

ORDINANCE NO. 1251 -C. S.

AN ORDINANCE GRANTING TO ECOLOGY ACTION EDUCATIONAL INSTITUTE, INC., A LIMITED LICENSE FOR THE COLLECTION OF SALVAGEABLE WASTE IN THE CITY OF MODESTO.

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

SECTION 1. This ordinance is enacted pursuant to the authority provided in, and all of the provisions, terms and conditions of Article XIV of the Charter of the City of Modesto and Chapter 5 of Title V of the Modesto Municipal Code.

SECTION 2. A limited license to collect salvageable waste in the City of Modesto is hereby granted to Ecology Action Educational Institute, Inc. subject to the following terms and conditions:

(a) Said license shall be for a term commencing on April 1, 1973, and ending on March 31, 1974, unless terminated at an earlier date under the provisions of this license.

(b) Said license shall be a non-exclusive license to collect salvageable waste only from residentially zoned areas of the City of Modesto.

(c) For purposes of said license, salvageable waste is limited to glass, metal cans, and newsprint.

(d) In accepting this license, Licensee thereby agrees that the services provided during the term herein specified shall be in compliance with the provisions of this ordinance and the provisions of Chapter 5 of Title V of the Modesto Municipal Code.

(e) The City reserves the right to revise the provisions of Chapter 5 of Title V of the Modesto Municipal Code from time to time, as required in order to protect the public health, safety and welfare of the City.

(f) The Licensee shall comply with all existing and future State and Federal laws, and all ordinances and regulations which may in any manner affect the Licensee's operations under the terms and conditions of this license.

(g) The Director of Public Works of the City of Modesto shall administer and supervise the Licensee's operations under the term of this license and in accordance with the provisions of Chapter 5 of Title V of the Municipal Code.

(h) The Licensee shall not litter any premises or public property in making collections of salvageable waste nor shall salvageable waste be allowed to leak, blow, or fall from collection vehicles; however, if in spite of normal precautions against spillage, a litter is made on any premises or public

property, the Licensee shall immediately remove same and clean up the area of spillage. Licensee's personnel shall make all collections in a quiet and orderly manner and shall refrain from making unnecessary disturbances and noise.

The Licensee's collection vehicles shall be operated in full compliance with the State of California Motor Vehicle Code and local ordinances.

(i) All equipment and containers used for the collection and hauling of salvageable waste shall be approved by the Director of Public Works, and shall be so constructed and maintained as to prevent leakage, spillage, or overflow. All trucks and equipment shall be clearly identified by an assigned equipment number and with the Licensee's name and local telephone number affixed thereto.

(j) All collection vehicles shall be well maintained, painted, clean and in satisfactory mechanical condition.

(k) Salvaging or scavenging by the Licensee, or any of its employees, is prohibited during collection.

(l) Licensee agrees, in connection with the performance of all operations under or pursuant to this license, to be an equal opportunity employer and not to discriminate against any employee or applicant for employment because of race, creed, color or national origin.

(m) Licensee shall, within ten (10) days after the end of each calendar quarter during the term of this license, file a report with the City Manager. Said report shall set forth the areas of the City in which salvageable waste collection services authorized by this license have been provided during the preceding quarter, the method of operation followed by Licensee during the preceding quarter in making collections pursuant to this license, the amounts of salvageable waste which were collected pursuant to this license during the preceding quarter, the amounts of income received during the preceding quarter by Licensee from the sale of salvageable waste collected pursuant to this license, areas of the City proposed to be served by Licensee during the following quarter and any changes proposed in Licensee's method of operation during the following quarter in making collections pursuant to this license.

SECTION 3. This ordinance shall become effective thirty (30) days from and after its final passage and adoption; provided, however, that the license hereby granted shall not become effective unless and until Licensee files with the City Clerk written acceptance thereof and an agreement to be bound by and comply with all of the requirements thereof, in a form satisfactory to the City Attorney, and delivers to the City Clerk the insurance policies required to be furnished, pursuant to the provisions of this ordinance and of Chapter 5 of Title V of the Modesto Municipal Code.

SECTION 4. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February, 1973, by Councilman Smith, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, Newton, 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. 1251-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 February, 1973, 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: *Pauline P. Stanley*
~~XXXXXXXXXXXXXXXXXXXX~~, City Clerk
PAULINE P. STANLEY, Acting

EFFECTIVE DATE: March 22, 1973

AN ORDINANCE AMENDING SECTION MAP 8-3-9
OF THE ZONING MAP OF THE CITY OF MODESTO,
RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON.
(ERNEST ADDIMANDO)

WHEREAS, a verified application for an amendment to Section 8-3-9 of the Zoning Map was filed by Ernest Addimando on December 11, 19 72, to reclassify from One-Family Residential Zone, R-1, to Multiple-Family Residential Zone, R-3, the hereinafter described property, and

WHEREAS, after public hearing held on January 16, 19 73, 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. 73-11, adopted on January 16, 19 73, the Planning Commission recommended to the Council that the application of Ernest Addimando

to amend Section 8-3-9 of the Zoning Map to reclassify the hereinafter described property from One-Family Residential Zone, R-1, to 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.

SECTION 2. ZONING CHANGE. Section 8-3-9 of the Zoning Map is hereby amended to reclassify the following described property from One-Family Residential Zone,

R-1 , to Multiple-Family Residential Zone,

R-3 :

Beginning at a point 20 feet South of a point on the centerline of Standiford Avenue, North 89° 35' West 529.78 feet from the quarter corner between Sections 8 and 9 in Township 3 South, Range 9 East, Mount Diablo Base and Meridian; thence North 89° 35' West 253.90 feet; thence South 48' East 428.67 feet; thence South 89° 34' East 253.90 feet; thence North 0° 48' West 429.00 feet to the point of beginning.

Including also the southerly 20 feet of Standiford Avenue immediately adjacent to the above described property.

SECTION 3. ZONING MAP. Section 8-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of February, 1973, 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, Dunlap, Elliott, Newton, Simon,
Vice Mayor Smith
NOES: Councilmen: None
ABSENT: Councilmen: Mayor Davies

APPROVED: G. Dale Smith

~~W. T. CHYNOWETH, City Clerk~~

G. DALE SMITH, Vice Mayor

ATTEST

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

(SEAL)

APPROVED AS TO FORM:

BY

Elwin L. Johnson
ELWIN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

BY

William Smith
Planning Department

Ordinance 1252 C.S.
Exhibit A – Map

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

Ord. No. 1252-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 February, 1973, 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: *Pauline P. Stanley*
~~XXXXXXXXXXXXXXXXXXXX~~, City Clerk
PAULINE P. STANLEY, Acting

EFFECTIVE DATE: March 22, 1973

AN ORDINANCE AMENDING SECTION MAP 25-3-9 and 26-3-9
OF THE ZONING MAP OF THE CITY OF MODESTO,
RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON.
(HAROLD M. DUFFY)

WHEREAS, a verified application for an amendment to Sections 25-3-9 and 26-3-9 and/ of the Zoning Map was filed by Harold M. Duffy

on December 5, 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 January 16, 19 73, 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. 73-12, adopted on January 16, 1973, the Planning Commission recommended to the Council that the application of Harold M. Duffy

and 26-3-9 to amend Sections 25-3-9 / 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 25-3-9 and 26-3-9 / of the Zoning Map is hereby amended to reclassify the following described property from One-Family Residential Zone,

R-1 , to Two-Family Residential Zone,

R-2 :

All that portion of the southeast quarter of Section 26 and the southwest quarter of Section 25, Township 3 South, Range 9 East, Mount Diablo Base and Meridian described as follows:

Commencing at the intersection of the east-west quarter section line of said Section 25 with the centerline of Lincoln Avenue, said point of commencement lies 20.00 feet easterly from the east quarter corner of said Section 26; thence South $0^{\circ} 32' 27''$ East along said centerline of Lincoln Avenue, parallel with and 20.00 feet distant easterly at right angles from the east line of said Section 26 a distance of 10.00 feet to the point of beginning; thence continuing South $0^{\circ} 32' 27''$ East parallel with and 20.00 feet distant easterly at right angles from said east line of Section 26 along said centerline of Lincoln Avenue a distance of 849.51 feet; thence North $89^{\circ} 57' 33''$ West along the south line of Parcel A and its easterly prolongation thereof as shown on the map filed in Volume 12 of Parcel Maps at Page 70, Stanislaus County Records a distance of 250.00 feet; thence North $0^{\circ} 32' 27''$ West parallel to said east line of Section 26 a distance of 849.51 feet to a point of 10.00 feet south of the aforementioned east-west quarter section line of Section 26; thence South $89^{\circ} 57' 33''$ East parallel to and 10.00 feet distant southerly at right angles from said east-west quarter section line a distance of 250.00 feet to the point of beginning.

Containing: 4.876 Acres Gross

SECTION 3. ZONING MAP. Section's 25-3-9 and 26-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of February, 1973, by Councilman Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, Newton, Simon, Vice Mayor Smith
NOES: Councilmen:
ABSENT: Councilmen:

APPROVED:

G. Dale Smith
~~DEB HOOD DAWKINS, Mayor~~
G. DALE SMITH, Vice 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 Shields
Planning Department

Ordinance 1253 C.S.
Exhibit A – Map

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

Ord. No. 1253-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 February, 1973, 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

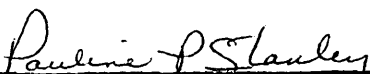
NOES: Councilmen: None

ABSENT: Councilmen: Newton

APPROVED


LEE H. DAVIES, Mayor

ATTEST:


~~XXXXXXXXXXXXXXXXXXXX~~, City Clerk
PAULINE P. STANLEY, Acting

EFFECTIVE DATE: March 22, 1973

ORDINANCE NO. 1254 -C. S.

AN ORDINANCE AMENDING SECTIONS 4-4.102 AND 4-4.103 OF ARTICLE 1 OF CHAPTER 4 OF TITLE IV OF THE MODESTO MUNICIPAL CODE; AMENDING SECTION 4-4.404 OF ARTICLE 4 OF CHAPTER 4 OF TITLE IV; AMENDING SECTIONS 4-4.501, 4-4.503 AND 4-4.504 OF ARTICLE 5 OF CHAPTER 4 OF TITLE IV; AMENDING SECTIONS 4-4.601, 4-4.604 AND 4-4.605 OF ARTICLE 6 OF CHAPTER 4 OF TITLE IV; AND AMENDING ARTICLE 2 OF CHAPTER 4 OF TITLE IV THEREOF RELATING TO THE SUBDIVISION OF LAND.

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

SECTION 1. AMENDMENT OF CODE. Sections 4-4.102 and 4-4.103 of Article 1 of Chapter 4 of Title IV of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 4-4.102. POWERS AND DUTIES OF PLANNING COMMISSION. (a) The Modesto City Planning Commission, hereinafter referred to as the Planning Commission, is hereby designated as the Advisory Agency with respect to subdivisions as provided in the Subdivision Map Act.

(b) The Planning Commission shall have all the powers and duties with respect to tentative maps, parcel maps and final maps, and the procedure relating thereto, which are specified by law and by this chapter.

SEC. 4-4.103. UNLAWFUL. It shall be unlawful for any person, as a principal, agent, or otherwise, to:

(a) Divide real property in any manner that shall constitute a subdivision or a parcel split, unless and until all the requirements of this chapter have been complied with, or

(b) Sell, lease, or divide for purposes of financing, or contract or offer to sell, lease or divide for purposes of financing, any division of land that shall constitute a subdivision or parcel split, unless and until all the requirements of this chapter have been complied with.

This shall not be construed to prohibit the sale of any lot or parcel of land which was of record as a lot or parcel of land on September 25, 1952.

SECTION 2. AMENDMENT OF CODE. Section 4-4.404 of Article 4 of Chapter 4 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 4-4.404. ACTION ON TENTATIVE MAP. (a) Action by Planning Commission. The Planning Commission shall review the tentative map to determine whether it is in conformity with the provisions of law and of this chapter and upon that basis within thirty (30) days after the filing of the tentative map, adopt a resolution approving, conditionally approving or disapproving the tentative map. Any such approval or conditional approval shall be conditioned upon a finding by the City Council that the proposed subdivision, together with the provisions for its design and improvement, is consistent with applicable general or specific plans of the City. The Planning Commission is authorized to report its action directly to the subdivider, and shall also transmit to the City Engineer a copy of the tentative map and a copy of the resolution setting forth the action of the Planning Commission.

(b) Action by the City Council. A copy of the Planning Commission resolution shall be forwarded to the City Council, and the Council shall determine whether the proposed subdivision, together with the provisions for its design and improvement, is consistent with applicable general or specific plans of the City, and shall adopt a resolution making such finding and determination. No approval of a tentative subdivision map by the Planning Commission shall be effective until the Council has made a finding of such consistency.

(c) Reports and Recommendations. Any reports or recommendations on the map or maps of any subdivision submitted to the Planning Commission or City Council shall be submitted in writing to the subdivider prior to final action on the map or maps by the Planning Commission or City Council. Such required submission in writing shall be deemed complied with when such reports or recommendations are placed in the mail, bearing proper postage, and directed to the subdivider at his address as shown on the map.

(d) Appeal. If the subdivider is dissatisfied with any action of the Planning Commission with respect to the tentative map, or the kinds, nature and extent of the improvements required by the Planning Commission, he may, within fifteen (15) days after such action is taken by the Planning Commission, appeal to the City Council for a public hearing thereon. The City Council shall hear the appeal, upon notice to the subdivider and the Planning Commission, unless the subdivider consents to a continuance, within fifteen (15) days or at its next succeeding regular meeting. At the time fixed for the hearing the City Council shall proceed to hear the testimony of the subdivider or any witnesses in his behalf and the testimony of the representatives of the Planning Commission or any witnesses in its behalf. It may also hear the testimony of other competent persons respecting the character of the neighborhood in which the subdivision is to be located, the kinds, nature and extent of improvements, the quality or kinds of development to which the area is best adapted and any other phase of the matter with respect to which it may desire to inquire into.

Upon conclusion of the hearing the City Council shall, within seven (7) days, declare its findings based upon the testimony and documents produced before it. It may sustain, modify, reject or overrule any recommendations or rulings of the Planning Commission and may make such findings as are not inconsistent with the provisions of this chapter and the Subdivision Map Act.

(e) Information to be Furnished to City Engineer. When the approval or conditioned approval of the tentative map of any subdivision has become final, the subdivider shall furnish the following information to the City Engineer, and shall receive his authorization prior to construction of any of the improvements or preparation of the final map.

(1) Typical cross sections and proposed final finished grades of all roads, streets, and highways in the proposed new subdivision, together with a profile showing the relation between finished grade and existing ground elevations.

(2) Proposed length, size and type of any pipes, culverts, or structures necessary for drainage, erosion control or the public safety with plans and specifications therefor.

(3) Any information required by the conditional approval of the Planning Commission or City Council.

(4) Elevations shall be referenced to the Modesto City Datum.

(f) Presence of Subdivider. The subdivider or his representative shall be present at the time set for the consideration of the tentative map.

(g) Extension of Time Limits. The time limits for acting and reporting on tentative maps as specified in this section may be extended by mutual consent of the subdivider and the Planning Commission or City Council as the case may be.

4-4.504 of Article 5 of Chapter 4 of Title IV of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 4-4.501. APPROVAL REQUIRED FOR PARCEL MAPS. No lot or parcel of land shall be divided in any manner constituting a lot split as defined in Section 4-4.201 (g) of this chapter without first obtaining Planning Commission approval of a tentative parcel map and recording in the office of the County Recorder a parcel map in conformity with the provisions of Section 4-4.503 of this chapter.

SEC. 4-4.503. FINAL PARCEL MAPS. (a) Filing Within Twelve (12) Months of Tentative Approval. The subdivider or his agent may file a final parcel map with the City Engineer for his examination and certification within twelve (12) months after the approval or conditional approval of the tentative map. A one year extension of the tentative map may be granted by the Planning Commission if it determines that conditions affecting the parcel split and improvements required as a condition of the parcel split have not substantially altered. Such final parcel map shall be prepared by a registered civil engineer or licensed land surveyor and shall substantially conform to the tentative parcel map and conditions thereto as approved by the Planning Commission.

(b) Fees. A tracing of the final parcel map shall be filed with the City Engineer. In addition, the subdivider shall deposit with the City the Recorder's fee for recording the final parcel map.

(c) Form of Final Parcel Map. The final parcel map shall conform to the provisions of Section 4-4.602 for final subdivision maps where applicable. The map shall show the definite location of the parcel or parcels and particularly their relation to surrounding surveys. The definite location of the remainder of the original parcel need not be shown.

The final parcel map may be compiled from record data when sufficient survey information exists on filed maps to locate and retrace the exterior boundary lines of the parcel map and when the location of at least one of these boundary lines can be established from an existing monument line. In any case, the parcel map may be based upon a field survey made in conformance with the Land Surveyor's Act.

(d) Approval by City Engineer. Upon receipt of the final parcel map, together with the recording fees, and any required improvement security, the City Engineer shall examine the same to determine whether said map is technically correct and substantially conforms with the tentative map and with all changes and requirements imposed as conditions of approval by the Planning Commission. The City Engineer shall also refer the final parcel map to the Secretary of the Planning Commission for examination and determination if all of the lots and parcels created by said map conform with the requirements of the zoning regulations of the City of Modesto. If the City Engineer shall determine that the final parcel map fully conforms with all of the requirements set forth herein, he shall so certify on said map.

(e) Certification by City Engineer. Upon certification by the City Engineer, the final parcel map shall be transmitted to the City Clerk who shall cause said map to be recorded in the office of the County Recorder.

SEC. 4-4.504. ISSUANCE OF BUILDING PERMITS. No building permit shall be issued for the construction of any building, structure or other work on any parcel proposed to be created until a final parcel map has been approved in accordance with the provisions of this article and of the Subdivision Map Act, and recorded in the office of the County Recorder.

SECTION 4. AMENDMENT OF CODE. Sections 4-4.601, 4-4.604 and 4-4.605 of Article 6 of Chapter 4 of Title IV of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 4-4.601. FILING. (a) Filing Within Eighteen (18) Months of Tentative Approval. The subdivider or his agent may file a final map within eighteen (18) months after the approval or conditional approval of the tentative map. In any case where a final map or record of survey map is not filed within eighteen (18) months after approval of the tentative map, and where no extension of time has been granted, a new tentative map shall be required.

(b) Fees. A tracing of the final map shall be filed with the City Engineer. The subdivider shall deposit with the City the County Recorder's fee for recording the final map and shall pay to the City the fees for checking the map and for preparing prints thereof, the amount of such fees to be set from time to time by resolution of the Council. Subdivider shall also pay at that time all other fees required by law to be paid in connection with the approval of a subdivision.

(c) Filing of Traverse Sheets. At the time of the filing of the final map with the City Engineer, the subdivider shall also file therewith traverse sheets showing traverse closures and the computation of all distances, angles, and course shown on the final map. The traverse of the boundaries of the tract and of lots and blocks shall close within a limit of error of one in ten thousand(10,000).

(d) Report and Guarantee of Clear Title. The final map shall be accompanied by a report prepared by a duly authorized title company naming the persons whose consent is necessary to the preparation and recordation of said map and to the dedication of the streets, alleys, and other public places shown on the map and certifying that as of the date of the preparation of the report, the persons therein named are all the persons necessary to give clear title to said subdivision. At the time of recording the approved map, there shall be filed with the County Recorder a guarantee executed by a duly authorized title company for the benefit and protection of the City showing that persons (naming them) consenting to the preparation and recordation of said map and offering for dedication the streets, alleys and other public places shown thereon are all the persons necessary to pass clear title to said subdivision and to the dedications shown thereon.

SEC. 4-4.604. ACTION ON FINAL MAP. (a) Approval by the Secretary of the Planning Commission. The Secretary of the Planning Commission upon receiving the final map from the subdivider or his agent shall examine the same to determine whether said map conforms with the tentative map and with all changes and requirements imposed as a condition to the approval of said tentative map by the Planning Commission. If it is determined that the final map does not conform, the subdivider shall be advised of the changes or additions that must be made before the final map can be certified by the Secretary of the Planning Commission. If the subdivider is not satisfied with the determination made by the Secretary of the Planning Commission, he may appeal in writing, within fifteen (15) days, to the Planning Commission. If it is determined that the map is in conformity, the Secretary of the Planning Commission shall certify approval thereon.

(b) Approval by City Engineer. Upon approval by the Secretary of the Planning Commission, the final map and other data shall be submitted to the City Engineer, who shall examine and determine that the subdivision as shown is substantially the same as it appeared on the tentative map, and any approved alterations thereof, that all provisions of the law and of this chapter applicable at the time of approval of the tentative map have been complied with, and that he is satisfied that the map is technically correct. If

the City Engineer shall determine that full conformity therewith has been made, he shall so certify on said map. In the event a subdivision is partly in the City and partly outside the City, the County Surveyor and the City Engineer shall enter into an agreement by and with the consent of their respective governing bodies, providing that the County Surveyor may perform the duties of the City Engineer or vice versa, or providing for an apportionment between them of said duties. The County Surveyor or the City Engineer, when by such agreement all such duties devolve upon either one, may after his performance thereof make the aforesaid certification upon said map and, when by such agreement said duties are apportioned between the County Surveyor and City Engineer, it shall be sufficient, if each shall, after the performance thereof, make a certification on said map, touching the duties performed by each. When all certificates required on the final map have been signed, except the approval certificate of the Council, the City Engineer shall transmit said map to the City Clerk.

(c) Approval by City Council. (1) At its first regular meeting following the filing of the final map with the City Clerk, the Council shall consider said map, the plan of subdivision, and the offers of dedication. The Council may reject any or all offers of dedication. In the event that all improvements required or conditions imposed upon approval under the terms of this chapter or by law are not completed before the filing of the final map, the Council may enter into an agreement with the subdivider for posting improvement security as provided in Section 4-4.605 of this article. In such case, when the agreement has been approved by the City Attorney as to form and by the City Engineer as to sufficiency, and when the improvement security has been approved by the City Attorney as to form and by the Director of Finance as to sufficiency, the Council may consider the final map.

(2) The Council at the next regular meeting or within a period of not more than ten (10) days after the filing, shall approve said map if it is determined to be in conformity with the provisions of law and of this article. The Council shall disapprove said map if it is determined to be not in conformity with the provisions of law and of this chapter and shall advise the subdivider of its disapproval, and the reason or reasons therefor.

(d) Action by City Clerk. The City Clerk upon receipt of the necessary fees, and after the signatures and seals have been affixed and upon the approval of the final map by the Council shall transmit the map to the County Recorder who shall record the same. No map shall have any force or effect until the same has been approved by the Council, and no title to any property described in any offer of dedication shall pass until recordation of the final map.

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 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, 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, 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.

(4) An instrument or instruments of credit from one or more financial institutions subject to regulation by the state or federal government pledging 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.

(5) Any other form of improvement security authorized by the Subdivision Map Act, including the deposit, with a responsible escrow agent or trust company approved by the Council, of money or negotiable bonds of the kind approved for securing deposits of public money.

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. 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, and only after certification by the City Engineer that the work covered thereby has been satisfactorily completed and upon approval by the Council.

SECTION 5. AMENDMENT OF CODE. Article 2 of Chapter 4 of

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

ARTICLE 2. DEFINITIONS

SEC. 4-4.201. TERMS AND WORDS. Except as otherwise provided in this section, all terms used in this chapter which are defined in the Subdivision Map Act are used in this chapter as so defined, unless from the context hereof it clearly appears that a different meaning is intended.

(a) "Shall" is mandatory. "May" is permissive.

(b) "Owner" shall mean any person having sufficient proprietary interest in the real property sought to be divided to commence and maintain proceedings to divide the same under this chapter, and while used here in the masculine gender and singular number it shall be deemed to mean the feminine and neuter gender and plural number wherever required.

(c) "Subdivider" shall mean any person commencing proceedings under this chapter, either for himself or for another, to effect a division of land that is either a subdivision or a parcel split, and while used here in the masculine gender and singular number it shall be deemed to mean the feminine and neuter gender and plural number wherever required.

(d) "Subdivision" shall mean a subdivision as defined in the Subdivision Map Act, as it now exists or may hereafter be amended.

(e) "Lot" shall mean a parcel or portion of land separated from other parcels or portions by description as on a subdivision or parcel map or by metes and bounds for purpose of sale, lease, financing, or separate use.

(f) "Tentative Map" shall mean a map made for the purpose of showing the design of a proposed subdivision or parcel split and the existing conditions in and around such subdivision or parcel split. Such map need not be based upon an accurate or detailed field survey of the property but shall be of the form and contain the information required by Section 4-4.402 of this chapter in the case of a subdivision or Section 4-4.502 of this chapter in the case of a parcel split.

(g) "Parcel Split" shall mean any division of real property which a city is authorized to regulate pursuant to the Subdivision Map Act, except a subdivision.

(h) "Final Map" shall mean a subdivision map prepared in accordance with the provisions of this chapter and the Subdivision Map Act, which is designed to be placed on record in the office of the County Recorder.

(i) "Parcel Map" shall mean a map prepared in accordance with the provisions of this chapter and the Subdivision Map Act, which is designed to be placed on record in the office of the County Recorder for purposes of making a parcel split.

(j) "Person" shall mean any person, firm, corporation, partnership, association, syndicate, trust or other legal entity.

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

SECTION 7. PUBLICATION. 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 February, 1973, by Councilman Dixon, who moved its introduction and passage to print, which motion being duly seconded by Councilman Smith, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Dunlap, 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. 1254-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 February, 1973, 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:

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

EFFECTIVE DATE: March 22, 1973

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 1082-C.S. AS AMENDED BY ORDINANCE NO. 1217-C.S. RELATING TO PLANNED-DEVELOPMENT ZONE, P-D(83). (MODESTO AFFILIATED CHURCH HOUSING CORPORATION.)

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

SECTION 1. AMENDMENT OF ORDINANCE NO. 1082-C.S. AS AMENDED BY ORDINANCE NO. 1217-C.S. Section 2 of Ordinance No. 1082-C.S. as amended by Ordinance No. 1217-C.S. 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. One hundred eighty (180) dwelling units.
2. A minimum of fifty-four (54) off-street parking spaces.
3. A beauty shop.
4. A gift shop.
5. Dining and recreation facilities for residents.
6. 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 twenty-four (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. REPEALS. Ordinance No. 1166-C.S. is hereby repealed.

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 February, 1973, 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, Dunlap, Elliott, Newton, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

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

ATTEST: Pauline P. Stanley
acting City Clerk
(SEAL)

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

Ord. No. 1255-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 February, 1973, 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

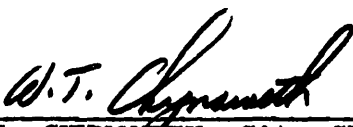
NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED


LEE H. DAVIES, Mayor

ATTEST:


W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: March 28, 1973

ORDINANCE NO. 1256 -C.S.

AN ORDINANCE AMENDING SECTION 4-2.07 OF CHAPTER 2 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO FIREARMS, FIREWORKS, ETC. IN THE CITY OF MODESTO.

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

SECTION 1. AMENDMENT OF CODE. Section 4-2.07 of Chapter 2 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 4-2.07. FIREARMS, FIREWORKS, ETC. It shall be unlawful and a misdemeanor:

(a) For any person to fire or discharge any pistol, gun, rifle, fire-arm,, cannon, anvil loaded with powder, bow, air gun, or other device whereby shot, bullet or other dangerous missile is discharged or projected within the corporate limits of the City; provided, that with the permission of the Chief of Police of said City first had and obtained, cannon or anvils may be discharged at any point in such permission specified, and that any person may within or upon his own premises shoot dangerous or destructive beasts.

(b) To fire, discharge or set off, unless under and by virtue of the written permit of the Council first had and obtained, any cracker, rocket, boom, bomb, torpedo, squib, chaser, Roman candle or any other kind of fireworks.

(c) Provided, however, that nothing herein contained shall prohibit or prevent maintaining, conducting and/or carrying on shooting ranges or galleries within said City for rifle or pistol target practice where cartridges of the character and calibre commonly known as "22 calibre", and of no other calibre or size are used in such target practice. Provided, also, that consent, in writing, to the maintaining, conducting and/or carrying on of such shooting ranges or galleries shall first be had and obtained from the Council of the City, and the opening, maintaining, conducting and/or carrying on thereof shall at all times be subject to and under the control and direction of said Council.

(d) Provided further that nothing herein contained shall prohibit or prevent any person from using "model rockets" and "model rocket engines" in accordance with the regulations of the State Fire Marshal as set forth in Title 19 of the California Administrative Code.

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

SECTION 3. PUBLICATION. 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 February, 1973, by Councilman Smith, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried and ordered printed and published by the following vote:

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

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

ATTEST:

By Pauline P. Stanley
acting City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 1256-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 February, 1973, 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, Mayor

ATTEST:


W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: March 28, 1973

AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS
THE OLD OAKDALE NO. 2 ADDITION TO THE
CITY OF MODESTO.

WHEREAS, a petition was filed with the City Clerk by First
Church of the Nazarene, Edward G. Wylie, Virginia Lee Wylie, St. Paul's
Episcopal Church, Sarah J. Carrabino, Sophie R. Muscio, Modesto City
School District and Stanislaus County Board of Superivsors
on November 22, 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 designa-
ted as the Old Oakdale No. 2 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 4th day
of December, 1973, set said petition for hearing at the hour
of 4:05 o'clock P.M. on the 15th day of January, 1973,
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
December 7, 1972, and on December 14, 1972; and in The
Riverbank News, a newspaper published outside the City of
Modesto, but in the County of Stanislaus, on December 15, 1972,
and on December 22, 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 pro-
posed 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 October 20, 1972, approve the annexation of said uninhabited territory to the City of Modesto, pursuant to the Government Code, and

WHEREAS, on the 15th day of January, 1973, at the hour of 4:05 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 Old Oakdale No. 2 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

OLD OAKDALE NO. 2 ADDITION

All that real property in the State of California, County of Stanislaus, in the Southwest quarter of Section 14, the Northwest quarter of the Northwest quarter of Section 23, and the East half of Section 22, 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 Southeastern corner of the ROSE ACRES NO. 4 ADDITION (230), as per description filed May 2, 1969, as Instrument 15074, Stanislaus County Records, said point also being the corner common to Sections 14, 15, 22 and 23; thence along the Southern boundary of said ADDITION (230), said line being also common to Sections 15 and 22, South $89^{\circ}50'35''$ West, 1311.57 feet, to the Northeastern corner of the ROSE ACRES NO. 3 ADDITION (225), as per description filed January 24, 1969, as Instrument 2734, Stanislaus County Records; thence along the Eastern boundary of said ADDITION (225), South $00^{\circ}41'30''$ East, 644.62 feet, to the Northeastern corner of the KIENITZ ADDITION (179), as per description filed July 27, 1965, as Instrument 28973, Stanislaus County Records; thence along the Eastern boundary of said ADDITION (179), South $00^{\circ}41'30''$ East, 514.00 feet, to the Northeastern corner of the GREENFIELD ADDITION (251), as per description filed April 17, 1970, as Instrument 12047, Stanislaus County Records; thence along the Eastern boundary of said ADDITION (251), South $00^{\circ}41'30''$ East, 1635.80 feet, to the Northeastern corner of the ROSE AVENUE SCHOOL ADDITION (176), as per description filed March 30, 1965, as Instrument 12390, Stanislaus County Records; thence along the boundary of said ADDITION (176), the following courses; South $00^{\circ}41'30''$ East, 511.00 feet; North $89^{\circ}59'50''$ East, 1290.46 feet, to a point on the Western boundary of the MORNINGSIDE HEIGHTS ADDITION (192), as per description filed June 14, 1966, as Instrument 21018, Stanislaus County Records; thence along the boundary of said ADDITION (192), the following courses, North $00^{\circ}45'00''$ West, 661.80 feet; North $89^{\circ}58'20''$ East, 3.50 feet; North $00^{\circ}45'00''$ West, 1323.63 feet, to the Northwestern corner of said ADDITION (192), said point being also on the center-line of a 40 foot public road known as East Orangeburg Avenue; thence along the Northern boundary of said ADDITION (192), South $89^{\circ}36'04''$ East, 1333.92 feet; thence leaving the existing City Limits, North $00^{\circ}46'43''$ West, 1543.74 feet, to the Southern line of the M.I.D. Lateral No. 3 right-of-way; thence along said Southern line, North $82^{\circ}18'00''$ West, 1009.36 feet; thence along a tangent curve concave to the South, having a Radius of 403.10 feet, a Central Angle of $35^{\circ}14'00''$, and an Arc Length of 247.88 feet; thence along said right-of-way, South $62^{\circ}28'00''$ West, 77.25 feet, to the Eastern boundary of the ROSE ACRES NO. 4 ADDITION (230); thence along said Eastern boundary, South $00^{\circ}01'26''$ West, 268.35 feet, to the point of beginning, containing 147.423 Acres, more or less.

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 20th day of February, 19 73, by Councilman Smith, who moved its adoption and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmen: None

ABSENT: Councilmen: Newton

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

ATTEST:

By Pauline P. Stanley
~~XXXXXXXXXXXXXXXXXXXX~~, City Clerk
Pauline P. Stanley, Acting/
(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By R.C. Mangrum
Public Works Department J.L.C.
1-22-73

AN ORDINANCE AMENDING SECTION MAP 16-3-9
OF THE ZONING MAP OF THE CITY OF MODESTO, PREZONING
CERTAIN PROPERTY LOCATED THEREON. (JOHN G. ALVARADO
P-D NORWEGIAN & SUNRISE)

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

SECTION 1. ZONING CHANGE. Section 16-3-9 of the Zoning Map is hereby amended to prezone the following-described property to Planned-Development Zone, P-PD(108):

All that portion of Section 16, Township 3 South, Range 9 East of the Mount Diablo Base and Meridian described as follows:

Beginning at the point of intersection of the centerline of Norwegian Avenue with the centerline of Sunrise Avenue; thence Westerly along the centerline of Norwegian to the point of intersection with the centerline of Eldena Way; thence Southerly along the centerline of Eldena Way and the Southerly extension thereof to the point of intersection the North line of Briggsmore Avenue; thence Southeasterly along the North line of Briggsmore Avenue to the point of intersection with the centerline of Sunrise Avenue; thence Northerly along the centerline of Sunrise to the point of intersection with the centerline of Norwegian Avenue, being the point of beginning.

SECTION 2. USES. The following uses shall be permitted in said P-PD(108) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code. Said uses are as shown on the Development Plan and subject to compliance with Section 10-2.2704 of the Municipal Code prior to the issuance of a building permit:

1. Development of a one hundred (100) unit, one and two story apartment complex.
2. Construction of parking spaces to be at the ratio of 1.5 for each dwelling unit.
3. Construction of a centrally located recreation, laundry, and service building along with two (2) centrally located swimming pools.
4. Structures and grounds to be enhanced by appropriate landscaping and walks.

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

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of February, 1973, 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, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

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

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

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William Nichols
Planning Department

Ordinance 1258 C.S.
Exhibit A – Map

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

Ord. No. 1258-C.S.

FINAL ADOPTION CLAUSE


The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 12th day of March, 1973, 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, Elliott, Newton, Simon, Smith,
Mayor Davies
NOES: Councilmen: None
ABSENT: Councilmen: Dunlap

APPROVED


LEE H. DAVIES, Mayor

ATTEST:


W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: April 11, 1973

AN ORDINANCE AMENDING SECTION MAP 11-3-8
 OF THE ZONING MAP OF THE CITY OF MODESTO, PREZONING
 CERTAIN PROPERTY LOCATED THEREON. (ERNEST W. HAHN, INC.)

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

SECTION 1. ZONING CHANGE. Section 11-3-8 of the Zoning Map is hereby amended to prezone the following-described property to Planned-Development Zone, P-PD(109):

All that portion of Section 11, Township 3 South, Range 8 East, Mount Diablo Meridian, Stanislaus County, California, according to the official plat thereof, and portions of Lots 5 and 6 of the McKinney Colony, Stanislaus County, California, according to the official map thereof, filed in the office of the Recorder of Stanislaus County, California, on November 21, 1903, in Volume 1 of Maps at page 57, described as follows:

Beginning at the Southeast corner of the Northeast Quarter of said Section 11, thence "NORTH" along the East line of said Section 11 as shown on a Record of Survey filed in Volume 9 at page 32, Record of Surveys, Stanislaus County Records, 555.58 feet; thence South $89^{\circ} 44' 46''$ West, parallel with the North line of said Section 11, a distance of 2100.00 feet; thence South $14^{\circ} 44' 46''$ West 640.00 feet; thence South $41^{\circ} 40' 50''$ West 387.88 feet to a point on the Westerly right of way line of property conveyed to the State of California by deed recorded September 26, 1972, in Book 2500, page 492 of Official Records of said County, as Instrument No. 12942; thence Southeasterly along said right of way line through the following described courses.

- 1) South $48^{\circ} 19' 10''$ East 483.32 feet;
- 2) thence Southeasterly along a tangent curve concave to the Northeast and having a radius of 1970.00 feet through a central angle of $4^{\circ} 10' 40''$ an arc distance of 143.64 feet to a point on the Westerly right of way line of property conveyed to the State of California by deed recorded September 6, 1956, in Book 1383, page 616, Official Records of said County, as Instrument no. 24364; a radial line at said point bears South $37^{\circ} 30' 10''$ West;

thence continuing Southeasterly along said last described 1970.00 foot radius curve through a central angle of $21^{\circ} 18' 56''$ an arc distance of 732.89 feet to a point of tangency; thence South $73^{\circ} 48' 46''$ East 652.32 feet; thence Southeasterly along a tangent curve concave to the Southwest and having a radius of 1110.00 feet through a central angle of $6^{\circ} 56' 38''$ an arc distance of 134.53 feet to a point on the South line of said Lot 5, a radial line at said point bears North $23^{\circ} 07' 52''$ East; thence North $89^{\circ} 22' 52''$ East along the South line of said Lot 5 a distance of 645.99 feet to a point on the East line of said Section 11, said point being "SOUTH" along the East line of said Section 11, a distance of 1324.42 feet from said Southeast corner of the Northeast Quarter of said Section 11; thence "NORTH" along the East line of Section 11 a distance of 1324.42 feet to the point of beginning.

The above described parcel contains 87.44 acres more or less.

SECTION 2. USES. The following uses shall be permitted in said P-PD(109) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code. Said uses are as shown on the Development Plan and subject to compliance with Section 10-2.2704 of the Municipal Code prior to the issuance of a building permit:

1. A regional shopping center containing a maximum of one million, three hundred thousand (1,300,000) square feet of gross floor area. Uses within the shopping center shall be limited to those uses permitted in the H-1 Zone.
2. A minimum of two thousand, six hundred (2,600) off-street parking spaces.

SECTION 3. ZONING MAP. Section Map 11-3-8 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of March, 1973, by Councilman Dixon, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmen: None

ABSENT: Councilmen: Dunlap

APPROVED:

Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

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

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William Nichols
Planning Department

Ordinance 1259 C.S.
Exhibit A – Map

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

Ord. No. 1259-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 March, 1973, 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, 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 25, 1973

AN ORDINANCE AMENDING SECTION MAP 28-3-9 AND 29-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (BERNARD E. GOOD)

WHEREAS, a verified application for an amendment to Sections 28-3-9 and 29-3-9 of the Zoning Map was filed by Bernard E. Good on January 16, 1973, to reclassify from Neighborhood Commercial Zone, C-1, to General Commercial Zone, C-2, the hereinafter described property, and

WHEREAS, after public hearing held on February 20, 1973, 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. 73-28, adopted on February 20, 1973, the Planning Commission recommended to the Council that the application of Bernard E. Good to amend Sections 28-3-9 and 29-3-9 of the Zoning Map to reclassify the hereinafter described property from Neighborhood Commercial Zone, C-1, to General Commercial Zone, C-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 28-3-9 and 29-3-9 of the Zoning Map are hereby amended to reclassify the following described property from Neighborhood Commercial Zone, C-1, to General Commercial Zone, C-2:

Lots 5 thru 16 inclusive, and Lots 17 thru 28 inclusive, all in Block 104 of the City of Modesto as filed in the Stanislaus County Records on December 21, 1942, in Volume 15 of Maps. Also: including that portion of the 20 foot alley located between Lots 5 thru 16, and 17 thru 28 inclusive in said Block 104.

Including also the southwesterly 40 feet of 14th Street, the northwesterly 40 feet of "G" Street and the northeasterly 40 feet of 13th Street all being immediately adjacent to the above described property; and

Lots 5 thru 16 inclusive all in Block 95 of the City of Modesto as filed in the Stanislaus County Records on December 21, 1942, in Volume 15 of Maps. Also: including the southwesterly 40 feet of 13th Street and the northwesterly 40 feet of "G" Street all being immediately adjacent to the above described property.

SECTION 3. ZONING MAP. Sections 28-3-9 and 29-3-9 of the Zoning Map of the City of Modesto are 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 19th day of March, 1973, 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, Vice Mayor Smith
- NOES: Councilmen: None
- ABSENT: Councilmen: Mayor Davies

APPROVED: G. Dale Smith
~~Mayor Davies~~
G. DALE SMITH, Vice Mayor

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

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

APPROVED AS TO DESCRIPTION William P. ...
Planning Department

**Ordinance 1260 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 2nd day of April, 1973, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Simon, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Dunlap, 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: May 2, 1973

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

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

on January 16, 1973, to reclassify from One-Family Residential Zone, R-1, to Highway Frontage Zone, H-1, the hereinafter described property, and

WHEREAS, after public hearing held on February 20, 1973, 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. 73-31, adopted on February 20, 1973, 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 Highway Frontage Zone, H-1, 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 Highway Frontage Zone,

H-1:

All that certain real property situate in the Northwest Quarter of Section 15, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

Beginning at the Southeast corner of Lot 1, Block 12879 as shown on map of Coffee Plaza No. 4, filed for record in Volume 23, of Maps, at Page 36, Stanislaus County Records, thence North $0^{\circ} 58' 25''$ West along the East line of said Coffee Plaza No. 4 a distance of 219.83 feet to the Northeast corner of Lot 2 of said Block 12879; thence North $89^{\circ} 38' 35''$ East 35.00 feet; thence South $0^{\circ} 58' 25''$ East, parallel with and 35.00 feet from said East line of Coffee Plaza No. 4 and the Southerly extension thereof, a distance of 439.84 feet to the South line of said Northwest Quarter of Section 15; thence South $89^{\circ} 38' 35''$ West along said South line 35.00 feet; thence North $0^{\circ} 58' 25''$ West along the East line of Parcel B as shown on Parcel Map filed for record in Book 8 of Parcel Maps, at Page 74, Stanislaus County Records, and the Southerly extension thereof a distance of 220.10 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 19th day of March, 1973, by Councilman Dixon, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried and ordered printed and published by the following vote:

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

APPROVED: G. Dale Smith
~~LEE H. DAVIES, Mayor~~
G. DALE SMITH, Vice 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 Shields
Planning Department

Ordinance 1261 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 2nd day of April, 1973, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Simon, was upon roll call carried and the ordinance adopted by the following vote:

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

APPROVED 
LEE H. DAVIES, Mayor

ATTEST: 
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: May 2, 1973

AN ORDINANCE ADDING SECTION 3-2. 809. 2 TO ARTICLE 8 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO THE SPEED OF TRAINS.

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

SECTION 1. AMENDMENT OF CODE. Section 3-2. 809. 2 is hereby added to Article 8 of Chapter 2 of Title III of the Modesto Municipal Code to read as follows:

SEC. 3-2. 809. 2. SPEED OF TRAINS. It shall be unlawful for any person in charge of, having control of, or directing the movement of any railway train, railway locomotive, railway car or cars, or similar vehicles which move on rails to cause or permit any such train, locomotive, car or cars, or similar vehicle which moves on rails to be operated, moved or propelled along any of the streets or across any of the street crossings of the City at a speed greater than forty-five (45) miles per hour.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of March, 1973, 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, Vice Mayor Smith

NOES: Councilmen: None

ABSENT: Councilmen: Mayor Davies

APPROVED: G. Dale Smith
~~ELWYN L. JOHNSON, City Attorney~~
G. DALE SMITH, Vice Mayor

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

(SEAL)

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

Ord. No. 1262-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 March, 1973, 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, Simon, Smith,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton

APPROVED


LEE H. DAVIES, Mayor

ATTEST:


W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: April 25, 1973

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

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

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

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of March, 1973, 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, Vice Mayor Smith

NOES: Councilmen: None

ABSENT: Councilmen: Mayor Davies

APPROVED: G. Dale Smith
~~W. T. CHYNOWETH, Mayor~~
G. DALE SMITH, Vice Mayor

ATTEST:

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

(SEAL)

APPROVED AS TO FORM:

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

Ordinance 1263 C.S.
Exhibit A – Map

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

Ord. No. 1263-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 2nd day of April, 1973, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Simon, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Dunlap, 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: May 2, 1973

AN ORDINANCE AMENDING SECTION 3-2.1504 OF ARTICLE 15 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE, RELATING TO PARKING METERS.

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

SECTION 1. AMENDMENT OF CODE. Section 3-2.1504 of Article 15 of Chapter 2 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-2.1504. TIME LIMIT AND RATES OF FEES. It shall be unlawful for any person to cause, allow, permit, or suffer any vehicle registered in his name or operated or controlled by him to be parked in any parking space for more than the time indicated by proper signs placed on such parking meter or zone indicating the maximum parking time allowed in such parking space or any time during which the meter is displaying a signal indicating that the space is illegally in use, except during the time necessary to set the said meter to show legal parking. Each period of overparking for more than the period stated on the time limit sign constitutes a separate offense.

The time limits for the parking of vehicles in parking meter zones are hereby established as follows:

(a) PM-1 The time limits for legal parking in PM-1 zone shall be those established by the Director based on engineering surveys.

(b) PM-2 Three (3) hour limit, 9 a. m. to 10 p. m. daily.

(c) PM-3 No time limit, 9 a. m. to 10 p. m. daily.

(d) PM-4 No time limit, 7:30 a. m. to 5:00 p. m., Sundays excepted.

(e) PM-5 No time limit, 9:00 a. m. to 4:30 p. m., Sundays excepted.

(f) PM-6 Three (3) hour limit, 9 a. m. to 6 p. m., Sundays excepted.

(g) PM-7 No time limit, 9 a. m. to 10 p. m. daily.

(h) PM-8 Five (5) hour limit, 9 a. m. to 6 p. m. daily.

(i) PM-9 No time limit, 9 a. m. to 6 p. m., Sundays excepted.

(j) PM-10 No time limit, 9 a. m. to 10 p. m. daily.

(k) PM-11 No time limit, 9 a. m. to 9 p. m. daily.

(l) PM-12 Four (4) hour limit, 9 a. m. to 6 p. m., Sundays excepted.

The rates of fees for parking in the parking meter zones shall be as follows:

(a) PM-1 One cent per twelve (12) minutes or fraction.

(b) PM-2 Five (5¢) cents per one-half (1/2) hour or fraction.

(c) PM-3 Five (5¢) cents per one hour or fraction.

(d) PM-4 Five (5¢) cents per two and one-half (2 1/2) hours or fraction.

(e) PM-5 Five (5¢) cents for one and one-half (1 1/2) hours or fraction; thirty (30¢) cents for all day.

(f) PM-6 Five (5¢) cents per one-half (1/2) hour or fraction.

(g) PM-7 Five (5¢) cents per one-half (1/2) hour or fraction.

(h) PM-8 Five (5¢) cents per one-half (1/2) hour or fraction.

(i) PM-9 Five (5¢) cents per one-half (1/2) hour or fraction.

(j) PM-10 Five (5¢) cents per one hour or fraction.

(k) PM-11 Ten (10¢) cents per one-half (1/2) hour or fraction.

(l) PM-12 Five (5¢) cents per one-half (1/2) hour or fraction.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of March, 1973, 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,
Vice Mayor Smith

NOES: Councilmen: None

ABSENT: Councilmen: Mayor Davies

APPROVED: G. Dale Smith
~~BY THE CITY CLERK, W. T. CHYNOWETH~~
G. DALE SMITH, Vice Mayor

ATTEST:

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

(SEAL)

APPROVED AS TO FORM:

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

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 2nd day of April, 1973, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Simon, was upon roll call carried and the ordinance adopted by the following vote:

- AYES: Councilmen: Dixon, Dunlap, 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: May 2, 1973

AN ORDINANCE AMENDING SECTION MAP 23-3-9 AND SECTION MAP 26-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (STEVE M. ANGELO)

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

SECTION 1. ZONING CHANGE. Section Map 23-3-9 and Section Map 26-3-9 of the Zoning Map are hereby amended to reclassify the following-described property from One-Family Residential Zone, R-1, to Planned-Development Zone, P-D(110):

All that certain real property situate in a portion of Lots 5 and 6, ELBERT TRACT, located in Sections 23 and 26, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

Beginning at the quarter section corner common to said Sections 23 and 26, said quarter corner being in the centerline of Sonoma Avenue; thence North 0° 43' 20" West along the North-South quarter section line of said Section 23, and the centerline of said Sonoma Avenue, a distance of 684.17 feet; thence leaving said North-South quarter section line and centerline of Sonoma Avenue the following none (9) courses:

North 89° 16' 40" East 130.00 feet, South 68° 44' 50" East 93.36 feet, North 86° 52' 44" East 185.00 feet, North 81° 57' 33" East 112.86 feet, North 73° 05' 35" East 112.86 feet, North 64° 13' 32" East 112.86 feet, North 59° 47' 34" East 297.89 feet, North 68° 21' 10" East 82.82 feet, North 89° 15' 00" East 255.00 feet to the East line of said Lot 6 of the ELBERT TRACT; thence South 0° 45' East along said East line of Lot 6 a distance of 474.21 feet to the proposed centerline of Scenic Drive as shown on Official Plan Lines, Scenic Drive, recorded in Volume 1, Page 49, of Plan Lines, Instrument Number 30411, Stanislaus County Records; thence South 63° 36' 10" West along said proposed centerline, a distance of 894.00 feet to a tangent curve to the right; thence southwesterly 483.00 feet along said tangent curve, concave to the northwest, having a radius of 1000.00 feet and a central angle of 27° 40' 25", to a tangent line, said tangent line being a line parallel with and 15.00 feet, measured at right angles, northerly of the existing centerline of Scenic Drive; thence North 88° 43' 25" West along said parallel line a distance of 42.02 feet to the southerly prolongation of the aforementioned North-South quarter section line of Section 23; thence North 0° 43' 20" West along said line a distance of 31.29 feet to the point of beginning.

Containing: 18.49 Acres.

SECTION 2. USES. The following uses shall be permitted in said P-D (110) 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 one hundred forty-seven (147) unit, one and two (2) story condominium facility and seven (7) duplexes incorporated as a part of the P-D Zone.
2. Parking spaces at a minimum ratio of 1.5 for each dwelling unit.
3. Recreation facilities including a tennis court, swimming pool and recreation building.

SECTION 3. ZONING MAP. Section Map 23-3-9 and Section Map 26-3-9 of the Zoning Map of the City of Modesto are amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of March, 1973, by Councilman Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilman Newton, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED:

Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

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

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William Nichols
Planning Department

Ordinance 1265 C.S.
Exhibit A – Map

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

Ord. No. 1265-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 2nd day of April, 1973, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Simon, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmen: None

ABSENT: Councilmen: Newton

APPROVED


LEE H. DAVIES, Mayor

ATTEST:


W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: May 2, 1973

ORDINANCE NO. 1266 -C. S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MODESTO AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM.

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

SECTION 1. AMENDMENT TO CONTRACT. That an amendment to the contract between the City Council of the City of Modesto and the Board of Administration, California Public Employees' Retirement System is hereby authorized, a copy of said amendment to the contract being attached hereto, marked "Exhibit A", and by such reference made a part hereof as though herein set out in full.

SECTION 2. AUTHORIZATION TO EXECUTE AMENDMENT TO CONTRACT. The Mayor of the City Council is hereby authorized, empowered and directed to execute said amendment to the contract for and on behalf of said Agency.

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 2nd day of April, 1973, 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

ATTEST:

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

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

(SEAL)

APPROVED AS TO FORM:

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

AMENDMENT TO CONTRACT BETWEEN THE
BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM
AND THE

CITY COUNCIL
OF THE
CITY OF MODESTO

The Board of Administration, Public Employees' Retirement System, hereinafter referred to as Board, and the CITY COUNCIL of the CITY OF MODESTO, hereinafter referred to as Public Agency, having entered into a contract under date of July 27, 1946, effective May 1, 1946, and as amended effective December 1, 1950, July 1, 1956, July 1, 1959, November 1, 1959, January 1, 1960, October 1, 1962, and January 1, 1969, and as provided by Chapters 170 and 316, Statutes of 1971, which provide for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

- A. Paragraphs 1 through 9 are hereby stricken from said contract as executed effective May 1, 1946, and are hereby replaced by the following paragraphs numbered 1 through 9 inclusive:
1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 60 for miscellaneous Group A members, age 60 for miscellaneous Group B members, and age 55 for local safety members.
 2. Public Agency shall participate in the Public Employees' Retirement System from and after May 1, 1946, making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except such as by express provisions thereof apply only on the election of contracting agencies.
 3. Employees of Public Agency in the following classes and groups shall become members of said Retirement System except such in each such class and group as are excluded by law or this agreement:
 - a. Local firemen (herein referred to as local safety members);
 - b. Local policemen (herein referred to as local safety members);
 - c. Employees other than local safety members whose positions are not subject to Federal Social Security coverage (herein referred to as miscellaneous Group A members);
 - d. Employees other than local safety members whose positions are subject to Federal Social Security coverage (herein referred to as miscellaneous Group B members).

In addition to the employees excluded from membership by said Retirement Law, the following employees shall not become members of the Retirement System:

POLICE COURT DEPARTMENT EMPLOYEES.

PERSONS COMPENSATED ON AN HOURLY BASIS
HIRED AFTER OCTOBER 1, 1962.

4. The following provisions shall apply to miscellaneous Group A members and local safety members.
 - a. The fraction of final compensation to be provided for each year of credited prior and current service as a miscellaneous Group A member upon retirement at normal retirement age shall be $1/50$ and shall be applied as provided in Section 21251.13 of said Retirement Law.
 - b. The fraction of final compensation to be provided for each year of credited prior and current service as a local safety member shall be determined in accordance with Section 21252.1 of said Retirement Law.
 - c. Contribution rates of miscellaneous Group A members and local safety members shall be subject to Sections 20603 and 20602, respectively.
 - d. The following provisions of the Public Employees' Retirement Law which apply only upon election of a contracting agency shall apply:
 - (1) Section 20952.5 (providing for age 50 as the minimum voluntary retirement age for local safety members with benefit payments commencing prior to age 55 subject to actuarial discount).
 - (2) Section 21380-7 (providing for allowances for survivors of Group A and local safety members covered under the program upon death before retirement).
5. The following provisions shall apply to miscellaneous Group B members only:
 - a. The effectivity of membership in Group B shall be January 1, 1956 or later entry into employment as a miscellaneous member.
 - b. The fraction of final compensation to be provided for each year of credited prior and current service upon retirement at normal retirement age shall be $1/50$ and shall be applied as provided in Section 21351.13 of said Retirement Law subject to the modification set forth in subparagraph 5 (c) below.

- c. The fraction of final compensation specified in subparagraph (b) above shall be reduced by one-third for application to the first \$400 per month of final compensation as to service in any period after January 1, 1956.
 - d. The retirement benefits payable upon retirement for ordinary disability shall not be affected by Paragraph 5 (c) of this contract and for the purposes of the limit on any such allowance imposed under Section 21297, Government Code, allowances for retirement for service shall be computed according to the formula set out in Paragraph 5 (b) without modification of the contract as amended both as to service before and after the effectivity of membership in the Group B classification. All other provisions of this amendment shall be fully applicable to the computation of allowances upon retirement for disability.
 - e. Contribution rates of miscellaneous Group B members shall be subject to Section 20603 providing for a reduction in rates of contribution as such rates relate to the first \$400 of monthly compensation and 100% of such rates as they apply to the remainder of monthly compensation.
 - f. The following additional provisions of the Public Employees' Retirement Law which apply only upon election of a contracting agency shall apply to Group B members:
 - (1) That portion of Section 21251.13 which provides for reduction in the percentage of final compensation for members covered under Social Security.
6. The following additional provisions of the Public Employees' Retirement Law which apply only upon election of contracting agency shall apply to retired members:
- (1) Section 21222.1 (providing for increases in allowances to which the annual cost-of-living provisions apply, payable for time commencing on the first day of the calendar month coinciding with or next following the effective date of this amendment to or on account of persons retired or members deceased on or prior to December 31, 1970).
7. Public Agency shall contribute to said Retirement System as follows:
- a. With respect to miscellaneous members, the public agency shall contribute the following percentages of monthly salaries earned as miscellaneous members of said System:
 - (1) 0.93 percent until June 30, 2000 on account of the liability for prior service benefits.

- (2) 7.18 percent on account of the liability for current service benefits.
 - (3) 0.08 percent on account of the liability for the 1959 Survivors program.
 - (4) 0.63 percent for three (3) years from the effective date of this amendment to provide the benefits under Section 21222.1 of the Government Code.
- b. With respect to local safety members, the public agency shall contribute the following percentages of monthly salaries earned as local safety members of said System:
- (1) 0.605 percent until June 30, 1986 on account of the liability for prior service benefits.
 - (2) 8.567 percent on account of the liability for current service benefits.
 - (3) 0.065 percent on account of the liability for the 1959 Survivors program.
 - (4) 0.87 percent for three (3) years from the effective date of this amendment to provide the benefits under Section 21222.1 of the Government Code.
- c. A reasonable amount per annum, as fixed by Board to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodical investigation and valuation required by law.
- d. A reasonable amount as fixed by the Board, payable in one installment as the occasions arise, to cover costs of special valuations on account of employees of Public Agency, and costs of the periodical investigation and valuation required by law.
8. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement System, as determined by the periodical investigation and valuation required by said Retirement Law.
9. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within thirty days after the end of the period to which said contributions refer. If more or less than the correct amount of contribution is paid for any

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CITY OF
MODESTO

period, proper adjustment shall be made in connection with subsequent remittances, or adjustments on account of errors in payments between the employee and Board. Payments by Public Agency to Board may be made in the form of warrants, bank checks, bank drafts, certified checks, money orders, or cash.

B. This amendment shall be attached to said contract and shall become effective on the 1st day of April, 1973.

Witness our hands this 2nd day of April, 1973.

BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL
OF THE
CITY OF MODESTO

BY
William E. Payne, Executive Officer

BY
~~FRASCOCKE KOBOLCK~~
LEE H. DAVIES, Mayor

Attest:

Clerk W. T. CHYNOWETH
City Clerk

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 9th day of April, 1973, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Newton, was upon roll call carried and the ordinance adopted by the following vote:

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

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

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

EFFECTIVE DATE: May 9, 1973

AN ORDINANCE AMENDING SECTIONS 8-2.203 AND 8-2.218 OF ARTICLE 2 OF CHAPTER 2 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE RELATING TO ADMISSION TAX.

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

SECTION 1. AMENDMENT OF CODE. Sections 8-2.203 and 8-2.218 of Article 2 of Chapter 2 of Title VIII of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 8-2.203. LICENSE TAXES, DEFINITIONS. The following words and phrases whenever used in this article shall be construed as defined in this section, unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

~~(a) "Dance Hall". - The words "Dance Hall" shall mean any place where the business of holding or conducting public dances is regularly carried on, provided that nothing in this section shall be deemed or construed to require the holder of a license to conduct the business of a public dance hall, to procure any additional license to conduct a dancing academy in the event that such dancing academy is conducted in the same location and under the same management as said public dance hall.~~

(b) (a) "Engaged in Business". The words "Engaged in Business" shall mean the conducting, managing or carrying on of any profession, trade, calling, occupation or commercial enterprise in the City licensed under the provisions of this article as owner, officer, agent, manager, employee, servant or lessee of any of them.

~~(c) (b) "Person".~~ The word "Person" shall mean all domestic and foreign corporations, associations, syndicates, joint stock companies, partnerships of every kind, clubs, Massachusetts business or common law trusts, societies and individuals engaged in any business as defined herein, in the City.

SEC. 8-2.218. AMOUNT OF TAX. Every person conducting, managing, or carrying on any show, performance, display or exhibitions, to which an admission fee is charged or for which any remuneration, is received, and whether for amusement or education, and including, but not limited to basketball, softball, baseball, football, or football games, boxing or wrestling exhibits, circuses, carnival or other similar exhibits, public dance halls, public dances, ice or roller skating shows, rinks, ~~enclosure or park~~, museum, store show, or theatre or vaudeville performances in any public hall, club room, assembly hall or theatre where movable scenery or theatrical appliances are used, concert halls where entertainment is given or held for pay, theatre or moving picture theatre, horse shows, rodeos, air shows, shall pay a license tax of a sum of money equal to three (\$0.03) cents for each ticket sold, payable monthly on or before the 10th day of the succeeding month or at such other time as may be directed by the City Tax Collector, and in the event of daily entertainment or exhibits payable on the dates of such exhibition or entertainment.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 1973, by Councilman Smith, who moved its introduction and passage to print, which motion being duly seconded by Councilman Newton, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmen: None

ABSENT: Councilmen: Dixon

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

ATTEST:

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. 1267-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 16th day of April, 1973, 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, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton, Simon

APPROVED



LEE H. DAVIES, Mayor

ATTEST:


W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: May 16, 1973

AN ORDINANCE AMENDING SECTION MAP 13-3-8 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (ALLEN GRANT, INC.)

WHEREAS, a verified application for an amendment to Section 13-3-8 of the Zoning Map was filed by Allen Grant, Inc. on January 15, 1973, to reclassify from One-Family Residential Zone, R-1, to Two-Family Residential Zone, R-2, and Planned Development Zone, P-D, the hereinafter described property, and

WHEREAS, after public hearing held on February 20, 1973, it was found and determined by the Planning Commission that rezoning of the property as requested is not required by public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 73-29, which was adopted on February 20, 1973, and

WHEREAS, by Resolution No. 73-29, the Planning Commission denied the application of Allen Grant, Inc. for an amendment to Section 13-3-8 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 Planned-Development Zone, P-D, and

WHEREAS, an appeal to the Planning Commission's decision denying the above requested rezoning was filed with the City Council on March 5, 1973, and

WHEREAS, the Council of the City of Modesto held a public hearing in the Council Chambers on April 9, 1973, at 7:35 p.m., for the purpose of considering the appeal,

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 13-3-8 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.

R-1 to R-2

All that portion of the Southwest quarter of the Northeast quarter of Section 13, Township 3 South, Range 8 East, M. D. B. & M. described as follows:

Commencing at the interior quarter corner of said Section 13 and running thence North 0° 40' West 337.90 feet to the Southwest corner of the property conveyed to Robert A. Morrison, et ux, by Deed recorded February 17, 1950, as Instrument No. 3356; thence continuing North 0° 40' West 277.00 feet along the quarter section line to the Northwest corner of said Morrison property and the true point of beginning of this description; thence continuing along the quarter section line North 0° 40' West 43.45 feet; thence North 89° 01' East 50 feet thence North 0° 18' West 187.88 feet; thence North 89° 42' East 161.16 feet; thence South 0° 16' 30" East 231 feet to a point on the North line of the Morrison property above referred to; thence South 89° 21' 30" West 211 feet more or less, to the true point of beginning. Including also all of Conant Avenue immediately adjacent to the west line of the northerly 187.88 feet of the above described property.

Excepting therefrom the western 20 feet of Conant Avenue immediately adjacent to the above described property.

SECTION 13-3-8 of the Zoning Map is hereby amended to reclassify the following described property from One-Family Residential Zone, R-1, to Planned-Development Zone, P-D(112) for a fourplex development.

R-1 to P-D(112)

The west 528 feet of the most northerly 475 feet of the following described parcel. Parcel A of Parcel Map filed June 2, 1966 in Volume 1 of Parcel Maps, at page 153 and being a portion of the Northeast Quarter of Section 13, Township 3 South, Range 8 East, Mt. Diablo Base and Meridian.

Including also the westerly 20 feet of Conant Avenue and the southerly 20 feet of Rumble Road immediately adjacent to the said west 528 feet of the most northerly 475 feet of said Parcel A.

SECTION 13-3-8 of the Zoning Map is hereby amended to reclassify the following described property from One-Family Residential Zone, R-1, to Planned-Development Zone, P-D(113) for a single-family attached residential development.

Parcel 1

Parcel A of Parcel Map filed June 2, 1966 in Volume 1 of Parcel Maps at Page 153 and being a portion of the Northeast Quarter of Section 13, Township 3 South, Range 8 East, Mount Diablo Base and Meridian including also the easterly 20 feet of Conant Avenue and the southerly 20 feet of Rumble Road immediately adjacent to said Parcel A excepting therefrom the west 548 feet of the most northerly 495 feet of the above described property.

Parcel 2

Lots 1 and 2 and 16 in Block 6435; and Lot 28 in Block 6432; of Walter Heights as per Map filed July 23, 1963 in Volume 20 of Maps, Page 50, Stanislaus County Records.

Parcel 3

All that portion of the South 30 acres of the West half of the Northeast quarter of Section 13, Township 3 South, Range 8 East, Mount Diablo Base and Meridian described as follows:

Commencing at the interior quarter corner of said Section 13 and running thence North 0° 18' West along the West line of the Northeast quarter of said Section 13, a distance of 984.55 feet; thence North 89° 21' 30" East, 50.00 feet to the true point of beginning; thence along the following 8 courses; North 89° 21' 30" East, 511.21 feet; South 0° 16' 30" East, 323.13 feet; South 89° 01' West, 196.08 feet; South 0° 18' East, 45.33 feet; South 89° 21' 30" West, 104 feet more or less; North 0° 16' 30" West, 306 feet more or less; South 89° 42' West, 161.18 feet; North 0° 18' West, 63.00 feet to the point of beginning, including also the easterly 30 feet of Conant Avenue immediately adjacent to the West line of the above described property.

SECTION 3. USES. The following uses shall be permitted in said P-D(112) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

1. A maximum of eighteen (18) one-story fourplex structures for a total of seventy-two (72) dwelling units.
2. One and one-half (1½) off-street parking spaces per dwelling unit.
3. Recreational area located in common greenbelt.

The following uses shall be permitted in said P-D(113) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

1. A maximum of one hundred ninety-eight (198) single-family attached dwelling units. Each of said dwelling units to be on an individual lot recorded on a subdivision map.

2. Two (2) off-street parking spaces per dwelling unit.

SECTION 4. ZONING MAP. Section 13-3-8 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 5. 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 6. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of April, 1973, by Councilman Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmen: None

ABSENT: Councilmen: None

ATTEST: W. T. Chynoweth
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

APPROVED AS TO DESCRIPTION: William J. Smith
Planning Department

Ordinance 1268 C.S.
Exhibit A – Map

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

Ord. No. 1268-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 23rd day of April, 1973, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmen: None

ABSENT: Councilmen: Dixon, Newton

APPROVED 
LEE H. DAVIES, Mayor

ATTEST: 
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: May 23, 1973

AN ORDINANCE ADDING CHAPTER 9 ENTITLED "NOISE REGULATIONS" TO TITLE IV OF THE MODESTO MUNICIPAL CODE, AND REPEALING SECTION 4-2.20 OF CHAPTER 2 OF TITLE IV THEREOF.

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

SECTION 1. AMENDMENT OF CODE. Chapter 9 entitled "Noise Regulations" is hereby added to Title IV of the Modesto Municipal Code to read as follows:

CHAPTER 9. NOISE REGULATIONS

ARTICLE I. GENERAL NOISE REGULATIONS

SEC. 4-9.101. DECLARATION OF POLICY. It is hereby declared to be the policy of the City of Modesto that the peace, health, safety and welfare of its citizens require protection from excessive unnecessary and unreasonable noises from any and all sources in the community. It is the intention to control the adverse effect of such noise sources on the citizen under any condition of use, especially those conditions of use which have the most severe impact upon any person.

SEC. 4-9.102. DEFINITIONS. For the purposes of this article certain terms are defined as follows:

(a) "Sound level" expressed in decibels (dB), is a logarithmic indication of the ratio between the acoustic energy present at a given location and the lowest amount of acoustic energy audible to sensitive human ears and weighted by frequency to account for characteristics of human hearing, as given in the American National Standards Institute Standard Sl.1, "Acoustic Terminology," paragraph 2.9, or successor reference. All references to dB in this article utilize the A-level weighting scale, abbreviated dBA, measured as set forth in this section.

(b) "Precision sound level meter" is a device for measuring sound level in decibel units within the performance specifications in the American National Standards Institute Standard Sl.4, "Specification for Sound Level Meters."

(c) "Noise level" is the maximum continuous sound level or repetitive peak sound level produced by a source or group of sources as measured with a precision sound level meter using the "A" weighting scale, and the meter response function set to "SLOW."

(d) "Local ambient" is the average sound level during a five-minute or longer continuous period as measured with a precision sound level meter, using slow response and "A" weighting. The average sound level shall be determined with the noise source at issue silent, and in the same location as the measurement of the noise level of the source or sources at issue. If a significant portion of the local ambient is produced by one or more individual

identifiable sources which would otherwise be operating continuously during the measurement period and contributing significantly to the ambient sound level, determination of the local ambient shall be accomplished with these separate identifiable noise sources silent. However, for purposes of this article, in all instances the local ambient shall be presumed to be not less than: (1) 35 dBA for interior noise in Section 4-9.103 (b); (2) 45 dBA in all other sections.

(e) "Vehicle" is any device by which any person or property may be propelled, moved, or drawn upon a highway or street.

(f) "Property plane" is a vertical plane including the property line which determines the property boundaries in space.

(g) "Emergencies" are essential activities necessary to restore, preserve, protect or save lives or property from danger of loss or harm.

SEC. 4-9.103. RESIDENTIAL PROPERTY NOISE LIMITS.

(a) No person shall produce, suffer or allow to be produced by any means, or any combination of means, on residential property, a noise level more than 5 dBA above the local ambient at any point outside of the property plane.

(b) No person shall produce, suffer or allow to be produced by any machine, animal, or device, or any combination of same, on multi-family residential property, a noise level more than 5 dBA above the local ambient three (3') feet from any wall, floor, or ceiling inside any dwelling unit on the same property, when the windows and doors of said dwelling unit are closed, except within the dwelling unit in which the noise source or sources may be located.

SEC. 4-9.104. COMMERCIAL AND INDUSTRIAL PROPERTY NOISE LIMITS. No person shall produce, suffer or allow to be produced by any means, or any combination of means, on commercial or industrial property, a noise level more than 10 dBA above the local ambient at any point outside of the property plane, except that where such commercial or industrial property is located adjacent to residential property in a residential zone the noise level shall not be more than 5 dBA above the local ambient at any point outside of the property plane adjacent to said residential property.

SEC. 4-9.105. PUBLIC PROPERTY NOISE LIMITS.

(a) Unless otherwise provided in this chapter, no person shall produce, suffer or allow to be produced by any means, or any combination of means, on public property, a noise level more than 15 dBA above the local ambient at a distance of twenty-five (25') feet or more from the noise source or sources, except that where such public property is located adjacent to residential property located in a residential zone the noise level shall not be more than 5 dBA above the local ambient at any point outside of the property plane adjacent to said residential property, or where such public property is located adjacent to commercial or industrial property located in a commercial or industrial zone the noise level shall not be more than 10 dBA above the local ambient at any point outside of the property plane adjacent to said commercial or industrial property.

(b) Scheduled events, including sound performances, which produce a noise level not exceeding 80 dBA measured at a distance of fifty (50') feet from the noise source or sources are exempt from this article when approval therefor has been obtained from the appropriate governmental entity, or official.

(c) Vehicle horns, or other devices primarily intended to create a loud noise for warning purposes, shall not be used when the vehicle is at rest, or when a situation endangering life, health, or property is not imminent.

SEC. 4-9.106. SPECIAL PROVISIONS.

(a) Daytime exceptions. Any noise source which does not produce a noise level exceeding 60 dBA at a distance of twenty-five (25') feet from the noise source under its most noisy condition of use shall be exempt from the provisions of Sections 4-9.103 (a), 4-9.104 and 4-9.105 (a) hereof between the hours of 7 a. m. and 10 p. m. daily except Sundays and holidays, when the exemption herein shall apply between 10 a. m. and 6 p. m.

(b) Safety devices. Aural warning devices which are required by law to protect the health, safety, and welfare of the community shall not produce a noise level more than 3 dBA above the standard or minimum level stipulated by law.

(c) Emergencies. Emergencies are exempt from this article.

(d) Construction. Notwithstanding any other provision of this article, between the hours of 7 a. m. and 7 p. m. daily except Sundays and holidays, when the exemption herein shall apply between 10 a. m. and 6 p. m., construction, alteration, or repair activities ~~which are authorized by a valid City permit~~ shall be allowed if they meet one of the following noise limitations:

(1) No individual piece of equipment used on any public street, alley or way shall produce a noise level exceeding 85 dBA at a distance of twenty-five (25') feet from the piece of equipment.

~~(2) The noise level at any point outside of the property plane of the project shall not exceed 85 dBA. No individual piece of equipment shall produce a noise level exceeding 85 dBA at any point outside the property plane of the project.~~

SEC. 4-9.107. EXCEPTION PERMITS.

(a) Applications for exceptions. If the applicant can show to the City Manager or his designee that a diligent investigation of available noise abatement techniques indicates that compliance with the requirements of this article would be impractical or unreasonable, a permit to allow exception from the provisions contained in all or a portion of this article may be issued, with appropriate conditions to minimize the public detriment caused by such exceptions. Any such permit shall be of as short duration as possible up to one year, but renewable upon a showing of good cause, and shall be conditioned by a schedule for compliance and details of methods therefor in appropriate cases. ~~Any person aggrieved with the decision of the City Manager or his designee may appeal to the City Council pursuant to Chapter 4 of Title IV of this Code.~~

(b) Annual list of exceptions. The City Manager or his designee annually shall establish a list of equipment, including construction equipment, used in the City of Modesto which cannot comply with the requirements of this article and for which there is no practical, or reasonable or economic alternative available. Such equipment shall be exempted for the year in which it is so listed from the provisions contained in this article, subject to appropriate conditions to minimize the public detriment caused by such exceptions.

(c) Technical Advisory Committee. The City Manager or his designee shall consult with and seek the advice of a technical advisory committee in making the determination of the equipment to be exempted under subsection (b) above. Said committee shall consist of one representative of each of the following organizations:

Associated General Contractors of California, Inc.
Engineering and Grading Contractors Association, Inc.
San Joaquin Valley Contractors Association
Valley Builders Exchange, Inc.
Building and Construction Trades Council of Stanislaus,
Merced, Tuolumne and Mariposa Counties
Pacific Gas & Electric Company
Modesto Irrigation District
Pacific Telephone & Telegraph Company
Such other organizations or groups as the City Manager
or his designee may determine should be represented
on said technical advisory committee.

(d) Appeals. Any person aggrieved with a decision of the City Manager or his designee under the provisions of this section may appeal to the City Council pursuant to Chapter 4 of Title IV of this Code.

SECTION 2. REPEALS. Section 4-2. 20 of Chapter 2 of Title IV of the Modesto Municipal Code is hereby repealed.

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 23rd day of April, 1973, 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: 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

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 May, 1973, 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: Dunlap, Elliott, Kullijian, Mensinger, Newton, Simon, 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: June 6, 1973

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

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

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

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 1973, 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, Kullijian, Mensinger, Newton, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

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

ATTEST:

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

(SEAL)

APPROVED AS TO FORM:

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

Ordinance 1270 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 14th day of May, 1973, 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, Kullijian, Mensinger,
Newton, Simon, 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: June 13, 1973

AN ORDINANCE AMENDING SECTIONS 11-1.04, 11-1.05, 11-1.07 AND 11-1.10 OF CHAPTER 1 OF TITLE XI OF THE MODESTO MUNICIPAL CODE RELATING TO WATER RATES .

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

SECTION 1. AMENDMENT OF CODE. Sections 11-1.04, 11-1.05, 11-1.07 and 11-1.10 of Chapter 1 of Title XI of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 11-1.04. WATER SERVICE INSTALLATION CHARGES. The following charges shall be paid by consumers for water service installations:

1"	service	\$ 70.00
1 1/2"	service	\$ 80.00
2"	service	\$ 90.00

For installations by the City for services larger than two (2") inches, the City shall charge costs plus ten (10%) per cent. Such services shall be restricted to two (2") inch increments.

SEC. 11-1.05. WATER MAIN CONNECTION CHARGES. In addition to the water service installation charges imposed by Section 11-1.04 of this chapter, and in the case of metered services, the meter costs imposed by Section 11-1.06 of this chapter, the following water main connection charges shall apply:

(a) Territory Within the City. For all water service in all areas within the City, minimum main connection charge to existing mains shall be One Hundred Fifty and no/100ths (\$150.00) Dollars for each water connection to serve an area containing not more than seven thousand square feet (7,000), and an additional two (2) cents for each square foot in excess of seven thousand square feet (7,000) so served.

(b) Territory Outside the City. In territory outside the City limits, the minimum main connection charge to existing mains shall be Two Hundred and no/100ths (\$200.00) Dollars for each water connection to serve an area containing no more than seven thousand square feet (7,000) and an additional one (1) cent for each square foot in excess of seven thousand square feet (7,000) so served.

(c) Main extensions. Where water main extensions are required before water service can be provided outside the City, the City may require an agreement with the person desiring water service which shall provide the basis upon which water mains will be constructed and financed. Such an agreement, among other things, may include the requirement of annexation of any territory so served to the City at the earliest opportunity.

(d) Allocation of Costs. Notwithstanding the provisions of Subsections (a) and (b) above, the Director of Public Works is hereby authorized to approve and process applications for water service to portions of parcels of land in accordance with the rates specified in the above subsections subject to all of the following terms and conditions:

(1) That the property involved can reasonably be served by the municipal water system.

(2) The total area of such parcels of land to be served shall be not less than twenty thousand square feet (20,000) and the portion of the parcel to be served shall be not less than six thousand square feet (6,000) in area.

(3) A fee of Ten and no/100ths (\$10.00) Dollars shall be paid to the City and shall accompany the application for the purpose of covering the costs of inspection of the premises to make the determination specified in subsections (1) and (2) above.

(4) Connection fees shall be payable based on the size of the portion of the parcel to be served and shall be paid in accordance with the applicable provisions of the Municipal Code.

(5) Water service fees shall be payable in accordance with the Municipal Code provisions relating to water service generally.

(6) The portion of the area to be served shall be recorded by means of a sketch map on the water service card filed in the Department of Public Works.

(7) In addition to the remedies for violations to the provisions of this Code, as an additional and alternate remedy, the Director of Public Works shall have the authority to immediately discontinue water service without requirement of notification in the event that he shall determine that water supplied to serve the area under the permit is used on other premises.

(e) Water Connection Charges to Subdivisions. Each subdivision of land shall be served by the City water system only if the developer of said subdivision agrees that if the water main connection charges set forth in subsections (a), (b) and (c) above have not been paid for eighty (80%) per cent of all lots within said subdivision within three (3) years and ninety (90) days from the date of recordation of the final map, or within three (3) years of the completion of installation of the water lines by the City, whichever is the longer period of time, developer, or his assignees, shall forthwith pay to City water main connection charges for all lots for which said fees have not been paid. Notwithstanding the provisions of this subsection, the City may enter into special agreements with developers of industrial subdivisions which shall provide the basis upon which water mains shall be constructed and financed.

SEC. 11-1.07. CHARGES FOR METERED WATER SERVICES. All water delivered through the meter shall be charged as follows:

For the first six thousand (6,000) cubic feet per bi-monthly period, One and 55/100ths (\$1.55) Dollars per one thousand (1,000) cubic feet. For the next sixty thousand (60,000) cubic feet per bi-monthly period, One and 30/100ths (\$1.30) Dollars per each one thousand (1,000) cubic feet. For the next thirty-four thousand (34,000) cubic feet per bi-monthly period, One and 05/100ths (\$1.05) Dollars per one thousand (1,000) cubic feet. For all over one hundred thousand (100,000) cubic feet per bi-monthly period, eighty-five (85¢) cents per one thousand (1,000) cubic feet; provided, however, that in any event, the following minimum rates shall be charged and paid:

CUBIC FEET FOR MINIMUM RATE

<u>Size of Meter</u>	<u>Bi-Monthly Rate</u>	<u>Cubic Feet</u>
3/4"	\$ 5.20	3,333
1"	\$ 6.90	4,444
1 1/2"	\$ 8.65	5,555
2"	\$10.35	6,800
3"	\$13.80	9,466
4"	\$18.00	13,466
6"	\$27.60	20,133
8"	\$34.50	25,466

Independent fire sprinkler systems and private fire hydrant systems shall pay one-half (1/2) of the above minimum meter rate based upon the size of the service or services off the City main.

If a meter shall be found out of order, the bi-monthly charge shall be determined by the Director of Finance based upon previous water consumption.

If a consumer has more than one meter, a separate minimum charge will be made for each meter as well as the amount of water registered for each meter. Compound meters, however, shall be construed to be a single meter.

Charges for metered services will be due and payable when billed and no advance or partial payments of such charges will be accepted by the City without consent of the Director of Finance.

SEC. 11-1.10. CHARGES FOR UNMETERED SERVICES. Charges for water delivered from an unmetered service shall be based upon the area of the property as established in Section 11-1.05 and shall be as follows:

<u>Lot Area</u>	<u>Bi-Monthly</u>
3,500 square feet or less	\$ 6.00
3,501 to 7,000 square feet	\$ 6.90
7,001 to 10,500 square feet	\$ 7.75
10,501 to 14,000 square feet	\$ 8.60
14,001 to 17,500 square feet	\$10.35
17,501 to 21,000 square feet	\$12.10
For each 3,500 square feet, or fraction thereof, over 21,000.	\$ 1.65

When water is turned on or off at any time between the beginning and end of the bi-monthly period, the amount charged shall be pro-rated to the nearest one-half (1/2) month.

No partial payments of the above charges will be accepted by the City. A five (5%) per cent discount will be made in all billings on unmetered services paid one year in advance.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation on and after July 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.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 1973, 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: Dunlap, Elliott, Kullijian, Mensinger,
Newton, Simon, 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 29th day of May, 1973, Councilman Simon moved its final adoption, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Simon, 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: June 28, 1973

AN ORDINANCE AMENDING SECTION 10-2.2103 OF ARTICLE 21 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 10-2.2103 of Article 21 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.2103. APPLICATION FOR ZONE BOUNDARY CHANGE AND UNCLASSIFIED USE PERMIT. Whenever the owner of any land or building desires a zone boundary change or an unclassified use permit for his property, or for an area of which his property is a part, he shall file with the Planning Commission an application therefor, verified by him, requesting such amendment or unclassified use permit. No application for a zone boundary change or unclassified use permit shall be accepted by the Planning Commission for any property or area for which a previous application for a zone boundary change or unclassified use permit has been denied until one year has elapsed from the date of such denial, except that the City Council or the Planning Commission may waive the one year limitation, when in the Council's or the Commission's ~~its~~ judgment the applicant has shown substantially changed circumstances which justify a shorter period of time and the Council or the Planning Commission determines that the interest of the general public will not be adversely affected.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1973, by Councilman Newton, 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, Kullijian, Mensinger, Newton, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Elliott

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

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

(SEAL)

APPROVED AS TO FORM: 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 29th day of May, 1973, Councilman Simon moved its final adoption, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Simon, 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: June 28, 1973

AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS
 THE BECKWITH NO. 1 ADDITION TO THE
 CITY OF MODESTO.

WHEREAS, a petition was filed with the City Clerk by Louis Witt, Elaine Witt, C.J. Rumble, Dale C. Rumble, Paul B. Rumble, George S. Gagos, Jr., J.G. Johnson, Verna M. Johnson, Norman J. Winsor, Lola Jean Winsor, Arthur A. Martin, Laurence B. Martin and Laurance H. Martin

on May 3, 1973, 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 BECKWITH NO. 1 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 7th day of May, 1973, set said petition for hearing at the hour of 4-30 o'clock P.M. on the 18th day of June, 1973, 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 May 11, 1973, and on May 18, 1973; and in The Ceres Courier, a newspaper published outside the City of Modesto, but in the County of Stanislaus, on May 16, 1973, and on May 23, 1973, for the time and in the manner required by law, which publications were completed at least twenty (20) days prior to the date set for hearing; that written notice of the proposed annexation has been mailed by the City Clerk of the City of Modesto to each person to whom land within the territory proposed to be annexed was assessed on the last equalized assessment roll available on the date the proceedings were initiated, at the address as shown thereon, or as known to said Clerk, and to any person who has filed his name and address and the designation of the lands in which he has any interest, either legal or equitable, with said Clerk, which notices were mailed

not less than twenty (20) days before the date set for public hearing, and that all the requirements of the Annexation of Uninhabited Territory Act of 1939, as amended, have been complied with, and

WHEREAS, the Stanislaus County Local Agency Formation Commission did on May 2, 1973, approve the annexation of said uninhabited territory to the City of Modesto, pursuant to the Government Code, and

WHEREAS, on the 18th day of June, 1973, at the hour of 4:30 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 BECKWITH NO. 1 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

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 18th day of June, 1973, by Councilman Elliott, who moved its adoption 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: Elliott, Kullijian, Newton, Simon, Mayor Davies

NOES: Councilmen: Mensinger

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

APPROVED AS TO DESCRIPTION:
By _____
Public Works Department

BECKWITH NO. 1 ADDITION

All that real property in the State of California, County of Stanislaus, in Sections 2, 3, 10, 11, 12, 13, and 14, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by a point on the Northern boundary of the HIGHWAY VILLAGE ADDITION (255), as per description filed June 15, 1970, as Instrument 19308, Stanislaus County Records, said point being South $89^{\circ}34'17''$ West, 674.00 feet from the point of intersection with the Western line of the PRESCOTT NO. 2 ADDITION (231), as per description filed May 16, 1969, as Instrument 17227, Stanislaus County Records; thence along the existing City Limits and the boundary of said ADDITION (255), the following courses; South $89^{\circ}34'17''$ West, 285.82 feet; thence South $47^{\circ}33'17''$ West, 798.57 feet; thence South $25^{\circ}53'47''$ West, 170.00 feet; thence South $47^{\circ}09'32''$ West, 653.84 feet; thence South $47^{\circ}09'32''$ West, 110.00 feet, to a point on the Southwestern line of State Highway 99; thence South $43^{\circ}07'01''$ East, 1171.56 feet; thence South $43^{\circ}08'31''$ East, 1975.91 feet; thence leaving the existing City Limits, South $00^{\circ}22'01''$ East, 147.25 feet, to a point on the Southwestern line of the Southern Pacific Railroad right of way; thence along the Southwestern line of said right of way, North $43^{\circ}08'31''$ West, 2084.02 feet; thence continuing along said Southwestern line, North $43^{\circ}07'01''$ West, 12,441.65 feet, to the intersection of the centerline of a 40 foot public road known as Pelendale Avenue; thence along the centerline of Pelendale Avenue, South $89^{\circ}57'57''$ East, 2008.70 feet, to the intersection of the section line common to Section 2 and Section 3; thence continuing along the centerline of Pelendale Avenue, North $89^{\circ}57'00''$ East, 1653.57 feet to a point on the Northerly extension of the Eastern line of the parcel belonging to Laurence B. Martin, as per survey filed September 18, 1971, in Volume 12 of Record of Surveys, at Page 78, Stanislaus County Records; thence along the Northerly extension and the Eastern property line of said Martin property, South $00^{\circ}15'30''$ West 1328.84 feet, to a point on the section line common to Section 2 and Section 11; thence along said section line, North $89^{\circ}52'45''$ East, 987.62 feet to the quarter section corner; thence along the North-South quarter section line of Section 11, South $00^{\circ}00'03''$ East, 662.16 feet, to a point on the Southern line of the parcel conveyed to Frank and Johanna Marie Peter, as per deed filed March 6, 1969, in Volume 2263 at Page 671, as Instrument 7706, Stanislaus County Records; thence along the Southern line of said parcel, North $89^{\circ}52'45''$ East, 2640.62 feet, to the centerline of a 50 foot public road known as Dale Road, said centerline also being the section line common to Section 11 and Section 12; thence along said centerline, South $00^{\circ}00'03''$ East, 993.25 feet, to a point on the Westerly extension of the Northern line of the parcel belonging to D. G. Beachler et. ux., as per Survey filed August 24, 1962, in Volume 9 of Record of Surveys, at Page 32, Stanislaus County Records; thence along said extension and the Northern line of said parcel, South $89^{\circ}36'27''$ East, 894.27 feet; thence along the Eastern line of said parcel, South $0^{\circ}00'03''$ East, 993.01 feet, to the centerline of a 40 foot public road known as Standiford Avenue, also being the East-West quarter section line of Section 12; thence along said centerline of Standiford Avenue, South $89^{\circ}35'37''$ West, 894.27 feet, to the centerline of Dale Road; thence along the centerline of Dale Road, South $00^{\circ}00'03''$ East, 2628.14 feet, to the intersection of the centerline of a 40 foot public road known as Rumble Road; thence along the centerline of Rumble Road, North $89^{\circ}34'17''$ East, 2001.38 feet; thence, South $0^{\circ}04'43''$ West, 350.00 feet, to the point of beginning, containing

572.923 Acres, more or less.

AN ORDINANCE ANNEXING UNINHABITED TERRITORY
 KNOWN AS THE BECKWITH NO. 2 ADDITION TO THE
 CITY OF MODESTO.

WHEREAS, a petition was filed with the City Clerk by Howard A. Hennings, Eleanor B. Hennings, Sheldon Grover, Olive De Voe, Robert B. De Voe, Mark S. Grover, Lorraine Grover, Daniel E. Crawmer, Ann Crawmer, C. J. Rumble, Dale C. Rumble, Paul B. Rumble, Warren E. Jarboe, Mary Jane Jarboe, Ivan Meador, Clara Meador, H. L. Rumble, Clara E. Rumble, Ward B. Rumble, Phyllis L. Rumble, Aaron B. Miller, Rachel L. Miller, Hubert E. Miller, Mildred E. Miller, Harold O. Miller, and Marjorie E. Miller on May 3, 1973, to annex to the City of Modesto under provisions of the Annexation of Uninhabited Territory Act of 1939, as amended, certain uninhabited territory, hereinafter described and designated as the BECKWITH NO. 2 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 7th day of May, 1973, set said petition for hearing at the hour of 4:30 o'clock P. M. on the 18th day of June, 1973, 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 May 11, 1973, and on May 18, 1973; and in The Ceres Courier, a newspaper published outside the City of Modesto, but in the County of Stanislaus, on May 16, 1973, and on May 23, 1973, for the time and in the manner required by law, which publications were completed at least twenty (20) days prior to the date set for hearing; that written notice of the proposed annexation has been mailed by the City Clerk of the City of Modesto to each person to whom land within the territory proposed to be annexed was assessed on the last equalized assessment roll available on the date the proceedings were initiated, at the address as shown thereon, or as known to said Clerk, and to any person who has filed his name and

address and the designation of the lands in which he has any interest, either legal or equitable, with said Clerk, which notices were mailed not less than twenty (20) days before the date set for public hearing, and that all the requirements of the Annexation of Uninhabited Territory Act of 1939, as amended, have been complied with, and

WHEREAS, the Stanislaus County Local Agency Formation Commission did on May 2, 1973, approve the annexation of said uninhabited territory to the City of Modesto, pursuant to the Government Code, and

WHEREAS, on the 18th day of June, 1973, at the hour of 4:30 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 BECKWITH NO. 2 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 18th day of June, 1973, by Councilman Elliott, who moved its adoption and passage to print, which motion being duly seconded by Councilman Simon, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmen: Mensinger

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

APPROVED AS TO DESCRIPTION:

By _____
Public Works Department

All that real property in the State of California, County of Stanislaus, being a portion of Sections 12 and 13, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by a Northwestern corner of the PRESCOTT NO. 2 ADDITION (231), as per description filed May 16, 1969, as Instrument 17227, Stanislaus County Records, said point also being the intersection of the center line of a 40 foot public road known as Conant Avenue and the center line of a 40 foot public road known as West Rumble Road; thence along the existing City Limits and the boundary of said ADDITION (231), South $0^{\circ} 04' 43''$ East, 350.00 feet, to the Northeastern corner of the HIGHWAY VILLAGE ADDITION (255), as per description filed June 15, 1970, as Instrument 19308, Stanislaus County Records; thence continuing along the existing City Limits and the boundary of said ADDITION (255), South $89^{\circ} 34' 17''$ West, 674.00 feet; thence leaving the existing City Limits, North $0^{\circ} 04' 43''$ West, 350.00 feet, to the center line of West Rumble Road; thence along said center line, South $89^{\circ} 34' 17''$ West, 2001.38 feet, to the intersection of the center line of a public road known as Dale Road; thence along the center line of Dale Road, said center line also being the section line common to Sections 11 and 12, North $0^{\circ} 00' 03''$ West, 2628.14 feet, to the intersection of the center line of a 40 foot public road known as Standiford Avenue; thence along the center line of Standiford Avenue, North $89^{\circ} 35' 37''$ East, 1326.88 feet, to the Northwestern corner of the CONANT NO. 1 ADDITION (294), as per description filed July 27, 1972, as Instrument 3721, Stanislaus County Records; thence along the existing City Limits and the boundary of said ADDITION (294), the following courses, South $00^{\circ} 01' 08''$ East, 1375.08 feet; North $86^{\circ} 07' 07''$ East, 1350.31 feet; South $0^{\circ} 02' 09''$ East, 1333.86 feet, to the point of beginning, containing 125.489 Acres, more or less.

AN ORDINANCE ADOPTING THE BUDGET FOR THE CITY OF MODESTO FOR THE FISCAL YEAR ENDING JUNE 30, 19 74 , AND PROVIDING FOR CERTAIN TRANSFERS OF FUNDS.

WHEREAS, pursuant to the Charter of the City of Modesto, a proposed budget for the 1973 - 74 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 19 73 - 74 ", presented by the City Manager to the City Council at its meeting held April 30 , 1973 , 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, 1974 , 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 18th day of June, 1973, 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: Dunlap, Elliott, Kullijian, Mensinger,
Newton, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: *Lu H. Davis*
Mayor

ATTEST:

By *D. T. Reynolds*
City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elmer Johnson*
City Attorney

AN ORDINANCE AMENDING SECTION 3-3.10 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 3-3.10 of Chapter 3 of
Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-3.10. LICENSE FEE. The license fee for each license
issued hereunder shall be Two and no/100ths (\$2.00) Dollars and
shall be paid in advance when said license is issued. Such
license may be transferred when the ownership of said bicycle is
transferred and a fee of One and no/100ths (\$1.00) Dollar shall be
paid for the registration of such transfer. All license fees collected
under this chapter shall be paid into the General Fund of the City of
Modesto, except that monies required to be set aside and expended
for designated purposes pursuant to Section 39003 of the Vehicle
Code shall be set aside and expended only for such purposes.

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

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

The foregoing ordinance was introduced at a regular meeting of the
Council of the City of Modesto held on the 2nd day of July, 1973, by
Councilman Dunlap, who moved its introduction and passage to print,
which motion being duly seconded by Councilman Elliott, was upon roll
call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Simon,
Mayor Davies


NOES: Councilmen: None

ABSENT: Councilmen: Newton

APPROVED: 
LEE H. DAVIES, Mayor

ATTEST:
By 
W. T. CHYNOWETH, City Clerk

(SEAL)

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

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 9th day of July, 1973, Councilman Dunlap moved its final adoption, which motion being duly seconded by Councilman Newton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,
Newton, Simon, Mayor Davies
NOES: Councilmen: None
ABSENT: Councilmen: None

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

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

EFFECTIVE DATE: August 8, 1973

AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS
 THE COFFEE-FLOYD NO. 2 ADDITION TO THE
 CITY OF MODESTO.

WHEREAS, a petition was filed with the City Clerk by Michael
 Masellis, Victoria Masellis, Irene M. Gilbertson, Kermada Corporation,

on May 22, 1973, 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 COFFEE-FLOYD NO. 2 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 29th day of May, 1973, set said petition for hearing at the hour of 7:30 o'clock P.M. on the 23rd day of July, 1973, 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 June 1, 1973, and on June 8, 1973; and in The Riverbank News, a newspaper published outside the City of Modesto, but in the County of Stanislaus, on June 8, 1973, and on June 15, 1973, 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 April 20, 1973, approve the annexation of said uninhabited territory to the City of Modesto, pursuant to the Government Code, and

WHEREAS, on the 23rd day of July, 1973, at the hour of 7:30 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 COFFEE-FLOYD NO. 2 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 23rd day of July, 19 73, by Councilman Dunlap, 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: Dunlap, Elliott, Kullijian, Mensinger, Newton Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

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

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

(SEAL)

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

APPROVED AS TO DESCRIPTION:
By R. Mangrell
Public Works Department
R. Mangrell
6-1-73

COFFEE-FLOYD NO. 2 ADDITION

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

Beginning at a point on the existing City Limits as established by the Southwestern corner of the COFFEE-FLOYD ADDITION (272), as per description filed June 22, 1971, as Instrument 23064, Stanislaus County Records, said point also being the intersection of the Section line common to Section 16 and Section 15, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, and the quarter-quarter section line of the Northeast quarter of Section 16; thence along said quarter-quarter section line, North $89^{\circ}29'40''$ West, 431.00 feet, to a Northeastern corner of the SHERWOOD TERRACE ADDITION (183), as per description filed November 9, 1965, as Instrument 43731, Stanislaus County Records; thence along the existing City Limits and the boundary of said ADDITION (183), the following courses, South $0^{\circ}54'15''$ East, 122.44 feet; North $89^{\circ}30'40''$ West, 100.00 feet; South $0^{\circ}54'15''$ East, 70.00 feet, to the Northwestern corner of the EAST FLOYD NO. 3 ADDITION (122), as per description filed July 19, 1961, as Instrument 22858, Stanislaus County Records; thence along the existing City Limits and the boundary of said ADDITION (122) the following courses, South $89^{\circ}27'57''$ East, 346.00 feet; South $0^{\circ}53'$ East, 214.00 feet, to a Northwestern corner of the SHERWOOD MEADOWS ADDITION (175), as per description filed March 26, 1965, as Instrument 11993, Stanislaus County Records; thence along the existing City Limits and the boundary of said ADDITION (175), the following courses, South $89^{\circ}30'$ East, 185.01 feet; North $0^{\circ}53'$ West, 406.64 feet, to the point of beginning, containing 2.973 Acres, more or less.

AN ORDINANCE AMENDING SECTION MAP 27-3-9
 OF THE ZONING MAP OF THE CITY OF MODESTO, PREZONING
 CERTAIN PROPERTY LOCATED THEREON. (JIM PRICE -
 OAKMONT P-D FOR GARDEN COURT HOMES)

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

SECTION 1. ZONING CHANGE. Section 27-3-9 of the Zoning Map is hereby amended to prezone the following-described property to Planned-Development Zone, P-PD(114):

All that portion of the northeast quarter of Section 27, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

COMMENCING at the interior quarter corner of said Section 27; thence South 89° 41' East along the east-west quarter section line a distance of 29.04 feet; thence North 0° 33' 03" West along a line parallel to and 29.04 feet distant easterly at right angles from the north-south quarter line of said Section 27, a distance of 37.50 feet to the north line of the Modesto Irrigation District Lateral No. 2, and the true point of beginning of this description; thence continuing North 0° 33' 03" West, parallel to and 29.04 feet distance easterly at right angles from said north-south quarter line of Section 27, a distance of 764.12 feet to the centerline of Edgebrook Drive a proposed 60.00 foot wide public street; thence along said centerline of Edgebrook Drive the following seven (7) courses:

- 1) North 89° 26' 57" East, 336.25 feet; 2) thence in a northeasterly direction along a curve concave to the northwest through a central angle of 56° 17' 39" having a radius of 250.00 feet and a curve length of 245.63 feet; 3) North 33° 09' 18" East 318.10 feet; 4) thence in a northeasterly direction along a curve concave to the southeast through a central angle of 33° 32' 42" having a radius of 250.00 feet and a curve length of 146.37 feet; 5) North 66° 42' East, 384.65 feet; 6) thence in a northeasterly direction along a curve concave to the southeast through a central angle of 23° 30' having a radius of 250.00 feet and a curve length of 102.54 feet; 7) South 89° 48' East, 10.42 feet to the centerline of Fortuna Avenue, as shown on the Official Map of Dry Creek Estates, filed in Volume 21 of Maps at Page 55 Stanislaus County Records; thence South 0° 36' East, along said centerline of Fortuna Avenue, a distance of 777.54 feet; thence in a southwesterly direction along a curve concave to the northwest through a central angle of 45° 15' 05" having a radius of 250.00 feet and a curve length of 197.45 feet to a point of reverse curve; thence in a southwesterly direction along a curve concave to the southeast through a central angle of 45° 15' 05" having a radius of 250.00 feet and a curve length of 197.45 feet; thence South 0° 36' East, a distance of 284.52 feet to the intersection with the north line of the Modesto Irrigation District Lateral No. 2; thence North 89° 41' West, along said north line of Lateral No. 2 a distance of 1150.49 feet to the point of beginning.

Excepting therefrom the westerly 10 feet of Fortuna Avenue, being a 40-foot part-width street; and

SECTION 2. USES. The following uses shall be permitted in said P-PD(114) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code. Said uses are as shown on the Development Plan and subject to compliance with Section 10-2.2704 of the Municipal Code prior to the issuance of a building permit:

1. 205 single-family Garden Court units
2. A minimum 2.83 acre "greenbelt" common open space area including:
 - (a) swimming pool
 - (b) rest rooms
 - (c) utility and maintenance buildings as shown on the approved plan.

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

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of July, 1973, by Councilman Kullijian, 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, Kullijian, Mensinger, Newton, Simon

NOES: Councilmen: Mayor Davies

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 Fields

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 6th day of August, 1973, Councilman Simon moved its final adoption, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Newton, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED



LEE H. DAVIES, Mayor

ATTEST:



W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: September 5, 1973

AN ORDINANCE AMENDING SECTION 2-1.15 OF CHAPTER 1 OF TITLE II OF THE MODESTO MUNICIPAL CODE RELATING TO CITY COUNCIL DECORUM.

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

SECTION 1. AMENDMENT OF CODE. Section 2-1.15 of Chapter 1 of Title II of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 2-1.15. ORDER AND DECORUM.

(a) By Council Members. While the Council is in session, the members must preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council nor disturb any member while speaking or refuse to obey the orders of the Council or its Presiding Officer, except as otherwise herein provided.

(b) By Persons. Any person making personal, impertinent, or slanderous remarks or who shall become boisterous while addressing the Council or who shall by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council or disturb any member while speaking or refuse to obey the orders of the Council or its Presiding Officer shall be forthwith, by the Presiding Officer, barred from further audience before the Council, unless permission to continue be granted by a majority vote of the Council.

(c) Enforcement of Order and Decorum. The Chief of Police, or such member or members of the Police Department as he may designate, shall be Sergeant-at-Arms of the Council meetings. He, or they, shall carry out all orders and instructions given by the Presiding Officer for the purpose of maintaining order and decorum at the Council meeting. Upon instructions of the Presiding Officer, it shall be the duty of the Sergeant-at-Arms, or any of them present, as to any person who violates the order and decorum of the meeting, either to remove and bar such person from the Council meeting, or to place such person under arrest and cause him to be prosecuted under the provisions of this Code, or both. Violation of the order and decorum of a Council meeting is a misdemeanor.

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 23rd day of July, 1973, by

Councilman Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,
Newton, Simon, 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 6th day of August, 1973, Councilman Simon moved its final adoption, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,
Newton, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

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

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

EFFECTIVE DATE: September 5, 1973

AN ORDINANCE AMENDING SECTIONS 4-6.101, 4-6.202, 4-6.205, 4-6.206.1, 4-6.208, 4-6.210, 4-6.211, 4-6.212, 4-6.213, 4-6.214, 4-6.215, 4-6.216, 4-6.301, 4-6.402, 4-6.402.1, 4-6.501, 4-6.606, 4-6.609, AND 4-6.901 OF CHAPTER 6 OF TITLE IV OF THE MODESTO MUNICIPAL CODE, AND REPEALING SECTIONS 4-6.217 AND 4-6.902 THEREOF RELATING TO TAXICABS.

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

SECTION 1. AMENDMENT OF CODE. Sections 4-6.101, 4-6.202, 4-6.205, 4-6.206.1, 4-6.208, 4-6.210, 4-6.211, 4-6.212, 4-6.213, 4-6.214, 4-6.215, 4-6.216, 4-6.301, 4-6.402, 4-6.402.1, 4-6.501, 4-6.606, 4-6.609 and 4-6.901 of Chapter 6 of Title IV of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 4-6.101. DEFINITIONS. Unless otherwise expressly stated, whenever used in this chapter, the following terms shall respectively be deemed to mean:

(a) Street. Any place commonly used for the purpose of public travel.

(b) Owner. Every person having use or control of any taxicab, as herein defined, whether as owner, lessee or otherwise.

(c) Driver. Every person in charge of operating any taxicab, as herein defined, either as agent, employee, or otherwise, of owner, as owner, or under the direction of the owner, as herein defined.

(d) Taximeter. Any mechanical instrument, appliance, device, or machine, by which the charge for hire of a taxicab is mechanically calculated either for distance traveled or time consumed, or both, and upon which instrument, appliance, device, or machine such charge is indicated by figures.

(e) Taxicab. Every automobile or motor-propelled vehicle of a distinctive color or colors, such as is in common usage in this country for taxicabs, and/or operated at rates per mile, or for waiting time, or for both, and equipped with a taximeter, used for the transportation of passengers for hire over the public streets of the City and not over a defined route and irrespective of whether the operations extend beyond the boundary limit of the said City, and such vehicle is routed under the direction of such passenger.

SEC. 4-6.202. APPLICATION FOR CERTIFICATE. All persons applying to the Council for a certificate for the operation of one or more taxicabs shall file with the Council a sworn application therefor, including the following information:

(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 of taxicabs actually operated in Modesto by the applicant on the date of the application, if any.

(d) The number of taxicabs for which certificates of public convenience and necessity are desired.

(e) The type, age and condition of each taxicab proposed to be operated by the applicant, stating the make, year of manufacture and passenger carrying capacity.

(f) The make and type of taximeter intended to be installed on each taxicab for which application is made.

(g) A description of the proposed color scheme, and any other distinguishing characteristics of the proposed taxicab design.

(h) The number and requested location of taxicab stands, if any are sought.

(i) The experience of the applicant in the taxicab business.

(j) The financial status of the applicant, including the amounts of unpaid judgments against the applicant and the nature of the transaction or acts giving rise to said judgments.

(k) Any facts which the applicant believes tend to prove that public convenience and necessity require the granting of a permit and such other information as the Council may require.

SEC. 4-6.205. INVESTIGATION OF APPLICATION. Before any application is acted upon by the Council, the City Manager shall cause the Director of Parking and Traffic to make an investigation and shall report his findings, in writing to the Council on the following:

(a) The demand of the public for additional taxicab service.

(b) The adequacy of existing mass transportation and taxicab service.

(c) The financial responsibility and experience of the applicant.

(d) The number, kind and type of equipment and the color scheme to be used.

(e) The effect which such additional taxicab service may have upon traffic congestion and parking.

(f) Such other relevant facts as the Council may deem advisable or necessary.

SEC. 4-6.206.1 POSTING OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY. Each taxicab operator to whom a certificate of public convenience and necessity has been issued shall cause an authenticated copy of the certificate to be posted on the dash in a position clearly visible to the passenger in the taxicab, or in some other area approved by the Director of Parking and Traffic.

SEC. 4-6.208. PRESENT OPERATORS. Nothing contained in this article shall be construed to invalidate any lawful certificate of public convenience and necessity heretofore granted to any person to operate a taxicab within the City, nor to necessitate any holder of a certificate to make an application for a new certificate by reason of the provisions of this article, provided, however, that said certificates shall be subject to all of the provisions of this chapter heretofore or hereafter enacted.

SEC. 4-6.210. CANCELLATION OF CERTIFICATES. After the service for which a certificate is granted hereunder is discontinued for a period of ten (10) days, or if the person sells, assigns, mortgages or otherwise transfers a certificate of public convenience and necessity without the consent of the Council, the certificate granted hereunder shall be automatically cancelled and shall be re-issued only in accordance with the provisions of this article.

SEC. 4-6. 211. REPLACEMENT OF TAXICABS. Whenever an owner sells or transfers title to a taxicab for which a certificate has been granted and purchases another taxicab, the Director of Parking and Traffic, as a matter of right, upon written request of applicant, shall issue a new certificate for the operation of such replacement taxicab, provided said owner has complied with all the provisions of this article. No replacement cab shall be put into operation before a certificate covering its operation has been obtained as required by this section.

SEC. 4-6. 212. SUBSTITUTE TAXICABS. Any owner holding a certificate to operate one or more taxicabs, who desires to substitute a different vehicle for a taxicab operated under such certificate, shall do so only upon obtaining, from the Director of Parking and Traffic, permission therefor, which shall be granted only upon written application setting forth the particulars of such proposed substitution, and upon otherwise complying with the requirements of this article.

SEC. 4-6. 213. REVOCATION OF CERTIFICATES. A certificate may be revoked by the Council at any time after proper notice to and opportunity of hearing given to the owner thereof if:

- (a) The Council finds the owner's past record to be unsatisfactory.
- (b) The owner fails to operate the taxicab in accordance with the provisions of this chapter.
- (c) The owner fails to operate any taxicab for a period of seventy-two (72) hours without first having obtained permission for cessation of such operation from the Director of Parking and Traffic.
- (d) When the owner's service to the public is inadequate or inefficient.
- (e) The taxicabs are operated at a rate of fare other than that approved by the Council.
- (f) The owner fails to pay any of the fees or payments required to be paid by him by the provisions of this chapter or by the provisions of Chapter 1 of Title VI of this Code.

SEC. 4-6. 214. SURRENDER OF CERTIFICATE. A certificate which shall have been automatically cancelled or revoked by the Council shall forthwith be surrendered to the Director of Parking and Traffic, and the operations of any taxicab covered by such a certificate shall cease and further operation of such a taxicab shall be unlawful. Any owner who shall permanently retire any taxicab from taxicab service and not replace same within ten (10) days thereof, shall immediately surrender any certificate granted for the operation of such taxicab to the Director of Parking and Traffic. An owner may not secure a new certificate for the operation of any taxicab for which a certificate has been automatically cancelled, revoked or surrendered without having first made application therefor in the manner provided in this article.

SEC. 4-6. 215. ADDITIONAL TAXICABS. Any owner holding a certificate of public convenience and necessity to operate one or more taxicabs, who desires to add to the number of such vehicles shall do so only upon obtaining from the Council, a certificate therefor, in the manner provided in this article.

SEC. 4-6. 216. MAINTENANCE AND INSPECTION OF RECORDS. Each person granted a certificate of public convenience and necessity to engage in the business of operating any taxicab within the City pursuant to the provisions of this chapter shall maintain detailed records of all receipts and expenditures received and incurred in the operation of such business. The City, its officers and employees shall be entitled to inspect, audit, and copy such books and records at all reasonable times.

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. 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. Such taximeter shall be at all times subject to inspection by the Director of Parking and Traffic. The 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. Upon the discovery of any inaccuracy in said meter, the Director of Parking and Traffic shall 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. 4-6.402. INSPECTION OF TAXIMETERS. Taximeters placed upon taxicabs, to replace broken or faulty meters, shall under no condition be operated more than twenty-four (24) hours prior to being approved, inspected, and tested by the Director of Parking and Traffic and the Stanislaus County Sealer of Weights and Measures.

SEC. 4-6.402.1. SEALING OF TAXIMETERS. Sealing of taximeters may be required by the Stanislaus County Sealer of Weights and Measures.

SEC. 4-6.501. INSPECTION OF TAXICABS. Before a certificate is issued to any owner, the taxicab for which such certificate is requested shall be delivered to the Director of Parking and Traffic, who shall inspect such taxicab, its equipment and taximeter to ascertain whether such taxicab complies with the provisions of this chapter.

SEC. 4-6.606. CAPACITY. No driver of any taxicab shall accept, take into his vehicle or transport any larger number of passengers than the rated seated capacity of his vehicle.

SEC. 4-6.609. TAXICAB TO BE ATTENDED. It shall be unlawful for any taxicab to remain standing in any established taxicab stand, unless said cab is attended by a driver, except when the driver is assisting passengers to load or unload, or when answering his telephone.

SEC. 4-6.901. INSURANCE REQUIRED. It shall be unlawful to operate any taxicab, as defined in Section 4-6.101 of this Code, unless there is at all times in force and effect to provide adequate protection against liability for damages which may be or have been imposed for each negligent operation of each such taxicab, or its driver, a liability insurance policy or policies approved by the City Clerk and issued by an insurance company authorized to do business in the State of California.

Such policy or policies shall provide protection against liability of the owner of a taxicab for the payment of damages in amounts, at least, as follows:

In the amount of One Hundred Thousand and no/100ths (\$100,000.00) Dollars on account of bodily injuries to, or death of, one person;

In the amount of Three Hundred Thousand and no/100ths (\$300,000.00) Dollars against the total liability of the licensee on account of bodily injuries to, or death of, more than one person as a result of any one accident;

In the amount of Fifty Thousand and no/100ths (\$50,000.00) Dollars for one accident resulting in damage or destruction of property, whether the property of one or more than one claimant.

A liability insurance policy required by this section shall inure to the benefit of any persons who shall be injured or who shall sustain damage to property proximately caused by the negligence of the owner insured by such policy, his employees or agents.

Satisfactory evidence that the liability insurance required by this section is at all times in full force and effect shall be furnished the City Clerk by each owner required to provide such insurance.

The policy of insurance shall contain a provision against cancellation except upon ten (10) days' prior written notice thereof to the City Clerk.

SECTION 2. REPEALS. Sections 4-6.217 and 4-6.902 of Chapter 6 of Title IV of the Modesto Municipal Code are hereby repealed.

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 23rd day of July, 1973, 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: Dunlap, Elliott, Kullijian, Mensinger, Newton, Simon, 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. 1280-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 6th day of August, 1973, Councilman Simon moved its final adoption, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Newton, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED

Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

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

EFFECTIVE DATE: September 5, 1973

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 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.

(b) F and R-A 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, except that a shopping center, as defined below, shall not be deemed to be a use or occupancy for purposes of this paragraph.

(2) Subject to securing a conditional use permit from the Board of Zoning Adjustment in accordance with Article 20 of Chapter 2 of Title X of this Code, a shopping center, as herein defined, shall be entitled to erect one free-standing shopping center identification sign, hereinafter referred to as a "shopping center sign", for each separate frontage of the shopping center, subject to the following provisions:

(aa) Each shopping center sign shall not exceed one hundred fifty (150) square feet in area, thirty-five (35') feet in height, and thirty (30') feet in length.

(ab) The identification on each shopping center sign shall be limited to the shopping center name and either a reader board or a listing of uses within the center. The lettering for the reader board or the listing of such uses shall be of a size not greater than one-half (1/2) the size of the lettering of the shopping center name on such a sign.

(ac) Any free-standing or projecting double-faced identification sign or signs erected at said shopping center on or after July 1, 1972, whether identifying said shopping center or any use or occupancy therein, shall be removed prior to obtaining a building permit for the erection of a shopping center sign.

(ad) After the erection of a shopping center sign at a shopping center, no additional free-standing or projecting double-faced identification sign shall be erected at such shopping center for any use or occupancy therein.

In granting an application for a conditional use permit for a shopping center sign, the Board of Zoning Adjustment may impose such additional conditions as it deems appropriate to insure conformity with the purposes of this chapter and to insure compatibility with the surrounding area. Such conditions may include, but are not limited to, restrictions on area, height, length, and lighting, and requirements for landscaping and other beautification of the area immediately adjacent to the shopping center sign.

In granting an application for a conditional use permit for a shopping center sign, the Board of Zoning Adjustment shall determine whether the applicant is a shopping center, and what uses or occupancies are included within such shopping center, after consideration of the following factors:

(i) A shopping center is usually comprised of a cluster of retail uses at one location held out to the public as a distinct shopping area and having at least one retail use with a minimum area for that use of twenty thousand (20,000) square feet, and having a minimum of five (5) other retail uses on the same or adjacent sites.

(ii) A shopping center is not normally traversed by any public streets.

(iii) The existence of and extent of membership of any merchants association.

(iv) The existence of any common advertising program for such center, or any uses or occupancies conducted therein, and the number of uses or occupancies therein which participate in such program.

(3) 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.

(4) 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.

(5) 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.

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

(7) 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.

(8) 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.

(9) 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.

(10) Temporary signs are not permitted.

(11) Outdoor advertising signs are not permitted.

(12) 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) A-R Zone. Same as H-1 Zone.

(j) 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.

(k) 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 6th day of August, 1973, 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: Dunlap, Elliott, Kullijian, Mensinger,
Newton, Simon, 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 13th day of August, 1973, Councilman Dunlap moved its final adoption, which motion being duly seconded by Councilman Newton, was upon roll call carried and the ordinance adopted by the following vote:

- AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Newton, Simon, Mayor Davies
- NOES: Councilmen: None
- ABSENT: Councilmen: None

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

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

EFFECTIVE DATE: September 12, 1973

AN ORDINANCE AMENDING SECTIONS 10-2. 301 AND 10-2.1505.1 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE, ADDING ARTICLES 31 AND 32 TO CHAPTER 2 OF TITLE X, AND REPEALING ARTICLE 13 OF CHAPTER 2 OF TITLE X RELATING TO THE ZONING REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Sections 10-2. 301 and 10-2.1505.1 of Chapter 2 of Title X of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 10-2. 301. NAMES OF ZONES. In order to classify, regulate, restrict and segregate the uses of land and buildings, to regulate and restrict the height and bulk of buildings, and to regulate the area of yards and other open spaces about buildings, and to regulate the density of population, fifteen (15) classes of zones are by this chapter established to be known as follows:

Exclusive Agricultural and Recreational Zone	A-R
Residential-Agricultural Zone	R-A
One-Family Zone	R-1
Two-Family Zone	R-2
Multiple-Family Zone	R-3
Professional Office Zone	P-O
Neighborhood Commercial Zone	C-1
General Commercial Zone	C-2
Commercial-Industrial Zone	C-M
Light Industrial Zone	M-1
Heavy Industrial Zone	M-2
Flood Plain Zone	F
Planned Development Zone	P-D
Industrial Park Zone	M-P
Highway Frontage Zone	H-1

SEC. 10-2.1505.1. CLASSIFICATION OF ANNEXED TERRITORY.

(a) All territory annexed to the City which has not been rezoned pursuant to Section 10-2.1505 shall automatically be classified with the City's zone classification most comparable to the County's zone classification held immediately prior to its annexation to the City, as shown on the following conversion table, except as provided in subsections (b) and (c) hereof.

Stanislaus County	City of Modesto
F	F
A-2	A-R
R-A	R-1
R-1	R-1
R-2	R-2
R-3	R-3
H-1	H-1
C-1	C-1
C-2	C-2
L-M	M-1
M	M-2

(b) Any territory annexed to the City which in the County was unclassified or in a zoning classification that does not appear in the table specified in subsection (a) above, shall be classified as R-1, Single Family Residential.

(c) The application of County zoning in accordance with the provisions of subsections (a) and (b) of this section shall not prejudice the right of the Council or the Planning Commission to initiate rezoning of any land within the City at a date subsequent to annexation in accordance with the procedures set forth in Articles 21 and 22 of this chapter.

SECTION 2. AMENDMENT OF CODE. Articles 31 and 32 are hereby added to Chapter 2 of Title X of the Modesto Municipal Code to read as follows:

ARTICLE 31. FLOOD PLAIN ZONE

SEC. 10-2.3101. PURPOSE. The Flood Plain Zone is an overlay zone intended to identify those areas of the community that are subject to the threat of flooding and inundation, to limit permitted uses thereon to agricultural uses for the public health and safety, and to prescribe conditions under which urban uses can be constructed on lands so zoned.

SEC. 10-2.3102. PERMITTED USES. In an "F" zone wherein all areas have, after investigation, been declared by the Council as unfit for human habitation by reason of topography, elevation and other physical factors contributing to the hazard of flood and inundation, no building shall be erected, reconstructed or structurally altered nor shall any building be used for any purpose except as hereinafter provided and allowed by this article. The "F" zone is hereby declared to be a flood zone that shall be superimposed over the normal zoning existing or hereafter created.

The properties indicated by the superimposed "F" zone shall be limited to the following uses only, regardless of the basic zoning classification:

- (a) Agricultural uses.
- (b) Any signs permitted in the R-1 Zone.
- (c) Other uses not involving buildings designed or occupied for living purposes, public assembly or both, or for the manufacture or storage of products and materials except those incidental and necessary to the permitted uses, unless such properties comply with the following additional requirements over and above those set forth in the articles governing the basic zoning classification:

(1) Foundation walls, footings and types of construction shall be such as will prevent damage to the structure during flood conditions.

(2) The floor level of the main floor of any dwelling in the various areas enumerated as Flood Plain zones shall not be lower than the elevation designated as being the part below which such areas are subject to flood as designated herein.

This section does not permit the excavation or quarrying of any rock, sand, gravel or other material in any of the "F" zone areas declared as hazardous for such use, nor does it permit any operation which will, by its nature or structure or materials used in connection therewith, impede or tend to impede, retard or change the direction of the flow of water in any river, stream, wash or arroyo, or that will catch or collect debris carried by water flowing in such areas, unless such areas are so used in conformity with any rules and regulations established by the Council.

SEC. 10-2.3103. AREAS AFFECTED. Areas declared to be within the Flood Plain zone shall be so designated. Such areas shall be graphically defined on the zoning map.

ARTICLE 32. EXCLUSIVE AGRICULTURAL AND
RECREATIONAL ZONE

SEC. 10-2. 3201. PURPOSE. The Exclusive Agricultural and Recreation (A-R) Zone is intended to preserve open space in the urban area for two basic types of uses: agricultural lands and recreational lands.

SEC. 10-2. 3202, PERMITTED USES. In the "A-R" Zone only the following uses are permitted as are hereinafter specifically provided and allowed:

- (a) Agricultural crops.
- (b) Greenhouses, fruit trees, vines and nurseries for producing trees, vines and horticultural stock, but not including offices or sales floor space.
- (c) Storage of petroleum products for use on the premises, but not for resale.
- (d) Additional housing for hired agricultural workers.
- (e) Stands for the display or sale of agricultural products raised on the premises.
- (f) The following fowl and animals under the following conditions:
 - (1) Poultry (except turkeys and geese), chinchillas, hamsters, rabbits and other small animals raised for food, scientific, or fur bearing purposes, for family or commercial use; and household pets subject to the provisions of Section 10-2. 233.
 - (2) Bovine animals and horses on sites of not less than one acre, provided that such domestic animals shall not exceed a number per acre equal to two (2) adult animals of any one kind or combination thereof.
 - (3) The keeping of all domestic animals provided for in this article shall conform to all other provisions of law governing same. No fowl or animals (except those used for household pets), stable or barn shall be kept or maintained within forty (40') feet of any window or door of any residence, dwelling or other building used for human habitation, nor within forty (40') feet of any portion of required yard space located on adjoining property if such adjoining property is devoted to a use other than agriculture.
- (g) Any use permitted in the R-A, Residential-Agricultural Zone.
- (h) Accessory buildings and appurtenances incidental to farming.
- (i) Any sign permitted in the H-1 Zone.
- (j) 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) Alfalfa and feed dehydrators, commercial pea and bean viners, nut hulling and drying and similar agricultural processes.
 - (2) Boarding stables, bridle paths, riding academies, roping arenas and summer recreational camps without permanent housing, but only when the parcel under one ownership is at least ten (10) acres.
 - (3) Cemeteries, churches, cold storage rental lockers, community centers, crop dusting service, day nurseries, farm labor camps, gun clubs, hunting clubs, lodges, museums and private air strips.
 - (4) Commercial excavation of earth, minerals, building materials or removal of oil or gas, together with the necessary apparatus and appurtenances incidental thereto.
 - (5) Public parks operated by public agencies, country clubs, and golf courses illuminated or not but excluding miniature golf courses and driving ranges.

(6) Boat liveryes, boat launching and rental facilities, summer camps and picnic grounds where the parcel of land in one ownership exceeds ten (10) acres.

SEC. 10-2.3203. HEIGHT. No building shall exceed two (2) stories in height or thirty-five (35') feet, whichever is the lesser.

SEC. 10-2.3204. FRONT YARD. Every lot or parcel shall maintain a front yard not less than fifteen (15') feet in depth.

SEC. 10-2.3205. SIDE YARDS. The minimum side yard for any dwelling shall be six (6') feet. The minimum side yard for a private garage or accessory building shall be six (6') feet, except that a private garage or other accessory building located at least twelve (12') feet in the rear of the main building requires no side yard provided that no portion of the building shall overhang the property line.

SEC. 10-2.3206. MINIMUM PARCEL AREA. The minimum required lot area for any lots created on lands zoned "A-R" shall be ten (10) acres with one or two dwelling units, three (3) acres for each additional dwelling unit on the parcel, and five (5) acres for each twenty (20) units of housing for agricultural workers. Utilities and public facilities are exempt from the minimum parcel area requirements.

SEC. 10-2.3207. LOT WIDTH. Every parcel created on lands zoned "A-R" shall have an average width of not less than two hundred sixty (260') feet.

SEC. 10-2.3208. BUILDINGS, PLACEMENT. Placement of buildings on any lot shall conform to the following:

- (a) No building may occupy any portion of a required yard.
- (b) All buildings used for human habitation shall not be located closer to a property line than the distance required in the side yard.
- (c) The distance between any building used for human habitation and any accessory building or another building used for human habitation on any lot shall be equal to twice the required side yard.

SECTION 3. REPEALS. Article 13 of Chapter 2 of Title X of the Modesto Municipal Code is hereby repealed.

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 6th day of August, 1973, 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: Dunlap, Elliott, Kullijian, Mensinger, Newton, Simon, 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 13th day of August, 1973, Councilman Dunlap moved its final adoption, which motion being duly seconded by Councilman Newton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,
Newton, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED 
LEE H. DAVIES, Mayor

ATTEST: 
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: September 12, 1973

AN ORDINANCE AMENDING SECTION MAP 9-3-9
OF THE ZONING MAP OF THE CITY OF MODESTO,
RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON.
(CHARLES F. DOTSON)

WHEREAS, a verified application for an amendment to Section 9-3-9 of the Zoning Map was filed by Charles F. Dotson

on April 5, 1973, to reclassify from One-Family Residential Zone, R-1, to Two-Family Residential Zone, R-2, the hereinafter described property, and

WHEREAS, after public hearing held on June 19, 1973, 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. 73-75, adopted on June 19, 1973, the Planning Commission recommended to the Council that the application of Charles F. Dotson

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, 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 9-3-9 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 _____:

Lot 4 in Block 12304 in King Arthur's Camelot, as per map filed June 8, 1965 in Volume 21 of Maps, Page 13, Stanislaus County Records.

Including also the northerly 30 feet of Rumble Road and the westerly 30 feet of Lancelot Lane immediately adjacent to the above described property.

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 6th day of August, 1973, 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: Dunlap, Elliott, Kullijian, Mensinger, Newton, Simon, 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. Phillips
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 13th day of August, 1973, Councilman Dunlap moved its final adoption, which motion being duly seconded by Councilman Newton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,
Newton, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

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

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

EFFECTIVE DATE: September 12, 1973

AN ORDINANCE AMENDING ARTICLES 1 AND 2 OF CHAPTER 4 OF TITLE V OF THE MODESTO MUNICIPAL CODE, AND ADDING ARTICLE 4 THERETO RELATING TO ANIMALS.

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

SECTION 1. AMENDMENT OF CODE. Articles 1 and 2 of Chapter 4 of Title V of the Modesto Municipal Code are hereby amended to read as follows:

ARTICLE 1. DISEASED ANIMALS.

SEC. 5-4.101. AUTHORITY TO IMPOUND. Whenever the City Health Officer shall have reasonable cause to believe that any animal, either licensed or unlicensed, is diseased or has bitten any person, the City Health Officer is hereby authorized to quarantine said animal on the premises of the owner if the City Health Officer deems the restraint adequate, or to cause such animal to be impounded for a period of ten (10) days in order to determine whether or not the animal is rabid or is suffering from any other animal disease dangerous to human beings or to animals in the City.

SEC. 5-4.102. DUTY OF HEALTH OFFICER. The City Health Officer may have such animal observed and examined by a veterinarian or other qualified person, and if the animal is determined to be rabid or to be suffering from any other animal disease dangerous to human beings or to animals in the City, the City Health Officer shall direct the Chief of Police to dispose of the animal and the Chief of Police shall carry out the directions of the City Health Officer in that regard. Otherwise, said animal shall be released to the owner or person entitled to its possession after payment of costs as provided by Section 5-4.103 of this article. No dog shall be destroyed unless notice has been given by the Chief of Police in accordance with the provisions of Section 5-4.213 of this chapter.

SEC. 5-4.103. EXPENSE BORNE BY OWNER. The cost of feeding, keeping or treating an animal impounded in accordance with the provisions of this chapter shall be borne by the owner thereof, or the person having legal custody of said animal at the time said animal is taken into custody. Said cost may be recovered by the City from said owner or person having legal custody of said animal at the time said animal is taken into custody in any action at law or in equity.

SEC. 5-4.104. DUTY TO REPORT. It is hereby made the duty of any person having knowledge that any animal has bitten a human being within the limits of the City to immediately report that fact to the Health Officer with full information in regard to the incident.

In the event that the Chief of Police secures information that any animal is diseased, or has bitten any person, or of the existence of any case of rabies or other animal disease dangerous to human beings or to animals in the City, he shall report the same to the Health Officer and thereafter carry out all of the directions received by him from the City Health Officer in regard to the control of such disease, the quarantine of any animals, or any other directions that may be given to him by the City Health Officer in respect to the same.

ARTICLE 2. DOGS.

SEC. 5-4.201. LICENSING AND FEES. Every person who owns, controls, harbors, possesses or keeps any dog over the age of four (4) months in the City shall, on or before March 1st of each year, procure a license from the Director of Finance for said dog, and shall be required to pay an annual license fee of Four and no/100ths (\$4.00) Dollars for each such dog; provided, however, that no license fee shall be required to be paid for guide dogs for the blind. Thereafter, during the year, within fifteen (15) days after a dog reaches the age of four (4) months, or within fifteen (15) days after any dog over the age of four (4) months is acquired or brought into the City, its owner shall procure a license for said dog and shall be required to pay the fees herein required of such owner. Any owner who fails to procure such a dog license within the time allowed, shall in addition to any other penalty provided by this Code, be subject to a penalty of one hundred (100%) percent of the amount due, and said penalty shall be added to the license fee hereinabove provided for, and shall be collected therewith.

SEC. 5-4.202. LICENSE TAG REQUIRED. It is hereby made the duty of the Director of Finance to annually procure and issue upon proper application and payment therefor, by any person owning, controlling, harboring, or keeping any dog, a serially numbered license tag, stamped with the name of the City and the year of the issuance. The applicant for said license shall state the age, sex, color and breed of the dog for which the license is desired, and the address of the owner of said dog. The Director of Finance upon the issuance of said license, shall endorse upon the application, the number of the license tag issued, and all applications so endorsed shall be kept on file in the office of the Director of Finance and shall be open to public inspection.

The person to whom said license is issued shall affix or cause to be affixed the license tag hereinabove mentioned to said dog for whom said license is issued, and said dog shall thereafter, at any and all times, have attached to it said license tag aforesaid.

The license issued by the Director of Finance may be transferred upon the payment of the sum of One and no/100ths (\$1.00) Dollar.

SEC. 5-4.203. FEE FOR DUPLICATE TAG. Whenever a license tag, as provided for in Section 5-4.202 of this Code, issued for the current year, has been lost or taken or stolen by parties unknown to the owner, or person having control of the dog for which the same was issued, such owner or person having control of such dog may upon the payment of the sum of One and no/100ths (\$1.00) Dollar and upon the making and subscribing to an affidavit of such loss of said tag, receive from the Director of Finance a duplicate license tag for the remaining portion of the year for which the original license was issued.

SEC. 5-4.204. IMMUNIZATION REQUIRED. It shall be unlawful for any person to keep, own or harbor any dog or dogs in the City over the age of four (4) months unless such dog or dogs have been vaccinated with an approved canine anti-rabies vaccine by a veterinarian authorized to practice veterinary medicine or surgery in this State.

SEC. 5-4.205. FREQUENCY OF VACCINATION: ISSUANCE OF CERTIFICATES. Dogs vaccinated with nervous-tissue vaccine shall be vaccinated at least once each year. Dogs vaccinated with chicken-embryo vaccine shall be vaccinated at least once each two (2) years. Doctors of veterinary medicine and surgery who vaccinate dogs with approved anti-rabies vaccine shall issue certificates of such vaccination to the person owning or possessing such dog.

SEC. 5-4.206. LICENSING; VACCINATION TAGS. No dog license shall be issued pursuant to Section 5-4.202 of this Code for any dog unless and until the owner of said dog shall present to the Director of Finance a certificate of a duly licensed doctor of veterinary medicine, certifying that such dog has been vaccinated with an approved chicken-embryo anti-rabies vaccine within a period of not more than one year and ninety (90) days prior to January 1st of the licensing year, or has been vaccinated with an approved nervous-tissue anti-rabies vaccine within a period of not more than ninety (90) days prior to January 1st of the licensing year.

SEC. 5-4.207. LEASH REQUIRED. No dog shall be permitted in or upon any public street, alley, park, park-way, or other public place in the City or in or upon any property belonging to said City, unless said dog shall be on a leash and is under the complete control of the person owning or at the time in possession of said dog. Said leash in no event shall be of a length greater than eight (8') feet.

Notwithstanding anything in this section to the contrary, no person shall be compelled to keep any dog in his possession on a leash while in or upon any public street, alley, park, park-way, or other public place in the City, if at the time, said dog is securely confined in an automobile.

SEC. 5-4.207.1. VICIOUS DOGS. Any dog which on more than one occasion has bitten or otherwise injured any person other than his owner or a trespasser upon private premises where such dog is kept, or any dog which has otherwise demonstrated vicious or dangerous propensities, or any dog known to be vicious or dangerous to the safety of any person or animal shall not be allowed to run at large. The owner or person having control of a dog which is allowed to run at large in violation of this section shall be guilty of a misdemeanor.

If upon the trial of any such person it shall be determined that such dog is vicious or dangerous to persons or other animals, the Court, in addition to any other penalty, may order that such dog be muzzled, that such dog be kept within a sufficient enclosure, or that such dog be delivered to the Chief of Police and by him destroyed.

SEC. 5-4.207.2. TRESPASSING PROHIBITED. It shall be unlawful for any person owning, or being in charge, care, control or custody of any dog to suffer or permit any such dog to trespass on private property.

SEC. 5-4.207.3. COMMISSION OF NUISANCE PROHIBITED. It shall be unlawful for any person owning or being in charge, care, control or custody of any dog to suffer or permit any such dog to commit a nuisance on improved private property other than that of the owner or person having charge, care, control or custody of the dog.

SEC. 5-4. 208. MUZZLING. No person shall be compelled to muzzle any dog except in cases of emergencies. Such emergencies shall be deemed to exist when and if the Health Officer shall determine and report to the council that there is in the City or County surrounding said City, an epidemic of rabies. When and if said Health Officer reports as aforesaid, then all persons in the City owning, possessing, keeping, or harboring any dog or dogs shall cause the same to be muzzled and to remain muzzled, except when said dog or dogs are eating, until said Health Officer shall publicly and officially declare that such epidemic is at an end.

SEC. 5-4. 209. DISTURBING THE PEACE. It shall be unlawful for any person in possession or control of a dog to permit said dog to disturb the peace and quiet of any of the citizens of the City. It shall be the duty of the Chief of Police to impound any dog found to be disturbing the peace and quiet of any of the citizens of the City.

SEC. 5-4. 210. FEMALE DOGS. It shall be unlawful for any person owning or having the possession of any female dog in season to permit the same to run at large or to run loose on or within the premises of such person. Running loose is defined for the purposes of this section as being outside of a house, closed garage or other closed building, whether tied or not.

SEC. 5-4. 211. DUTY OF CHIEF OF POLICE TO IMPOUND UNLICENSED DOGS. It shall be the duty of the Chief of Police to impound all dogs over the age of four (4) months that are unlicensed and/or unidentified, as provided for in this article, or that are in and upon any public street, alley, park, park-way or public place unleashed.

SEC. 5-4. 212. REDEEMING IMPOUNDED DOGS. Whenever any dog is impounded under the provisions of Section 5-4. 211 of this Code, the owner or any person interested therein may redeem the same upon payment to the Chief of Police of the license fee provided in Section 5-4. 201 of this Code, if said license fee has not heretofore been paid, and the further payment of the applicable fees as set forth in Section 5-4. 401 of this Code.

SEC. 5-4. 213. NOTICE TO OWNER BEFORE KILLING IMPOUNDED DOGS. (a) Except as provided in subsection (b) of this section, no dog impounded under the provisions of this article shall be killed until and after notice is given by the Chief of Police to the owner of said dog, if known, as hereinafter provided. The notice as provided for in this section shall contain a description of the dog impounded, including the sex and breed thereof and the date said dog was impounded. The notice required by this section may be served as follows:

(1) By delivering a copy to the owner of the dog personally; or

(2) If he be absent from his place of residence, and from his usual place of business, by leaving a copy with some person of suitable age and discretion at either place, and sending a copy through the mail addressed to the owner of said dog at his place of residence; or

(3) If such place of residence and business cannot be ascertained, or a person of suitable age or discretion there cannot be found, then by sending a copy of said notice through the mail addressed to the owner of said dog at the last known address of said owner.

(b) An impounded dog shall become the property of the City and may be killed in a humane manner or otherwise disposed of as the Chief of Police deems satisfactory in either of the following events:

(1) If the owner of the dog has not redeemed said dog within five (5) days after the giving of the notice to the owner by City as set forth above; or

(2) After the expiration of five (5) days from the date of the impounding of the dog, if the owner cannot be located after efforts have been made to do so.

SEC. 5-4.214. EXEMPTIONS. The provisions of this article shall not apply to any dog owned by or in charge of any person who is a nonresident of the City of Modesto and who is traveling through the City of Modesto, or temporarily sojourning therein for a period of not to exceed fifteen (15) days; nor to any dog brought into the City and kept therein for not to exceed fifteen (15) days for the exclusive purpose of entering said dog in any bench show, dog exhibition, field trial or competition; nor to any dog brought to or sent into the City from any point outside thereof for the exclusive purpose of receiving care from a licensed veterinary.

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

ARTICLE 4. MISCELLANEOUS.

SEC. 5-4.401. FEE SCHEDULE FOR IMPOUNDMENT, DAILY CARE AND FEED, ETC. Whenever any animal is impounded by the Chief of Police or delivered to the Chief of Police for disposal, the Chief of Police shall charge the owner or any person redeeming or delivering such an animal the following charges, when applicable:

(a) Impoundment.

(1) Fee for each animal impounded.

(aa) First impoundment	\$ 5.00
(ab) Second impoundment in one calendar year	10.00
(ac) Third and succeeding impoundments in one calendar year	15.00

(2) In addition to the standard fee, the actual cost of any unusual expenses incurred with an itemized bill of such expenses.

(3) No impoundment fee shall be charged for animals delivered.

(b) Daily Care and Feed.

(1) Dogs, cats and other small animals.	\$ 1.00
(2) All other animals.	Actual cost

(c) Veterinary Care. Actual cost

(d) Disposal Fee.

(1) Large animals over 1,000 pounds.	\$20.00
(2) Medium animals 100 - 1,000 pounds.	15.00
(3) Dogs, cats and other small animals under 100 pounds.	No charge

(e) Rabies Vaccination. \$ 5.00

The Chief of Police shall transmit all of said fees to the Director of Finance.

SEC. 5-4.402. ANIMAL CONTROL CENTER. The Animal Control Center operated by the County of Stanislaus is hereby designated as the facility where animals shall be impounded and/or delivered for disposal under the provisions of this chapter.

SEC. 5-4.403. ANIMAL CONTROL OFFICERS. Persons employed by the City as Animal Control Officers are, subject to the control and direction of the Chief of Police, hereby authorized and directed to enforce all of the provisions of this chapter. For such purpose they shall have the power to arrest persons for violations of this chapter, as provided in Section 836.5 of the Penal Code of the State of California.

SEC. 5-4.404. RIGHT OF ENTRY INTO YARDS. Upon presentation of proper credentials the Health Officer, the Chief of Police, or their duly authorized representatives may enter at reasonable times upon the yards of private property, but not into private buildings, when reasonably necessary to do so in order to enforce the provisions of this chapter.

SECTION 3. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation on and after October 1, 1973.

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 6th day of August, 1973, 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:	Dunlap, Elliott, Kulliflan, Mensingher, Newton, Simon, 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 13th day of August, 1973, Councilman Dunlap moved its final adoption, which motion being duly seconded by Councilman Newton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,
Newton, Simon, Mayor Davies
NOES: Councilmen: None
ABSENT: Councilmen: None

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

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

EFFECTIVE DATE: September 12, 1973

AN ORDINANCE AMENDING SECTION 3-2.1401 OF ARTICLE 14 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE AND ADDING SECTION 3-2.1401.1 THERETO 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. CHANGE IN SPEED LIMITS SET BY STATE LAW. Pursuant to authority contained in the California Vehicle Code Sections 22357 and 22358, it is hereby determined upon the basis of an engineering and traffic survey that the prima facie speed limits hereinafter set forth would facilitate the orderly movement of vehicular traffic and would be reasonable and safe, except when passing school grounds, and it is hereby determined that a speed limit greater than those hereinafter set forth would be more than is reasonable or safe. It is hereby declared that the prima facie speed limits hereinafter set forth are established according to law.

<u>NAME OF STREET OR PORTION AFFECTED</u>	<u>DECLARED PRIMA FACIE SPEED LIMIT</u>
ALICE STREET, between Sycamore Avenue and McHenry Avenue	25 miles per hour
BLUE GUM AVENUE, between North 9th Street and Prichard Avenue	40 miles per hour
BRIGGSMORE AVENUE, (eastbound) between 1,000 feet west of Coffee Road and Coffee Road	40 miles per hour
BRIGGSMORE AVENUE, (westbound) between 1,000 feet east of Coffee Road and Coffee Road	40 miles per hour
BRIGGSMORE AVENUE, (eastbound) between Coffee Road and Oakdale Road	50 miles per hour
BRIGGSMORE AVENUE, (westbound) between Oakdale Road and 1,000 feet east of Coffee Road	50 miles per hour
BRIGGSMORE AVENUE, between McHenry Avenue and Tully Road	30 miles per hour
BRIGGSMORE AVENUE, between Tully Road and 9th Street	35 miles per hour
BRIGHTON AVENUE, between Wylie Drive and Coffee Road	25 miles per hour
CARPENTER ROAD, between California Avenue and Maze Boulevard	40 miles per hour

CARPENTER ROAD, between the Tuolumne River and Robertson Road	35 miles per hour
CARPENTER ROAD, between Blue Gum Avenue and 1,350 feet south of Blue Gum Avenue	50 miles per hour
CENTER STREET, between Rosedale Avenue and Calaveras Avenue	25 miles per hour
COFFEE ROAD, between Scenic Drive and M. I. D. Lateral #3	30 miles per hour
COFFEE ROAD, between M. I. D. Lateral #3 and Floyd Avenue	35 miles per hour
COFFEE ROAD, between Floyd Avenue and Sylvan Avenue	40 miles per hour
COLLEGE AVENUE, between Durant Street and Rumble Road	25 miles per hour
CONANT AVENUE, between North 9th Street and Rumble Road	35 miles per hour
DEL VALE AVENUE, between Del Vista Avenue and Greenwood Drive	25 miles per hour
EMERALD AVENUE, within the City Limits	25 miles per hour
ENCINA AVENUE, between Covena Avenue and Santa Ana Avenue	25 miles per hour
ENSLER AVENUE, between Granger Avenue and Orangeburg Avenue	25 miles per hour
FAIRMONT AVENUE, between Virginia Avenue and McHenry Avenue	25 miles per hour
FRANKLIN STREET, between Maze Boulevard and Laurel Avenue	25 miles per hour
GRANGER AVENUE, between Tully Road and McHenry Avenue	25 miles per hour
GRAPE AVENUE, between Pearl Street and Evergreen Avenue	25 miles per hour
GRISWOLD AVENUE, from Virginia Avenue to McHenry Avenue	25 miles per hour
HADDON AVENUE, between La Loma Avenue and Conejo Avenue	25 miles per hour
HATCH ROAD, within the City limits	35 miles per hour
JEFFERSON STREET, from Paradise Road to 8th Street	25 miles per hour
K STREET, between Washington Street and 9th Street	25 miles per hour
KEARNEY AVENUE, between Coldwell Avenue and Glenwood Drive	25 miles per hour

LA LOMA AVENUE, between Burney Street and Buena Vista	25 miles per hour
LEGION PARK ROAD, between Santa Cruz Avenue and Conejo Avenue	25 miles per hour
LEVELAND LANE, between College Avenue and TSRR tracks	25 miles per hour
LUCERN AVENUE, between Johnson Street and Coffee Road	25 miles per hour
MADISON STREET, between Paradise Avenue and Laurel Avenue	25 miles per hour
MORTON BOULEVARD, between 9th Street and Downey Avenue	25 miles per hour
NEECE DRIVE, between Tuolumne Boulevard and Sunset Avenue	25 miles per hour
OAKDALE ROAD, between Scenic Drive and Orangeburg Avenue	30 miles per hour
OAKDALE ROAD, north of Orangeburg Avenue within the City limits	50 miles per hour
ORANGEBURG AVENUE, between Oakdale Road and 1,000 feet east of Oakdale Road	40 miles per hour
ORANGEBURG AVENUE, between 1,000 feet east of Oakdale Road and 2,650 feet east of Lakewood Avenue	45 miles per hour
ORANGEBURG AVENUE, between Martin Avenue and Prescott Road	25 miles per hour
PEARL STREET, between Carver Road and west end of Pearl Street	25 miles per hour
PRESCOTT ROAD, between Briggsmore Avenue and Rumble Road	25 miles per hour
RIVER ROAD, between Herndon Avenue and 1,200 feet west of Herndon Avenue	35 miles per hour
ROBLE AVENUE, between Santa Ana Avenue and Rosina Avenue	25 miles per hour
RUMBLE ROAD, between Carver Road and Conant Avenue	30 miles per hour
RUMBLE ROAD, between Tully Road and McHenry Avenue	25 miles per hour
RUMBLE ROAD, between Highgate Road and the east City limits	25 miles per hour
SCENIC DRIVE, between 300 feet west of Rose Avenue and Oakdale Road	35 miles per hour
SHERWOOD AVENUE, between Orangeburg Avenue and Briggsmore Avenue	25 miles per hour

STANDIFORD AVENUE, between Tidewater Southern Railroad and McHenry Avenue	35 miles per hour
STODDARD AVENUE, between McHenry Avenue and Virginia Avenue	25 miles per hour
SUNRISE AVENUE, between Lucern Avenue and Sheffield Lane	25 miles per hour
SYLVAN AVENUE, between McHenry Avenue and 2, 637 feet east of McHenry Avenue	50 miles per hour
SYLVAN AVENUE, between 1, 300 feet west of Coffee Road and 3, 250 feet east of Coffee Road	45 miles per hour
WESTERN WAY, between Sutter Avenue and Roselawn Avenue	25 miles per hour
WRIGHT STREET, between Sycamore Avenue and McHenry Avenue	25 miles per hour
7TH STREET, between Sierra Drive and the Tuolumne River	25 miles per hour
9TH STREET, on the Tuolumne River Bridge	40 miles per hour
9TH STREET, between north end of the Tuolumne River Bridge and D Street	30 miles per hour
9TH STREET, between P Street and Tully Road	35 miles per hour
9TH STREET, between Tully Road and Shoemake Avenue	50 miles per hour

SECTION 2. AMENDMENT OF CODE. Section 3-2.1401.1 is

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

SEC. 3-2.1401.1. CHANGE IN SPEED LIMITS SET BY STATE LAW; FOR PURPOSES OF ENFORCEMENT USING RADAR OR OTHER ELECTRONIC DEVICE. By authority contained in California Vehicle Code Sections 22357 and 22358, upon the basis of engineering and traffic surveys conducted pursuant to Vehicle Code Sections 627 and 40802, and Chapter 8 (dated January 1971) of the Traffic Manual of the Department of Public Works, Business and Transportation Agency, State of California, issued by the Division of Highways, it is hereby determined that the prima facie speed limits hereinafter set forth would facilitate the orderly movement of vehicular traffic and would be reasonable and safe, except when passing school grounds, and it is hereby determined that a speed limit greater than those hereinafter set forth would be more than is reasonable or safe. It is hereby declared that the prima facie speed limits hereinafter set forth are established according to said Traffic Manual Provisions at or near the 85th percentile speed as calculated by the engineering and traffic survey for each street on the date indicated.

<u>NAME OF STREET OR PORTION AFFECTED</u>	<u>DECLARED PRIMA FACIE SPEED LIMIT</u>	<u>DATE SURVEYED</u>
BOWEN AVENUE, between Tully Road and McHenry Avenue	35 miles per hour	July 26, 1973
BRIGGSMORE AVENUE, west- bound between Coffee Road and McHenry Avenue	45 miles per hour	May 16, 1973
BRIGGSMORE AVENUE, east- bound between McHenry Avenue and 1,000 feet west of Coffee Road	45 miles per hour	May 16, 1973
CARVER ROAD, between 9th Street and Roseburg Avenue	30 miles per hour	July 26, 1973
CARVER ROAD, between Roseburg Avenue and Standiford Avenue	35 miles per hour	July 26, 1973
COLLEGE AVENUE, between Princeton Avenue and Bowen Avenue	35 miles per hour	July 19, 1973
EL VISTA AVENUE, between Yosemite Boulevard and Scenic Drive	35 miles per hour	July 26, 1973
FLOYD AVENUE, between McHenry Avenue and Coffee Road	35 miles per hour	July 26, 1973
FRANKLIN STREET, between California Avenue and Maze Boulevard	30 miles per hour	July 28, 1973
LA LOMA AVENUE, between Buena Vista and Yosemite Boulevard	30 miles per hour	August 2, 1973
MILLER AVENUE, between La Loma Avenue and El Vista Avenue	<u>30 miles per hour</u>	July 28, 1973
MORRIS AVENUE, between McHenry Avenue and Coffee Road	30 miles per hour	July 27, 1973
ORANGEBURG AVENUE, between Carver Road and McHenry Avenue	35 miles per hour	May 18, 1973
ROSE AVENUE, between Scenic Drive and Briggsmore Avenue	35 miles per hour	July 26, 1973
ROSE AVENUE, between Briggsmore Avenue and Floyd Avenue	30 miles per hour	July 26, 1973

SUTTER AVENUE, between
Paradise Avenue and
Robertson Road

30 miles per hour

July 28, 1973

TULLY ROAD, between
Coldwell Avenue and
Standiford Avenue

35 miles per hour

May 16, 1973

TUOLUMNE BOULEVARD,
between 7th Street and
Paradise Avenue

35 miles per hour

May 21, 1973

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 August, 1973, 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: Dunlap, Elliott, Kullijian, Mensinger, Newton, Simon, 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

J. David Fitzsimons
J. DAVID FITZSIMONS, Assistant
City Attorney


FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 11th day of September, 1973, Councilman Elliott moved its final adoption, which motion being duly seconded by Councilman Kullijian, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Newton, Vice Mayor Simon

NOES: Councilmen: None

ABSENT: Councilmen: Mayor Davies

APPROVED 
~~XXXXXXXXXXXXXXXXXXXX~~
RAYMOND C. SIMON, Vice Mayor

ATTEST: 
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: October 11, 1973

AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS
 THE STANDIFORD-TULLY NO. 1 ADDITION TO THE
 CITY OF MODESTO.

WHEREAS, a petition was filed with the City Clerk by _____

Lance E. Ellis, Carol L. Ellis, Gregory Development Company,

Doris M. Klink and Morris L. Klink

on June 19, 1973, 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 STANDIFORD-TULLY NO. 1 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 25th day of June, 1973, set said petition for hearing at the hour of 7:30 o'clock P.M. on the 13th day of August, 1973, 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 June 29, 1973, and on July 6, 1973; and in The Ceres Courier, a newspaper published outside the City of Modesto, but in the County of Stanislaus, on July 11, 1973, and on July 18, 1973, 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

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 June 15, 1973, approve the annexation of said uninhabited territory to the City of Modesto, pursuant to the Government Code, and

WHEREAS, on the 13th day of August, 1973, at the hour of 7:30 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

WHEREAS, the Council of the City of Modesto 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 STANDIFORD-TULLY NO. 1 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

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 20th day of August, 1973, by Councilman Kullijian, 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: Dunlap, Elliott, Kullijian, Newton, Simon, Mayor Davies
- NOES: Councilmen: Mensinger
- ABSENT: Councilmen: None

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

ATTEST:

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

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By R. C. Mongrell
Public Works Department

JLC
7-5-73

All that real property in the State of California, County of Stanislaus, being a portion of the Southwest quarter of Section 5, the East half of Section 7, and the Northwest quarter of Section 8, 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 a point on the Northern line of the FRANCEK ADDITION (150), as per description filed February 8, 1963, as Instrument 5121, Stanislaus County Records, said point being the intersection of the Southern line of a 40.00 foot public road known as Standiford Avenue and the section line common to Sections 7 and 8, said section line being also the center line of a public road known as Tully Road; thence along the existing City Limits and the boundary of said ADDITION (150), North $89^{\circ}28'$ West, 1106.01 feet; thence leaving the existing City Limits, North $1^{\circ}12'20''$ West, 483.57 feet; thence North $88^{\circ}45'45''$ East, 596.78 feet; thence North $0^{\circ}24'59''$ West, 895.60 feet, to a point on the Northern boundary of the Hetch Hetchy right of way; thence along the Northern boundary of said right of way, North $69^{\circ}19'52''$ East, 525.60 feet to a point on the section line common to Sections 7 and 8, said line being the center line of Tully Road; thence along said section line and said center line, North $1^{\circ}14'15''$ West, 939.78 feet, to a point on the Southern line of the M.I.D. Lateral No. 6; thence along the Southern line of the M.I.D. Lateral No. 6 the following courses: South $88^{\circ}50'35''$ East, 395.43 feet; thence along a tangent curve, concave to the North, having a Radius of 367.90 feet, a Central Angle of $15^{\circ}00'35''$, and an Arc Length of 96.38 feet; thence North $76^{\circ}08'50''$ East, 550.40 feet; thence along a tangent curve, concave to the Northwest, having a Radius of 367.90 feet, a Central Angle of $17^{\circ}51'08''$, and an Arc Length of 114.63 feet; thence leaving the M.I.D. Lateral No. 6, South $39^{\circ}28'40''$ East, 47.44 feet; thence South $63^{\circ}01'40''$ East, 50.00 feet, to a point on the Section line common to Section 5 and Section 8; thence along said section line, South $89^{\circ}39'40''$ East, 1398.04 feet, to a point on the Western line of the Tidewater Southern Railroad right of way; thence along said Western line of said right of way, South $1^{\circ}14'20''$ East, 850.56 feet, to the Southeastern corner of property conveyed to Walter P. Wesson, by deed recorded March 29, 1929, as Instrument 4246, Stanislaus County Records; thence along a Southern line of said Wesson property, North $89^{\circ}39'40''$ West, 325.00 feet, to a Southwestern corner of the Wesson property; thence along a Western line of the Wesson property, North $1^{\circ}14'20''$ West, 150.00 feet, to a point on a Southern line of the Wesson property; thence along said last mentioned Southern line, North $89^{\circ}39'40''$ West, 1012.16 feet, to a point on said Southern line of the Hetch Hetchy right of way; thence along the Southern line of the Hetch Hetchy right of way, South $69^{\circ}19'53''$ West, 1345.03 feet, to a point on the section line common to Sections 7 and 8, said line being the center line of Tully Road; thence along said section line and said center line, South $1^{\circ}14'15''$ East, 1451.46 feet, to a point on the center line of Standiford Avenue, said point being also a quarter section corner; thence along said section line and the center line of Tully Road, South $1^{\circ}04'$ East, 20.01 feet, to the point of beginning, containing 72.064 Acres, more or less.

AN ORDINANCE AMENDING SECTION MAP 19-3-9
OF THE ZONING MAP OF THE CITY OF MODESTO,
RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON.
(Kenneth L. Hill, Carole L. Hill and Kenneth L. Hill, Jr.)

WHEREAS, a verified application for an amendment to Section 19-3-9 of the Zoning Map was filed by Kenneth L. Hill, Carole L. Hill and Kenneth L. Hill, Jr.

on May 2, 1973, 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 July 17, 19 73, 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. 73-84, adopted on July 24, 1973, the Planning Commission recommended to the Council that the application of Kenneth L. Hill, Carole L. Hill and Kenneth L. Hill, Jr.

to amend Section 19-3-9 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 19-3-9 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 the Northwest one-quarter of Section 19, Township 3 South, Range 9 East, Mount Diablo Base and Meridian described as follows:

All of Lots 10 thru 18 inclusive in Block 6252 of Ben-Don Village Subdivision as shown on the map filed June 28, A.D. 1950 in Volume 17 of Maps, at Page 6, in the records of Stanislaus County.

Including also the westerly 30 feet of Carver Road and the southerly 40 feet of West Orangeburg Avenue immediately adjacent to the above described property.

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

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 1973, by Councilman Kullijian, who moved its introduction and passage to print, which motion being duly seconded by Councilman Mensinger, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Elliott, Mensinger, Newton, Kullijian, 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

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

BY William Nichols
Planning Department


Ordinance 1287 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 11th day of September, 1973, Councilman Elliott moved its final adoption, which motion being duly seconded by Councilman Kullijian, was upon roll call carried and the ordinance adopted by the following vote:

- AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Newton, Vice Mayor Simon
- NOES: Councilmen: None
- ABSENT: Councilmen: Mayor Davies

APPROVED 
~~RAYMOND G. SIMON, Mayor~~
 RAYMOND G. SIMON, Vice Mayor

ATTEST: 
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: October 11, 1973

AN ORDINANCE AMENDING SECTION MAP 33-3-9
OF THE ZONING MAP OF THE CITY OF MODESTO,
RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON.
(Benson & Zimmerman Co.)

WHEREAS, a verified application for an amendment to Section 33-3-9 of the Zoning Map was filed by _____
Benson & Zimmerman Co.

on May 18, 1973, to reclassify from General
Commercial Zone, C-2, to Light
Industrial Zone, M-1, the hereinafter described property, and

WHEREAS, after a public hearing held on July 17, 1973, which hearing was continued to July 24, 1973, 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. 73-83, adopted on July 24, 1973, the Planning Commission recommended to the Council that the application of _____
Benson & Zimmerman Co.

to amend Section 33-3-9 of the Zoning Map to reclassify the hereinafter described property from General-Commercial
Zone, C-2, to Light Industrial
Zone, M-1, 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 33-3-9 of the Zoning Map is hereby amended to reclassify the following described property from General-Commercial Zone,

C-2, to Light-Industrial Zone,

M-1:

All of the northwest one-quarter of Section 33 Township 3 South, Range 9 East, of the Mount Diablo Base and Meridian, being described as follows: All Lots 22 thru 28 inclusive in Block 98 in the City of Modesto.

Including also the southwesterly 10 feet of the 20 foot alley in said Block 98 and the northeasterly 40 feet of 12th Street adjacent to the above described property.

SECTION 3. ZONING MAP. Section 33-3-9 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 27th day of August, 1973, by Councilman Kullijian, 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: Elliott, Kullijian, Mensinger, Newton, 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

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

BY William Smith
Planning Department

Ordinance 1288 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 11th day of September, 1973, Councilman Elliott moved its final adoption, which motion being duly seconded by Councilman Kullijian, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Newton, Vice Mayor Simon


NOES: Councilmen: None

ABSENT: Councilmen: Mayor Davies

APPROVED


~~RAYMOND C. SIMON, Mayor~~
RAYMOND C. SIMON, Vice Mayor

ATTEST:


W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: October 11, 1973

AN ORDINANCE AMENDING SECTION MAP 27-3-9
 OF THE ZONING MAP OF THE CITY OF MODESTO, PREZONING
 CERTAIN PROPERTY LOCATED THEREON. (JIM PRICE -
 OAKRIDGE SINGLE-FAMILY TOWNHOUSES)

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

SECTION 1. ZONING CHANGE. Section 27-3-9 of the Zoning Map is hereby amended to prezone the following-described property to Planned-Development Zone, P-PD(115):

ALL that portion of the Northeast quarter of Section 27, Township 3 South, Range 9 East, Mount Diablo Base and Meridian described as follows:

COMMENCING at the interior quarter corner of said Section 27; thence South $89^{\circ} 41'$ East along the east-west quarter section line a distance of 29.04 feet; thence North $0^{\circ} 33' 03''$ West along a line parallel to and 29.04 feet distant easterly at right angles from the north-south quarter line of said Section 27, a distance of 801.62 feet to the center line of Edgebrook Drive, a proposed 60.00 foot wide public street and the true point of beginning; thence along said center line of Edgebrook Drive the following 7 courses:

- 1) North $89^{\circ} 26' 57''$ East, 336.25 feet; 2) thence in a northeasterly direction along a curve concave to the northwest through a central angle of $56^{\circ} 17' 39''$ having a radius of 250.00 feet and a curve length of 245.63 feet;
- 3) North $33^{\circ} 09' 18''$ East, 318.10 feet; 4) thence in a northeasterly direction along a curve concave to the southeast through a central angle of $33^{\circ} 32' 42''$ having a radius of 250.00 feet and a curve length of 146.37 feet;
- 5) North $66^{\circ} 42'$ East, 384.65 feet; 6) thence in a northeasterly direction along a curve concave to the southeast through a central angle of $23^{\circ} 30'$ having a radius of 250.00 feet and a curve length of 102.54 feet;
- 7) South $89^{\circ} 48'$ East, 0.42 feet to the intersection with the west line of Dry Creek Estates, as shown on the official map filed in Volume 34 of Maps at Page 19, Stanislaus County Records; thence North $0^{\circ} 36'$ West along said west line of Dry Creek Estates, a distance of 317.14 feet; thence South $68^{\circ} 56' 57''$ West, a distance of 286.29 feet; thence South $54^{\circ} 56' 57''$ West a distance of 471.91 feet; thence South $67^{\circ} 56' 57''$ West, a distance of 362.01 feet; thence South $77^{\circ} 56' 56''$ West, a distance of 161.19 feet; thence North $81^{\circ} 31' 44''$ West a distance of 136.71 feet to the intersection with a line parallel to and 29.04 feet distant easterly at right angles from said north-south quarter line of Section 27; thence South $0^{\circ} 33' 03''$ East along said parallel line a distance of 442.09 feet to the point of beginning.

Containing 10.807 Acres.

SECTION 2. USES. The following uses shall be permitted in said P-PD(115) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code. Said uses are as shown on the Development Plan and subject to compliance with Section 10-2.2704 of the Municipal Code prior to the issuance of a building permit:

1. 73 single-family townhouse dwelling units
2. A recreation building and swimming pool
3. Utility and maintenance buildings

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

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 1973, by Councilman Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilman Newton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: **Elliott, Kullijian, Mensinger, Newton, 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

(SEAL)

APPROVED AS TO FORM:

By *J. David Fitzsimons*
J. DAVID FITZSIMONS
Assistant City Attorney

APPROVED AS TO DESCRIPTION:

By *William Shields*
Planning Department

Ordinance 1289 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 11th day of September, 1973, Councilman Elliott moved its final adoption, which motion being duly seconded by Councilman Kullijian, was upon roll call carried and the ordinance adopted by the following vote:

- AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,
Newton, Vice Mayor Simon
- NOES: Councilmen: None
- ABSENT: Councilmen: Mayor Davies

APPROVED



~~LEONARD DAVIES, Mayor~~
RAYMOND G. SIMON, Vice Mayor

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

EFFECTIVE DATE: October 11, 1973

AN ORDINANCE FIXING THE RATE OF TAXATION IN AND FOR THE CITY OF MODESTO FOR THE FISCAL YEAR 1973-74 AND REPEALING ORDINANCE NO. 1222-C. S.

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

SECTION 1. DEFINITION: TAX CODE AREA. A geographical area within the City of Modesto as established by the State Board of Equalization for the purpose of taxation and as shown on the tax code area maps on file in the Office of the Assessor of Stanislaus County, State of California.

SECTION 2. TAX RATE. There is hereby levied upon the assessed valuation of the property in the following described tax code areas situated in the City of Modesto, State of California, for the fiscal year beginning July 1, 1973, and ending June 30, 1974, the rates of taxation hereinafter specified, said rates being upon each One Hundred and no/100ths (\$100.00) Dollars of the valuation according to the equalized assessment roll, to wit:

(a) Tax Code Areas No. 2-01; 2-02; 2-06; 2-07; 2-08; 2-09; 2-10; 2-11; 2-12; 2-13; 2-14; 2-15; 2-18; 2-22; and 2-23:

For the General Fund	\$ 1.05
For the Bond Redemption and Interest Fund	.01

(1) Municipal Improvement Bonds of 1947 for the redemption of bonds and the payment of interest thereon that shall accrue during the said fiscal year:

For the Park Fund	<u>.04</u>
The aggregate of said sums, to wit	\$ 1.10

(b) Tax Code Areas No. 2-03 and 2-05:

For the General Fund	\$ 1.05
For the Park Fund	<u>.04</u>
The aggregate of said sums, to wit	\$ 1.09

SECTION 3. REPEALS. Ordinance No. 1222-C. S., adopted by the Council of the City of Modesto on the 21st day of August, 1972, is hereby repealed.

SECTION 4. EFFECTIVE DATE. Pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall take effect and be in full force and operation upon adoption.

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 1973, by Councilman Elliott, who moved its introduction and adoption, which motion being duly seconded by Councilman Mensinger, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Elliott, Mensinger, Newton, Mayor Davies

NOES: Councilmen: Kullijian

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

AN ORDINANCE AMENDING ORDINANCE NO. 1271-C. S. ENTITLED "AN ORDINANCE AMENDING SECTIONS 11-1.04, 11-1.05, 11-1.07 AND 11-1.10 OF CHAPTER 1 OF TITLE XI OF THE MODESTO MUNICIPAL CODE RELATING TO WATER RATES" TO ADD SECTION 4 THERETO.

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

SECTION 1. AMENDMENT OF ORDINANCE. Ordinance No. 1271-C. S. entitled "An Ordinance Amending Sections 11-1.04, 11-1.05, 11-1.07 and 11-1.10 of Chapter 1 of Title XI of the Modesto Municipal Code Relating to Water Rates" is hereby amended to add Section 4 thereto to read as follows:

"SECTION 4. OPERATIVE DATE. The increase in the charges for Metered Water Service set forth in Section 11-1.07 in Section 1 of this ordinance, and the increase in charges for Unmetered Services set forth in Section 11-1.10 in Section 1 of this ordinance shall not become operative until on and after September 1, 1973."

SECTION 2. DECLARATION OF EMERGENCY. The Council of the City of Modesto hereby finds and declares that the foregoing ordinance is necessary as an emergency measure for preserving the public peace, health and safety. The federal wage and price controls imposed by order of the Cost of Living Council on June 20, 1973, prohibited the increase in charges for Metered Water Services required by Section 11-1.07 and Unmetered Services required by Section 11-1.10 of the Modesto Municipal Code, as amended by Ordinance No. 1271-C. S. on the effective date of said ordinance of July 1, 1973, until said charges were exempted by the Cost of Living Council from such controls on August 13, 1973. The increased cost of processing billings for Metered and Unmetered Water Service Charges for the partial month of August 13 to 31, 1973, and the necessary accounting and bookkeeping adjustments thereto, would exceed the revenue generated by said billings. Therefore, it is necessary to provide for the operative date of said increases in Metered and Unmetered Water Services to be September 1, 1973.

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

SECTION 4. PUBLICATION. This ordinance shall be published in full in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 1973, by Councilman Kullijian, who moved its adoption 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: Elliott, Kullijian, Mensinger, Newton, 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

AN ORDINANCE AMENDING ARTICLE 24 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. Article 24 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

ARTICLE 24. REVOCATION-EXPIRATION - MINOR REVISIONS TO DEVELOPMENT PLAN

SEC. 10-2.2401. PERMITS OR VARIANCES MAY BE REVOKED. The Board of Zoning Adjustment, after a public hearing held in the manner prescribed in Article 20 governing variances and conditional use permits, and the Planning Commission, after a public hearing held in the manner prescribed in Article 21 governing unclassified use permits, may revoke or modify any permit or variance issued on any one or more of the following grounds:

- (a) That the approval was obtained by fraud.
- (b) That the use for which such approval is granted is not being exercised.
- (c) That the use for which such approval was granted has ceased to exist or has been suspended for one year or more.
- (d) That the permit or variance granted is being or recently has been exercised contrary to the terms or conditions of such approval, or in violation of any statute, ordinance, law or regulation.
- (e) That the use for which the approval was granted was so exercised as to be detrimental to the public health or safety, or so as to constitute a nuisance.
- (f) That the continued exercise of the use for which approval was granted appears to be inimicable to the public welfare.

SEC. 10-2.2402. EXPIRATION. Any permit or variance granted by the Board of Zoning Adjustment, the Planning Commission or the Council becomes null and void if not exercised within the time specified, in such permit or variance, or if no date is specified, within one year from the date of approval of said permit or variance.

SEC. 10-2.2403. MINOR REVISIONS TO DEVELOPMENT PLAN. Whenever minor changes to a site development plan approved by the Board of Zoning Adjustment or Planning Commission and City Council as a part of a conditional use permit, variance or unclassified use permit are requested, which changes do not involve significant land use intensification or new uses, the Secretary of the Planning Commission shall have the power to approve such plan changes provided that they conform in principle to the approved development plan. If, in the opinion of the Secretary of the Planning Commission, the requested changes do not conform in principle to the approved development plan or are substantial in nature, such requested changes shall be referred for decision to the Board of Zoning Adjustment or the Planning Commission, whichever body is responsible for approval of the plan.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of September, 1973, by Councilman Newton, 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, Kullijian, Mensinger,
Newton, Simon, 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 24th day of September, 1973, Councilman Dunlap moved its final adoption, which motion being duly seconded by Councilman Kullijian, was upon roll call carried and the ordinance adopted by the following vote:

- AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Simon, Mayor Davies
NOES: Councilmen: None
ABSENT: Councilmen: Newton

APPROVED


LEE H. DAVIES, Mayor

ATTEST:


W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: October 24, 1973

AN ORDINANCE AMENDING SECTION MAP 23-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO TO REPEAL A P-D ZONE AND REZONE THE PROPERTY TO R-1. (ELLIS & KLINK)

WHEREAS, the Modesto City Council, by Ordinance No. 1160-C.S., effective January 5, 1972, rezoned property on the southeast corner of Old Oakdale Road and East Orangeburg Avenue from One-Family Residential Zone, R-1, to Planned Development Zone, P-D(97), the property hereinafter described, and

WHEREAS, Resolution No. 71-1036, adopted by the City Council on November 15, 1971, included a development schedule for P-D(97) specifying that construction was to begin on or before October 1, 1972, and completion to be not later than October 1, 1973, and

WHEREAS, the property owners have not met the approved development schedule of the P-D Zone, and

WHEREAS, Section 10-2.2709(c) of the Municipal Code provides that if the owner or owners of property in P-D zones have failed to meet the approved development schedule, the Planning Commission shall initiate proceedings to repeal the P-D Zone and rezone the property to the zone classification it held immediately prior to being zoned P-D, and

WHEREAS, the Planning Commission, by Resolution No. 73-82, adopted July 24, 1973, initiated proceedings to revoke P-D(97) and rezone the property to R-1, and

WHEREAS, after a public hearing held on August 21, 1973, it was found and determined by the Planning Commission that repeal of P-D(97) and rezoning the property back to R-1 is required by public necessity, convenience and general welfare because the applicant was given ample time to develop the property within the limits of the original development schedule, and

WHEREAS, by Resolution No. 73-93, adopted on August 21, 1973, the Planning Commission recommended to the City Council that Section 23-3-9 of the Zoning Map be amended to repeal P-D(97) and rezone the property hereinafter described to One-Family Residential Zone, R-1, and

WHEREAS, said matter was set for public hearing before the Council of the City of Modesto in the Council Chambers, 801 11th Street, in the City of Modesto, at 7:35 o'clock P.M. on September 24, 1973, at which time evidence, both oral and documentary, was taken and introduced,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing, this Council finds and determines that the recommended rezoning of Planned Development Zone, P-D(97), back to One-Family Residential Zone, R-1, is required by public necessity, convenience and general welfare because the applicant was given ample time to develop said P-D(97) within the limits of the original development schedule.

SECTION 2. ZONING CHANGE. Section 23-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Planned Development Zone, P-D(97), to One-Family Residential Zone, R-1:

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 3. ZONING MAP. Section 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 24th day of September, 1973, by Councilman Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilman Newton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,
Newton, Simon, 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. Dorey*
Planning Department

Ordinance 1293 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 1st day of October, 1973, Councilman Kullijian 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, Kullijian, Mensinger, Newton, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Elliott

APPROVED 
LEE H. DAVIES, Mayor

ATTEST: 
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: October 31, 1973

AN ORDINANCE AMENDING SECTION MAP 15-3-9 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSI-
FYING CERTAIN PROPERTY LOCATED THEREON. (HARLEY BRANNAN)

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

SECTION 1. 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 Planned-Development Zone, P-D (117) :

All that certain real property situate in portion 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 of Coffee Plaza No. 4
according to the official map thereof, filed in Volume
23 of Maps at Page 36, Stanislaus County Records; thence
along the South line of the Sylvan School property
North 89° 36' 50" East 500.00 feet; thence South
0° 58' 24" East 659.90 feet to the centerline of Floyd
Avenue; thence along said centerline South 89° 38' 35"
West 465.00 feet to the Southerly extension of the
East line of Parcel 1 of Book 17 of Parcel Maps at
Page 12, Stanislaus County Records; thence along said
Southerly extension and said East line of Parcel 1
North 0° 58' 25" West 439.84 feet; thence along the
north line of said Parcel 1 South 89° 38' 35" West 35.00
feet to the East line of said Coffee Plaza No. 4; thence
along said East line of Coffee Plaza No. 4 North 0° 58' 25"
West 219.81 feet to the point of beginning.

CONTAINING: 7.22 acres.

SECTION 2. USES. The following uses shall be permitted in said P-D(117) 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. Sixteen one-story six-plexes for a total of 96 dwelling units.
2. Swimming pool.
3. A minimum of 144 off-street parking spaces.
4. Recreation and laundry facilities.

SECTION 3. ZONING MAP. Section Map 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 9th day of October, 19 73, 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: Dunlap, Elliott, Kullijian, Mensinger, Newton, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

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

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

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

BY William Nichols
Planning Department

Ordinance 1294 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 ^{adjourned} regular meeting of the Council of the City of Modesto held on the 25th day of October, 1973, Councilman Kullijian moved its final adoption, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and the ordinance adopted by the following vote:

- AYES: Councilmen: Dunlap, Kullijian, Mensinger, Simon,
Mayor Davies
- NOES: Councilmen: None
- ABSENT: Councilmen: Elliott, Newton

APPROVED



LEE H. DAVIES, Mayor

ATTEST:



W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: November 24, 1973

AN ORDINANCE AMENDING CHAPTER 9 OF TITLE IV OF THE MODESTO MUNICIPAL CODE, ENTITLED "ENVIRONMENTAL IMPACT", AS ADDED BY ORDINANCE NO. 1236-C. S., TO RENUMBER SAID CHAPTER 9 TO CHAPTER 10 AND TO RENUMBER THE SECTIONS CONTAINED THEREIN.

WHEREAS, Ordinance No. 1236-C. S. was adopted by the Council of the City of Modesto on October 24, 1972, and added Chapter 9 entitled "Environmental Impact" to Title IV of the Modesto Municipal Code, and

WHEREAS, the Council desires to renumber said Chapter 9 entitled "Environmental Impact" to Chapter 10 of said Title IV of the Modesto Municipal Code and to renumber the sections of the Modesto Municipal Code contained in said Chapter 9 to the appropriate numbers in Chapter 10,

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

SECTION 1. AMENDMENT OF CODE. Chapter 9 entitled "Environmental Impact" of Title IV of the Modesto Municipal Code, as added by Ordinance No. 1236-C. S., is hereby renumbered to Chapter 10 entitled "Environmental Impact" and Sections 4-9.01, 4-9.02, 4-9.03 and 4-9.04 of said Chapter 9 are hereby renumbered to read as follows:

CHAPTER 10

ENVIRONMENTAL IMPACT

SEC. 4-10.01. COMPLIANCE WITH ENVIRONMENTAL IMPACT REGULATIONS. No permit, license or other similar entitlement shall be issued or approved by the City if the proposed project may have a significant effect on the environment until an environmental impact report has been prepared and has been approved by the City. The Council may by resolution adopt guidelines and procedures for determining what projects may have a significant effect on the environment and for the preparation and approval of environmental impact reports, and consideration of the issuance or approval of any permit, license or other similar entitlement may be deferred until the applicant shall have fully complied with such guidelines and procedures. In the event the City makes a determination, based on an Environmental Impact Report, that the project may have a significant adverse effect on the environment, the City may defer, deny, in whole or in part, or impose reasonable conditions on, the issuance of such permit, license or other similar entitlement based upon such adverse effect on the environment.

SEC. 4-10.02. APPEAL. Any person aggrieved by any action taken by any city official pursuant to this chapter, or any guidelines or procedures issued hereunder, may appeal said action to the City Council pursuant to the provisions of Chapter 4 of Title I of the Modesto Municipal Code. The decision by the City Council on such appeal shall be final.

SEC. 4-10.03. LIMITATION OF ACTIONS. Any action or proceeding to attack, review, set aside, void or annul any decision made pursuant to this chapter or any guidelines or procedures issued hereunder, or concerning any of the proceedings, acts or determinations taken, done or made prior to such decision, or to determine the reasonableness, legality or validity of any condition attached thereto, shall not be maintained by any person unless such action or proceeding is commenced within thirty (30) days after the date of such decision. Thereafter all persons are barred from any such action or proceeding or any defense of invalidity or unreasonableness of such decision or of such proceedings, acts or determinations.

SEC. 4-10.04. OTHER ACTIONS NOT PRECLUDED. Nothing in this chapter nor in any guidelines or procedures issued hereunder shall preclude the City of Modesto from taking such other action in respect to the approval, conditional approval, denial or revocation of any permit, license or other similar entitlement as is determined necessary by the City in order to obtain full compliance with the requirements of the Environmental Quality Act of 1970.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of October, 1973, by Councilman Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilman Mensing, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,
Newton, Simon, 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 October, 1973, Councilman Kullijian 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, Kullijian, Mensinger, Simon, Mayor Davies
NOES: Councilmen: None
ABSENT: Councilmen: Newton

APPROVED 
LEE H. DAVIES, Mayor

ATTEST: 
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: November 14, 1973 k

ORDINANCE NO. 1296 -C. S.

AN ORDINANCE AMENDING SECTION 5-6.11 OF CHAPTER 6 OF TITLE V OF THE MODESTO MUNICIPAL CODE RELATING TO SEWER SERVICE.

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

SECTION 1. AMENDMENT OF CODE. Section 5-6.11 of Chapter 6 of Title V of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 5-6.11. METHOD OF PAYMENT OF CHARGES. On premises served with City water, the charge for sewer service shall be added to the charge for water service and payment of the total amount must be made in accordance with Section 11-1.14 of Chapter 1 of Title XI, regulating the payment of water service charges.

Delinquent payment of sewer service charges shall be treated in the same manner as delinquency in payment of water charges as specified in Section 11-1.14 of Chapter 1 of Title XI relating to charges for water services. Discounts for advance payment of sewer service charges shall be made in the same manner as discounts for advance payments of water service charges in accordance with Section 11-1.14 of Chapter 1 of Title XI relating to water service charges.

On premises not served with City water, the billing of services and discount for advance payments shall be made insofar as practicable in accordance with provisions of Section 11-1.14 of Chapter 1 of Title XI relating to charges for flat rate water services; or, if not practicable, they shall be as determined by the Director of Finance.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of October, 1973, by Councilman Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilman Mensinger, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Newton, Simon, 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: 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 October, 1973, Councilman Kullijian 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, Kullijian, Mensinger, Simon, Mayor Davies

NOES: Councilmen: Noes

ABSENT: Councilmen: Newton

APPROVED 
LEE H. DAVIES, Mayor

ATTEST: 
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: November 14, 1973

AN ORDINANCE AMENDING SECTIONS 8-2.403 AND 8-2.404 OF ARTICLE 4 OF CHAPTER 2 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE, AND ADDING SECTION 8-2.405.1 THERETO, RELATING TO THE UNIFORM LOCAL SALES AND USE TAX.

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

SECTION 1. AMENDMENT OF CODE. Sections 8-2.403 and 8-2.404 of Article 4 of Chapter 2 of Title VIII of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 8-2.403. SALES TAX. (a) (1) For the privilege of selling tangible personal property at retail a tax is hereby imposed upon all retailers in the City at a rate of ninety-two and one-half hundredths (0.925) of one (1%) per cent of the gross receipts of the retailers from the sale of all tangible personal property sold at retail in the City of Modesto on and after the operative date of this article.

(2) For the purpose of this article, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the State sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the Board of Equalization.

(b) (1) Except as hereinafter provided, and except insofar as they are inconsistent with the provisions of Part 1.5 of Division 2 of the said Revenue and Taxation Code, all of the provisions of Part 1 of Division 2 of said Code, as amended and in force and effect on April 1, 1957, applicable to sales taxes are hereby adopted and made a part of this section as though fully set forth herein.

(2) Wherever, and to the extent that in Part 1 of Division 2 of the said Revenue and Taxation Code, the State of California is named or referred to as the taxing agency, the City of Modesto shall be substituted therefor. Nothing in this subdivision shall be deemed to require the substitution of the name of the City of Modesto for the word "State" when that word is used as part of the title of the State Controller, the State Treasurer, the State Board of Control, the State Board of Equalization, or the name of the State Treasury, or of the Constitution of the State of California; nor shall the name of the City be substituted for that of the State in any section when the result of that substitution would require action be taken by or against the City or any agency thereof, rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this article; and neither shall the substitution be deemed to have been made in those sections, including but not necessarily limited to, sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to provide an exemption from this tax with respect to certain gross receipts which would not otherwise be exempt from this tax while those gross receipts remain subject to tax by the State under the provisions of Part 1 of Division 2 of the said Revenue and Taxation Code; nor to impose this tax with respect to certain gross receipts which would not be subject to tax by the State under the said provisions of that Code; and, in addition the name of the City shall not be substituted for that of the State in Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 and 6828 of the said

Revenue and Taxation Code as adopted.

(3) If a seller's permit has been issued to a retailer under Section 6067 of the said Revenue and Taxation Code, an additional seller's permit shall not be required by reason of this section.

(4) There shall be excluded from the gross receipts by which the tax is measured;

(i) The amount of any sales or use tax imposed by the State of California upon a retailer or consumer.

(ii) Receipts from sales to operators of common carriers and waterborne vessels of property to be used or consumed in the operation of such common carriers or waterborne vessels principally outside of this City.

(4.5) There shall be excluded from the gross receipts by which the tax is measured;

(i) The amount of any sales or use tax imposed by the State of California upon a retailer or consumer.

(ii) The gross receipts from the sale of tangible personal property to operators of waterborne vessels to be used or consumed principally outside the city in which the sale is made and directly and exclusively in the carriage of persons or property in such vessels for commercial purposes.

(iii) The gross receipts from the sale of tangible personal property to operators of aircraft to be used or consumed principally outside the city in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

SEC. 8-2.404. USE TAX. (a) An excise tax is hereby imposed on the storage, use or other consumption in the City of Modesto of tangible personal property purchased from any retailer on or after the operative date of this article, for storage, use or other consumption in the City, at the rate of ninety-two and one-half one-hundredths (0.925) of one (1%) per cent of the sales price of the property. The sales price shall include delivery charges when such charges are subject to State sales or use tax regardless of the place to which delivery is made.

(b) (1) Except as hereinafter provided, and except insofar as they are inconsistent with the provisions of Part 1.5 of Division 2 of the said Revenue and Taxation Code, all of the provisions of Part 1 of Division 2 of said Code, as amended and in force and effect on April 1, 1957, applicable to use taxes are hereby adopted and made a part of this section as though fully set forth herein.

(2) Wherever, and to the extent that, in Part 1 of Division 2 of the said Revenue and Taxation Code the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefor. Nothing in this subdivision shall be deemed to require the substitution of the name of this City for the word "State" when that word is used as part of the title of the State Controller, the State Treasurer, the State Board of Control, the State Board of Equalization, or the name of the State Treasury, or of the Constitution of the State of California; nor shall the name of the City be substituted for that of the State in any section when the result of that substitution would require action to be taken by or against the City or any agency thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this article; and neither shall the substitution be deemed to have

been made in those sections, including but not necessarily limited to, sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to provide an exemption from this tax with respect to certain storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such storage, use or other consumption remains subject to tax by the State under the provisions of Part 1 of Division 2 of the said Revenue and Taxation Code, or to impose this tax with respect to certain storage, use or other consumption of tangible personal property which would not be subject to tax by the State under the said provisions of that Code; and in addition, the name of the City shall not be substituted for that of the State in Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 and 6828 of the said Revenue and Taxation Code as adopted, and the name of the City shall not be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 nor in the definition of that phrase in Section 6203.

(3) There shall be exempt from the tax due under this section:

(i) The amount of any sales or use tax imposed by the State of California upon a retailer or consumer.

(ii) The storage, use or other consumption of tangible personal property, the gross receipts from the sale of which has been subject to sales tax under a sales and use tax ordinance enacted in accordance with Part 1.5 of Division 2 of the Revenue and Taxation Code by any city and county, county, or city in this State.

(iii) The storage or use of tangible personal property in the transportation or transmission of persons, property or communications or in the generation, transmission or distribution of electricity or in the manufacture, transmission or distribution of gas in intrastate, interstate, or foreign commerce by public utilities which are regulated by the Public Utilities Commission of the State of California.

(iv) The use or consumption of property purchased by operators of common carriers and waterborne vessels to be used or consumed in the operation of such common carriers or waterborne vessels principally outside the City.

(3.5) There shall be exempt from the tax due under this section:

(i) The amount of any sales or use tax imposed by the State of California upon a retailer or consumer.

(ii) The storage, use or other consumption of tangible personal property, the gross receipts from the sale of which has been subject to sales tax under a sales and use tax ordinance enacted in accordance with Part 1.5 of Division 2 of the Revenue and Taxation Code by any city and county, county, or city in this State.

(iii) The storage, use, or other consumption of tangible personal property purchased by operators of waterborne vessels and used or consumed by such operators directly and exclusively in the carriage of persons or property in such vessels for commercial purposes.

(iv) In addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code, the storage, use, or other consumption of tangible personal property purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as

common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government.

SECTION 2. AMENDMENT OF CODE. Section 8-2.405.1 is hereby added to Article 4 of Chapter 2 of Title VIII of the Modesto Municipal Code to read as follows:

SEC. 8-2.405.1. APPLICATION OF PROVISIONS RELATING TO EXCLUSIONS AND EXEMPTIONS. (a) Sections 8-2.403 (b) (4.5), and 8-2.404 (b) (3.5) of this article shall become operative on January 1st of the year following the year in which the State Board of Equalization adopts an assessment ratio for state-assessed property which is identical to the ratio which is required for local assessments by Section 401 of the Revenue and Taxation Code, at which time Sections 8-2.403 (b) (4) and 8-2.404 (b) (3) of this article shall become inoperative.

(b) In the event that Sections 8-2.403 (b) (4.5) and 8-2.404 (b) (3.5) of this article become operative and the State Board of Equalization subsequently adopts an assessment ratio for state-assessed property which is higher than the ratio which is required for local assessments by Section 401 of the Revenue and Taxation Code, Sections 8-2.403 (b) (4) and 8-2.404 (b) (3) of this article shall become operative on the first day of the month following the month in which such higher ratio is adopted, at which time Sections 8-2.403 (b) (4.5) and 8-2.404 (b) (3.5) of this article shall become inoperative until the first day of the month following the month in which the Board again adopts an assessment ratio for state-assessed property which is identical to the ratio required for local assessments by Section 401 of the Revenue and Taxation Code, at which time Sections 8-2.403 (b) (4.5) and 8-2.404 (b) (3.5) shall again become operative and Sections 8-2.403 (b) (4) and 8-2.404 (b) (3) shall become inoperative.

SECTION 3. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation on and after January 1, 19~~6~~⁷4.

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 9th day of October, 1973, by Councilman Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilman Mensing, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Newton, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

ATTEST:

APPROVED:

Lee H. Davies
LEE H. DAVIES, Mayor

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 October, 1973, Councilman Kullijian 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, Kullijian, Mensinger, Simon, 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: January 1, 1974

AN ORDINANCE AMENDING SECTION MAP 16-3-9
OF THE ZONING MAP OF THE CITY OF MODESTO, PREZONING
CERTAIN PROPERTY LOCATED THEREON. (ALTAMONT BUILDERS)

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

SECTION 1. ZONING CHANGE. Section 16-3-9 of the Zoning Map is hereby amended to prezone the following-described property to Planned-Development Zone, P-PD(116):

All that portion of Section 16, Township 3 South, Range 9 East, Mount Diablo Base and Meridian described as follows:

Beginning at the point of intersection of the centerline of Norwegian Avenue with the centerline of Sunrise Avenue; thence Westerly along the centerline of Norwegian to the point of intersection with the centerline of Eldena Way; thence Southerly along the centerline of Eldena Way and the Southerly extension thereof to the point of intersection of the North line of Briggsmore Avenue; thence Southeasterly along the North line of Briggsmore Avenue to the point of intersection with the centerline of Sunrise Avenue; thence Northerly along the centerline of Sunrise to the point of intersection with the centerline of Norwegian Avenue, being the point of beginning.

SECTION 2. USES. The following uses shall be permitted in said P-PD(116) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code. Said uses are as shown on the Development Plan and subject to compliance with Section 10-2.2704 of the Municipal Code prior to the issuance of a building permit:

1. Sixty-seven one and two story townhouse dwelling units.
2. A recreation building and swimming pool.
3. Utility and maintenance buildings.
4. Guest parking in addition to two covered parking spaces per dwelling.

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

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of October, 1973, by Councilman Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilman Kullijian, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Simon, 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 Nichols
Planning Department

Ordinance 1298 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 ^{adjourned} regular meeting of the Council of the City of Modesto held on the 25th day of October, 1973, Councilman Kullijian moved its final adoption, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and the ordinance adopted by the following vote:


- AYES: Councilmen: Dunlap, Kullijian, Mensinger, Simon,
Mayor Davies
- NOES: Councilmen: None
- ABSENT: Councilmen: Elliott, Newton

APPROVED



LEE H. DAVIES, Mayor

ATTEST:



W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: November 24, 1973

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

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

SECTION 1. Chapter 1 of Title III of the Modesto Municipal Code is

hereby amended to read as follows:

CHAPTER 1. - FIRE CODE AND FIRE DISTRICTS

ARTICLE 1. FIRE CODE

SEC. 3-1.101. ADOPTION BY REFERENCE OF "UNIFORM FIRE CODE." That certain document, three (3) copies of which are on file in the Office of the City Clerk of the City of Modesto, being marked and designated as "Uniform Fire Code, 1973 Edition", together with appendices A, B, C, D, and E thereto, as compiled and published by the International Conference of Building Officials and the Western Fire Chiefs' Association, which Code prescribes regulations governing conditions hazardous to life and property from fire and explosion, as hereinafter amended, deleted and added to, be and the same is hereby adopted by reference as the Fire Code of the City of Modesto.

SEC. 3-1.102. INTENT. That Section 1.102 of said Fire Code be amended to read as follows:

Section 1.102. It is the intent of this Code to prescribe regulations consistent with nationally recognized good practice for the safeguarding to a reasonable degree of life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions, hazardous to life or property in the use or occupancy of buildings or premises. The current edition of the National Fire Codes, Volumes I, II, III, IV, V, VI, VII, VIII, IX, and X, as published by the National Fire Protection Association, shall be considered to provide the minimum requirements for new and existing buildings, premises and occupancies.

SEC. 3-1.103. ALTERNATE MATERIALS AND METHODS. That subsection (d) be added to Section 1.214 of said Fire Code to read as follows:

(d) The Building Official, Chief of the Fire Department and Chief of the Fire Prevention Bureau shall act as a committee to determine and specify, the suitability of alternate materials and types of construction and to provide reasonable interpretations of the provisions of this Code.

SEC. 3-1.104. BOARD OF APPEALS. That Section 1.215 of said Fire Code is hereby deleted.

SEC. 3-1.105. GENERAL REQUIREMENTS. That subsection (b) of Section 11.106 of said Fire Code be amended to read as follows:

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

SEC. 3-1.106. MANUFACTURE, SALE AND DISCHARGE. That Section 12.102 of said Fire Code be amended to read as follows:

Section 12.102. (a) The manufacture of fireworks within the City of Modesto is prohibited.

(b) The storage and sale of fireworks within the City of Modesto is limited to State Fire Marshal approved and labeled fireworks by State licensed wholesalers and retailers. The sale of all fireworks within the City of Modesto shall comply with the Rules and Regulations of the State Fire Marshal and rules and regulations of the Chief. Storage of fireworks within the City of Modesto is limited to the period commencing June 1 and ending July 31 of each year, and shall comply with rules and regulations of the Chief.

The Chief shall have the power to adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks by a jurisdiction, fair association, amusement parks, other organizations or for the use of fireworks by artisans in pursuit of their trade. Every such use or display shall be handled by a competent operator approved by the Chief, and shall be of such character and so located, discharged or fired as in the opinion of the Chief after proper investigation, so as not to be hazardous to property or endanger any person.

(c) Applications for permits shall be made in writing to the Chief at least 10 days in advance of the date of the display. After such privilege shall be granted, sale, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

SEC. 3-1.107. HAZARDOUS HEATING, LIGHTING, AND COOKING APPLIANCES PROHIBITED. That Section 15.106 of said Fire Code be amended to read as follows:

Section 15.106. A person shall not use within a building or structure any heating, lighting or cooking appliance which uses Class I flammable liquids.

SEC. 3-1.108. RESTRICTED LOCATIONS AND FIRE PROTECTION. That subsection (a) of Section 15.201 of said Fire Code be amended to read as follows:

(a) The storage of flammable or combustible liquids in outside aboveground tanks is restricted to those areas of the City zoned M-2, Heavy Industrial Zone. All existing non-conforming tanks which substantially comply with or are made to comply with the requirements of this Code may be continued in use and a permit therefor shall be granted by the Chief.

SEC. 3-1.109. LOCATION OF PLANTS. That Section 15.601 of said Fire Code be amended to read as follows:

Section 15.601. The construction of new bulk plants for storage of flammable or combustible liquids is restricted to areas of the City zoned M-2, Heavy Industrial Zone. All existing non-conforming bulk plants for storage of flammable or combustible liquids which substantially comply or are made to comply with the requirements of this Code may be continued in use and a permit therefor shall be granted by the Chief.

SEC. 3-1.110. DISPENSING SERVICES. That subsection (b) of Section 15.704 of said Fire Code be amended to read as follows:

(b) Supervision. Every service station open to the public shall have an attendant or supervisor on duty whenever the station is open for business.

1. If the dispensing of Class I liquids at a service station available and open to the public is to be done by a person other than the service station attendant the nozzle shall be a listed automatic closing type, without a latch open device.

SEC. 3-1.111. OPERATION OF TANK VEHICLES. That subsection (n) be added to Section 15.1104 of said Fire Code to read as follows:

(n) Tank vehicles shall always be parked on private property while being unloaded and never parked on a public street, alley or other public right-of-way while being unloaded. While a tank vehicle is being unloaded, it shall not be parked in such a manner as to be endangered by other traffic in the service station area.

SEC. 3-1.112. PARKING AND GARAGING. That Section 15.1106 of said Fire Code be amended to read as follows:

Section 15.1106. (a) No person shall leave a tank vehicle unattended on any street, highway, avenue or alley, except that this shall not prevent:

1. Stops for meals during the day or night, if the street is well lighted at the point of parking;

2. When, in case of accident or other emergency, the operator must leave to obtain assistance.

(b) No person shall park a tank vehicle at any one point for longer than one hour except:

1. Off of a street, highway, avenue or alley;

2. Inside a bulk plant and 25 feet from the property line or within a building approved for such use;

3. At other approved locations not less than 50 feet from any building except those approved for the storage or servicing of such vehicle;

4. When, in case of breakdown or other emergency, the operator must leave the vehicle to take necessary action to correct the emergency.

(c) Tank vehicles shall not be parked or garaged in any buildings other than those specifically approved for such use by the Chief.

(d) Tank vehicles used for flammable and combustible liquids shall be repaired only in locations approved by the Chief.

SEC. 3-1.113. LOCATION OF CONTAINERS. That subsection (a) of Section 20.105 of said Fire Code be amended to read as follows:

(a) The storage of liquefied petroleum gases is restricted to those areas of the City zoned C-M, Commercial-Industrial Zone, M-1, Light Industrial Zone, and M-2, Heavy Industrial Zone, and, in addition thereto, to properties used as Automotive Service Stations located in areas of the City zoned C-2, General Commercial Zone and H-1, Highway Frontage Zone. The aggregate capacity of any one installation shall not exceed 2,000 gallons water capacity; except that in particular installations this capacity limit may be altered at the discretion of the Chief, after consideration of special features such as topographical conditions, nature of occupancy and proximity of buildings, capacity of proposed tanks, degree of private fire protection to be provided and facilities of the local Fire Department. The storage of liquefied petroleum gas shall conform to the provisions of the local zoning ordinance.

SEC. 3-1.114. LIMITATIONS ON THE USE AND STORAGE OF LIQUEFIED PETROLEUM GAS. That Section 20.107 of the Fire Code be amended to read as follows:

Section 20.107. Limitations on the Use and Storage of Liquefied Petroleum Gas.

(a) Liquefied petroleum gas shall not be used for the purpose of operating any device or equipment unless such equipment or device is approved for use with a liquefied petroleum gas.

(b) Liquefied petroleum gas shall not be released to the atmosphere except through an approved liquid level gauge or other approved device.

(c) The use of stoves and other similar fuel burning appliances using liquefied petroleum gas for cooking, lighting or heating is prohibited in the City of Modesto except as permitted in subsection (f) of this section.

(d) The storage and use of liquefied petroleum gas in any quantity shall be prohibited in the area of the City designated as Fire Zone I, except the use of liquefied petroleum gas in Fire Zone I may be permitted on a temporary basis by the Chief when it is required for construction or repair of buildings located in Fire Zone I.

(e) The storage and use of liquefied petroleum gas shall be prohibited in hotels, motels, and apartment houses and in buildings or on property or streets adjacent to property used for the following purposes: schools, churches, public assemblages, hospitals, carnivals, circuses, public parks, and similar uses involving gatherings of more than fifty (50) people.

(f) The storage of liquefied petroleum gas may be permitted by the Chief on residential property when the prohibition of such storage would cause an undue hardship. When permitted, the total aggregate storage of liquefied petroleum gases on any one residential property shall not exceed two hundred fifty (250) gallons. The use of liquefied petroleum gases when permitted on residential property shall be limited to cooking and heating.

(g) Liquefied petroleum gas may be dispensed by Automotive Service Stations by employees only.

SEC. 3-1.115. INCINERATORS AND OPEN BURNING. That Section 27.101 through Section 27.116, inclusive, of said Fire Code are hereby deleted.

SEC. 3-1.116. GENERAL SAFETY RULES FOR WELDING AND CUTTING. That subsection (p) be added to Section 31.107 of said Fire Code to read as follows:

(p) All compressed gas cylinders used for welding and cutting while in service or in storage shall be adequately secured to prevent their falling or being knocked over.

ARTICLE 2. FIRE DISTRICTS

SEC. 3-1.201. SPECIFIC DISTRICTS. For the purpose of regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of buildings and/or structures in the City as defined in the Building Code of the City of Modesto, the entire City is hereby declared to be and is established as a fire district comprising three (3) zones, respectively known and designated as Fire Zone No. 1, Fire Zone No. 2 and Fire Zone No. 3.

The territory or portion of the City included in each of said fire zones is more particularly described as follows:

(a) Fire Zone No. 1 shall include and comprise all the territory within the City described as follows:

Blocks 67, 68, 69, 83, 84 and 85 in the City of Modesto.

(b) Fire Zone No. 2 shall include and comprise all the territory within the City, except Blocks 67, 68, 69, 83, 84 and 85, which is now or hereafter, under the Zoning Regulations of the City of Modesto, designated as:

(1) C-1, C-2, C-M, M-1, M-2 and M-P Zones.

(2) Those lots in P-O, H-1, P-D and R-3 Zones on which there are uses other than dwellings.

(c) Fire Zone No. 3 shall include and comprise all the territory within the City which is not included in Fire Zone No. 1 or Fire Zone No. 2.

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.

an adjourned

The foregoing ordinance was introduced at / regular meeting of the Council of the City of Modesto held on the 25th day of October, 1973, by Councilman Simon, who moved its introduction and passage to print, which motion being duly seconded by Councilman Kullijian, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Kullijian, Mensinger, Newton, Simon

NOES: Councilmen: Mayor Davies

ABSENT: Councilmen: Elliott

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

ATTEST:

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

(SEAL)

APPROVED AS TO FORM:

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

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 5th day of November, 1973, Councilman Elliott moved its final adoption, which motion being duly seconded by Councilman Kullijian, was upon roll call carried and the ordinance adopted by the following vote:

- AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Simon, 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: December 5, 1973

AN ORDINANCE AMENDING SECTION MAP 9-3-9
OF THE ZONING MAP OF THE CITY OF MODESTO,
RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON.
(WARREN LEE AND AVANEL HARRIS)

WHEREAS, a verified application for an amendment to Section 9-3-9 of the Zoning Map was filed by Warren Lee and Avanel Harris on June 19, 1973, to reclassify from One-Family Residential Zone, R-1, to Highway Frontage Zone, H-1, the hereinafter described property, and

WHEREAS, after public hearing held on September 18, 1973 and continued to October 2, 1973, 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. 73-112, adopted on October 2, 1973, the Planning Commission recommended to the Council that the application of Warren Lee and Avanel Harris to amend Section 9-3-9 of the Zoning Map to reclassify the hereinafter described property from One-Family Residential Zone, R-1, to Highway Frontage Zone, H-1, 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 9-3-9 of the Zoning Map is hereby amended to reclassify the following described property from One-Family Residential Zone,

R-1, to Highway Frontage Zone,

H-1 :

That the zone classification of the following described property as shown on Section 9-3-9 of the Zoning Map of the City of Modesto be changed from One-Family Residential Zone, R-1, to Highway Frontage Zone, H-1, located on the Northeast corner of McHenry Avenue and Warren Way.

Parcel 1 as shown on that certain Parcel Map filed January 28, 1972, in Book 13 of Parcel Maps, at Page 66, Stanislaus County Records, being a portion of the northwest quarter of Section 9, Township 3 South, Range 9 East, Mount Diablo Base and Meridian.

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 5th day of November, 1973, by Councilman Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilman ^{member} Mensinger, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Newton, Simon, 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. Ray
Planning Department

Ordinance 1300 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 12th day of November, 1973, Councilman Newton 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: Elliott, Kullijian, Mensinger, Newton, Simon, Mayor Davies
NOES: Councilmen: None
ABSENT: Councilmen: Dunlap

APPROVED 
LEE H. DAVIES, Mayor

ATTEST: 
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: December 12, 1973