structures.

(ab) The design and size, structural details and calculations, and proposed location on the premises of such sign.

(ac) For identification signs, a statement showing the type, size and dimensions of all signs existing on the premises at the time of making such application.

(ad) For canopy or wall identification signs, a statement designating the principal frontage of the building or structure upon which the sign is to be located.

(6) Such other information as the Chief Building Official shall require, to show full compliance with this chapter, and all other laws and ordinances of the City of Modesto.

(7) The Chief Building Official may waive the requirement for plans to be filed for small, unimportant or temporary signs, and for previously approved standard plans for sign supports provided the application is otherwise in compliance with conditions of approval of the standard plan.

(f) Permit Issued if Application in Order. It shall be the duty of the Chief Building Official, upon the filing of an application for a sign permit, to investigate same, and if it shall appear that the proposed sign is in compliance with all the requirements of this chapter and all other laws and ordinances of the City, he shall then issue the sign permit. If the work authorized under a sign permit has not been completed within six (6) months after date of issuance, the said permit shall become null and void.

(g) Signs Falling Within Definition of One or More Type Signs. Whenever any sign, as defined in this chapter, falls entirely within the definitions of one or more type signs, it shall be subject to the provisions of the most restrictive category.

(h) Permit Issued In Error. If a sign permit is issued in error by the Chief Building Official and the sign does not comply with all of the requirements of this chapter and all other laws and ordinances of the City, the sign permit shall be null and void and no rights or privileges shall be conferred upon the permittee by said permit. The Chief Building Official shall include or cause to be included on the sign permit for all signs a notice that the issuance of the permit does not grant any right or privilege to erect or install any sign which is in violation of this chapter or of any other laws or ordinances of the City.

(i) Permit Fees. Each application for a sign for which a permit is required by this chapter shall be accompanied by a sign permit fee as set forth below. The below listed fees are in addition to the fees prescribed in, and payable under the Building and Electrical Codes of the City of Modesto.

~~(1) Painted Wall Signs. One-cent-per-square-foot-of-area-of-the-sign, provided that the minimum-fee-shall-be-one-and-no/100ths-(\$1.00)-Dollar-and-the-maximum-fee-shall-be-Two-and-no/100ths-(\$2.00)-Dollars.~~

The fee shall be Two and no/100ths (\$2.00) Dollars.

~~(2) All Other Signs. Two-and-one-half-(\$0.25)-cents-per-square-foot-of-area-of-the-sign, provided-that-the-minimum-fee-shall-be-one-and-no/100ths-(\$1.00)-Dollar-and-the-maximum-fee-shall-be-Five-and-no/100ths-(\$5.00)-Dollars.~~

The fee shall be Five and no/100ths (\$5.00) Dollars.

The required fees shall be double the above amounts for any sign erected prior to the securing of a sign permit when a sign permit is required.

(j) Maintenance of Signs. The owner of any sign as defined and regulated by this chapter, including supporting structures, shall keep the same in a presentable condition at all times. All painted signs, and all supporting structures of any sign, shall be repainted whenever such action is requested in writing by the Chief Building Official to keep them in good condition.

(k) Unsafe and Unlawful Signs. If the Chief Building Official shall find that any sign regulated herein is unsafe or insecure, or is a menace to the public, or is in a dilapidated, decayed or neglected state, or has been constructed or erected or is being maintained in violation of the provisions of this chapter, he shall give written notice to the permittee or owner thereof. If the permittee or owner fails to remove or alter the structure so as to comply with the standards herein set forth, within ten (10) days after such notice, such sign may be removed or altered to comply by the Chief Building Official and any expense incidental thereto shall be paid by the permittee or owner of the property upon which it is located. No permit shall be issued thereafter to any permittee or owner who has not paid the costs so assessed. The Chief Building Official may cause any sign which is in an immediate peril to persons or property to be removed summarily and without notice.

(1) Removal of Certain Signs. Any sign now or hereafter existing which no longer advertises a bona fide business conducted, or a product available for purchase by the public, shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which such sign may be found within ten (10) days after written notification from the Chief Building Official, and upon failure to comply with such notice within the time specified in such order, the Chief Building Official is hereby authorized to cause removal of such sign, and any expense incidental thereto shall be paid by the owner of the building or structure to which such sign is attached, or if the sign is not attached to a building, by the owner of said sign.

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

**SECTION 3. PUBLICATION.** This ordinance shall be published in full at least once at least three (3) 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 17th day of May, 1971, by Councilman Simon, who moved its introduction and passage to print, which motion being duly seconded by Councilman Newton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Newton, Simon, Smith,  
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Dixon

APPROVED: Lee H. Davies

LEE H. DAVIES, Mayor

APPROVED AS TO FORM:

BY Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

ATTEST:

BY W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

Ord. No. 1108-C.S.

FINAL ADOPTION CLAUSE


The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 24th day of May, 1971, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Newton, Simon, Smith,  
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Dixon

APPROVED   
LEE H. DAVIES, Mayor

ATTEST:   
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: June 23, 1971

ORDINANCE NO. 1109 - C. S.

AN ORDINANCE AMENDING SECTION 9-3.106 OF CHAPTER 3 OF TITLE IX OF THE MODESTO MUNICIPAL CODE, RELATING TO THE ELECTRICAL CODE.

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

SECTION 1. AMENDMENT OF CODE. Section 9-3.106 of Chapter 3

of Title IX of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 9-3.106. FEES FOR PERMITS AND INSPECTION. That Section 3 of the Uniform Electrical Code be amended to read as follows:

Section 3. Any person desiring an electrical permit shall, at the time of filing an application therefor, pay a fee as required in this section.

For issuing permits, each .....	\$3.00
For work not covered on the original permit, supplementary issuing fee .....	\$1.00
For services, 600 volts or less, not over 200 A, each .....	\$2.00
For services, 600 volts or less, not over 400 A, each .....	\$4.00
For services, 600 volts or less, not over 600 A, each .....	\$6.00
For services, 600 volts or less, not over 800 A, each .....	\$8.00
For services, 600 volts or less, above 800 A - For the first 800 A .....	\$8.00
For each added 100 A .....	\$1.00
For services, above 600 volts, each .....	\$10.00
For wiring outlets at which current is used or controlled except services, sub-feeders and meter outlets:	
First 20, each .....	\$ .20
For each additional unit exceeding 20 .....	\$ .10
For each 5 feet or fraction thereof of multi outlet assembly .....	\$ .10
For each 5 feet or fraction thereof of floor duct, bus duct or trolley duct .....	\$ .20
For each branch circuit .....	\$ .10
For fixtures, sockets or other lamp holding devices located more than 18" apart:	
First 20, each .....	\$ .20
For each additional unit exceeding 20 .....	\$ .10
For fixtures, sockets or other lamp holding devices located less than 18" apart, including wiring for same, each .....	\$ .05
For each motor:	
Not over 1 HP .....	\$1.00
Over 1 HP and not over 3 HP .....	\$1.50
Over 3 HP and not over 8 HP .....	\$2.00
Over 8 HP and not over 15 HP .....	\$2.50
Over 15 HP and not over 50 HP .....	\$3.00
Over 50 HP and not over 100 HP .....	\$6.00
Over 100 HP and not over 500 HP .....	\$10.00
Over 500 HP .....	\$10.00
Plus .10 per HP or KVA over 500 HP	

For each generator, transformer, rectifier or welder the fee shall be the same as that for a motor considering each KVA capacity as one horsepower.

For each motor generator set or frequency changer, the fee charged shall be 100% greater than for the motor alone.

For each high intensity discharge lamp (including transformer) and equipment:	
For first fixture .....	\$1.00
For each additional fixture .....	\$ .50
For each projection machine, dissolver, etc.....	\$2.50
For each range, water heater or clothes dryer installation .....	\$1.00
For each stationary cooking unit, oven, garbage disposer, dishwasher, automatic washer, fixed motor operated appliance not exceeding 1/2 horsepower in rating .....	\$ .50
For all other heat installations, resistance or infra red, etc. per K. W. ....	\$ .10
For each electric sign, 25 lamps or less .....	\$1.50
For each electric sign, 26 lamps and over .....	\$2.00
For each electric sign or outline lighting installation, luminous gas type with 1 to 4 transformers .....	\$2.00
Additional transformers, each .....	\$ .50
For each x-ray unit and its appurtenances .....	\$2.50
For single-family dwelling units in H & I occupancies on new construction work, the following flat rate shall apply; this will include service, all outlets, range, dryer and any other miscellaneous circuits .....	\$1.10 per 100 sq. ft.
For each extra inspection made necessary by defective workmanship or materials .....	\$7.50
For the inspection of any electrical equipment for which no fee is herein prescribed for the time consumed per hour .....	\$10.00
With minimum charge 1/2 hour or less .....	\$ 5.00

Any person who shall commence any electrical work for which a permit is required by this Code without first having obtained a permit therefor shall, if subsequently granted a permit, pay an additional fee equal to double the permit fee, but such additional fee shall not exceed \$25.00 for any single permit, fixed by the section for such work provided that this provision shall not apply to emergency work when it shall be proved to the satisfaction of the Chief Electrical Inspector that such work was urgently necessary and that it was not practical to obtain a permit therefor before the commencement of work. In all such cases, a permit must be obtained as soon as it is practical to do so, and if there be an unreasonable delay in obtaining such a permit a double fee as herein provided shall be charged.

A fee of \$10.00 shall be paid for each annual Maintenance Electrician's permit at the time when such permit is issued. Fees for all new work installed under such a permit since the date of the last previous inspection shall be paid, according to the above schedule, at the time when such work is inspected; these fees shall be in addition to the fee paid at the time when the annual permit is issued.

No electrical permit fee shall be required for the issuance of an electrical permit to any governmental agency.

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

**SECTION 3. PUBLICATION.** This ordinance shall be published in full at least once at least three (3) 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 17th day of May, 1971, by Councilman Smith, who moved its introduction and passage to print, which motion being duly seconded by Councilman Simon, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Newton, Simon, Smith,  
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Dixon

APPROVED: *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST:

By *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

Ord. No. 1109-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 24th day of May, 1971, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Newton, Simon, Smith,  
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Dixon

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: June 23, 1971

AN ORDINANCE AMENDING SECTION 9-2.111 OF CHAPTER 2 OF TITLE IX OF THE MODESTO MUNICIPAL CODE, RELATING TO THE PLUMBING CODE.

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

SECTION 1. AMENDMENT OF CODE. Section 9-2.111 of Chapter 2 of Title IX of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 9-2.111. COST OF PERMITS. That Section 1.12 of said Plumbing Code be amended to revise the schedule of fees to read as follows:

Schedule of fees

For issuing each permit .....	\$ 3.00
In addition -	
For each plumbing fixture or trap or set of fixtures on one trap (including water, drainage piping and backflow protection therefor) .....	\$ 1.50
For each building sewer and each trailer park sewer .....	\$ 5.00
Rainwater systems - per drain .....	\$ 2.00
For each cesspool .....	\$ 5.00
For each private sewage disposal system.....	\$10.00
For each water heater and/or vent .....	\$ 1.50
For each gas piping system of one (1) to five (5) outlets .....	\$ 1.50
For each gas piping system of six (6) or more, per outlet.....	\$ .30
For each industrial waste pre-treatment interceptor, including its trap and vent, excepting kitchen type grease interceptors functioning as fixture traps .....	\$ 1.00
For installation, alteration or repair of water piping and/or water treating equipment .....	\$ 1.50
For each lawn sprinkler system on any one meter including backflow protection devices therefor ..	\$ 2.00
For vacuum breakers or backflow protective devices on tanks, vats, etc. or for installation on unprotected plumbing fixtures including necessary water piping - one (1) to five (5) ....	\$ 2.00
Over five (5), each .....	\$ .30

No plumbing permit fee shall be required for the issuance of a plumbing permit to any governmental agency.

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

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) 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 17th day of May, 1971, by Councilman Smith, who moved its introduction and passage to print, which motion being duly seconded by Councilman Simon, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Newton, Simon, Smith,  
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Dixon

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST:

By W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

Ord. No. 1110-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 24th day of May, 1971, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Newton, Simon, Smith,  
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Dixon

APPROVED Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST: W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: June 23, 1971

AN ORDINANCE AMENDING SECTION 9-7.108 OF CHAPTER 7 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO THE MECHANICAL CODE.

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

SECTION 1. AMENDMENT OF CODE. Section 9-7.108 of Chapter 7 of Title IX of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 9-7.108. PERMIT FEES. That Section 304 of said Mechanical Code be amended to add subsection 22 thereto to read as follows:

22. No heating and/or comfort cooling permit fee shall be required for the issuance of such a permit to any governmental agency.

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

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) 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 17th day of May, 1971, by Councilman Smith, who moved its introduction and passage to print, which motion being duly seconded by Councilman Simon, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Newton, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Dixon

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST:

By W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

Ord. No. 1111-C.S.


FINAL ADOPTION CLAUSE


The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 24th day of May, 1971, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Newton, Simon, Smith,  
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Dixon

APPROVED   
LEE H. DAVIES, Mayor

ATTEST:   
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: June 23, 1971

AN ORDINANCE AMENDING SECTION MAP 22-3-9 OF  
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (DR. ZANE GARD)

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

SECTION 1. ZONING CHANGE. Section 22-3-9 of the Zoning Map is hereby amended to reclassify the following-described property from One-Family Residential Zone, R-1, and Two-Family Residential Zone, R-2, to Planned-Development Zone, P-D(88):

All that portion of Lot 13 of the Broughton Colony as shown on the map filed in Volume 1 of Maps at Page 78, Stanislaus County Records lying in the northwest quarter of Section 22, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the intersection of the west line of said Section 22 with the westerly prolongation of the north line of said Lot 13; thence North 89° 53' 05" East along said north line of Lot 13 and its westerly prolongation thereof, a distance of 887.18 feet to its intersection with the centerline of Granada Way, a 50.00 foot wide public street and the true point of beginning of this description; thence continuing North 89° 53' 05" East along said north line of Lot 13 a distance of 428.06 feet to the northeast corner thereof; thence South 0° 32' 07" East along the east line of said Lot 13 a distance of 329.76 feet to the southwest corner of the North half of said Lot 13; thence South 89° 53' 36" West along the south line of the North half of said Lot 13 a distance of 170.97 feet to the east line of Parcel 3 as shown on the map filed in Volume 3 of Parcel Maps at Page 121, Stanislaus County Records; thence North 0° 06' 24" West along said east line of Parcel 3 a distance of 130.22 feet; thence South 89° 53' 36" West a distance of 122.20 feet; thence in a westerly direction along a curve concave to the southeast thru a central angle of 21° 42' 56", having a radius of 250.00 feet, a curve distance of 94.75 feet; thence North 21° 49' 20" West along a radial line a distance of 72.19 feet; thence in a northerly direction along a curve concave to the East thru a central angle of 21° 19' 40", having a radius of 250.00 feet, a curve distance of 93.06 feet; thence North 0° 29' 40" West a distance of 59.34 feet to the point of beginning.

Containing 2.443 acres gross.

SECTION 2. USES. The following uses shall be permitted in said P-D(88) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

1. Six 4-unit apartment buildings on the north side of Kruger Drive.
2. Thirty-five covered carports and one small car space serving the above 24 units.
3. One single-family residence and 2 attached 2-car garages plus 1 duplex structure with one attached 2-car garage located at the southeast corner of Crestwood and Kruger Drive. These three dwelling units may be combined under one roof to form one triplex structure.

SECTION 3. ZONING MAP. Section Map 22-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) 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 17th day of May, 1971, by Councilman Smith, who moved its introduction and passage to print, which motion being duly seconded by Councilman Newton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Newton, Simon, Smith,  
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Dixon

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST: W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By William Nichols  
Planning Department

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 21st day of June, 1971, Councilman Simon moved its final adoption, which motion being duly seconded by Councilman Smith, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Elliott, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Dixon, Dunlap, Newton

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: July 21, 1971

AN ORDINANCE ADOPTING A SPECIFIC PLAN FOR THE RIGHT- OF-WAY OF BRIGHTON AVENUE BETWEEN ENCINA AVENUE AND YOSEMITE BOULEVARD, ALONG THE ROSINA AVENUE RIGHT-OF-WAY, IN THE CITY OF MODESTO.

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

SECTION 1. NECESSITY FOR ESTABLISHMENT OF RIGHT-OF-WAY FOR BRIGHTON AVENUE. The Modesto Urban Area General Plan provides for the development of Brighton Avenue as a major street to extend southerly from its intersection with Coffee Road. Therefore, to conserve the public interest and assure the public safety and welfare, it is necessary to adopt a specific plan to establish an appropriate alignment for Brighton Avenue and to protect the future right-of-way from encroachment by permanent physical improvements, the existence of which would make unnecessarily difficult or make impractical the creation of Brighton Avenue as a major street to serve the public needs, safety and welfare.

SECTION 2. ADOPTION OF SPECIFIC PLAN. That certain specific plan for the right-of-way of Brighton Avenue between Encina Avenue and Yosemite Boulevard, along the Rosina Avenue right-of-way, in the City of Modesto titled "Specific Plan for Right-of-Way, Brighton Avenue, Encina Avenue to Yosemite Boulevard, along Rosina Avenue Right-of-Way", consisting of two (2) pages, is hereby adopted. Copies of said specific plan are on file in the offices of the City Clerk and the Director of Public Works, and by this reference made a part hereof as though set forth in full herein.

SECTION 3. DESCRIPTION OF RIGHT-OF-WAY. The right-of-way of Brighton Avenue between Encina Avenue and Yosemite Boulevard, along the Rosina Avenue right-of-way, in the City of Modesto is described on the attached Exhibit "A", and by this reference made a part hereof as though set forth in full herein.

SECTION 4. USE OF BUILDING LINE SETBACKS. Within the right-of-way adopted by this ordinance, it shall be unlawful to erect buildings of any kind, or to erect any structure, including, but not confined to, advertising structures or solid walls; or to establish any well, whether for water, oil or other hydrocarbon products, or to make excavations or install any subsurface structure except those subsurface structures permitted by the Building Code; provided such prohibition shall not apply to trees, agricultural crops, open fences, or public utilities installed under authority of law, or any buildings, structure, well excavation or subsurface structure existing on the effective date of this ordinance,

or to signs, canopies or marquees permitted by the Municipal Code.

SECTION 5. FRONT YARD AND SIDE YARD SETBACKS. Front yard and side yard setbacks shall be observed for new construction adjacent to the right-of-way of Brighton Avenue between Encina Avenue and Yosemite Boulevard, along the Rosina Avenue right-of-way, in the City of Modesto, as adopted by this ordinance, in accordance with the requirements of the zoning classification in which the property is located. Front yards shall be measured in accordance with Section 10-2.1608 of the Modesto Municipal Code.

SECTION 6. VARIANCES. When practical difficulties, unnecessary hardships, or results inconsistent with the general purpose of this ordinance result through the strict and literal interpretation and enforcement of the provisions hereof, the Board of Zoning Adjustment shall have authority, as an administrative act, subject to the provisions of this ordinance, to grant, upon such conditions as it may determine, such variances from the provisions of this ordinance as may be in harmony with its general purpose and intent, so that the spirit of this ordinance shall be observed, public safety and welfare secured and substantial justice done.

SECTION 7. SEVERABILITY. If any section, subsection, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance; it being hereby expressly declared that this ordinance, and each section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, adopted, approved and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 8. VIOLATIONS AND PENALTIES. Any person, firm, association or corporation who, either as principal, owner, agent, servant or employee violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding One Thousand and no/100ths (\$1,000.00) Dollars, or by imprisonment in the County Jail of Stanislaus County, California, for a period not exceeding one year, or by both such fine and imprisonment.

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

The imposition of one penalty for any violation of this ordinance shall not excuse the violation, or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time.

SECTION 9. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 10. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at an adjourned regular meeting of the Council of the City of Modesto held on the 19th day of May, 1971, by Councilman Dixon, who moved its introduction and passage to print, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Dunlap, Newton, Smith  
NOES: Councilmen: None  
ABSENT: Councilmen: Elliott, Simon, Mayor Davies

APPROVED: *G. Dale Smith*  
G. DALE SMITH, Vice Mayor

ATTEST:  
By *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:  
By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:  
By *R. A. Rosewood*  
Public Works Department

*R.M.*  
*6-2-71*

EXHIBIT A

BRIGHTON AVENUE

Specific Plan for Right of Way, Yosemite Boulevard to Encina Avenue along the Rosina Avenue Right of Way.

A right of way forty-five (45.00) feet on the West of the established center line and varying in width from thirty-five (35.00) feet to forty-five (45.00) feet East of the established center line, described as follows:

Beginning at a point on the Southern line of Section 27, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, said point being on the center line of a public road known as Yosemite Boulevard, said point also being South  $89^{\circ} 50' 00''$  East, 192.79 feet from the center line of a 60.00 foot public road known as Rosina Avenue as shown on the map of the Covena Park Tract No. 2 as filed April 16, 1946, in Volume 14 of Maps, Page 49, Stanislaus County Records; thence along the center line of a 90.00 foot right of way, North  $00^{\circ} 42' 00''$  West, 60.68 feet; thence along a tangent curve concave to the Southwest, having a Radius of 500.00 feet, a Central Angle of  $29^{\circ} 40' 41''$  and an Arc Length of 258.99 feet, to its point of tangency on a line, from which point a radial line bears South  $59^{\circ} 37' 19''$  West; thence along said tangent line, North  $30^{\circ} 22' 41''$  West, 104.19 feet; thence along a tangent curve concave to the Northeast, having a Radius of 500.00 feet, a Central Angle of  $29^{\circ} 40' 41''$  and an Arc Length of 258.99 feet, to its point of tangency on a line which is parallel with and 10.00 feet, measured at right angles, Easterly from the center line of the above mentioned Rosina Avenue; thence along said last mentioned tangent line, North  $00^{\circ} 42' 00''$  West, 677.90 feet; thence along a right of way 45.00 feet West of and 35.00 feet East of the established center line described as follows, North  $00^{\circ} 42' 00''$  West, 938.64 feet; thence along a right of way 45.00 feet West of and 41.00 feet East of the established center line described as follows, North  $00^{\circ} 42' 00''$  West, 345.00 feet, to the Northern line of Encina Avenue as shown on the map of Covena Park Tract No. 2 and the end of this description.

Ord. No. 1113-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 7th day of June, 1971, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Simon, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Elliott, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Dunlap, Newton

APPROVED

*Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST:

*W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: July 7, 1971

AN ORDINANCE AMENDING SECTION MAP 31-3-9  
OF THE ZONING MAP OF THE CITY OF MODESTO,  
RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON.  
(BYRON LANE COURTS)

WHEREAS, a verified application for an amendment to Section 31-3-9 of the Zoning Map was filed by Byron Lane Courts

on March 15, 1971, to reclassify from One-Family Residential Zone, R-1, to Two-Family Residential Zone, R-2, the hereinafter described property, and

WHEREAS, after public hearing held on April 20, 1971, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 71-50, adopted on April 20, 1971, the Planning Commission recommended to the Council that the application of Byron Lane Courts

to amend Section 31-3-9 of the Zoning Map to reclassify the hereinafter described property from One-Family Residential Zone, R-1, to Two-Family Residential Zone, R-2, be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing, this Council finds and determines that the requested rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource.

SECTION 2. ZONING CHANGE. Section 31-3-9 of the Zoning Map is hereby amended to reclassify the following described property from One-Family Residential Zone,

All that portion of Lot 5 of the Spencer Colony as shown on the map filed in Volume 2 of Maps at Page 3, Stanislaus County Records, lying in the northeast quarter of Section 31, Township 3 South, Range 9 East, Mount Diablo Base and Meridian described as follows:

Commencing at the north quarter corner of Section 31, Township 3 South, Range 9 East, Mount Diablo Base and Meridian; thence South  $0^{\circ} 30'$  East a distance 664.32 feet to the northwest corner of said Lot 5; thence South  $89^{\circ} 55' 37''$  East along the north line of said Lot 5 a distance of 160.00 feet to the northeast corner of the property conveyed to C. Y. Maddox, et al, by deed recorded July 14, 1947, Instrument No. 18996, and the true point of beginning; thence continuing South  $89^{\circ} 55' 37''$  East along the north line of Lot 5 a distance of 577.85 feet to a point in the northwesterly right-of-way line of Modesto Irrigation District Lateral No. 5; thence through a curve concave to the east from a tangent bearing South  $05^{\circ} 12' 08''$  West, having a central angle of  $8^{\circ} 46' 31''$  and a radius of 420.00 feet and a curve length of 64.33 feet to a point; thence South  $3^{\circ} 34' 23''$  East a distance of 361.03 feet to a point 20.00 feet distant northerly at right angles to south line of said Lot 5; thence South  $89^{\circ} 55' 37''$  West a distance of 495.73 feet to a point; thence North  $0^{\circ} 30'$  West a distance of 163.55 feet; thence South  $89^{\circ} 55' 37''$  West a distance of 260.00 feet to the centerline of Emerald Avenue; thence North  $0^{\circ} 30'$  West along the centerline of Emerald Avenue 60.00 feet to a point; thence North  $89^{\circ} 55' 37''$  East a distance of 158.00 feet to a point; thence North  $0^{\circ} 30'$  West a distance of 101.00 feet; thence North  $89^{\circ} 55' 37''$  East a distance of 2.00 feet; thence North  $0^{\circ} 30'$  West a distance of 100.00 feet to the point of beginning.

CONTAINING: 5.6 acres gross.

SECTION 3. ZONING MAP. Section 31-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) 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 24th day of May, 1971, by Councilman Dixon, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, Newton, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST: W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By William J. Nichols  
Planning Department

Ord. No. 1114-C.S.

FINAL ADOPTION CLAUSE


The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 14th day of June, 19 71, Councilman Newton moved its final adoption, which motion being duly seconded by Councilman Smith, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Newton, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Dixon, Simon

APPROVED   
LEE H. DAVIES, Mayor

ATTEST:   
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: July 14, 1971

AN ORDINANCE AMENDING SECTION MAP 27-3-9 OF  
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (O.F.C. PROPERTIES)

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

SECTION 1. ZONING CHANGE. Section 27-3-9 of the Zoning Map is hereby amended to reclassify the following-described property from Multiple-Family Residential Zone, R-3, to Planned-Development Zone, P-D (90):

Parcel No. 1:

All that portion of Lot 38 of the Broughton Colony Tract, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on March 17, 1904, in Volume 1 of Maps, at Page 78, described as follows:

Beginning at the Southwest corner of said Lot 38; thence North along the West line of said Lot 38, a distance of 408 feet, more or less, to the Southwest corner of the property conveyed to Calvary Lutheran Church of Modesto, a corporation, by deed dated June 11, 1956, and recorded July 11, 1956, in Volume 1374 of Official Records, at Page 392, as Instrument No. 19033; thence Easterly along the South line of said Calvary Lutheran Church of Modesto property, a distance of 225 feet; thence Southerly 341 feet, more or less, to a point on the South line of said Lot 38 which point bears Northeasterly, measured along the South line of said Lot 38, a distance of 235 feet from the point of beginning; thence Southwesterly along the Southerly line of said Lot 38, a distance of 235 feet to the point of beginning.

Parcel No. 2:

All that portion of Lot 38 of the Broughton Colony Tract, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on March 17, 1904 in Volume 1 of Maps, at page 78, described as follows:

Beginning at a point which bears Northeasterly, measured along the South line of said Lot 38, a distance of 235 feet from the Southwest corner of said Lot 38, and being the Southeast corner of Parcel No. 1, hereinabove described; thence Northerly, 114 feet along the Easterly line of said Parcel No. 1; thence Southeasterly, 110 feet, more or less, to a point on the South line of said Lot 38, which point bears Northeasterly, measured along the South line of said Lot 38, a distance of 24 feet from the point of beginning; thence Southwesterly along the Southerly line of said Lot 38, a distance of 24 feet to the point of beginning.

Including also the northerly 25 feet of Scenic Drive immediately adjacent to the above described Parcel No. 1 and Parcel No. 2.

SECTION 2. USES. The following uses shall be permitted in said P-D (90) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

1. 44, 2-story multiple-family dwelling units.
2. At least 66 parking spaces - at least 44 spaces of which shall be covered.
3. A recreation building and swimming pool.

SECTION 3. ZONING MAP. Section Map 27-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) 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 24th day of May, 1971, by Councilman Newton, who moved its introduction and passage to print, which motion being duly seconded by Councilman Smith, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Elliott, Dunlap, Newton, Simon, Smith, Mayor Davies  
NOES: Councilmen: None  
ABSENT: Councilmen: Absent

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST: W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By William J. Nichols  
Planning Department

Ord. No. 1115-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 14th day of June, 1971, Councilman Newton moved its final adoption, which motion being duly seconded by Councilman Smith, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Newton, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Dixon, Simon

APPROVED

*Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST:

*W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: July 14, 1971

AN ORDINANCE AMENDING SECTIONS 10-2.501 AND 10-2.807 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO ZONING REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Sections 10-2.501 and 10-2.807 of Chapter 2 of Title X of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 10-2.501 PERMITTED USES. In an R-1 Zone only the following uses are permitted as are hereinafter specifically provided and allowed:

(a) One-family dwelling.

(b) The following uses upon the securing of a conditional use permit from the Board of Zoning Adjustment in accordance with Article 20 of this chapter:

(1) Church; wedding chapel.

(2) Child day care for more than six (6) children, in addition to members of the family.

(3) Rest home.

(4) Public buildings or grounds operated by any governmental agency.

(5) Public utilities or utilities operated by mutual agencies, including electrical substations, gas metering stations, telephone exchanges, power boosters, or conversion plants, with the necessary building apparatus or appurtenances thereto.

(6) Radio or television transmitter.

(7) Tower.

(8) Private recreational grounds and facilities not open to the general public and to which no admission charge is made.

(c) The renting of not more than three (3) rooms to not more than three (3) roomers, or the providing of table board to not more than three (3) boarders, or both, but not to exceed three (3) in any combination thereof; the day care of not more than six (6) children, in addition to members of the family, when such care is authorized under permits granted by the Stanislaus County Welfare Department, the County Fire Warden, the County Health Department and the Secretary of the Commission.

(d) Home occupations when authorized under a permit granted in accordance with the provisions of Section 10-2.2502.

(e) The following fowl and animals under the following conditions:

(1) Household pets, subject to the provisions of Section 10-2.233.

(2) Not more than four (4) rabbits and/or hares; and domestic fowl (hens only), providing not more than twelve (12) of any one or combination of such animals and fowl may be maintained on a lot.

(3) The keeping of all domestic animals and fowl provided for in item (2) above shall conform to all other provisions of law governing

same and no fowl or animal except household pets, or any pen or coop, except those used for household pets, shall be kept or maintained except under the following conditions:

(aa) Animals or fowl shall be kept or maintained only at a distance of forty (40') feet or more from the window or door of any residence or other building used for human habitation.

(ab) Animals or fowl shall be kept or maintained only on the rear one third (1/3) of the lot.

(ac) Animals or fowl shall be maintained only at a distance from the property line not less than the required side yard.

(f) Two-family dwelling, when the lot upon which it is located has a side line that abuts property zoned for R-3, P-O, C-1, C-2, C-M, M-1, or M-2, but in no case shall the property used for such two-family dwelling consist of more than one lot or be more than seventy-five (75') feet in width, whichever is the lesser.

(g) The following signs:

(1) One for sale or rent sign, unlighted, not exceeding eight (8) square feet in area and six (6') feet in height.

(2) Three (3) unlighted open house directional signs, which do not exceed three (3) square feet in area each, are permitted during daylight hours only, for each house or group of houses offered for sale by the same realtor at the same general location, provided they do not bear any advertising message and that such signs are located wholly on private property with permission of the property owner on whose property they are located.

(3) One name plate not exceeding one square foot in area.

(4) One bulletin board or identification sign not exceeding twelve (12) square feet in area and six (6') feet in height for uses permitted by a conditional use permit and unclassified use permits.

(5) One construction sign not exceeding twenty (20) square feet in area and six (6') feet in height, provided sign is removed not later than thirty (30) days after construction is completed.

(6) One subdivision sign not exceeding sixty-four (64) square feet in area or ten (10') feet in height for each recorded subdivision, provided such sign is removed not later than two (2) years from the recording date of the subdivision, except that where fewer than one-half (1/2) of the lots in such subdivision have been sold at the end of such two (2) year period, a conditional use permit may be granted by the Board of Zoning Adjustment for the extension of the time of establishment and removal of such sign.

(7) Political signs may be erected, maintained, and displayed as follows:

(aa) On lots or parcels upon which there is located a residential structure, except that:

(i) The combined area of all of said signs shall not exceed four (4) square feet.

(ii) The overall height shall not exceed four (4') feet.

(ab) On lots or parcels upon which there is not located a residential structure, except that:

(i) Each sign shall not exceed thirty-two (32) square feet in area.

(ii) The overall height shall not exceed six (6') feet.

(ac) Political signs shall not be attached to trees, fence posts, or utility poles.

(ae) Political signs shall be erected no more than thirty (30) days prior to the date of the election.

(af) Political signs shall be removed within ten (10) days after the date of the election.

~~(8) - Bench signs are not permitted.~~

~~(9) (8) Temporary signs are not permitted.~~

~~(10) (9) Window signs are not permitted.~~

~~(11) (10) Outdoor advertising signs are not permitted.~~

(h) Servants' quarters and guest houses may be maintained on any lot provided that such quarters and guest houses are used as an accessory to the single dwelling unit and also provided no cooking facilities are maintained therein.

(i) A parking area, provided:

(1) A conditional use permit has been obtained in accordance with Article 20 of this chapter.

(2) Development is as required by Section 10-2.1807.

(3) The parking area is clearly incidental and accessory to a use permitted in this section or is accessory to a commercial use which is located in a commercial or industrial zone immediately adjacent to the property to be used for a parking area.

(j) Accessory uses and buildings customarily incidental to the above.

SEC. 10-2.807. SIGNS. The following signs are permitted in the C-1 Zone:

(a) Only one free-standing or projecting double-faced identification sign not exceeding one hundred fifty (150) square feet in area, thirty-five (35') feet in height, and thirty (30') feet in length is permitted for each use or occupancy.

(b) Canopy or wall identification signs are permitted on each wall of a building or structure provided:

(1) That on the wall designated as principal frontage of a building or structure said signs may not exceed four (4) square feet in combined sign area for each lineal foot of that wall of the building or structure or portion thereof wherein the use or occupancy is conducted.

(2) That on each of the other walls of the building or structure said signs may not exceed two (2) square feet in combined sign area for each lineal foot of each wall of the building or structure or portion thereof wherein the use or occupancy is conducted.

(c) Six (6) unlighted signs are permitted which do not exceed twelve (12) square feet in combined sign area; such signs may indicate credit cards honored, trading stamps available, or official public services provided on the premises.

(d) Directional or informational signs not exceeding twelve (12) square feet in area or six (6') feet in height are permitted provided they do not bear any advertising message and that such signs are located wholly on private property on the premises to which they pertain.

~~(e) One for sale or rent sign not exceeding sixty-four (64) square feet in area and ten (10') feet in height.~~

(f) One construction sign not exceeding sixty-four (64) square feet in area and ten (10') feet in height, provided sign is removed not later than thirty (30) days after construction is completed.

(g) One canopy sign not exceeding six (6) square feet in area may be hung from a canopy, providing such sign is not less than seven and one-half (7 1/2') feet above a public or private sidewalk.

~~(h) - Bench signs are permitted, -~~

~~(i) (h) Political signs not exceeding one hundred (100) square feet in area and eight (8') feet in height. Said signs may not be erected more than thirty (30) days prior to the date of the election, and shall be removed within ten (10) days after the date of the election.~~

~~(j) (i) Temporary signs are not permitted.~~

~~(k) (j) Outdoor advertising signs are not permitted.~~

~~(l) - (k) Window signs are permitted.~~

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

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) 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 7th day of June, 1971, by Councilman Simon, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Elliott, Newton, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Dunlap

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST:

By W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 14th day of June, 1971, Councilman Newton moved its final adoption, which motion being duly seconded by Councilman Smith, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Newton, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Dixon, Simon

APPROVED

Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST:

W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: July 14, 1971

AN ORDINANCE ADDING SECTION 10-2.1623 TO ARTICLE 16 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO THE ZONING REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Section 10-2.1623 is hereby added to Article 16 of Chapter 2 of Title X of the Modesto Municipal Code to read as follows:

SEC. 10-2.1623. REQUIRED SETBACKS FOR AUTOMOBILE ORIENTED STRUCTURES. Notwithstanding any other provisions in this chapter to the contrary, no building or structure or portion of a building or structure in any zone which is designed or operated to directly serve automobiles or automobile occupants, such as gasoline dispensing facilities, air and water dispensing facilities, and drive-up windows, shall be located closer than ten (10') feet to any property line and shall also be located no closer than fifteen (15') feet to any other building or structure. A canopy or extended roof may extend out to the setback lines established by the zone in which the canopy or extended roof is located.

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

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) 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 7th day of June, 1971, by Councilman Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilman Dixon, was upon roll call carried and ordered printed and published by the following vote:

- AYES: Councilmen: Dixon, Elliott, Newton, Simon, Smith, Mayor Davies
- NOES: Councilmen: None
- ABSENT: Councilmen: Dunlap

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST:

By W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 14th day of June, 1971, Councilman Newton moved its final adoption, which motion being duly seconded by Councilman Smith, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Newton, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Dixon, Simon

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: July 14, 1971

AN ORDINANCE ADOPTING SPECIFIC PLAN LINES FOR THOSE SECTIONS OF STANDIFORD AVENUE AND SYLVAN AVENUE LOCATED WITHIN THE MODESTO CITY LIMITS.

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

SECTION 1. NECESSITY FOR ESTABLISHMENT OF RIGHTS-OF-WAY FOR STANDIFORD AVENUE AND SYLVAN AVENUE. The Modesto Urban Area General Plan provides for the development of Standiford and Sylvan Avenues as a joint major street extending in an east-west direction in the rapidly growing northern part of the City of Modesto. The Stanislaus County Board of Supervisors has recently adopted specific plan lines for those portions of Standiford and Sylvan Avenues located outside of the Modesto City limits, and in order to fully protect the future rights-of-way of Standiford and Sylvan Avenues from encroachment by new construction, it is necessary to adopt specific plans for those portions of these two streets located within the Modesto City limits.

SECTION 2. ADOPTION OF SPECIFIC PLAN. That certain specific plan for the rights-of-way of Standiford and Sylvan Avenues in the City of Modesto titled "STANDIFORD AVENUE, Specific Plan for Right of Way, from the City Limit 1265 feet West of Tully Road to McHenry Avenue and SYLVAN AVENUE, Specific Plan for Right of Way, from the City Limit 1319 feet West of Coffee Road to the City Limit 519 feet East of Rose Avenue", consisting of five (5) pages, is hereby adopted. Copies of said specific plan are on file in the offices of the City Clerk and the Director of Public Works, and by this reference made a part hereof as though set forth in full herein.

SECTION 3. DESCRIPTION OF RIGHTS-OF-WAY. The rights-of-way of Standiford Avenue and Sylvan Avenue in the City of Modesto are described on the attached Exhibit "A", and by this reference made a part hereof as though set forth in full herein.

SECTION 4. USE OF BUILDING LINE SETBACKS. Within the rights-of-way adopted by this ordinance, it shall be unlawful to erect buildings of any kind, or to erect any structure, including, but not confined to, advertising structures or solid walls; or to establish any well, whether for water, oil or other hydrocarbon products, or to make excavations or install any subsurface structure except those subsurface structures permitted by the Building Code; provided such prohibition shall not apply to trees, agricultural crops, open fences, or public utilities installed under authority of law, or any buildings, structure, well excavation or subsurface structure existing on the effective date of this ordinance, or to signs, canopies or marquees permitted by the Municipal Code.

SECTION 5. FRONT YARD AND SIDE YARD SETBACKS. Front yard and side yard setbacks shall be observed for new construction adjacent to the right-of-way of Standiford and Sylvan Avenues in the City of Modesto, as adopted by this ordinance, in accordance with the requirements of the zoning classification in which the property is located. Front yards shall be measured in accordance with Section 10-2.1608 of the Modesto Municipal Code.

SECTION 6. VARIANCES. When practical difficulties, unnecessary hardships, or results inconsistent with the general purpose of this ordinance result through the strict and literal interpretation and enforcement of the provisions hereof, the Board of Zoning Adjustment shall have authority, as an administrative act, subject to the provisions of this ordinance, to grant, upon such conditions as it may determine, such variances from the provisions of this ordinance as may be in harmony with its general purpose and intent, so that the spirit of this ordinance shall be observed, public safety and welfare secured and substantial justice done.

SECTION 7. SEVERABILITY. If any section, subsection, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance; it being hereby expressly declared that this ordinance, and each section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, adopted, approved and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 8. VIOLATIONS AND PENALTIES. Any person, firm, association or corporation who, either as principal, owner, agent, servant or employee violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding One Thousand and no/100ths (\$1,000.00) Dollars, or by imprisonment in the County Jail of Stanislaus County, California, for a period not exceeding one year, or by both such fine and imprisonment.

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

The imposition of one penalty for any violation of this ordinance shall not excuse the violation, or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time.

SECTION 9. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 10. PUBLICATION. This ordinance shall be published in full at least once at least three (3) 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 June, 1971, by Councilman Smith, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, Newton, Smith,  
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Simon

APPROVED: *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST:

By *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *R. C. Rosewood*  
Public Works Department

## STANDIFORD AVENUE

Specific Plan for Right of Way, from the City Limit 1265 feet West of Tully Road to McHenry Avenue.

A one hundred (100.00) foot right of way being fifty (50.00) feet each side of the established center line described as follows:

Beginning on the East-West quarter section line of Section 7, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, said line being the center line of a public road known as Standiford Avenue, at its intersection with the Northerly extension of the Western line of Parcel A as per Map filed September 30, 1966 in Book 2 of Parcel Maps, Page 68, Stanislaus County Records; thence along said quarter section line and center line of Standiford Avenue, South  $89^{\circ} 08' 00''$  East, 1310.24 feet, to its intersection with the center line of a public road known as Tully Road; thence continuing along the center line of Standiford Avenue, said line now being the East-West quarter section line of Section 8, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, South  $89^{\circ} 09' 45''$  East, 2436.12 feet; thence along a tangent curve concave to the Northwest, having a Radius of 2000.00 feet, a Central Angle of  $02^{\circ} 51' 54''$  and an Arc Length of 100.01 feet; thence along a reverse curve concave to the Southeast, having a Radius of 2000.00 feet, a Central Angle of  $02^{\circ} 51' 54''$  and an Arc Length of 100.01 feet, to its point of tangency on a line which is parallel with and 5.00 feet, measured at right angles, Northerly from said quarter section line of Section 8; thence along said parallel line, South  $89^{\circ} 09' 45''$  East, 2636.20 feet, to its intersection with the center line of a public road known as McHenry Avenue and the end of this description.

EXCEPTING that portion lying outside the Corporate City Limits of the City of Modesto,

## SYLVAN AVENUE

Specific Plan for Right of Way, from the City Limit 1319 feet West of Coffee Road to the City Limit 519 feet East of Rose Avenue.

A one hundred (100.00) foot right of way being fifty (50.00) feet each side of the established center line described as follows:

Beginning on the East-West quarter section line of Section 9, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, said line being the center line of a public road known as Sylvan Avenue, at its intersection with the West line of the Southeast quarter of the Northeast quarter of said Section 9; thence along said quarter section line and center line of Sylvan Avenue, South  $89^{\circ} 22' 10''$  East, 1319.12 feet, to the center line of a public road known as Coffee Road; thence continuing along the center line of Sylvan Avenue, said line now being the East-West quarter section line of Section 10, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, North  $89^{\circ} 24' 50''$  East, 1988.52 feet; thence along a tangent curve concave to the Northwest, having a Radius of 5000.00 feet, a Central Angle of  $03^{\circ} 37' 14''$  and an Arc Length of 315.95 feet; thence along a reverse curve concave to the Southeast, having a Radius of 5000.00 feet, a Central Angle of  $03^{\circ} 37' 14''$  and an Arc Length of 315.95 feet, to its point of tangency on a line which is parallel with and 20.00 feet, measured at right angles, Northerly from said quarter section line of Section 10; thence along said parallel line, North  $89^{\circ} 24' 50''$  East, 651.34 feet, to the East line of the West half of the Southwest quarter of the Northeast quarter of said Section 10, and the end of this description.

EXCEPTING that portion lying outside the Corporate City Limits of the City of Modesto.

Ord. No. 1118-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 21st day of June, 1971, Councilman Simon moved its final adoption, which motion being duly seconded by Councilman Smith, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Elliott, Simon, Smith, Mayor Davies


NOES: Councilmen: None

ABSENT: Councilmen: Dixon, Dunlap, Newton

APPROVED

  
LEE H. DAVIES, Mayor

ATTEST:

  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: July 21, 1971

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 1110-C. S. ENTITLED "AN ORDINANCE AMENDING SECTION 9-2.111 OF CHAPTER 2 OF TITLE IX OF THE MODESTO MUNICIPAL CODE, RELATING TO THE PLUMBING CODE."

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

SECTION 1. AMENDMENT OF SECTION 2 OF ORDINANCE NO. 1110-C. S.

Section 2 of Ordinance No. 1110-C. S. entitled "An Ordinance Amending Section 9-2.111 of Chapter 2 of Title IX of the Modesto Municipal Code, Relating to the Plumbing Code" is hereby amended to read as follows:

"SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after July 1, 1971."

SECTION 2. EMERGENCY PROVISIONS. DECLARATION OF EMERGENCY.

The Council of the City of Modesto hereby finds and declares that this ordinance is necessary as an emergency measure for preserving the public peace. Unless this ordinance is adopted without delay, the provisions of Section 9-2.111 of Chapter 2 of Title IX of the Modesto Municipal Code will create a hardship upon a great number of property owners who have been informed of the cost of connecting to the city's sewer system prior to July 1, 1971, which costs, as quoted, did not include the increase covered in said Section 9-2.111 of the Modesto Municipal Code as amended by Ordinance No. 1110-C. S. hereinabove referred to.

SECTION 3. EFFECTIVE DATE. Pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall go into effect and be in full force and operation as of the date of its adoption.

SECTION 4. PUBLICATION. This ordinance shall be published in full 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 June, 1971, by Councilman Newton, who moved its adoption and passage to print, which motion being duly seconded by Councilman Smith, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Newton, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Dixon, Simon

ATTEST: APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

By W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM: Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

AN ORDINANCE AMENDING SECTION 1-2.01 OF CHAPTER 2 OF TITLE I OF THE MODESTO MUNICIPAL CODE RELATING TO VIOLATIONS.

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

SECTION 1. AMENDMENT OF CODE. Section 1-2.01 of Chapter 2 of Title I of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 1-2.01. VIOLATIONS, A MISDEMEANOR. It shall be unlawful for any person to violate any provision, or to fail to comply with any of the requirements of this Code. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code, shall be guilty of a misdemeanor, except that where State law makes such violation an infraction, it shall be an infraction. Each such person shall be guilty of separate offense for each and every day during any portion of which any violation of any provision of this Code is committed, continued or permitted by such person and shall be punishable accordingly. Any person convicted of a misdemeanor under the provisions of this Code, shall be punishable by fine of not more than One Thousand (\$1,000.00) Dollars, or by imprisonment in the County Jail of the County of Stanislaus for a period of not exceeding one year, or by both such fine and imprisonment. Any person convicted of an infraction shall be punished as provided by State law and according to the procedure provided by State law, as such law now exists and may hereafter be amended.

In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this Code shall be deemed a public nuisance and may be, by this City, summarily abated, and each day such condition continued shall be regarded as a new and separate offense.

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

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) 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 21st day June, 1971, by Councilman Simon, who moved its introduction and passage to print, which motion being duly seconded by Councilman Smith, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Elliott, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Dixon, Dunlap, Newton

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST:

By W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

FINAL ADOPTION CLAUSE


The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 28th day of June, 1971, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Newton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Newton, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Dixon, Simon

APPROVED   
LEE H. DAVIES, Mayor

ATTEST:   
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: July 28, 1971

AN ORDINANCE ADOPTING THE BUDGET FOR THE CITY OF MODESTO FOR THE FISCAL YEAR ENDING JUNE 30, 1972, AND PROVIDING FOR CERTAIN TRANSFERS OF FUNDS.

WHEREAS, pursuant to the Charter of the City of Modesto, a proposed budget for the 1971 - 72 fiscal year has been submitted to the City Council by the City Manager, and the City Council has made such revisions as it has deemed advisable, and

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

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

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

SECTION 1. That the "City of Modesto Preliminary Budget 1971 - 72", presented by the City Manager to the City Council at its meeting held May 3, 1971, and as thereafter amended by the City Council, a copy of which budget, as amended, is on file in the office of the City Clerk, is hereby adopted as the budget for the City of Modesto for the fiscal year ending June 30, 1972, and the several amounts stated therein as proposed expenditures are hereby appropriated for the various objects therein described.

SECTION 2. That the City Council is authorized by resolution to transfer funds from one department to another department and to transfer and authorize the expenditure of funds from the Reserves for specific purposes.

SECTION 3. That the City Manager is authorized to transfer funds within departmental budgets between the following classifications, to wit: salaries, operating expenses and capital outlay; and to transfer between departmental capital budgets budgeted within the same capital fund; and to transfer and expend funds from the Contingency Reserve of the General Fund for specific purposes.

SECTION 4. Pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall take effect upon adoption.

SECTION 5. This ordinance shall be published in full at least once 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 28th day of June, 19 71, by Councilman Elliott, who moved its adoption and passage to print, which motion being duly seconded by Councilman Smith, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, Newton, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: Lee H. Davies  
LEE H. DAVIES Mayor

ATTEST:

By W. T. Chynoweth  
W. T. CHYNOWETH City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON City Attorney

AN ORDINANCE REPEALING SECTION 9-9.04 OF CHAPTER 9 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO SUBSTANDARD BUILDINGS.

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

SECTION 1. REPEALS. Section 9-9.04 of Chapter 9 of Title IX of the Modesto Municipal Code is hereby repealed.

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

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) 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 28th day of June, 1971, by Councilman Smith, who moved its introduction and passage to print, which motion being duly seconded by Councilman Newton, was upon roll call carried and ordered printed and published by the following vote:

- AYES: Councilmen: Dunlap, Elliott, Newton, Smith, Mayor Davies
- NOES: Councilmen: None
- ABSENT: Councilmen: Dixon, Simon

APPROVED: *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST:  
By *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:  
By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

Ord. No. 1122-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 6th day of July, 1971, Councilman Simon moved its final adoption, which motion being duly seconded by Councilman Smith, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, Newton, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: August 5, 1971

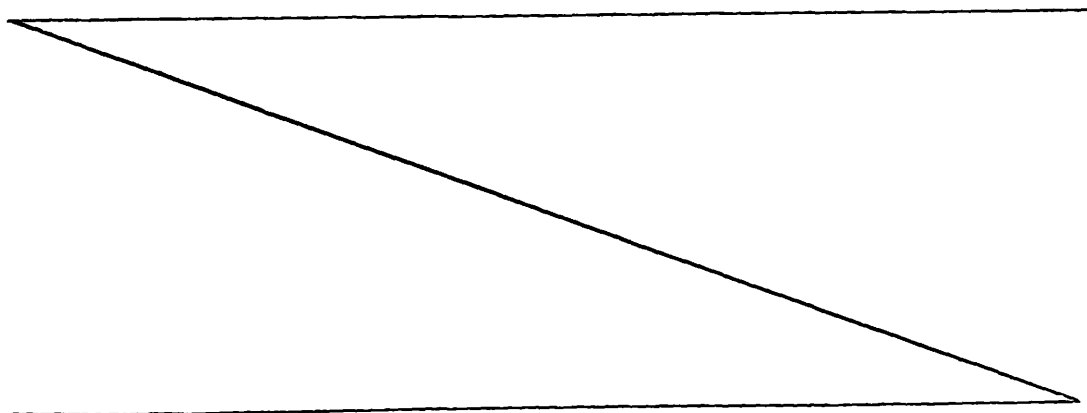
AN ORDINANCE APPROVING THE ANNEXATION OF CERTAIN TERRITORY KNOWN AS THE NORWEGIAN NO. 1 ADDITION TO THE CITY OF MODESTO.

WHEREAS, certain proceedings have been instituted under the Annexation Act of 1913, as amended, and other laws pertaining to annexation for the purpose of submitting to the qualified electors residing in certain territory hereinafter described, and generally designated as Norwegian No. 1 Addition, the question whether or not said territory shall be annexed to, incorporated in, and made a part of said City of Modesto, and whether or not the property in said territory shall, after such annexation, be subjected to taxation equally with the property within the City of Modesto to pay the bonded indebtedness of the City of Modesto for acquisition, construction or completion of municipal improvements outstanding or authorized at the date of the first publication of the notice of the election, and

WHEREAS, the City Council finds that each and every and all of the requirements of law pertaining to said annexation proceedings and the election in said territory have been fully complied with,

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

SECTION 1. That annexation of the following described territory lying and being in the County of Stanislaus, State of California, and contiguous to the City of Modesto, and particularly described as follows, to wit,



NORWEGIAN NO. 1 ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of the Northwest quarter of the Southeast quarter of Section 16, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the Northeastern corner of the SYLVAN ADDITION (113), as per description filed September 8, 1960, as Instrument 25490, Stanislaus County Records, said point being the interior quarter corner of Section 16 and on the Southern line of the NORTHEAST ADDITION (78), as per description filed January 31, 1958, as Instrument 2427, Stanislaus County Records; thence along said Southern boundary of ADDITION (78), and the East-West quarter line of Section 16, South 89° 30' East, 27.00 feet, to the Southwestern corner of the MONTGOMERY VILLAGE ADDITION (100), as per description filed August 3, 1959, as Instrument 22312, Stanislaus County Records; thence continuing along said quarter line on the Southern boundary of said ADDITION (100), South 89° 30' East, 660.84 feet, to the Southwestern corner of the EAST FLOYD ADDITION (104), as per description filed January 21, 1960, as Instrument 1678, Stanislaus County Records; thence continuing along said quarter line on the Southern boundary of said ADDITION (104), South 89° 30' East, 511.35 feet, to the Northwestern corner of the ATHENS ADDITION (141), as per description filed November 19, 1962, as Instrument 43543, Stanislaus County Records; thence along the Western boundary of said ADDITION (141), South 0° 52' East, 616.28 feet, to the Northwestern corner of the NORWEGIAN NO. 3 ADDITION (256), as per description filed July 23, 1970, as Instrument 23539, Stanislaus County Records; thence continuing along the existing City Limits on the Western boundary of said ADDITION (256), South 0° 52' East, 616.30 feet, to the center line of a 60.00 foot public road known as Norwegian Avenue and the Southwestern corner of said ADDITION (256); thence leaving the existing City Limits and along the center line of said Norwegian Avenue, North 89° 31' West, 1231.34 feet, to the Southerly extension of the Western line of a 60.00 foot public road known as Sunrise Avenue; thence along said Southerly extension and Western line, North 0° 46' West, 30.00 feet, to the most Southeastern corner of ADDITION (78), and the existing City Limits; thence along the existing City Limits on the Eastern boundary of ADDITION (78), North 0° 46' West, 512.35 feet, to a Northeastern corner of said ADDITION (78), and the Southern boundary of ADDITION (113); thence along said Southern boundary, South 89° 31' East, 30.00 feet, to the Southeastern corner of said ADDITION (113); thence along the existing City Limits on the Eastern boundary of said ADDITION (113), North 0° 46' West, 690.53 feet, to the point of beginning, containing 34.332 Acres, more or less.

be, and the same is hereby approved.

SECTION 2. That the said territory hereinabove described be, and the same is hereby annexed to, incorporated in, and made a part of the said City of Modesto, to be effective on August 1, 1971.

SECTION 3. The Clerk of the City of Modesto is hereby authorized and directed to make and certify, under the seal of the City of Modesto, and transmit to the Secretary of State of the State of California, a copy of the record of the canvass of the returns of said election in such new territory, and a copy of this ordinance, giving the date of its passage in accordance with the statutes providing therefor.

SECTION 4. That the said territory hereinabove described shall, after such annexation, be subjected to taxation equally with the property within the City of Modesto to pay the bonded indebtedness of the City of Modesto for acquisition, construction or completion of municipal improvements outstanding or authorized at the date of the first publication of the notice of the election to be held to determine whether or not said property shall be annexed to the City.

SECTION 5. Pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall take effect and be in full force and operation as of the date hereof.

SECTION 6. This ordinance shall be published in full 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 6th day of July, 1971, by Councilman Simon, who moved its introduction and adoption, which motion being duly seconded by Councilman Smith, was upon roll call

carried and the ordinance ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, Newton, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST:

By *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By \_\_\_\_\_  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *Michael F. Brinton*  
Public Works Department

AN ORDINANCE AMENDING SECTION MAP 26-3-9  
OF THE ZONING MAP OF THE CITY OF MODESTO,  
RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON.  
(HARLEY BRANNAN - ENCINA AVENUE)

WHEREAS, a verified application for an amendment to Section 26-3-9 of the Zoning Map was filed by Harley D. Brannan

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on May 10, 1971, to reclassify from One-family Residential Zone, R-1, to Two-family Residential Zone, R-2, the hereinafter described property, and

WHEREAS, after public hearing held on June 15, 1971, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 71-74, adopted on June 15, 1971, the Planning Commission recommended to the Council that the application of Harley D. Brannan

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to amend Section 26-3-9 of the Zoning Map to reclassify the hereinafter described property from One-family Residential Zone, R-1, to Two-family Residential Zone, R-2, be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing, this Council finds and determines that the requested rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource.

SECTION 2. ZONING CHANGE. Section 26-3-9 of the Zoning Map is hereby amended to reclassify the following described property from One-family Residential Zone,

R-1 , to Two-Family Residential Zone,

R-2 :

All that certain real property situate in the North half of the Northeast quarter of the Southwest quarter of Section 26, Township 3 South, Range 9 East, Mount Diablo Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

Commencing at the interior quarter section corner of said Section 26; thence North  $89^{\circ} 58'$  West along the East-West quarter section line of said Section 26, a distance of 120.01 feet; thence South  $0^{\circ} 34'$  East 63.00 feet to the point of beginning of this description; thence continuing South  $0^{\circ} 34'$  East 96.48 feet; thence South  $89^{\circ} 26'$  West 120.00 feet; thence South  $0^{\circ} 34'$  East 25.76 feet; thence North  $89^{\circ} 58'$  West 819.37 feet; thence North  $0^{\circ} 36'$  West 28.28 feet; thence South  $89^{\circ} 24'$  West 255.00 feet; thence North  $0^{\circ} 36'$  West 98.04 feet; thence South  $89^{\circ} 58'$  East 1194.47 feet to the point of beginning.

Containing 3.16 Acres.

Including also the northerly one-half of Encina Avenue immediately to the above described property.

SECTION 3. ZONING MAP. Section 26-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) 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 12 day of July, 1971, by Councilman Dixon, who moved its introduction and passage to print, which motion being duly seconded by Councilman Smith, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Simon, Smith, Mayor Davies

NOES: Councilmen: Dunlap, Elliott, Newton

ABSENT: Councilmen: None

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST: W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

BY William J. Nichols  
Planning Department

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 2nd day of August, 1971, Councilman Dixon moved its final adoption, which motion being duly seconded by Councilman Newton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, Newton, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: September 1, 1971

AN ORDINANCE AMENDING SECTION MAP 30-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (L.L. LOVELESS, P-D(80) TO R-1 AND R-2)

WHEREAS, a verified application for an amendment to Section 30-3-9 of the Zoning Map was filed by L.L. Loveless on May 12, 1971, to reclassify from Planned-Development Zone, P-D(80), to One-Family Residential Zone, R-1, and Two-Family Residential Zone, R-2, the hereinafter described property, and

WHEREAS, after public hearing held on June 15, 1971, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 71-75, adopted on June 15, 1971, the Planning Commission recommended to the Council that the application of L.L. Loveless to amend Section 30-3-9 of the Zoning Map to reclassify the hereinafter described property from Planned-Development Zone, P-D(80), to One-Family Residential Zone, R-1, and Two-Family Residential Zone, R-2, be approved.

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

SECTION 1. COUNCIL FINDINGS. After a public hearing, this Council finds and determines that the requested rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource.

SECTION 2. ZONING CHANGE. Section 30-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Planned-Development Zone, P-D(80), to One-Family Residential Zone, R-1:

All that portion of Lot 22 of Maze Ranch Subdivision, as per map thereof filed March 19, 1909 in Volume 4 of Maps, Page 18, Stanislaus County Records, described as follows:

P-D to R-1:

Commencing at the point of intersection of the centerline of Maze Boulevard with the centerline of Franklin Street; thence northerly along the centerline of Franklin Street a distance of 185.20 feet to the true point of beginning; thence westerly along a line which is parallel with the centerline of Maze Boulevard and 185.20 feet therefrom, a distance of 355.65 feet to the southeast corner of the property conveyed to J.N. Snover and wife, by deed recorded June 9, 1932, as instrument No. 5250; thence northerly along the east line of said Snover property and the northerly extension thereof, a distance of 192.7 feet to a point on the centerline of Locust Street; thence easterly along the centerline of Locust Street 355.65 feet to the point of intersection of the centerline of Locust Street with the centerline of Franklin Street; thence southerly along centerline of Franklin Street 192.70 feet to the true point of beginning.

Section 30-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Planned-Development Zone, P-D(80), to Two-Family Residential Zone, R-2:

All that portion of Lot 22 of Maze Ranch Subdivision, as per map thereof filed March 19, 1909 in Volume 4 of Maps, Page 18, Stanislaus County Records, described as follows:

P-D to R-2:

Beginning at the point of intersection of the centerline of Maze Boulevard with the centerline of Franklin Street; thence northerly along the centerline of Franklin Street 185.20 feet; thence westerly along a line which is parallel with the centerline of Maze Boulevard and 185.20 feet therefrom, a distance of 355.65 feet to the southeast corner of the property conveyed to J.N. Snover and wife, by deed recorded June 9, 1932, as instrument No. 5250; thence continuing westerly along the south line of said Snover property 23.42 feet to the northeast corner of the property conveyed to C.C. Geist and wife, by deed recorded January 8, 1938, as instrument No. 288; thence southerly along the east line of said Geist property and the southerly extension thereof 185.20 feet a point on the centerline of Maze Boulevard; thence easterly along the centerline of Maze Boulevard 379.05 feet to the point of beginning.

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

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) 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 12th day of July, 1971, by Councilman Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, Newton, Simon, Smith, Mayor Davies  
NOES: Councilmen: None  
ABSENT: Councilmen: None

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST: W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

BY William P. Mihob  
Planning Department

Ord. No. 1125-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 2nd day of August, 1971, Councilman Dixon moved its final adoption, which motion being duly seconded by Councilman Newton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, Newton, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED

  
LEE H. DAVIES, Mayor

ATTEST:

  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: September 1, 1971

AN ORDINANCE AMENDING SECTION MAP 22-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (CENTRAL CAL ENTERPRISES)

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

SECTION 1. ZONING CHANGE. Section 22-3-9 of the Zoning Map is hereby amended to reclassify the following-described property from One-family Residential Zone, R-1, to Planned-Development Zone, P-D (88) :

All that portion of Lot 13 of the Broughton Colony as shown on the map filed in Volume 1 of Maps at Page 78, Stanislaus County Records lying in the northwest quarter of Section 22, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the northeast corner of said Lot 13, thence South 0° 32' 07" East along the east line of said Lot 13 a distance of 329.16 feet to the true point of beginning of this description; thence continuing South 0° 32' 07" East along the east line of said Lot 13 a distance of 176.63 feet to the centerline intersection of Crestview Drive, a 60-foot wide public street; thence in a northwesterly direction along the future extension of the centerline of said Crestview Drive the following three (3) courses and distances: 1) along a curve concave to the southeast thru a central angle of 1° 14' 25", having a radius of 550.00 feet a curve distance of 11.91 feet to a point of reverse curvature; 2) along a curve concave to the northeast thru a central angle of 112° 09' 15", having a radius of 117.07 feet, a curve distance of 229.16 feet, and 3) North 0° 06' 24" West a distance of 72.57 feet; thence North 89° 53' 36" East a distance of 170.97 feet to the point of beginning.

CONTAINING: 0.674 acres.

SECTION 2. USES. The following uses shall be permitted in said P-D (88) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

1. Two one-story triplex apartment structures.
2. At least nine covered off-street parking spaces.

SECTION 3. ZONING MAP. Section Map 22-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) 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 12th day of July, 1971, by Councilman Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilman Newton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Newton, Simon, Smith,  
Mayor Davies

NOES: Councilmen: Dixon

ABSENT: Councilmen: Absent

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST: W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

BY William P. Nichols  
Planning Department

Ord. No. 1126-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 2nd day of August, 1971, Councilman Dixon moved its final adoption, which motion being duly seconded by Councilman Newton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, Newton, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: September 1, 1971

AN ORDINANCE AMENDING SECTION MAP 5-4-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (MUTUAL OWNERSHIP DEVELOPMENT FOUNDATION - ROSELAWN AVENUE)

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

SECTION 1. ZONING CHANGE. Section 5-4-9 of the Zoning Map is hereby amended to reclassify the following-described property from Two-family Residential Zone, R-2, to Planned-Development Zone, P-D(91) :

Parcel 1

All of Fairway Estates Unit No. 3, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on April 11, 1967, in Volume 21 of Maps, at page 60.

Including also the southeasterly 30 feet of Roselawn Avenue immediately adjacent to the above described property.

Parcel 2

Parcel A as shown and designated on that certain Parcel Map filed in the office of the County Recorder of Stanislaus County, California, on March 24, 1967, in Volume 3 of Parcel Maps, at page 34, and being a portion of Lots 2, 6, 7, 8 and 10 of Rouse Colony, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on January 10, 1911 in Volume 5 of Maps, at Page 24, and being in the City of Modesto and in Section 5, Township 4 South, Range 9 East, Mount Diablo Base and Meridian.

Including also the easterly 30 feet of Roselawn Avenue immediately adjacent to the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D (91) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

1. 146 one and two-story multi-family living units.
2. At least 219 off-street parking spaces - at least 146 of said spaces to be covered.
3. A recreation area including at least one swimming pool and restroom - cabana facility.
4. Accessory buildings and facilities as shown on the plan.

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

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) 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 12th day of July, 1971, by Councilman Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, Newton, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST: W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By William Nichols  
Planning Department

Ord. No. 1127-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 2nd day of August, 1971, Councilman Dixon moved its final adoption, which motion being duly seconded by Councilman Newton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, Newton, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED



LEE H. DAVIES, Mayor

ATTEST:



W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: September 1, 1971

AN ORDINANCE AMENDING SECTIONS 4-6.301, 4-6.302, 4-6.303, 4-6.304 AND 4-6.307 OF ARTICLE 3 OF CHAPTER 6 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO TAXI RATES.

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

SECTION 1. AMENDMENT OF CODE. Sections 4-6.301, 4-6.302, 4-6.303, 4-6.304 and 4-6.307 of Article 3 of Chapter 6 of Title IV of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 4-6.301. TAXIMETER REQUIRED. It shall be unlawful for any owner or driver to operate any taxicab in the City unless such vehicle is equipped with a taximeter of such type, style and design as may be approved by the Director of Parking and Traffic, and it shall be the duty of every owner operating a taxicab to keep such taximeter in perfect condition so that said taximeter will, at all times correctly and accurately indicate the correct charge for the distance traveled and waiting time, and such taximeter shall be at all times subject to inspection by the Director of Parking and Traffic, and said Director of Parking and Traffic is hereby authorized at his instance or upon complaint of any person to investigate or cause to be investigated such taximeter, and upon the discovery of any inaccuracy in said meter to remove or cause to be removed such vehicle equipped with such taximeter from the streets of the City until such times as said taximeter shall have been correctly adjusted. No such taxicab shall be equipped with a "dual speed" taximeter or any other device which is set to compute or register any charges for taxicab services other than the charges prescribed in this article.

SEC. 4-6.302. OPERATION OF TAXIMETER. Every such taximeter shall register the charge to nearest ten (10¢) cents and be equipped with a flag or other mechanical device, and said flag shall be so attached and connected to the mechanism of said taximeter as to cause said mechanism to operate when said flag is in a position other than upright, and which said flag shall, when moved forward or downward, start the operation of said taximeter so that the same will operate in the manner defined in this article. ~~How-~~  
~~ever, said taximeter shall not be required to operate~~  
~~on any trip that begins, ends or goes outside the~~  
~~City limits. For those trips which have a beginning,~~  
~~ending or midpoint outside the City, the taxi driver~~  
~~shall inform the passenger before beginning the trip~~  
~~that it is a non-metered trip and what the flat~~  
~~charge is. However, such taximeter shall not be required~~  
to operate on any trip that goes outside the City limits  
unless the beginning point and the ending point of such  
trip are inside the City limits. For any trip which  
begins or ends inside the City limits, but for which  
the taximeter is not required by this article to be  
in operation, the taxi driver shall inform the passenger  
before beginning the trip that it is a non-metered  
trip and what the flat charge is.

SEC. 4-6.303. UNLAWFUL PRACTICES. It shall be unlawful for any driver of a taxicab while carrying passengers to display the flag or device attached to such taximeter in such a position as to denote that such vehicle is for hire or is not employed, or to have such flag or other attached device in such position as to prevent said taximeter from operating, ~~unless, however, the trip begins, ends or goes outside the City limits, in which event the taximeter is not required to be in operation.~~ unless the trip begins or ends outside the City limits, in which event the taximeter is not required to be in operation. It shall be unlawful for any driver to throw such flag or other device of a taximeter into a position which causes said taximeter to record when such vehicle is not actually employed or to fail to throw said flag or other device on such taximeter into a non-recording position each time a passenger is discharged and a fare collected.

SEC. 4-6.304. BASIS OF CHARGES. All charges for transportation of passengers in taxicabs operated in the City must be based on the charges indicated on said taximeter, and it shall be unlawful for any owner, driver or operator of any taxicab to charge any passenger any sum in excess of the sum indicated on said taximeter, ~~unless, however, the trip begins, ends or goes outside the city limits, in which event a flat rate shall be charged as provided by Section 4-6.302 of this article.~~ unless, however, the trip begins or ends outside the City limits, in which event a flat rate shall be charged as provided in Section 4-6.302 of this article.

SEC. 4-6.307. RATES. No owner or driver of a taxicab shall charge a greater sum for the use of a taxicab than in accordance with the following rates:

(a) Mileage rates: ~~55¢ for the first four-tenths mile or fraction thereof, 10¢ for each additional two-tenths mile or fraction thereof.~~ 60¢ for the first one-sixth mile or fraction thereof. 10¢ for each additional one-sixth mile or fraction thereof.

(b) Waiting time: ~~6-2/3¢ for each minute of waiting time or fraction thereof.~~ 10¢ for each minute of waiting time or fraction thereof.

(c) Trunks: \$1.00 for each trunk;

(d) Hand baggage: 10¢ for each piece of hand baggage in excess of fifty (50 lbs.) pounds; and

(e) Extra passengers: No charge shall be made for extra passengers. This applies only to those passengers whose point of pick-up and point of destination are the same.

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

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) 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 19th day of July, 1971, by Councilman Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilman Smith, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, Newton, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST:

By W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

Ord. No. 1128-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 26th day of July, 1971, Councilman Elliott moved its final adoption, which motion being duly seconded by Councilman Smith, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, Newton, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: August 25, 1971

AN ORDINANCE AMENDING SECTION 6-1.130 OF ARTICLE 1 OF CHAPTER 1 OF TITLE VI OF THE MODESTO MUNICIPAL CODE RELATING TO REFUNDS.

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

SECTION 1. AMENDMENT OF CODE. Section 6-1.130 of Article 1 of Chapter 1 of Title VI of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 6-1.130. REFUNDS. Except as otherwise provided in Section 6-1.129 of this chapter, license taxes, penalties and costs collected or received by the City may be refunded as herein provided and not otherwise if a signed and verified claim therefor is filed with the Director within ~~two (2)~~ three (3) years after the date of payment. Such refund may be made only under the following conditions:

(a) Where a refund is specifically authorized by the provision of law requiring payment of the license, permit or application tax.

(b) Where the money is paid to secure a license or permit not required by law.

(c) Where the amount paid was in excess of the amount required by law.

(d) Where the money paid was not required by law.

(e) Where the applicant for any license has not, at any time after the commencement of the period or term during which the requested license would have been effective, commenced or engaged in the business or occupation, or performed any act, for which the license was required.

(f) Where the money paid was not required by law, or, was erroneously or illegally collected or received by the City through mistake, inadvertence or error of law or of fact, and whether paid or charged under color of any provision of this chapter, or otherwise.

If the refund is for Five Hundred and no/100ths (\$500.00) Dollars or more it shall be made only by the Council. If it is less than Five Hundred and no/100ths (\$500.00) Dollars it may be made by the Director after approval in writing by the City Attorney.

This section is remedial in purpose. Its terms and requirements shall not be deemed to limit or qualify the lawful right of any person to bring or maintain an action or proceeding based upon the general law of this State for any remedy provided by law.

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

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) 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 19th day of July, 1971, by Councilman Dixon, who moved its introduction and passage to print, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, Newton, Simon, Smith,  
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST:

By W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM

By Bruce W. Liedstrand  
BRUCE W. LIEDSTRAND, Assistant  
City Attorney

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 26th day of July, 1971, Councilman Elliott moved its final adoption, which motion being duly seconded by Councilman Smith, was upon roll call carried and the ordinance adopted by the following vote:

- AYES: Councilmen: Dixon, Dunlap, Elliott, Newton, Simon, Smith, Mayor Davies
- NOES: Councilmen: None
- ABSENT: Councilmen: None

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: August 25, 1971

AN ORDINANCE AMENDING SECTIONS 2-1.01, 2-1.02, 2-1.03, 2-1.08, 2-1.11 AND 2-1.18 OF CHAPTER 1 OF TITLE II OF THE MODESTO MUNICIPAL CODE, AND ADDING SECTION 2-1.08.1 THERETO, RELATING TO CITY COUNCIL ORGANIZATION AND PROCEDURE.

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

SECTION 1. AMENDMENT OF CODE. Sections 2-1.01, 2-1.02, 2-1.03, 2-1.08, 2-1.11 and 2-1.18 of Chapter 1 of Title II of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 2-1.01. REGULAR MEETINGS. (a) Time. Regular meetings of the City Council shall be held on the first, second, third and fourth Monday of each month. The meetings held on the first and third Monday shall commence at the hour of 4 o'clock P.M., and the meetings held on the second and fourth Monday shall commence at the hour of 7:30 o'clock P.M. Meetings of the Council for the purpose of canvassing election returns not held on a regular Council meeting date shall commence at the hour of 4 o'clock P.M. Whenever the day fixed for any regular meeting of the Council falls upon a day designated by the City of Modesto or the State of California as a holiday, such meeting shall be held at the same hour on the next succeeding day not a holiday.

(b) Place. All regular meetings of the Council shall be held in the Council Chambers in the City Hall located at 11th and H Streets, Modesto, California. If, due to an emergency it shall be unsafe to meet in the place designated, the meetings may be held for the duration of the emergency at such place as is designated by the Mayor.

(c) Public. All meetings of the Council shall be open to the public, provided, however, the City Council may hold executive sessions as provided by the laws of the State of California.

SEC. 2-1.02. SPECIAL MEETINGS. A special meeting may be ordered at any time by the Mayor whenever in his opinion the public business may require it, or upon the written request of any four (4) members of the Council. Whenever a special meeting shall be called, written notice of such meeting shall be delivered personally or by mail by the City Clerk to each member of the Council and to each local newspaper of general circulation, radio or television station requesting notice in writing. Such notice must be delivered at least twenty-four (24) hours before the time of such meeting as specified in the notice. The order shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings by the Council. The written notice may be dispensed with as to any member of the Council who, at or prior to the time the meeting convenes, files with the City Clerk a written waiver of notice. The waiver may be given by telegram. The written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes.

SEC. 2-1.03. AGENDA. In order to facilitate the orderly conduct of the business of the Council, the City Clerk shall be notified no later than 12:00 Noon of the Thursday immediately preceding a regular Council meeting of all reports, communications, ordinances, resolutions, contract documents or other matters to be submitted to the Council at such meeting. Immediately thereafter the City Clerk shall arrange a list of such matters according to the order of business and furnish each member of the Council, the City Manager, and the City Attorney and each department head with a copy of the same prior to the Council meeting and as far in advance of the meeting as time for preparation will permit.

The City Clerk shall mark with the word "Consent" those items on the agenda regarding which it can reasonably be expected that there will be no discussion by members of the City Council, the City staff or interested persons in the audience. The Council shall consider all of the items on the agenda marked "Consent" at one time by a roll call vote after a motion has been duly made and seconded. If any member of the City Council or City staff or any interested person in the audience requests that a consent item be removed from the list of consent items, such item shall be taken up for consideration and disposition in the order in which it is listed on the agenda.

Unanimous consent of the Council must be obtained before matters not included on the agenda may be presented to the Council, except as hereinafter provided.

SEC. 2-1.08. ORDER OF BUSINESS. Promptly at the hour set by law on the day of each regular meeting, the members of the Council, the City Clerk, City Attorney and City Manager shall take their regular stations in the Council Chambers, and the business of the Council shall be taken up for consideration and disposition in the following order except that with the unanimous consent of the Council, matters may be taken up out of order:

1. Roll Call.
2. Pledge of Allegiance to the Flag.
3. Invocation.
4. Consent Items.
5. Approval of minutes of previous meeting.
6. Written communications.
7. Bids.
8. Hearings.
9. Matters for the good of the community.
10. Introduction and adoption of ordinances.
11. Unfinished business.
12. New business.
13. Reports.
14. Miscellaneous.
15. Matters too late for the agenda.
16. Adjournment.

SEC. 2-1.11. ADDRESSING THE COUNCIL. Any person desiring to address the Council at a meeting shall first secure the permission of the Presiding Officer so to do; provided, however, that under the following headings of business, any qualified and interested person shall have the right to address the Council upon obtaining recognition by the Presiding Officer.

(a) Written Communications. Interested persons or their authorized representatives may address the Council by written communications on any matters concerning the City's business, or any matters over which the Council has control. Such written communications shall be delivered to the City Clerk no later than 12:00 o'clock Noon of the Thursday immediately preceding the regular Council meeting the agenda for which such written communications are intended.

(b) Matters for the Good of the Community. Interested persons in the audience or their authorized representatives may address the Council by oral communications on any matters concerning the City's business or any matters over which the Council has control; provided, however, that preference shall be given to those persons who shall have notified the City Clerk in advance of their desire to speak in order that the same may appear on the agenda of the Council.

SEC. 2-1.18. STANDING COMMITTEES. The standing committees of the Council shall be a Public Projects Committee and a Public Relations Committee, each of which committees shall consist of three (3) members of the Council appointed by the Mayor.

SECTION 2. AMENDMENT OF CODE. Section 2-1.08.1 is hereby added to Chapter 1 of Title II of the Modesto Municipal Code to read as follows:

SEC. 2-1.08.1. MATTERS TOO LATE FOR THE AGENDA. Under the heading of business entitled "Matters too late for the agenda" members of the City Council and the City staff may present to the Council for consideration and disposition matters regarding which information was not available for inclusion on the Council's agenda prior to 12:00 o'clock Noon of the previous Thursday, if such matters are of such an urgent nature that consideration and disposition of them cannot wait for the next regular Council meeting.

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

SECTION 4. PUBLICATION. This ordinance shall be published in full at least once at least three (3) 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 19th day of July, 1971, by Councilman Dunlap, who moved its introduction and passage to print, which motion being duly seconded

by Councilman Smith, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, Newton, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST:

By *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

Ord. No. 1130-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 26th day of July, 1971, Councilman Elliott moved its final adoption, which motion being duly seconded by Councilman Smith, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, Newton, Simon,  
Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: August 25, 1971

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

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

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

SEC. 3-2.1401. DECREASE OF STATE LAW MAXIMUM SPEED. Pursuant to authority contained in the California Vehicle Code, it is hereby determined upon the basis of an engineering and traffic survey that the speed limit permitted by State law outside of business and residence districts as applicable upon the following streets is greater than is reasonable or safe under the conditions found to exist upon such streets, and it is hereby declared that the prima facie speed limit shall be as hereinafter set forth on those streets or parts of streets herein designated when signs are erected giving notice thereof:

<u>NAME OF STREET OR PORTION AFFECTED</u>	<u>DECLARED PRIMA FACIE SPEED LIMIT</u>
ALICE, from Sycamore to McHenry	25 miles per hour
BLUE GUM AVENUE, between North 9th Street and Prichard Avenue, within the City limits	40 miles per hour
BOWEN, from Geneva Drive to the easterly City limits	25 miles per hour
<u>BRIGGSMORE, from McHenry to the easterly City limits</u>	<u>35 miles per hour</u>
BRIGGSMORE, from McHenry to Tully Road	30 miles per hour
BRIGGSMORE, from Tully Road to the westerly City limits	35 miles per hour
BRIGHTON AVENUE, between Wylie Drive and Coffee Road	25 miles per hour
CARPENTER ROAD, between California and Maze	40 miles per hour
CARPENTER ROAD, between the southerly City limits at the Tuolumne River and Robertson Road	35 miles per hour
CARPENTER ROAD, between Blue Gum Avenue and 1,350 feet southerly within the City limits	50 miles per hour
CARVER ROAD, from Evergreen Street north to the northerly City limits	25 miles per hour

CENTER STREET, entire length in City	25 miles per hour
COFFEE ROAD, Scenic Drive to M. I. D. Lateral #3	30 miles per hour
COFFEE ROAD, between M. I. D. Lateral #3 and Floyd Avenue within the City limits	35 miles per hour
COFFEE ROAD, between Floyd and Sylvan Avenues, within the City limits	40 miles per hour
COLLEGE AVENUE, between Durant and Rumble	25 miles per hour
CONANT ROAD, between North 9th Street and Rumble Road, within the City limits	35 miles per hour
DEL VALE, entire length in City	25 miles per hour
EL VISTA, within the City limits	35 miles per hour
EMERALD, from Maze Road to the southerly City limits	25 miles per hour
ENCINA, Covena to Santa Ana	25 miles per hour
ENSLLEN, between Granger and Orangeburg	25 miles per hour
FAIRMONT AVENUE, between Virginia and McHenry	25 miles per hour
FRANKLIN, between California and Laurel	25 miles per hour
GRANGER, from Tully to McHenry	25 miles per hour
GRISWOLD, from Virginia to McHenry	25 miles per hour
HADDON, between La Loma and Conejo	25 miles per hour
HATCH ROAD, within the City limits	35 miles per hour
JEFFERSON, from Paradise Road to 8th Street	25 miles per hour
K STREET, between Washington Avenue and 9th Street	25 miles per hour
KEARNEY, entire length in City	25 miles per hour
LA LOMA, entire length in City	25 miles per hour
LEGION PARK ROAD, between Santa Cruz and Conejo	25 miles per hour
LEVELAND LANE, College to TSRR tracks	25 miles per hour
LUCERNE AVENUE, from Johnson Street to Coffee Road	25 miles per hour

MADISON, entire length in City	25 miles per hour
MILLER, from La Loma to Conejo	25 miles per hour
MORTON BOULEVARD, entire length in City	25 miles per hour
NEECE DRIVE, from Tuolumne Boulevard to the Southerly City limits	25 miles per hour
OAKDALE ROAD, between Scenic Drive and Orangeburg Avenue	30 miles per hour
OAKDALE ROAD, north of Orangeburg within City limits	50 miles per hour
ORANGEBURG AVENUE, east of McHenry Avenue	35 miles per hour
ORANGEBURG AVENUE, Martin to Prescott	25 miles per hour
ORANGEBURG AVENUE, east of Oakdale Road	40 miles per hour
PRESCOTT ROAD, Briggsmore to Rumble	25 miles per hour
RIVER ROAD, Herndon Road to 1,200 feet westerly	35 miles per hour
ROBLE AVENUE, Santa Ana to Rosina	25 miles per hour
ROSE AVENUE, between 500 feet north of Brewer and Floyd Avenue	25 miles per hour
RUMBLE ROAD, between Carver Road and Conant Avenue, within the City limits	30 miles per hour
RUMBLE ROAD, between Gully and Tidewater Southern Tracks	25 miles per hour
RUMBLE ROAD, between Highgate and the east City limits	25 miles per hour
SCENIC DRIVE, between 300 feet west of Rose Avenue and Oakdale Road, within the City limits	35 miles per hour
SHERWOOD, from Orangeburg to Northern Boulevard	25 miles per hour
STANDIFORD AVENUE, Tidewater Southern Railroad to McHenry Avenue	35 miles per hour
STODDARD, between McHenry and Virginia	25 miles per hour
SUNRISE, from Lucerne to the northerly City limits	25 miles per hour
SYLVAN AVENUE, between 1,300 feet west of Coffee Road to 2,650 feet east of Coffee Road, within the City limits	50 miles per hour

TULLY ROAD, from 300 feet north of Woodrow to the north City limits	35 miles per hour
WESTERN WAY, between Sutter Avenue and Roselawn Avenue	25 miles per hour
WOODROW AVENUE, within the City limits	25 miles per hour
WRIGHT, from Sycamore to McHenry	25 miles per hour
9th STREET, from north end of Tuolumne River Bridge to south City limits	40 miles per hour
9th STREET, from north end of Tuolumne River Bridge to D Street	30 miles per hour
9th STREET, from P Street to Tully Road	35 miles per hour
9th STREET, from Tully Road to north City limits	50 miles per hour

SECTION 2. DECLARATION OF EMERGENCY. The Council of the City of Modesto hereby finds and declares that the foregoing ordinance is necessary as an emergency measure for preserving the public peace, health and safety. The following is a statement of the facts showing its urgency: Unless the foregoing ordinance is adopted without delay, the prima facie speed limit of 65 miles per hour exists for the portion of Briggsmore east of McHenry, which will jeopardize the public peace, health and safety of the citizens of the City of Modesto.

SECTION 3. EFFECTIVE DATE. Pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall go into effect and be in full force and operation as of the date of its adoption.

SECTION 4. PUBLICATION. This ordinance shall be published in full 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 19th day of July, 1971, by Councilman Dixon, who moved its introduction and passage to print, which motion being

duly seconded by Councilman Dunlap, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, Newton, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST:

By *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

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

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

SECTION 1. AMENDMENT OF CODE. Section 3-2.1401 of

Article 14 of Chapter 2 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-2.1401. DECREASE OF STATE LAW MAXIMUM SPEED. Pursuant to authority contained in the California Vehicle Code, it is hereby determined upon the basis of an engineering and traffic survey that the speed limit permitted by State law outside of business and residence districts as applicable upon the following streets is greater than is reasonable or safe under the conditions found to exist upon such streets, and it is hereby declared that the prima facie speed limit shall be as hereinafter set forth on those streets or parts of streets herein designated when signs are erected giving notice thereof:

<u>NAME OF STREET OR PORTION AFFECTED</u>	<u>DECLARED PRIMA FACIE SPEED LIMIT</u>
ALICE, from Sycamore to McHenry	25 miles per hour
BLUE GUM AVENUE, between North 9th Street and Prichard Avenue, within the City limits	40 miles per hour
BOWEN, from Geneva Drive to the easterly City limits	25 miles per hour
<u>BRIGGSMORE, from McHenry to the easterly City limits</u>	<u>35 miles per hour</u>
BRIGGSMORE, from McHenry to Tully Road	30 miles per hour
BRIGGSMORE, from Tully Road to the westerly City limits	35 miles per hour
BRIGHTON AVENUE, between Wylie Drive and Coffee Road	25 miles per hour
CARPENTER ROAD, between California and Maze	40 miles per hour
CARPENTER ROAD, between the southerly City limits at the Tuolumne River and Robertson Road	35 miles per hour
CARPENTER ROAD, between Blue Gum Avenue and 1,350 feet southerly within the City limits	50 miles per hour
CARVER ROAD, from Evergreen Street north to the northerly City limits	25 miles per hour

CENTER STREET, entire length in City	25 miles per hour
COFFEE ROAD, Scenic Drive to M. I. D. Lateral #3	30 miles per hour
COFFEE ROAD, between M. I. D. Lateral #3 and Floyd Avenue within the City limits	35 miles per hour
COFFEE ROAD, between Floyd and Sylvan Avenues, within the City limits	40 miles per hour
COLLEGE AVENUE, between Durant and Rumble	25 miles per hour
CONANT ROAD, between North 9th Street and Rumble Road, within the City limits	35 miles per hour
DEL VALE, entire length in City	25 miles per hour
EL VISTA, within the City limits	35 miles per hour
EMERALD, from Maze Road to the southerly City limits	25 miles per hour
ENCINA, Covenana to Santa Ana	25 miles per hour
ENSLLEN, between Granger and Orangeburg	25 miles per hour
FAIRMONT AVENUE, between Virginia and McHenry	25 miles per hour
FRANKLIN, between California and Laurel	25 miles per hour
GRANGER, from Tully to McHenry	25 miles per hour
GRISWOLD, from Virginia to McHenry	25 miles per hour
HADDON, between La Loma and Conejo	25 miles per hour
HATCH ROAD, within the City limits	35 miles per hour
JEFFERSON, from Paradise Road to 8th Street	25 miles per hour
K STREET, between Washington Avenue and 9th Street	25 miles per hour
KEARNEY, entire length in City	25 miles per hour
LA LOMA, entire length in City	25 miles per hour
LEGION PARK ROAD, between Santa Cruz and Conejo	25 miles per hour
LEVELAND LANE, College to TSRR tracks	25 miles per hour
LUCERNE AVENUE, from Johnson Street to Coffee Road	25 miles per hour

MADISON, entire length in City	25 miles per hour
MILLER, from La Loma to Conejo	25 miles per hour
MORTON BOULEVARD, entire length in City	25 miles per hour
NEECE DRIVE, from Tuolumne Boulevard to the Southerly City limits	25 miles per hour
OAKDALE ROAD, between Scenic Drive and Orangeburg Avenue	30 miles per hour
OAKDALE ROAD, north of Orangeburg within City limits	50 miles per hour
ORANGEBURG AVENUE, east of McHenry Avenue	35 miles per hour
ORANGEBURG AVENUE, Martin to Prescott	25 miles per hour
ORANGEBURG AVENUE, east of Oakdale Road	40 miles per hour
PRESCOTT ROAD, Brigsmore to Rumble	25 miles per hour
RIVER ROAD, Herndon Road to 1,200 feet westerly	35 miles per hour
ROBLE AVENUE, Santa Ana to Rosina	25 miles per hour
ROSE AVENUE, between 500 feet north of Brewer and Floyd Avenue	25 miles per hour
RUMBLE ROAD, between Carver Road and Conant Avenue, within the City limits	30 miles per hour
RUMBLE ROAD, between Tully and Tidewater Southern Tracks	25 miles per hour
RUMBLE ROAD, between Highgate and the east City limits	25 miles per hour
SCENIC DRIVE, between 300 feet west of Rose Avenue and Oakdale Road, within the City limits	35 miles per hour
SHERWOOD, from Orangeburg to Northern Boulevard	25 miles per hour
STANDIFORD AVENUE, Tidewater Southern Railroad to McHenry Avenue	35 miles per hour
STODDARD, between McHenry and Virginia	25 miles per hour
SUNRISE, from Lucerne to the northerly City limits	25 miles per hour
SYLVAN AVENUE, between 1,300 feet west of Coffee Road to 2,650 feet east of Coffee Road, within the City limits	50 miles per hour

TULLY ROAD, from 300 feet north of Woodrow to the north City limits	35 miles per hour
WESTERN WAY, between Sutter Avenue and Roselawn Avenue	25 miles per hour
WOODROW AVENUE, within the City limits	25 miles per hour
WRIGHT, from Sycamore to McHenry	25 miles per hour
9th STREET, from north end of Tuolumne River Bridge to south City limits	40 miles per hour
9th STREET, from north end of Tuolumne River Bridge to D Street	30 miles per hour
9th STREET, from P Street to Tully Road	35 miles per hour
9th STREET, from Tully Road to north City limits	50 miles per hour

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

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) 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 19th day of July, 1971, by Councilman Dixon, who moved its introduction and passage to print, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and ordered printed and published by the following vote:

AYES:	Councilmen:	Dixon, Dunlap, Elliott, Newton, Simon, Smith, Mayor Davies
NOES:	Councilmen:	None
ABSENT:	Councilmen:	None

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST:

By W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 26th day of July, 1971, Councilman Elliott moved its final adoption, which motion being duly seconded by Councilman Smith, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, Newton, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: August 25, 1971

AN ORDINANCE AMENDING SECTIONS 5-6.01, 5-6.02, 5-6.04, 5-6.05, 5-6.07, 5-6.10 AND 5-6.16 OF CHAPTER 6 OF TITLE V OF THE MODESTO MUNICIPAL CODE RELATING TO SEWAGE COLLECTION AND DISPOSAL.

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

SECTION 1. AMENDMENT OF CODE. Sections 5-6.01, 5-6.02, 5-6.04, 5-6.05, 5-6.07, 5-6.10 and 5-6.16 of Chapter 6 of Title V of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 5-6.01. DEFINITIONS. Unless the context requires a different meaning for the purposes of this Chapter, the following terms shall be defined as follows:

(a) "Apartment": A building or portion thereof containing three (3) or more dwelling units.

(b) "Dwelling Group": Two (2) or more buildings of any one lot, containing three (3) or more dwelling units.

(c) "Dwelling Unit": A suite of one or more rooms which is occupied by or intended to be occupied by one family with its own kitchen facilities.

(d) "Duplex": A building containing two (2) dwelling units.

(e) "Lot": A parcel of land consisting of one or more contiguous lots of record in one ownership.

(f) "Industrial Waste": Liquid and/or solids contained within a liquid, other than sanitary sewage, and discharged into the sewage system by an industrial user.

(g) "Sanitary Sewage": Waste discharging into the City sewage system and which contains human or animal excreta.

(h) "Water Quality Control Plant": The plant owned by the City and designed for the treatment and disposal of sewage, including a remote oxidation ponding site.

(i) "Sewage": Industrial waste or sanitary sewage, or both.

(j) "Sewer Service": The services and facilities for the collection, treatment, and disposal of industrial wastes and sanitary sewage.

(k) "Sewer System": The facilities for the collection, treatment, and disposal of industrial wastes and sanitary sewage.

(l) "House Sewer Line": The line connecting a user's property to the sewage system.

(m) "Sewer District": Modesto Municipal Sewer District No. 1 established by the City Council by Resolution No. 66-543 effective August 16, 1966, encompassing the City of Modesto and portions of contiguous unincorporated areas, the legal description and boundaries of which have been recorded in the office of the Recorder of the County of Stanislaus, including areas heretofore or hereafter annexed thereto.

(n) "Trunk Sewer": A pipeline which transports sewage from sewer laterals and subtrunk sewers to the Water Quality Control Plant.

(o) "Sewer Lateral": A pipeline which collects sewage from individual users and transports it to subtrunk and trunk sewers.

(p) "Subtrunk Sewer": A sewer lateral which has been deepened and/or enlarged to serve areas in addition to those immediately adjacent to the trunk sewer.

(q) "Premises": Any lot, piece or parcel of land, and building or other structure or any part of any building or structure used or useful for human habitation or gathering or carrying on any business, industry, or occupation.

(r) "User": Any person responsible for payment of sewer service charges for premises served by the sewage system as provided in this Chapter.

(s) "Residential User": Any user whose premises are used solely for residential purposes.

(t) "Industrial User": Any user engaged in the business of processing or manufacturing agricultural products, animals, poultry, goods, wares, or other products or materials who processes or manufactures the same for the purpose of sale, resale, or redelivery in processed or manufactured form.

(u) "Commercial User": Any user not defined as a residential or industrial user.

(v) "Director": The Director of Public Works of the City or such other person as may be designated by the Director of Public Works to perform the services or make the determinations permitted or required in this Chapter to be made by the Director of Public Works of the City.

(w) "Sewer Service Charge": A charge established to pay the cost of operation, maintenance, and debt service of the sewage system.

(x) "Sewer Bond Redemption Charge": A charge established to compensate the City for having provided collection and treatment facilities before being able to collect revenue from the benefited properties.

(y) "Subtrunk Sewer Extension Charge": A charge established to equalize the costs of connecting the in-tract facilities and/or oversize facilities of a particular subdivision or area to the trunk sewers so that developments close to the chosen trunk sewer alignments do not receive unfair advantage over those located further away.

(z) "Biochemical Oxygen Demand (B. O. D.)": The quantity of oxygen required by sewage for biochemical oxidation in five (5) days at 20° C in ppm.

(aa) "Mobile Home Park": Any area or tract of land where two (2) or more spaces are rented or leased or held for rent or lease to accommodate mobile homes.

(bb) "Mobile Home Space": Each space in a mobile home park designed to be used for parking a mobile home on a temporary, semi-permanent or permanent basis.

(cc) "Mobile Home Subdivision": Any area or tract of land improved to subdivision standards with mobile home lots.

SEC. 5-6.02. SEWER SERVICE CHARGES. Each person owning property within the Sewer District shall pay a sewer service charge to the City in accordance with the following rates:

(a) Residential.

(1) In all areas within the City limits as of July 1, 1950, the monthly sewer service charges for dwelling units, mobile homes and mobile home spaces in mobile home parks connected or required to be connected to the sewage system shall be:

Each single family dwelling or mobile home on a lot..	\$1.15
One additional dwelling unit or mobile home on the same lot .....	.70
Each dwelling unit in a duplex.....	.90
Each dwelling unit in an apartment building or dwelling group or mobile home space in a mobile home park .....	.70

(2) In areas annexed to the City after July 1, 1950, and prior to July 1, 1960, the monthly sewer service charges for dwelling units, mobile homes and mobile home spaces in mobile home parks connected or required to be connected to the sewage system shall be:

Each single family dwelling or mobile home on a lot..	\$1.50
One additional dwelling unit or mobile home on the same lot .....	.90
Each dwelling unit in a duplex .....	1.15
Each dwelling unit in an apartment building or dwelling group or mobile home space in a mobile home park .....	.90

(3) In areas annexed to the City after July 1, 1960, the monthly sewer service charges for dwelling units, mobile homes and mobile home spaces in mobile home parks connected or required to be connected to the sewage system shall be:

Each single family dwelling or mobile home on a lot..	\$1.95
One additional dwelling unit or mobile home on the same lot .....	1.15
Each dwelling unit in a duplex .....	1.50
Each dwelling unit in an apartment building or dwelling group or mobile home space in a mobile home park .....	1.15

(4) In those areas which are outside the City and inside the Sewer District as of July 1, 1967, the monthly sewer service charges for dwelling units, mobile homes and mobile home spaces in mobile home parks connected or required to be connected to the sewage system shall be:

Each single family dwelling or mobile home on a lot..	\$2.35
One additional dwelling unit or mobile home on the same lot .....	1.40
Each dwelling unit in a duplex .....	1.80
Each dwelling unit in an apartment building or dwelling group or mobile home space in a mobile home park .....	1.40

(5) In areas outside the Sewer District, the monthly sewer service charges for dwelling units or mobile homes or mobile home spaces in mobile home parks shall be three (3) times the inside City rate for areas annexed to the City after July 1, 1960.

(6) For dwelling units or mobile homes required to be connected to the sewage system, but which have not been connected to said system, in addition to the sewer service charges set forth in subsections (a)(1), (a)(2), (a)(3) and (a)(4) above, there shall be an additional charge of One and no/100ths (\$.00) Dollar per month per premise to cover the costs of inspections to insure that the continued use of septic tanks does not cause a health hazard or nuisance.

(b) Commercial.

(1) Charges for all commercial users inside the City limits connected or required to be connected to the sewage system shall be sixty-five (65%) per cent of the bimonthly water bill, provided that all water used on the premises is from City facilities. In addition thereto, if any or all water used by any commercial user is from other than City facilities, user shall install metering facilities approved by the Director at the user's expense and the sewer service charge shall be an amount equal to sixty-five (65%) per cent of the charges which would be made were such water from City facilities. In no event shall charges for commercial users be less than a bimonthly rate of Three and no/100ths (\$3.00) Dollars.

(2) Charges for all commercial users outside the City limits but inside the Sewer District as of July 1, 1967, connected or required to be connected to the sewage system shall be one hundred twenty (120%) per cent of the sewer service rate charged commercial users inside the City.

(3) Charges for commercial users outside the Sewer District connected to the sewage system shall be the charges for commercial users inside the City limits multiplied by three (3).

(4) For commercial users required to be connected to the sewage system, but which have not been connected to said system, in addition to the sewer service charges set forth in subsections (b)(1), and (b)(2) above, there shall be an additional charge of One and 50/100ths (\$.50) Dollars per month to cover the costs of inspections to insure that the continued use of septic tanks does not cause a health hazard or nuisance.

(c) Industrial.

(1) Monthly charges for industrial users inside the City limits shall be as follows, based on either sewage discharge or water used.

<u>Flow</u>	<u>Charge</u>
<u>3,000 CF or les</u>	<u>Per Month</u>
	\$10.00
	100 CF
Next 12,000 CF	.11
Next 185,000 CF	.09
Next 300,000 CF	.08
Next 500,000 CF	.06
Over 1,000,000 CF	.04

If B. O. D. of the industrial waste is over 300 ppm, then an additional charge of Eighty (\$.80) Cents per one hundred (100) pounds of B. O. D. will be made for the B. O. D. in excess of three hundred (300) ppm, as set forth in Section 5-6.13 (e) herein.

(2) Monthly charges for industrial users outside the City limits and inside the Sewer District, shall be as follows, based on either sewage discharge or water used:

Flow		Charge
3,000 CF or less		Per Month
		\$20.00
		100 CF
Next	12,000 CF	.16
Next	185,000 CF	.13
Next	300,000 CF	.11
Next	500,000 CF	.08
Over	1,000,000 CF	.05

If the B. O. D. of the industrial waste is over three hundred (300) ppm, then an additional charge of Eighty (\$. 80) Cents per one hundred (100) pounds of B. O. D. will be made for the B. O. D. in excess of three hundred (300) ppm, as set forth in Section 5-6.13 (e) herein.

(3) In those cases where an industrial user has elected to install an effluent metering device to measure industrial waste and has an unmetered connection for disposal of sanitary sewage, the Director of Public Works may establish an estimated volume of sanitary sewage. The estimated volume shall be based upon the number and usage of plumbing fixture units contributing to the system and any other available information that indicates the volume of sanitary sewage. The quantity of flow thus obtained shall be added to the volume of industrial waste passing through the effluent meter and monthly waste charges shall be based upon the total volume.

(d) Schools.

No charge shall be made for sewer service to schools.

(e) Churches and Parsonages.

The monthly sewer service charge for churches within the Sewer District shall be One and 50/100ths (\$1.50) Dollars per month. When a residence used as a parsonage is located on the same lot, there shall be an additional sewer service charge of One and 50/100ths (\$1.50) Dollars per month.

(f) Special Situations.

Anything to the contrary contained in this chapter notwithstanding, the Council shall have the power to establish, by agreement or resolution, the rate or rates to be charged for furnishing sewer services to governmental agencies, and to any user outside of the boundaries of the Sewer District, at rates different from those heretofore set forth.

**SEC. 5-6.04. SEWER BOND REDEMPTION CHARGES.** Each person owning property within the Sewer District shall pay a charge to the City for connecting to the sewage system in accordance with the following rates:

(a) Residential. A bond redemption charge of One Hundred and no/100ths (\$100.00) Dollars per dwelling unit, a mobile home or mobile home space in a mobile home park shall be paid to the City for connection to the sewage system. The bond redemption charge shall increase to One Hundred Fifty and no/100ths (\$150.00) Dollars on July 1, 1969, and shall increase at the rate of Twenty-Five and no/100ths (\$25.00) Dollars per dwelling unit annually thereafter, commencing on July 1, 1970, unless specifically waived for the year involved by resolution of the City Council.

(b) Commercial and Industrial. A bond redemption charge of Four Hundred and no/100ths (\$400.00) Dollars per acre shall be paid to the City for connection to the sewage system. The bond redemption charge shall increase to Six Hundred and no/100ths (\$600.00) Dollars on July 1, 1969, and shall increase One Hundred and no/100ths (\$100.00) Dollars per acre annually thereafter, commencing on July 1, 1970, unless specifically waived for the year involved by resolution of the City Council. Churches shall pay a commercial bond redemption charge.

The acreage used to determine the bond redemption charge shall be the total area developed or being developed which is owned, leased, or controlled by the user.

In those instances where the total acreage owned, leased or controlled by the user is greater than that developed or being developed, the Director is authorized to determine the acreage to be used in determining the bond redemption charge. The remaining acreage shall pay a bond redemption charge at such time as it is developed.

(c) Unconnected Standby Sewer Service Charges. Properties which paid unconnected standby sewer service charges prior to July 1, 1969, shall be exempt from sewer bond redemption charges.

SEC. 5-6.05. PAYMENT OF SEWER BOND REDEMPTION CHARGES. (a) The sewer bond redemption charge set forth in Section 5-6.04 (a) shall be paid for connection to the sewage system at the time a building permit is issued for a building or structure. In those cases where a building exists, the sewer bond redemption charge shall be collected at the time a plumbing permit is issued to connect said building or structure to the sewage system. The Council may, by resolutions adopted from time to time, establish conditions under which the sewer bond redemption charges set forth in Section 5-6.04 (a) may be spread over a period of time and paid in installments.

(b) The sewer bond redemption charge set forth in Section 5-6.04 (b) shall be paid for connection to the sewage system at the time connection is made or development occurs.

SEC. 5-6.07. PAYMENT OF SUBTRUNK SEWER EXTENSION CHARGES. Subtrunk sewer extension charges shall be paid at the time sewer service is made available to any subdivision, tract, area or lot in the Sewer District. In the case of new subdivisions or parcel maps, this charge shall be paid at the time of filing the final subdivision or parcel map. The Council may, by resolutions adopted from time to time, establish conditions under which the subtrunk sewer extension charges set forth in Section 5-6.06 may be spread over a period of time and paid in installments.

SEC. 5-6.10. PARTICIPATION IN COST OF EXISTING SEWERS. No property shall be permitted to connect to the City sewage system without participating in the cost of the sewer laterals which serve the area where the property is located.

Any property connecting to the City sewage system that has not already participated in the cost of a sewer lateral and which is to be served by an existing sewer shall either make reimbursement, through the City of the property's proportionate share of private funds expended on the existing sewer line in accordance with any agreements on file with the Director or shall pay to the City five (.05¢) cents per square foot of property area, whichever is the greater sum. In the case of irregular shaped or large parcels, the property area shall be as determined by the Director, who shall base his determination on the area of property which will be benefited by the connection to the City sewage system.

SEC. 5-6.16. CONNECTION TO SEWAGE SYSTEM REQUIRED. Every building or structure in the Sewer District in which plumbing fixtures are installed shall be connected to the sewage system where a sewer lateral is available. This requirement shall apply to any building or structure existing on July 1, 1967, as well as any building or structure thereafter constructed.

A sewer lateral is available for the purpose of this section when such a sewer lateral is located within one hundred (100') feet from any existing building or septic tank on any lot or premises which can be served by such sewer lateral. A sewer lateral is available to new development when the proposed building is within one hundred (100') feet of such sewer lateral or any building connected to the sewage system.

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

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) 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 2nd day of August, 1971, by Councilman Dixon, who moved its introduction and passage to print, which motion being duly seconded by Councilman Newton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, Newton, Simon, Smith,  
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST:

By *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 9th day of August, 1971, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Simon, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Dunlap, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Elliott, Newton

APPROVED

  
LEE H. DAVIES, Mayor

ATTEST:

  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: September 8, 1971

AN ORDINANCE AMENDING SECTIONS 5-5.14 AND 5-5.29 OF CHAPTER 5 OF TITLE V OF THE MODESTO MUNICIPAL CODE RELATING TO GARBAGE DISPOSAL.

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

SECTION 1. AMENDMENT OF CODE. Sections 5-5.14 and 5-5.29 of Chapter 5 of Title V of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 5-5.14. HOURS OF COLLECTION.

(a) No collections shall be made in residential districts, as shown on the Zoning Map of the City of Modesto, or at schools, churches, hospitals, offices or commercial establishments in or adjacent to said residential districts, except as follows:

(1) From the 1st day of November of any year to and including the 31st day of March of the following year no such collection shall be made except between the hours of 6:00 o'clock A. M. and 6:00 o'clock P. M.

(2) From the 1st day of April to and including the 31st day of October of the same year no such collection shall be made except between the hours of 5:00 o'clock A. M. and 6:00 o'clock P. M.

(b) No collections shall be made from premises in commercial areas other than described in subsection (a) above except between the hours of 6:00 o'clock P. M. and 10:00 o'clock A. M. of the following day. The Director of Public Works shall determine the commercial areas subject to this provision.

SEC. 5-5.29 FAITHFUL PERFORMANCE BOND BY GARBAGE COLLECTORS. Each person granted a license to collect garbage pursuant to the provisions of this chapter shall file with the City Clerk a faithful performance bond or other form of security satisfactory to the City in an amount not to exceed the sum of Twenty-five Thousand and no/100ths (\$25,000.00) Dollars. Said bond for security shall be conditioned upon the faithful performance of all of the terms and conditions of said license and the provisions of this chapter, insofar as they are applicable to said licensee.

This section shall not apply to swill, industrial garbage or salvageable waste collectors; nor shall it apply to any licenses issued prior to January 1, 1972, for the collection of garbage.

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

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) 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 9th day of August, 1971, by Councilman Simon, who moved its introduction and passage to print, which motion being duly seconded by Councilman Dixon, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Dunlap, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Elliott, Newton

APPROVED:

Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST:

By

W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

FINAL ADOPTION CLAUSE


The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 16th day of August, 1971, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Simon, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Dunlap, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Elliott, Newton

APPROVED   
LEE H. DAVIES, Mayor

ATTEST:   
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: September 15, 1971

AN ORDINANCE AMENDING SECTION MAP 16-3-9  
OF THE ZONING MAP OF THE CITY OF MODESTO,  
RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON.  
(GEORGE P. BABA)

WHEREAS, a verified application for an amendment to Section 16-3-9 of the Zoning Map was filed by George P. Baba

on May 27, 19 71, to reclassify from Multiple-family Residential Zone, R-3, to Professional Office Zone, P-0, the hereinafter described property, and

WHEREAS, after public hearing held on July 20, 19 71, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 71-94, adopted on July 20, 19 71, the Planning Commission recommended to the Council that the application of George P. Baba

to amend Section 16-3-9 of the Zoning Map to reclassify the hereinafter described property from Multiple-family Residential Zone, R-3, to Professional Office Zone, P-0, be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing, this Council finds and determines that the requested rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource.

SECTION 2. ZONING CHANGE. Section 16-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Multiple-family Residential Zone,

All that certain real property situate in Section 16, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California, described as follows:

Lot 1 in Block 1266 and Lot 8 in Block 1268 of Central Heights Estates, according to the Official Map thereof filed in the Office of the Recorder of Stanislaus County, California, on November 26, 1965, in Volume 21 of Maps, at page 32.

Including all of David Court immediately adjacent to the South line of said Lot 1 and the North line of said Lot 8.

Including also the Easterly one-half of Coffee Road immediately adjacent to the above described property.

SECTION 3. ZONING MAP. Section 16-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) 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 16th day of August, 19 71, by Councilman Simon, who moved its introduction and passage to print, which motion being duly seconded by Councilman Smith, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Dunlap, Simon, Smith, Mayor Davies  
NOES: Councilmen: None  
ABSENT: Councilmen: Elliott, Newton

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST: W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

BY William J. Kilob  
Planning Department

Ord. No. 1135-O.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 7th day of September, 1971, Councilman Newton moved its final adoption, which motion being duly seconded by Councilman Dixon, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Dunlap, Newton, Simon, Smith,  
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Elliott

APPROVED   
LEE H. DAVIES, Mayor

ATTEST:   
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: October 7, 1971

AN ORDINANCE AMENDING SECTION MAP 16-3-9 OF  
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSI-  
FYING CERTAIN PROPERTY LOCATED THEREON. (FELLOWSHIP  
HOMES INC.)

The Council of the City of Modesto does ordain as fol-  
lows:

SECTION 1. ZONING CHANGE. Section 16-3-9 of the  
Zoning Map is hereby amended to reclassify the following-described  
property from One-family Residential Zone, R-1,  
to Planned-Development Zone, P-D (92) :

All that portion of Lots 14, 15, 16, 19, 20, and 21  
of the Pomona Villa Tract, according to the official map  
thereof, filed in the office of the Recorder of  
Stanislaus County, California, on December 16, 1904,  
in Volume 2 of Maps, at Page 4, and more particularly  
described as follows:

Commencing at a three-quarter (3/4<sup>th</sup>) inch iron pipe  
monument marking the intersection of the centerline  
of Norwegian Avenue with the East line of McHenry  
Avenue; thence along the centerline of Norwegian  
Avenue south 89° 39' East 1531.75 feet to a point on  
the Northerly extension of the East line of the  
property conveyed to Modesto Racquet Club, a California  
corporation, by Deed recorded November 8, 1960, in  
Volume 1643 of Official Records, at page 401, as  
Instrument No. 31891, Stanislaus County Records; thence  
South 0° 49' East along said East line so extended, 20  
feet to a point on the southerly line of Norwegian  
Avenue and the true point of beginning of this  
description; thence along the Southerly line of said  
Norwegian Avenue South 89° 39' East 500.00 feet;  
thence parallel to the Easterly line of said Pomona  
Villa Tract South 0° 53' East 703.61 feet to a point on  
the Southwesterly line of said Lot 19; thence along  
the Southwesterly line of said Lots 19, 20, and 21,  
being the Southwesterly line of a 33-foot street known  
as Orange Avenue, North 70° 33' West 533.76 feet to  
the Southeast corner of said Modesto Racquet Club  
parcel; thence along the Easterly line of said Modesto  
Racquet Club parcel North 0° 49' West 528.90 feet to  
the true point of beginning.

Including also the southerly 10 feet of Norwegian Avenue  
immediately adjacent to the above described property.

Excluding therefrom the northerly one-half of the  
Modesto Irrigation District Lateral No. 3 canal  
immediately adjacent to the above described property.

**SECTION 2. USES.** The following uses shall be permitted in said P-D (92) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

1. A retirement center-convalescent care facility composed of the following:
  - a. 82 long-term care convalescent beds
  - b. 82 residential care units
  - c. 84 independent living units
  - d. 18 intermediate care units
2. A minimum of 90 parking spaces

**SECTION 3. ZONING MAP.** Section Map 16-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

**SECTION 5. PUBLICATION.** This ordinance shall be published in full at least once at least three (3) 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 16th day of August, 19 71, by Councilman Simon, who moved its introduction and passage to print, which motion being duly seconded by Councilman Dixon, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Dunlap, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Elliott, Newton

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST: W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By William J. Nichols  
Planning Department

Ord. No. 1136-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 7th day of September, 1971, Councilman Newton moved its final adoption, which motion being duly seconded by Councilman Dixon, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Dunlap, Newton, Simon, Smith, Mayor Davies


NOES: Councilmen: None

ABSENT: Councilmen: Elliott

APPROVED

  
LEE H. DAVIES, Mayor

ATTEST:

  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: October 7, 1971

AN ORDINANCE AMENDING SECTION MAP 16-3-9  
OF THE ZONING MAP OF THE CITY OF MODESTO,  
RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON.  
(A. G. SPANOS)

WHEREAS, a verified application for an amendment to Section 16-3-9 of the Zoning Map was filed by A. G. Spanos

on May 21, 1971, to reclassify from One-family Residential Zone, R-1, to Professional Office Zone, P-0, the hereinafter described property, and

WHEREAS, after public hearing held on July 20, 1971, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 71-93, adopted on July 20, 1971, the Planning Commission recommended to the Council that the application of A. G. Spanos

to amend Section 16-3-9 of the Zoning Map to reclassify the hereinafter described property from One-family Residential Zone, R-1, to Professional Office Zone, P-0, be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing, this Council finds and determines that the requested rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource.

SECTION 2. ZONING CHANGE. Section 16-3-9 of the Zoning Map is hereby amended to reclassify the following described property from One-family Residential Zone,

P-0:

All that portion of the southeast one-fourth of Section 16, Township 3 South, Range 9 East, Mount Diablo Base and Meridian.

Beginning at the point of intersection of the centerline of Norwegian Avenue with east line of said Section 16; thence North  $89^{\circ} 38' 4''$  West along the centerline of Norwegian Avenue 25 feet to the true point of beginning; thence south  $0^{\circ} 59' 40''$  East 308.52 feet; thence North  $89^{\circ} 38' 40''$  West 698.57 feet; thence North  $3^{\circ} 47' 10''$  West 309.23 feet to the centerline of Norwegian Avenue; thence South  $89^{\circ} 38' 40''$  East 713.62 feet along the centerline of Norwegian Avenue to the true point of beginning.

Including also the westerly 25 feet of Coffee Road immediately adjacent to the above described property.

Excepting therefrom the westerly 160 feet of the above described property.

3.88 net acres.

SECTION 3. ZONING MAP. Section 16-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) 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 16th day of August, 19 71, by Councilman Dixon, who moved its introduction and passage to print, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Bixon, Dunlap, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Elliott, Newton

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST: W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

BY William J. Nichols  
Planning Department

Ord. No. 1137-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 7th day of September, 1971, Councilman Newton moved its final adoption, which motion being duly seconded by Councilman Dixon, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Dunlap, Newton, Simon, Smith,  
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Elliott

APPROVED

  
LEE H. DAVIES, Mayor

ATTEST:

  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: October 7, 1971

AN ORDINANCE AMENDING SECTION 6-1.106 OF ARTICLE 1 OF CHAPTER 1 OF TITLE VI OF THE MODESTO MUNICIPAL CODE RELATING TO BUSINESS LICENSING IN THE CITY OF MODESTO.

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

SECTION 1. AMENDMENT OF CODE. Section 6-1.106 of Article 1 of Chapter 1 of Title VI of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 6-1.106. EXEMPTIONS. The provisions of this chapter shall not be deemed or construed to require the payment of a license tax to conduct, manage or carry on the following businesses or occupations:

(a) Charitable Institutions, Etc. From any institution or organization which is conducted, managed or carried on wholly for the benefit of charitable purposes, or 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 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 law of the City requiring such institution or organization to obtain a permit from the proper board, or officer to conduct, manage or carry on any profession, trade, calling or occupation; provided that such institution or organization shall file with the Director satisfactory proof by affidavit that the receipts of such business are to be used for the purposes herein specified.

(b) Interstate Commerce. In any case where the payment of a license tax would cast an undue 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 Director disclosing the interstate or other character of his business entitling it 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, 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 affidavit for the information of the Director. If it appears that the applicant is entitled to such exemption, the Director shall forthwith issue a free license.

(c) Disabled Veterans: Any disabled veteran who is physically unable to obtain a livelihood by manual labor and having honorable discharge or release papers showing disability incurred while in service in the armed forces of the United States, shall have the right to distribute circulars and hawk, peddle and vend any goods, wares or merchandise owned by him without the payment of any license or tax upon the following terms and conditions:

The applicant shall furnish evidence satisfactory to the Director that he is physically unable to obtain a livelihood by manual labor, an honorably discharged or released member of the armed forces of the United States and that he sustained disability while serving in the armed forces of the United States during a war or military campaign in which the United States was engaged.

(d) Agricultural Producers. 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 a loading platform such produce or products actually produced or grown by him.

(e) Blind. Any business conducted, carried on or managed solely by a totally blind person.

(f) Part-Time Occupations. Any part-time occupation conducted or carried on solely by any natural person under the age of eighteen (18) years or seventy (70) years of age or older. Part-time occupation as used in this subsection means an occupation in which the annual gross receipts do not exceed Five Thousand and no/100ths (\$5,000.00) Dollars.

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

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) 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 16th day of August, 1971, by Councilman Smith, who moved its introduction and passage to print, which motion being duly seconded by Councilman Simon, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Dunlap, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Elliott, Newton

APPROVED: *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST:

By *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney


FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 23rd day of August, 1971, Councilman Dixon moved its final adoption, which motion being duly seconded by Councilman Newton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Dunlap, Newton, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Elliott, Simon

APPROVED   
LEE H. DAVIES, Mayor

ATTEST:   
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: September 22, 1971

AN ORDINANCE FIXING THE RATE OF TAXATION IN AND FOR THE CITY OF MODESTO FOR THE FISCAL YEAR 1971-72, AND REPEALING ORDINANCE NO. 1046-C. S.

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

SECTION 1. DEFINITION: TAX CODE AREA. A geographical area within the City of Modesto as established by the State Board of Equalization for the purpose of taxation and as shown on the tax code area maps on file in the Office of the Assessor of Stanislaus County, State of California.

SECTION 2. TAX RATE. There is hereby levied upon the assessed valuation of the property in the following described tax code areas situated in the City of Modesto, State of California, for the fiscal year beginning July 1, 1971, and ending June 30, 1972, the rates of taxation hereinafter specified, said rates being upon each One Hundred and no/100ths (\$100.00) Dollars of the valuation according to the equalized assessment roll, to wit:

(a) Tax Code Areas No. 2-1; 2-2; 2-6; 2-7; 2-8; 2-9; 2-10; 2-11; 2-12; 2-13; 2-14; 2-15; 2-16; 2-17; 2-18; 2-22; and 2-23:

For the General Fund . . . . .	\$ 1.12
For the Bond Redemption and Interest Fund . . . . .	.01

(1) Municipal Improvement Bonds of 1947 for the redemption of bonds and the payment of interest thereon that shall accrue during the said fiscal year:

For the Park Fund . . . . .	<u>.04</u>
The aggregate of said sums, to wit . . . . .	\$ 1.17

(b) Tax Code Areas No. 2-3 and 2-5:

For the General Fund . . . . .	\$ 1.12
For the Park Fund . . . . .	<u>.04</u>
The aggregate of said sums, to wit . . . . .	\$ 1.16

SECTION 3. REPEALS. Ordinance No. 1046-C. S., adopted by the Council of the City of Modesto on the 17th day of August, 1970, is hereby repealed.

SECTION 4. EFFECTIVE DATE. Pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall take effect and be in full force and operation upon adoption.

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once 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 16th day of August, 1971, by Councilman Smith, who moved its introduction and adoption, which motion being duly seconded by Councilman Simon, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Dunlap, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Elliott, Newton

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST:

By W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

AN ORDINANCE AMENDING SECTION MAP 9-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, PRFZONING CERTAIN PROPERTY LOCATED THEREON. (HAWAII AND SAN FRANCISCO INVESTMENT COMPANY - SYLVAN AVENUE)

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

SECTION 1. ZONING CHANGE. Section 9-3-9 of the Zoning Map is hereby amended to prezone Parcel 1 of the following described property to Two-Family Residential Zone, R-2, and Parcel 2 of the following described property to Planned Development Zone, P-PD(93):

Parcel 1  
Prezone to R-2

All that certain real property situate in the south half of the Northwest Quarter of Section 9, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the County of Stanislaus, State of California, described as follows:

Commencing at the West Quarter of said Section 9, said corner being the intersection of the centerline of McHenry Avenue with the centerline of Sylvan Avenue; thence South  $89^{\circ} 23'$  East along the centerline of said Sylvan Avenue 827.93 feet to the point of beginning of this description; thence North  $0^{\circ} 37'$  East 90.00 feet; thence Northerly 307.07 feet along a tangent curve concave to the West, having a radius of 735.00 feet and a central angle of  $23^{\circ} 56' 14''$  to a point of reverse curve; thence Northerly 269.42 feet along a reverse curve concave to the East, having a radius of 688.00 feet and a central angle of  $22^{\circ} 26' 14''$ ; thence North  $0^{\circ} 53'$  West along a tangent line 674.24 feet to a point on the North line of said South half of the Northwest Quarter of Section 9; thence South  $89^{\circ} 18'$  East along said North line 130.05 feet; thence South  $0^{\circ} 53'$  East 670.65 feet; thence Southerly 218.52 feet along a tangent curve concave to the East, having a radius of 558.00 feet and a central angle of  $22^{\circ} 26' 14''$  to a point of reverse curve; thence Southerly 361.38 feet along a reverse curve concave to the West, having a radius of 865.00 feet and a central angle of  $23^{\circ} 56' 14''$ ; thence South  $0^{\circ} 37'$  West along a tangent line 90.00 feet to a point on the centerline of Sylvan Avenue; thence North  $89^{\circ} 23'$  West along said centerline 130.00 feet to the point of beginning.

Containing 4.00 Acres.

Parcel 2  
Prezone to P-D

All that certain real property situate in the South half of the Northwest Quarter of Section 9, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the County of Stanislaus, State of California, described as follows:

Commencing at the West Quarter corner of said Section 9, said corner being the intersection of the centerline of McHenry Avenue with the centerline of Sylvan Avenue; thence South  $89^{\circ} 23'$  East along the centerline of said Sylvan Avenue 275.00 feet to the intersection of the Southerly extension of the East property line of the Sylvan Improvement Club with the centerline of Sylvan Avenue, said intersection being the point of beginning of this description; thence North  $0^{\circ} 53'$  West 731.20 feet; thence North  $89^{\circ} 09'$  West 275.00 feet to a point on the centerline of

McHenry Avenue; thence North 0° 53' West along the centerline of said McHenry Avenue 60.03 feet; thence South 89° 09' East 447.81 feet; thence North 0° 53' West 533.69 feet to the North line of said South half of the Northwest Quarter of Section 9; thence South 89° 18' East along said North line of the South half of 275.00 feet; thence South 0° 53' East 674.24 feet; thence Southerly 269.42 feet along a tangent curve concave to the East, having a radius of 688.00 feet and a central angle of 22° 26' 14" to a point of reverse curve; thence Southerly 307.07 feet along a reverse curve concave to the West, having a radius of 735.00 feet and a central angle of 23° 56' 14"; thence South 0° 37' West 90.00 feet to a point on the centerline of Sylvan Avenue; thence North 89° 23' West along the centerline of said Sylvan Avenue 552.93 feet to the point of beginning.

Containing 12.81 acres.

SECTION 2. USES. The following uses shall be permitted in said P-PD(93) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code. Said uses are as shown on the Development Plan and subject to compliance with Section 10-2.2704 of the Municipal Code prior to the issuance of a building permit:

1. A total of 260, 2-story multiple-family dwelling units
2. A minimum of 290 parking spaces
3. Four recreation buildings
4. Four swimming pools

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

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) 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 23rd day of August, 1971, by Councilman Dixon, who moved its introduction and passage to print, which motion being duly seconded by Councilman Smith, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Dunlap, Newton, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Elliott, Simon

APPROVED: *Lee H. Davies*

LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*

W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY *Elwyn L. Johnson*

ELWYN L. JOHNSON, City Attorney .

APPROVED AS TO DESCRIPTION:

BY *William Nichols*

Planning Department



**Ordinance 1040 C.S.  
Exhibit A – Map**

Oversized map folded and bound within Ordinance Book. Unable to  
remove safely for scanning.

AN ORDINANCE AMENDING SECTIONS 4-6.301, 4-6.302, 4-6.303 AND 4-6.304 OF ARTICLE 3 OF CHAPTER 6 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO TAXI RATES.

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

SECTION 1. AMENDMENT OF CODE. Sections 4-6.301, 4-6.302, 4-6.303 and 4-6.304 of Article 3 of Chapter 6 of Title IV of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 4-6.301. TAXIMETER REQUIRED. It shall be unlawful for any owner or driver to operate any taxicab in the City unless such vehicle is equipped with a taximeter of such type, style and design as may be approved by the Director of Parking and Traffic, and it shall be the duty of every owner operating a taxicab to keep such taximeter in perfect condition so that said taximeter will, at all times correctly and accurately indicate the correct charge for the distance traveled and waiting time, and such taximeter shall be at all times subject to inspection by the Director of Parking and Traffic, and said Director of Parking and Traffic is hereby authorized at his instance or upon complaint of any person to investigate or cause to be investigated such taximeter, and upon the discovery of any inaccuracy in said meter to remove or cause to be removed such vehicle equipped with such taximeter from the streets of the City until such times as said taximeter shall have been correctly adjusted.

SEC. 4-6.302. OPERATION OF TAXIMETER. Every such taximeter shall register the charge to nearest ten (10¢) cents and be equipped with a flag or other mechanical device, and said flag shall be so attached and connected to the mechanism of said taximeter as to cause said mechanism to operate when said flag is in a position other than upright, and which said flag shall, when moved forward or downward, start the operation of said taximeter so that the same will operate in the manner defined in this article. However, said taximeter shall not be required to operate on any trip that begins, ends or goes outside the City limits. For those trips which have a beginning, ending or midpoint outside the City, the taxi driver shall inform the passenger before beginning the trip that it is a non-metered trip and what the flat charge is.

SEC. 4-6.303. UNLAWFUL PRACTICES. It shall be unlawful for any driver of a taxicab while carrying passengers to display the flag or device attached to such taximeter in such a position as to denote that such vehicle is for hire or is not employed, or to have such flag or other attached device in such position as to prevent said taximeter from operating, unless, however, the trip begins, ends or goes outside the City limits, in which event the taximeter is not required to be in operation. It shall be unlawful for any driver to throw such flag or other device of a taximeter into a position which causes said taximeter to record when such vehicle is not actually employed or to fail to throw said flag or other device on such taximeter into a non-recording position each time a passenger is discharged and a fare collected.

SEC. 4-6.304. BASIS OF CHARGES. All charges for transportation of passengers in taxicabs operated in the City must be based on the charges indicated on said taximeter, and it shall be unlawful for any owner, driver or operator of any taxicab to charge any passenger any sum in excess of the sum indicated on said taximeter, unless however, the trip begins, ends or goes outside the City limits, in which event a flat rate shall be charged as provided by Section 4-6.302 of this article.

SECTION 2. DECLARATION OF EMERGENCY. The Council of the City of Modesto hereby finds and declares that the foregoing ordinance is necessary as an emergency measure. The following is a statement of the facts showing its urgency: An Executive Order of President Richard Nixon dated August 15, 1971, provided that prices, rents, wages and salaries shall be stabilized for a period of 90 days from the date of said Order. Ordinance No. 1128-C, S. adopted by the City Council on July 19, 1971, established an increase in taxicab rates, required certain taxicab trips which formerly could be charged for on a flat rate basis to be metered trips and prohibited the use of dual speed taxicab meters. Because the increase in taxicab rates can not become effective until after the President's stabilization period, the loss of revenue from requiring the additional taxicab trips to be metered and the cost of converting dual speed meters will result in an economic hardship on the taxicab companies. It is therefore necessary to repeal the abovementioned changes made by Ordinance No. 1128-C, S.

SECTION 3. EFFECTIVE DATE. Pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall go into effect and be in full force and operation as of the date of its adoption.

SECTION 4. PUBLICATION. This ordinance shall be published in full 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 7th day of September, 1971, by Councilman Newton, who moved its adoption and passage to print, which motion being duly seconded by Councilman Dixon, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Dunlap, Newton, Simon, Smith,  
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Elliott

ATTEST: W.T. Chynoweth APPROVED: Lee H. Davies  
W. T. CHYNOWETH, City Clerk LEE H. DAVIES, Mayor

By W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM: Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

AN ORDINANCE ANNEXING UNINHABITED TERRITORY  
 KNOWN AS THE McHENRY-SYLVAN ADDITION  
 TO THE CITY OF MODESTO.

WHEREAS, a petition was filed with the City Clerk by Warren

Lee Harris, Avanel Harris, Forrest G. Harris, Jr., Thelma E.

Harris and C.P. Clark

on July 14, 1971, to annex to the City of Modesto under the provisions of the Annexation of Uninhabited Territory Act of 1939, as amended, certain uninhabited territory, hereinafter described and designated as the

McHenry-Sylvan ADDITION, situated in the County of Stanislaus, State of California, and contiguous to the City of Modesto, and

WHEREAS, the City Council by resolution adopted on the 19th day of July, 1971, set said petition for hearing at the hour of 7:35 o'clock P.M. on the 13th day of September, 1971, in the Council Chambers at the City Hall, 801 Eleventh Street in the City of Modesto, and

WHEREAS, it appears to said Council and the Council so finds that a copy of the resolution giving notice of the proposed annexation and fixing the time and place for hearing objections to the proposed annexation was published in newspapers of general circulation, to wit: The Modesto Bee, a newspaper published in the City of Modesto on July 22, 1971, and on July 29, 1971; and in The Ceres Courier, a newspaper published outside the City of Modesto, but in the County of Stanislaus, on July 29, 1971, and on August 5, 1971, for the time and in the manner required by law, which publications were completed at least twenty (20) days prior to the date set for hearing; that written notice of the proposed annexation has been mailed by the City Clerk of the City of Modesto to each person to whom land within the territory proposed to be annexed was assessed on the last equalized assessment roll available on the date the proceedings were initiated, at the address as shown thereon, or as known to said Clerk, and to any person who has filed his name and address and the designation of the lands in which he has any interest, either legal or equitable, with said Clerk, which notices were mailed not less than twenty (20) days before the date set for public hearing, and that all the requirements of the Annexation

of Uninhabited Territory Act of 1939, as amended, have been complied with, and

WHEREAS, the Stanislaus County Local Agency Formation Commission did on May 21, 1971, approve the annexation of said uninhabited territory to the City of Modesto, pursuant to the Government Code, and

WHEREAS, on the 13th day of September, 1971, at the hour of 7:35 o'clock P.M., in the Council Chambers at the City Hall, 801 Eleventh Street in the City of Modesto, County of Stanislaus, State of California, the Council of the City of Modesto did hear and pass upon all protests made to the proposed annexation and did determine that protests had not been made by the owners of one-half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll, nor by public and private owners of one-half of the value of the territory proposed to be annexed as determined by said Council, and

WHEREAS, said territory is contiguous to the City of Modesto and is uninhabited territory in the County of Stanislaus,

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

SECTION 1. The territory hereinafter described is hereby annexed to and made a part of the City of Modesto.

SECTION 2. The area or territory so annexed, designated as the McHenry-Sylvan ADDITION, is uninhabited territory within the meaning of the Annexation of Uninhabited Territory Act of 1939, as amended, and is more particularly described as attached hereto and made a part hereof as though set forth in full herein.

SECTION 3. No change in school district boundaries shall be effected by reason of the annexation of the hereinafter described area to the City of Modesto.

SECTION 4. Said territory shall be subject to municipal taxes to pay any indebtedness or liability of the City of Modesto authorized or existing at the time of the adoption of this ordinance.

SECTION 5. The City Clerk is hereby authorized and directed to prepare a certified copy of this ordinance under seal, giving the date of its passage and transmit the same to the Secretary of State of the State of California

as required by the provisions of Section 35316 of the Government Code of the State of California.

SECTION 6. The City Clerk is hereby authorized and directed to comply with the provisions of Sections 34080, 34081 and 54900 through 54904, both inclusive, of the Government Code of the State of California relating respectively to the filing of an affidavit of completion of annexation proceedings and the filing of a statement of change of boundary.

SECTION 7. Pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall become effective immediately upon its adoption.

SECTION 8. This ordinance shall be published in full at least once 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 13th day of September, 19 71, by Councilman Dunlap, who moved its adoption and passage to print, which motion being duly seconded by Councilman Simon, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Dunlap, Newton, Simon, Smith

NOES: Councilmen: None

ABSENT: Councilmen: Elliott, Mayor Davies

APPROVED: B. Dale Smith  
~~Richard Davies, Mayor~~  
G, DALE SMITH, Vice Mayor

ATTEST:

By W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORMS

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Michael A. Brinton  
Public Works Department

*R.H.H.*  
7-27-71

McHENRY - SYLVAN ADDITION

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

Beginning at a point on the existing City Limits as established by the Northeast corner of the Standiford Addition (264), as per description filed November 3, 1970, as Instrument 36118, Stanislaus County Records, said point being the West quarter corner of said Section 9 and on the center line of a 50.00 foot public road known as McHenry Avenue; thence along said center line and the section line common to Sections 8 and 9, North  $00^{\circ} 53' 00''$  West, 1033.00 feet; thence South  $89^{\circ} 10' 30''$  East, 447.88 feet; thence North  $00^{\circ} 53' 00''$  West, 311.27 feet to the North line of the South half of said Section 9; thence along said North line, North  $88^{\circ} 20' 10''$  East, 2190.88 feet to the North-South quarter section line of said Section 9; thence along said quarter section line, South  $00^{\circ} 49' 25''$  East, 1321.16 feet to the center line of a 40.00 foot public road known as Sylvan Avenue and the interior quarter corner of said Section 9; thence along the East-West quarter line of Section 9 and said center line of Sylvan Avenue, South  $88^{\circ} 15' 22''$  West, 2637.28 feet, to the point of beginning, containing 77.011 Acres, more or less.

AN ORDINANCE AMENDING SECTION MAP 15-3-9  
OF THE ZONING MAP OF THE CITY OF MODESTO,  
RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON.  
( ROBERT P. BOMBERGER)

WHEREAS, a verified application for an amendment to Section 15-3-9 of the Zoning Map was filed by Robert P. Bomberger on July 2, 1971, to reclassify from One-family Residential Zone, R-1, to Two-family Residential Zone, R-2, the hereinafter described property, and

WHEREAS, after public hearing held on August 17, 1971, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 71-104, adopted on August 17, 1971, the Planning Commission recommended to the Council that the application of Robert P. Bomberger

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to amend Section 15-3-9 of the Zoning Map to reclassify the hereinafter described property from One-family Residential Zone, R-1, to Two-family Residential Zone, R-2, be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing, this Council finds and determines that the requested rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource.

SECTION 2. ZONING CHANGE. Section 15-3-9 of the Zoning Map is hereby amended to reclassify the following described property from One-family Residential Zone,

R-1, to Two-family Residential Zone,

R-2:

All that certain real property situate in the North half of the Northwest Quarter of Section 15, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the County of Stanislaus, State of California, described as follows:

Parcel 1

Commencing at the Northwest corner of said Section 15; thence North 89° 36' 50" East along the North line of said Section 15 a distance of 1706.28 feet to the centerline of Keller Street and the point of beginning of this description; thence continuing North 89° 36' 50" East along said North line of Section 15 and the centerline of Rumble Road 919.08 feet to the Northeast corner of said Northwest Quarter of Section 15; thence South 0° 57' 25" East along the East line of said Northwest Quarter of Section 15 a distance of 130.01 feet; thence south 89° 36' 50" West parallel with and 130 feet from said North line of Section 15 a distance of 920.37 feet; thence North 0° 23' 10" West 130.00 feet to the point of beginning.

Parcel 2

Commencing at the Northwest corner of said Section 15; thence North 89° 36' 50" East along the North line of said Section 15 a distance of 1706.28 feet to the centerline of Keller Street; thence South 0° 23' 10" East 1320.28 feet to a point on the South line of said North half of the Northwest Quarter of Section 15 and the centerline of Floyd Avenue, being the point of beginning of this description; thence North 89° 38' 35" East along said centerline of Floyd Avenue 932.24 feet to the Southeast corner of said North half of the Northwest Quarter of Section 15; thence North 0° 57' 25" West along the East line of said North half of the Northwest Quarter of Section 15 a distance of 130.48 feet; thence South 89° 36' 50" West 930.94 feet; thence South 0° 23' 10" East 130.00 feet to the point of beginning.

SECTION 3. ZONING MAP. Section 18-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) 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 20th day of September, 1971, by Councilman Simon, who moved its introduction and passage to print, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Dunlap, Newton, Simon, Smith,  
Mayor Davies  
NOES: Councilmen: None  
ABSENT: Councilmen: Elliott

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST: W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By William Nichols  
Planning Department

FINAL ADOPTION CLAUSE


The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 12th day of October, 1971, Councilman **Dunlap** moved its final adoption, which motion being duly seconded by Councilman **Newton**, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: **Dixon, Dunlap, Elliott, Newton, Simon, Smith, Mayor Davies**

NOES: Councilmen: **None**

ABSENT: Councilmen: **None**

APPROVED   
LEE H. DAVIES, Mayor

ATTEST:   
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: November 11, 1971

AN ORDINANCE AMENDING SECTION MAP 15-3-9  
OF THE ZONING MAP OF THE CITY OF MODESTO,  
RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON.  
(ALEX G. SPANOS)

WHEREAS, a verified application for an amendment to Section 15-3-9 of the Zoning Map was filed by Alex G. Spanos  
on July 14, 19 71, to reclassify from Planned Development  
Zone, P-D(73), to Professional  
Office Zone, P-0, the hereinafter described property, and

WHEREAS, after public hearing held on August 17, 19 71, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 71-105, adopted on August 17, 19 71, the Planning Commission recommended to the Council that the application of Alex G. Spanos

to amend Section 15-3-9 of the Zoning Map to reclassify the hereinafter described property from Planned Development  
Zone, P-D(73), to Professional Office  
Zone, P-0, be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing, this Council finds and determines that the requested rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource.

SECTION 2. ZONING CHANGE. Section 15-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Planned Development Zone,

P-O :

All that certain piece or parcel of land situated in and being a portion of Section 15, Township 3 South, Range 9 E., Mount Diablo Base and Meridian, City of Modesto, being more particularly described as follows:

Commencing at the point where the centerline of David Court intersects the West line of Section 15, Township 3 South, Range 9 East, Mount Diablo Base and Meridian; thence North  $89^{\circ} 07'$  East a distance of 75.00 feet to the true point of beginning of this description; thence North  $89^{\circ} 47' 15''$  East a distance of 1236.75 feet to a point on the East line of the Southwest quarter of the Southwest quarter of said Section 15, a distance of 350.00 feet from the Southeast corner of Coffee Plaza #2 according to the Official Map thereof filed in Volume 21 of Maps at page 73, in the Office of the Recorder of Stanislaus County; thence South  $0^{\circ} 52' 30''$  East, a distance of 34.60 feet; thence South  $89^{\circ} 47' 15''$  West a distance of 997.39 feet; thence along a curve concave to the Northeast, having a central angle of  $17^{\circ} 04' 53''$  and a radius of 400.00 feet, an arc length of 119.25 feet; thence along a curve concave to the Southwest having a central angle of  $17^{\circ} 45' 08''$  and a radius of 400.00 feet, to the point of beginning.

SECTION 3. ZONING MAP. Section 15-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) 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 20th day of September, 1971, by Councilman Dixon, who moved its introduction and passage to print, which motion being duly seconded by Councilman Smith, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Dunlap, Newton, Simon, Smith,  
Mayor Davies  
NOES: Councilmen: None  
ABSENT: Councilmen: Elliott

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST: W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By William J. Nichols  
Planning Department

Ord. No. 1144-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 12th day of October, 1971, Councilman Dunlap moved its final adoption, which motion being duly seconded by Councilman Newton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, Newton, Simon, Smith, Mayor Davies


NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED

  
LEE H. DAVIES, Mayor

ATTEST:

  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: November 11, 1971

AN ORDINANCE AMENDING SECTION MAP 22-3-9  
OF THE ZONING MAP OF THE CITY OF MODESTO,  
RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON.  
(DOWNEY PARK PROPERTIES)

WHEREAS, a verified application for an amendment to Section 22-3-9 of the Zoning Map was filed by Downey Park Properties on July 6, 19 71, to reclassify from One-family Residential Zone, R-1, to Professional Office Zone, P-0, the hereinafter described property, and

WHEREAS, after public hearing held on August 17, 19 71, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 71-103, adopted on August 17, 19 71, the Planning Commission recommended to the Council that the application of Downey Park Properties

to amend Section 22-3-9 of the Zoning Map to reclassify the hereinafter described property from One-family Residential Zone, R-1, to Professional Office Zone, P-0, be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing, this Council finds and determines that the requested rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource.

SECTION 2. ZONING CHANGE. Section 22-3-9 of the Zoning Map is hereby amended to reclassify the following described property from One-family Residential Zone,

R-1 , to Professional Office Zone,

P-0 :

All that portion of Lot 20 of the Broughton Colony, according to the official map thereof, filed in the Office of the Recorder of Stanislaus County, California, on March 17, 1904 in Volume 1 of maps, at page 78, described as follows:

Beginning at the Northwest corner of said Lot 20, said corner being South 0° 30' East 0.31 feet from a 5 x 5 x 16 concrete monument set for the quarter corner common to Sections 21 and 22, Township 3 South, Range 9 East, Mount Diablo Base and Meridian; thence South 0° 30' East along the section line and the West line of said Lot 20, 493.31 feet to the North line of the South 5 acres of said Lot 20; thence Easterly along the North line of South 5 acres of said Lot 20, 357.00 feet to a point on the West line of the property described in the deed to the City of Modesto, a municipal corporation, recorded November 30, 1961, in Book 1725 at page 86 of Official Records, as Instrument No. 39819; thence Northerly along the West line of said City property 493.31 feet to a point on the North line of said Lot 20; thence Westerly along the North line of said Lot 20, 357.00 feet to the corner of beginning.

3.77 gross acres.

Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) 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 20th day of September, 1971, by Councilman Smith, who moved its introduction and passage to print, which motion being duly seconded by Councilman Newton, was upon roll call carried and ordered printed and published by the following vote:

- AYES: Councilmen: Dixon, Dunlap, Newton, Simon, Smith, Mayor Davies
- NOES: Councilmen: None
- ABSENT: Councilmen: Elliott

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST: W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

BY William J. Nichols  
Planning Department

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 12th day of October, 1971, Councilman Dunlap moved its final adoption, which motion being duly seconded by Councilman Newton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, Newton, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED   
LEE H. DAVIES, Mayor

ATTEST:   
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: November 11, 1971

AN ORDINANCE REPEALING ARTICLE 2 OF CHAPTER 2 OF TITLE IX, ARTICLE 2 OF CHAPTER 3 OF TITLE IX AND ARTICLE 2 OF CHAPTER 7 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO BOARDS OF EXAMINERS AND CERTIFICATES OF COMPETENCY IN THE PLUMBING CODE, ELECTRICAL CODE AND MECHANICAL CODE.

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

SECTION 1. REPEALS. Article 2. of Chapter 2 of Title IX, Article 2 of Chapter 3 of Title IX and Article 2 of Chapter 7 of Title IX of the Modesto Municipal Code are hereby repealed.

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

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) 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 20th day of September, 1971, by Councilman Dixon, who moved its introduction and passage to print, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Dunlap, Newton, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Elliott

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST:

By W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the/<sup>adjourned</sup>regular meeting of the Council of the City of Modesto held on the 30th day of September, 1971, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Simon, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Dunlap, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Elliott, Newton

APPROVED   
LEE H. DAVIES, Mayor

ATTEST:   
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: October 30, 1971

AN ORDINANCE AMENDING SECTION 9-8.04 OF CHAPTER 8 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO DANGEROUS BUILDINGS CODE

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

SECTION 1. AMENDMENT OF CODE. Section 9-8.04 of Chapter 8 of Title IX of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 9-8.04. DANGEROUS BUILDINGS. That Section 302 of said Dangerous Building Code be amended to read as follows:

Section 302. For the purpose of this Code, any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building-, unless the owner, or any other person entitled to service under Section 401(c), shall establish to the satisfaction of the Building Official or the Board of Appeals, as the case may be, that such conditions do not exist to the extent that the life, health, property, or safety of the public or its occupants are endangered:

- (a) Whenever any door, aisle, passageway, stairway or other means of exit do not comply with the minimum requirements of the Uniform Building Code or is not of sufficient width or size, or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.
- (b) Whenever the stress in any materials, members or portions thereof, due to all dead loads, live loads, and lateral loads, is more than one and one-half ( $1\frac{1}{2}$ ) times the working stress or stresses allowed in the Uniform Building Code, for new buildings of similar structure, purpose or location.
- (c) Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability thereof is less than it was before such catastrophe and is less than the minimum requirements of the Uniform Building Code, for new buildings of similar structure, purpose or location.
- (d) Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
- (e) Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half ( $\frac{1}{2}$ ) of that specified in the Uniform Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Uniform Building Code for such buildings.

(f) Whenever any portion thereof has cracked, warped, buckled or settled to such an extent that walls or other structural portions have less resistance to winds or earthquakes than is required in the case of similar new construction.

(g) Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration, or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.

(h) Whenever, for any reason, the building or structure, or any portion thereof, is unsafe for the purpose for which it is being used.

(i) Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third (1/3) of the base.

(j) Whenever the building or structure, exclusive of the foundation, shows thirty-three (33%) per cent or more damage or deterioration of its supporting member or members, or fifty (50%) per cent damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings.

(k) Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

(l) Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this city, as specified in the Uniform Building Code, Volume I, or Uniform Building Code, Volume III, Housing, or of any law or ordinance of this State or city relating to the condition, location, or structure of buildings.

(m) Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any nonsupporting part, member or portion, less than fifty (50%) per cent, or in any supporting part, member, or portion less than sixty-six (66%) per cent of the (i) strength, (ii) fire-resisting qualities or characteristics, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.

(n) Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the Health Officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

(o) Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistant construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the Fire Marshal to be a fire hazard.

(p) Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.

(q) Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six (6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

(r) Whenever any other conditions or defects exist to the extent that the life, health, property, or safety of the public or its occupants are endangered.

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

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) 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 4th day of October, 1971, by Councilman Dixon, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, Newton, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST:

By W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

Ord. No. 1147-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 12th day of October, 1971, Councilman Dunlap moved its final adoption, which motion being duly seconded by Councilman Newton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, Newton, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED



LEE H. DAVIES, Mayor

ATTEST:



W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: November 11, 1971

AN ORDINANCE AMENDING SECTION 9-8.04 OF CHAPTER 8 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO DANGEROUS BUILDINGS CODE

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

SECTION 1. AMENDMENT OF CODE. Section 9-8.04 of Chapter 8 of Title IX of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 9-8.04. DANGEROUS BUILDINGS. That Section 302 of said Dangerous Building Code be amended to read as follows:

Section 302. For the purpose of this Code, any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, unless the owner, or any other person entitled to service under Section 401(c), shall establish to the satisfaction of the Building Official or the Board of Appeals, as the case may be, that such conditions do not exist to the extent that the life, health, property, or safety of the public or its occupants are endangered.

(a) Whenever any door, aisle, passageway, stairway or other means of exit do not comply with the minimum requirements of the Uniform Building Code or is not of sufficient width or size, or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.

(b) Whenever the stress in any materials, members or portions thereof, due to all dead loads, live loads, and lateral loads, is more than one and one-half ( $1\frac{1}{2}$ ) times the working stress or stresses allowed in the Uniform Building Code, for new buildings of similar structure, purpose or location.

(c) Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability thereof is less than it was before such catastrophe and is less than the minimum requirements of the Uniform Building Code, for new buildings of similar structure, purpose or location.

(d) Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

(e) Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half ( $\frac{1}{2}$ ) of that specified in the Uniform Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Uniform Building Code for such buildings.

(f) Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have less resistance to winds or earthquakes than is required in the case of similar new construction.

(g) Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration, or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.

(h) Whenever, for any reason, the building or structure, or any portion thereof, is unsafe for the purpose for which it is being used.

(i) Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third ( $1/3$ ) of the base.

(j) Whenever the building or structure, exclusive of the foundation, shows thirty-three (33%) per cent or more damage or deterioration of its supporting member or members, or fifty (50%) per cent damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings.

(k) Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

(l) Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this city, as specified in the Uniform Building Code, Volume I, or Uniform Building Code, Volume III, Housing, or of any law or ordinance of this State or city relating to the condition, location, or structure of buildings.

(m) Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any nonsupporting part, member or portion, less than fifty (50%) per cent, or in any supporting part, member, or portion less than sixty-six (66%) per cent of the (i) strength, (ii) fire-resisting qualities or characteristics, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.

(n) Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the Health Officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

(o) Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the Fire Marshal to be a fire hazard.

(p) Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.

(q) Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six (6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

(r) Whenever any other conditions or defects exist to the extent that the life, health, property, or safety of the public or its occupants are endangered.

SECTION 2. DECLARATION OF EMERGENCY. The Council of the City of Modesto hereby finds and declares that the foregoing ordinance is necessary as an emergency measure for preserving the public peace, health and safety. The following is a statement of the facts showing its urgency: An appeal is presently pending before the Board of Appeals of the Dangerous Buildings Code, and unless the foregoing ordinance is adopted without delay the Board of Appeals will lack sufficient authority to determine what constitutes a dangerous building. This lack of authority would jeopardize the health and safety of the citizens of the City of Modesto.

SECTION 3. EFFECTIVE DATE. Pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall go into effect and be in full force and operation as of the date of its adoption.

SECTION 4. PUBLICATION. This ordinance shall be published in full 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 4th day of October, 1971, by Councilman Dixon, who moved its adoption and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, Newton, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST:

By W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

ORDINANCE NO. 1149 -C. S.

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

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

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

SEC. 3-2.1401. DECREASE OF STATE LAW MAXIMUM SPEED. Pursuant to authority contained in the California Vehicle Code, it is hereby determined upon the basis of an engineering and traffic survey that the speed limit permitted by State law outside of business and residence districts as applicable upon the following streets is greater than is reasonable or safe under the conditions found to exist upon such streets, and it is hereby declared that the prima facie speed limit shall be as hereinafter set forth on those streets or parts of streets herein designated when signs are erected giving notice thereof:

<u>NAME OF STREET OR PORTION AFFECTED</u>	<u>DECLARED PRIMA FACIE SPEED LIMIT</u>
ALICE, from Sycamore to McHenry	25 miles per hour
BLUE GUM AVENUE, between North 9th Street and Prichard Avenue, within the City limits	40 miles per hour
BOWEN, from Geneva Drive to the easterly City limits	25 miles per hour
BRIGGSMORE, from McHenry to the easterly City limits	35 miles per hour
BRIGGSMORE, from McHenry to Tully Road	30 miles per hour
BRIGGSMORE, from Tully Road to the westerly City limits	35 miles per hour
BRIGHTON AVENUE, between Wylie Drive and Coffee Road	25 miles per hour
CARPENTER ROAD, between California and Maze	40 miles per hour
CARPENTER ROAD, between the southerly City limits at the Tuolumne River and Robertson Road	35 miles per hour
CARPENTER ROAD, between Blue Gum Avenue and 1,350 feet southerly within the City limits	50 miles per hour
CARVER ROAD, from Evergreen Street north to the northerly City limits	25 miles per hour
CENTER STREET, entire length in City	25 miles per hour
COFFEE ROAD, Scenic Drive to M. I. D. Lateral #3	30 miles per hour

COFFEE ROAD, between M. I. D. Lateral #3 and Floyd Avenue within the City limits	35 miles per hour
COFFEE ROAD, between Floyd and Sylvan Avenues, within the City limits	40 miles per hour
COLLEGE AVENUE, between Durant and Rumble	25 miles per hour
CONANT ROAD, between North 9th Street and Rumble Road, within the City limits	35 miles per hour
DEL VALE, entire length in City	25 miles per hour
EL VISTA, within the City limits	35 miles per hour
EMERALD, from Maze Road to the southerly City limits	25 miles per hour
ENCINA, Covena to Santa Ana	25 miles per hour
ENSLLEN, between Granger and Orangeburg	25 miles per hour
FAIRMONT AVENUE, between Virginia and McHenry	25 miles per hour
FRANKLIN, between California and Laurel	25 miles per hour
GRANGER, from Tully to McHenry	25 miles per hour
<u>GRAPE AVENUE, between Pearl Street and Evergreen Avenue</u>	<u>25 miles per hour</u>
GRISWOLD, from Virginia to McHenry	25 miles per hour
HADDON, between La Loma and Conejo	25 miles per hour
HATCH ROAD, within the City limits	35 miles per hour
JEFFERSON, from Paradise Road to 8th Street	25 miles per hour
K STREET, between Washington Avenue and 9th Street	25 miles per hour
KEARNEY, entire length in City	25 miles per hour
LA LOMA, entire length in City	25 miles per hour
LEGION PARK ROAD, between Santa Cruz and Conejo	25 miles per hour
LEVELAND LANE, College to TSRR tracks	25 miles per hour
LUCERNE AVENUE, from Johnson Street to Coffee Road	25 miles per hour
MADISON, entire length in City	25 miles per hour
MILLER, from La Loma to Conejo	25 miles per hour

MORTON BOULEVARD, entire length in City	25 miles per hour
NEECE DRIVE, from Tuolumne Boulevard to the Southerly City limits	25 miles per hour
OAKDALE ROAD, between Scenic Drive and Orangeburg Avenue	30 miles per hour
OAKDALE ROAD, north of Orangeburg within City limits	50 miles per hour
ORANGEBURG AVENUE, east of McHenry Avenue	35 miles per hour
ORANGEBURG AVENUE, Martin to Prescott	25 miles per hour
ORANGEBURG AVENUE, east of Oakdale Road	40 miles per hour
<u>PEARL STREET, west of Carver Road</u>	<u>25 miles per hour</u>
PRESCOTT ROAD, Briggsmore to Rumble	25 miles per hour
RIVER ROAD, Herndon Road to 1,200 feet westerly	35 miles per hour
ROBLE AVENUE, Santa Ana to Rosina	25 miles per hour
ROSE AVENUE, between 500 feet north of Brewer and Floyd Avenue	25 miles per hour
RUMBLE ROAD, between Carver Road and Conant Avenue, within the City limits	30 miles per hour
RUMBLE ROAD, between Tully and Tidewater Southern Tracks	25 miles per hour
RUMBLE ROAD, between Highgate and the east City limits	25 miles per hour
SCENIC DRIVE, between 300 feet west of Rose Avenue and Oakdale Road, within the City limits	35 miles per hour
SHERWOOD, from Orangeburg to Northern Boulevard	25 miles per hour
STANDIFORD AVENUE, Tidewater Southern Railroad to McHenry Avenue	35 miles per hour
STODDARD, between McHenry and Virginia	25 miles per hour
SUNRISE, from Lucerne to the northerly City limits	25 miles per hour
SYLVAN AVENUE, between 1,300 feet west of Coffee Road to 2,650 feet east of Coffee Road, within the City limits	50 miles per hour
TULLY ROAD, from 300 feet north of Woodrow to the north City limits	35 miles per hour

WESTERN WAY, between Sutter Avenue and Roselawn Avenue 25 miles per hour

WOODROW AVENUE, within the City limits 25 miles per hour

WRIGHT, from Sycamore to McHenry 25 miles per hour

9TH STREET, from north end of Tuolumne River Bridge to south City limits 40 miles per hour

9TH STREET, from north end of Tuolumne River Bridge to D Street 30 miles per hour

9TH STREET, from P Street to Tully Road 35 miles per hour

9TH STREET, from Tully Road to north City limits 50 miles per hour

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

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) 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 4th day of October, 1971, by Councilman Dixon, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, Newton, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST:  
By W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:  
By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

Ord. No. 1149-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 12th day of October, 1971, Councilman **Dunlap** moved its final adoption, which motion being duly seconded by Councilman **Newton**, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: **Dixon, Dunlap, Elliott, Newton, Simon, Smith, Mayor Davies**


NOES: Councilmen: **None**

ABSENT: Councilmen: **None**

APPROVED

  
LEE H. DAVIES, Mayor

ATTEST:

  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: November 11, 1971

AN ORDINANCE AMENDING SECTION MAP 6-4-9  
OF THE ZONING MAP OF THE CITY OF MODESTO, PREZONING  
CERTAIN PROPERTY LOCATED THEREON. (THE BRITTANY)

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

SECTION 1. ZONING CHANGE. Section 6-4-9 of the Zoning Map is hereby amended to prezone the following-described property to Planned-Development Zone, P-PD(94):

All of parcels No. 1 and No. 2 as shown and designated on that certain Parcel Map filed in the office of the County Recorder of Stanislaus County, California on February 25, 1966 in volume 1 of Parcel Maps, Page 63, and being a portion of the northwest quarter of the northeast quarter of Section 6, Township 4 South, Range 9 East, Mount Diablo Base and Meridian.

Including also the southerly 25 feet of Paradise Road immediately adjacent to said Parcel No. 1 and the northerly 15 feet of Rouse Avenue immediately adjacent to Parcel No. 2.

SECTION 2. USES. The following uses shall be permitted in said P-PD(94) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code. Said uses are as shown on the Development Plan and subject to compliance with Section 10-2.2704 of the Municipal Code prior to the issuance of a building permit:

1. A total of 96, 2-story multiple-family dwelling units
2. A minimum of 144 parking spaces
3. A child day care center
4. A laundry

SECTION 3. ZONING MAP. Section Map 6-4-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) 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 18th day of October, 1971, by Councilman Smith, who moved its introduction and passage to print, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, Newton, Simon, Smith, Mayor Davies  
NOES: Councilmen: None  
ABSENT: Councilmen: None

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST: W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

BY William F. Nichols  
Planning Department

Ord. No. 1150-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 8th day of November, 1971, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, Newton, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: December 8, 1971