

AN ORDINANCE AMENDING SECTION 10-2.3002 OF ARTICLE 30 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. Section 10-2.3002 of Article 30 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.3002. PERMITTED USES. In a P-O Zone only the following uses are permitted as are hereinafter specifically provided and allowed:

- (a) Medical and dental offices and laboratories, not including the manufacture, sale or distribution of pharmaceutical or other similar products.
- (b) Professional offices for any of the following: Accountants, Architects, Attorneys, Chiropractors, Optometrists, Chiropodists, Engineers.
- (c) Residential uses of R-2 density or less. Residential development shall conform to all other provisions of the zoning regulations pertaining to residential development except that where conflicts arise, provisions of this article shall prevail.
- (d) On parcels having frontage on major streets which are designated on the General Plan, the following additional uses are permitted in a P-O Zone:
  - (1) Nonprofit membership organizations, private clubs, fraternities, sororities, lodges.
  - (2) Professional offices for any of the following: Real Estate Sales and Management, Insurance Sales and Service, Surveyors, Stock Brokers.
  - (3) Public and quasi-public uses except corporation yards, storage or repair yards or warehouses.
  - (4) Residential uses of R-3 density or less. Residential development shall conform to all other provisions of the zoning regulations pertaining to residential development except that where conflicts arise, provisions of this article shall prevail.
- (e) In any Professional Office Zone, the following uses are permitted upon securing of a conditional use permit from the Board of Zoning Adjustment in accordance with Article 20 of this chapter.
  - (1) Churches.
  - (2) Convalescent Hospitals.
  - (3) Rest Homes, Nursing Homes.
  - (4) Pharmacies.
  - (5) Veterinarians.
  - (6) Laboratories including the manufacture, sale and distribution of pharmaceuticals and other similar products.

- (7) Ambulance Service.
- (8) Florists.
- (9) Commercial Schools.
- (10) Hospital Supplies.
- (11) Nonprofit Educational and Scientific Agencies.
- (12) Off-street parking accessory to uses permitted in this chapter.
- (13) Any other use not listed in this article, which is determined by the Board to be of the same general character of the uses permitted by this article and is not inconsistent with the purpose of this article.

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 18th day of October, 1971, by Councilman Newton, 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. 1151-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 October, 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: 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: November 25, 1971

AN ORDINANCE AMENDING SECTION MAP 28-3-9 OF  
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSI-  
FYING CERTAIN PROPERTY LOCATED THEREON. (JOHN N. UHL -  
14TH AND E STREETS)

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

SECTION 1. ZONING CHANGE. Section 28-3-9 of the  
Zoning Map is hereby amended to reclassify the following-described  
property from Neighborhood Commercial Zone, C-1,  
to Planned-Development Zone, P-D 95 :

That portion of Section 28, Township 3 South, Range  
9 East, Mount Diablo Base and Meridian described as  
follows:

All of Lots 31 and 32 of Block 117 in the City of  
Modesto.

Including also the northeasterly 40 feet of 14 Street  
and the southeasterly 40 feet of E Street all being  
immediately adjacent to the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(95) 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 1,000 sq. ft., 1-story professional office building (existing)
2. A minimum of 5 off-street parking spaces
3. A 6-unit, 2-story apartment building

SECTION 3. ZONING MAP. Section Map 28-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. 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 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: 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

**Ordinance 1152 C.S.**  
**Exhibit A – Map**

Oversized map folded and bound within Ordinance Book. Unable to  
remove safely for scanning.

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

AN ORDINANCE AMENDING SECTION 10-2.501 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. Section 10-2.501 of Chapter 2 of Title X of the Modesto Municipal Code is 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 and forty-two (42") inches in height, 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 must be removed not later than three (3) years from the recording date of the subdivision, except as follows:

(aa) Where building permits have been taken out for more than one-half (1/2), but less than sixty-five (65%) percent, of the lots in such subdivision at the end of said three (3) year period, such sign may remain for an additional one year period.

(ab) Where building permits have been taken out for one-half (1/2) or less of the lots in such subdivision at the end of said three (3) year period, such sign may remain for an additional two (2) year period.

(7) Unlighted subdivision directional signs not exceeding ten (10) square feet in area and forty-two (42") inches in height are permitted for each recorded subdivision as follows:

(aa) When the boundaries of any recorded subdivision or any part thereof abut a major street or expressway, one subdivision directional sign is permitted, which sign may be located as follows:

(i) On any vacant lot or parcel which is owned by the subdivision owner.

(ab) When the boundaries of any recorded subdivision or any part thereof do not abut a major street or expressway but include or abut a collector street which directly connects to a major street or expressway, two (2) subdivision directional signs are permitted, which signs may

be located as follows:

(i) One may be located on property not owned by the subdivision owner.

(ii) The other sign or signs may be located only on property owned by the subdivision owner.

(ac) When the boundaries of any recorded subdivision or any part thereof do not abut a major street or expressway and do not include or abut a collector street which directly connects to a major street or expressway, three (3) subdivision directional signs are permitted, which signs may be located as follows:

(i) One may be located on property not owned by the subdivision owner.

(ii) The other signs may be located only on property owned by the subdivision owner.

Such signs must be removed not later than three (3) years from the recording date of the subdivision, except as follows:

(ad) Where building permits have been taken out for more than one-half (1/2), but less than sixty-five (65%) percent, of the lots in such subdivision at the end of said three (3) year period, such signs may remain for an additional one year period.

(ae) Where building permits have been taken out for one-half (1/2) or less of the lots in such subdivision at the end of said three (3) year period, such signs may remain for an additional two (2) year period.

(8) 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.

(ad) Political signs shall not be lighted either directly or indirectly.

(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.

(9) Temporary signs are not permitted.

(10) Window signs are not permitted.

(11) 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.

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 26th day of October, 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, 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. 1153-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 1st day of November, 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: December 1, 1971

AN ORDINANCE AMENDING SECTIONS 4-4.401 AND 4-4.605 OF CHAPTER 4 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO SUBDIVISIONS.

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

SECTION 1. AMENDMENT OF CODE. Sections 4-4.401 and 4-4.605 of Chapter 4 of Title IV of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 4-4.401. FILING AND DEPARTMENTAL APPROVAL.

(a) Number and Time of Filing. ~~Fifteen (15)~~ Eighteen (18) copies of a tentative map and statement of the proposed subdivision of any land shall be filed with the Planning Commission at least fifteen (15) days prior to the meeting of the Commission at which consideration is desired.

(b) Acceptance. The representative of the Planning Commission authorized to receive such maps shall examine any such map upon presentation and shall not accept such map unless the same is in full compliance with the law and of this article as to form, the data, information and other matters required to be shown thereon or furnished therewith. The tentative map shall not be considered as filed until stamped, signed and dated by said representative.

(c) Distribution. The Planning Commission shall transmit copies of such tentative map to the City Engineer; Chief Engineer of the Modesto Irrigation District; District Manager of the Pacific Gas and Electric Company, District Manager of the Pacific Telephone and Telegraph Company and such other department heads or agencies as it deems advisable, and if a state highway is concerned, to the District Engineer of the Division of Highways, Department of Public Works, State of California.

(d) Departmental Action. The department or agency receiving a copy of the map shall notify, within ten (10) days of the receipt thereof, the Planning Commission of particulars which do not conform to requirements coming within its authorized scope. If a reply is not received prior to the meeting at which consideration of the map is made, it will be assumed that the map does conform to the requirements of the department concerned.

SEC. 4-4.605. AGREEMENT AND SECURITY FOR IMPROVEMENT.

(a) Provisions of Agreement.

(1) Prior to the approval by the Council of the final map, the subdivider shall execute and file an agreement between himself and the City, specifying the period within which he shall complete all improvement work to the satisfaction of the City Engineer, and providing that if he shall fail to complete such work within such period, the City may complete the same and recover the full cost and expense thereof from the subdivider. The agreement shall also provide for inspection of all improvements by the City Engineer, and reimbursement of the City by the subdivider for the cost of such inspection.

(2) Such agreement may also provide:

(aa) For the construction of the improvements in units.

(ab) For extension of time under conditions therein specified.

~~(ac) For progress payments to the subdivider or his order from any deposit money which the subdivider may have made in lieu of providing surety bond, as provided by the next succeeding section, or savings and loan certificate and share, provided, however, that no such progress payment shall be made for more than ninety (90%) percent of the value of any installment of work and provided that each such installment of work shall be completed to the satisfaction of the City Engineer.~~

For partial release of the improvement securities upon acceptance by the City Council of the work as it progresses.

(ad) For the financing and construction of any or all of such improvements under an appropriate special assessment act proceeding, which ease the subdivider shall agree, in writing, to initiate, and so far as may be in his power, to consummate such proceedings, within such time as may be prescribed by the Council.

(b) Improvement Security. The subdivider shall also file with the aforesaid agreement, ~~to insure his full and faithful performance thereof, a good and sufficient improvement security which may be in any of the following forms:~~ two (2) improvement securities, each to be in an amount based upon the total estimated cost of the improvement as determined by the City Engineer. One improvement security shall secure faithful performance of said agreement and shall be in an amount equal to one hundred (100%) percent of the estimated cost of the improvement. The second improvement security shall secure the obligations set forth in clause (b) of the second sentence of the third paragraph of Section 11612 of the California Business and Professions Code for payment to the contractor, his subcontractors and to persons renting equipment or furnishing labor or materials to them for said improvement, and shall be in an amount equal to fifty (50%) percent of the total estimated cost of the improvement. Such improvement securities shall be in one of the following forms:

- (1) A cash deposit or deposits,
- (2) A bond or bonds issued by one or more duly authorized corporate sureties,
- (3) A savings and loan certificate and share in accordance with Article 6 of Chapter 4 of Title II of the Modesto Municipal Code, or
- (4) An instrument or instruments of credit from one or more financial institutions subject to regulations by the state or federal government alleging that the funds necessary to meet the performance are on deposit and guaranteed for payment and agreeing that the funds designated by the instrument shall become trust funds for the purposes set forth in the instrument. The required security shall be in an amount deemed sufficient by the City Engineer to cover the cost of said improvements, engineering, inspection, fees and incidental expenses.

The required improvement security shall be approved by the Director of Finance as to sufficiency and by the City Attorney as to form.

(c) Forfeiture of Improvement Security. In the event the subdivider shall fail to complete all improvement work in accordance with the provisions of this chapter and the City shall have to complete same, or if the subdivider shall fail to reimburse the City for the cost of inspection, engineering, fees and incidental expenses, the City shall call on the surety for reimbursement, or shall appropriate from any cash deposits, savings and loan certificates and shares, or instruments of credit, funds for reimbursement. In any case, if the amount of the surety bond, savings and loan certificate

and share, instrument of credit, or cash deposit shall exceed all cost and expense incurred by the City it shall release the remainder of such bond, savings and loan certificate and share or cash deposit. If the amount of the surety bond, savings and loan certificate and share, instrument of credit, or cash deposit shall be less than the cost and expense incurred by the City, the subdivider shall be liable to the City for such difference.

(d) Release of Improvement Security. -No extension of time, -progress payments from cash deposits, -or release of surety bond, -savings and loan certificate and share, -instrument of credit or cash deposit shall be made- Improvement securities may be released or reduced, in whole or in part, only in the time and manner prescribed in Section 11612 of the California Business and Professions Code, as it now exists or is hereafter amended, except upon and only after certification by the City Engineer that the work covered thereby has been satisfactorily completed and upon approval by the Council.

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 26th day of October, 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: 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. 1154-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 1st day of November, 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: December 1, 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
<del>BRIGGSMORE, from McHenry to the easterly City limits --</del>	<del>35 miles per hour ---</del>
BRIGGSMORE, between McHenry and Coffee Road	35 miles per hour
BRIGGSMORE, (Westbound) from 1000 feet east of Coffee to Coffee	40 miles per hour
BRIGGSMORE, (Eastbound from Coffee to Oakdale Road	50 miles per hour
BRIGGSMORE, (Westbound) from Oakdale Road to 1000 feet east of Coffee	50 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

GRAPE AVENUE, between Pearl Street and Evergreen Avenue	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
PEARL STREET, west of Carver Road	25 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 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, from McHenry to 2,637 feet east of McHenry	<u>50 miles per hour</u>
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 26th day of October, 1971, by Councilman Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilman ~~SMITH~~ Smith, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: **Dublap, 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. 1155-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 1st day of November, 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, Mayor

ATTEST:   
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: December 1, 1971

ORDINANCE NO. 1156 -C. S.

AN ORDINANCE AMENDING SECTION 3-3.08 OF CHAPTER 3 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO BICYCLES.

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

SECTION 1. AMENDMENT OF CODE. Section 3-3.08 of Chapter

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

SEC. 3-3.08. IMPOUNDING BICYCLES. (a) In addition to any other penalty provided by this Code, the Police Department or any of the members thereof, may impound and retain possession of any bicycle operated in violation of any of the provisions of this chapter, and retain possession of the same until the license provided for herein is obtained by the owner of said bicycle.

(b) In addition to the penalty hereinabove set forth, the said Chief of Police is hereby granted authority to suspend for a period of not to exceed thirty (30) days the registration card of and to remove the license tag from any bicycle which is operated by the owner or rider thereof in violation of or contrary to, any law of the State of California or any ordinance of the City of Modesto during which time the Chief of Police may take possession of and impound said bicycle. At the expiration of the period of suspension, the registration card and license tag shall be restored to the bicycle and the bicycle delivered to its owner at the office of the Chief of Police.

(c) In addition to the penalties set forth above, the said Chief of Police is hereby authorized to require any minor less than sixteen (16) years of age who operates a bicycle in violation of any of the provisions of this Code, or of the California Vehicle Code, to attend a bicycle operator's school to be conducted under the supervision of the Chief of Police. Such school shall be for the purpose of educating the violator regarding proper operation of a bicycle and the provisions of law applicable to bicycles.

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 1st day of November, 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, Elliott, Simon, Smith, Mayor Davies  
NOES: Councilmen: None  
ABSENT: Councilmen: 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

Ord. No. 1156-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

AN ORDINANCE AMENDING SECTION 10-2.2906 OF ARTICLE 29 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 10-2.2906 of Article 29 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.2906. SIGNS. Any signs allowed in the C-1 Zone are permitted in the H-1 Zone excepting that freestanding and projecting identification signs as allowed in Section 10-2.807 (a) are not permitted in an H-1 Zone; provided, however, that the Board of Zoning Adjustment may, by a conditional use permit granted in accordance with the provisions of Article 20 of Chapter 2 of Title X of this Code, allow one freestanding sign per use or occupancy. Before any such conditional use permit may be granted by the Board of Zoning Adjustment, both of the following must be shown:

(a) That the use or occupancy is a freestanding use. For purposes of this section, a freestanding use is defined as a use or occupancy that does not attract customers by its proximity to another business or businesses and is not part of a shopping center or any group of businesses that jointly attract customers through their proximity to each other or through common advertising.

(b) That the use or occupancy cannot be adequately identified by the other signs permitted in the H-1 Zone.

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 8th day of November, 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, Smith, Mayor Davies

NOES: Councilmen: ~~None~~ Newton, Simon

ABSENT: Councilmen: ~~Newton, Simon~~ None

APPROVED: 

LEE H. DAVIES, Mayor

ATTEST:

By   
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

  
ELWYN L. JOHNSON, City Attorney

**AN ORDINANCE AMENDING SECTIONS 9-6.03 AND 9-6.07 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.** Sections 9-6.03 and 9-6.07 of Chapter 6 of Title IX of the Modesto Municipal Code are hereby amended to read as follows:

**SEC. 9-6.03. DEFINITIONS.** For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section.

(a) "Area of a Sign" shall mean the entire area within a single continuous perimeter enclosing the extreme limits of all elements such as boards or frames, perforated or solid backgrounds, ornamental embellishments, writings, representations, emblems or any figures or similar characters, including any spires, masts, shafts or similar projections, but excluding the necessary supports or uprights on which such sign is placed. Area of a free-standing sign shall be the entire area enclosing the extreme limits of all elements such as boards or frames, perforated or solid backgrounds, ornamental embellishments, writings, representations, emblems or any figures or similar characters, including any spires, masts, shafts or similar projections, but excluding the necessary supports or uprights on which such sign is placed. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except where two (2) such faces are placed back to back and are at no point more than two (2') feet from one another, the area of the sign shall be taken as the area of one face if the two (2) faces are of equal area, or as the area of the larger face if two (2) faces are of unequal area.

(b) "Area or Group Housing Project Sign" shall mean a sign identifying the name of a group housing project and attached to a wall or fence located within the boundaries of a group housing project.

(c) "Bench Sign" shall mean a bench located outdoors with advertising matter thereon.

(d) "Bulletin Board" shall mean a sign used to announce a coming event or attraction or used to convey a specific message related to the building or use of the property on which the bulletin board is located. In all zones, bulletin boards, which are displayed so as to be viewed from a public street, highway, parking lot, walkway or mall shall be subject to the sign regulations of the zone in which the building or property is located.

(e) "Canopy or Marquee" shall mean a fixed overhead shelter used as a roof, which may or may not be attached to a building.

(f) "Canopy Sign" shall mean a sign attached to or hung from a canopy or marquee, but not projecting above the top of the canopy or marquee.

(g) "Construction Sign" shall mean a sign with the names of the architects, engineers, contractors and subcontractors of buildings and structures being constructed upon the premises on which the sign is located.

(h) "Directional Sign" shall mean a sign used to direct and control pedestrian or vehicular traffic and located on the same lot or premises as the use which it is intended to serve.

(i) "For Sale or Rent Sign" shall mean a sign advertising that the subject building or real property or portion thereof is for sale, rent or lease.

(j) "Free-Standing Sign" shall mean a sign detached from any building or structure, and the supports of which are permanently affixed in the ground.

(k) "Height" shall mean the vertical distance from the highest point used in measuring the area of a sign to the top of curb of the street at a point which is closest to the highest point of the sign.

(l) "Identification Sign" shall mean any sign which is used to identify or advertise the occupant of a building, lot or premises or the merchandise or activity available at the building, lot or premises where the sign is located.

(m) "Lighted Sign" shall mean any sign which is illuminated either directly or indirectly by artificial light.

(n) "Outdoor Advertising Sign" shall mean a sign that directs attention to a business, profession, product, commodity, or service that is not the primary business, profession, product, commodity or service sold, manufactured, conducted, or offered on the site on which the sign is located.

(o) "Principal Frontage" shall mean that wall of a building or structure which has frontage on a public street, highway, parking lot, walkway or mall and which is designated by the owner or occupant thereof as the principal frontage of said building or structure for the purposes of Section 9-6.07 (f) (2) of this Code.

(p) "Political Sign" shall mean a sign advertising a candidate for political office, a political party or a measure scheduled for an election.

(q) "Projecting Sign" shall mean any sign attached to and projecting from the face of or above the roof of a building, structure, canopy or marquee.

(r) "Sign" shall mean any structure, device, letter, figure, character, poster, picture, trademark or reading matter which is used or designed to announce, declare, demonstrate, display or otherwise identify or advertise, or attract the attention of the public. However, a sign shall not include the following:

(1) Official notices authorized by a court, public body or public officer.

(2) Directional, warning or information sign authorized by federal, state or municipal authority or public utility.

(3) A properly displayed official flag of a government, religious group, or nonprofit organization.

(4) Memorial plaque, tablet or cornerstone indicating the name of a building and date of construction, when cut or carved into any masonry surface or when made of bronze or other incombustible material and made an integral part of the building or structure.

(5) Signs within a building except window or wall signs as hereinafter defined.

(s) "Subdivision Sign" shall mean a sign indicating the name of a recorded subdivision, the name of the contractor or subdivider, the name of the owner or agent, and/or giving information regarding directions, price and/or terms.

(t) "Subdivision Directional Sign" shall mean a sign indicating the name of a recorded subdivision, the name of the contractor or subdivider, the name of the owner or agent and/or giving information regarding directions, price and/or terms.

(u) "Temporary Sign" shall mean any banner, pennant, valance, balloon, streamer, placard, "A" frame, sandwich board or similar impermanent sign or advertising device or display with or without letters, words, numbers, or figures thereon which directs, promotes or attracts service or price, or which is otherwise designed to attract attention, except as provided for in Sections 4-5.10 and 9-6.03 (x) of this Code.

(v) "Wall Sign" shall mean any sign attached to or erected against the wall of a building or structure, with the exposed face of the sign in a place approximately parallel to the plane of the wall and which does not project beyond the top or ends of the wall. "Wall Sign" shall also mean any sign permanently displayed on the inside or outside of a window.

(w) "Open House Directional Sign" shall mean a sign with the words "Open House" and may include an arrow or other directional symbol.

(x) "Window Sign" shall mean any sign temporarily displayed on the inside or outside of a window and facing a public street, highway, parking lot, walkway or mall.

(y) "Zone" shall mean one of the various classes of area into which the City has been divided by Title X, Planning and Zoning, of the Modesto Municipal Code.

**SEC. 9-6.07. SPECIFIC REQUIREMENTS FOR TYPE, AREA AND HEIGHT OF SIGNS BY ZONE.** It shall be unlawful for any person to erect, construct or maintain on any lot or parcel any sign of a type or having an area and/or height in violation of the following specific requirements:

(a) R-1 Zone.

(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 and forty-two (42") inches in height, 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 conditional use permits 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 must be removed not later than three (3) years from the recording date of the subdivision, except as follows:

(aa) Where building permits have been taken out for more than one-half (1/2), but less than sixty-five (65%) percent, of the lots in such subdivision at the end of said three (3) year period, such sign may remain for an additional one year period.

(ab) Where building permits have been taken out for one-half (1/2) or less of the lots in such subdivision at the end of said three (3) year period, such sign may remain for an additional two (2) year period.

(7) Unlighted subdivision directional signs not exceeding ten (10) square feet in area and forty-two (42") inches in height are permitted for each recorded subdivision as follows:

(aa) When the boundaries of any recorded subdivision or any part thereof abut a major street or expressway, one subdivision directional sign is permitted, which sign may be located as follows:

(i) On any vacant lot or parcel which is owned by the subdivision owner.

(ab) When the boundaries of any recorded subdivision or any part thereof do not abut a major street or expressway but include or abut a collector street which directly connects to a major street or expressway, two (2) subdivision directional signs are permitted, which signs may be located as follows:

(i) One may be located on property not owned by the subdivision owner.

(ii) The other sign or signs may be located only on property owned by the subdivision owner.

(ac) When the boundaries of any recorded subdivision or any part thereof do not abut a major street or expressway and do not include or abut a collector street which directly connects to a major street or expressway, three (3) subdivision directional signs are permitted, which signs may be located as follows:

(i) One may be located on property not owned by the subdivision owner.

(ii) The other signs may be located only on property owned by the subdivision owner.

Such signs must be removed not later than three (3) years from the recording date of the subdivision, except as follows:

(ad) Where building permits have been taken out for more than one-half (1/2), but less than sixty-five (65%) percent, of the lots in such subdivision at the end of said three (3) year period, such signs may remain for an additional one year period.

(ae) Where building permits have been taken out for one-half (1/2) or less of the lots in such subdivision at the end of said three (3) year period, such signs may remain for an additional two (2) year period.

(8) 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.

(ad) Political signs shall not be lighted either directly or indirectly.

(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.

(9) Temporary signs are not permitted.

(10) Window signs are not permitted.

(11) Outdoor advertising signs are not permitted.

(b) R-A and F Zones. Same as R-1 Zone.

(c) R-2 Zone. Same as R-1 Zone with the following addition:

(1) Area or group housing project signs not exceeding twelve (12) square feet in area or six (6') feet in height.

(d) R-3 Zone. Same as R-2 Zone with the following addition:

(1) One identification sign not exceeding twelve (12) square feet in area and six (6') feet in height for a boarding house, lodging house or multiple dwelling.

(e) P-O Zone. Same as R-1 Zone with the following additions:

(1) On major streets one identification sign not exceeding twelve (12) square feet in area and forty-two (42") inches in height.

(2) On collector streets one identification sign not exceeding one square foot in area for each separate use on the premises, and not exceeding twelve (12) square feet in total area, and forty-two (42") inches in height.

(f) C-1 Zone.

(1) 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.

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

(aa) 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.

(ab) 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.

(3) 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.

(4) 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.

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

(6) 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.

(7) 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.

(8) 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.

(9) Temporary signs are not permitted.

(10) Outdoor advertising signs are not permitted.

(11) Window signs are permitted.

(g) M-P Zone. Same as C-1 Zone.

(h) H-1 Zone. Same as C-1 Zone excepting that freestanding and projecting identification signs as allowed in Section 10-2. 807 (a) are not permitted in an H-1 Zone; provided, however, that the Board of Zoning Adjustment may, by a conditional use permit granted in accordance with the provisions of Article 20 of Chapter 2 of Title X of this Code, allow one freestanding sign per use or occupancy. Before any such conditional use permit may be granted by the Board of Zoning Adjustment, both of the following must be shown:

(1) That the use or occupancy is a freestanding use. For purposes of this section, a freestanding use is defined as a use or occupancy that does not attract customers by its proximity to another business or businesses and is not part of a shopping center or any group of businesses that jointly attract customers through their proximity to each other or through common advertising.

(2) That the use or occupancy cannot be adequately identified by the other signs permitted in the H-1 Zone.

(i) C-2 Zone. Same as C-1 Zone with the following addition:

(1) Outdoor advertising signs not exceeding three hundred (300) square feet in area, twenty-five (25') feet in height and thirty (30') feet in length, except that:

(aa) No outdoor advertising sign shall be located within two hundred (200') feet of an R-1, R-2 or R-3 Zone or a lot or parcel which has been approved for residential development in a P-O, H-1, or P-D Zone without first obtaining a conditional use permit therefor from the Board of Zoning Adjustment in accordance with the provisions of Article 20 of Chapter 2 of Title X of this Code.

(ab) The maximum combined area of outdoor advertising signs located within a family of circles with two hundred fifty (250') foot radii measured from the point or points where the center lines of intersecting streets meet, shall not exceed six hundred (600) square feet.

(j) C-M, M-1 and M-2 Zones. Same as C-2 Zone.

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 8th day of November, 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, Smith, Mayor Davies

NOES: Councilmen: Newton, Simon

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 15th day of November, 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: Dunlap, Elliott, Simon, Smith, Mayor Davies  
NOES: Councilmen: None  
ABSENT: Councilmen: Dixon, Newton

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

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

EFFECTIVE DATE: December 15, 1971

ORDINANCE NO. 1159 -C. S.

AN ORDINANCE REPEALING CHAPTER 4 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO SALE OF ELECTRICAL MATERIALS.

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

SECTION 1. REPEALS. Chapter 4 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 8th day of November, 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:

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 15th day of November, 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: Dunlap, Elliott, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Dixon, Newton

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

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

EFFECTIVE DATE: December 15, 1971

AN ORDINANCE AMENDING SECTION MAP 23-3-9 OF  
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSI-  
FYING CERTAIN PROPERTY LOCATED THEREON. (ELLIS AND  
KLINK - ORANGEBURG AND OLD OAKDALE ROAD)

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

SECTION 1. ZONING CHANGE. Section 23-3-9 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 (97) :

All that portion of Lot 11 of the O. McHenry Ranch,  
as shown on the map recorded in Volume 2 of Maps at  
Page 7, Stanislaus County Records and lying in the  
northwest quarter of Section 23, Township 3 South,  
Range 9 East, Mount Diablo Base and Meridian, described  
as follows:

Beginning at the centerline intersection of Orangeburg  
Avenue and Oakdale Road; thence South  $0^{\circ} 45'$  East along  
the centerline of said Oakdale Road a distance of  
277.16 feet to the intersection with the westerly  
prolongation of the north line of the 14.00 foot wide  
part-width alley as shown on the map of Morningside  
Heights No. 3 filed in Volume 21 of Maps at Page 18,  
Stanislaus County Records; thence North  $89^{\circ} 08'$  East  
along the north line of said 14.00 foot wide part-width  
alley and its westerly and easterly prolongations  
thereof a distance of 457.13 feet to a point on a curve;  
thence in a northeasterly direction along a curve  
concave to the southeast from a tangent bearing North  
 $35^{\circ} 01' 33''$  East thru a central angle of  $43^{\circ} 14' 56''$ ,  
having a radius of 60.00 feet, a curve distance of  
45.29 feet; thence North  $1^{\circ} 09'$  West along the westerly  
line of said Morningside Heights No. 3 a distance of  
245.96 feet to the centerline of said Orangeburg Avenue;  
thence West along said centerline of Orangeburg Avenue  
a distance of 492.71 feet to the point of beginning.

Containing: 3.085 acres gross

SECTION 2. USES. The following uses shall be permitted in said P-D (97) 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:

All uses as allowed in the Two-family Residential Zone, R-2, in accordance with the Zoning Regulations of the Modesto Municipal Code.

SECTION 3. ZONING MAP. Section Map 23-3-9 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 15th day of November, 1971, by Councilman Dixon, 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, Elliott, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: 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

**Ordinance 1160 C.S.  
Exhibit A – Map**

Oversized map folded and bound within Ordinance Book. Unable to  
remove safely for scanning.

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 December, 1971, Councilman Dixon moved its final adoption, which motion being duly seconded by Councilman Elliott, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmen: None

ABSENT: Councilmen: Dunlap, Smith

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

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

EFFECTIVE DATE: January 5, 1972

AN ORDINANCE AMENDING SECTION 9-6.05 OF CHAPTER 6 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO NONCONFORMING SIGNS.

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

SECTION 1. AMENDMENT OF CODE. Section 9-6.05 of Chapter 6 of Title IX of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 9-6.05. NONCONFORMING SIGNS; DEFINITION; REMOVAL, ALTERATION OR REPLACEMENT. ~~For the purpose of this chapter, a "nonconforming sign" is one which does not conform with the provisions of this chapter, but which was lawfully existing and maintained within the City prior to and at the time this chapter became effective, including signs erected pursuant to variances granted by the City Council, or was lawfully in existence and in use on property outside of the City on the date upon which the annexation of such property to the City was completed, including signs erected pursuant to variances granted by the County of Stanislaus.~~

~~The provisions of this section shall apply to any lawfully existing sign which shall become nonconforming by reason of the following: -~~

~~(a) -The amendment of the precise zoning plan for the property on which the sign is located; -~~

~~(b) -The amendment of this chapter; or -~~

~~(c) -The annexation to the City of the property on which the sign is located.~~

For the purpose of this chapter, a "nonconforming sign" is one which does not conform with the provisions of this chapter, but which:

(a) Was lawfully in existence and in use within the City on January 1, 1972, including signs erected pursuant to variances granted by the City prior to April 8, 1970;

(b) Was lawfully in existence and in use on property outside of the City on the date upon which the annexation of such property to the City was completed, including signs erected pursuant to variances granted by the County of Stanislaus;

(c) Was lawfully in existence and in use within the City on the effective date of an amendment of the precise zoning plan for the property on which the sign is located; or

(d) Was lawfully in existence and in use within the City on the effective date of any future amendment of this chapter, which amendment makes such sign nonconforming.

A nonconforming sign shall not be replaced, altered, reconstructed, relocated or expanded in any manner unless and until the sign is made to conform with the provisions of this chapter. Ordinary maintenance and minor repairs which will not increase the normal life of the sign and which are required for safety purposes will be permitted. Structural alterations to a nonconforming sign are prohibited.

If the use of a nonconforming sign is discontinued, it shall not thereafter be used unless and until the sign is made to conform with the provisions of this chapter.

Each nonconforming sign shall be removed or made to conform to the provisions of this chapter at the sole cost of the owner thereof, not later than the expiration of the period of time applicable to a particular sign as set forth in this chapter or as set forth in the following table, whichever is the shorter period of time:

Description of Sign

Abatement Schedule

Temporary signs

3 calendar months from the date of annexation to the City of Modesto

Rotating, moving, flashing, changing or blinking portions of signs except time and temperature signs and electronic readerboard signs

1 year from the ~~effective date of this section~~ January 1, 1972, or from the date of annexation to the City of Modesto such sign becomes non-conforming, unless the stopping of the rotating portion of the sign would substantially destroy the utility of the sign.

~~All other nonconforming signs in existence and maintained within the City prior to and at the time this chapter became effective~~

~~10 years from the effective date of this section~~

All other nonconforming signs which become nonconforming because of annexation to the City of Modesto of the property upon which the sign is located

10 years from the ~~effective date of this section~~ January 1, 1972, or 3 years from the date of annexation to the City of Modesto, such sign becomes nonconforming, whichever is the longer period of time; provided, that the Board of Zoning Adjustment may by a variance grant up to 7 years additional time, in addition to the 3 years allowed from the date of annexation, - such sign becomes non-conforming. Such variances shall be granted in accordance with the provisions of Article 20 of Chapter 2 of Title X of this Code.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after January 1, 1972.

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 15th day of November, 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, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Dixon, Newton

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

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

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

Ord. No. 1161-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 22nd day of November, 1971, Councilman Simon moved its final adoption, which motion being duly seconded by Councilman Elliott, 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 22, 1971

AN ORDINANCE ADDING SECTION 10-2.1709 TO ARTICLE 17 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO NONCONFORMING SIGNS.

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

SECTION 1. AMENDMENT OF CODE. Section 10-2.1709 is hereby added to Article 17 of Chapter 2 of Title X of the Modesto Municipal Code to read as follows:

SEC. 10-2.1709. NONCONFORMING SIGNS; DEFINITION; REMOVAL, ALTERATION OR REPLACEMENT. ~~For the purpose of this chapter, a "nonconforming sign" is one which does not conform with the provisions of this chapter, but which was lawfully existing and maintained within the City prior to and at the time this chapter became effective, including signs erected pursuant to variances granted by the City Council, or was lawfully in existence and in use on property outside of the City on the date upon which the annexation of such property to the City was completed, including signs erected pursuant to variances granted by the County of Stanislaus.~~

~~The provisions of this section shall apply to any lawfully existing sign which shall become nonconforming by reason of the following: -~~

~~(a) - The amendment of the precise zoning plan for the property on which the sign is located; -~~

~~(b) - The amendment of this chapter; or -~~

~~(c) - The annexation to the City of the property on which the sign is located.~~

For the purpose of this chapter, a "nonconforming sign" is one which does not conform with the provisions of this chapter, but which:

(a) Was lawfully in existence and in use within the City on January 1, 1972, including signs erected pursuant to variances granted by the City prior to April 8, 1970;

(b) Was lawfully in existence and in use on property outside of the City on the date upon which the annexation of such property to the City was completed, including signs erected pursuant to variances granted by the County of Stanislaus;

(c) Was lawfully in existence and in use within the City on the effective date of an amendment of the precise zoning plan for the property on which the sign is located; or

(d) Was lawfully in existence and in use within the City on the effective date of any future amendment of this chapter, which amendment makes such sign nonconforming.

A nonconforming sign shall not be replaced, altered, reconstructed, relocated or expanded in any manner unless and until the sign is made to conform with the provisions of this chapter. Ordinary maintenance and minor repairs which will not increase the normal life of the sign and which are required for safety purposes will be permitted. Structural alterations to a nonconforming sign are prohibited.

If the use of a nonconforming sign is discontinued, it shall not thereafter be used unless and until the sign is made to conform with the provisions of this chapter.

Each nonconforming sign shall be removed or made to conform to the provisions of this chapter at the sole cost of the owner thereof, not later than the expiration of the period of time applicable to a particular sign as set forth in this chapter or as set forth in the following table, whichever is the shorter period of time:

Description of Sign

Abatement Schedule

Temporary signs

3 calendar months from the date of annexation to the City of Modesto

Rotating, moving, flashing, changing or blinking portions of signs except time and temperature signs and electronic readerboard signs

1 year from the effective date of this section January 1, 1972, or from the date of annexation to the City of Modesto such sign becomes nonconforming, unless the stopping of the rotating portion of the sign would substantially destroy the utility of the sign.

All other nonconforming signs in existence and maintained within the City prior to and at the time this chapter became effective

10 years from the effective date of this section

All other nonconforming signs which become nonconforming because of annexation to the City of Modesto of the property upon which the sign is located

10 years from the effective date of this section January 1, 1972, or 3 years from the date of annexation to the City of Modesto, such sign becomes nonconforming, whichever is the longer period of time; provided, that the Board of Zoning Adjustment may by a variance grant up to 7 years additional time, in addition to the 3 years allowed from the date of annexation, such sign becomes nonconforming. Such variances shall be granted in accordance with the provisions of Article 20 of Chapter 2 of Title X of this Code.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after January 1, 1972.

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 15th day of November, 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, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Dixon, Newton

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

Ord. No. 1162-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 22nd day of November, 1971, Councilman Simon moved its final adoption, which motion being duly seconded by Councilman Elliott, 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: December 22, 1971

AN ORDINANCE ADDING CHAPTER 4 ENTITLED "EMERGENCY SERVICES, ORGANIZATION AND FUNCTIONS" TO TITLE III OF THE MODESTO MUNICIPAL CODE.

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

SECTION 1. AMENDMENT OF CODE. Chapter 4 entitled "Emergency Services, Organization and Functions" is hereby added to Title III of the Modesto Municipal Code to read as follows:

CHAPTER 4

EMERGENCY SERVICES, ORGANIZATION AND FUNCTIONS

SEC. 3-4.01. PURPOSES. The declared purposes of this chapter are to provide for the preparation and carrying out of plans for the protection of persons and property within this City in the event of an emergency; the direction of the emergency organization and the coordination of the emergency functions of this City with all other public agencies, corporations, organizations, and affected private persons.

SEC. 3-4.02. DEFINITION. As used in this chapter, "emergency" shall mean the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this city caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, or earthquake, or other conditions, including conditions resulting from war or imminent threat of war, but other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of this city, requiring the combined forces of other political subdivisions to combat.

SEC. 3-4.03. DISASTER COUNCIL MEMBERSHIP. The Modesto Disaster Council is hereby created and shall consist of the following:

- (a) The Mayor, who shall be Chairman.
- (b) The Director of Emergency Services, who shall be Vice Chairman.
- (c) The Assistant Director of Emergency Services.
- (d) Such Chiefs of Emergency Services as are provided for in a current emergency plan of this City, adopted pursuant to this chapter.
- (e) Such representatives of civic, business, labor, veterans, professional, or other organizations having an official emergency responsibility, as may be appointed by the Director with the advice and consent of the City Council.

SEC. 3-4.04. DISASTER COUNCIL POWERS AND DUTIES. It shall be the duty of the Modesto Disaster Council, and it is hereby empowered, to develop and recommend for adoption by the City Council, emergency and mutual aid plans and agreements and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements. The Disaster Council shall meet upon call of the Chairman or, in his absence from the City or inability to call such meeting, upon call of the Vice Chairman.

SEC. 3-4.05. DIRECTOR AND ASSISTANT DIRECTOR OF EMERGENCY SERVICES.

- (a) There is hereby created the office of Director of Emergency Services. The City Manager shall be the Director of Emergency Services.

(b) There is hereby created the office of Assistant Director of Emergency Services, who shall be appointed by the Director.

**SEC. 3-4.06. POWERS AND DUTIES OF THE DIRECTOR AND ASSISTANT DIRECTOR OF EMERGENCY SERVICES.**

(a) The Director is hereby empowered to:

(1) Request the City Council to proclaim the existence or threatened existence of a "local emergency" if the City Council is in session, or to issue such proclamation if the City Council is not in session. Whenever a local emergency is proclaimed by the Director, the City Council shall take action to ratify the proclamation within seven (7) days thereafter or the proclamation shall have no further force or effect.

(2) Request the Governor to proclaim a "state of emergency" when, in the opinion of the Director, the locally available resources are inadequate to cope with the emergency.

(3) Control and direct the effort of the emergency organization of this City for the accomplishment of the purposes of this chapter.

(4) Direct cooperation between and coordination of services and staff of the emergency organization of this City; and resolve questions of authority and responsibility that may arise between them.

(5) Represent this City in all dealings with public or private agencies on matters pertaining to emergencies as defined herein.

(6) In the event of the proclamation of a "local emergency" as herein provided, the proclamation of a "state of emergency" by the Governor or the Director of the State Office of Emergency Services, or the existence of a "state of war emergency", the Director is hereby empowered:

(aa) To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the City Council;

(ab) To obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of life and property and to bind the City for the fair value thereof and, if required immediately, to commandeer the same for public use;

(ac) To require emergency services of any City officer or employee and, in the event of the proclamation of a "state of emergency" in the county in which this City is located or the existence of a "state of war emergency", to command the aid of as many citizens of this community as he deems necessary in the execution of his duties; such persons shall be entitled to all privileges, benefits, and immunities as are provided by State law for registered disaster service workers;

(ad) To requisition necessary personnel or material of any City department or agency; and

(ae) To execute all of his ordinary power as City Manager, all of the special powers conferred upon him by this chapter or by resolution or emergency plan pursuant hereto adopted by the City Council, all powers conferred upon him by any statute, by any agreement approved by the City Council, and by any other lawful authority.

(b) The Director of Emergency Services shall designate the order of succession to that office, to take effect in the event the Director is unavailable to attend meetings and otherwise perform his duties during an emergency. Such order of succession shall be approved by the City Council.

(c) The Assistant Director shall, under the supervision of the Director and with the assistance of Emergency Service Chiefs, develop emergency plans and manage the emergency programs of this City; and shall have such other powers and duties as may be assigned by the Director.

SEC. 3-4.07. EMERGENCY ORGANIZATION. All officers and employees of this City, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations, and persons who may by agreement or operation of law, including persons impressed into service under the provisions of Section 3-4.06 (a)(6)(ac) of this chapter, be charged with duties incident to the protection of life and property in this City during such emergency, shall constitute the emergency organization of the City of Modesto.

SEC. 3-4.08. EMERGENCY PLAN. The Modesto Disaster Council shall be responsible for the development of the City of Modesto Emergency Plan, which plan shall provide for the effective mobilization of all of the resources of this City, both public and private, to meet any condition constituting a local emergency, state of emergency, or state of war emergency; and shall provide for the organization, powers and duties, services, and staff of the emergency organization. Such plan shall take effect upon adoption by resolution of the City Council.

SEC. 3-4.09. EXPENDITURES. Any expenditures made in connection with emergency activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the City of Modesto.

SEC. 3-4.10. PUNISHMENT OF VIOLATIONS. It shall be a misdemeanor, punishable by a fine of not to exceed Five Hundred and no/100ths (\$500.00) Dollars, or by imprisonment for not to exceed six (6) months, or both, for any person, during an emergency, to:

(a) Willfully obstruct, hinder, or delay any member of the emergency organization in the enforcement of any lawful rule or regulation issued pursuant to this chapter, or in the performance of any duty imposed upon him by virtue of this chapter.

(b) Do any act forbidden by any lawful rule or regulation issued pursuant to this chapter, if such act is of such a nature as to give or be likely to give assistance to the enemy or to imperil the lives or property of inhabitants of this City, or to prevent, hinder, or delay the defense or protection thereof.

(c) Wear, carry, or display, without authority, any means of identification specified by the emergency agency of the State.

SEC. 3-4.11. CONTINUATION OF THE PROVISIONS OF THE MUNICIPAL CODE AMENDED BY THE PROVISIONS OF THIS CHAPTER. It is the intent of the City Council in enacting this chapter that it shall be considered a revision and continuation of the provisions of the Municipal Code amended by the provisions of this chapter, and the status of volunteers shall not be affected by such amendment; nor shall plans and agreements, rules and regulations, or resolutions adopted pursuant to such provisions be affected by such amendment until amended, modified, or superseded as provided in this chapter.

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 15th day of November, 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, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Dixon, 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, City Attorney

Ord. No. 1163-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 22nd day of November, 1971, Councilman Simon moved its final adoption, which motion being duly seconded by Councilman Elliott, 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 22, 1971

AN ORDINANCE AMENDING SECTIONS 10-2.253 AND 10-2.253.1 OF ARTICLE 2 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO THE ZONING REGULATIONS AND ADDING SECTION 10-2.253.2 THERETO; AND AMENDING ARTICLE 18 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO OFF-STREET PARKING REQUIREMENTS.

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

SECTION 1. AMENDMENT OF CODE. Sections 10-2.253 and 10-2.253.1 of Article 2 of Chapter 2 of Title X of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 10-2.253. PARKING AREA. Any lot or parcel which contains an area or areas other than a street or alley, used for the parking of five (5) or more motor vehicles, whether free, for compensation or as an accommodation.

SEC. 10-2.253.1. PARKING SPACE. An area, other than a street or alley, used for the parking of a motor vehicle.

SECTION 2. AMENDMENT OF CODE. Section 10-2.253.2 is hereby added to Article 2 of Chapter 2 of Title X of the Modesto Municipal Code to read as follows:

SEC. 10-2.253.2. PATIO, COVERED. Anything constructed or erected which requires location on the ground or attached to something having a location on the ground but not including fences, or walls used as fences, less than six (6') feet in height.

SECTION 3. AMENDMENT OF CODE. Article 18 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

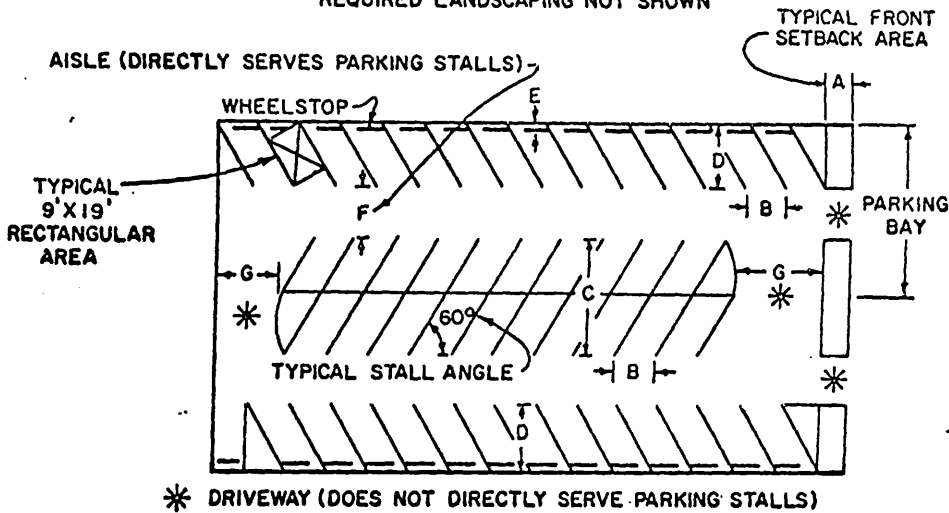
ARTICLE 18. OFF-STREET PARKING REQUIREMENTS

SECTION 10-2.1801. DESIGN REQUIREMENTS. Every lot or parcel used as a public or private parking area shall be developed in accordance with the following general requirements:

(a) Size and Access: Each parking space shall contain a rectangle with a minimum width of nine (9') feet and a minimum length of nineteen (19') feet. When the required parking space for a one or two-family structure is not provided in a covered garage, such space shall contain a rectangle with a minimum width of ten (10') feet and a minimum length of twenty (20') feet and located so that it may later be covered by a garage structure in accordance with the provisions of this chapter.

The following typical parking area diagram and parking stall and aisle dimension table shall determine the minimum requirements for a parking area plan:

TYPICAL PARKING AREA DIAGRAM  
 REQUIRED LANDSCAPING NOT SHOWN



PARKING STALL AND AISLE DIMENSION TABLE

		Parking Angle to Aisle						
		45°	50°	55°	60°	70°	80°	90°
Stall width	B	12.7'	11.8'	11.0'	10.4'	9.6'	9.1'	9.0'
Stall depth	D	19.8'	20.3'	20.7'	21.0'	20.9'	20.3'	19.0'
Stall depth	C	33.2'	34.8'	36.3'	37.5'	38.7'	39.0'	38.0'
Aisle width	F	8.8'	9.4'	11.6'	15.0'	18.2'	22.4'	27.0'
Bay width (D, F, D)								
one way aisle		48.4'	50.0'	53.0'	57.0'	60.0'	63.0'	65.0'
two way aisle		59.6'	60.6'	61.4'	62.0'	61.8'	63.0'	65.0'

For any given parking angle between 45° and 90° not specifically listed in the above table, use a table angle nearest the given angle.

Any parking plan showing parking stalls at an angle less than 45° to the driveway or any other plan for which the above table is not applicable, must be approved by the Planning Director and the Director of Parking and Traffic.

The minimum aisle width (F) at any parking stall angle less than 45° including parallel stalls, is eight and eight-tenths (8.8') feet.

When two (2) rows of stalls use the same aisle for access, requiring two-way traffic because of stall layout, the aisle shall either be a minimum of twenty (20') feet in width or that which is called for in the table above, whichever is greater.

The turnaround or end driveway width (G) shall be a minimum of eighteen (18') feet.

The wheelstop setback dimension (E) shall be a minimum of two (2') feet for any parking area. See Section 10-2.1808 (d) of this article.

The required front setback dimension (A) is as specified in this chapter for the zoning district in which the parking area is to be located and as required by the landscaping provisions of Section 10-2.1808 of this article.

Any driveway used for both ingress and egress to and from a parking area and not directly serving parking stalls shall have a minimum width of twenty (20') feet. Any driveway used only for either ingress or egress to or from a parking area and not directly serving parking stalls shall be a minimum of ten (10') feet in width. All driveways connecting public rights-of-way to off-street parking areas shall comply with the improvement standards of Section 10-2.1808 of this article.

No parking stall shall be so located to require a vehicle, while exiting therefrom, to back onto any public street right-of-way, except stalls serving one and two-family dwelling structures. However, alleyways may be used for ingress and egress to and from parking stalls, providing the stalls are set back the proper distance from the property line so that the aisle width is sufficient, as required in the Parking Stall and Aisle Dimension Table.

Every parking area shall have adequate internal circulation in which no backing movement, except that required to leave a parking stall, is allowed. It should be possible to maneuver within any parking area without use of the public rights-of-way and to maneuver within the parking area so that a car enters the street in a forward manner.

If desired, one of each five (5) required parking stalls may be designated for parking small cars. Small car stalls shall contain a rectangular area of exactly seven and one-half (7.5') feet in width and exactly fifteen (15') feet in length. Each small car space shall be identified with the words "small car" painted on the pavement.

(b) Location: Off-street parking areas shall be located as hereinafter specified. Where a distance is specified, such distance shall be the walking distance measured from the nearest point of the parking area to the nearest point of the building that such parking area is required to serve.

(1) For one, two, or multiple-family dwellings, parking areas shall be located on the same lot or building site as the buildings they are required to serve.

(2) For hospitals, sanitariums, rest homes, asylums, orphanages, rooming houses, lodging houses, fraternity and sorority houses, parking areas shall not be located more than one hundred fifty (150') feet from the buildings they are required to serve.

(3) For uses other than those specified above, parking areas shall not be located over four hundred (400') feet from the building they are required to serve.

(c) Plans: The plan of the proposed parking area shall be submitted to the Building Department at the time of the application for the building permit for the building to which the parking area is accessory. The plans shall clearly indicate the proposed development, including location, size, shape, design, curb cuts, lighting, landscaping and other features and appurtenances of the proposed parking area. All parking areas shall be subject to the same restrictions governing accessory buildings as specified in the zoning district in which said parking areas are located.

SEC. 10-2.1802. USE LIMITATIONS. (a) Mixed Occupancies in a Building: In the case of mixed uses in a building or on a lot, the total requirements for off-street parking spaces shall be the sum of the requirements for the various uses computed separately. Off-street parking spaces for one use shall not be considered as providing required parking spaces for any other use except as hereinafter specified for joint use.

(b) Joint Use: The Board of Zoning Adjustment may, upon application by the owner or lessee of any property, authorize the joint use of parking spaces by the following uses or activities under the conditions specified herein.

(1) Up to fifty (50%) percent of the parking spaces required by this article for a use considered to be primarily a daytime use may be provided by the parking spaces of a use considered to be primarily a nighttime use; up to fifty (50%) percent of the parking spaces required by this article for a use considered to be primarily a nighttime use may be provided by the parking spaces of a use considered to be primarily a daytime use, provided such reciprocal parking spaces shall be subject to conditions set forth in paragraph (4) below.

(2) Up to one hundred (100%) percent of the parking spaces required by this article for a church or for an auditorium incidental to a public or parochial school may be supplied by parking spaces of a use considered to be primarily a daytime use, provided such reciprocal parking spaces shall be subject to conditions set forth in paragraph (4) below.

(3) The following uses are typical daytime uses: banks, business offices, retail stores, personal service shops, clothing or shoe repair or service shops, manufacturing or wholesale buildings and similar uses. The following uses are typical of nighttime and/or Sunday uses: auditoriums incidental to a public or parochial school, churches, dance halls, theaters and bars.

(4) Conditions required for joint use:

(aa) The building or use for which application is made for authority to utilize the existing off-street parking spaces provided by another building or use, shall be located within four hundred (400') feet of such parking spaces.

(ab) The applicant shall show that there is no substantial conflict in the principal operating hours of the building or uses for which the joint use of off-street parking spaces is proposed.

(ac) If the building, structure, or improvement requiring parking spaces is in one ownership, and the required parking spaces provided in another ownership, partially or wholly, there shall be a recording in the office of the County Recorder of Stanislaus County, California, of a covenant by such owner or owners for the benefit of the City of Modesto in the form first approved by said City that such owner or owners will continue to maintain such parking spaces so long as said building, structure, or improvement is maintained within said City. The covenant herein provided must stipulate that the title to and right to use the lot or lots upon which the parking spaces are to be provided will be subservient to the title to the premises upon which the building is to be erected and that it is warranted that said lot or lots are not and will not be made subject to any other covenant or contract for use without prior written consent.

(c) Common Parking Spaces: Common parking spaces may be provided in lieu of the individual requirements contained herein, but such spaces shall be approved by the Board of Zoning Adjustment as to size, shape, and relationship to business sites to be served, provided the total of such off-street parking spaces when used together, shall not be less than the sum of the parking spaces required of the various uses computed separately. When any such common parking spaces are to occupy a site of five thousand (5,000) square feet or more, then the parking requirements as specified herein for each of two (2) or more participating buildings or uses may be reduced not more than fifteen (15%) percent upon approval of development plans by the Board of Zoning Adjustment in the manner prescribed for a conditional use permit as set forth in Article 20 of this chapter.

SEC. 10-2.1803. EXISTING AND NEW BUILDINGS. (a) Every building hereafter erected shall be provided with parking spaces as provided in Section 10-2.1804 subject to the other provisions of this article. Such parking spaces shall be made permanently available and be permanently maintained for parking purposes.

(b) Every building hereafter enlarged, reconstructed, remodeled or structurally altered shall be provided with parking spaces to compensate for the additional parking demand, if any, created by such enlargement, reconstruction, remodeling or structural alteration. The parking spaces required by this subsection shall be determined by subtracting the number of parking spaces required by the provisions of Section 10-2.1804 of this chapter for the building as used prior to its enlargement, reconstruction, remodeling, or structural alteration from the number of spaces required by said section for the building for its proposed use after its enlargement, reconstruction, remodeling or structural alteration. Such parking spaces shall be made permanently available and be permanently maintained for parking purposes. For buildings other than dwellings, if the additional parking demand created by all enlargements, reconstructions, remodelings, or structural alterations of a building, including all buildings and similar structures located on the same lot or parcel of land, done pursuant to building permits issued within any twelve (12) month period does not exceed five (5) parking spaces, such additional parking demand shall be exempt from the requirements of this article. In the event it is not possible to determine the number of parking spaces required for a particular building in the manner prescribed by this subsection, the Board of Zoning Adjustment shall determine an adequate number of parking spaces for such a building based on standards comparable to those contained in Section 10-2.1804 of this chapter.

(c) Notwithstanding the provisions of subsection (a) above, if any existing building is hereafter removed or demolished to provide a site for a building, the new building shall be provided with parking spaces in conformance with subsection (b) of this section.

(d) When the computation of the number of off-street parking spaces required by this article results in a fractional space, such fractional space shall be counted as a parking space only if it is equivalent to one-half (1/2) space or more.

SEC. 10-2.1804. PARKING SPACES REQUIRED. Except as otherwise provided in this article, the number of off-street parking spaces required shall be as follows:

- Beauty college - two and one-half (2.5) for each training station.
- Bowling alley - four (4) for each lane.
- Children's dancing school - one for each six hundred (600) square feet of gross floor area.
- Churches - one for each five (5) seats in the facility with the largest seating capacity.
- Clubs and lodges not having sleeping rooms - adequate number as determined by the Board of Zoning Adjustment.
- Dance halls - one for each fifty (50) square feet of gross floor area used for dancing.
- Dwellings -
  - Single-family - two (2) for each dwelling unit.
  - Two-family - one and one-half (1.5) for each dwelling unit.
  - Multiple-family - one and one-half (1.5) for each dwelling unit.
- Eating and drink establishments (on-premises consumption) - one for each four (4) fixed seats, including stools, benches and booths or one for each sixty (60) square feet of dining area when the number of seats is unknown or not permanently fixed.
- Hospitals - one and one-half (1.5) for each bed.
- Hotels - one for each guest room.
- Libraries - one for each five hundred (500) square feet of gross floor area.
- Manufacturing plants and kindred uses - one for each four (4) employees on the site at any one time, including changes of shifts.

Medical or dental clinics or offices - one for each two hundred (200) square feet of gross floor area.

Motels - one for each sleeping unit or dwelling unit.

Motor vehicle and machinery repair - one for each six hundred (600) square feet of gross floor area, with repair space for motor vehicles or machinery not counted as parking space.

Mortuaries and funeral homes - one for each five (5) seats in the assembly room used for services.

Offices-business or profession offices, banks - one for each five hundred (500) square feet of gross floor area.

Pool halls - two (2) for each table.

Retail stores - one for each five hundred (500) square feet of gross floor area.

Rooming and lodging houses, clubs and fraternity houses having sleeping rooms - one for each two (2) sleeping rooms.

Sanitariums, children's home, homes for the aged, nursing homes - one for each four (4) beds.

Schools - adequate number as determined by the Board of Zoning Adjustment.

Stadiums, sports arenas, auditoriums - adequate number as determined by Board of Zoning Adjustment.

Theaters - one for each five (5) seats.

Transportation terminal facilities - adequate number as determined by the Board of Zoning Adjustment.

Veterinary Hospital - one for each five hundred (500) square feet of floor area excluding exterior animal runs.

Warehouse and storage buildings - one for each four (4) employees.

Wholesale stores - one for each eight hundred (800) square feet of gross floor area.

#### SEC. 10-2.1805. PARKING REQUIREMENTS FOR USES NOT SPECIFIED.

Where the parking requirements for a use are not specifically defined herein, the parking requirements for such use shall be determined by the Board of Zoning Adjustment and such determination shall be based upon the requirements for the most comparable uses specified herein.

#### SEC. 10-2.1806. IN LIEU PARKING PAYMENTS. This section applies only to property in the area bounded by the centerlines of the following streets: Needham Avenue, Downey Avenue, Burney Street, D Street, Ninth Street and O Street.

All or a portion of the requirement for furnishing parking spaces as set forth in this article may be satisfied by the payment to the City, prior to the issuance of a building permit, of an in lieu payment at a rate of One Thousand Five Hundred and no/100ths (\$1,500.00) Dollars per parking space.

Said funds shall be held by the City of Modesto in a special fund and shall be used exclusively for the purpose of acquiring and developing off-street parking facilities located in said area.

An in lieu parking payment made pursuant to this section may be refunded by the City, without interest, to the person who made such payment, or his assignee or designee, if, prior to the date said funds are spent or committed by the City to acquisition or development of off-street parking facilities, additional off-street parking spaces are provided for such building, other than by the City, so as to satisfy the parking requirement for which the in lieu payment was made and a demand for refund is made.

#### SEC. 10-2.1807. EXEMPTION FROM PARKING SPACE REQUIREMENTS.

(a) None of the requirements of this article for off-street parking spaces shall apply to a building in existence at the time of the effective date of this article except as provided in subsection (b) of Section 10-2.1803.

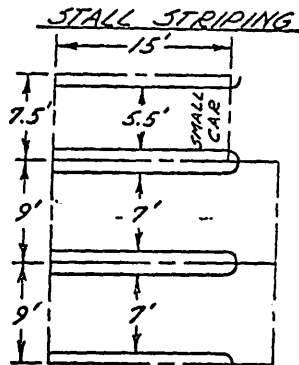
(b) No building as it exists at the time of the effective date of this article shall be deemed to be nonconforming solely by reason of the lack of off-street parking spaces provided that any portion of the premises being used for off-street parking in connection with any such building shall not be reduced below the requirements of this article.

(c) None of the provisions of this article which require the provisions of off-street parking spaces in connection with the use of property for commercial or industrial purposes shall apply to any parcel of property which is located within any parking district hereafter formed and existing under the provisions of the Parking District Act of 1951, or any other parking district act approved by the Council.

SEC. 10-2.1808. REQUIRED IMPROVEMENT, LANDSCAPING AND MAINTENANCE OF PARKING AREA. Every lot or parcel used as a public or private parking area and having a capacity of five (5) or more vehicles shall be developed and maintained in the following manner:

(a) Surface of Parking Area. Parking areas shall be paved with a minimum of two (2") inches of asphalt concrete surfacing and shall be so graded and designed as to dispose of all surface water in accordance with requirements of the City Engineer.

(b) Striping of Parking Area. Parking areas shall be marked by either striping or buttons to delineate approved stalls as shown on the plans required by Section 10-2.1801(c).



The stalls shall be double striped as shown in the diagram. Painted line width shall be 4". If buttons are used they shall be 3 1/2-4" in diameter, spaced no more than 3' on center. The lines shall be laid parallel to, and 1' within each stall, 15' in length, not including the semicircular cap.

(c) Landscaping of parking areas.

(1) All parking areas of five (5) or more spaces excepting parking areas in C-M, M-1 and M-2 Zones shall be screened along all of those portions which abut a street, as follows:

(aa) A planter, a minimum forty (40") inches in width, with landscaping and underground irrigation.

(ab) Such landscaping shall include a decorative masonry wall, or masonry pilaster and grapestake fence, or screen evergreen plantings, or a landscaped mound or a combination thereof that average a minimum of three (3') feet and a maximum of four (4') feet in height from the elevation of the parking area to serve as a visual screen.

(ac) Such landscaping shall be designed so as not to constitute a traffic hazard at the driveway approaches to the adjacent public streets and alleys. The "clear vision triangle" of Section 10-2.1609 shall also apply.

(2) All parking areas of five (5) or more spaces excepting parking areas in C-M, M-1 and M-2 zones, shall have a minimum of five (5%) percent of the gross area of the parking area landscaped. Said landscaping shall be distributed throughout a parking area, not clustered in any one area, as follows:

(aa) A minimum of two-fifths (2/5) of the required landscaping shall be "interior" landscaping. Interior landscaping is landscaping that is not located along the periphery of a parking area or aligned in any distinct way with peripheral landscaping.

(ab) Up to three-fifths (3/5) of the required landscaping may be placed in peripheral landscaping areas along the edges of the parking area. The planter required by subsection (c)(1)(aa) above shall be credited towards this requirement.

(ac) For those parking areas with one aisle and only one or two rows of parking stalls, the entire required landscaping may be applied to the periphery.

(3) All parking areas of twenty (20) or more spaces, excepting parking areas in C-M, M-1 and M-2 Zones, shall be planted with a minimum of one tree of three-quarter (3/4") inch minimum caliper for every twenty (20) spaces or fraction thereof. Trees of three-quarter (3/4") inch caliper or larger existing on a site prior to development shall be saved where possible and can be credited toward this requirement. The landscaping plan shall show the location of all trees of three-quarter (3/4") inch caliper or larger, indicating those to be saved and those to be removed. Trees shall be provided tree wells of four (4') foot by four (4') foot minimum size and shall have an underground irrigation system. Trees required by this section shall be distributed throughout the parking area in the interior landscaping areas. They shall not be clustered in any one area or located on the periphery.

(4) Prior to the issuance of a building permit on any parking area of five (5) or more spaces, excepting parking areas in C-M, M-1 and M-2 Zones, the applicant shall submit a landscaping plan for said parking area approved by the Director of Parks and Recreation. Said landscaping plan shall comply with the provisions of Section 10-2.1515. Landscaping plan review shall include but not be limited to: a check to make certain the five (5%) percent landscaping requirement has been met; trees, when required, have been provided in the proper ratio to parking spaces and are appropriate species; the landscaping and trees are reasonably distributed throughout the parking area; forty (40") inch screening along streets is provided; that all landscaping areas are adequately served with underground irrigation systems; and that existing trees of three-quarter (3/4") inch caliper or larger to be saved are worth saving and those to be removed, must be removed to adequately develop the parking area.

(5) Every parking area existing prior to the effective date of this ordinance, of five (5) spaces or more, excepting parking areas in C-M, M-1 and M-2 Zones, hereafter enlarged, reconstructed, altered, or changed shall be subject to these landscaping requirements as follows:

(aa) For those enlargements, reconstructions, alterations or changes that result in the loss of spaces, or result in no change in the number of spaces, or add not more than twenty-five (25%) percent additional spaces, no landscaping shall be required.

(ab) For those enlargements, reconstructions, alterations or changes that add between twenty-five (25%) percent and fifty (50%) percent additional spaces, the landscaping standards shall apply only to the added spaces.

(ac) For those enlargements, reconstructions, alterations or changes that add fifty (50%) percent or more additional spaces, the landscaping standards shall apply to the entire parking area, including existing spaces and those to be added.

(ad) The above percentages shall be calculated on the basis of two factors. The first factor shall consist of the total number of stalls before enlargement, reconstruction, alteration or change less any stalls removed from that same parking area as a result of the enlargement, reconstruction, alteration or change. The second factor shall consist of the total number of stalls in the parking area after enlargement, reconstruction, alteration or change less the first factor. The percentage shall be derived by dividing the first factor into the second factor.

(ae) For the purposes of interpreting the applicability of subsections (aa) through (ad) above with regard to two (2) or more enlargements, reconstructions, alterations, or changes to a parking area, any two (2) or more enlargements, reconstructions, alterations or changes to a parking area within any twelve (12) month period shall be considered as one enlargement, reconstruction, alteration or change.

(6) Every parking area created after the effective date of this ordinance, of five (5) spaces or more, excepting parking areas in C-M, M-1 and M-2 Zones hereafter enlarged, reconstructed, altered or changed shall meet these landscaping requirements in full.

**(d) Border Barricades and Screening.**

(1) Every parking area that is not separated by a fence, wall or landscaped area from any alley property line upon which it abuts, shall be provided with a suitable concrete curb or timber barrier not less than six (6") inches in height; located not less than two (2') feet from such alley property lines, and such curb or barrier shall be securely installed and maintained, provided no such curb or barrier shall be required across any driveway or entrance to such parking area.

(2) Every parking area that abuts a fence, wall or landscaped area required by provisions of this chapter shall be separated from such fence, wall or landscaped area by a suitable wheelstop consisting of a concrete curb or timber barrier not less than six (6") inches in height, located not less than two (2') feet from such fence, wall or landscaped area, and such curb or barrier shall be securely installed and maintained. If low-lying plant materials, that will permit a two (2') foot vehicular overhang are specified in an approved landscaping plan, a six (6") inch concrete curb can be utilized for a planter border as well as a wheelstop.

(3) Every parking area with an aisle that abuts a fence, wall or landscaped area shall have said aisle separated from such fence, wall or landscaped area by a suitable wheelstop consisting of a concrete curb or timber barrier not less than six (6") inches in height and not less than four and one-half (4.5') feet from such fence, wall, or landscaped area. Such curb or barrier shall be securely installed and maintained. If low-lying plant materials, that will permit a four and one-half (4.5') foot vehicular overhang are specified in an approved landscaping plan, a six (6") inch concrete curb can be utilized for a planter border as well as a wheelstop.

(4) Every parking area abutting property located in one of the "R" zones shall be separated from such property by a solid wall or view-obscuring fence six (6') feet in height measured from the grade of the finished surface of such parking area closest to the contiguous "R" zone properly provided that in all zones which require a front yard, fences on corner lots shall meet the vision clearance requirements of Section 10-2.1609. No such wall or fence need be provided where the elevation of that portion of the parking area immediately adjacent to an "R" zone is six (6') feet or more below the elevation of such "R" zone property along the common property line.

**(e) Lighting and Maintenance.**

(1) Any lights provided to illuminate any parking area shall be arranged so as to reflect the light away from any area upon which a dwelling is located.

(2) Every parking area and all improvements thereon including but not limited to pavement, striping, lighting, fences, walls, landscaping and irrigation systems shall be maintained and be kept free of weeds, trash, and other debris.

SEC. 10-2,1809. PARKING IN THE "R" ZONES. Every parking area located in an "R" zone shall be governed by the following provisions in addition to those set forth in other sections of this article.

(a) Such parking area shall be incidental to and accessory to a use permitted in the zone in which the parking area is located or shall be incidental to and accessory to a commercial or industrial use located in a commercial or industrial zone immediately adjacent to the parking area which is located in the "R" zone.

(b) Such parking area shall be so located that its boundary shall be adjacent to the lot or parcel on which is located the use to which it is accessory except that the parking area may be separated from said lot or parcel by an alley.

(c) Such parking area shall be used solely for the parking of passenger vehicles.

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 13th day of December, 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:

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. 1164-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 20th day of December, 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: <sup>Dixon,</sup> /Elliott, Newton, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Dunlap, Simon

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

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

EFFECTIVE DATE: January 19, 1972

AN ORDINANCE AMENDING SECTION MAP 27-3-9  
OF THE ZONING MAP OF THE CITY OF MODESTO,  
RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON.  
( KIRKPATRICK HOMES - DRY CREEK ESTATES NO. 2)

WHEREAS, a verified application for an amendment to Section 27-3-9 of the Zoning Map was filed by Kirkpatrick Homes, Inc.,  
on October 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 November 16, 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. 71-168, adopted on November 16, 19 71, the Planning Commission recommended to the Council that the application of Kirkpatrick Homes, Inc.,

to amend Section 27-3-9 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 27-3-9 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 portion of Section 27, 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 Southeast corner of Lot 1 of Block 2283 of Dry Creek Estates No. 1, according to the Official Map thereof, recorded in Volume 21 of Maps at Page 55, Stanislaus County Records, being on the West line of 100 foot wide El Vista Avenue; thence South  $89^{\circ} 42' 30''$  West along the South line of said Block 2283 a distance of 100.00 feet; thence South  $0^{\circ} 36'$  East 466.06 feet; thence South  $89^{\circ} 48'$  East 150.01 feet to the centerline of said El Vista Avenue; thence North  $0^{\circ} 36'$  West along said centerline of El Vista Avenue 467.36 feet; thence South  $89^{\circ} 42' 30''$  West 50.00 feet to the point of beginning.

Containing 1.608 Acres.

SECTION 3. ZONING MAP. Section 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 Bea, 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 December, 1971, by Councilman Smith, 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, 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

**Ordinance 1165 C.S.**  
**Exhibit A – Map**

Oversized map folded and bound within Ordinance Book. Unable to  
remove safely for scanning.

Ord. No. 1165-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 January, 1972, 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: 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: February 16, 1972

ORDINANCE NO. 1166 -C.S.

AN ORDINANCE AMENDING ORDINANCE 1082-C.S. TO AMEND SECTION 2 THEREOF RELATING TO USES IN PLANNED-DEVELOPMENT, P-D(83). (MODESTO AFFILIATED CHURCH HOUSING CORPORATION)

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

SECTION 1. Section 2 of Ordinance No. 1082-C.S. adopted by the Council of the City of Modesto on March 15, 1971, is hereby amended to read as follows:

\*SECTION 2. USES. The following uses shall be permitted in said P-D(83) 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. 200 dwelling units.
2. A minimum of 60 off-street parking spaces shall be provided.
3. A beauty shop.
4. A gift shop.
5. Until commencement of construction of any of the above uses, an interim use of the existing church buildings and facilities, with only minor interior structural changes, is permitted for the functions hereinafter set forth. Such interim use may be for 24 hours per day provided the doors of such facilities are closed between 12:00 midnight and 8:00 a.m. except in crisis situations. The authorized interim use functions are as follows:
  - (a) Counseling
  - (b) Classes
  - (c) Training
  - (d) Group Meetings
  - (e) Recreational activities
  - (f) Short-term live-in treatment (non-medical)"

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

December, 1971, by Councilman Newton, 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

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 27th day of December, 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: January 26, 1972

AN ORDINANCE AMENDING PLANNED-DEVELOPMENT  
ZONE, P-D (30) TO PERMIT ADDITIONAL USES.  
(STANISLAUS MEDICAL BUILDING CORPORATION.)

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

SECTION 1. AMENDMENT TO P-D (30). Planned-Development Zone, P-D (30), is hereby amended to permit an additional expansion of the existing medical facilities to permit additional uses recommended by Planning Commission Resolution No. 71-151 dated October 19, 1971, on the following described property:

All that real property in Section 22, Township 3 South, Range 9 East, Mount Diablo Base and Meridian and being a portion of the south half of Lot 30 of the Broughton Colony Tract, as recorded March 17, 1904, in Volume 1 of Maps, at Page 78, Stanislaus County Records, and Lot 8, Block 1032 of Downey Manor, as per map filed August 5, 1955 in Volume 18 of Maps at Page 32, Stanislaus County Records; and portions of adjacent rights-of-way, more particularly described as follows:

Commencing at the Southwest corner of said Section 22, thence Northerly along the west line of Section 22, 20 feet to the true point of beginning; thence Easterly along the northerly right-of-way line of a 40-foot wide public street known as Lucerne Avenue to its intersection with the easterly line of said Lot 30, said point also being on the westerly line of a 20-foot wide public street known as Sunnyside Avenue; thence Northerly along the easterly line of said Lot 30 and the westerly line of Sunnyside Avenue to its intersection with the centerline of an east-west 20-foot alley; thence Westerly along the centerline of said alley to its intersection with the southerly extension of the easterly line of Lot 8, Block 1032 as shown on the map of Downey Manor subdivision, recorded on August 5, 1955, in Volume 18 of Maps at Page 32, Stanislaus County Records; thence Northerly along said easterly lot line and the prolongation thereof to its intersection with the centerline of a 60-foot wide public street known as Locke Road; thence Westerly along the centerline of said Locke Road to its intersection with the West line of Section 22, also being the centerline of a 90-foot wide public street known as Coffee Road; thence Southerly along said section line to the point of beginning;

SECTION 2. USES. The following uses shall be permitted in said P-D (30) as amended, 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. Doctors' offices and examination and treatment rooms
2. Minor surgery facilities
3. X-ray facilities
4. Pharmacy
5. A minimum of 286 parking spaces including 246 spaces with Phase II construction and 40 spaces with Phase III construction.

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 20th day of December, 1971, by Councilman Dunlap, 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 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 27th day of December, 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: January 26, 1972

ORDINANCE NO. 1168 -C.S.

AN ORDINANCE SUSPENDING THE FEE SET FORTH IN SECTION 5-6.10 OF FIVE (.05¢) CENTS PER SQUARE FOOT OF PROPERTY AREA THROUGH AND INCLUDING FEBRUARY 29, 1972 AND ESTABLISHING THE FEES TO BE CHARGED UNTIL SAID DATE.

WHEREAS, Ordinance No. 1133-C.S. amended Section 5-6.10 of the Modesto Municipal Code to establish the amount 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 reimburse the City for connecting to said existing sewer, and

WHEREAS, said Ordinance No. 1133-C.S. became effective on September 8, 1971, and

WHEREAS, the President of the United States on August 15, 1971 issued an Executive Order "Providing for Stabilization of Price, Rents, Wages and Salaries" which order prevented said fee from becoming effective on September 8, 1971, and

WHEREAS, the City Council has determined that because of said Presidential Executive Order, the effective date of said fee should be changed to March 1, 1972 in order that the owners of all properties affected thereby can be notified of a date when said increases shall go into effect and thereby eliminate inequities which could otherwise arise.

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

SECTION 1. SUSPENSION OF SEWER LATERAL FEE. The fee set forth in Section 5-6.10 of the Modesto Municipal Code of five (.05¢) cents per square foot of property area is hereby suspended through and including February 29, 1972. Any property connecting to the City sewage system, between September 8, 1971 and February 29, 1972, 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 of Public Works or shall pay to the City Two and no/100ths (\$2.00) Dollars per front foot of the property being connected, where no pavement had to be replaced when said existing sewer line was installed, or Two and 50/100ths (\$2.50) Dollars per front foot of the property being connected where pavement had to be replaced when said existing sewer line was installed, whichever is the greater sum. All of the other provisions of Section 5-6.10 of the Modesto Municipal Code shall remain in full force and effect.

**SECTION 2. EMERGENCY PROVISIONS. 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:

On August 15, 1971 the President of the United States issued an Executive Order "Providing for Stabilization of Price, Rents, Wages and Salaries" which order prevented an amendment to Section 5-6.10 of the Modesto Municipal Code from becoming effective and therefore it is necessary to establish a new date when the fee for connecting to an existing sewer line established by said amendment shall become effective, in order that the owners of all properties affected thereby can be notified of a date when said fee shall go into effect and thereby eliminate inequities which could otherwise arise.

**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 and shall apply retroactively, commencing on and after September 8, 1971.

**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 27th day of December, 1971, 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 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. 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. ~~However, said taximeter shall not be required to operate on any trip that begins, ends or goes outside the City limits. For these 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.

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 January, 1972, 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:	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. 1169-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 10th day of January, 1972, Councilman Elliott 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, Simon, Smith,  
Mayor Davies


NOES: Councilmen: None

ABSENT: Councilmen: Newton

APPROVED

  
LEE H. DAVIES, Mayor

ATTEST:

  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: February 9, 1972

AN ORDINANCE AMENDING SECTION 2-4.504 OF ARTICLE 5 OF CHAPTER 4 OF TITLE II OF THE MODESTO MUNICIPAL CODE RELATING TO BID PROCEDURE FOR PUBLIC WORKS CONTRACTS.

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

SECTION 1. AMENDMENT OF CODE. Section 2-4.504 of Article 5 of Chapter 4 of Title II of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 2-4.504. BONDS. At the time of the execution of the contract, the contractor shall execute and file with the City Clerk a payment bond executed by a corporate surety in the sum of not less than fifty (50%) per cent of the total amount payable by the terms of the contract. The provisions of such bond shall be in accordance with the provisions of California Civil Code Section 3248 as it now exists or is hereafter amended.

In addition to the foregoing bond, the contractor shall execute and file with the City Clerk, at the time of the execution of the contract, a performance bond executed by a corporate surety, in the sum of not less than fifty (50%) per cent of the total amount payable by the terms of the contract. The provisions of such bond shall guarantee performance of the contract.

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 10th day of January, 1972, 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, Simon, Smith,  
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton

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

ATTEST:

By

W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk  
(SEAL)

APPROVED AS TO FORM:

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 17th day of January, 1972, 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: 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: February 16, 1972

AN ORDINANCE AMENDING SECTION 3-8.08 OF CHAPTER 8 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO AMBULANCES.

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

SECTION 1. AMENDMENT OF CODE. Section 3-8.08 of Chapter 8 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-8.08. EQUIPMENT AND MAINTENANCE. (a) Prior Inspection - Equipment Required. Prior to the initial use and operation of any vehicle as an ambulance, said vehicle and the premises from which it is to be operated shall be thoroughly examined and inspected by the Health Officer for safety and sanitation and thereafter its license shall be required to comply with such reasonable rules and regulations relating to safety and sanitation as may be prescribed by the Health Officer. Such rules and regulations shall specify among other things such safety and sanitary equipment and regulatory devices as the Health Officer shall deem necessary.

(b) Periodic Inspections. Every ambulance, as well as the premises from which it is operated, shall be periodically inspected by the Health Officer and Chief of Police at such times as shall be designated by them.

(c) Unsafe Ambulances. No ambulance which is unsafe or in any way unsuitable for ambulance service shall be operated.

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 10th day of January, 1972, 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, Simon, Smith,  
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: 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

Ord. No. 1170-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 January, 1972, 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: 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: February 16, 1972

AN ORDINANCE AMENDING SECTION MAP 9-3-9 OF  
THE ZONING MAP OF THE CITY OF MODESTO,  
RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON.  
(MEDEIROS - SYLVAN AVENUE)

WHEREAS, a verified application for an amendment to Section 9-3-9 of the Zoning Map was filed by Gilbert Medeiros on September 15, 1971, to prezone to Two-family Residential Zone, R-2, and Multiple-family Residential Zone, R-3, property located on the south side of Sylvan Avenue, west of Coffee Road, as hereinafter described, and

WHEREAS, at the request of the applicant, the matter was held over until such time as the subject property was annexed to the City in order to pursue rezoning rather than pre zoning, and

WHEREAS, said property has been annexed to the City and is now zoned One-family Residential Zone, R-1, and

WHEREAS, after public hearing held on December 21, 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. 71-168, adopted on December 21, 1971, the Planning Commission recommended to the Council that the application of Gilbert Medeiros to amend Section 9-3-9 of the Zoning Map to reclassify the hereinafter described property from One-family Residential Zone, R-1, to Two-family Residential Zone, R-2, and Multiple-family Residential Zone, R-3, 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.

Map is hereby amended to reclassify Parcel 1 of the following described property from One-family Residential Zone, R-1, to Two-family Residential Zone, R-2; and Parcel 2 of the following described property from One-family Residential Zone, R-1, to Multiple-family Residential Zone, R-3:

Parcel 1:  
R-1 to R-2

All that certain real property situate in the Southeast 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 Northeast corner of said Southeast Quarter of Section 9; thence North  $89^{\circ} 17'$  West along the centerline of Sylvan Avenue 788.86 feet to the point of beginning of this description; thence South  $0^{\circ} 43' 15''$  East 289.94 feet; thence South  $89^{\circ} 16' 45''$  West 130.00 feet; thence North  $0^{\circ} 43' 15''$  West 108.15 feet; thence South  $89^{\circ} 17'$  East 14.19 feet; thence North  $0^{\circ} 43'$  East 185.00 feet; thence South  $89^{\circ} 17'$  East along said centerline of Sylvan Avenue 111.21 feet to the point of beginning.

Containing 0.80 Acre.

Parcel 2:  
R-1 to R-3

All that certain real property situate in the Southeast 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 Northeast corner of said Southeast Quarter of Section 9; thence North  $89^{\circ} 17'$  West along the centerline of Sylvan Avenue 298.00 feet to the point of beginning of this description; thence continuing North  $89^{\circ} 17'$  West along said centerline 490.86 feet; thence South  $0^{\circ} 43' 15''$  East 320.00 feet; thence South  $89^{\circ} 17'$  East 490.86 feet; thence North  $0^{\circ} 43' 15''$  West 320.00 feet to the point of beginning.

Containing 3.60 Acres.

SECTION 3. ZONING MAP. Section 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 17th day of January, 1972, 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, Dunlap, 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

**Ordinance 1172 C.S.**  
**Exhibit A – Map**

Oversized map folded and bound within Ordinance Book. Unable to  
remove safely for scanning.

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 February, 1972, Councilman Dixon 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, 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: March 8, 1972

AN ORDINANCE ADDING SECTIONS 9-1.13.2 AND 9-1.13.3 TO CHAPTER 1 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO BUILDING REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Sections 9-1.13.2 and 9-1.13.3 are hereby added to Chapter 1 of Title IX of the Modesto Municipal Code to read as follows:

SEC. 9-1.13.2. BUILDING SECURITY. That Section 1316 of said Building Code be added to read as follows:

Section 1316. (a) Every exterior door of a dwelling unit and every door leading from a garage into a dwelling unit, except sliding glass doors, shall be equipped with a self-locking (dead latch) device with a minimum throw of one-half ( $\frac{1}{2}$ " ) inch.

(b) Every exterior sliding glass door of a dwelling unit shall be so equipped that it can be secured from the inside in such a manner that when so secured it cannot be lifted from the door frame.

(c) Every window of a dwelling unit shall be so equipped that it can be secured from the inside in such a manner that when so secured it cannot be lifted from the window frame.

SEC. 9-1.13.3. BUILDING SECURITY. That Section 1413 of said Building Code be added to read as follows:

Section 1413. (a) Every exterior door of a dwelling unit and every door leading from a garage into a dwelling unit, except sliding glass doors, shall be equipped with a self-locking (dead latch) device with a minimum throw of one-half ( $\frac{1}{2}$ " ) inch.

(b) Every exterior sliding glass door of a dwelling unit shall be so equipped that it can be secured from the inside in such a manner that when so secured it cannot be lifted from the door frame.

(c) Every window of a dwelling unit shall be so equipped that it can be secured from the inside in such a manner that when so secured it cannot be lifted from the window frame.

SECTION 2. FINDING AND DECLARATION. As required by Section 17958.7 of the Health and Safety Code of the State of California, the Council of the City of Modesto finds and declares that the foregoing additions to the Uniform Building Code, 1970 Edition, are necessary in order to require minimum security in dwelling units to increase protection against unauthorized entry.

SECTION 3. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after July 1, 1972.

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 24th day of January, 1972, 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:

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 7th day of February, 1972, Councilman Dixon 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, 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: March 8, 1972

AN ORDINANCE AMENDING SECTION 7-1, 401 OF ARTICLE 4 OF CHAPTER 1 OF TITLE VII OF THE MODESTO MUNICIPAL CODE RELATING TO DRIVEWAY REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Section 7-1, 401 of Article 4 of Chapter 1 of Title VII of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 7-1. 401. STANDARDS. Driveways shall be constructed or repaired in accordance with current standard drawings and specifications approved by the Council from time to time by resolution and on file in the offices of the City Clerk and Director of Public Works.

In addition to said standards, driveway construction or repair shall comply with the following regulations:

(a) The maximum width of any driveway shall not be more than forty-one (41') feet as measured at the top of the curbing.

(b) The minimum distance between driveways serving the same lot or parcel of land shall not be less than twenty (20') feet as measured at the top of the curbing.

(c) The total width of driveways serving any lots or parcels of land in single ownership shall not exceed fifty (50%) per cent of the street frontage of the property. In the case of lots or parcels fronting on more than one street, the calculation for driveways on a given street shall be limited to fifty (50%) per cent of the frontage on that same street.

(d) No driveway shall be so located that it interferes with intersecting sidewalks, traffic signals, lamp standards, fire hydrants, or other public improvements unless specific approval is given by the Director of Public Works and the necessary adjustments to sidewalks, traffic signals, light standards, fire hydrants, or other public improvements or installations are accomplished without cost to the City.

(e) All work shall be done under the supervision of the Director of Public Works and in accordance with City standards and specifications in effect at the time of such work. All debris and surplus materials shall be promptly removed upon the completion of such work.

(f) Applicant shall maintain the premises in a safe manner and shall provide adequate barricades and lights at his own expense to protect the safety of the public using the adjacent streets or sidewalks and shall hold the City free and harmless from any and all charges or damages or liability incurred because of his operation.

(g) The Director of Public Works may grant variances from these standards in accordance with resolutions passed by the Council from time to time which establish conditions under which variances may be granted. In each case the applicant shall agree in writing to the conditions of the variance. In the event that the Council has not established conditions for a particular type of variance, the application shall be submitted to the Council for action. A variance granted pursuant to this subsection is revocable at any time by the Council.

(h) The Council shall have the authority to rescind any permit heretofore or hereafter granted for a driveway when it finds such action to be in the public interest. Such driveways shall be removed and replaced as provided in Section 7-1, 404 of this article.

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 February, 1972, by Councilman Elliott, 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, 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 14th day of February, 1972, Councilman Simon 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, Elliott, Simon, Mayor Davies  
NOES: Councilmen: None  
ABSENT: Councilmen: Newton, Smith

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

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

EFFECTIVE DATE: March 15, 1972

AN ORDINANCE AMENDING SECTION 5-5.39 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. Section 5-5.39 of Chapter 5 of Title V of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 5-5.39. ~~INSPECTION OF PREMISES, - AND ENFORCEMENT.~~ The Health Officer and the Director of Public Works may, from time to time, inspect all premises within the City from time to time and examine the condition of the premises to determine compliance with and to enforce the provisions of this chapter.

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 February, 1972, by Councilman Dixon, 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, 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. 1175-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 February, 1972, Councilman Simon 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, Elliott, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton, Smith

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

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

EFFECTIVE DATE: March 15, 1972

AN ORDINANCE REPEALING CHAPTER 2 OF  
TITLE V OF THE MODESTO MUNICIPAL CODE  
RELATING TO TRAILER CAMPS.

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

SECTION 1. REPEALS. Chapter 2 of Title V 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 7th day of February, 1972, by Councilman Dixon, 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, 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 14th day of February, 1972, Councilman Simon 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, Elliott, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton, Smith

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

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

EFFECTIVE DATE: March 15, 1972

AN ORDINANCE AMENDING SECTION MAP 21-3-9  
OF THE ZONING MAP OF THE CITY OF MODESTO,  
RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON.  
(WRIGHT & LAZAR)

WHEREAS, a verified application for an amendment to Section 21-3-9 of the Zoning Map was filed by Marshall Lazar  
and Lamon Wright  
on December 9, 19 71, 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 January 18,  
19 72, 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. 72-13, adopted on  
January 18, 19 72, the Planning Commission recommended to the Council that the application of Marshall Lazar and Lamon  
Wright

to amend Section 21-3-9 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 21-3-9 of the Zoning Map is hereby amended to reclassify the following described property from One-Family Residential Zone,

All that portion of Lots 1 and 2 of Coolidge Colony, according to the Official Map thereof, filed in the Office of the Recorder of Stanislaus County, California, on November 15, 1910, in Volume 5 of Maps, at Page 17, described as follows:

Commencing at the northwest corner of said Lot 2, said corner being on the centerline Granger Avenue; thence easterly along the north line of said Lot 2, being the centerline of Granger Avenue 197.00 feet to the point of beginning; thence southerly along a line which is parallel with the west line of said Lot 2 and 197.00 feet therefrom, 330.13 feet to the north line of the south half of said Lots 2 and 1 of said Coolidge Colony; thence easterly along the north line of the south half of said Lots 2 and 1, 153.78 feet to a point which is located 20' east of the west line of said Lot 1; thence northerly along a line which is parallel with the west line of said Lot 1 and 20 feet therefrom, 330.13 feet more or less to the centerline of Granger Avenue also being the north line of said Lots 1 and 2; thence westerly along the centerline of Granger Avenue and the north line of said Lots 1 and 2 of said Coolidge Colony 153.78 feet more or less to the point of beginning.

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

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

SECTION 5. PUBLICATION. 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 February, 19 72, 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: Dixon, Dunlap, Elliott, Newton, Simon, Mayor Davies
- NOES: Councilmen: None
- ABSENT: Councilmen: Smith

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 S. Nichols  
Planning Department

Ordinance 1177 C.S.  
Exhibit A – Map

Oversized map folded and bound within Ordinance Book. Unable to  
remove safely for scanning.

Ord. No. 1177-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 28th day of February, 1972, Councilman Elliott 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*  
LEE H. DAVIES, Mayor

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

EFFECTIVE DATE: March 29, 1972

AN ORDINANCE AMENDING SECTION 4-3.08 OF CHAPTER 3 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO MOVING OF BUILDINGS.

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

SECTION 1. AMENDMENT OF CODE. Section 4-3.08 of Chapter 3 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 4-3.08. INSPECTION FEE INVESTIGATION AND PERMIT FEES.  
~~An inspection fee in the sum of Seven and 50/100ths (\$7.50) Dollars shall be paid to the Director of Finance upon filing of each application for a House Moving Permit.~~

~~A permit fee in the sum of Five and no/100ths (\$5.00) Dollars shall be paid to the Director of Finance upon the issuance of each House Moving Permit.~~

Fees for house moving investigations and house moving permits required by this chapter shall be in accordance with a schedule of fees approved by the Council from time to time by resolution and on file in the offices of the City Clerk and the Chief Building Official.

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 14th day of February, 1972, 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, Elliott, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton, Smith

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 E. Johnson  
ELWYN E. 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 22nd day of February, 1972, Councilman Elliott 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: March 23, 1972

AN ORDINANCE AMENDING SECTION MAP 18-3-9 OF  
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSI-  
FYING CERTAIN PROPERTY LOCATED THEREON. (CHESTER W. ALLEN)

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

SECTION 1. ZONING CHANGE. Section 18-3-9 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(98) :

All that portion of Section 18, Township 3 South, Range 9  
East, Mount Diablo Base and Meridian, described as  
follows:

Beginning at Section corner common to Sections 7, 8,  
17 and 18, Township 3 South, Range 9 East, Mount Diablo  
Base and Meridian; thence along Section line and in  
center line of County Road South  $0^{\circ} 48'$  West 308.80  
feet; thence South  $0^{\circ} 12'$  West 267.10 feet to center line  
of Cavill Drain; thence along Cavill Drain South Easterly  
70.25 feet; thence North  $89^{\circ} 12'$  East along the North  
line of land deeded to Samuel F. Zeigler, recorded in  
Volume 724, Page 77, 258.40 feet to the East section  
line of said Section 18; thence along Section line  
North  $0^{\circ} 48'$  West 308.86 feet to the true point of  
beginning.

Including also the southerly 25 feet of Levon Avenue  
immediately adjacent to the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D (98) 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. Five 2-story fourplex structures, with a minimum of 10 off-street parking places per structure.
2. One 1-story four-unit apartment building with a minimum of 8 off-street parking places.
3. A recreation area to be located on the same parcel as the 1-story 4-unit apartment building which may contain a swimming pool and cabana at the option of the developer, subject to approval by the Planning Director and Director of Parks and Recreation as indicated on the landscaping and irrigation plan.

SECTION 3. ZONING MAP. Section Map 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 28th day of February, 19 72, by Councilman Dunlap, 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, Simon, Smith, Mayor Davies
- NOES: Councilmen: ~~None~~ Dixon
- ABSENT: Councilmen: Smith

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

**Ordinance 1179 C.S.  
Exhibit A – Map**

Oversized map folded and bound within Ordinance Book. Unable to  
remove safely for scanning.

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 March, 1972, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Elliott, was upon roll call carried and the ordinance adopted by the following vote:

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

APPROVED

Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST:

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

EFFECTIVE DATE: April 5, 1972

AN ORDINANCE AMENDING SECTION 10-2.501 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. Section 10-2.501 of Chapter 2 of Title X of the Modesto Municipal Code is 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 and forty-two (42") inches in height, 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 must be removed not later than three (3) years from the recording date of the subdivision, except as follows:

(aa) Where building permits have been taken out for more than one-half (1/2), but less than sixty-five (65%) percent, of the lots in such subdivision at the end of said three (3) year period, such sign may remain for an additional one year period.

(ab) Where building permits have been taken out for one-half (1/2) or less of the lots in such subdivision at the end of said three (3) year period, such sign may remain for an additional two (2) year period.

(7) Unlighted subdivision directional signs not exceeding ~~ten (10)~~ sixteen (16) square feet in area and ~~forty-two (42') inches~~ six (6') feet in height are permitted for each recorded subdivision as follows:

(aa) When the boundaries of any recorded subdivision or any part thereof abut a major street or expressway, one subdivision directional sign is permitted, which sign may be located as follows:

(i) On any vacant lot or parcel which is owned by the subdivision owner.

(ab) When the boundaries of any recorded subdivision or any part thereof do not abut a major street or expressway but include or abut a collector street which directly connects to a major street or expressway, two (2) subdivision directional signs are permitted, which signs may

(i) One may be located on property not owned by the subdivision owner.

(ii) The other sign or signs may be located only on property owned by the subdivision owner.

(ac) When the boundaries of any recorded subdivision or any part thereof do not abut a major street or expressway and do not include or abut a collector street which directly connects to a major street or expressway, three (3) subdivision directional signs are permitted, which signs may be located as follows:

(i) One may be located on property not owned by the subdivision owner.

(ii) The other signs may be located only on property owned by the subdivision owner.

Such signs must be removed not later than three (3) years from the recording date of the subdivision, except as follows:

(ad) Where building permits have been taken out for more than one-half (1/2), but less than sixty-five (65%) percent, of the lots in such subdivision at the end of said three (3) year period, such signs may remain for an additional one year period.

(ae) Where building permits have been taken out for one-half (1/2) or less of the lots in such subdivision at the end of said three (3) year period, such signs may remain for an additional two (2) year period.

(8) 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.

(ad) Political signs shall not be lighted either directly or indirectly.

(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.

(9) Temporary signs are not permitted.

(10) Window signs are not permitted.

(11) 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.

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 13th day of March, 1972, 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: Elliott, Newton, Simon, Smith

NOES: Councilmen: Dixon, Duhlap, Mayor Davies

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 20th day of March, 1972, Councilman Simon 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, Elliott, Simon, Mayor Davies  
NOES: Councilmen: None  
ABSENT: Councilmen: Newton, Smith,

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

ATTEST: *Pauline P. Stanley*  
~~XX~~  
PAULINE P. STANLEY, Acting City Clerk

EFFECTIVE DATE: April 19, 1972

AN ORDINANCE AMENDING SECTION 9-6.07 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 9-6.07 of Chapter 6 of Title IX of the Modesto Municipal Code is hereby amended to read as follows:

**SEC. 9-6.07. SPECIFIC REQUIREMENTS FOR TYPE, AREA AND HEIGHT OF SIGNS BY ZONE.** It shall be unlawful for any person to erect, construct or maintain on any lot or parcel any sign of a type or having an area and/or height in violation of the following specific requirements:

**(a) R-1 Zone.**

(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 and forty-two (42") inches in height, 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 conditional use permits 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 must be removed not later than three (3) years from the recording date of the subdivision, except as follows:

(aa) Where building permits have been taken out for more than one-half (1/2), but less than sixty-five (65%) percent, of the lots in such subdivision at the end of said three (3) year period, such sign may remain for an additional one year period.

(ab) Where building permits have been taken out for one-half (1/2) or less of the lots in such subdivision at the end of said three (3) year period, such sign may remain for an additional two (2) year period.

(7) Unlighted subdivision directional signs not exceeding ~~ten (10)~~ sixteen (16) square feet in area and ~~forty-two (42") inches~~ six (6') feet in height are permitted for each recorded subdivision as follows:

(aa) When the boundaries of any recorded subdivision or any part thereof abut a major street or expressway, one subdivision directional sign is permitted, which sign may be located as follows:

(i) On any vacant lot or parcel which is owned by the subdivision owner.

(ab) When the boundaries of any recorded subdivision or any part thereof do not abut a major street or expressway but include or abut a collector street which directly connects to a major street or expressway, two (2) subdivision directional signs are permitted, which signs may be located as follows:

(i) One may be located on property not owned by the subdivision owner.

(ii) The other sign or signs may be located only on property owned by the subdivision owner.

(ac) When the boundaries of any recorded subdivision or any part thereof do not abut a major street or expressway and do not include or abut a collector street which directly connects to a major street or expressway, three (3) subdivision directional signs are permitted, which signs may be located as follows:

(i) One may be located on property not owned by the subdivision owner.

(ii) The other signs may be located only on property owned by the subdivision owner.

Such signs must be removed not later than three (3) years from the recording date of the subdivision, except as follows:

(ad) Where building permits have been taken out for more than one-half (1/2), but less than sixty-five (65%) percent, of the lots in such subdivision at the end of said three (3) year period, such signs may remain for an additional one year period.

(ae) Where building permits have been taken out for one-half (1/2) or less of the lots in such subdivision at the end of said three (3) year period, such signs may remain for an additional two (2) year period.

(8) 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.

(ad) Political signs shall not be lighted either directly or indirectly.

(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.

(9) Temporary signs are not permitted.

(10) Window signs are not permitted.

(11) Outdoor advertising signs are not permitted.

(b) R-A and F Zones. Same as R-1 Zone.

(c) R-2 Zone. Same as R-1 Zone with the following addition:

(1) Area or group housing project signs not exceeding twelve (12) square feet in area or six (6') feet in height.

(d) R-3 Zone. Same as R-2 Zone with the following addition:

(1) One identification sign not exceeding twelve (12) square feet in area and six (6') feet in height for a boarding house, lodging house or multiple dwelling.

(e) P-O Zone. Same as R-1 Zone with the following additions:

(1) On major streets one identification sign not exceeding twelve (12) square feet in area and forty-two (42") inches in height.

(2) On collector streets one identification sign not exceeding one square foot in area for each separate use on the premises, and not exceeding twelve (12) square feet in total area, and forty-two (42") inches in height.

(f) C-1 Zone.

(1) 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.

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

(aa) 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.

(ab) 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.

(3) 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.

(4) 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.

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

(6) 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.

(7) 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.

(8) 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.

(9) Temporary signs are not permitted.

(10) Outdoor advertising signs are not permitted.

(11) Window signs are permitted.

(g) M-P Zone. Same as C-1 Zone.

(h) H-1 Zone. Same as C-1 Zone excepting that freestanding and projecting identification signs as allowed in Section 10-2. 807 (a) are not permitted in an H-1 Zone; provided, however, that the Board of Zoning Adjustment may, by a conditional use permit granted in accordance with the provisions of Article 20 of Chapter 2 of Title X of this Code, allow one freestanding sign per use or occupancy. Before any such conditional use permit may be granted by the Board of Zoning Adjustment, both of the following must be shown:

(1) That the use or occupancy is a freestanding use. For purposes of this section, a freestanding use is defined as a use or occupancy that does not attract customers by its proximity to another business or businesses and is not part of a shopping center or any group of businesses that jointly attract customers through their proximity to each other or through common advertising.

(2) That the use or occupancy cannot be adequately identified by the other signs permitted in the H-1 Zone.

(i) C-2 Zone. Same as C-1 Zone with the following addition:

(1) Outdoor advertising signs not exceeding three hundred (300) square feet in area, twenty-five (25') feet in height and thirty (30') feet in length, except that:

(aa) No outdoor advertising sign shall be located within two hundred (200') feet of an R-1, R-2 or R-3 Zone or a lot or parcel which has been approved for residential development in a P-O, H-1, or P-D Zone without first obtaining a conditional use permit therefor from the Board of Zoning Adjustment in accordance with the provisions of Article 20 of Chapter 2 of Title X of this Code.

(ab) The maximum combined area of outdoor advertising signs located within a family of circles with two hundred fifty (250') foot radii measured from the point or points where the center lines of intersecting streets meet, shall not exceed six hundred (600) square feet.

(j) C-M, M-1, and M-2 Zones. Same as C-2 Zone.

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 13th day of March, 1972, 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: Elliott, Newton, Simon, Smith

NOES: Councilmen: Dixon, Dunlap, Mayor Davies

ABSENT: Councilmen: None

APPROVED:

  
\_\_\_\_\_  
LEE H. DAVIES, Mayor

ATTEST:

By Pauline P. Stanley  
~~XXXXXXXXXXXXXXXXXX~~, City Clerk  
PAULINE P. STANLEY, Acting  
(SEAL)

APPROVED AS TO FORM:

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



AN ORDINANCE AMENDING SECTION MAP 7-3-9 and 18-3-9  
OF THE ZONING MAP OF THE CITY OF MODESTO,  
RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON.  
(HARLEY BRANNAN - NORTHWEST RUMBLE AND CARVER)

WHEREAS, a verified application for an amendment to Sections 7-3-9 and 18-3-9 of the Zoning Map was filed by Harley D. Brannan

on January 11, 1972, 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 February 15, 1972, 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. 72-28, adopted on February 15, 1972, the Planning Commission recommended to the Council that the application of Harley D. Brannan

to amend Sections 7-3-9 and 18-3-9 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. Sections 7-3-9 and 18-3-9 of the Zoning Map are 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 portion of Lots 4 and 5 of the Knapp Tract, according to the Official Map thereof, recorded in Volume 2 of Maps, at Page 2, Stanislaus County Records, described as follows:

Commencing at the Southeast corner of said Lot 4 of the Knapp Tract, said corner being on the centerline of Carver Road; thence North  $0^{\circ} 12' 25''$  West along said centerline of Carver Road 572.01 feet to the Southeast corner of the Prescott Community Hall Association property as described in Deed recorded in Volume 246 of Deeds, at Page 597, Stanislaus County Records; thence North  $88^{\circ} 32' 55''$  West along the South line of said Prescott Community Hall Association property 110.05 feet to the point of beginning of this description; thence South  $0^{\circ} 12' 25''$  East 115.00 feet; thence South  $89^{\circ} 47' 35''$  West 17.00 feet; thence South  $0^{\circ} 12' 25''$  East along a line parallel to and 127.00 feet from said centerline of Carver Road 491.67 feet; thence North  $88^{\circ} 36' 15''$  West 3.00 feet; thence North  $0^{\circ} 12' 25''$  West along a line parallel to and 130.00 feet from said centerline of Carver Road 492.12 feet to the centerline of Abbotts Lane; thence North  $88^{\circ} 32' 25''$  West along said centerline of Abbotts Lane 8.13 feet; thence North  $1^{\circ} 27' 35''$  East 115.00 feet to said South line of the Prescott Community Hall Association property; thence South  $88^{\circ} 32' 25''$  East along said South line 24.79 feet to the point of beginning.



**Ordinance 1182 C.S.**  
**Exhibit A – Map**

Oversized map folded and bound within Ordinance Book. Unable to  
remove safely for scanning.



AN ORDINANCE AMENDING SECTION MAP 15-3-9  
OF THE ZONING MAP OF THE CITY OF MODESTO,  
RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON.  
( HARLEY BRANNAN - SOUTH SIDE FLOYD AVENUE)

WHEREAS, a verified application for an amendment to Section 15-3-9 of the Zoning Map was filed by Harley D. Brannan

on January 11, 19 72, 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 February 15, 19 72, 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. 72-29, adopted on February 15, 19 72, the Planning Commission recommended to the Council that the application of Harley D. Brannan

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 Southeast Quarter 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:

Beginning at the Northeast corner or said Southeast Quarter of the Northwest Quarter of Section 15, being the intersection of the centerlines of Floyd Avenue and Rose Avenue; thence South  $89^{\circ} 43' 50''$  West along said centerline of Floyd Avenue 1312.37 feet to the East line of Bahia Way; thence South  $0^{\circ} 52' 05''$  East along said East line of Bahia Way 127.01 feet; thence North  $89^{\circ} 43' 50''$  East along a line parallel to and 127.00 feet from said centerline of Floyd Avenue 1312.37 feet to said centerline of Rose Avenue; thence North  $0^{\circ} 52'$  West along said centerline of Rose Avenue 127.01 feet to the point of beginning.



**Ordinance 1183 C.S.**  
**Exhibit A – Map**

Oversized map folded and bound within Ordinance Book. Unable to  
remove safely for scanning.

Ord. No. 1183-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 3rd day of April, 1972, 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, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Elliott, Newton

APPROVED

Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST:

Pauline P. Stanley  
~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~  
PAULINE P. STANLEY, Acting City Clerk

EFFECTIVE DATE: May 3, 1972

ORDINANCE NO. 1184 -C. S.

AN ORDINANCE ADDING SECTION 10-2. 225.1 TO ARTICLE 2 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE AND AMENDING SECTION 10-2. 501 OF ARTICLE 5 OF CHAPTER 2 OF TITLE X RELATING TO ZONING REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Section 10-2. 225.1 is hereby added to Article 2 of Chapter 2 of Title X of the Modesto Municipal Code to read as follows:

SEC. 10-2. 225.1. FAMILY CARE HOME. A State authorized, certified, or licensed home, serving six (6) or fewer mentally disordered or otherwise handicapped persons or dependent and neglected children, provided such home provides care on a twenty-four (24) hour a day basis.

SECTION 2. AMENDMENT OF CODE. Section 10-2. 501 of Article 5 of Chapter 2 of Title X of the Modesto Municipal Code is 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.
  - (9) Family care home serving a maximum of six (6) persons except that no conditional use permit is required if not more than three (3) persons are being served. A similar facility serving seven (7) or more persons shall be deemed an unclassified use.
- (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 and forty-two (42") inches in height, 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 must be removed not later than three (3) years from the recording date of the subdivision, except as follows:

(aa) Where building permits have been taken out for more than one-half (1/2), but less than sixty-five (65%) percent, of the lots in such subdivision at the end of said three (3) year period, such sign may remain for an additional one year period.

(ab) Where building permits have been taken out for one-half (1/2) or less of the lots in such subdivision at the end of said three (3) year period, such sign may remain for an additional two (2) year period.

(7) Unlighted subdivision directional signs not exceeding sixteen (16) square feet in area and six (6') feet in height are permitted for each recorded subdivision as follows:

(aa) When the boundaries of any recorded subdivision or any part thereof abut a major street or expressway, one subdivision directional sign is permitted, which sign may be located as follows:

(i) On any vacant lot or parcel which is owned by the subdivision owner.

(ab) When the boundaries of any recorded subdivision or any part thereof do not abut a major street or expressway but include or abut a collector street which directly connects to a major street or expressway, two (2) subdivision directional signs are permitted, which signs may be located as follows:

(i) One may be located on property not owned by the subdivision owner.

(ii) The other sign or signs may be located only on property owned by the subdivision owner.

(ac) When the boundaries of any recorded subdivision or any part thereof do not abut a major street or expressway and do not include or abut a collector street which directly connects to a major street or expressway, three (3) subdivision directional signs are permitted, which signs may be located as follows:

(i) One may be located on property not owned by the subdivision owner.

(ii) The other signs may be located only on property owned by the subdivision owner.

Such signs must be removed not later than three (3) years from the recording date of the subdivision, except as follows:

(ad) Where building permits have been taken out for more than one-half (1/2), but less than sixty-five (65%) percent, of the lots in such subdivision at the end of said three (3) year period, such signs may remain for an additional one year period.

(ae) Where building permits have been taken out for one-half (1/2) or less of the lots in such subdivision at the end of said three (3) year period, such signs may remain for an additional two (2) year period.

(8) 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.

(ad) Political signs shall not be lighted either directly or indirectly.

(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.

(9) Temporary signs are not permitted.

(10) Window signs are not permitted.

(11) 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.

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 27th day of March, 1972, by Councilman Newton, who moved its introduction and passage to



Ord. No. 1184-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 3rd day of April, 1972, 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, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Elliott, Newton

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

ATTEST: *Pauline P. Stanley*  
~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~  
PAULINE P. STANLEY, Acting City Clerk

EFFECTIVE DATE: May 3, 1972





AN ORDINANCE AMENDING SECTIONS 3-9.01, 3-9.03, 3-9.05, 3-9.06 AND 3-9.31 OF CHAPTER 9 OF TITLE III OF THE MODESTO MUNICIPAL CODE AND ADDING SECTION 3-9.05.1 THERETO RELATING TO LIMITED AMBULANCES.

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

SECTION 1. AMENDMENT OF CODE. Sections 3-9.01, 3-9.03, 3-9.05, 3-9.06 and 3-9.31 of Chapter 9 of Title III of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 3-9.01. DEFINITION. "Limited Ambulance" means any privately owned vehicle used for non-emergency transporting of those who are sick or injured. Such vehicles shall be capable of carrying those who are ambulatory or confined to a wheelchair. No service for stretcher cases is to be provided.

SEC. 3-9.03. APPLICATION FOR PERMIT. An applicant for a limited ambulance operator's permit shall file his application with the Director of Finance, which application shall be signed and verified by the applicant, and accompanied by the fee required and shall set forth the following:

- (a) Name, business, and residence address of the applicant.
- (b) The fictitious name, if any, under which said applicant does business and proposes to do business.
- (c) The number, type, age, condition and patient capacity of each limited ambulance proposed to be operated by the applicant, stating the make, year of manufacture and special equipment installed or proposed to be installed in each such limited ambulance.
- (d) The color scheme, insignia, name, monogram or other distinguishing characteristics to be used to designate the limited ambulance or limited ambulances of the applicant.
- (e) The schedule of rates proposed to be charged for the limited ambulance service.
- (f) The experience of the applicant in the transportation and care of injured and sick persons.
- (g) Any facts which the applicant believes tend to prove that public convenience and necessity require the granting of a permit.
- (h) Such other information as may be required by the City Manager.

SEC. 3-9.05. INVESTIGATION OF APPLICATION. Upon the filing of a fully completed application for a permit, the City Clerk shall fix a time for a public hearing thereon before the Council for the purpose of determining whether the public convenience and necessity require the proposed service. Before any application is acted upon by the Council, the City Manager shall cause the Chief of Police to make an investigation and shall report his findings, in writing, to the Council on the following:

- (a) The number, kind and type of equipment and the color scheme to be used.
- (b) The appropriateness of the vehicles proposed to be used for carrying or transporting injured or sick persons.

(c) The ability, experience and responsibility of the applicant.

(d) Whether the proposed limited ambulance service is required by the public convenience and necessity.

**SEC. 3-9.06. ISSUANCE OF LIMITED AMBULANCE OPERATOR'S PERMIT.** Upon completing its public hearing, the Council shall grant the applicant a permit if it finds:

(a) That the vehicles described in the application and proposed to be used are appropriate for the purpose of carrying or transporting injured or sick persons.

(b) That the color scheme, insignia, name, monogram or other distinguishing characteristic proposed to be used upon such limited ambulances is not in conflict with and does not imitate any color scheme, insignia, name, monogram or other distinguishing characteristics used by any other person, in such manner as to mislead or tend to mislead, deceive, or defraud the public.

(c) That the applicant is fit, willing and able to perform limited ambulance service and to conform to the provisions of this chapter, and such rules and regulations as may be promulgated by the Council. In making such findings, the Council shall take into consideration the character, experience, and responsibility of the applicant.

(d) That the proposed limited ambulance service is required by the public convenience and necessity. In making such finding, the Council shall take into consideration the number of limited ambulances already in operation, whether existing limited ambulance service is adequate to meet the public need, and the probable effect of increased limited ambulance service on local traffic conditions.

**SEC. 3-9.31. SUPPLEMENTAL REGULATIONS.** The provisions of this chapter shall be deemed as supplemental to the provisions of Title VI relating to the business license tax and any other pertinent laws or ordinances of the City, except that a "Limited Ambulance" as defined in Section 3-9.01 shall not be deemed to be an "ambulance" as defined in Section 3-8.01 of this Code.

**SECTION 2. AMENDMENT OF CODE.** Section 3-9.05.1 is hereby added to Chapter 9 of Title III of the Modesto Municipal Code to read as follows:

**SEC. 3-9.05.1. NOTICE OF HEARING.** Written notice of such hearing shall be given to all persons to whom permits for operation of limited ambulances have been theretofore issued. Due notice of the time and place of the public hearing before the City Council shall also be given to the general public by causing a notice of such hearing to be published in a newspaper of general circulation of the City at least ten (10) days before the hearing.

**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 10th day of April, 1972, 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, Smith,  
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Simon

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

ATTEST:

By *Pauline P. Stanley*  
~~XXXXXXX GUY N. WELSH~~, City Clerk  
PAULINE P. STANLEY, Acting  
(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 17th day of April, 1972, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Elliott, 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: *Pauline P. Stanley*  
~~XXXXXXXXXXXX~~ City Clerk  
Pauline P. Stanley, Acting

EFFECTIVE DATE: May 17, 1972

AN ORDINANCE AMENDING SECTIONS 3-5.01 AND 3-5.02 OF CHAPTER 5 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO MUTUAL AID.

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

SECTION 1. AMENDMENT OF CODE. Sections 3-5.01 and 3-5.02 of Chapter 5 of Title III of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 3-5.01. MUTUAL AID--AUTHORITY TO FURNISH. The City Manager is authorized and empowered to furnish resources and facilities of the City and to order the rendering of services of the City to other parties to the California Disaster and Civil Defense Mutual Aid Agreement, as may be requested in accordance with duly adopted mutual aid operational plans, and which he deems available without unreasonably depleting the City's resources, facilities and services in furnishing such mutual aid.

SEC. 3-5.02. DELEGATION OF AUTHORITY. In order to facilitate prompt response to requests for mutual aid, the City Manager may delegate to the heads of the various departments of the City such of the authority granted by Section 3-5.01 as he deems appropriate.

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 10th day of April, 1972, 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, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Simon

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

ATTEST:

By Pauline P. Stanley  
PAULINE P. STANLEY, Acting City Clerk

(SEAL)

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

Ord. No. 1187-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 April, 1972, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Elliott, 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:

Pauline P. Stanley  
~~WOODKOCZYNSKI~~, City Clerk  
Pauline P. Stanley, Acting/

EFFECTIVE DATE: May 17, 1972

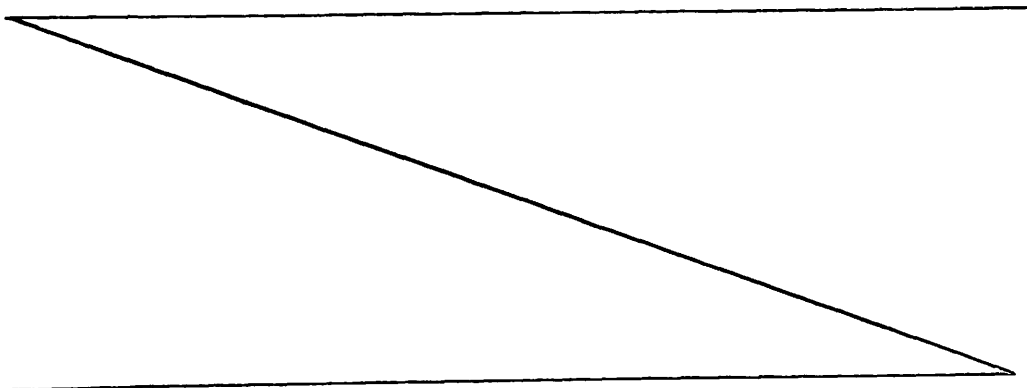
AN ORDINANCE APPROVING THE ANNEXATION OF CERTAIN  
TERRITORY KNOWN AS THE GLENDALE-MILLER  
TO THE CITY OF MODESTO.

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 Glendale-Miller, 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,



All that real property in the State of California, County of Stanislaus, being a portion of the Southeast quarter of Section 27 and the Southwest quarter of Section 26, 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 Southeast corner of the GLENDALE NO. 2 ADDITION(254), as per description filed June 15, 1970, as Instrument 19307, Stanislaus County Records, said point being on the center line of a 60.00 foot public road known as Parry Avenue; thence along the existing City Limits on the Eastern boundary of said ADDITION (254), and the Eastern boundary of the Glendale No. 1 ADDITION (253), as per description filed June 15, 1970, as Instrument 19306, Stanislaus County Records, North 0° 36' 00" West, 275.00 feet, to the Northeast corner of said Addition (253); thence along the Southern boundary of the LA LOMA-YOSEMITE ADDITION (55), as per description filed December 4, 1953, as Instrument 30045, Stanislaus County Records, South 89° 50' 00" East, 619.50 feet, to the most Eastern Boundary of said Addition (55), which is also the Western line of an 80.00 foot public road known as El Vista Avenue; thence continuing along the existing City Limits on the Western line of said El Vista Avenue, North 0° 36' 30" West, 180.00 Feet; to a Northeastern corner of said Addition (55), and the Northern line of Miller Avenue; thence along the existing City Limits on the Northern line of Miller Avenue, North 89° 50' 00" West, 124.48 feet, to an Eastern boundary of said Addition (55); thence continuing along the existing City Limits North 0° 36' 00" West, 566.88 feet, to the center line of a 60.00 foot public road known as Haddon Avenue; thence leaving the existing City Limits and along the center line of said Haddon Avenue, South 89° 46' 00" East, 164.41 feet, to the center line of El Vista Avenue which is also the section line common to Section 26 and 27; thence continuing along the center line of Haddon Avenue, South 89° 56' 10" East, 1313.45 feet, to the center line of a 60.00 foot public road known as Trask Lane; thence North 80° 35' 00" East, 121.43 feet; thence continuing along the center line of Haddon Avenue, South 89° 56' 20" East, 537.25 feet, to the existing City Limits as established by the Western boundary of the RIVERSIDE ADDITION (228), as per description filed March 24, 1969, as Instrument 9772, Stanislaus County Records; thence along the existing City Limits South 0° 34' 20" East, 902.30 feet, to a Southwestern corner of said Addition (228); thence along the existing City Limits on a Southern boundary of said Addition (228), South 89° 56' 20" East, 200.00 feet; thence continuing along the existing City Limits on a Western boundary of said Addition (228), South 0° 34' 20" East, 358.63 feet, to a Northern boundary of said Addition (228), and the Northern line of an 83.00 foot public road known as Yosemite Boulevard; thence along the Northern line of said Yosemite Boulevard, North 89° 54' 15" West, 886.91 feet, to the Eastern boundary of the YOSEMITE LANES ADDITION (163), as per description filed May 19, 1964, as Instrument 19735, Stanislaus County Records and the Western line of Trask Lane; thence along said Western line, North 0° 35' 20" West, 218.00 feet, to a Northeast corner of said Addition (163); thence along a Northern boundary of said Addition (163), North 89° 54' 15" West, 656.55 feet, to the Western line of a 60.00 foot public road known as Colfax Avenue and an Eastern boundary of said Addition (163); thence along the existing City Limits on an Eastern boundary of said Addition (163), North 0° 35' 55" West, 85.18 feet; thence continuing along the existing City Limits on a tangent curve concave to the Southwest, having a Radius of 15.00 feet, a Central Angle of 89° 18' 20" and an Arc Length of 23.38 feet; thence continuing along the existing City Limits, North 89° 54' 15" West, 125.18 feet; thence along the existing City Limits South 0° 35' 55" East, 100.00 feet; thence along a Northern boundary of said Addition (163), North 89° 54' 15" West, 486.56 feet, to the center line of El Vista Avenue; thence continuing along the existing City Limits on a Northern boundary of Additions (163) and (55), North 89° 50' 00" West, 659.53 feet, to the point of beginning, containing 57.809 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 June 1, 1972.

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 17th day of April, 1972, by Councilman Smith, who moved its introduction and adoption, which motion being duly seconded by Councilman Elliott, was upon roll call



AN ORDINANCE AMENDING 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. Chapter 3 of Title IX of the Modesto Municipal Code is hereby amended to read as follows:

CHAPTER 3 - ELECTRICAL CODE

ARTICLE 1. GENERAL PROVISIONS

SEC. 9-3.101. CODES.

(a) Adoption of National Electrical Code. That certain document in book form entitled "National Electrical Code 1971", published by the National Fire Protection Association, three (3) copies of which are on file in the office of the City Clerk, and which code provides minimum standards to safeguard life, limb, health, property and the public welfare by regulating and controlling the design, construction, installation, alteration and repair of electrical work, is hereby adopted by reference. Said National Electrical Code as adopted shall apply only to electrical installations and repairs in H, I and J occupancies, as such occupancies are defined in the Uniform Building Code.

(b) Enforcement of California Administrative Code. All electrical installation and repairs in A, B, C, D, E, F and G occupancies, as such occupancies are defined in the Uniform Building Code, shall conform to the provisions of Part 3, Electrical Regulations, of Title 24, California Administrative Code, and the City of Modesto shall enforce such regulations as to said occupancies in the City of Modesto.

(c) Electrical Code Defined. This chapter including those documents described in Paragraphs (a) and (b) above shall be known as the Electrical Code of the City of Modesto and shall hereinafter be referred to as "this Code". All electrical installations and repairs in H, I and J occupancies shall comply with all provisions of this Code, except subsection (b) of Section 9-3.101. All electrical installations and repairs in A, B, C, D, E, F and G occupancies shall comply with all provisions of this Code, except subsection (a) of Section 9-3.101.

SEC. 9-3.102. ASSISTANCE TO INSPECTORS. Upon reasonable advance notice being given by the Chief Building Official, the contractor shall furnish the necessary help and equipment to assist the inspector to inspect the work. This help shall be provided during normal working hours of the trade involved and in a reasonable length of time proportionate to the size of the job.

SEC. 9-3.103. ENFORCEMENT RESPONSIBILITIES. (a) It shall be the duty of the Chief Building Official to enforce the provisions of this Code. He shall upon application grant permits for the installation or alteration of electrical wiring, devices, appliances, apparatus and equipment, and shall make inspections of all new electrical installations and reinspection of all electrical installations, all as provided in this Code. He shall keep complete records of all permits issued, inspections and reinspections made and other official work performed in accordance with the provisions of this Code. He shall also keep a file of listed electrical wiring, devices, appliances, apparatus and equipment issued by or for Underwriters Laboratories, Inc., which file shall be available for public information during office hours.

(b) The Chief Building Official shall have the right during reasonable hours to enter any building in the discharge of his official duties, or for the purpose of making any inspection, re-inspection or test of the installation of electrical wiring, devices, appliances, apparatus and equipment contained therein, except that the Chief Building Official is not empowered to enter any dwelling while the same is occupied as a dwelling, without the consent of the occupant thereof. The Chief Building Official shall have the authority to cut or disconnect any wire in case of emergency where necessary for safety to life or property, or where such wire may interfere with the work of the fire department. Said Chief Building Official is hereby authorized to disconnect or order discontinuance of electrical service to any electrical wiring, devices, appliances, apparatus or equipment found to be dangerous to life or property because they are defective or defectively installed until such electrical wiring, devices, appliances, apparatus and equipment and their installation have been made safe and approved by said Chief Building Official.

(c) The Chief Building Official may delegate any of his powers or duties to any of his inspectors.

#### SEC. 9-3.104. PERMITS.

(a) General. No electrical wiring, devices, appliances, apparatus or equipment shall be installed within or on any building, structure or premises, nor shall any alteration or addition be made in any such existing electrical wiring, devices, appliances, apparatus or equipment without first securing a permit therefor from the Chief Building Official, except as stated in the following paragraphs (1), (2), (3) and (4).

(1) No permit shall be required for the replacement of lamps or the connection of portable appliances to suitable receptacles which have been permanently installed.

(2) No permit shall be required for the installation, alteration or repair of electrical wiring, devices, appliances, apparatus or equipment for the operation of signals or the transmission of intelligence (not including the control of lighting or appliance circuits) where such electrical wiring, devices, appliances, apparatus or equipment operate at a voltage not exceeding 25 volts between conductors and do not include generating or transforming equipment capable of supplying more than 50 watts of energy.

(3) No permit shall be required for the installation, alteration or repair of electrical wiring, devices, appliances, apparatus or equipment installed by or for any public utility, municipal corporation or public district for the use of such utility, municipal corporation or public district in the generation, transmission, distribution or metering of electrical energy or in the operation of signals or the transmission of intelligence in the exercise of its function as a serving utility.

(4) No permit shall be required for the installation of temporary wiring for testing electrical apparatus or equipment.

(b) Application. Application for such permit, describing the work to be done, shall be made in writing to the Chief Building Official by the person, firm or corporation installing the work. The application shall be accompanied by such plans, specifications and schedules as may be necessary to determine whether the installation as described will be in conformity with the requirements of this Code. If it shall be found that the installation as described will in general conform with the requirements of this Code, and if the applicant has complied with all provisions of this Code, a permit for such installation shall be issued; provided, however, that the issuance of the permit shall not be taken as permission to violate any of the requirements of this Code.

(c) Deviations. The permit when issued shall be for such installation as is described in the application and no deviation shall be made from the installation so described without the prior written approval of the Chief Building Official.

(d) Maintenance Electricians. In lieu of an individual permit for each installation or alteration, an annual permit may, upon application therefor, be issued to any person, firm or corporation regularly employing one or more electricians for the installation and maintenance of electrical wiring, devices, appliances, apparatus or equipment on premises owned or occupied by the applicant for the permit. The application for such annual permit shall be made in writing to the Chief Building Official and shall contain a description of the premises within which work is to be done under the permit. Within not more than fifteen (15) days following the end of each calendar month, the person, firm or corporation to which an annual permit is issued shall transmit to the Chief Building Official a report of all electrical work which has been done under the annual permit during the preceding month.

(e) Scope. The requirements of this Code are hereby specifically declared to govern and control the installation, alteration or repair of any electrical wiring, devices, appliances, apparatus or equipment in any building or structures owned or controlled by any private, public or quasi-public agency except as to such electrical wiring as is specifically exempt under this section.

**SEC. 9-3.105. WHO MAY BE ISSUED PERMITS.** Electrical permits may be issued to:

(a) A person, firm or corporation holding a valid contractor's license to perform such work in the City of Modesto.

(b) An individual authorizing said individual to install, alter, change or repair any electrical wiring, devices, appliances or repair any electrical wiring, devices, appliances, apparatus or equipment in, on or about a single-family dwelling of which said individual is owner and in which he resides or intends to reside, but not elsewhere; provided that electrical work under any such permit shall be done personally by the owner.

(c) Any person, firm or corporation regularly employing one or more electricians for the installation and maintenance of electrical wiring, devices, appliances, apparatus or equipment on premises owned or occupied by the applicant of the permit.

**SEC. 9-3.106. FEES FOR PERMITS AND INSPECTION.** Prior to the issuance of a permit, the applicant shall pay a fee as required by this section, the amount of such fee to be determined as of the date the application for a permit was filed with the Chief Building Official.

For issuing permits, each .....	\$3.00
For services including one meter:	
For services, 600 volts or less, not over 200 A, each .....	\$3.00
For services, above 600 volts or over 200 A, each .....	\$10.00
Additional meters, each .....	\$1.00
For receptacles, switches, lighting or other outlets at which current is used or controlled:	
First 20, each .....	\$ .25
For each additional unit exceeding 20 ....	\$ .10
Each 5 feet or fraction thereof of multi outlet assembly shall be considered as one outlet. ....	\$ .10
For each 5 feet or fraction thereof of plug-in bus duct or trolley duct .....	\$ .20

For fixtures, sockets or other lamp holding device:

First 20, each ..... \$ .25  
For each additional unit exceeding 20 ... \$ .10

**Power Apparatus:**

For motors; generators; transformers; rectifiers; synchronous converters; capacitors; industrial heating, cooking, or baking equipment; and other apparatus as follows:

Rating in horsepower (HP), Kilowatts (KW), or Kilovolt-Amperes (KVA)

Up to and including 1, each ..... \$1.00  
Over 1 and not over 3, each ..... \$1.50  
Over 3 and not over 7 1/2, each ..... \$2.00  
Over 7 1/2 and not over 15, each ..... \$3.00  
Over 15 and not over 50, each ..... \$5.00  
Over 50 and not over 100, each ..... \$10.00  
Over 100, each ..... \$15.00

Note: 1. For equipment or appliances having more than one motor or heater, the sum of the combined ratings may be used.

2. These fees include all switches, circuit breakers, contactors, relays and other directly related control equipment.

For each high intensity discharge lamp (including transformer) and equipment:

For each fixture ..... \$ .50

For each projection machine, dissolver, etc. .... \$2.50

**Residential Appliances:**

For fixed residential appliances or receptacle outlets for same, including wall-mounted electric ovens, counter-mounted cooking tops, electric ranges, air conditioners or coolers, space heaters, food waste grinders, dishwashers, washing machines, water heaters, clothes dryers, or motor operated appliances, not exceeding one (1) horsepower (HP) in rating, each ..... \$1.00

Note: For motor operated appliances over one (1) (HP) see Power Apparatus.

**Non-Residential Appliances:**

For self-contained, factory wired, non-residential appliances not exceeding one (1) horsepower (HP), Kilowatt (KW), or Kilovolt-ampere (KVA), in rating including medical and dental devices; food, beverage, and ice cream cabinets, illuminated showcases, drinking fountains, vending machines, laundry machines, or other similar types of equipment, each ..... \$1.00

**Signs, Outline Lighting, and Marquees:**

For one sign, outline lighting system or marquee containing one branch circuit, each ..... \$5.00

For additional branch circuits within the same sign, outline lighting system, or marquee, each ..... \$1.00

For separately installed flashers, timers or other control devices, each ..... \$1.00

For new construction, single-family dwellings and dwelling areas of multi-family dwellings, the following flat rate may apply; this will include all outlets, range, dryer and any other miscellaneous circuits. \$1.50 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 ordinance without first having obtained a permit therefor, shall, if subsequently granted to obtain 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 Building Official 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.

SEC. 9-3.107. EXPIRATION OF PERMITS. Every permit issued by the Chief Building Official under the provisions of this Code shall become null and void if the electrical work authorized by such permit is not commenced within sixty (60) days from the date of such permit, or if the electrical work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred twenty (120) days. Before such work can be recommenced a new permit shall be obtained and the fee therefor shall be one-half (1/2) the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further, that such suspension or abandonment has not exceeded one year.

SEC. 9-3.108. TELEPHONE PERMIT PROCEDURE. Notwithstanding the provisions of this Code, the Director of Public Works is hereby authorized to establish a system for the issuance of routine permits upon telephonic request, and to issue such directives and regulations as are deemed necessary to govern the operation and administration of such a system. Said directives and regulations shall have the force and effect of law and a violation thereof shall constitute a misdemeanor. Such a system may provide for the payment of permit fees on permits issued by telephone on an accounts-receivable basis.

SEC. 9-3.109. INSPECTION AND SIGNATURES. (a) Upon completion of the work which has been authorized by issuance of any permit, except an annual permit, it shall be the duty of the

person, firm or corporation installing the same to notify the Chief Building Official who shall inspect the installation within forty-eight (48) hours, exclusive of Saturdays, Sundays, and Holidays, of the time such notice is received by the Chief Building Official or as soon thereafter as practicable.

(b) Where the Chief Building Official finds the installation to be in conformity with the provisions of this Code, he shall indicate compliance by affixing his signature to the appropriate space on the permit card posted at the job site.

(c) If upon inspection the installation is not found to be fully in conformity with the provisions of this Code, the Chief Building Official shall at once notify in writing the person, firm or corporation making the installation, which said notice shall specify the defects which have been found to exist.

(d) When any part of a wiring installation is to be hidden from view by the permanent placement of parts of the building, the person, firm or corporation installing the wiring shall notify the Chief Building Official and such part of the wiring installation shall not be concealed until it has been inspected and approved by the Chief Building Official; provided that on large installations, where the concealment of parts of the wiring proceeds continuously, the person, firm or corporation installing the wiring shall give the Chief Building Official due notice and inspections shall be made periodically during the progress of the work.

(e) The Chief Building Official shall have the power to remove, or require the removal of, any obstruction that prevents proper inspection of any electrical wiring, devices, appliances, apparatus or equipment.

(f) At least once in each calendar month the Chief Building Official shall visit all premises where work has been done under annual permits and shall inspect all electrical wiring, devices, appliances, apparatus and equipment installed under such a permit since the date of his last previous inspection, and shall indicate compliance by affixing his signature to the appropriate space on the permit card after the fees required by Section 9-3.106 have been paid.

(g) All defects shall be corrected within ten (10) days after inspection and notification, or within other reasonable time as permitted by the Chief Building Official.

**SEC. 9-3.110. CONNECTION TO INSTALLATION.** Except where work is done under a Maintenance Electrician's permit, it shall be unlawful for any person, firm or corporation to make connection from a source of electrical energy or to supply electrical service to any electrical wiring, devices, appliances, apparatus or equipment for the installation of which a permit is required, unless such person, firm or corporation shall have obtained satisfactory evidence that such electrical wiring, devices, appliances, apparatus or equipment are in all respects in conformity with all applicable legal provisions.

It shall be unlawful for any person, firm or corporation to make connections from a source of electrical energy or to supply electrical service to any electrical wiring, devices, appliances, apparatus or equipment which has been disconnected or ordered to be disconnected by the Chief Building Official or the use of which has been ordered by the Chief Building Official to be discontinued until a certificate of approval has been issued by him authorizing the reconnection and use of such electrical wiring, devices, appliances, apparatus or equipment. The Chief Building Official shall then immediately notify the serving utility of the issuance of such order to discontinue use.

**SEC. 9-3.111. SPECIFIC REQUIREMENTS.** (a) All installations, materials, devices, appliances, apparatus and equipment installed or used, shall be in conformity with the provisions of this Code and with approved standards for safety of life and property.

(b) Listing or labeling, as conforming to the Standards of the Underwriters' Laboratories, Inc., the National Bureau of Standards, the United States Bureau of Mines, or other nationally recognized laboratories, shall be prima facie evidence of conformity with the approved standards for safety to life and property.

(c) Previously used material shall not be reused in any work without the written approval obtained in advance from the Chief Building Official.

(d) The maker's name, trademark, or other identification symbol shall be placed on all electrical materials, signs, devices, appliances and equipment used or installed under the provisions of this Code.

(e) Not more than twelve (12) outlets shall be permitted on any lighting circuit on No. 14 AWG wire and not more than fifteen (15) outlets on any lighting circuit on No. 12 AWG wire.

(f) Where the service conduit is extended to furnish a support for the service drop wires, only rigid metal conduit of not less than one and one-fourth (1 1/4") inch trade size may be used and shall not extend more than thirty (30") inches beyond the last support.

(g) Substandard service equipment shall be brought up to standard on any and all remodeling jobs or in any case where additional wiring is installed.

(h) Electrical metallic tubing shall not be used in the ground floor slab or in any location where it would be in contact with the ground. All sizes of electrical metallic tubing shall have insulating liners or insulating bushings at each connector.

(i) In H, I and J occupancies, convenience outlets shall be wired with not less than No. 12 AWG wire.

(j) Automatic dishwashers, refrigerated coolers or any fixed motors rated over one-third (1/3) HP or any fixed appliance or device rated over one thousand (1000) watts shall be installed on a separate circuit with not less than No. 12 AWG wire.

(k) Household electrical ranges shall be wired with not less than No. 6 AWG wire except that built-in cooking tops and ovens may have a smaller circuit run separately to each.

(l) For I occupancies, an approved type of semirecessed meter socket-combination panel will be accepted for service equipment when provided with a rigid conduit riser that contains a grounded conductor, used with a threaded type weatherhead, and is provided with two (2) accessible insulated pullwires extending from the interior of the panel through minimum one (1") inch holes in the top and bottom plates. This may be placed within a hollow space of a frame building without overcurrent protection being required at the outer end. Locknuts and bushings on service riser conduit will not be acceptable.

(m) In A, B, C, D, E, F and G occupancies, convenience outlets shall be wired with not less than No. 12, AWG wire with a maximum of six (6) outlets per circuit.

(n) Type NM and NMC non-metallic sheath cable shall not be used in A, B, C, D, E, F and G occupancies.

SEC. 9-3.112. ALTERATIONS AND ADDITIONS. Additions or extensions to, and alterations and renewals of existing installations shall be made in compliance with the provisions of this Code.

SEC. 9-3.113. RESPONSIBILITY. This Code shall not be construed to relieve from or lessen the responsibility of any party owning, operating, controlling or installing any electrical wiring, devices, appliances, apparatus, or equipment for damages to person or property caused by defects therein, nor shall the local agency enforcing this Code be held as assuming any such liability by reason of the inspection authorized herein, or certificate of inspection and approval issued as herein provided.

SEC. 9-3.114. INTERPRETATION. The language used in this Code is intended to convey the common and accepted meaning familiar to the electrical industry.

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

SEC. 9-3.115. PROHIBITIONS. It is unlawful for any person, firm or corporation, either as owner, architect, contractor, artisan or otherwise, to do or knowingly to cause or permit to be done any electrical wiring as defined in this Code in such manner that the same shall not conform to all of the provisions of this Code.

SECTION 2. FINDING AND DECLARATION. As required by Section 17958.7 of the Health and Safety Code of the State of California, the Council of the City of Modesto finds and declares that the foregoing additions, modifications and changes to the requirements imposed by the regulations adopted pursuant to Section 17922 of the said Health and Safety Code are reasonably necessary because of local conditions in that they adopt by reference the 1971 edition of the National Electrical Code in lieu of the 1968 edition of that Code, limit the applicability of the National Electrical Code to H, I and J occupancies only, prescribe a local fee schedule, prescribe local procedures to be used in the administration and enforcement of said Code, and clarify local interpretations of said Code.

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

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

ordinance had not been adopted.

SECTION 5. PUBLICATION. 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 April, 1972, 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, Elliott, Newton, Simon, Smith,  
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Dunlap

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

ATTEST:

By Pauline P. Stanley  
PAULINE P. STANLEY, Acting 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 1st day of May, 1972, Councilman Simon moved its final adoption, which motion being duly seconded by Councilman Elliott, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmen: None

ABSENT: Councilmen: Dixon, Newton

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

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

EFFECTIVE DATE: May 31, 1972

AN ORDINANCE ANNEXING UNINHABITED TERRITORY  
KNOWN AS THE SONOMA NO. 3 ADDITION  
TO THE CITY OF MODESTO.

WHEREAS, a petition was filed with the City Clerk by \_\_\_\_\_

James A. Morrison III, Doris M. Tallent and C. A. Tallent

on March 3, 1972, 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 Sonoma No. 3 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 13th day of March, 1972, set said petition for hearing at the hour of 7:35 o'clock P.M. on the 24th day of April, 1972, 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 16, 1972, and on March 23, 1972; and in The Ceres Courier, a newspaper published outside the City of Modesto, but in the County of Stanislaus, on March 22, 1972, and on March 29, 1972, 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 February 23, 1972, approve the annexation of said uninhabited territory to the City of Modesto, pursuant to the Government Code, and

WHEREAS, on the 24th day of April, 1972, 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 Sonoma No. 3 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



All that real property in the State of California, County of Stanislaus, being a portion of Section 23, 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 Southeast corner of the OLD OAKDALE ADDITION (248), as per description filed February 5, 1970, as Instrument 3849, Stanislaus County Records; thence North  $0^{\circ} 41' 58''$  West, 612.15 feet to the Northeast corner of said Addition (248); thence along the existing City Limits on the Northern boundary of said Addition (248), North  $89^{\circ} 57' 35''$  West, 125.26 feet, to the Southeast corner of the MORNINGSIDE HEIGHTS NO. 2 subdivision, as per Map filed November 25, 1964, in Volume 20 of Maps, Page 91, Stanislaus County Records; thence leaving the existing City Limits and along the Eastern line of said MORNINGSIDE HEIGHTS NO. 2 subdivision, which is also the Western quarter-quarter line of Section 23, North  $0^{\circ} 42' 25''$  West, 674.38 feet, to a Southeast corner of the MORNINGSIDE HEIGHTS ADDITION (192), as per description filed June 14, 1966, as Instrument 21018, Stanislaus County Records; thence along the existing City Limits on the Eastern boundary of said Addition (192), North  $0^{\circ} 42' 25''$  West, 648.95 feet, to the Northeast corner of said Addition (192), and the center line of a 40.00 foot public road known as East Orangeburg Avenue; thence leaving the existing City Limits and along the center line of said East Orangeburg Avenue, which is also the Northern quarter-quarter section line, South  $89^{\circ} 56' 40''$  East, 1313.92 feet, to the center line of a 40.00 foot public road known as Sonoma Avenue; thence along the center line of said Sonoma Avenue, which is also a North-South quarter section line, South  $0^{\circ} 43' 20''$  East, 1322.95 feet, to the Northern quarter-quarter section line of Section 23; thence along said Northern quarter-quarter section line, South  $89^{\circ} 57' 35''$  East, 1314.50 feet, to the Eastern quarter-quarter section line of said Section 23; thence along said Eastern quarter-quarter section line, South  $0^{\circ} 41' 20''$  East, 2718.66 feet, to the center line of a 40.00 foot public road known as Scenic Drive; thence along the center line of said Scenic Drive, North  $88^{\circ} 50' 00''$  West, 1313.41 feet, to the center line of Sonoma Avenue; thence along the center line of said Sonoma Avenue, North  $0^{\circ} 41' 20''$  West, 861.11 feet to the Southeast corner of the SONOMA NO. 1 ADDITION (277), as per description filed October 20, 1971, as Instrument 40190, Stanislaus County Records; thence along the existing City Limits on the Eastern boundary of said Addition (277), North  $0^{\circ} 41' 20''$  West, 372.40 feet, to the Southeast corner of the SONOMA NO. 2 ADDITION (280), as per description filed January 11, 1972, as Instrument 1037, Stanislaus County Records; thence continuing along the existing City Limits on the Eastern boundary of said Addition (280), North  $0^{\circ} 41' 20''$  West, 738.74 feet, to the Northeast corner of said Addition (280); thence along the existing City Limits on the Northern boundary of said Addition (280), South  $89^{\circ} 45' 58''$  West, 1189.34 feet, to the Northwest corner of said Addition (280); thence leaving the existing City Limits; North  $0^{\circ} 41' 58''$  West, 114.11 feet, to the point of beginning, containing 141.250 Acres, more or less.

AN ORDINANCE AMENDING SECTIONS 4-4, 502 AND 4-4, 802 OF CHAPTER 4 OF TITLE IV OF THE MODESTO MUNICIPAL CODE, AND ADDING SECTION 4-4, 803 THERETO RELATING TO SUBDIVISION REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Sections 4-4, 502 and 4-4, 802 of Chapter 4 of Title IV of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 4-4, 502. TENTATIVE PARCEL MAPS. (a) Filing and Departmental Approval. The legal owner of record, or his authorized representative, desiring the reparceling of any lot or lots or parcels of land under the provisions of this article shall file fifteen (15) copies of a tentative parcel map with the Planning Commission at least fifteen (15) days prior to the meeting of the Commission at which consideration is desired. Acceptance, distribution, and departmental action on such maps shall be in accordance with the provisions of Section 4-4, 401 relating to tentative subdivision maps.

(b) Form of Maps. Tentative parcel maps shall be eighteen (18") inches by twenty-six (26") inches in size. Maps shall be to a scale of one inch equals one hundred (100') feet for large areas, or to a scale of one inch equals fifty (50') feet for small areas where practical. Every tentative parcel map shall be clearly and legibly reproduced and shall contain the following information:

(1) Date, north point, scale and sufficient description to define the location and boundaries of the proposed reparceling.

(2) Name and address of record owner or owners.

(3) Name and address of the subdivider, if other than owner.

(4) Name and business address of the person who prepared the map, if other than owner.

(5) Locations, names and existing width of all adjoining and contiguous highways, streets and ways.

(6) Locations and size of all pipe lines and structures used in connection therewith.

(7) Location and character of all existing public utilities.

(8) Location and character of all existing and proposed street improvements.

(9) The widths, locations and purpose of all existing and proposed easements.

(10) Method of serving individual parcels to be created with utilities.

(11) Lot layout, dimensions of each lot, and lot designations.

(12) The outline of any existing buildings to remain in place and their locations in relation to existing or proposed street and lot lines.

(c) Requirements for Approval. If the tentative map complies with all of the requirements of this article and of Division 4, Part 2, Chapter 2, Article 6, beginning at Section 11575 of the Business and Professions Code of the State of California, the Planning Commission may approve the division, subject to the dedication of necessary right-of-way for streets and easements; the installation of all improvements along the frontages of the property so divided, as required by the Commission, and the installation of all necessary utilities and connections to each lot. All lot sizes shall conform to the provisions of the zoning regulations of the City of Modesto.

(d) Security. If the Planning Commission approves the tentative map, it may grant the subdivider a period of time after the recording of the final map in which to complete the installation of the public improvements required by the Commission to be installed as a condition of approval of the map. If such a time period is granted, the Commission shall require improvement security to be posted in one of the forms set forth in subsection (b) of Section 4-4.605.

(e) Requirement for Street Trees. As a condition of approval of parcel maps, it is the policy of the City of Modesto to require street trees to be planted and maintained along the street frontages of the affected properties. In order to insure that such street trees conform to the City of Modesto Street Tree Plan, and that they are properly planted and maintained, whenever street trees are required as a condition of approval of a parcel map, the applicant shall pay to the City of Modesto a sum for each street tree required. Such sum shall be established by resolution of the City Council adopted from time to time. Such sum shall be paid at the time of filing the final parcel map. Upon the payment of such sum, the City shall be responsible for planting and maintaining such street trees.

(f) Drainage Facilities. Whenever the City, by ordinance, has adopted a drainage plan for a particular drainage area, pursuant to Section 11543.5 of the Business and Professions Code of the State of California, each subdivider filing a parcel map for the division of land, any part of which is located within the boundaries of such a drainage area and the tentative map of which is filed after the effective date of the addition of this subsection, shall pay to the City at the time of the filing of the final parcel map, as a condition of approval thereof, such fees as may be required by said ordinance.

SEC. 4-4.802. GENERAL REQUIREMENTS. The subdivider shall install improvements in accordance with the standards specified in this Chapter and in the Standard Plans and Specifications.

(a) Streets and Alleys. All streets and alleys shall be improved in accordance with the requirements of the Standard Plans and Specifications referred to in Section 4-4.801 hereof.

(b) Structures. ~~Structures or conduits shall be installed as deemed necessary by the City Engineer for drainage, access and/or public safety. Such structures and conduits shall be placed to grades and shall be of a design and size approved by the City Engineer.~~

Drainage Facilities. Drainage facilities shall be installed as deemed necessary by the City Engineer to provide for the removal of surface water. Such drainage facilities shall be of a character and design approved by the City Engineer and in accordance with the requirements of the Standard Plans and Specifications referred to in Section 4-4.801 hereof.

(c) Curbs and Gutters. Curbs and gutters shall be installed to grades, cross section, layout and location approved by the City Engineer.

(d) Sidewalks. Sidewalks shall be installed along all streets and may be required in other locations where sidewalks are deemed necessary by the Planning Commission.

(e) Sewage Disposal.

(1) Sanitary sewer facilities connecting with the existing City system shall be installed to serve each lot when connection to such system is available. Sewers shall be installed to grades, location, design and sizes approved by the City Engineer in accordance with the provisions of applicable laws of the City.

(2) When connection to a sanitary system is not available, septic tanks may be permitted for lots of not less than nine thousand (9,000) square feet in area, providing that a letter is submitted from the City Health Officer prior to approval of the tentative map certifying that field investigation has shown that ground slopes and soil conditions will allow for satisfactory disposal by this method with the lot arrangement and sizes as shown on the map of the proposed subdivision.

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

(g) Street Lights.

(1) Street lighting standards, underground cables or conduit and conductors and all materials and appurtenances necessary shall be installed of a design and location approved by the City Engineer. There shall be at least one electrolier at each intersection, and intermediate electroliers not more than three hundred thirty (330') feet apart in blocks exceeding three hundred thirty (330') feet in length. Where a cul-de-sac is longer than one hundred-fifty (150') feet measured from the center of the turnaround at the end of the cul-de-sac to the center line of the intersecting street, an electrolier shall be provided at the turnaround in a location approved by the City Engineer.

(2) When street lighting is installed or furnished by the subdivider pursuant to subsection (1) above, the City may share in the cost of perimeter street light whenever any street light so installed is located in a street bordering the subdivision and land adjacent to the subdivision is or may be benefited by said street light. The portion of the cost of each such street light which would ordinarily, because of such benefit, be borne by others may be advanced by the City.

(3) Advances of perimeter street light costs for undeveloped land by the City shall be made on the basis that said costs will be recovered by the City from the subdivider of the undeveloped land at the time the subdivider files the final map for such subdivision.

(h) Railroad Crossings. Provisions shall be made for any and all railroad crossings necessary to provide access to or circulation within the proposed subdivision, including the preparation of all documents necessary for application to the California State Public Utilities Commission for the establishment and improvement of such crossing. The cost of such railroad crossing improvement shall be borne by the subdivider.

(i) Street Signs. Each subdivider shall pay to the City at the time of approval of the final map as condition of such approval the sum of Twenty-Five and no/100ths (\$25.00) Dollars for each street sign required in the subdivision; provided, that when only a part of an intersection requiring a street sign is within or contiguous to the subdivision, the charge for street signs for such intersection shall be proportional to the number of corners of the intersection within or contiguous to the subdivision.

SECTION 2. AMENDMENT OF CODE. Section 4-4, 803 is hereby added to Chapter 4 of Title IV of the Modesto Municipal Code to read as follows:

SEC. 4-4, 803. DRAINAGE FACILITIES. Whenever the City, by ordinance, has adopted a drainage plan for a particular drainage area pursuant to Section 11543.5 of the Business and Professions Code of the State of California, each subdivider of a subdivision, any part of which is located within the boundaries of such a drainage area and the tentative map of which is filed after the effective date of this section, shall pay to the City at the time of approval of the final map, as a condition of such approval, such fees as may be required by said ordinance.

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 24th day of April, 1972, 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, Dumlup, Elliott, Simon, Smith,  
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton

ATTEST:

APPROVED:

Lee H. Davies  
LEE H. DAVIES, Mayor

By Pauline P. Stanley  
PAULINE P. STANLEY, City Clerk  
(SEAL) Acting

APPROVED AS TO FORM:

By Evelyn L. Johnson  
EVELYN L. JOHNSON, City Attorney

Ord. No. 1191-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 1st day of May, 1972, Councilman Simon moved its final adoption, which motion being duly seconded by Councilman Elliott, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmen: None

ABSENT: Councilmen: Dixon, Newton

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

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

EFFECTIVE DATE: May 31, 1972

AN ORDINANCE ANNEXING UNINHABITED TERRITORY  
KNOWN AS THE MAZE-EMERALD ADDITION  
TO THE CITY OF MODESTO.

WHEREAS, a petition was filed with the City Clerk by \_\_\_\_\_

Norman J. Winsor, Lola Jean Winsor by Norman J. Winsor, her  
Attorney-in-Fact

on March 3, 1972, 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 MAZE-EMERALD 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 13th day of March, 19 72, set said petition for hearing at the hour of 4:10 o'clock P. M. on the 1st day of May, 1972, 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 16, 1972, and on March 23, 1972; and in The Ceres Courier, a newspaper published outside the City of Modesto, but in the County of Stanislaus, on March 22, 1972, and on March 29, 1972, 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 February 23, 19 72, approve the annexation of said uninhabited territory to the City of Modesto, pursuant to the Government Code, and

WHEREAS, on the 1st day of May, 19 72, at the hour of 4:10 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 MAZE-EMERALD 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 1st day of May, 19 72, 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: 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 RC Mangum  
Public Works Department

*RAM*  
*3-21-72*

All that real property in the State of California, County of Stanislaus, being a portion of the Southwest quarter of Section 30, Township 3 South, Range 9 East Mount Diablo Base and Meridian, also being a portion of Lot 19 of the Maze Ranch Subdivision as per map filed March 19, 1909, in Volume 4 of Maps, Page 18, Stanislaus County Records, described as follows:

Beginning at a point on the existing City Limits as established by the Southeast corner of the HILLVIEW ACRES ADDITION (81), as per description filed June 17, 1958, as Instrument 14792, Stanislaus County Records said point also being on the Northern line of a 60.00 foot public road known as Maze Boulevard; thence along the existing City Limits on the Eastern boundary of said Addition (81), North  $0^{\circ} 09' 30''$  East, 780.29 feet, to a point on the Southern line of a 100.00 foot Modesto Irrigation District Right of Way, which is also the Southwestern corner of the WESTAIRE ACRES ADDITION (84), as per description filed December 30, 1958, as Instrument 33048, Stanislaus County Records; thence along the existing City Limits on the Southern boundary of said Addition (84), which is the Southern line of said Modesto Irrigation District Right of Way, North  $86^{\circ} 52' 30''$  East, 10.32 feet, to a Southeastern corner of said Addition (84); thence along the existing City Limits on a Eastern boundary of said Addition (84), North  $0^{\circ} 31' 30''$  West, 5005 feet, to a Southeastern corner of said Addition (84); thence along the existing City Limits on a Southern boundary of said Addition (84), which is also the center line of said Modest Irrigation District right of way, North  $86^{\circ} 52' 30''$  East, 236.14 feet; thence continuing along a Southern boundary of said Addition (84), South  $85^{\circ} 52' 30''$  East, 1092.00 feet, to a Southeastern corner of said Addition (84), and the Western line of a 40.00 foot public road known as Emerald Avenue; thence along the existing City Limits on the Eastern boundary of said Addition (84), North  $0^{\circ} 31' 30''$  West, 838.42 feet, to the Southeastern corner of the ELM ADDITION (177), as per description filed April 27, 1965, as Instrument 16337, Stanislaus County Records; thence continuing along the existing City Limits on the Eastern line of said Addition (177), North  $0^{\circ} 31' 30''$  West, 20.00 feet, to a Northeast corner of said Addition (177); thence leaving the existing City Limits and along the center line of a 40.00 foot public road known as Elm Avenue, South  $89^{\circ} 46' 00''$  East, 20.00 feet, to the center line of said Emerald Avenue; thence along the center line of said Emerald Avenue, South  $0^{\circ} 31' 30''$  East, 1629.14 feet, to the Northern Boundary of the MARK TWAIN ADDITION (70), as per description filed June 22, 1956, as Instrument 17230, Stanislaus County Records; thence along the existing City Limits on the Northern boundary of said Addition (70), North  $89^{\circ} 46' 00''$  West, 1364.07 feet, to the point of beginning, containing 25.733 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.  
( HARLEY D. BRANNAN - N/W BRIGGSMORE - OLD OAKDALE)

WHEREAS, a verified application for an amendment to Section 15-3-9 of the Zoning Map was filed by Harley D. Brannan on March 10, 1972, to reclassify from One-Family Residential Zone, R-1, to Two-Family Residential and Multiple-Family Residential Zone, R-3, Residential Zone, R-2,/the hereinafter described property, and

WHEREAS, after public hearing held on April 18, 1972, 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. 72-54, adopted on April 18, 1972, the Planning Commission recommended to the Council that the application of Harley D. Brannan

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 and Multiple-Family Residential Zone, R-3, 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, and Multiple-Family Residential Zone, R-3:

To be Zoned from R-1 to R-2:

All that certain real property situate in the Southeast 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:

COMMENCING at the Southeast corner of Parcel A of Book 10 of Parcel Maps, at Page 82, Stanislaus County Records, on the West line of Oakdale Road; thence North  $89^{\circ} 20' 41''$  West along the South line of said Parcel A a distance of 300.00 feet to the point of beginning of this description; thence South  $0^{\circ} 01' 26''$  West 746.50 feet to the Northwesterly right-of-way line of Modesto Irrigation District Lateral No. 3; thence along said Northwesterly right-of-way line the following two courses: South  $62^{\circ} 48' 11''$  West 269.55 feet, and Westerly 252.01 feet along a tangent curve concave to the North, having a radius of 331.90 feet and a central angle of  $43^{\circ} 30' 14''$  to the North line of Briggsmore Avenue; thence along said North line of Briggsmore Avenue Westerly 231.45 feet along a reverse curve concave to the South, having a radius of 1230.00 feet and a central angle of  $10^{\circ} 46' 53''$ ; thence North  $0^{\circ} 01' 06''$  East 397.53 feet to a point on a non-tangent curve to which a radial line bears South  $14^{\circ} 27' 33''$  East; thence Easterly 61.16 feet along said non-tangent curve concave to the North, having a radius of 1000.00 feet and a central angle of  $3^{\circ} 30' 15''$ ; thence Easterly 392.57 feet along a reverse curve concave to the South, having a radius of 2000.00 feet and a central angle of  $11^{\circ} 14' 47''$ ; thence North  $0^{\circ} 01' 26''$  East 353.99 feet to said South line of Parcel A; thence along said South line of Parcel A South  $89^{\circ} 20' 41''$  East 270.00 feet to the point of beginning.

To be Zoned from R-1 to R-3:

All that certain real property situate in the Southeast 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:

BEGINNING at the Southeast corner of Parcel A of Book 10 of Parcel Maps; at Page 82, Stanislaus County Records, on the West line of Oakdale Road; thence North  $89^{\circ} 20' 41''$  West along the South line of said Parcel A a distance of 300.00 feet; thence South  $0^{\circ} 01' 26''$  West 746.50 feet to the Northwesterly right-of-way line of Modesto Irrigation District Lateral No. 3; thence North  $62^{\circ} 48' 11''$  East along said Northwesterly right-of-way line 393.57 feet to the East line of said Section 15; thence North  $0^{\circ} 01' 26''$  East along said East line of Section 15 a distance of 562.62 feet; thence North  $89^{\circ} 20' 41''$  West 50.00 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 15th day of May, 1972, 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, 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 John P. Lopez  
Planning Department

**Ordinance 1193 C.S.**  
**Exhibit A – Map**

Oversized map folded and bound within Ordinance Book. Unable to  
remove safely for scanning.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 22nd day of May, 1972, Councilman Elliott 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, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Simon

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

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

EFFECTIVE DATE: June 21, 1972

AN ORDINANCE AMENDING SECTION MAP 20-3-9  
OF THE ZONING MAP OF THE CITY OF MODESTO,  
RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON.  
(WILLIAM B. WETMORE, D.V.M.)

WHEREAS, a verified application for an amendment to Section 20-3-9 of the Zoning Map was filed by William B. Wetmore

on March 15, 19 72, to reclassify from Two-Family Residential Zone, R-2, to Professional Office Zone, P-0, the hereinafter described property, and

WHEREAS, after public hearing held on April 18, 19 72, 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. 72-53, adopted on April 18, 19 72, the Planning Commission recommended to the Council that the application of William B. Wetmore

to amend Section 20-3-9 of the Zoning Map to reclassify the hereinafter described property from Two-Family Residential Zone, R-2, 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 20-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Two-Family Residential Zone,

All that portion of Lot 1 of Mensinger Colony, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California on March 18, 1909 in Volume 4 of Maps, at Page 25, described as follows:

COMMENCING at the true Northwest corner of Lot 1, said point being North  $87^{\circ} 54\frac{1}{2}'$  West 659.47 feet from the point of intersection of the center line of Granger Avenue and McHenry Avenue; thence South  $87^{\circ} 54\frac{1}{2}'$  East 233.876 feet along the North line of said Lot 1 to the Northeast corner of the land described in the Deed from Edward J. Stephens and Wife, to Wallace Marcus Rees and Wofe, recorded February 2, 1943, in Volume 766 of Official Records at Page 137, Instrument No. 1521, and the point of beginning; thence South  $0^{\circ} 02\frac{1}{2}'$  East 275.68 feet; thence South  $87^{\circ} 57'$  East 100.5 feet; thence North  $0^{\circ} 02\frac{1}{2}'$  West 275.68 feet to center line of Granger Avenue; thence North  $87^{\circ} 54\frac{1}{2}'$  West along the center line of said Granger Avenue; 100.5 feet to point of beginning.

Net Acres: .567

SECTION 3. ZONING MAP. Section 20-3-9 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 15th day of May, 1972, 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, 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 John R. Doney  
Planning Department

**Ordinance 1194 C.S.**  
**Exhibit A – Map**

Oversized map folded and bound within Ordinance Book. Unable to  
remove safely for scanning.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 22nd day of May, 1972, Councilman Elliott 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, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Simon

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

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

EFFECTIVE DATE: June 21, 1972

AN ORDINANCE AMENDING SECTION 10-2.1612 OF ARTICLE 16 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. Section 10-2.1612 of Article 16 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.1612. WALL, FENCE OR HEDGE MAY BE MAINTAINED.

(a) On residentially zoned or P-O zoned property a wall, fence or hedge not more than forty-two (42") inches in height may be located and maintained on any part of a lot except within the clear vision triangle as required in Section 10-2.1609. A fence, wall, or hedge more than forty-two (42") inches in height but not more than six (6') feet in height, may be located anywhere on the lot, provided that no fence, wall, or hedge over forty-two (42") inches in height shall be located closer than fifteen (15') feet to any street line except that in the case of sub-standard corner lots referred to in Section 10-2.1618 and certain specified corner lots referred to in Section 10-2.1620 a fence, wall, or hedge not more than six (6') feet in height may be located not closer than seven and one-half (7 1/2') feet to the side street, and on a through lot which has vehicular access prohibited to the street at the rear of such lot, a fence, wall, or hedge not more than six (6') feet in height shall be permitted along such rear lot line. On P-O zoned property facing on a collector street, a fence, wall or hedge six (6') feet in height may be constructed to the street line when it is adjacent to a less restrictive zone. Nothing in this section shall be deemed to prevent the erection of a fence, wall or hedge not more than ten (10') feet in height on any part of a lot where a building is permitted.

Nothing in this section shall be deemed to prevent the erection of a fence or wall not more than six (6') feet in height on any part of a lot other than within the clear vision triangle, where the erection of such fence or wall at that location is required by the Planning Commission as a condition of the approval of a subdivision map or parcel map.

(b) On C-1 and C-2 zoned property, when such property comprises part of the frontage and part of the remaining frontage is classified for "R" purposes, a six (6') foot fence, wall or hedge on such C-1 or C-2 property may be extended along the side property line to the front property line of such C-1 or C-2 property.

(c) On C-M, M-1, and M-2 zoned property when such property comprises part of the frontage and part of the remaining frontage is classified for "R" purposes, or when such property fronts upon a street, the opposite side of which is classified for "R" purposes, a six (6') foot fence, wall or hedge on such C-M, M-1 or M-2 property may be extended along the side property line to the front property line of such C-M, M-1 or M-2 property.

(d) On commercially or industrially zoned property abutting residentially zoned property, a fence, wall or hedge not more than ten (10') feet in height may be erected along such zone boundary line. If an alley intervenes between such commercial or industrial property, and the residential property, a fence, wall or hedge not more than ten (10') feet in height may be erected on either line of the alley.

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 22nd day of May, 1972, 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:

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 5th day of June, 1972, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Elliott, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmen: None

ABSENT: Councilmen: Dixon, Newton

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

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

EFFECTIVE DATE: July 5, 1972

AN ORDINANCE AMENDING SECTIONS 5-5.02, 5-5.04, 5-5.05, 5-5.07, 5-5.17, 5-5.18, 5-5.29, 5-5.30, 5-5.35, 5-5.36 AND 5-5.38 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 5-5.02, 5-5.04, 5-5.05, 5-5.07, 5-5.17, 5-5.18, 5-5.29, 5-5.30, 5-5.35, 5-5.36 and 5-5.38 of Chapter 5 of Title V of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 5-5.02. DEFINITIONS. The following words and phrases, whenever used in this chapter, shall be construed as defined in this section.

(a) "Director of Finance" means the Director of Finance of the City of Modesto or his duly authorized agent.

(b) "Director of Public Works" means the Director of Public Works of the City of Modesto or his duly authorized agent.

(c) "Health Officer" means the Health Officer of the City of Modesto or his duly authorized agent.

(d) "Disposal Area" as used in this chapter shall mean any area designated or provided by the City Council from time to time for the purpose of disposal of garbage.

(e) "Place or Premises" means every dwelling house, dwelling unit, apartment house, or multiple dwelling building, trailer or mobile home park, store, restaurant, rooming house, hotel, motel, hospital, office building, department store; manufacturing, processing or assembling shop or plant; warehouse, and every other property or building where any person resides or any business or activity is carried on or conducted within the City of Modesto.

(f) "Customer" shall mean any person, firm or corporation receiving garbage service under the provisions of this chapter.

(g) "Garbage" means any and all matter and materials which are rejected, abandoned or discarded by the owners or producers thereof as offensive, or useless, or no longer desired by said owners or producers thereof, and/or which by their presence or accumulation may injuriously affect the health, comfort or safety of the community. It shall include rubbish, waste matter, swill, salvageable waste and similar substances or materials of the nature described above, but shall not include garden refuse as defined in Section 4-7.1102 of this Code.

(h) "Swill" means all classes of putrescible, animal, fish, fowl, fruit or vegetable matter, and shall include matter or substances used in the preparation, cooking, dealing in or storage of meats, fowl, fish, fruits and vegetables that are subject to immediate decay and the attraction of flies or rodents, and having a property value.

(i) "Rubbish" means non-putrescible, useless, unused, unwanted or discarded material or debris, either combustible or non-combustible which by their presence may injuriously affect the health, safety and comfort of persons and property in the vicinity thereof.

(j) "Salvageable waste" means rubbish having a property value.

(k) "Property value" means a worth to the extent that a collector will collect the materials involved with compensation to the customer, or at no cost to the customer.

(l) "Industrial garbage" means garbage produced by any person, firm or corporation 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 wholesale in processed or manufactured form. "Industrial garbage" also means garbage produced by any person, firm or corporation engaged in the business of building construction and/or building demolition.

(m) "Garbage collector" means an agent or employee of the City, or any person, or the agents, assignees or employees thereof, to whom a license shall have been issued under the terms of this chapter for the collection of garbage as hereinafter set forth.

(n) "Swill collector" means an agent or employee of the City, or any person, or the agents, assignees, or employees thereof, to whom a license shall have been issued under the terms of this chapter for the collection of swill.

(o) "Salvageable waste collector" means an agent or employee of the City, or any person, or the employees thereof, to whom a license shall have been issued under the terms of this chapter for the collection of salvageable wastes.

(p) "Industrial garbage collector" means an agent or employee of the City, or any person, or the employees thereof, to whom a license shall have been issued under the terms of this chapter for the collection of industrial garbage.

(q) "Standard container" means a galvanized metal can, water-tight and with a close-fitting cover, cover handle and side handles, of not less than ten (10) nor more than thirty-three (33) gallons net capacity, of a design satisfactory to the Director of Public Works, or such other disposal unit of like capacity approved by the Director of Public Works.

(r) "Detachable container" means a metal container, water-tight and with a cover, designed for direct dumping into a collection vehicle, and constructed in standard sizes with a minimum of one cubic yard in capacity, as approved by the Director of Public Works, and furnished by a licensed collector.

(s) "Drop box container" means a metal box designed for loading upon a vehicle for transportation to the disposal area, with a minimum of twenty (20) cubic yards capacity, of a design approved by the Director of Public Works, and furnished by a licensed collector.

SEC. 5-5.04. DEPOSITING OR BURYING GARBAGE. No person shall throw, drop, leave, dump, bury, place, ~~keep, accumulate,~~ or otherwise dispose of any garbage upon any property within the city limits of the City, either with or without intent to remove the same from such property; or upon any street, way, sidewalk, gutter, stream or creek or the banks thereof, or any public place or public property within the city limits of the City; provided, however, that this section should not apply to any land used by the City for a disposal area.

SEC. 5-5.05. ACCUMULATION OF GARBAGE OR RUBBISH. Every person shall keep the premises occupied by him, and every owner of any unoccupied premises or property and every owner of three-family dwellings, apartment houses and multiple dwelling buildings

shall keep the same in a clean and sanitary condition, and shall not cause, suffer, or permit any garbage to accumulate on such premises or property for a period in excess of one calendar week; or cause, suffer, or permit any rubbish to accumulate on his premises for a period in excess of one calendar month; provided, however, that this provision shall not be construed to prohibit any person from keeping building materials on any premises or property during the period of active construction, reconstruction, or repair of a building or structure thereon under a current valid building permit; nor the keeping of wood, neatly piled, upon such premises for household use; nor the composting of grass of trimmings in a manner approved by the Health Officer.

**SEC. 5-5.07. CONTAINERS REQUIRED.** It shall be unlawful for any person occupying any premises within the City, or for any person owning, controlling or maintaining any premises within the City where garbage is created, produced, or accumulated, to fail or neglect to ~~obtain~~ provide a sufficient number of standard containers for receiving and holding without leakage or escape of odors all garbage produced, created, or accumulated upon such premises, except as hereinafter provided; and all such persons shall deposit all such garbage in such containers, and all such containers shall be at all times kept in a good usable and sanitary condition. Containers shall be kept continuously closed except when garbage is being placed therein or removed therefrom, and shall at all times be closed against the access of flies, rodents, and animals to the contents thereof. Garbage and rubbish may be deposited in the same container. Containers shall not exceed thirty-three (33) gallons in volume, and shall not exceed fifty (50) pounds in weight when filled for removal, except when detachable or drop box containers are used.

**SEC. 5-5.17. REMOVAL OF GARBAGE BY PRODUCERS.** Notwithstanding the provisions of Section 5-5.16:

(a) Any person may remove or dispose of, or may cause to be removed and disposed of, from premises occupied by him or under his control, such rubbish as is created or produced on such premises in excess of the regular garbage collection made by City's licensee if the following conditions have been or will be complied with:

(1) Such removal and disposal activity shall be only by the owner or occupant personally, or by such owner's or occupant's regularly employed personnel carried on owner's or occupant's payroll records as an employee.

(2) All vehicles used in carrying out such removal and disposal activities shall be owned by, or under the exclusive control of owner or occupant, and shall meet all the requirements of this chapter and all other laws and ordinances of the State of California and the City. Any such vehicle shall be subject to inspection by the Director of Public Works.

(b) Any producer of industrial garbage or swill, or his employee, may transport the same upon or through any street or public place of the City for disposal at an approved disposal area. In the event said producer desires to dispose of such garbage or swill at a location other than an approved disposal area, the approval of the Health Officer shall first be obtained in writing of the manner in which and the place at which such industrial garbage or swill is to be disposed of. If, in the opinion of the Health Officer, such manner of disposal will be detrimental to the public health or welfare, the Health Officer shall have the right to deny such request.

(c) It shall be unlawful for any person acting as an employee of a producer of industrial garbage or swill to collect or transport such garbage or swill from more than one industrial producer thereof.

(d) Any person engaged in the business of gardening or tree trimming, or building demolition, or construction clean-up work, including both yards and building interiors, is authorized to remove and dispose of rubbish produced as an incident to such business.

SEC. 5-5.18. LICENSE FEE FOR COLLECTION OF GARBAGE AND INDUSTRIAL GARBAGE. The license fee for engaging in the business of collecting garbage, and/or industrial garbage, in the City shall be the sum of One hundred and no/100ths (\$100.00) Dollars per year, or fraction thereof, payable in advance. In addition to the annual fee, the collector shall be required to pay quarterly to the City within thirty (30) days following the close of the preceding quarter an amount equivalent to ~~five (5)~~ six and one-half (6 1/2) per cent of the gross receipts derived from the furnishing of such garbage collection services within the City for the preceding quarter. Quarters shall terminate on March 31, June 30, September 30 and December 31.

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~~ required by the license. Said bond or 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.~~

SEC. 5-5.30. TRANSFER OF LICENSES. No license granted by the Council pursuant to the provisions of this chapter and no ownership interest in any grantee of such a license can be sold, transferred, leased, assigned, mortgaged, pledged, hypothecated, or otherwise encumbered or disposed of, in whole or in part, ~~either by forced or involuntary sale, or by voluntary sale, merger, consolidation, change in control of the corporation or company, stock transfer, transfer in trust, mortgage or otherwise, directly or indirectly, whether voluntarily or by operation of law, or through any stock transfer, transfer in trust, change in control, consolidation, or merger of any company or corporation, without the prior written consent of the City Council granted after a public hearing in accordance with the procedures specified in Sections 5-5.21, 5-5.22, 5-5.23 and 5-5.24 of this chapter. The Council may grant or deny such a request, or and may impose such conditions as it may deem to be in the public interest. Any attempted disposition made without such consent shall be void.~~

SEC. 5-5.35. COLLECTION OF GARBAGE CHARGES. Garbage ~~collectors may collect the charges adopted by the City Council for garbage service, or said garbage collectors may enter into agreements with the City of Modesto whereby the City will collect said charges for said collectors. Such an agreement shall set forth the respective duties and responsibilities of the collector and the City regarding the collection of said charges.~~ Any license granted by the Council pursuant to the provisions of this chapter for the collection of garbage, except industrial garbage, shall specify whether the charges for garbage service shall be billed and collected by the City and/or by the licensee. If a license specifies that any or all of the charges for garbage service shall be billed and collected by the City, it shall also specify the fees to be paid to the City by the licensee for such billing and collection service.

SEC. 5-5.36. METHOD OF COLLECTION OF GARBAGE CHARGES BY CITY. ~~If an agreement is entered into between the collectors and the City of Modesto~~ If a license granted by the Council pursuant to

the provisions of this chapter specifies that any or all of the charges for garbage service shall be billed and collected by the City, as provided for in Section 5-5.35, then, and in such event the following provisions shall be applicable to and determine the method of collection of such garbage charges by the City of Modesto:

(a) The charges for garbage service shall be added to the charges for water service and/or sewer service and payment of the total amount must be made in accordance with Section 11-1.11 of this Code regulating the payment of water service charges, and Section 5-6.11 of this Code regulating the payment of sewer service charges.

(b) Delinquent payment of charges for garbage service shall be treated in the same manner as delinquency for payment of water service charges and/or sewer service charges, as specified in Sections 11-1.11 and 5-6.11 of this Code. Discounts for advance payment of garbage charges shall be made in the same manner as discounts for advance payments of water service charges and/or sewer service charges in accordance with Sections 11-1.11 and 5-6.11 of this Code.

(c) All charges for garbage collection shall be billed to the following persons:

(1) In the case of any person whose premises are connected with the municipal water system, then to the person who requested such connection to the municipal water system or his successor in interest, or to any person requesting that such bill will be charged to him.

(2) In the case of any person whose premises are not connected to the municipal water system, then to the person who requested the connection to the sewage system or his successor in interest, or if no such request was made, then to the owner of record of such premises on the date on which such premises are required hereby to commence garbage collection services, or to the successors in interest to such person, or to any person requesting that such bill be charged to him.

(d) Each charge for garbage collection service levied pursuant to this section on any premises within the City of Modesto is hereby made a lien upon such premises, and any steps authorized by law may be taken by the City to enforce payment of such lien.

(e) In each case where a bill for garbage collection service shall become delinquent, the Director of Finance shall cause the premises to be disconnected from the municipal water and/or sewage system. Whenever premises have been disconnected from either or both the municipal water system and the municipal sewage system for the nonpayment of garbage collection charges, such premises shall not be reconnected to either the municipal water system or the municipal sewage system until all delinquent fees, charges, and rates have been paid, together with such reasonable charges for reconnection as may be established from time to time by resolution adopted by the City Council.

SEC. 5-5.38. ANNUAL FINANCIAL REPORT BY GARBAGE COLLECTORS. On or before March 1 of each year, Each person granted a license to collect garbage or industrial garbage pursuant to the provisions of this chapter shall file each year with the Director of Finance a detailed financial statement including a balance sheet and profit and loss statement for the preceding calendar year. Said statement shall be filed on or before the date set forth in said license for the fiscal or calendar year specified in said license.

This section shall not apply to swill industrial garbage or salvageable waste collectors.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after January 1, 1973.

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.

adjourned

The foregoing ordinance was introduced at a ~~regular~~ meeting of the Council of the City of Modesto held on the 30th day of May, 1972, 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: Dunlap, Elliott, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Dixon, 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 5th day of June, 1972; Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Elliott, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmen: None

ABSENT: Councilmen: Dixon, Newton

APPROVED

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

ATTEST:

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

EFFECTIVE DATE: July 5, 1972

AN ORDINANCE AMENDING SECTION 2-1.14 OF  
CHAPTER 1 OF TITLE II OF THE MODESTO  
MUNICIPAL CODE RELATING TO COUNCIL PROCEDURE.

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

SECTION 1. AMENDMENT OF CODE. Section 2-1.14 of Chapter  
1 of Title II of the Modesto Municipal Code is hereby amended to read as  
follows:

SEC. 2-1.14 VOTING. (a) All members of the Council, when  
present, must vote, except as hereinafter provided.

(b) A member of the Council who has a conflict of  
interest regarding any matter being considered by the Council  
shall declare the conflict and excuse himself from participating  
in the Council's deliberations and decision regarding that  
matter. A Councilman so excusing himself may either  
temporarily leave the Council Chambers or take a seat in the  
audience during the Council's deliberations and decision and  
shall not be required to vote on such matter.

(c) Any member of the Council once having answered the  
call of the roll or having been noted by the City Clerk as being  
present at a meeting shall advise the presiding officer prior to  
leaving the Council Chambers for the remainder of a meeting.

(d) A member of the Council once having answered the  
call of the roll or having been noted by the City Clerk as being  
present at a meeting, and not excused as herein provided, has  
an obligation to vote on each and every matter considered by the  
Council even though he may temporarily be absent from the  
Council Chambers.

(e) The vote on any matter being considered by the  
Council may be delayed by the presiding officer until all  
members of the Council present for a meeting, and not excused  
as herein provided, are present at the Council table.

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 12th day of June, 1972, 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, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton, 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

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 June, 1972, Councilman Newton 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, 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: July 19, 1972

AN ORDINANCE AMENDING SECTION 7-1.401 OF ARTICLE 4 OF CHAPTER 1 OF TITLE VII OF THE MODESTO MUNICIPAL CODE RELATING TO DRIVEWAY REGULATIONS, AND AMENDING SECTIONS 10-2.1801, 10-2.1804 AND 10-2.1808 OF ARTICLE 18 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. Section 7-1.401 of Article 4 of

Chapter 1 of Title VII of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 7-1.401. STANDARDS. Driveways shall be constructed or repaired in accordance with current standard drawings and specifications approved by the Council from time to time by resolution and on file in the offices of the City Clerk and Director of Public Works.

In addition to said standards, driveway construction or repair shall comply with the following regulations set forth below. For purposes of such regulations, all measurements of driveways adjacent to vertical curbs shall be made at the top of the curbing, and all measurements of driveways adjacent to drive-over curbs shall be made at the property line.

(a) The maximum width of any driveway adjacent to a vertical curb shall not be more than forty-one (41') feet as measured at the top of the curbing. The maximum width of any driveway adjacent to a drive-over curb shall not be more than thirty-five (35') feet.

(b) The minimum distance between driveways serving the same lot or parcel of land shall not be less than twenty (20') feet. as measured at the top of the curbing.

(c) The total width of driveways serving any lots or parcels of land in a single ownership shall not exceed the following limits: fifty (50%) per cent of the street frontage of the property. In the case of lots or parcels fronting on more than one street, the calculation for driveways on a given street shall be limited to fifty (50%) per cent of the frontage on that same street.

(1) For frontages having a vertical curb, the limit shall be fifty (50%) per cent of the street frontage of the property or forty-one (41') feet, whichever is greater.

(2) For frontages having a drive-over curb, the limit shall be fifty (50%) per cent of the street frontage of the property or thirty-five (35') feet, whichever is greater.

In the case of lots or parcels fronting on more than one street, the calculation for driveways on a given street shall be based only on the frontage of that street.

(d) No driveway shall be so located that it interferes with intersecting sidewalks, traffic signals, lamp standards, fire hydrants, or other public improvements unless specific approval is given by the Director of Public Works and the necessary adjustments to sidewalks, traffic signals, light standards, fire hydrants, or other public improvements or installations are accomplished without cost to the City.

(e) All work shall be done under the supervision of the Director of Public Works and in accordance with City standards and specifications in effect at the time of such work. All debris and surplus materials shall be promptly removed upon the completion of such work.

(f) Applicant shall maintain the premises in a safe manner and shall provide adequate barricades and lights at his own expense to protect the safety of the public using the adjacent streets or sidewalks and shall hold the City free and harmless from any and all charges or damages or liability incurred because of his operation.

(g) The Director of Public Works may grant variances from these standards in accordance with resolutions passed by the Council from time to time which establish conditions under which variances may be granted. In each case the applicant shall agree in writing to the conditions of the variance. In the event that the Council has not established conditions for a particular type of variance, the application shall be submitted to the Council for action. A variance granted pursuant to this subsection is revocable at any time by the Council.

(h) The Council shall have the authority to rescind any permit heretofore or hereafter granted for a driveway when it finds such action to be in the public interest. Such driveways shall be removed and replaced as provided in Section 7-1.404 of this article.

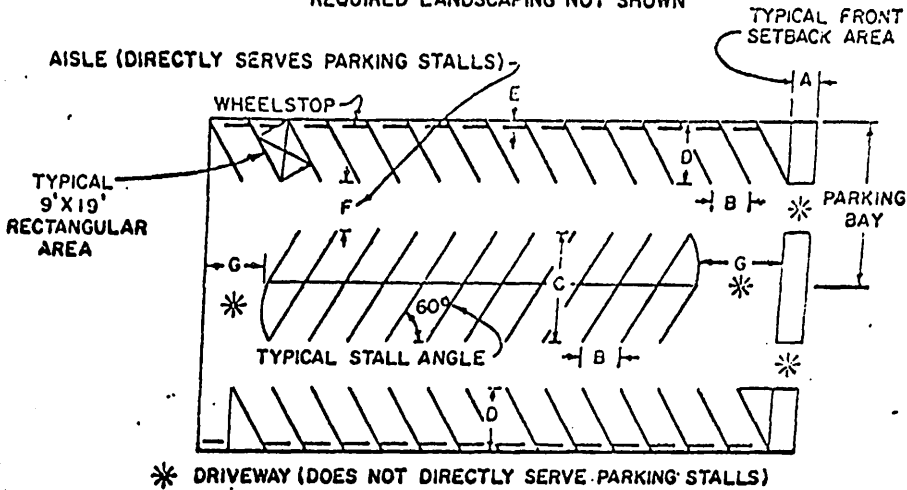
SECTION 2. AMENDMENT OF CODE. Sections 10-2.1801, 10-2.1804 and 10-2.1808 of Article 18 of Chapter 2 of Title X of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 10-2.1801. DESIGN REQUIREMENTS. Every lot or parcel used as a public or private parking area shall be developed in accordance with the following general requirements.

(a) Size and Access: Each parking space shall contain a rectangle with a minimum width of nine (9') feet and a minimum length of nineteen (19') feet. When the required parking space for a one or two-family structure is not provided in a covered garage, such space shall contain a rectangle with a minimum width of ten (10') feet and a minimum length of twenty (20') feet and located so that it may later be covered by a garage structure in accordance with the provisions of this chapter.

The following typical parking area diagram and parking stall and aisle dimension table shall determine the minimum requirements for a parking area plan:

TYPICAL PARKING AREA DIAGRAM  
 REQUIRED LANDSCAPING NOT SHOWN



PARKING STALL AND AISLE DIMENSION TABLE

		Parking Angle to Aisle						
		45°	50°	55°	60°	70°	80°	90°
Stall width	B	12.7'	11.8'	11.0'	10.4'	9.6'	9.1'	9.0'
Stall depth	D	19.8'	20.3'	20.7'	21.0'	20.9'	20.3'	19.0'
Stall depth	C	33.2'	34.8'	36.3'	37.5'	38.7'	39.0'	38.0'
Aisle width	F	8.8'	9.4'	11.6'	15.0'	18.2'	22.4'	27.0'
Bay width (D, F, D)								
one way aisle		48.4'	50.0'	53.0'	57.0'	60.0'	63.0'	65.0'
two way aisle		59.6'	60.6'	61.4'	62.0'	61.8'	63.0'	65.0'

For any given parking angle between 45° and 90° not specifically listed in the above table, use a table angle nearest the given angle.

Any parking plan showing parking stalls at an angle less than 45° to the driveway or any other plan for which the above table is not applicable, must be approved by the Planning Director and the Director of Parking and Traffic.

The minimum aisle width (F) at any parking stall angle less than 45° including parallel stalls, is eight and eight-tenths (8.8') feet.

When two (2) rows of stalls use the same aisle for access, requiring two-way traffic because of stall layout, the aisle shall either be a minimum of twenty (20') feet in width or that which is called for in the table above, whichever is greater.

The turnaround or end driveway width (G) shall be a minimum of eighteen (18') feet.

The wheelstop setback dimension (E) shall be a minimum of two (2') feet for any parking area. See Section 10-2.1808 (d) of this article.

The required front setback dimension (A) is as specified in this chapter for the zoning district in which the parking area is to be located and as required by the landscaping provisions of Section 10-2.1808 of this article.

Any driveway used for both ingress and egress to and from a parking area and not directly serving parking stalls shall have a minimum width of twenty (20') feet. Any driveway used only for either ingress or egress to or from a parking area and not directly serving parking stalls shall be a minimum of ten (10') feet in width. All driveways connecting public rights-of-way to off-street parking areas shall comply with the improvement standards of Section 10-2.1808 of this article.

No parking stall shall be so located as to require a vehicle, while exiting therefrom, to back onto any public street right-of-way, except stalls serving one and two-family dwelling structures may back onto any street, and stalls serving three-family dwelling structures may back onto any street other than a major street as shown on the City's Select Street System Map adopted from time to time by the City Council. However, alleyways may be used for ingress and egress to and from parking stalls, providing provided the stalls are set back the proper distance from the property line so that the aisle width is sufficient, as required in the Parking Stall and Aisle Dimension Table.

Every parking area shall have adequate internal circulation in which no backing movement, except that required to leave a parking stall, is allowed. It should be possible to maneuver within any parking area without use of the public rights-of-way and to maneuver within the parking area so that a car enters the street in a forward manner.

If desired, one of each five (5) required parking stalls may be designated for parking small cars. Small car stalls shall contain a rectangular area of exactly seven and one-half (7.5') feet in width and exactly fifteen (15') feet in length. Each small car space shall be identified with the words "small car" painted on the pavement.

(b) Location: Off-street parking areas shall be located as hereinafter specified. Where a distance is specified, such distance shall be the walking distance measured from the nearest point of the parking area to the nearest point of the building that such parking area is required to serve.

(1) For one, two, or multiple-family dwellings, parking areas shall be located on the same lot or building site as the buildings they are required to serve.

(2) For hospitals, sanitariums, rest homes, asylums, orphanages, rooming houses, lodging houses, fraternity and sorority houses, parking areas shall not be located more than one hundred fifty (150') feet from the buildings they are required to serve.

(3) For uses other than those specified above, parking areas shall not be located over four hundred (400') feet from the building they are required to serve.

(c) Plans: The plan of the proposed parking area shall be submitted to the Building Department at the time of the application for the building permit for the building to which the parking area is accessory. The plans shall clearly indicate the proposed development, including location, size, shape, design, curb cuts, lighting, landscaping and other features and appurtenances of the proposed parking area. All parking areas shall be subject to the same restrictions governing accessory buildings as specified in the zoning district in which said parking areas are located.

SEC. 10-2.1804. PARKING SPACES REQUIRED. Except as otherwise provided in this article, the number of off-street parking spaces required shall be as follows:

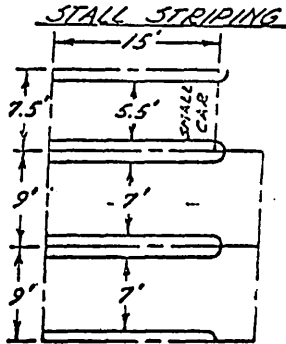
- Beauty college - two and one-half (2.5) for each training station.
- Bowling alley - four (4) for each lane.
- Children's dancing school - one for each six hundred (600) square feet of gross floor area.
- Churches - one for each five (5) seats in the facility with the largest seating capacity.
- Clubs and lodges not having sleeping rooms - adequate number as determined by the Board of Zoning Adjustment.
- Dance halls - one for each fifty (50) square feet of gross floor area used for dancing.
- Dwellings -
  - Single-family - two (2) for each dwelling unit.
  - Two-family - one and one-half (1.5) for each dwelling unit.
  - Multiple-family - one and one-half (1.5) for each dwelling unit.
- Eating and drink establishments (on-premises consumption) - one for each four (4) fixed seats, including stools, benches and booths or one for each sixty (60) square feet of dining area when the number of seats is unknown or not permanently fixed.
- Hospitals - one and one-half (1.5) for each bed.
- Hotels - one for each guest room.
- Libraries - one for each five hundred (500) square feet of gross floor area.
- Manufacturing plants and kindred uses - one for each four (4) employees on the site at any one time, including changes of shifts.
- Medical or dental clinics or offices - one for each two hundred (200) square feet of gross floor area.
- Motels - one for each sleeping unit or dwelling unit.
- Motor vehicle and machinery repair - one for each six hundred (600) square feet of gross floor area, with repair space for motor vehicles or machinery not counted as parking space.
- Mortuaries and funeral homes - one for each five (5) seats in the assembly room used for services.
- Offices-business or profession offices, banks - one for each five hundred (500) square feet of gross floor area.
- Pool halls - two (2) for each table.
- Retail stores - one for each five hundred (500) square feet of gross floor area.
- Rooming and lodging houses, clubs and fraternity houses having sleeping rooms - one for each two (2) sleeping rooms.
- Sanitariums, children's home, homes for the aged, nursing homes - one for each four (4) beds.
- Schools - adequate number as determined by the Board of Zoning Adjustment.
- Stadiums, sports arenas, auditoriums - adequate number as determined by the Board of Zoning Adjustment.
- Theaters - one for each five (5) seats.
- Transportation terminal facilities - adequate number as determined by the Board of Zoning Adjustment.
- Veterinary Hospital - one for each five hundred (500) square feet of floor area excluding exterior animal runs.
- Warehouse and storage buildings - one for each four (4) employees.
- Wholesale stores - one for each eight hundred (800) square feet of gross floor area.

Notwithstanding the foregoing provisions of this section, a two-family dwelling for which a building permit is issued on or before April 1, 1973, and which is to be erected on a lot or parcel created on or before April 1, 1972, shall only be required to provide one off-street parking space for each dwelling unit.

SEC. 10-2.1808. REQUIRED IMPROVEMENT, LANDSCAPING AND MAINTENANCE OF PARKING AREA. Every lot or parcel used as a public or private parking area and having a capacity of five (5) or more vehicles, except a parking area serving a one-family, two-family or three-family dwelling structure, shall be developed and maintained in the following manner.

(a) Surface of Parking Area. Parking areas shall be paved with a minimum of two (2") inches of asphalt concrete surfacing and shall be so graded and designed as to dispose of all surface water in accordance with requirements of the City Engineer.

(b) Striping of Parking Area. Parking areas shall be marked by either striping or buttons to delineate approved stalls as shown on the plans required by Section 10-2.1801 (c).



The stalls shall be double striped as shown in the diagram. Painted line width shall be 4". If buttons are used they shall be 3 1/2-4" in diameter, spaced no more than 3' on center. The lines shall be laid parallel to, and 1' within each stall, 15' in length, not including the semicircular cap.

(c) Landscaping of parking areas.

(1) All parking areas of five (5) or more spaces excepting parking areas in C-M, M-1 and M-2 Zones shall be screened along all of those portions which abut a street, as follows:

(aa) A planter, a minimum forty (40") inches in width, with landscaping and underground irrigation.

(ab) Such landscaping shall include a decorative masonry wall, or masonry pilaster and grapestake fence, or screen evergreen plantings, or a landscaped mound or a combination thereof that average a minimum of three (3') feet and a maximum of four (4') feet in height from the elevation of the parking area to serve as a visual screen.

(ac) Such landscaping shall be designed so as not to constitute a traffic hazard at the driveway approaches to the adjacent public streets and alleys. The "clear vision triangle" of Section 10-2.1609 shall also apply.

(2) All parking areas of five (5) or more spaces excepting parking areas in C-M, M-1 and M-2 zones, shall have a minimum of five (5%) per cent of the gross area of the parking area landscaped. Said landscaping shall be distributed throughout a parking area, not clustered in any one area, as follows:

(aa) A minimum of two-fifths (2/5) of the required landscaping shall be "interior" landscaping. Interior landscaping is landscaping that is not located along the periphery of a parking area or aligned in any distinct way with peripheral landscaping.

(ab) Up to three-fifths (3/5) of the required landscaping may be placed in peripheral landscaping areas along the edges of the parking area. The planter required by subsection (c)(1)(aa) above shall be credited towards this requirement.

(ac) For those parking areas with one aisle and only one or two rows of parking stalls, the entire required landscaping may be applied to the periphery.

(3) All parking areas of twenty (20) or more spaces, excepting parking areas in C-M, M-1 and M-2 Zones, shall be planted with a minimum of one tree of three-quarter (3/4") inch minimum caliper for every twenty (20) spaces or fraction thereof. Trees of three-quarter (3/4") inch caliper or larger existing on a site prior to development shall be saved where possible and can be credited toward this requirement. The landscaping plan shall show the location of all trees of three-quarter (3/4") inch caliper or larger, indicating those to be saved and those to be removed. Trees shall be provided tree wells of four (4') foot by four (4') foot minimum size and shall have an underground irrigation system. Trees required by this section shall be distributed throughout the parking area in the interior landscaping areas. They shall not be clustered in any one area or located on the periphery.

(4) Prior to the issuance of a building permit on any parking area of five (5) or more spaces, excepting parking areas in C-M, M-1 and M-2 Zones, the applicant shall submit a landscaping plan for said parking area approved by the Director of Parks and Recreation. Said landscaping plan shall comply with the provisions of Section 10-2.1515. Landscaping plan review shall include but not be limited to: a check to make certain the five (5%) percent landscaping requirement has been met; trees, when required, have been provided in the proper ratio to parking spaces and are appropriate species; the landscaping and trees are reasonably distributed throughout the parking area; forty (40") inch screening along streets is provided; that all landscaping areas are adequately served with underground irrigation systems; and that existing trees of three-quarter (3/4") inch caliper or larger to be saved are worth saving and those to be removed, must be removed to adequately develop the parking area.

(5) Every parking area existing prior to the effective date of this ordinance, of five (5) spaces or more, excepting parking areas in C-M, M-1 and M-2 Zones, hereafter enlarged, reconstructed, altered, or changed shall be subject to these landscaping requirements as follows:

(aa) For those enlargements, reconstructions, alterations or changes that result in the loss of spaces, or result in no change in the number of spaces, or add not more than twenty-five (25%) percent additional spaces, no landscaping shall be required.

(ab) For those enlargements, reconstructions, alterations or changes that add between twenty-five (25%) percent and fifty (50%) percent additional spaces, the landscaping standards shall apply only to the added spaces.

(ac) For those enlargements, reconstructions, alterations or changes that add fifty (50%) percent or more additional spaces, the landscaping standards shall apply to the entire parking area, including existing spaces and those to be added.

(ad) The above percentages shall be calculated on the basis of two factors. The first factor shall consist of the total number of stalls before enlargement, reconstruction, alteration or change less any stalls removed from that same parking area as a result of the enlargement, reconstruction, alteration or change. The second factor shall consist of the total number of stalls in the parking area after enlargement, reconstruction, alteration or change less the first factor. The percentage shall be derived by dividing the first factor into the second factor.

(ac) For the purposes of interpreting the applicability of subsections (aa) through (ad) above with regard to two (2) or more enlargements, reconstructions, alterations, or changes to a parking area, any two (2) or more enlargements, reconstructions, alterations or changes to a parking area within any twelve (12) month period shall be considered as one enlargement, reconstruction, alteration or change.

(6) Every parking area created after the effective date of this ordinance, of five (5) spaces or more, excepting parking areas in C-M, M-1 and M-2 Zones hereafter enlarged, reconstructed, altered or changed shall meet these landscaping requirements in full.

(d) Border Barricades and Screening.

(1) Every parking area that is not separated by a fence, wall or landscaped area from any alley property line upon which it abuts, shall be provided with a suitable concrete curb or timber barrier not less than six (6") inches in height; located not less than two (2') feet from such alley property lines, and such curb or barrier shall be securely installed and maintained, provided no such curb or barrier shall be required across any driveway or entrance to such parking area.

(2) Every parking area that abuts a fence, wall or landscaped area required by provisions of this chapter shall be separated from such fence, wall or landscaped area by a suitable wheelstop consisting of a concrete curb or timber barrier not less than six (6") inches in height, located not less than two (2') feet from such fence, wall or landscaped area, and such curb or barrier shall be securely installed and maintained. If low-lying plant materials, that will permit a two (2') foot vehicular overhang are specified in an approved landscaping plan, a six (6") inch concrete curb can be utilized for a planter border as well as a wheelstop.

(3) Every parking area with an aisle that abuts a fence, wall or landscaped area shall have said aisle separated from such fence, wall or landscaped area by a suitable wheelstop consisting of a concrete curb or timber barrier not less than six (6") inches in height and not less than four and one-half (4.5') feet from such fence, wall, or landscaped area. Such curb or barrier shall be securely installed and maintained. If low-lying plant materials, that will permit a four and one-half (4.5') foot vehicular overhang are specified in an approved landscaping plan, a six (6") inch concrete curb can be utilized for a planter border as well as a wheelstop.

(4) Every parking area abutting property located in one of the "R" zones shall be separated from such property by a solid wall or view-obscuring fence six (6') feet in height measured from the grade of the finished surface of such parking area closest to the contiguous "R" zone properly provided that in all zones which require a front yard, fences on corner lots shall meet the vision clearance requirements of Section 10-2.1609. No such wall or fence need be provided where the elevation of that portion of the parking area immediately adjacent to an "R" zone is six (6') feet or more below the elevation of such "R" zone property along the common property line.

(e) Lighting and Maintenance.

(1) Any lights provided to illuminate any parking area shall be arranged so as to reflect the light away from any area upon which a dwelling is located.

(2) Every parking area and all improvements thereon including but not limited to pavement, striping, lighting, fences, walls, landscaping and irrigation systems shall be maintained and be kept free of weeds, trash, and other debris.

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 26th day of June, 1972, 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, 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

Ord. No. 1198-C.S.

FINAL ADOPTION CLAUSE


The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 3rd day of July, 1972, Councilman Simon moved its final adoption, which motion being duly seconded by Councilman Elliott, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmen: None

ABSENT: Councilmen: Dixon, Smith

APPROVED   
LEE H. DAVIES, Mayor

ATTEST:   
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: August 2, 1972

AN ORDINANCE ADOPTING THE BUDGET FOR THE CITY OF MODESTO FOR THE FISCAL YEAR ENDING JUNE 30, 19 73 , AND PROVIDING FOR CERTAIN TRANSFERS OF FUNDS.

WHEREAS, pursuant to the Charter of the City of Modesto, a proposed budget for the 1972 - 73 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 1972 - 73 ", presented by the City Manager to the City Council at its meeting held May 1 , 19 72 , 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, 19 73 , 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 26th day of June, 1972, by Councilman Simon, 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, 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 Elmer 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
BRIGGSMORE, between McHenry and Coffee Road	35 miles per hour
BRIGGSMORE, (Westbound) from 1000 feet east of Coffee to Coffee	40 miles per hour
BRIGGSMORE, (Eastbound) from Coffee to Oakdale Road	50 miles per hour
BRIGGSMORE, (Westbound) from Oakdale Road to 1000 feet east of Coffee	50 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

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, <del>from Maze Road to the</del> <del>---southerly City limits</del> <u>within the City limits</u>	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
GRAPE AVENUE, between Pearl Street and Evergreen Avenue	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
LUCERN 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
<del>ORANGEBURG AVENUE, east of -- McHenry Avenue --</del>	<del>35 miles per hour --</del>
ORANGEBURG AVENUE, Martin to Prescott	25 miles per hour
ORANGEBURG AVENUE, east of Oakdale Road	40 miles per hour
PEARL STREET, west of Carver Road	25 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 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 Lucern to the northerly City limits	25 miles per hour
SYLVAN AVENUE, from McHenry to 2,637 feet east of McHenry	50 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
<u>7TH STREET, Sierra to southerly City limits</u>	<u>25 miles per hour</u>
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 26th day of June, 1972, 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, Elliott, Newton, Smith, Mayor Davies  
 NOES: Councilmen: None  
 ABSENT: Councilmen: Dunlap, 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


FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 3rd day of July, 1972, Councilman Simon moved its final adoption, which motion being duly seconded by Councilman Elliott, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmen: None

ABSENT: Councilmen: Dixon, Smith

APPROVED   
LEE H. DAVIES, Mayor

ATTEST:   
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: August 2, 1972