

ORDINANCE NO. 1451 - C. S.

AN ORDINANCE AMENDING SECTION 8-2.603 OF ARTICLE 6 OF CHAPTER 2 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE RELATING TO TRANSIENT OCCUPANCY TAX.

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

SECTION 1. AMENDMENT OF CODE. Section 8-2.603 of

Article 6 of Chapter 2 of Title VIII of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 8-2.603. TAX IMPOSED. For the privilege of occupancy in any hotel, each transient is subject to and shall pay a tax in the amount of six (6%) per cent of the rent charged by the operator. Said tax constitutes a debt owed by the transient to the City which is extinguished only by payment to the operator or to the City. The transient shall pay the tax to the operator of the hotel at the time the rent is paid. If the rent is paid in installments, a proportionate share of the tax shall be paid with each installment. The unpaid tax shall be due upon the transient's ceasing to occupy space in the hotel. If for any reason the tax due is not paid to the operator of the hotel, the Tax Administrator may require such tax shall be paid directly to the Tax Administrator.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after July 1, 1975.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of May, 1975, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Newton, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: 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

Ord. No. 1451-C.S.


FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 19th day of May, 1975, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Siefkin, Vice Mayor Newton

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

APPROVED 
~~XXXXXXXXXXXXXXXXXXXX Mayor~~
PHILLIP E. NEWTON,
Vice Mayor

ATTEST: 
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: June 18, 1975

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

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

on March 12, 1975, to reclassify from Low Density Residential
Zone, R-1, to Medium Density
Residential Zone, R-2, the hereinafter described
property, and

WHEREAS, after public hearing held on April 22, 1975,
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. 75-66, adopted on April 22,
1975, 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 herein-
after described property from Low Density Residential
Zone, R-1, to Medium Density 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 held on
May 27, 1975, this Council finds and determines that the
requested rezoning is in accordance with the general plan and will serve
the public health, safety and general welfare and provide the economic
and social advantages resulting from orderly, planned use of land resource
for the following reasons:

1. The additional density which the 1.6 acre R-2 zoning
will create will not approach the overall density
originally planned for this part of the Floyd
neighborhood.

2. The proposed R-2 zoning will serve as a buffer between P-D(104) and the lower density residential zoning to the west and northwest.

SECTION 2. ZONING CHANGE. Section 15-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2:

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

COMMENCING at the Southeast corner of Parcel A of Book 10 of Parcel Maps, at Page 82, Stanislaus County Records, on the West line of Oakdale Road; thence North $89^{\circ} 20' 41''$ West along the South line of said Parcel A a distance of 570.00 feet to the point of beginning of this description; thence South $0^{\circ} 01' 26''$ West 320.25 feet; thence South $62^{\circ} 48' 11''$ West 25.38 feet; thence Southwesterly 183.63 feet along a tangent curve, concave to the Northwest, having a radius of 1400.00 feet and a central angle of $7^{\circ} 30' 55''$; thence North $0^{\circ} 01' 26''$ East along a non-tangent line 407.03 feet to the South line of said Parcel A; thence South $89^{\circ} 20' 41''$ East along said South line 190.91 feet to the point of beginning, containing 1.61 acres.

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 27th day of May, 1975, by Councilman Kullijian, 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, Siefkin, 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

AN ORDINANCE AMENDING SECTION MAP 7-3-9 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSI-
FYING CERTAIN PROPERTY LOCATED THEREON. (EXXON
COMPANY, U.S.A.)

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

SECTION 1. ZONING CHANGE. Section 7-3-9 of the
Zoning Map is hereby amended to reclassify the following-described
property from Low Density Residential Zone, R-1,
to Planned-Development Zone, P-D (129) :

All that portion of the Southeast quarter of the Northeast
quarter of Section 7, Township 3 South, Range 9 East, Mount
Diablo Base and Meridian described as follows:

All of Parcel 3 as shown on the map filed for record on
April 18, 1966 in Book 1 of Parcel Maps at Page 106 in
the Stanislaus County Records.

Including also, the northerly 45 feet of Standiford Road
and the Westerly 45 feet of Tully Road all being immediately
adjacent to the above described property.

Ord. No. 1452 -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 9th day of June, 1975, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Newton, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

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

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

EFFECTIVE DATE: July 9, 1975

Ordinance 1452 C.S.
Exhibit A – Map

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

SECTION 2. USES. The following uses shall be permitted in said P-D (129) 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. Offices for uses permitted within the C-1, C-2 or P-0 zones.
2. A bank or savings and loan association.
3. A parking area.

SECTION 3. ZONING MAP. Section Map 7-3-9 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 May, 1975, 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, Newton, Siefkin, 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 1453 C.S.
Exhibit A – Map

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

Ord. No. 1453-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 9th day of June, 1975, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Newton, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED


LEE H. DAVIES, Mayor

ATTEST:


W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: July 9, 1975

AN ORDINANCE AMENDING SECTION MAPS 31-3-9 AND 6-4-9 OF THE ZONING MAP OF THE CITY OF MODESTO, PREZONING CERTAIN PROPERTY LOCATED THEREON. (PARADISE ROAD AREA BETWEEN ELLEN AVENUE AND VERNON AVENUE)

WHEREAS, the Planning Commission by Resolution No. 75-35, adopted on March 4, 1975, initiated proceedings to amend Sections 31-3-9 and 6-4-9 of the Zoning Map to prezone to Medium Density Residential Zone, R-2, and Low Density Residential Zone, R-1, properties located in the Paradise Road area between Ellen and Vernon Avenues in accordance with the plan titled "Paradise Road Area Proposed Prezoning, January 13, 1975", a copy of which plan is attached hereto, and

WHEREAS, after a public hearing held on April 22, 1975, it was found and determined by the Planning Commission that prezoning of the property as initiated is required by public necessity, convenience, and general welfare, and

WHEREAS, by Resolution No. 75-61, adopted on April 22, 1975, the Planning Commission recommended to the Council the amendment of Sections 31-3-9 and 6-4-9 of the Zoning Map to prezone to Medium Density Residential Zone, R-2, and Low Density Residential Zone, R-1, properties located in the Paradise Road Area between Ellen and Vernon Avenues in accordance with said plan titled "Paradise Road Area Proposed Prezoning, January 13, 1975", a copy of which plan is attached hereto, and

WHEREAS, a public hearing was held by the Council of the City of Modesto on May 27, 1975, on said Planning Commission recommended prezoning, and after hearing evidence both oral and documentary, the City Council found and determined that the proposed prezoning, except for those parcels of land located to the south of the centerline of Paradise Road, extending southwesterly from the westerly terminous of Vicksburg Street, should be granted,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing held on May 27, 1975, in the City Council Chambers, City Hall, 801 - 11th Street, Modesto, California, this Council finds and determines that the recommended prezoning as initiated by the Planning Commission, except for those parcels of land located to the south of the centerline of Paradise Road extending southwesterly from the westerly terminous of Vicksburg Street, is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource for the reasons set forth in Planning Commission Resolution No. 75-61, adopted on April 22, 1975.

SECTION 2. ZONING CHANGE. Sections 31-3-9 and 6-4-9 of the Zoning Map are hereby amended to prezone to Medium Density Residential Zone, R-2, and Low Density Residential Zone, R-1, properties located in the Paradise Road area between Ellen and Vernon Avenues as shown on the Plan titled "Paradise Road Area Proposed Prezoning, January 13, 1975", except for those parcels of land located to the south of the center-line of Paradise Road extending southwesterly from the westerly terminous of Vicksburg Street, a copy of which plan is attached hereto and made a part of this ordinance by reference.

SECTION 3. ZONING MAP. Sections 31-3-9 and 6-4-9 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 27th day of May, 1975, by Councilmember Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Mensinger, Newton, Siefkin, Mayor Davies
NOES: Councilmembers: None
ABSENT: Councilmembers: Kullijian

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

(SEAL)

APPROVED AS TO FORM:

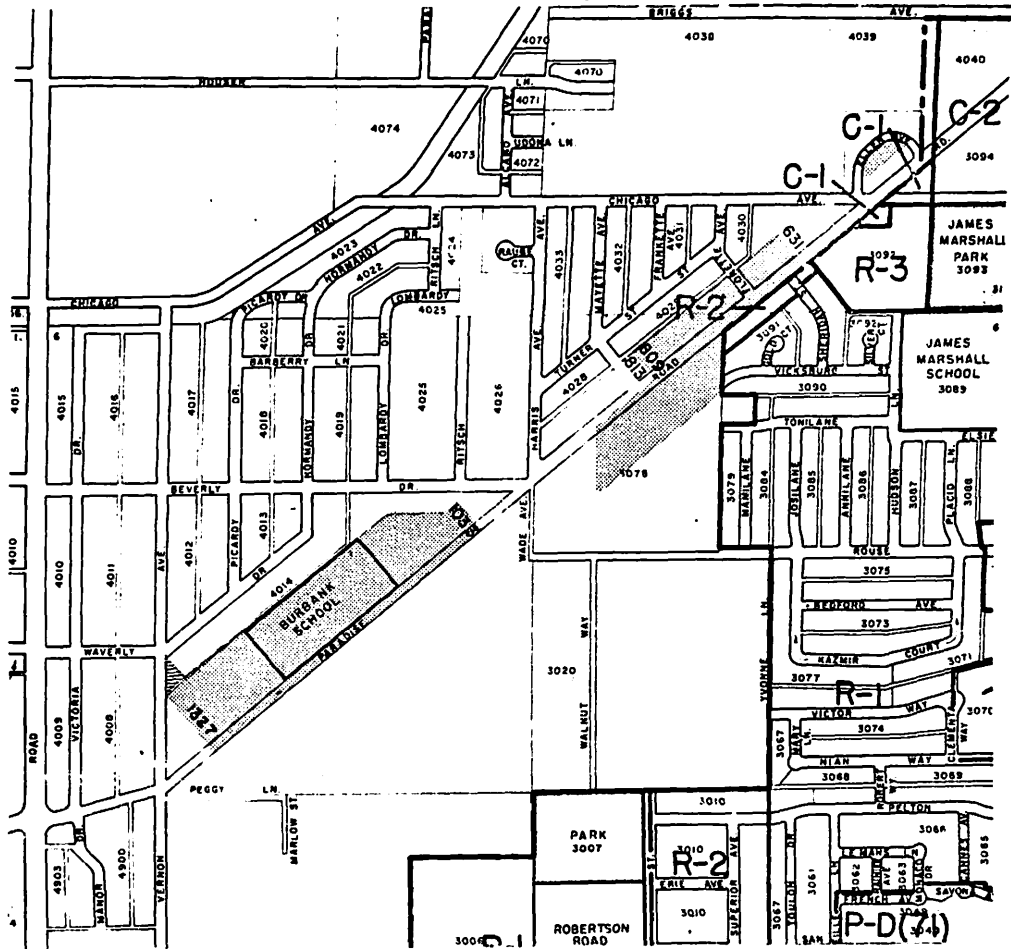
By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By John L. Coley
Planning Department

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

PARADISE ROAD AREA PROPOSED PREZONING JANUARY 13, 1975



LEGEND— AREA OF PROPOSED CITY PREZONING



EXISTING COUNTY C-1 PREZONE TO R-2



EXISTING COUNTY C-1 PREZONE TO R-1

Ordinance 1454 C.S.
Exhibit A – Map

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

Ord. No. 1454-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 9th day of June, 1975, Councilmember Elliott moved its final adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Mensinger, Newton, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

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

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

EFFECTIVE DATE: July 9, 1975

AN ORDINANCE GRANTING TO BERT AND DELOURIES BERTOLOTTI, A SOLE PROPRIETORSHIP, DBA BERTOLOTTI DISPOSAL SERVICE A LICENSE FOR THE COLLECTION OF GARBAGE 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 license to collect garbage in the City of Modesto is hereby granted to Bert and Delouries Bertolotti, a sole proprietorship, dba Bertolotti Disposal Service subject to the following terms and conditions.

(a) Said license shall be for a term commencing on November 14, 1974, and ending either on December 31, 1982, or when Bertolotti Disposal Service ceases to have a license from the County of Stanislaus to provide garbage service to Stanislaus County Refuse Collection Area No. 1, whichever occurs first, unless terminated at an earlier date under the provisions of this license. Nothing herein shall be deemed or construed to impair or affect in any way the right of the City to acquire the equipment and assume the operations of the Licensee at any time during the term of this license by purchase of the Licensee's equipment at a fair and just market value, which shall not include any amount for the license itself or for any of the rights or privileges granted by this license.

(b) During the term specified in paragraph (a) above, said license shall automatically extend to and be an exclusive license to collect garbage within each of the areas, or any portions thereof, delineated and marked as Areas No. 1 through 7 on that certain map titled "Map - Bertolotti Service Area" dated 1-6-75, on file in the office of the City Clerk and to which reference is hereby made, for a maximum period of three (3) years for each of said areas, or any portion thereof, from and after the date of annexation of any of said Areas No. 1 through 7, or any portions thereof, which are annexed to the City of Modesto.

(c) In accepting this license, Licensee thereby agrees to serve the areas specified in paragraph (b) above during the periods specified in paragraph (b) above in compliance with the provisions of this ordinance and the provisions of Chapter 5 of Title V of the Modesto Municipal Code.

(d) The City hereby sets the following rates and charges to be charged for the collection of garbage from November 14, 1974, to and including February 28, 1975:

CHARGES FOR GARBAGE SERVICE

STANDARD CONTAINERS

No. of Containers	Number of Collections per Week					
	1	2	3	4	5	6
1	1.40	2.80	4.20	5.60	7.00	8.40
2	2.10	4.20	6.30	8.40	10.50	12.60
3	2.80	5.60	8.40	11.20	14.00	16.80
4	3.50	7.00	10.50	14.00	17.50	21.00
5	4.20	8.40	12.60	16.80	21.00	25.20
6	4.90	9.80	14.70	19.60	24.50	29.40

The standard container rates shall apply for service when containers are placed in a location as set forth in Section 5-5.10 Container Locations (a.1) (a.2). If it is necessary for the collector to enter a fenced yard and/or go more than fifty (50') feet from the property line but less than one hundred (100') feet from the property line to reach a container, there shall be added to the regular monthly collection charge an additional charge of fifty (50¢) cents per month. When containers are located at a distance greater than one hundred (100') feet from the property line or there are three or more containers within a fenced yard or more than fifty (50') feet from the property line which required additional trips by the garbage collector shall be handled as a Special Service Condition for which the rates are to be established by negotiation.

DETACHABLE CONTAINERS

Container Size	Number of Collections per Week					
	1	2	3	4	5	6
1 cy	5.25	10.50	15.75	21.00	26.25	31.50
1 1/2 cy	7.88	15.76	23.64	31.52	39.40	47.28
2 cy	10.50	21.00	31.50	42.00	52.50	63.00
3 cy	15.75	31.50	47.50	63.00	78.75	94.50
4 cy	21.00	42.00	63.00	84.00	105.00	126.00

DETACHABLE CONTAINER RENTAL RATES NOT INCLUDED IN ABOVE SCHEDULE

Detachable Container Size	1 cy	1 1/2 cy	2 cy	3 cy	4 cy
Monthly Rental Rates	5.00	5.25	5.50	6.00	6.50

DROP BOX CONTAINERS

Pickup Charge \$25.00/pickup
 Rental \$ 1.00/day with \$25.00 max. for each 30-day rental period
 Disposal Charge Actual charge

Garbage Company will provide up to 40 cy Drop Box Containers for above stated charges subject only to load limit on transfer vehicle.

EXTRA PICKUPS

Standard Containers or equivalent \$2.00 plus \$0.25/container
 Detachable Containers \$5.00 plus \$0.75/cy

SPECIAL SERVICE CONDITIONS

In situations where none of the above rates reasonably apply, the cost of service is to be negotiated between the garbage company and customer.

DETACHABLE CONTAINER ONLY
REPLACEMENT AND CLEANING SERVICE

1 yd	2 yd	3 yd	4 yd
5.00	6.00	8.00	10.00

NOTATIONS

- Where landlord pays for all cans in one location it shall be regarded as one service. Each location in which cans are placed for collection must be regarded as a separate service.
- Where tenant pays for can regardless of location, it shall be regarded as one service.

(e) The City hereby sets the following rates and charges to be charged for the collection of garbage from March 1, 1975, until revised by the City Council:

~~_____~~

STANDARD CONTAINERS

No. of Containers	Number of Collections per Week										
	1	2	3	4	5	6					
1	1.60	2.80	3.20	4.20	4.80	5.60	6.40	7.00	8.00	8.40	9.60
2	2.40	4.40	4.80	6.30	7.20	8.40	9.60	10.50	12.00	12.60	14.40
3	2.80	5.60	6.40	8.40	9.60	11.20	12.80	14.00	16.00	16.80	19.20
4	3.50	7.00	8.00	10.50	12.00	14.00	16.00	17.50	20.00	21.00	24.00
5	4.20	8.40	9.60	12.60	14.40	16.80	19.20	21.00	24.00	25.20	28.80
6	4.90	9.80	11.20	14.70	16.80	19.60	22.40	24.50	28.00	29.40	33.60

The standard container rates shall apply for service when containers are placed in a location as set forth in Section 5-5.10 Container Locations (a. 1) (a. 2). If it is necessary for the collector to enter a fenced yard and/or go more than fifty (50') feet from the property line but less than one hundred (100') feet from the property line to reach a container, there shall be added to the regular monthly collection charge an additional charge of fifty (50¢) cents per month. When containers are located at a distance greater than one hundred (100') feet from the property line or there are three or more containers within a fenced yard or more than fifty (50') feet from the property line which required additional trips by the garbage collector shall be handled as a Special Service Condition for which the rates are to be established by negotiation.

DETACHABLE CONTAINERS

Container Size	Number of Collections per Week											
	1	2	3	4	5	6						
1 cy	5.25	6.00	10.50	12.00	15.75	18.00	21.00	24.00	26.25	30.00	31.50	36.00
1/2 cy	7.88	9.00	15.76	18.00	23.64	27.00	31.52	36.00	39.40	45.00	47.28	54.00
2 cy	10.50	12.00	21.00	24.00	31.50	36.00	42.00	48.00	52.50	60.00	63.00	72.00
3 cy	15.75	18.00	31.50	36.00	47.50	54.00	63.00	72.00	78.75	90.00	94.50	108.00
4 cy	21.00	24.00	42.00	48.00	63.00	72.00	84.00	96.00	105.00	120.00	126.00	144.00

DETACHABLE CONTAINER RENTAL RATES NOT INCLUDED IN ABOVE SCHEDULE

Detachable Container Size	1 cy	1 1/2 cy	2 cy	3 cy	4 cy					
Monthly Rental Rates	5.00	5.70	5.25	6.00	5.50	6.30	6.00	6.85	6.50	7.40

DROP BOX CONTAINERS

Pickup Charge \$25.00/\$28.60 pickup
 Rental \$ 1.00/\$ 1.15 day with \$25.00 max. for each 30-day rental period
 Disposal Charge Actual charge

Garbage Company will provide up to 40 cy Drop Box Containers for above stated charges subject only to load limit on transfer vehicle.

EXTRA PICKUPS

Standard Containers or equivalent \$2.00 \$2.30 plus \$0.25 \$0.30/container
 Detachable Containers \$5.00 \$5.70 plus \$0.75 \$0.85/cy

SPECIAL SERVICE CONDITIONS

In situations where none of the above rates reasonably apply, the cost of service is to be negotiated between the garbage company and customer.

DETACHABLE CONTAINER ONLY
REPLACEMENT AND CLEANING SERVICE

1 yd	2 yd	3 yd	4 yd
5.00	5.70	6.00	6.85
		8.00	9.15
			10.00
			11.45

NOTATIONS

- Where landlord pays for all cans in one location it shall be regarded as one service. Each location in which cans are placed for collection must be regarded as a separate service.
- Where tenant pays for can regardless of location, it shall be regarded as one service.

Said charges shall be in effect from March 1, 1975, until revised by the City Council. Service charges and costs of operation of the Licensee will be reviewed biennially by the City Council and, if deemed necessary by the City Council, rate adjustments made to be effective on or after January 1, 1976, and January 1 of each of said biennial periods thereafter, as determined by the City Council.

The City reserves the right to require adjustments in operations of the Licensee due to changing community needs, and/or developments in the field of garbage collection and disposal. Rate adjustments, if necessary, will be considered in such cases.

(f) Licensee shall bill and collect all garbage service charges.

(g) 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.

(h) 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.

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

In the event of any disagreement between the Licensee and customers regarding the amount of charges for garbage collection service or the type or extent of service provided by the Licensee, the Director of Public Works shall make an investigation and determination, and the decision of the Director of Public Works shall be final.

(j) The Licensee shall establish and maintain an office within the City of Modesto, or other location approved by the City Manager, and shall keep said office open for business from 8:00 a. m. to 5:00 p. m. of each and every day except Saturday, Sunday, and all legal holidays observed by the City of Modesto.

The Licensee shall keep and maintain in said office at all times during the hours it is required to be open, competent personnel who shall have authority to represent the Licensee in his relations with the City and with the public. The Licensee shall obtain and keep in said office sufficient listed telephones and personnel to courteously, quickly and expeditiously receive and answer all telephone and other calls to said office. A daily log of service calls received and the disposition thereof shall be kept by the Licensee.

(k) The Licensee shall maintain full and complete books of account and other records showing all business transacted in connection with the license by said Licensee including but not limited to records of all special monthly collections, receipts, expenses, profits, supporting statements and vouchers, balance sheets, profit and loss statements, and other documents accurately reflecting and showing all business of the Licensee. All such books and records shall be subject to audit and inspection at any and all reasonable times by the City and its authorized officers, agents, or employees, and shall be made available at said office for such inspection or audit at any and all reasonable times upon request or demand of the authorized City official.

The Licensee shall provide the City annually, within ninety (90) days of the end of the preceding fiscal year ending June 30th, with five (5) copies of an annual balance sheet and profit and loss statement. Financial statements submitted by the Licensee to the City shall be regarded by the City as confidential financial records of the Licensee, and shall not be released as a public record for inspection by any party other than authorized City officers.

The City may require a complete financial audit prepared by a "Public Accountant" with his "opinion" attached thereto and such other financial information deemed necessary by the City when considering a request for rate adjustments.

(l) The Licensee shall collect and remove from any and all premises, within twenty-four (24) hours, and no later, after notice, demand or request, any and all garbage which Licensee shall have failed to collect and remove at the regularly scheduled time. The customer's failure to place garbage for collection at the regularly scheduled time shall not be deemed a missed collection.

(m) The Licensee shall collect garbage at least once each calendar week, on a Monday through Friday basis for residential collections, and on a Monday through Saturday basis for commercial collections. For purposes of such collection, the Licensee shall divide the City into collection routes. Such collection routes shall be each wholly within the City limits, and shall be approved by the Director of Public Works. Upon approval of the proposed routes by the Director of Public Works, the Licensee shall prepare route books as soon as possible which shall indicate the address of each service, number of containers, frequency of collection, and such other pertinent information as the Director of Public Works may require. The Licensee shall keep route books up to date at all times. The Licensee shall give reasonable notice to the general public as to the days and times for collection on each route. No changes in collection schedules shall be made without the approval of the Director of Public Works and reasonable notice thereof to the customers concerned by the Licensee.

The Licensee will not be required to make collections on Sundays or legal holidays observed by the City. The Licensee may arrange with commercial and industrial customers for Sunday and holiday collections, however. Scheduled collections not made on legal holidays shall be made within twenty-four (24) hours, Sundays excepted.

(n) The Licensee shall make garbage collection service available on request to all schools, public agencies, institutions, and other non-residential premises at the same rates established for business locations.

In special cases where unusual quantities of materials or special type of materials, or where special methods of handling and/or disposing is required, the Director of Public Works may permit independent arrangements with the Licensee.

(o) The Licensee shall have approved detachable containers for apartment, commercial, and business services on a rental basis. The Licensee shall be responsible for the general repair and upkeep of all detachable containers. Containers shall be kept in serviceable condition at all times. The Licensee shall provide detachable container cleaning service at a rate approved by the Director of Public Works.

Containers shall be of metal and shall be so constructed that no liquid can leak from said containers. However, containers made of materials other than metal may be proposed by the Licensee for the approval of the Director of Public Works during the term of this license. No materials may be substituted without prior approval.

(p) The Licensee shall supply all occupants or premises in the Licensee's service area with printed information cards approved by the Director of Public Works containing information regarding amounts of garbage which will be collected, complaint procedures, charges, regulations and days of collection. Such cards shall be distributed every two years and, in addition, upon request by occupants or owners of any premises and in advance of route, charge or regulation changes.

(q) The Licensee shall not litter any premises or public property in making collections of garbage, nor shall garbage be allowed to leak, blow or fall from collection vehicles; however, if in spite of normal precautions against spillage, a litter is made on any premises or public property, the Licensee shall immediately remove same and clean up the area of spillage. The Licensee shall, without delay, after removing garbage from any container replace the container in its designated position on the premises with its cover on, and shall repair or replace at his expense any containers damaged as a result of his handling thereof, normal wear and tear excepted. The Licensee shall close all gates after making collections and shall avoid crossing private or public planted areas and climbing or jumping over hedges and fences. Licensee's personnel shall make all collections in a quiet and orderly manner and shall refrain from making unnecessary disturbances and noise. If, for any reason, garbage is not picked up, such as overweight container, not in container, etc., the Licensee shall attach a tag to the container explaining the reason therefor, and shall maintain a log or record of such refusals.

The Licensee's collection vehicles shall be operated in full compliance with the State of California Motor Vehicle Code and local ordinances. Vehicles shall be thoroughly washed and disinfected inside the collection body each day, or as approved by the Director of Public Works, and the outside of each vehicle shall be cleaned and washed at least once a week.

(r) All equipment used for the collection and hauling of garbage shall be approved by the Director of Public Works and shall be so constructed and maintained as to prevent leakage, spillage, or overflow. Trucks shall not be loaded in excess of requirements of the State of California Motor Vehicle Code. All trucks and equipment shall be clearly identified by an assigned equipment number and with the firm name and local telephone number affixed

thereto. Collection trucks shall be painted white, or other color approved by the Director of Public Works, and shall be equipped with such safety devices and warning lights required by the State of California Motor Vehicle Code.

All vehicles and equipment used in the collection of garbage, if kept within the boundaries of the City, shall at all times when not in use in the collection of garbage be kept on private property in the appropriate zone and not on streets or other public ways.

(s) All garbage collection vehicles shall be well maintained, properly identified, painted, clean and in satisfactory mechanical condition. The Licensee shall institute a complete and comprehensive system of preventative maintenance on all vehicles and shall keep them lubricated and in good repair. Records in a form approved by the Director of Public Works to provide data on operating, maintenance and repair costs shall be kept on each piece of equipment.

(t) For purposes of this paragraph the following definitions shall apply:

(1) "Interruption of service" shall mean:

(aa) Any time period during which garbage collection services by the Licensee are interrupted by a labor dispute and scheduled collections are discontinued or substantially reduced; or

(ab) Any time period after notice by the City of the termination of the license by reason of a breach or default by the Licensee and until other suitable equipment can reasonably be purchased or otherwise acquired by the City for such purpose.

(2) "Equipment" shall mean any and all vehicles and equipment used by the Licensee for the purpose of performing the services provided for in the license at any time within the ninety (90) days immediately prior to the commencement of the interruption of service.

(3) "Payment for use" shall have the following meaning:

(aa) In the case of a piece of equipment subject to a contract, "payment for use" shall mean any installment payment coming due under a contract for such piece of equipment while the City is possessing and using such piece of equipment pursuant to this paragraph during an interruption of service. Payment for use shall not be deemed to include any payment coming due under such contract either prior to, or after the expiration of, such period. Payment for use shall be made by the City, from time to time, directly to the person or company to whom the payment is owed under the contract, and the making of such payment or payments shall constitute full compensation to all persons for the City's temporary use of such piece of equipment.

(ab) In the case of a piece of equipment not subject to a contract, "payment for use" shall mean the reasonable rental value of such piece of equipment for such period of time during which the City possesses and uses such piece of equipment pursuant to this paragraph during an interruption of service. Such payment shall, at the expiration of the term of the interruption of such service, be applied against any sums then owed to the City by the Licensee, or, if none, it shall be paid by the City to the Licensee.

(4) "Contract" shall mean any conditional sales contract, mortgage, encumbrance, lease, rental agreement or other agreement which provides for retention of title to said equipment or grants a security interest therein, that may exist at the commencement of the interruption of service with regard to a piece of equipment.

(5) "Notice" shall mean written notification actually received by the person to be notified or mailed to him by registered or certified mail at the most recent address furnished by him to the City Clerk of the City of Modesto. As to the holder of a contract, the City shall be required to give notice only if the holder's identity is known to the City and the holder has furnished his address to said City Clerk.

In the event of an interruption of service, the City shall be entitled to have the temporary possession of all or any portion of the equipment of Licensee on the condition that the City shall, from time to time, make the payment for use as provided in subparagraph (3) hereof. Upon taking such temporary possession, City shall forthwith give notice thereof to the Licensee and to the then holder of a contract on such equipment, if any. Such temporary use shall not be deemed to be a breach of the terms of any contract regarding said equipment, but it shall otherwise be subject to the terms of such contract which are not in conflict herewith, except that the City shall not be required to make any payment other than the payment for use prescribed in subparagraph (3) hereof. The making by the City of the payment for use prescribed in subparagraph (3) hereof shall be deemed to be compensation only for the temporary use of such equipment and the City shall not thereby acquire any ownership interest in such equipment.

So long as the City continues to make the payment for use of a piece of equipment when due, or within ten (10) days thereafter, such equipment may be retained by the City and may not be repossessed from the City. In the event the City fails to make a payment for use when due, or within ten (10) days thereafter, the City's right to the continued temporary use of such piece of equipment shall cease, and possession of such equipment may be retaken by the Licensee or by the holder of any contract thereon.

At the expiration of the City's temporary possession of such equipment the City shall give written notice of such expiration to the Licensee and to the then holder of a contract on such equipment, if any. In the event the Licensee shall fail to take possession of such equipment within ten (10) days after such notice, the Licensee shall be deemed to have abandoned such equipment and waived all interest therein, and the City shall be free to use and dispose of such equipment without liability or compensation to the Licensee, subject to the terms of any contract that may then exist with regard to such equipment.

All equipment used by the Licensee for the purpose of performing the services provided for in this license shall be solely owned by the Licensee except that the Licensee may, with the prior approval of the City Manager, enter into contracts as defined in subparagraph (4) hereof with respect to such equipment. All such contracts shall provide for temporary possession by the City as set forth herein and shall provide that such temporary possession shall not be deemed a breach of such contract.

(u) All vehicles and equipment used by the Licensee for the collection and hauling of garbage shall be solely owned by Licensee, except that the Licensee may, with the prior approval of the City Manager, enter into conditional sales contracts, mortgages, encumbrances, leases, rental agreements, and other appropriate agreements for the purpose of purchasing, leasing or renting vehicles and equipment to be used in providing the services provided for in this license. All such documents shall provide for temporary possession by the City as set forth in the foregoing section and shall provide that such temporary possession shall not be deemed a breach of the agreement.

(v) Garbage collected by the Licensee shall be disposed of at the Geer Road sanitary landfill. The City reserves the right to designate other sanitary landfill areas for disposal, and other methods of disposal. Disposal of garbage at the sanitary landfill will be in accordance with regulations in effect for the same as they now exist or may hereafter be amended. Industrial garbage collected by the Licensee may be disposed of at such other locations as are approved by the Health Officer.

(w) The Licensee shall have the full and exclusive right to all salvageable materials collected in connection with the collection of garbage under this license, and shall have the sole right to any and all funds received from the sale of said salvageable materials. Such funds shall be accounted for as part of the gross revenues of Licensee.

Salvaging or scavenging by the Licensee, or any of his employees, is prohibited on the collection routes. Salvaging at a suitable location is encouraged, however.

(x) The Licensee agrees to keep the Director of Public Works advised as to any current developments in recycling programs, and to participate in such recycling programs when it can be done on a sound economical basis. The Licensee agrees to cooperate on any reasonable basis with local civic organizations who desire to participate in a recycling program. The term recycling as used herein means any process which has as its goal the conversion of garbage, rubbish or salvageable waste into a usable product.

(y) The Licensee shall file with the City Clerk and maintain during the term of this license a corporate surety bond or other form of security satisfactory to the City Attorney in the sum of One Thousand and no/100ths (\$1,000.00) Dollars. Said bond or security shall be conditioned upon the faithful performances of the terms and conditions of this license and the provisions of Chapter 5 of Title V of the Modesto Municipal Code.

(z) 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.

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 bond and insurance policies required to be furnished, pursuant to the provisions of this ordinance and of Chapter 5 of Title V of the Modesto Municipal Code.

SECTION 4. 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.

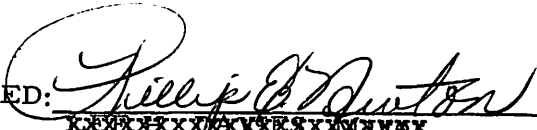
The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of June, 1975, by Councilman Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmen: None

ABSENT: Councilmen: Mayor Davies

APPROVED:


~~XXXXXXXXXXXXXXXXXXXX~~
PHILLIP E. NEWTON, 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. 1455-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 June, 1975, Councilmember Mensinger moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Mensinger, Newton, Siefkin, Mayor Davies


NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

APPROVED


LEE H. DAVIES, Mayor

ATTEST:


W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: July 23, 1975

AN ORDINANCE AMENDING SECTION 3-1.102 OF ARTICLE 1 OF CHAPTER 1 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO THE FIRE CODE.

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

SECTION 1. AMENDMENT OF CODE. Section 3-1.102 of Article 1 of Chapter 1 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

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 1 through 15, as published by the National Fire Protection Association, shall be considered to provide the minimum requirements 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.

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

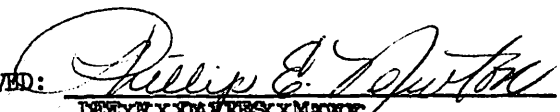
SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in the Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of June, 1975, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Siefkin, Vice Mayor Newton


NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

APPROVED: 
~~DEELEY DAVIS, Mayor~~
PHILLIP E. NEWTON, Vice Mayor

ATTEST: 
W. T. CHYNOWETH, City Clerk

(SEAL)

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

Ord. No. 1456-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 June, 1975, Councilmember Mensinger moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Mensinger, Newton, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

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

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

EFFECTIVE DATE: July 23, 1975

AN ORDINANCE ADOPTING THE BUDGET FOR THE CITY OF MODESTO FOR THE FISCAL YEAR ENDING JUNE 30, 19 76 , AND PROVIDING FOR CERTAIN TRANSFERS OF FUNDS.

WHEREAS, pursuant to the Charter of the City of Modesto, a proposed budget for the 19 75 - 76 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 75 - 76 ", presented by the City Manager to the City Council at its meeting held May 5 , 1975 , and as thereafter amended by the City Council, a copy of which budget, as amended, is on file in the office of the City Clerk, is hereby adopted as the budget for the City of Modesto for the fiscal year ending June 30, 19 76 , 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 16th day of June, 1975, by Councilman Dunlap, who moved its adoption 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,
Siefkin, Vice Mayor Newton

NOES: Councilmen: None

ABSENT: Councilmen: Mayor Davies

APPROVED: 
PHILLIP E. NEWTON, Vice Mayor

ATTEST:

By 
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
City Attorney

AN ORDINANCE AMENDING SECTION MAP 17-3-9 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSI-
FYING CERTAIN PROPERTY LOCATED THEREON. (SANDERS
CONSTRUCTION COMPANY)

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

SECTION 1. ZONING CHANGE. Section 17-3-9 of the
Zoning Map is hereby amended to reclassify the following-described
property from Low Density Residential Zone, R-1,
to Planned-Development Zone, P-D (130):

That portion of Lot 17 of FRESNO TRACT, according to
the Official Map thereof, filed in the office of the
Recorder of Stanislaus County, California, on
March 14, 1903 in Volume 1 of Maps, at Page 76,
described as follows:

COMMENCING at the quarter corner common to Sections
17 and 18, Township 3 South, Range 9 East, Mount
Diablo Base and Meridian, said point being 20.00
feet North of the Northwest corner of said Lot 17;
thence along the West line of said Lot 17 and along
center line of 40.00 foot road, South 0° 47' East
1372.17 feet; thence North 89° 27' East 20.00 feet
to the East road line, said point being the true
point of beginning of this description; thence
continue North 89° 27' East 120.00 feet; thence
South 0° 47' East 20.00 feet; thence North 89° 27'
East 114.00 feet; thence South 0° 47' East 205.00
feet to the North line of 40.00 foot road; thence
along said road line South 89° 27' West 234.00 feet
to the East line of 40.00 foot road; thence along
road line North 0° 47' West 225.00 feet to the
true point of beginning.

Including also, the easterly 20 feet of Tully Road
and the Northerly 30 feet of Briggsmore Avenue im-
mediately adjacent to the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D (130) 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:

- (a) Offices for uses permitted within the C-1, C-2, or P-O Zones.
- (b) A parking area.

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

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

SECTION 5. PUBLICATION. 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 June, 1975, by Councilman Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilman Siefkin, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmen: None

ABSENT: Councilmen: Dunlap, Kullijian

APPROVED:

Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

Pauline P. Stanley
~~W. T. CHYNOWETH~~, City Clerk
acting

(SEAL)

APPROVED AS TO FORM:

BY

Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

BY

(William Smith)
Planning Department

**Ordinance 1458 C.S.
Exhibit A – Map**

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

Ord. No. 1458-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 7th day of July, 1975, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Mensinger, Newton, Siefkin, Mayor Davies


NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

APPROVED


LEE H. DAVIES, Mayor

ATTEST:


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

EFFECTIVE DATE: August 6, 1975

ORDINANCE NO. 1459 -C. S.

AN ORDINANCE ADDING SECTIONS 10-2.1613 AND 10-2.1614 TO ARTICLE 16 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO THE ZONING REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Sections 10-2.1613 and 10-2.1614 are hereby added to Article 16 of Chapter 2 of Title X of the Modesto Municipal Code to read as follows:

SEC. 10-2.1613. ZONING SETBACK REQUIREMENTS TO PREVAIL OVER SUBDIVISION MAP SETBACK LINES. In any case in which the setback lines shown on a filed subdivision map exceed the setbacks required by the zoning regulations, the zoning regulations provisions for yard requirements shall prevail over the subdivision map setback lines. This section shall not change the setbacks required by Planned Development Zones, Use Permits, and Variances.

SEC. 10-2.1614. SETBACK REQUIREMENT FOR THROUGH LOTS. The setback requirement for through lots shall be a minimum of fifteen (15') feet from each street frontage, except that when vehicular access is prohibited from one street frontage of the through lot and when a minimum six (6') foot high wall or view obscuring fence is to be erected along the property line of said street frontage as required by the Municipal Code, a Planned Development Zone, a Subdivision Map, a Use Permit, or a Variance, said property line shall be treated as a rear lot line and the rear yard setback shall be no less than six (6') feet for 1-story buildings and no less than twelve (12') feet for 2-story buildings.

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 July, 1975, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Newton, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST

APPROVED:

Lee H. Davies
LEE H. DAVIES, Mayor

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

APPROVED AS TO FORM:

Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

Ord. No. 1459-C.S.

FINAL ADOPTION CLAUSE

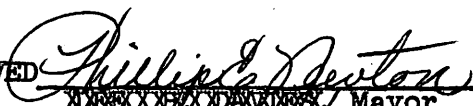
The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 14th day of July, 1975, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Siefkin, Vice Mayor Newton

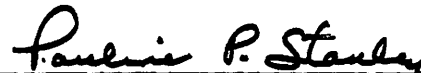
NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

APPROVED


~~PHILLIP E. NEWTON, Mayor~~
PHILLIP E. NEWTON, Vice

ATTEST:


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

EFFECTIVE DATE: August 13, 1975

AN ORDINANCE AMENDING SECTIONS 4-4.302, 4-4.403 AND 4-4.602 OF CHAPTER 4 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO SUBDIVISION REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Sections 4-4.302, 4-4.403 and 4-4.602 of Chapter 4 of Title IV of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 4-4.302. GENERAL CONDITIONS OF DESIGN. The following general conditions of design shall apply:

(a) Streets and Highways.

(1) Relationship to Existing Streets. The street system in the proposed subdivision shall relate functionally to the existing streets in the area adjoining the subdivision.

(2) Center Lines. The center lines of all streets wherever practicable shall be the continuations of the center lines of existing streets, or shall be offset at least one hundred (100') feet.

(3) Intersections. Each street intersection or interception shall be as near to a right angle as is practicable.

(4) Cul-de-sac or Dead End Streets. No cul-de-sac or dead end street shall be more than five hundred (500') feet in length. Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, streets shall extend to the boundary of the property and the resulting dead end streets may be approved without a turn-around. In all other cases a turn-around having a minimum radius of fifty (50') feet measured to the property line or a comparable area in another form shall be required separated to the depth of one lot from the exterior boundary line or other topographical feature of the subdivision.

(5) Curve Radius. The center line curve radius on all streets and highways shall conform to accepted engineering standards of design and shall be subject to approval of the City Engineer.

(6) Intersection Corner Rounding. At street intersections, the block corners shall be rounded at the property line with a curve having a radius of not less than fifteen (15') feet. A greater curve radius may be required if streets intersect other than at right angles.

(7) Street Names. All names shall be as approved by the Planning Commission. Duplications of existing names will not be allowed unless the streets are obviously in alignment with existing streets and not so far removed as to be confusing.

(8) Part-Width Streets. In case of a part-width street, a minimum of forty (40') feet along and adjacent to a boundary of the subdivision shall be required except in cases in which proper deed or instrument of dedication to the City duly executed by the owner or owners of the adjacent lands is filed with the map of the subdivision, granting sufficient land to make a street of the required full width. Part-width streets shall be permitted only on the periphery of a subdivision and only when the street design approved by the Planning Commission requires the street to be so located that a full dedication would require land not in the subdivider's ownership or control. In no case shall a part-width street be less than forty (40') feet in width, except as provided below. The words "part-width street" shall be lettered on the map following the name of such streets.

Exception - A part-width street less than forty (40') feet may be permitted upon recommendation of the Planning Commission and subject to the approval of the City Council, as set forth in Section 1805 of the Streets and Highways Code of the State of California. The recommendation of the Planning Commission and the approval of the City Council shall be based upon the following factors:

(aa) The extension of the street is along property lines which form a boundary of the subdivision.

(ab) Adherence to the forty (40') foot part-width standards creates an offset in the center of the street.

(ac) The public interest in having a street without an offset in the center line thereof outweighs the general public policy, set forth above of having all part-width streets a minimum of forty (40') feet in width.

In all cases in which a part-width street less than forty (40') feet is permitted, on-street parking may be prohibited until such time as a minimum of forty (40') feet of the street is improved.

(9) Width of Streets. Street right-of-way widths shall be not less than those set forth herein. Increased widths may be required when determined necessary by the Planning Commission in the public interest. Approval or determination of street classification shall be made by the Planning Commission.

<u>Street Class</u>	<u>Minimum Width</u>
Freeway	As determined by State Highway Commission
Expressway	As determined by precise plan
Major streets	100 feet
Collector streets	60 feet
Industrial streets	60 feet
Residential streets	50 feet
Frontage road	As Required
Cul-de-sac	50 feet (plus 50-foot radius)

(b) Alleys.

(1) Alleys shall be prohibited in residential subdivisions except when approved or required by the Planning Commission for any one of the following reasons:

(aa) To widen an existing part-width alley which has been dedicated and improved in an adjacent subdivision;

(ab) To complete the continuity of existing alleys where the property to be subdivided is located adjacent to existing blocks containing alleys;

(ac) The special nature of the design or density of a residential subdivision where dwellings are to be grouped in such a manner as to require access from other than street frontage;

(ad) The relationship to existing or proposed adjacent commercial, industrial, or high density residential development, or adjacent railroad, canal rights of way or other physical barrier;

(ae) The unusual size, shape or topographical character of the property to be subdivided.

(2) Residential alleys shall be a minimum of twenty (20') feet in width.

(3) Alleys shall be provided where needed to serve existing or proposed commercial or industrial areas, and shall have a minimum width of thirty (30') feet, with adequate provision for ingress and egress.

(4) Where two (2) alleys intersect, ten (10') foot corner cut-offs measured along the property lines from the point of intersection will be required.

(5) Alleys shall be so laid out and aligned as to provide reasonable access for utilities and other services.

(c) Blocks.

(1) Acre or Large Lot Subdivisions. Where a parcel is first subdivided into small farms or acre tracts, the blocks shall be of such size and shape and be so divided as to provide for the opening of major and collector streets and for the ultimate extension and opening of minor streets and alleys at such intervals as will permit a subsequent division of any parcel into lots of normal size.

(2) Block Lengths. Block lengths shall not exceed eleven hundred (1100') feet. For those blocks of an "el" shape, "tee" shape, or superblock configuration, the width shall not exceed five hundred (500') feet in each of any other direction perpendicular or nearly perpendicular to the length. For the purposes of measurement, the distance between extreme property lines measured generally along rear property lines will be utilized. The above limitations shall not apply to blocks which will abut irrigation canals, railroads, freeways, limited access expressways, existing subdivisions with a block over eleven hundred (1100') feet in length, or other existing barriers over eleven hundred (1100') feet in length.

(3) Block Widths. Blocks shall be of sufficient width to permit the plotting of two (2) tiers of lots except where blocks are adjacent to major streets, freeways, or expressways and lots are created which back up to such street and front onto a residential or collector street and access rights to such major street, freeway, or expressway are waived by the subdivider. The Planning Commission may grant an exception to these provisions to permit through lots which are to be developed with uses facing both streets when it is determined that such exception is warranted by the circumstances of a particular subdivision and is in compliance with an existing zoning classification.

(d) Lots.

(1) Side Lines. The side lines of all lots wherever practicable shall be at right angles to the center line of the street.

(2) Division of Lots. No lot shall be divided by a county, city, school or any other taxing district boundary line.

(3) Lot Widths and Depths. The size and shape of each lot shall be in conformance to the zoning regulations effective in the area of the proposed subdivision.

(4) Suitability of Lots. All lots shall be suitable for the purpose for which they are intended to be sold. No land subject to flooding or deemed by the Planning Commission to be uninhabitable shall be plotted for residential occupancy.

(e) Easements.

(1) For Utilities. The subdivider shall grant easements for public utility use along lot lines where necessary for the extension of any such utility and for the relocation of existing public utility facilities.

(2) For Planting. Where streets are less than sixty (60') feet in width, easements three (3') feet in width for planting and utilities shall be required adjacent to each street right-of-way line.

(3) Dedication. Dedication of easements shall be for the purpose of installing and maintaining utilities, planting strips and for other public purposes as may be ordered or directed by the Council.

(4) Protection of Easements. No person other than a public utility shall erect, construct or place any building or structure except fences or walls on any public utility easement. No person shall permit or allow vines or other climbing plant materials to become attached to public utility poles. It shall be the responsibility of the owner and/or occupant of real property to maintain any public utility easement area located thereon in such a manner that its condition will not interfere with the proper operation and maintenance of public utility facilities located thereon. Any public utility using such easement, its representatives, agents or employees shall have the right to trim or top such trees or shrubs growing within or overhanging the easement as may endanger or interfere with public utility facilities constructed therein and may have free access to said public utility facilities and every part thereof at all times for the purpose of constructing, operating, and maintaining said public utility facilities.

(5) Design of Easements. Easements shall be located and designed in subdivisions to provide for reasonable, practical and useful placement, replacement, enlargement, repair and maintenance of utility facilities.

(f) Underground Utilities. All utility distribution facilities and lines including, but not limited to, gas, water, sewer, electrical, communications, street lighting and cable television shall be installed underground, except that overhead utility lines may be permitted when it is determined by the Planning Commission that such facilities are designed to serve areas larger than that being subdivided and that it is impractical to locate such facilities underground.

When overhead lines are approved by the Planning Commission, they shall extend along alleys, side lot, rear yard, or privately owned easements whichever is possible, except where such overhead lines cross streets, or must be located outside of easements for good and sufficient reasons as determined by the Planning Commission.

Overhead service to lots abutting existing overhead lines is permitted where no extension of overhead lines is required.

It shall be the responsibility of the subdivider to insure that utilities are installed in compliance with the requirements of this section. He shall make the necessary arrangements with the utility companies or other agencies for such installation, according to the specifications of the governing agency. For the purpose of this section, appurtenances and associated equipment such as, but not limited to, surface mounted transformers, pedestal mounted terminal boxes and meter cabinets may be placed above-ground.

(g) Subdivisions Along Major Streets. When a subdivision is developed adjacent to a freeway, expressway or major street as shown on the General Plan, the Planning Commission may require the subdivider to dedicate and improve a frontage road to provide ingress and egress to adjacent lots or to create back-up lots which front upon an interior residential street and back up to such freeway, expressway or major street. When back-up lots are created, the subdivider shall waive direct access rights from the lots to the freeway, expressway or major street and shall construct a masonry wall, fence, or other suitable barrier as required by the Planning Commission between the subdivision and the adjacent freeway, expressway or major street.

(h) Water Courses. The subdivider shall, subject to riparian rights, dedicate a right of way for storm drainage purposes conforming substantially with the lines of any natural water course or channel, stream or creek that traverses the subdivision, or at the option of the subdivider, provide by dedication, further and sufficient easements or construction, or both, to dispose of such surface and storm water.

(i) Sewage Disposal. Provision shall be made for adequate sewerage to be installed in accordance with the provisions of the applicable laws of the City.

SEC. 4-4.403. STATEMENT REQUIRED. A statement shall be presented by the subdivider in written form accompanying the map and shall contain the following information:

(a) Improvements and public utilities proposed to be made or installed and the time at which such improvements are proposed to be completed.

(b) Proposed plan for drainage.

(c) Provision for sewerage and sewage disposal.

(d) Provision for proposed water supply.

(e) Public areas proposed.

(f) Type and location of street lighting proposed.

(g) Justification and reasons for any exceptions to provisions of this chapter, or for any amendments to the zoning law, which may be requested in conjunction with the subdivision proposed.

(a) Legibility and Size.

(1) The final map shall be clearly and legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film, except that affidavits, certificates and acknowledgments may be legibly stamped or printed upon the map with black opaque ink. The map shall be so made and shall be in such condition when filed that good legible prints and negatives can be made therefrom. The size of each sheet shall be eighteen by twenty-six (18" x 26") inches leaving an entirely blank margin of one (1") inch.

(2) When the final map consists of more than two (2) sheets, a key map showing the relation of the sheets shall be placed on sheet one (1). Every sheet comprising the map shall bear the scale, north point, legend, sheet number and number of sheets comprising the map.

(b) Title. The final map shall contain a title consisting of the name of the tract and subtitle or general description of all the property being subdivided with reference to maps which have been previously recorded. In no case shall the title be the same, or so nearly the same as to cause confusion as a name of any existing city, town, tract or subdivision of land of which a map has been previously recorded.

(c) Distances and Bearings. Sufficient data must be shown to determine readily the bearing and length of every lot line, block line and boundary line. Dimensions of lots shall be given as total dimensions, corner to corner, and shall be shown in feet and hundredths of a foot. Lots containing one acre or more shall show total acreage to nearest hundredth. Bearing and lengths of straight lines, and radii and arc length for all curves as may be necessary to determine the location of the centers of curves and tangent points shall be shown.

(d) Boundary References and Monuments.

(1) The final map shall show clearly any stakes, monuments or other evidence found on the ground to determine the boundaries of the tract. The corners of adjoining subdivisions or portions thereof shall be identified by lot and block numbers, subdivision name and properties shown.

(2) Whenever the City Engineer has established the center line of a street or alley, adjacent to or in the proposed subdivision, the data shall be shown in the final map indicating all monuments found and making reference to a field book or map. If the points were reset by ties, the course and detail of relocation data used shall be stated.

(3) The map shall show the location and description of all monuments and bench marks found or placed in making the survey of the subdivision with proper reference sufficient for relocation.

(e) Information Required. In addition, the final map shall be prepared in full compliance with the following requirements:

(1) High Water Line. The line of high water shall be shown in any case where the subdivision is adjacent to a stream, channel or any body of water.

(2) Flood Areas. The boundaries of any areas within the proposed subdivision which are subject to inundation by water shall be shown.

(3) Boundary of Subdivision. The boundary of the subdivision shall be designated by a blue border one-eighth (1/8") inch in width applied to the reverse side of the tracings. Such border shall not interfere with the legibility of figures or other data.

(4) Right of Way Dimensions. The center lines and side lines of all streets, the total width of all streets, the widths each side of the center line, the widths of any portion of a street being dedicated, and the widths of existing dedications, and the widths of all railroad, irrigation district or other rights of way shall be shown.

(5) Easements. The map shall show the side lines of all easements to which the lots are subject. Such easements must be clearly labeled and identified and if already of record, the record references given. If any easement is not definitely located of record, a statement of such easement must appear on the title sheet. Easements for storm drain, sewers and other purposes shall be denoted by fine broken lines. The width of the easement and the lengths and bearings of the lines thereof and sufficient ties thereto to definitely locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificate of dedication.

(6) Acreage. The total acreage of the subdivision to the nearest one hundredth of an acre shall be shown on the face of the final map.

(7) Block Numbers. Block numbers shall be assigned by the office of the Planning Commission. The numbers shall be solid and of sufficient size and thickness to stand out, and shall be so placed as not to obliterate any figure and shall not be enclosed in any design. Each block in its entirety shall be shown on one sheet. Where adjoining blocks appear on separate sheets, the street adjoining both blocks shall be shown on both sheets complete with center line and property line data.

(8) Lot Numbers. Lot numbers shall begin with the number "1" in each block and shall be consecutive with no omissions or duplications. If deemed necessary by the Secretary of the Planning Commission, omissions may be made when only a portion of the block is to be recorded and the remainder of the block is to be completed as part of a subsequent subdivision.

(9) Other Data. The map shall also show all other data that is or may be required by law.

(10) Disposition of Lots. The final map shall particularly define, delineate and designate all lots intended for sale or reserved for private purposes, all parcels offered for dedication for any purpose, public or private with all dimensions, boundaries and courses clearly shown and defined in every case.

(11) Reversion to Acreage. Maps filed for the purpose of reverting subdivided land to acreage shall be conspicuously so designated under the title "The Purpose of This Map is a Reversion to Acreage."

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 July, 1975, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Newton, Siefkin, Mayor Davies
NOES: Councilmembers: None
ABSENT: Councilmembers: None

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:

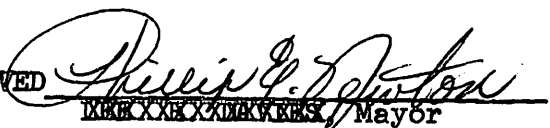
By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

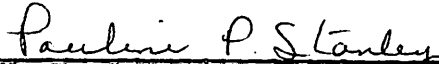
Ord. No. 1460-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 14th day of July, 1975, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the ordinance adopted by the following vote:

- AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Siefkin, Vice Mayor Newton
NOES: Councilmembers: None
ABSENT: Councilmembers: Mayor Davies

APPROVED 
~~XXXXXXXXXXXXXX~~ Mayor
PHILLIP E. NEWTON, Vice

ATTEST: 
~~XXXXXXXXXXXXXX~~ City Clerk
PAULINE P. STANLEY, Acting

EFFECTIVE DATE: August 13, 1975

ORDINANCE NO. 1461 -C. S.

AN ORDINANCE AMENDING ARTICLE 9 OF CHAPTER 3 OF TITLE II OF THE MODESTO MUNICIPAL CODE RELATING TO OFFICE OF MANAGEMENT SERVICES.

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

SECTION 1. AMENDMENT OF CODE. Article 9 of Chapter 3 of Title II of the Modesto Municipal Code is hereby amended to read as follows:

ARTICLE 9. OFFICE OF MANAGEMENT SERVICES

SEC. 2-3.901. CREATION AND FUNCTION. The Office of Management Services is hereby established. The function of the Office of Management Services shall be to assist the City Manager in carrying out his duties and responsibilities.

SEC. 2-3.902. ORGANIZATION AND DIRECTION. There shall be a Director of Management Services who shall be appointed by the City Manager and subject to his administrative direction and control.

SECTION 2. EMERGENCY PROVISIONS. DECLARATION OF URGENCY. 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 because the City Manager's office is being reorganized and it is necessary to establish the above Office of Management Services in order that said reorganization can be accomplished and vacancies filled without delay.

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 21st day of July, 1975, by Councilmember Kullijian, who moved its adoption and passage to print, which motion being duly seconded by Councilmember Dunlap,

was upon roll call carried and ordered printed and published by the following

vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger,
Newton, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

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

ATTEST:

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

(SEAL)

APPROVED AS TO FORM:

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

AN ORDINANCE AMENDING ARTICLE 9 OF CHAPTER 3 OF TITLE II OF THE MODESTO MUNICIPAL CODE RELATING TO OFFICE OF MANAGEMENT SERVICES.

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

SECTION 1. AMENDMENT OF CODE. Article 9 of Chapter 3 of

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

ARTICLE 9. OFFICE OF MANAGEMENT SERVICES

SEC. 2-3.901. CREATION AND FUNCTION. The Office of Management Services is hereby established. The function of the Office of Management Services shall be to assist the City Manager in carrying out his duties and responsibilities.

SEC. 2-3.902. ORGANIZATION AND DIRECTION. There shall be a Director of Management Services who shall be appointed by the City Manager and subject to his administrative direction and control.

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 July, 1975, by Councilmember Kullijian, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Newton, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: 

LEE H. DAVIES, Mayor

ATTEST:

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

APPROVED AS TO FORM:

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

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 28th day of July, 1975, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the ordinance adopted by the following vote:

- AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Newton, Siefkin, Mayor Davies
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

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

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

EFFECTIVE DATE: August 27, 1975

AN ORDINANCE AMENDING SECTION 4-5.10 OF CHAPTER 5 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO ADVERTISING BANNERS.

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

SECTION 1. AMENDMENT OF CODE. Section 4-5.10 of Chapter 5 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 4-5.10. ADVERTISING BANNERS PROHIBITED. No advertising flag, canvas, banner, or other advertising device of any description shall be stretched across any street.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of August, 1975, by Councilmember Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Mensinger, Siefkin

NOES: Councilmembers: Kullijian, Newton, Mayor Davies

ABSENT: Councilmembers: None

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

ATTEST:

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

APPROVED AS TO FORM:

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

Ord. No. 1463-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 11th day of August, 1975, Councilmember Elliott moved its final adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Mensinger, Siefkin

NOES: Councilmembers: Kullijian, Newton, Mayor Davies

ABSENT: Councilmembers: None

APPROVED



LEE H. DAVIES, Mayor

ATTEST:


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

EFFECTIVE DATE: September 10, 1975

AN ORDINANCE AMENDING SECTION 11-1.07 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. Section 11-1.07 of Chapter 1 of Title XI of the Modesto Municipal Code is hereby amended to read as follows:

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

Size of Meter	Bi-Monthly Rate	Cubic Feet
3/4"	\$ 5.20	3,355
1"	\$ 6.90	4,452
1 1/2"	\$ 8.65	5,581
2"	\$10.35	6,808
3"	\$13.80	9,462
4"	\$18.00	12,692
6"	\$27.60	20,077
8"	\$34.50	25,385
10"	\$41.50	30,769
12"	\$48.50	36,152

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.

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

SECTION 3. PUBLICATION. This ordinance shall be published in full at least

once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of August, 1975, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and ordered printed and published by the following vote:

AYES:	Councilmembers:	Dunlap, Elliott, Kullijian, Mensinger, Newton, Siefkin, Mayor Davies
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

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

ATTEST:

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

(SEAL)

APPROVED AS TO FORM:

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

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 11th day of August, 1975, Councilmember Kullijian moved its final adoption, which motion being duly seconded by Councilmember Newton, was upon roll call carried and the ordinance adopted by the following vote:

- AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Newton, Siefkin, Mayor Davies
NOES: Councilmembers: None
ABSENT: Councilmembers: None

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

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

EFFECTIVE DATE: September 10, 1975

AN ORDINANCE AMENDING CHAPTER 5 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO NUMBERING PROPERTIES.

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

SECTION 1. AMENDMENT OF CODE. Chapter 5 of Title IX of the Modesto Municipal Code is hereby amended to read as follows:

CHAPTER 5 - NUMBERING PROPERTIES

SEC. 9-5.01. NUMBERING SYSTEM. (a) All properties or parcels of land within the corporate limits of the City which contain structural improvements for which a building permit is required shall be identified by an official street number. Such identification shall, however, in no way affect the legal description of property by lot and block number or by metes and bounds.

(b) Each building or group of buildings shall be assigned a number or numbers in accordance with a street numbering policy to be adopted from time to time by the City Council by resolution.

(c) Numerals indicating the official numbers which have been assigned to buildings shall be posted in a manner which will enable them to be visible from the street on which the property is located. Such numerals shall be not less than three (3") inches in height and shall have a stroke width of not less than one-quarter (1/4") inch.

SEC. 9-5.02. MAINTAINING THE SYSTEM. The Director of Planning and Community Development shall be responsible for maintaining the numbering system and making additions thereto. The Chief Building Official shall be responsible for allocating new numbers from information furnished him by the Director of Planning and Community Development. In the case of number changes, the City Clerk shall send official notice to each property owner and occupant involved, specifying the old and new number and the date upon which the new number will become effective. In the performance of these responsibilities, the Director of Planning and Community Development, the Chief Building Official and the City Clerk shall be guided by the provisions of this chapter and the street numbering policy adopted pursuant thereto from time to time by the City Council.

SEC. 9-5.03. POSTING NEW NUMBER. Where number changes are required in order to conform with the street numbering policy adopted by the City Council, each property owner shall post his new number within three (3) weeks from and after receipt of official notice of said change.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of August, 1975, by Council-member Kullijian, who moved its introduction and passage to print, which motion

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

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger,
Newton, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: 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. 1465-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 25th day of August, 1975, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Newton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Newton, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED 
LEE H. DAVIES, Mayor

ATTEST: 
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: September 24, 1975

AN ORDINANCE ANNEXING UNINHABITED TERRITORY
KNOWN AS THE AMENDED MC HENRY-UNTON ADDITION
TO THE CITY OF MODESTO.

WHEREAS, pursuant to the provisions of the Annexation of Uninhabited Territory Act of 1939, as amended, (Government Code Sections 35300 et seq.) a petition signed by owners of not less than one-fourth (1/4) of the land by area and by assessed value as shown on the last equalized assessment roll of the County of Stanislaus in the territory designated as the McHenry-Union Addition was filed with the Council of the City of Modesto on May 14, 1974, requesting annexation of said territory to said City, and

WHEREAS, prior to the filing with the Council of the City of Modesto of said petition the matter of the proposed annexation to the City of Modesto of said territory was considered by the Stanislaus County Local Agency Formation Commission and said Stanislaus County Local Agency Formation Commission did on June 21, 1974, approve the annexation of said uninhabited territory to the City of Modesto pursuant to the provisions of the Government Code, and

WHEREAS, on May 19, 1975, the Council of the City of Modesto adopted Modesto City Council Resolution No. 75-574 setting July 7, 1975, at 4:00 p.m. as the date and time for a public hearing to consider said petition and any protests to the proposed annexation, and

WHEREAS, on June 20, 1975, the matter of the proposed annexation was again considered by the Stanislaus County Local Agency Formation Commission on a request by the City of Modesto for a one year time extension in which to complete the proposed annexation, and

WHEREAS, on June 20, 1975, the Stanislaus County Local Agency Formation Commission approved said request for a one year time extension for a portion of said proposed annexation, but

excluded therefrom a substantial portion thereof consisting of 25 acres more or less which constitutes more than 5% of the land area of the proposed annexation, and

WHEREAS, the published notice for the protest hearing scheduled for July 7, 1975, showed the proposed annexation as including said acreage excluded by the Local Agency Formation Commission on June 20, 1975, and

WHEREAS, in order to meet the procedural requirements of the Government Code it was necessary for the Council of the City of Modesto to schedule a new protest hearing on the Amended McHenry-Union Addition and to have official notice of said new protest hearing published, and

WHEREAS, the City Council by Resolution No. 75-725 adopted on the 7th day of July 1975, rescinded and cancelled the public hearing set for July 7, 1975, at 4:00 p.m. and reset said petition for hearing at the hour of 7:30 p.m. on the 25th day of August, 1975, 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 Resolution No. 75-725 giving notice of the proposed annexation and fixing the time and place for hearing objections to the proposed annexation was published in newspapers of general circulation, to wit: The Modesto Bee, a newspaper published in the City of Modesto on July 14, 1975, and on July 21, 1975; and in The Ceres Courier, a newspaper published outside the City of Modesto, but in the County of Stanislaus, on July 16, 1975, and on July 23, 1975, 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 June 21, 1974, approve the annexation of said uninhabited territory to the City of Modesto, pursuant to the Government Code, and did on June 20, 1975, grant a one year extension of time for completion of said proposed annexation as amended, and

WHEREAS, on the 25th day of August, 1975, 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 Amended McHenry-Union 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 25th day

of August, 1975, by Councilmember Elliott, who moved its adoption and passage to print, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Newton, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: 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
for ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Ross Campbell
Public Works Department

8-15-75
26R

McHENRY-UNION ADDITION

All that real property in the State of California, County of Stanislaus, in the Northwest quarter of Section 9 and the Southwest quarter of Section 4, 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 Northwestern corner of McHENRY-SYLVAN ADDITION (276), as per description filed October 15, 1971, as Instrument 39501, Stanislaus County Records, said point being on the Eastern line of the McHENRY-STANDIFORD ADDITION (316), as per description filed March 6, 1974, as Instrument 34748, Stanislaus County Records, said point also being on the West line of said Section 9 and the center line of 110.00 foot McHenry Avenue;

1. thence along the existing City Limits on a Northern line of said Addition (276), South $89^{\circ} 10' 30''$ East, 447.81 feet, to a point on a Western line of Addition (276);
2. thence along said Western line, North $00^{\circ} 53' 00''$ West, 293.33 feet, to the East-West quarter-quarter section line of the Northwest quarter of Section 9;
3. thence along said quarter-quarter section line, South $89^{\circ} 18' 20''$ East, 2191.22 feet, to the Northeast corner of Addition (276);
4. thence leaving the existing City Limits along the North-South quarter section line, North $00^{\circ} 51' 20''$ West, 990.64 feet;
5. thence North $89^{\circ} 18' 20''$ West, 2584.46 feet, to the East line of 110.00 foot McHenry Avenue;
6. thence along said East line, North $00^{\circ} 53' 00''$ West, 40.00 feet;
7. thence South $89^{\circ} 18' 20''$ East, 317.10 feet;
8. thence North $00^{\circ} 53' 00''$ West, 444.10 feet;
9. thence North $89^{\circ} 18' 20''$ West, 374.39 feet, to the center line of 110.00 foot McHenry Avenue;
10. thence along said center line and West line of Section 4, South $01^{\circ} 45' 00''$ East, 150.07 feet, to the corner common to Sections 4, 5, 8, and 9;
11. thence along the West line of Section 9 and said center line of 110.00 foot McHenry Avenue, South $00^{\circ} 53' 00''$ East, 334.10 feet to a point on the existing City Limits as established by the Northeastern corner of NORTH McHENRY NO. 1 ADDITION (314), as per description filed February 15, 1974, as Instrument 31807, Stanislaus County Records;
12. thence along said West line and center line of 110.00 foot McHenry Avenue, and East line of said Addition (314), South $00^{\circ} 53' 00''$ East, 824.60 feet, to a Northeastern corner of Addition (316);
13. thence along the Eastern line of Addition (316), South $00^{\circ} 53' 00''$ East, 458.37 feet, to the point of beginning, containing 66.855 Acres, more or less.

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

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

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

SEC. 3-2.1401. CHANGE IN SPEED LIMITS SET BY STATE LAW. Pursuant to authority contained in the California Vehicle Code Sections 22357 and 22358, it is hereby determined upon the basis of an engineering and traffic survey that the prima facie speed limits hereinafter set forth would facilitate the orderly movement of vehicular traffic and would be reasonable and safe, except when passing school grounds, and it is hereby determined that a speed limit greater than those hereinafter set forth would be more than is reasonable or safe. It is hereby declared that the prima facie speed limits hereinafter set forth are established according to law.

<u>NAME OF STREET OR PORTION AFFECTED</u>	<u>DECLARED PRIMA FACIE SPEED LIMIT</u>
ALICE STREET, between Sycamore Avenue and McHenry Avenue	25 miles per hour
BLUE GUM AVENUE, between 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
BRIGHTON AVENUE, between Wylie Drive and Coffee Road	25 miles per hour
CARPENIER ROAD, between Blue Gum Avenue and Maze Boulevard within the City limits	50 miles per hour
CARPENIER ROAD, between California Avenue and Maze Boulevard	40 miles per hour
CARPENIER ROAD, between the Tuolumne River and Robertson Road	35 miles per hour

CENTER STREET, between Rosedale Avenue and Calaveras Avenue	25 miles per hour
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, between Maze Boulevard and Kansas Avenue within the City limits	25 miles per hour
ENCINA AVENUE, between Covena Avenue and Santa Ana Avenue	25 miles per hour
ENSIEN 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
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
LUCERNE 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 Martin Avenue and Prescott Road	25 miles per hour
PEARL STREET, between Carver Road and west end of Pearl Street	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 Dale Road and Conant Avenue	35 miles per hour
RUMBLE ROAD, between Tully Road and McHenry Avenue	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
VENEMAN ROAD, between Dale Road and easterly City limits	55 miles per hour
WESTERN WAY, between Sutter Avenue and Roselawn Avenue	25 miles per hour
WHITMORE AVENUE, between Tidewater Southern Railroad and 592' west of Tidewater Southern Railroad Tracks	50 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

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 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
W. BRIGGSMORE AVENUE, (east and westbound) between McHenry Avenue and Tully Road	40 miles per hour	August 16, 1975
W. BRIGGSMORE AVENUE, (east and westbound) between Tully Road and Prescott Road	45 miles per hour	August 16, 1975
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
CELESTE DRIVE, between Oakdale Road and Coffee Road	30 miles per hour	February 28, 1974
COFFEE ROAD, between Scenic Drive and Briggsmore Avenue	35 miles per hour	November 8, 1974
COFFEE ROAD, between Briggsmore Avenue and Floyd Avenue	35 miles per hour	November 8, 1974
COFFEE ROAD, between Floyd Avenue and Rumble Road	35 miles per hour	October 19, 1974
COFFEE ROAD, between Rumble Road and Sylvan Avenue	45 miles per hour	November 8, 1974
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
EMERALD AVENUE, between Maze Boulevard and California Avenue within the City limits	30 miles per hour	May 1, 1974
FAIRMONT AVENUE, between Sunrise Avenue and Coffee Road	30 miles per hour	February 5, 1974
FLOYD AVENUE, between McHenry Avenue and Coffee Road	35 miles per hour	July 26, 1973
FLOYD AVENUE, between Coffee Road and 1,600' west of Oakdale Road	35 miles per hour	January 23, 1974
FRANKLIN STREET, between California Avenue and Maze Boulevard	30 miles per hour	July 28, 1973
GRANGER AVENUE, between Tully Road and Sunrise Avenue	30 miles per hour	April 30, 1974
KELLER STREET, between Sylvan Avenue and Rumble Road (excluding County portion)	30 miles per hour	September 26, 1974
LA LOMA AVENUE, between Buena Vista and Yosemite Boulevard	30 miles per hour	August 2, 1973
LINCOLN AVENUE, between Yosemite Boulevard and 650' north of MID Lateral #2	35 miles per hour	August 7, 1975
MILLER AVENUE, between La Loma Avenue and El Vista Avenue	30 miles per hour	July 28, 1973
MITCHELL ROAD, between Finch Road and 1,326' south of Finch Road	50 miles per hour	May 22, 1973
MORRIS AVENUE, between McHenry Avenue and Coffee Road	30 miles per hour	July 27, 1973
MT. VERNON AVENUE, between Prescott Road and College Avenue	30 miles per hour	May 1, 1974
NORWEGIAN AVENUE, between McHenry Avenue and Coffee Road	35 miles per hour	May 1, 1974
ORANGEBURG AVENUE, between Carver Road and McHenry Avenue	35 miles per hour	May 18, 1973
E. ORANGEBURG AVENUE, between McHenry Avenue and Coffee Road within the City limits	35 miles per hour	April 30, 1974
E. ORANGEBURG AVENUE, between Oakdale Road and Peppertree Lane	35 miles per hour	July 24, 1975
PRESCOTT ROAD, between Briggs- more Avenue and Rumble Road	35 miles per hour	October 9, 1974

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
ROSEBURG AVENUE, between Carver Road and McHenry Avenue	30 miles per hour	April 30, 1974
E. RUMBLE ROAD, between McHenry Avenue and Coffee Road within the City limits	35 miles per hour	March 13, 1974
W. RUMBLE ROAD, between Conant Avenue and Tully Road	30 miles per hour	April 8, 1974
STANDIFORD AVENUE, between Carver Road and Tully Road	40 miles per hour	September 26, 1974
SUNRISE AVENUE, between Lucern Avenue and Floyd Avenue	30 miles per hour	March 19, 1974
SURREY AVENUE, between Oakdale Road and Eastridge Drive	25 miles per hour	July 9, 1975
SUTTER AVENUE, between Paradise Avenue and Robertson Road	30 miles per hour	July 28, 1973
SYLVAN AVENUE, between McHenry Avenue and Oakdale Road within the City limits	45 miles per hour	March 8, 1974
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
VIRGINIA AVENUE, between Needham Street and Roseburg Avenue	35 miles per hour	April 12, 1974
WOODROW AVENUE, between McHenry Avenue and Tully Road within the City limits	30 miles per hour	February 4, 1974

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 25th day of August, 1975, by Councilmember Dunlap, who moved its introduction and passage to print,

which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Newton, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: 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

Ord. No. 1467-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 September, 1975, Councilmember Elliott moved its final adoption, which motion being duly seconded by Councilmember Newton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Mensinger, Newton, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

APPROVED


LEE H. DAVIES, Mayor

ATTEST:


W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: October 2, 1975

AN ORDINANCE FIXING THE RATE OF TAXATION IN AND FOR THE CITY OF MODESTO FOR THE FISCAL YEAR 1975-76 AND REPEALING ORDINANCE 1381-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, 1975, and ending June 30, 1976, 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; 2-03; 2-05; 2-06; 2-07; 2-08; 2-09; 2-10; 2-11; 2-12; 2-13; 2-14; 2-15; 2-16; 2-17; 2-18; 2-19; 2-20; 2-21; 2-22; 2-23; 2-25; 2-26; and 2-27.

For the General Fund	\$ 1.06
For the Park Fund	<u>.04</u>
The aggregate of said sums, to wit:	\$ 1.10

SECTION 3. REPEALS. Ordinance No. 1381-C. S., adopted by the Council of the City of Modesto on the 26th day of August, 1974, 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 25th day of August, 1975, by Councilmember Elliott, who moved its introduction and adoption, which motion being duly seconded by Councilmember John Dunlap, was

upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Newton, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: 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

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

CHAPTER 3 - BICYCLES

SEC. 3-3.01. BICYCLE DEFINITION. "Bicycle" for the purpose
of this chapter means any device upon which a person may ride,
which is propelled by human power through a system of belts,
chains, or gears and which has wheels at least twenty (20") inches
in diameter and a frame size of at least fourteen (14") inches.

SEC. 3-3.02. LICENSE REQUIRED. (a) It shall be unlawful
for any person to operate a bicycle upon any streets, alleys or
public ways of the city unless the bicycle is licensed pursuant
to the provisions of this chapter and Division 16.7 of the California
Vehicle Code, except that a person who is not a resident of the city
may operate in the city a bicycle that is currently registered in
another jurisdiction pursuant to the provisions of Division 16.7 of
the California Vehicle Code without obtaining a license for such
bicycle hereunder.

(b) It shall be unlawful for a person engaged in the business
of selling new or used bicycles at retail to sell a new or used bicycle
within the city unless prior to the completion of such sale the bicycle
is licensed pursuant to the provisions of this chapter in the name of
the purchaser or prospective user of such bicycle. Said prohibition
of unlicensed sales shall not apply to the following:

(1) Sales to nonresidents or for outside the city use
provided the purchaser executes a declaration form furnished or
approved by the Chief of Police stating the residence address out-
side the city of the purchaser or prospective user.

(2) Sales to persons engaged in the business of buying
and selling bicycles.

SEC. 3-3.03. SALE OF BICYCLE LICENSES BY RETAILER. All
persons engaged in the business of selling new or used bicycles at
retail in the city who are licensed by the city to engage in such
business are hereby authorized to issue bicycle licenses on behalf
of the city pursuant to rules and regulations issued by the Chief of
Police.

SEC. 3-3.04. REPORTING PURCHASE OF USED BICYCLES. All
persons engaged in the business of buying used bicycles in the city are
hereby required to make a daily report to the Police Department giving
the name and address of the person from whom each bicycle is purchased,
the description of each such bicycle, the frame number thereof, and
the number of the bicycle license thereon, if any. The purchaser shall
verify the name and address of the seller to be shown on such report
by requiring the seller to display to him a driver's license or other
written evidence of identity. It shall be unlawful for any such seller
to display to any such purchaser any driver's license or other written
evidence of identity that is false as to the name or address of such
seller.

SEC. 3-3.05. INFORMATION TO BE FURNISHED BY RETAILER. Each person engaged in the business of selling new or used bicycles at retail in the city shall supply to each purchaser of a bicycle a record of the following information: name of retailer, address of retailer, year and make of the bicycle and the serial number of the bicycle.

SEC. 3-3.06. LICENSE AND RENEWAL INDICIA. (a) Bicycle license and renewal indicia shall be obtained by the City of Modesto from the Department of Motor Vehicles of the State of California pursuant to the provisions of Division 16.7 of the California Vehicle Code. Registration cards shall be in a form approved by the Chief of Police.

(b) A bicycle license shall be affixed to the frame of each bicycle and a corresponding registration card shall be issued to each licensee upon payment of the fee herein provided for. The license shall remain attached to the bicycle.

(c) The Police Department shall keep a record of the date of issue of each license, license number, name of licensee, address of licensee, serial number of bicycle, make of bicycle, type of bicycle, and model of bicycle.

(d) A bicycle license renewal shall be affixed to the frame of a bicycle near the bicycle license.

SEC. 3-3.07. PERIOD FOR WHICH LICENSE IS EFFECTIVE. (a) Bicycle licenses issued pursuant to the provisions of this chapter on and after September 20, 1975, shall expire on the expiration date established for said license by the Director of the Department of Motor Vehicles of the State of California pursuant to the provisions of Divisions 16.7 of the California Vehicle Code.

(b) Bicycle licenses issued pursuant to the provisions of this chapter on and after September 20, 1975, may be renewed for periods of time established by the Director of the Department of Motor Vehicles of the State of California pursuant to the provisions of Division 16.7 of the California Vehicle Code.

(c) All bicycle licenses issued by the City of Modesto prior to September 20, 1975, shall be valid until December 31, 1978, or until the bicycle is transferred, whichever occurs first.

SEC. 3-3.08. TRANSFERS AND CHANGES OF ADDRESS. (a) Whenever the owner of a bicycle, licensed pursuant to the provisions of this chapter, sells or otherwise disposes of the bicycle, the owner shall, within ten (10) days of the time of such sale or disposition, notify the Police Department thereof.

(b) Any person who purchases or otherwise acquires possession of a bicycle licensed pursuant to the provisions of this chapter shall, within ten (10) days of taking possession thereof, apply to the Police Department for the transfer of the license to his name.

(c) Whenever the owner of a bicycle licensed pursuant to the provisions of this chapter changes his address, the owner shall, within ten (10) days of the time of such change of address, notify the Police Department of the old and new addresses.

SEC. 3-3.09. UNLAWFUL TO MUTILATE. It shall be unlawful for any person to wilfully or maliciously remove, destroy, mutilate or alter the number of any bicycle frame licensed pursuant to this chapter. It shall be unlawful for any person to remove, destroy, mutilate or alter any license or registration card during the time when such license or registration card is operative. Provided, however, that nothing in this chapter shall prohibit the stamping of numbers on the frames of bicycles on which no serial number can be found, or on which said number is illegible or insufficient for identification purposes.

SEC 3-3.10. FEES. (a) The fee for each bicycle license issued pursuant to the provisions of this chapter shall be One and no/100ths (\$1.00) Dollar per calendar year or any portion thereof and shall be paid in advance when a license is issued.

(b) The fee for the renewal of a bicycle license issued pursuant to the provisions of this chapter shall be One and no/100ths (\$1.00) Dollar per calendar year or any portion thereof and shall be paid in advance when a renewal is issued.

(c) The fee for the transfer of any license issued pursuant to the provisions of this chapter shall be One and no/100ths (\$1.00) Dollar and shall be paid in advance when a license is transferred.

SEC. 3-3.11. PENALTIES. (a) Notwithstanding any other provisions of this Code, no fine imposed for any violation of this chapter shall exceed the sum of Five and no/100ths (\$5.00) Dollars.

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

(c) In addition to any other penalties provided by this Code, the Chief of Police is hereby granted authority to suspend for a period of not to exceed thirty (30) days the registration card and license for any bicycle which is operated by the owner or rider thereof in violation or contrary to any law of the State of California or any ordinance of the City of Modesto, during which time the Chief of Police may take possession of and impound said bicycle. At the expiration of the period of suspension, the registration card and license shall be reinstated and the bicycle delivered to its owner at the Police Department.

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

SEC. 3-3.12. PERMISSIBLE AREA OF OPERATION OF BICYCLES. A bicycle which is licensed pursuant to this chapter may be operated upon all the streets, alleys and public ways of the city, except that no bicycle shall be operated on the sidewalk area in any business district as defined in the California Vehicle Code.

SECTION 2. EMERGENCY PROVISIONS. DECLARATION OF

URGENCY. 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 because the State of California has established uniform licensing regulations for bicycles which are applicable to cities with existing bicycle licensing ordinances and, therefore, it is necessary to amend the City of Modesto's bicycle licensing provisions, as set forth in the Modesto Municipal Code, to conform with said uniform bicycle licensing regulations by September 20, 1975, the date said uniform regulations become applicable to the City of Modesto.

SECTION 3. EFFECTIVE DATE. Pursuant to the 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, however the provisions hereof shall become operative on and after September 20, 1975.

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 15th day of September, 1975, by Councilmember Mensing, who moved its adoption and passage to print, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Newton, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

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

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

(SEAL)

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

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

CHAPTER 3 - BICYCLES

SEC. 3-3.01. BICYCLE DEFINITION. "Bicycle" for the purpose of this chapter means any device upon which a person may ride, which is propelled by human power through a system of belts, chains, or gears and which has wheels at least twenty (20") inches in diameter and a frame size of at least fourteen (14") inches.

SEC. 3-3.02. LICENSE REQUIRED. (a) It shall be unlawful for any person to operate a bicycle upon any streets, alleys or public ways of the city unless the bicycle is licensed pursuant to the provisions of this chapter and Division 16.7 of the California Vehicle Code, except that a person who is not a resident of the city may operate in the city a bicycle that is currently registered in another jurisdiction pursuant to the provisions of Division 16.7 of the California Vehicle Code without obtaining a license for such bicycle hereunder.

(b) It shall be unlawful for a person engaged in the business of selling new or used bicycles at retail to sell a new or used bicycle within the city unless prior to the completion of such sale the bicycle is licensed pursuant to the provisions of this chapter in the name of the purchaser or prospective user of such bicycle. Said prohibition of unlicensed sales shall not apply to the following:

(1) Sales to nonresidents or for outside the city use provided the purchaser executes a declaration form furnished or approved by the Chief of Police stating the residence address outside the city of the purchaser or prospective user.

(2) Sales to persons engaged in the business of buying and selling bicycles.

SEC. 3-3.03. SALE OF BICYCLE LICENSES BY RETAILER. All persons engaged in the business of selling new or used bicycles at retail in the city who are licensed by the city to engage in such business are hereby authorized to issue bicycle licenses on behalf of the city pursuant to rules and regulations issued by the Chief of Police.

SEC. 3-3.04. REPORTING PURCHASE OF USED BICYCLES. All persons engaged in the business of buying used bicycles in the city are hereby required to make a daily report to the Police Department giving the name and address of the person from whom each bicycle is purchased, the description of each such bicycle, the frame number thereof, and the number of the bicycle license thereon, if any. The purchaser shall verify the name and address of the seller to be shown on such report by requiring the seller to display to him a driver's license or other written evidence of identity. It shall be unlawful for any such seller to display to any such purchaser any driver's license or other written evidence of identity that is false as to the name or address of such seller.

SEC. 3-3.05. INFORMATION TO BE FURNISHED BY RETAILER. Each person engaged in the business of selling new or used bicycles at retail in the city shall supply to each purchaser of a bicycle a record of the following information: name of retailer, address of retailer, year and make of the bicycle and the serial number of the bicycle.

SEC. 3-3.06. LICENSE AND RENEWAL INDICIA. (a) Bicycle license and renewal indicia shall be obtained by the City of Modesto from the Department of Motor Vehicles of the State of California pursuant to the provisions of Division 16.7 of the California Vehicle Code. Registration cards shall be in a form approved by the Chief of Police.

(b) A bicycle license shall be affixed to the frame of each bicycle and a corresponding registration card shall be issued to each licensee upon payment of the fee herein provided for. The license shall remain attached to the bicycle.

(c) The Police Department shall keep a record of the date of issue of each license, license number, name of licensee, address of licensee, serial number of bicycle, make of bicycle, type of bicycle, and model of bicycle.

(d) A bicycle license renewal shall be affixed to the frame of a bicycle near the bicycle license.

SEC. 3-3.07. PERIOD FOR WHICH LICENSE IS EFFECTIVE. (a) Bicycle licenses issued pursuant to the provisions of this chapter on and after September 20, 1975, shall expire on the expiration date established for said license by the Director of the Department of Motor Vehicles of the State of California pursuant to the provisions of Divisions 16.7 of the California Vehicle Code.

(b) Bicycle licenses issued pursuant to the provisions of this chapter on and after September 20, 1975, may be renewed for periods of time established by the Director of the Department of Motor Vehicles of the State of California pursuant to the provisions of Division 16.7 of the California Vehicle Code.

(c) All bicycle licenses issued by the City of Modesto prior to September 20, 1975, shall be valid until December 31, 1978, or until the bicycle is transferred, whichever occurs first.

SEC. 3-3.08. TRANSFERS AND CHANGES OF ADDRESS. (a) Whenever the owner of a bicycle, licensed pursuant to the provisions of this chapter, sells or otherwise disposes of the bicycle, the owner shall, within ten (10) days of the time of such sale or disposition, notify the Police Department thereof.

(b) Any person who purchases or otherwise acquires possession of a bicycle licensed pursuant to the provisions of this chapter shall, within ten (10) days of taking possession thereof, apply to the Police Department for the transfer of the license to his name.

(c) Whenever the owner of a bicycle licensed pursuant to the provisions of this chapter changes his address, the owner shall, within ten (10) days of the time of such change of address, notify the Police Department of the old and new addresses.

SEC. 3-3.09. UNLAWFUL TO MUTILATE. It shall be unlawful for any person to wilfully or maliciously remove, destroy, mutilate or alter the number of any bicycle frame licensed pursuant to this chapter. It shall be unlawful for any person to remove, destroy, mutilate or alter any license or registration card during the time when such license or registration card is operative. Provided, however, that nothing in this chapter shall prohibit the stamping of numbers on the frames of bicycles on which no serial number can be found, or on which said number is illegible or insufficient for identification purposes.

SEC 3-3.10. FEES. (a) The fee for each bicycle license issued pursuant to the provisions of this chapter shall be One and no/100ths (\$1.00) Dollar per calendar year or any portion thereof and shall be paid in advance when a license is issued.

(b) The fee for the renewal of a bicycle license issued pursuant to the provisions of this chapter shall be One and no/100ths (\$1.00) Dollar per calendar year or any portion thereof and shall be paid in advance when a renewal is issued.

(c) The fee for the transfer of any license issued pursuant to the provisions of this chapter shall be One and no/100ths (\$1.00) Dollar and shall be paid in advance when a license is transferred.

SEC. 3-3.11. PENALTIES. (a) Notwithstanding any other provisions of this Code, no fine imposed for any violation of this chapter shall exceed the sum of Five and no/100ths (\$5.00) Dollars.

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

(c) In addition to any other penalties provided by this Code, the Chief of Police is hereby granted authority to suspend for a period of not to exceed thirty (30) days the registration card and license for any bicycle which is operated by the owner or rider thereof in violation or contrary to any law of the State of California or any ordinance of the City of Modesto, during which time the Chief of Police may take possession of and impound said bicycle. At the expiration of the period of suspension, the registration card and license shall be reinstated and the bicycle delivered to its owner at the Police Department.

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

SEC. 3-3.12. PERMISSIBLE AREA OF OPERATION OF BICYCLES. A bicycle which is licensed pursuant to this chapter may be operated upon all the streets, alleys and public ways of the city, except that no bicycle shall be operated on the sidewalk area in any business district as defined in the California Vehicle 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 15th day of September, 1975, by Councilmember Mensingher, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Newton, Siefkin, Mayor Davies
NOES: Councilmembers: None
ABSENT: Councilmembers: 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 22nd day of September, 1975, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Newton

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

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

EFFECTIVE DATE: October 22, 1975

ORDINANCE NO. 1471-C.S.

AN ORDINANCE AMENDING SECTION MAP 15-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (U. S. BY-PRODUCTS - NORTH SIDE FLOYD, EAST OF ROSE.)

WHEREAS, a verified application for an amendment to Section 15-3-9 of the Zoning Map was filed by U. S. By-Products Company on July 3, 1975, to reclassify from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, property located on the north side of Floyd Avenue east of Rose Avenue extended, and

WHEREAS, after public hearing held on August 19, 1975, it was found and determined by the Planning Commission that rezoning of the property as requested was required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 75-127, adopted on August 19, 1975, the Planning Commission recommended to the Council that the application of U. S. By-Products Company to amend Section 15-3-9 of the Zoning Map to reclassify the property from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, be approved, and

WHEREAS, a public hearing was held by the Council of the City of Modesto on October 6, 1975, on said Planning Commission recommended rezoning, to reclassify the property from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, and after hearing evidence both oral and documentary, the City Council found and determined that all of the proposed rezoning is not required by public necessity, convenience, and general welfare, and a portion thereof should be denied,

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

SECTION 1. COUNCIL FINDINGS. (a) After a public hearing held on October 6, 1975, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, this Council finds and determines

that the approved portion of the rezoning, hereinafter described, is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource for the following reasons:

1. The subject property is comprised of approximately 12 lots in the tentatively approved Persian Terrace Subdivision, fronts on a collector street and R-2 zoned lots.
2. The proposed rezoning pattern corresponds to the recently revised Coffee-Sylvan Neighborhood Zoning and Development Plan adopted by the Planning Commission on June 17, 1975.

(b) This Council finds and determines that the denied portion of the rezoning, hereinafter described, is not required by public necessity, convenience, and general welfare for the following reasons:

1. There is an excessive number of driveways opening onto Floyd Avenue in the vicinity of the subject property and a reduction in the number of R-2 lots at the easterly end of the subdivision will reduce the number of driveways.
2. Rezoning of the entire strip to R-2 as requested would permit an excessive dwelling unit density along Floyd Avenue, a collector street.

SECTION 2. ZONING CHANGE. Section 15-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2:

All that certain real property situate in the Northeast 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 Southwest corner of the North half of said Northeast Quarter of Section 15, said corner being the intersection of the centerlines of Rose Avenue and Floyd Avenue; thence North 0° 57' 25" West along the West line of said Northeast Quarter of Section 15 and the centerline of Rose Avenue a distance of 130.01 feet; thence North 89° 38' 35" East parallel with and 130.00 feet from said centerline of Floyd Avenue, a distance of 960.27 feet; thence South 0° 21' 25" East 130.00 feet; thence South 89° 38' 35" West along the South line of said North half of the Northeast Quarter of Section 15 and said centerline of Floyd Avenue, a distance of 958.91 feet to the point of beginning.

SECTION 3. ZONING DENIED. Rezoning of the following described property from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, is hereby denied:

All that certain real property situate in the Northeast 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:

COMMENCING at the Southwest corner of the North half of said Northeast Quarter of Section 15, said corner being the intersection of the centerlines of Rose Avenue and Floyd Avenue; thence North $0^{\circ} 57' 25''$ West along the West line of said Northeast Quarter of Section 15 and the centerline of Rose Avenue a distance of 130.01 feet; thence North $89^{\circ} 38' 35''$ East parallel with and 130.00 feet from said centerline of Floyd Avenue, a distance of 960.27 feet to the POINT OF BEGINNING of this description; thence continuing North $89^{\circ} 38' 35''$ East 677.73 feet; thence South $0^{\circ} 57' 25''$ East 130.01 feet; thence South $89^{\circ} 38' 35''$ West along the South line of said North half of the Northeast Quarter of Section 15 and said centerline of Floyd Avenue, a distance of 679.09 feet; thence North $0^{\circ} 21' 25''$ West 130.00 feet to the point of beginning.

SECTION 4. 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 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 6th day of October, 1975, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Kullijian was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Newton, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: 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 LaLoey
Department of Planning and
Community Development

AN ORDINANCE AMENDING SECTION MAP 8-3-9 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSI-
FYING CERTAIN PROPERTY LOCATED THEREON. (JEROLD C.
RULE)

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

SECTION 1. ZONING CHANGE. Section 8-3-9 of the
Zoning Map is hereby amended to reclassify the following-described
property from Low Density Residential Zone, R-1,
to Planned-Development Zone, P-D (131) :

All of Parcel 1 as shown on the map filed October 11,
1974 in Book 20 of Parcel Maps, at Page 9, in the
Stanislaus County Records.

Including also, the Westerly 55 feet of McHenry
Avenue and the Southerly 30 feet of Union Avenue,
all being immediately adjacent to said Parcel 1.

SECTION 2. USES. The following uses shall be permitted in said P-D (131) 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:

Automobile dealership facility, including body and fender shop and painting facilities. Outdoor vehicle display area, customer parking, new and used car storage, and vehicular parking.

SECTION 3. ZONING MAP. Section Map 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.

Ordinance 1472 C.S.
Exhibit A – Map

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1975, 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: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Newton, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: 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 Smith
Planning Department

**Ordinance 1472 C.S.
Exhibit B – 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 23rd day of October, 1975, Councilmember Kullijian moved its final adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the ordinance adopted by the following vote:


AYES: Councilmembers: Kullijian, Mensinger, Siefkin, Vice Mayor Newton

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap, Elliott, Mayor Davies

APPROVED 
~~PHILLIP E. NEWTON, Vice Mayor~~
PHILLIP E. NEWTON, Vice Mayor



ATTEST: 
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: November 22, 1975

AN ORDINANCE AMENDING SECTION MAP 7-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (LANCE E. ELLIS)

WHEREAS, a verified application for an amendment to Section 7-3-9 of the Zoning Map was filed by Lance E. Ellis and Carol L. Ellis on February 18, 1975, to reclassify from Low Density Residential Zone, R-1 to Medium High Density Residential Zone, R-3, General Commercial Zone, C-2, and Professional Office Zone, P-0, the hereinafter described property, and

WHEREAS, after public hearing held on August 19, 1975, 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. 75-124, adopted on August 19, 1975, the Planning Commission recommended to the Council that the application of Lance E. Ellis and Carol L. Ellis to amend Section 7-3-9 of the Zoning Map to reclassify the hereinafter described property from Low Density Residential Zone, R-1, to Medium High Density Residential Zone, R-3, General Commercial Zone, C-2, and Professional Office Zone, P-0, be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing held on October 6, 1975, this Council finds and determines that the requested rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource for the following reasons:

1. The R-3 portion of the application meets the locational criteria for Medium High Density Residential development outlined in the Modesto Urban Area General Plan.
2. The P-0 portion of the application will provide for a transition of professional offices between the commercial areas at Standiford Avenue and Tully Road and the mobile home park to the west and north.
3. The C-2 portion of the application will allow the continued existence of uses previously allowed in the County under the A-1 zone.

SECTION 2. ZONING CHANGE. Section 7-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Low Density Residential Zone, R-1, to Medium High Density Residential Zone, R-3:

R-1 to R-3

COMMENCING at the East quarter corner of Section 7, being also the intersection of the center lines of Tully Road and Standiford Avenue; thence North 1°14'15" West along the East line of said Section 7 and the center line of Tully Road, a distance of 747.74 feet to the easterly prolongation of the north line of Parcel "A"

as shown on the map filed in Volume 3 of Parcel Maps at Page 64, Stanislaus County Records and the point of beginning of this description; thence South 88°45'45" West along said prolongation and said north line a distance of 504.92 feet to the northwest corner thereof; thence North 0°24'59" West along the west line of Parcel "1-A" as shown on the map filed in Volume 15 of Parcel Maps at Page 64, Stanislaus County Records, a distance of 528.32 feet to the northeast corner thereof; thence North 69°19'52" East along the northwesterly line of said Parcel "1-A", a distance of 157.00 feet; thence South 89°24'23" East along the North line of said Parcel "1-A", a distance of 60.00 feet; thence South 0°24'50" East, 269.68 feet; thence North 88°45'45" East, 293.10 feet to said center line of Tully Road; thence South 1°14'15" East along said center line, a distance of 308.96 feet to the point of beginning.

Containing 4.74 acres, gross, as measured to center of roadway.

Section 7-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Low Density Residential Zone, R-1, to General Commercial Zone, C-2:

R-1 to C-2

COMMENCING at the East quarter corner of Section 7, being also the intersection of the center lines of Tully Road and Standiford Avenue; thence North 1°14'15" West along the East line of said Section 7, and the center line of Tully Road, a distance of 567.74 feet to the point of beginning of this description; thence South 88°45'45" West, 228.80 feet; thence North 1°14'15" West, 180.00 feet to the north line of Parcel "A" as shown on the map filed in Volume 3 of Parcel Maps at Page 64, Stanislaus County Records; thence North 88°45'45" East along said north line, a distance of 228.80 feet to said center line of Tully Road; thence South 1°14'15" East, along said center line a distance of 180.00 feet to the point of beginning.

Containing 0.74 acres, gross, as measured to center of roadway.

Section 7-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Low Density Residential Zone, R-1, to Professional Office Zone, P-0:

R-1 to P-0

COMMENCING at the East quarter corner of Section 7, being also the intersection of the center lines of Tully Road and Standiford Avenue; thence North 1°14'15" West along the East line of said Section 7, and the center line of Tully Road, a distance of 497.74 feet to the easterly prolongation of the south line of Parcel "A" as shown on the map filed in Volume 3 of Parcel Maps at Page 64, Stanislaus County Records; thence South 88°45'45" West along said prolongation and said south line of Parcel "A", a distance of 228.80 feet to the point of beginning of this description; thence continuing South 88°45'45" West along said south line, a distance of 284.70 feet to the southwest corner thereof; thence North 0°24'59" West along the west line of said Parcel "A" a distance of 250.03 feet to the northeast corner thereof; thence North 88°45'45" East along the north line of said Parcel "A", a distance of 276.12 feet; thence South 1°14'15" East, 250.00 feet to the point of beginning.

Containing 1.58 acres, gross, as measured to center of roadway.

R-1 to P-0

All that certain real property situate in a portion of the Northeast quarter of Section 7, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California described as follows:

COMMENCING at the East quarter corner of Section 7, being also the intersection of the center lines of Tully Road and Standiford Avenue; thence North $1^{\circ}14'15''$ West along the east line of said Section 7, and the center line of Tully Road, a distance of 1056.70 feet to the point of beginning of this description; thence South $88^{\circ}45'45''$ West, 293.10 feet; thence North $0^{\circ}24'59''$ West, 269.68 feet to the north line of Parcel "1-A" as shown on the map filed in Volume 15 of Parcel Maps at Page 64, Stanislaus County Records; thence South $89^{\circ}24'23''$ East, along said north line, a distance of 289.38 feet to said center line of Tully Road; thence South $1^{\circ}14'15''$ East along said center line, a distance of 260.40 feet to the point of beginning.

Containing 1.77 acres, gross, as measured to center of roadway.

SECTION 3. ZONING MAP. Section 7-3-9 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 October, 1975, by Councilmember Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Newton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Newton, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: 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 Elwin L. Johnson
ELWIN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By John LaRoe
Planning Department

Ordinance 1473 C.S.
Exhibit A – Map

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

Ord. No. 1473-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 ^{adjourned} regular meeting of the Council of the City of Modesto held on the 23rd day of October, 1975, Councilmember Kullijian moved its final adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Kullijian, Mensinger, Siefkin,
Vice Mayor Newton


NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap, Elliott, Mayor Davies

APPROVED


~~XXXXXXXXXXXXXXXXXXXX~~
PHILLIP E. NEWTON, Vice Mayor

ATTEST:


W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: November 22, 1975

AN ORDINANCE AMENDING SECTION MAP 7-3-9 OF
 THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFY-
 FING CERTAIN PROPERTY LOCATED THEREON. (LANCE E.
 ELLIS AND CAROL L. ELLIS)

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

SECTION 1. ZONING CHANGE. Section 7-3-9 of the
 Zoning Map is hereby amended to reclassify the following-described
 property from Low Density Residential Zone, R-1,
 to Planned-Development Zone, P-D (133) :

All that certain real property situate in a portion
 of the Northeast quarter of Section 7, 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:

R-1 to P-D

COMMENCING at the East quarter corner of Section 7,
 being also the intersection of the center lines of
 Tully Road and Standiford Avenue; thence North 89° 28'
 West along the East-West quarter section line of said
 Section 7, and said center line of Standiford Avenue,
 a distance of 515.65 feet to the point of beginning of
 this description; thence continuing North 89° 28' West,
 along said center line, a distance of 590.41 feet to
 the intersection of said center line with the Southerly
 prolongation of the Westerly line of Parcel 1-B as
 shown on Parcel Map recorded in Volume 15 of Parcel
 Maps, Page 83, Stanislaus County Records; thence North
 1° 12' 20" West along said Southerly prolongation and
 the Westerly line of said Parcel 1-B, a distance of
 463.56 feet; thence the following bearings and distances
 around said Parcel 1-B: North 88° 45' 45" East, 596.78
 feet; South 0° 24' 59" East, 481.86 feet to the point
 of beginning.

Containing 6.44 Acres, gross, as measured to center of
 roadway.

R-1 to P-D

COMMENCING at the East quarter corner of Section 7,
 being also the intersection of the center lines of
 Tully Road and Standiford Avenue; thence North 89° 28'
 West along the East-West quarter section line of said
 Section 7, and said center line of Standiford Avenue,
 a distance of 195.00 feet to the point of beginning of
 this description; thence continuing North 89° 28' West
 along said center line, a distance of 320.65 feet,
 to the intersection of said center line with the
 Southerly prolongation of the Westerly line of Parcel 2
 as shown on Parcel Map recorded in Volume 1 of Parcel
 Maps, Page 106, Stanislaus County Records; thence
 North 0° 24' 59" West along said Southerly prolongation
 and the Westerly line of said Parcels 2 and 1, a
 distance of 481.86 feet to the Northwest corner of
 said Parcel 1; thence North 88° 45' 45" East along
 the North line of said Parcel 1, a distance of 284.70
 feet; thence North 1° 14' 15" East, 70.03 feet; thence
 North 88° 45' 45" East, 228.80 feet to the East line

of said Section 7, being also the center line of Tully Road; thence South 1° 14' 15" East along said center line of Tully Road a distance of 347.74 feet to the Easterly prolongation of the north line of Parcel 3 of said Parcel Map; thence North 89° 28' West along said prolongation and said north line, a distance of 195.00 feet to the Northwest corner of said Parcel 3; thence South 1° 14' 15" East, along the West line of said Parcel 3, a distance of 220.00 feet to the point of beginning.

Containing 5.15 Acres, gross, as measured to center of roadway.

SECTION 2. USES. The following uses shall be permitted in said P-D(133) 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:

- (a) For the westerly 5.76 net acres of the P-D, uses permitted in the P-O Zone, professional and business offices permitted in the C-1 Zone, and existing uses. Existing C-1 uses (other than professional and business offices) may continue under this P-D in the same structure or portion thereof, however, such an existing C-1 use may not be intensified in any way. If such an existing C-1 use (other than a professional or business office) discontinues or ceases business for six months or longer, it may not be reintroduced in this P-D.

The term "existing C-1 uses" (other than professional and business offices), as said term is used herein, means:

1. A mini-mart, including the proposed gas pump island shown on the plan referred to above, occupying approximately two-thirds of the existing building located at the southwest corner of the P-D.
2. A pet grooming shop occupying approximately one-third of the existing building located near the northwest corner of the P-D.
3. A laundromat occupying approximately one-third of the existing building located near the northwest corner of the P-D.
4. A photography studio located in approximately one-third of the existing building located near the northeast corner of the P-D.
5. A potential beauty shop, proposed to occupy a maximum of 1,250 square feet of space in the P-D, regarding which there is a letter of intent dated April 16, 1973, and accepted on April 24, 1973, provided that said letter of intent is exercised on or before December 31, 1975, by the person who signed said letter of intent.

6. A potential hairstyling and barber shop, proposed to occupy a maximum of up to 750 square feet of space in the P-D, regarding which there is a letter of intent dated April 16, 1973, and accepted on April 19, 1973, provided that said letter of intent is exercised on or before December 31, 1975, by the person who signed said letter of intent.
 7. A potential floor covering business proposed to occupy a maximum of up to 1,500 square feet of space in the P-D, regarding which there is a letter of intent dated April 16, 1973, and accepted on April 18, 1973, provided that said letter of intent is exercised on or before December 31, 1975, by the person who signed said letter of intent.
- (b) For the easterly 4.49 net acres of the P-D, uses permitted in the C-1 Zone except that food market uses shall not exceed a total 7,500 square feet.
- (c) Parking areas.

SECTION 3. ZONING MAP. Section Map 7-3-9 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 October, 1975, by Councilmember Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Newton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Newton, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: 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 Alban Sirkka
Department of Planning and
Community Development

**Ordinance 1474 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 23rd day of October, 1975, Councilmember Kullijian moved its final adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Kullijian, Mensinger, Siefkin,
Vice Mayor Newton

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap, Elliott, Mayor Davies

APPROVED 
~~XXXXXXXXXXXXXXXXXXXX~~
PHILLIP E . NEWTON, Vice Mayor

ATTEST: 
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: November 22, 1975

AN ORDINANCE AMENDING SECTION MAP 22-3-9
OF THE ZONING MAP OF THE CITY OF MODESTO,
RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON.
(WOLVERINE REAL ESTATE, INC. - WYLIE DRIVE EAST OF ROSE)

WHEREAS, a verified application for an amendment to Section
22-3-9 of the Zoning Map was filed by Wolverine Real
Estate, Inc.

on June 25, 1975, to reclassify from Medium Density
Residential Zone, R-2, to Low Density
Residential Zone, R-1, the hereinafter described
property, and

WHEREAS, after public hearing held on August 19, 1975,
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. 75-128, adopted on August 19,
1975, the Planning Commission recommended to the Council that the
application of Wolverine Real Estate, Inc.

to amend Section 22-3-9 of the Zoning Map to reclassify the herein-
after described property from Medium Density Residential
Zone, R-2, to Low Density Residential
Zone, R-1, be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing held on
October 6, 1975, this Council finds and determines that the
requested rezoning is in accordance with the general plan and will serve
the public health, safety and general welfare and provide the economic
and social advantages resulting from orderly, planned use of land resource
for the following reasons:

1. The proposed rezoning constitutes reversion from a zoning
pattern based on a previous subdivision no longer proposed.

2. The reversion from R-2 to R-1 as proposed by the applicant reflects the developer's intent to construct single-family residences on the entire new Strathmore Village Subdivision.

3. The proposed reversion from R-2 to R-1 will prevent zoning lines from conflicting with lot lines recently created by the Strathmore Village Subdivision.

SECTION 2. ZONING CHANGE. Section 22-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Medium Density Residential Zone, R-2, to Low Density Residential Zone, R-1 :

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

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

CONTAINING: 2.4 acres net

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 October, 1975, by Council~~man~~^{member} Mensinger, who moved its introduction and passage to print, which motion being duly seconded by Council~~man~~^{member} Kullijian, was upon roll call carried and ordered printed and published by the following vote:

- AYES: Council~~man~~^{members}: Dunlap, Elliott, Kullijian, Mensinger, Newton, Siefkin, Mayor Davies
- NOES: Council~~man~~^{members}: None
- ABSENT: Council~~man~~^{members}: 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 L. Long
Planning Department

**Ordinance 1475 C.S.
Exhibit A – Map**

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

Ord. No. 1475-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 adjourned consideration at the/regular meeting of the Council of the City of Modesto held on the 23rd day of October, 1975, Councilmember Kullijian moved its final adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Kullijian, Mensinger, Siefkin, Vice Mayor Newton

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap, Elliott, Mayor Davies

APPROVED 
~~XXXXXXXXXXXXXXXXXXXX~~
PHILLIP E. NEWTON, Vice Mayor

ATTEST: 
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: November 22, 1975

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 6th day of October, 1975, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and ordered printed and published by the following vote:

- AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Newton, Siefkin, Mayor Davies
- NOES: Councilmembers: None
- ABSENT: Councilmembers: 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

Ordinance 1476 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 October, 1975, Councilmember Kullijian moved its final adoption, which motion being duly seconded by Councilmember Newton, was upon roll call carried and the ordinance adopted by the following vote:

- AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Newton, Siefkin, Mayor Davies
NOES: Councilmembers: None
ABSENT: Councilmembers: None

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

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

EFFECTIVE DATE: November 13, 1975

ORDINANCE NO. 1477-C.S.

NOT USED

AN ORDINANCE ADDING SECTION 4-2.17 TO CHAPTER 2 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO MOTORCYCLES AND OFF-HIGHWAY MOTOR VEHICLES.

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

SECTION 1. AMENDMENT OF CODE. Section 4-2.17 is hereby added to Chapter 2 of Title IV of the Modesto Municipal Code to read as follows:

SEC. 4-2.17. MOTORCYCLES AND OFF-HIGHWAY MOTOR VEHICLES.

(a) Findings and Purpose.

(1) The City Council finds that the driving, riding, and use of motorcycles, motor-driven cycles, or off-highway motor vehicles on public and private property within the limits of the City of Modesto is and can be the cause of noise and dust and of the destruction of plants, landscaping, and other personal and real property, which conduct adversely affects the comfort and privacy of occupants, and residents of the City of Modesto. Because said conduct may be intermittent, fleeting, moving, and/or caused by persons who are minors, the noise and public nuisance provisions of this Code, as well as other legal remedies, are inadequate to control said conduct and its adverse effects. The provisions of this section relating to the regulation of motorcycles, motor-driven cycles, or off-highway motor vehicles are therefore necessary for the public welfare.

(2) The City Council declares that the purpose of this section is to exercise the general police power in order to protect the enjoyment and use of public and private property, to protect the rights of privacy, to preserve property and personal values, and to promote peace and quiet within the City of Modesto by regulating the use of motorcycles, motor-driven cycles, or off-highway motor vehicles on public and private property within the City of Modesto.

(3) This section shall not apply to the driving, riding, and use of motorcycles, motor-driven cycles, or off-highway motor vehicles on streets and highways or in other areas which are specifically governed or preempted by the Vehicle Code or any other statutes of the State of California.

(b) Use. It shall be unlawful for any person to drive, ride or use a motorcycle, motor-driven cycle, or off-highway motor vehicle, as such vehicles are defined in Sections 400, 405, and 38012 respectively of the Vehicle Code of the State of California, including but not limited to motor scooters, motor bikes and mini-bikes, upon any public or private property which is not a public street or highway, or a private street approved by the city, except that this subsection shall not apply in any of the following instances:

(1) Where such vehicle is being driven, ridden, or used upon property by the owner, resident or occupant of such property, or by an authorized visitor when such visitor is accompanied by or has a written authorization in his possession from the owner, resident or occupant of such property.

(2) Where such use is permitted pursuant to an unclassified use permit or otherwise in accordance with the zoning regulations of the City of Modesto.

(c) Mufflers. It shall be unlawful for any person to drive, ride or use a motorcycle, motor-driven cycle, or off-highway motor vehicle, as such vehicles are defined in Sections 400, 405, and 38012 respectively of the Vehicle Code of the State of California, including but not limited to motor scooters, motor bikes and mini-bikes, upon any public or private property which is not a public street or highway, or a private street approved by the city, unless said motorcycle, motor-driven cycle, or off-highway motor vehicle is at all times equipped with an adequate muffler in constant operation and

properly maintained so as to meet the requirements of Section 38280 of the Vehicle Code of the State of California, as the same now exists or may hereafter be amended, and no muffler or exhaust system shall be equipped with a cutout, bypass, or similar device.

(d) Other Regulations. The regulations contained herein do not supersede or preclude the enforcement of the noise regulations, zoning regulations or any other regulations contained in this Code which are applicable to any conduct regulated hereby.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of October, 1975, by Councilmember Mensing, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Newton, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: 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

Elwin L. Johnson
ELWIN L. JOHNSON, City Attorney

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 14th day of October, 1975, by Councilman Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilman Newton, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmen: Kullijian, Mensinger, Siefkin

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 Blwyn L. Johnson
BLWYN L. JOHNSON, City Attorney

Ordinance 1479 C.S.
Exhibit A – Map

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

Ord. No. 1479-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 3rd day of November, 1975, Councilmember Elliott moved its final adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger,
Newton, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED


LEE H. DAVIES, Mayor

ATTEST:


W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: December 3, 1975

AN ORDINANCE AMENDING SECTION 8-2.915 OF ARTICLE 9 OF CHAPTER 2 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE RELATING TO UTILITY USERS' TAX REFUNDS.

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

SECTION 1. AMENDMENT OF CODE. Section 8-2.915 of Article 9 of Chapter 2 of Title VIII of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 8-2.915. REFUNDS-ANNUAL GROSS INCOME LESS THAN \$4,500.00. (a) A refund of not to exceed Ten and no/100ths (\$10.00) Dollars of taxes due and paid under the provisions of this article for utility services rendered in any calendar year shall be made whenever all of the following occur:

(1) The annual gross income of the household in which claimant lives is less than Four Thousand, Five Hundred and no/100ths (\$4,500.00) Dollars for the claimant's last federal or state personal income tax reporting period.

(2) Claimant makes application and files a verified claim in writing with the Director of Finance for such refund upon a claim form provided by the Director of Finance.

(3) The claim is approved by the Director of Finance as being in conformance with this section. Only one member of each household may file a claim, and only one claim may be filed for each individual household.

(b) The claimant shall be the person in whose name the bills for utilities services were rendered. Income of the household means all income of the claimant's household while members of such household and related to the claimant as a spouse or as defined in Sections 17056 and 17057 of the Revenue and Taxation Code of California.

(c) "Gross income" shall mean the sum of adjusted gross income as used for purposes of the California Personal Income Tax Law, together with the net income from all sources of all kinds, including but not limited to alimony, support money, cash public assistance and relief, pensions, annuities, social security, interest on securities (including tax free interest on governmental securities), realized capital gains, workmen's compensation (not including medical benefits), unemployment insurance income, insurance benefits of all kinds (other than medical), and gifts, except that income shall not include Medicare benefits, Medicaid benefits, gifts of food and gifts between members of the household, the receipt of surplus food or other relief in kind supplied by a governmental agency.

(d) The claim for such refund, for the preceding calendar year, shall be made only during the period of January 1 to April 15 of each year, and must be accompanied by a copy of the utility bills, together with proof that the utility taxes have been paid by the claimant or some member of the household. No such refund shall be made on any claim filed or postmarked later than the 15th day of April.

(e) No refund shall be made to any person for taxes levied on a utility account for which any utility tax is due and outstanding for the period for which refund is claimed or for any prior period. No refund shall be made of any tax which was paid with public assistance or relief funds which included an allowance to pay the tax.

(f) Nothing in this section shall be construed to require that any utility company has any obligation to make or furnish, for the purpose of the refund provisions hereof, proof of utility taxes due or utility taxes paid.

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 an adjourned regular meeting of the Council of the City of Modesto held on the 23rd day of October, 1975, by Councilmember Mensinger, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Kullijian, Mensinger, Siefkin, Vice Mayor Newton

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap, Elliott, Mayor Davies

APPROVED: Phillip E. Newton
~~THE HONORABLE Mayor~~
Phillip E. Newton, 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. 1480-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 3rd day of November, 1975, Councilmember Siefkin moved its final adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the ordinance adopted by the following vote:

- AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Newton, Siefkin, Mayor Davies
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

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

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

EFFECTIVE DATE: December 3, 1975

AN ORDINANCE AMENDING SECTION MAP 23-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (GREGORY DEVELOPMENT COMPANY, INC.)

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

SECTION 1. ZONING CHANGE. Section 23-3-9 of the Zoning Map is hereby amended to reclassify the following-described property from Low-Density Residential Zone, R-1, to Planned-Development Zone, P-D (134):

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 center line intersection of Orangeburg Avenue and Oakdale Road; thence South 0°45' East along the center line 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°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 north-easterly direction along a curve concave to the southeast from a tangent bearing North 35°01'33" East through a central angle of 43°14'56", having a radius of 60.00 feet, a curve distance of 45.29 feet; thence North 1°09' West along the westerly line of said Morningside Heights No. 3 a distance of 245.96 feet to the center line of said Orangeburg Avenue; thence West along said center line of Orangeburg Avenue a distance of 492.71 feet to the point of beginning.

CONTAINING: 3.085 Acres Gross

SECTION 2. USES. The following uses shall be permitted in said P-D(134) 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. Medical-Dental offices
2. Pharmacy
3. Veterinarian
4. Pharmaceutical laboratory
5. Florist
6. Hospital supply
7. Non-profit educational and scientific agencies
8. Accountants
9. Architects
10. Attorneys
11. Chiropractors
12. Optometrists
13. Chiropodists
14. Engineers
15. Real estate sales
16. Insurance sales
17. Surveyors
18. Stock brokers
19. Other uses of the same general character

A minimum of 10⁴ off-street parking spaces

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of November, 1975, 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, Siefkin, 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 (Rick) ...
Planning Department

Ordinance 1481 C.S.
Exhibit A – Map

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

Ord. No. 1481-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 10th day of November, 1975, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Newton, Siefkin, Mayor Davies

NOES: Councilmembers: None


ABSENT: Councilmembers: None

APPROVED



LEE H. DAVIES, Mayor

ATTEST:



W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: December 10, 1975

AN ORDINANCE AMENDING SECTION 10-2.1612 OF ARTICLE 16 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO WALLS, FENCES AND HEDGES.

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

SECTION 1. AMENDMENT OF CODE. Section 10-2.1612 of Article 16 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

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

(a) On residentially zoned or P-0 zoned property a wall, fence, or hedge not more than forty-two (42") inches in height may be located and maintained on any part of a lot except within the clear vision triangle as required in Section 10-2.1609. A fence, wall, or hedge more than forty-two (42") inches in height but not more than eight (8') feet in height may be located anywhere on the lot, provided that no fence, wall, or hedge over forty-two (42") inches in height shall be located closer than fifteen (15') feet to any boundary line between a street right-of-way and the abutting property except as follows. In the case of sub-standard corner lots referred to in Section 10-2.1618 and certain specified corner lots referred to in Section 10-2.1620 a fence, wall, or hedge not more than eight (8') feet in height may be located not closer than seven and one-half (7½') feet to the boundary line between a side street right-of-way and the abutting property. On a through lot which has vehicular access prohibited to the street at the rear of such lot, or the side of a corner lot which has vehicular access prohibited to the side street a fence, wall, or hedge not more than eight (8') feet in height shall be permitted along such rear or side lot line. On P-0 zoned property facing on a collector street, a fence, wall, or hedge not more than eight (8') feet in height may be constructed to the boundary line between a street right-of-way and the abutting property when it is adjacent to a less restrictive zone. Any fence or wall shall be in conformance with the building code of the City of Modesto.

Nothing in this section shall be deemed to prevent the erection of a fence or wall of any height on any part of a lot other than within the clear vision triangle, where the erection of such fence or wall at that location is required by the Planning Commission as a condition of the approval of a subdivision map, parcel map, or P-D zone.

(b) On C-1 and C-2 zoned property, when such property comprises part of the frontage and part of the remaining frontage is classified for "R" purposes, a fence, wall, or hedge not more than eight (8') feet in height on such C-1 or C-2 property may be extended along the side property line to the front property line of such C-1 or C-2 property.

(c) On C-M, M-1, and M-2 zoned property when such property comprises part of the frontage and part of the remaining frontage is classified for "R" purposes, or when such property fronts upon a street, the opposite side of which is classified for "R" purposes, a fence, wall, or hedge not more than eight (8') feet in height on such C-M, M-1, or M-2 property may be extended along the side property line to the front property line of such C-M, M-1, or M-2 property.

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of November, 1975, by Councilmember Kullijian, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger,
Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Newton



LEE H. DAVIES, Mayor

ATTEST:



W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 

ELWIN L. JOHNSON, City Attorney

Ord. No. 1482-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 8th day of December, 1975, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Siefkin, Mayor Davies
NOES: Councilmembers: None
ABSENT: Councilmembers: Newton

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

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

EFFECTIVE DATE: January 7, 1976

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

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

Harley D. Brannan, Norma F. Brannan, Robert P. Bomberger, Muriel F. Bomberger,
and Walter Massera

on September 19, 1975, 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. 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 6th day of October, 1975, set said petition for hearing at the hour of 4:00 o'clock P.M. on the 1st day of December, 1975, 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 October 12, 1975, and on October 19, 1975; and in The Ceres Courier, a newspaper published outside the City of Modesto, but in the County of Stanislaus, on October 15, 1975, and on October 22, 1975, 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 September 19, 1975, approve the annexation of said uninhabited territory to the City of Modesto, pursuant to the Government Code, and

WHEREAS, on the 1st day of December, 1975, at the hour of 4:00 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 Standiford-Tully 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

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

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

SECTION 8. This ordinance shall be published in full at least once in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of December, 1975, 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, Siefkin, Vice Mayor Newton

NOES: Councilmen: None

ABSENT: Councilmen: Mayor Davies

APPROVED: Phillip E. Newton
~~XXXXXXXXXXXXXXXXXXXX~~
PHILLIP E. NEWTON, Vice Mayor

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

(SEAL)

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

APPROVED AS TO DESCRIPTION:
By Public Works Department

RAH!
10-15-75

STANDIFORD-TULLY NO. 2 ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of the West half 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 the Northern line of FRANCEK ADDITION (150), as per description filed February 8, 1963, as Instrument 5121, Stanislaus County Records, said Northern line being the South line of 40.00 foot Standiford Avenue, said point being a Southeastern corner of STANDIFORD-TULLY NO. 1 ADDITION (309), as per description filed August 28, 1973, as Instrument 8127, Stanislaus County Records, said point also being the intersection of the Southern line of 40.00 foot Standiford Avenue and the center line of 40.00 foot Tully Road;

1. thence along the existing City Limits on the boundary of said ADDITION (309) and center line of 40.00 foot Tully Road, North $01^{\circ} 04' 00''$ West, 20.01 feet;
2. thence along the boundary of said ADDITION (309) and said center line of 40.00 foot Tully Road, North $01^{\circ} 14' 15''$ West, 1451.46 feet, to a point on the Southern line of 110.00 foot Hetch Hetchy right-of-way;
3. thence along the boundary of said ADDITION (309) and said Southern line, North $69^{\circ} 19' 53''$ East, 1345.03 feet;
4. thence along the boundary of said ADDITION (309), South $89^{\circ} 39' 40''$ East, 1012.16 feet;
5. thence along the boundary of said ADDITION (309), South $01^{\circ} 14' 20''$ East, 150.00 feet;
6. thence along the boundary of said ADDITION (309), South $89^{\circ} 39' 40''$ East, 325.00 feet, to the West line of NORTH McHENRY NO. 2 ADDITION (321), as per description filed October 2, 1974, as Instrument 13586, Stanislaus County Records, said line also being the Western line of the Tidewater Southern Railway right-of-way;
7. thence along the West line of said ADDITION (321), South $01^{\circ} 14' 20''$ East, 470.88 feet, to a Northwestern corner of GREENWOOD ESTATES ADDITION (173), as per description filed March 17, 1965, as Instrument 10621, Stanislaus County Records;
8. thence along the boundary of said ADDITION (173), South $01^{\circ} 14' 20''$ East, 819.96 feet;
9. thence along the boundary of said ADDITION (173), South $88^{\circ} 45' 40''$ West, 35.00 feet;
10. thence along the boundary of said ADDITION (173), South $01^{\circ} 14' 20''$ East, 520.01 feet, to the Northern line of NORTHLAND ESTATES NO. 2 ADDITION (158), as per description filed July 18, 1963, as Instrument 27041, Stanislaus County Records, said line also being the Southern line of 40.00 foot Standiford Avenue;
11. thence along said Southern line, North $89^{\circ} 29' 00''$ West, 1530.65 feet, to a Northeastern corner of ADDITION (150);
12. thence North $89^{\circ} 29' 00''$ West, 1040.74 feet, to a point of beginning, containing 108.531 Acres, more or less.

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

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

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

CHAPTER 3 - ELECTRICAL CODE

ARTICLE 1. GENERAL PROVISIONS

SEC. 9-3.101. ADOPTION OF NATIONAL ELECTRICAL CODE. That certain document, three (3) copies of which are on file in the office of the City Clerk, being marked and designated as "National Electrical Code 1975", published by the National Fire Protection Association, which said Code provides for the protection of the public health and safety, requires a permit for the design, construction, installation, alteration, and repair of electrical work, and provides penalties for the violation thereof, as hereinafter amended, deleted and added to, be and the same is hereby adopted by reference as the Electrical Code of the City of Modesto.

SEC. 9-3.102. ENFORCEMENT. That Article 90-4 of said Electrical Code be amended to read as follows:

Article 90-4. (a) General. The Building Official is hereby authorized and directed to enforce all the provisions of this Code. For such purpose he shall have the powers of a police officer.

(b) Deputies. In accordance with the procedure and with the approval of the chief appointing authority of the city, the Building Official may appoint such number of officers, inspectors and assistants, and other employees as shall be authorized from time to time. He may deputize such employees as may be necessary to carry out the functions of the Building Department.

(c) Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this Code, or whenever the Building Official or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises, any condition which makes such building or premises unsafe as defined in Section 203 of the Building Code, the Building Official or his authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Building Official by this Code; provided that if such building or premises be occupied, he shall first present proper credentials and demand entry, and if such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the Building Official or his authorized representative shall have recourse to every remedy provided by law to secure entry.

No owner or occupant or any other person having charge, care or control of any building or premises shall fail or neglect, after proper demand is made as herein provided, to properly permit entry therein by the Building Official or his authorized representative for the purpose of inspection and examination pursuant to this Code. Any person violating this subsection shall be guilty of a misdemeanor.

(d) Stop Orders. Whenever any work is being done contrary to the provisions of this Code, the Building Official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Building Official to proceed with the work.

(e) Authority to Condemn Equipment. Whenever the Building Official learns or ascertains that any equipment, as defined in this Code, has become hazardous to life, health, or property, he shall order, in writing, that such equipment be restored to a condition of safety or be dismantled and removed from its present location. The written notice shall fix a time limit for compliance with such order. No person shall use or maintain the defective equipment after receiving such notice.

(f) Interpretation. The language used in this Code is intended to convey the common and accepted meaning familiar to the electrical industry.

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

SEC. 9-3.103. FORMAL INTERPRETATIONS. That Article 90-5 of said Electrical Code is hereby deleted.

SEC. 9-3.104. VIOLATIONS. That Article 90-8 be added to said Electrical Code to read as follows:

Article 90-8. It shall be unlawful for any person, firm or corporation to erect, install, alter, repair, relocate, add to, replace, use or maintain electrical systems or parts thereof or cause the same to be done contrary to or in violation of this Code. Maintenance of equipment which was unlawful at the time it was installed and which would be unlawful under this Code if installed after the effective date of this Code, shall constitute a continuing violation of this Code.

SEC. 9-3.105. EXISTING EQUIPMENT. That Article 90-9 be added to said Electrical Code to read as follows:

Article 90-9. Electrical systems, parts or components thereof, and other miscellaneous appliances connected thereto lawfully installed prior to the effective date of this Code may have their existing use, maintenance or repair continued if the use, maintenance or repair is in accordance with the original design and location and is not a hazard to life, health, or property.

All electrical systems, parts or components thereof, and other miscellaneous appliances connected thereto, both existing and new, and all parts thereof, shall be maintained in a safe condition. The owner or his designated representative shall be responsible for maintenance of the electrical system.

SEC. 9-3.106. PERMIT REQUIRED. That Article 90-10 be added to said Electrical Code to read as follows:

Article 90-10. (a) No electrical wiring, devices, appliances, apparatus or equipment shall be installed within or on any building, structure or premises, nor shall any alteration or addition be made in any such existing electrical wiring, devices, appliances, apparatus or equipment without first securing a permit therefor from the Building Official.

(b) A separate permit shall be obtained for each building or structure.

SEC. 9-3.107. WORK NOT REQUIRING PERMIT. That Article 90-11 be added to said Electrical Code to read as follows:

Article 90-11. (a) No permit shall be required for the replacement of lamps or the connection of portable appliances to suitable receptacles which has been permanently installed.

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

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

(d) No permit shall be required for the maintenance, repair or replacement of equal components to existing systems.

SEC. 9-3.108. TO WHOM PERMITS MAY BE ISSUED. That Article 90-12 be added to said Electrical Code to read as follows:

Article 90-12. The following categories of electrical permits may be issued:

(a) A regular electrical permit may be issued to:

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

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

(b) A special owner's permit may be issued to an individual authorizing said individual to do electrical work in, on or about a building of which said individual is owner and in which he resides or intends to reside but not elsewhere; provided, that no electrical work authorized under any special owner's permit shall be done, nor shall the owner holding any such permit allow any such work to be done, except personally by the owner to whom the permit is issued, or by a member of his immediate family; and if this or any other provision hereof shall be violated by the holder of such special owner's permit, such permit shall be subject to immediate cancellation by the Building Official and the holder thereof shall be liable to the penalty herein provided for violation of this Code.

SEC. 9-3.109. APPLICATION FOR PERMIT. That Article 90-13 be added to said Electrical Code to read as follows:

Article 90-13. Any person legally entitled to apply for and receive a permit shall make such application on forms provided for that purpose. He shall give a description of the character of the work proposed to be done, and the location, ownership, occupancy and use of the premises in connection therewith. The Building Official may require plans, specifications, or drawings and such other information as he may deem necessary.

If the Building Official determines that the plans, specifications, draftings, descriptions or information furnished by the applicant is in compliance with this Code, he shall issue the permit applied for upon payment of the required fee as hereinafter fixed.

Applications for which no permit is issued within one hundred eighty (180) days following the date of application shall expire by limitation and plans submitted for checking may thereafter be returned to the applicant or destroyed by the Building Official.

SEC. 9-3.110. TELEPHONE PERMIT PROCEDURE. That Article 90-14 be added to said Electrical Code to read as follows:

Article 90-14. The Building Official is hereby authorized to establish a system for the issuance of routine permits upon telephonic request and to issue such directives and regulations as are deemed necessary to govern the operation and administration of such a system. Said directives and regulations shall have the force and effect of law and a violation thereof shall constitute a misdemeanor. Such a system may provide for the payment of permit fees on permits issued by telephone on an accounts receivable basis.

SEC. 9-3.111. VALIDITY AND LENGTH OF PERMIT. That Article 90-15 be added to said Electrical Code to read as follows:

Article 90-15. (a) Validity. The issuance or granting of a permit or approval of plans and specifications shall not be construed to be a permit for, or an approval of any violation of any of the provisions of this Code. No permit presuming to give authority to violate or cancel the provisions of this Code shall be valid, except insofar as the work or use which it authorizes is lawful.

The issuance of a permit based upon plans and specifications shall not prevent the Building Official from thereafter requiring the correction of errors in said plans and specifications or from preventing construction being carried on thereunder when in violation of this Code or of any other ordinance.

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

(c) Suspension or Revocation. The Building Official may, in writing, suspend or revoke a permit issued under provisions of this Code whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any of the provisions of this Code.

SEC. 9-3.112. COST OF PERMIT. That Article 90-16 be added to said Electrical Code to read as follows:

Article 90-16. Every applicant for a permit to do work regulated by this Code shall state in writing on the application form provided for that purpose, the character of work proposed to be done and the amount and kind in connection therewith, together with such information, pertinent thereto as may be required.

Such applicant shall pay for each permit issued at the time of issuance, a fee in accordance with the following schedule, and at the rate provided for each classification shown herein.

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

SCHEDULE OF FEES

For issuing each permit	\$ 3.50
In Addition:	
For services including one meter:	
For services, 600 volts or less, not over 200 A, each	3.50
For services, above 600 volts or over 200 A, but not over 800 A, each	11.00
For services, above 600 volts or over 800 A, each	11.00
Plus each additional 100 A over 800 A.	1.50
Additional meters, each	1.50
For subpanel not over 200 A, each	3.50
For subpanel over 200 A, each	11.00
For receptacles, switches, lighting or other outlets at which current is used or controlled:	
Each25
Each 5 feet or fraction thereof of multi outlet assembly shall be considered as one outlet25
For each 5 feet or fraction thereof of plug-in bus duct or trolley duct25
For fixtures, sockets or other lamp holding device:	
Each25
Power apparatus:	
For motors; generators; transformers; rectifiers; synchronous converters; capacitors; industrial heating, cooking or baking equipment; and other apparatus as follows:	
Rating in horsepower (HP), Megawatts (MW), or Megavolt-Amperes (MVA)	
Up to and including 1, each	1.50
Over 1 and not over 3, each	2.00
Over 3 and not over 7 1/2, each	2.50
Over 7 1/2 and not over 15, each	3.50
Over 15 and not over 50, each	5.50
Over 50 and not over 100, each	11.00
Over 100, each	16.00

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

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

For each high intensity discharge lamp (including transformer) and equipment:
 For each fixture 1.00
 For each projection machine, dissolver, etc. 3.00

Residential Appliances:

For fixed residential appliances or receptacle outlets for same, including wall-mounted electric ovens, counter-mounted cooking tops, electric ranges, air conditioners or coolers, space heaters, food waste grinders, dishwashers, washing machines, water heaters, clothes dryers, or motor operated appliances, not exceeding one horsepower (HP) in rating, each 1.50

Note: For motor operated appliances over one horsepower (HP) see power apparatus

Non-Residential Appliances:

For self-contained, factory wired, non-residential appliances not exceeding one horsepower (HP), Kilowatt (KW), or Kilovolt-Ampere (KVA), in rating including medical and dental devices; food, beverage, and ice cream cabinets, illuminated showcases, drinking fountains, vending machines, laundry machines, or other similar types of equipment, each 1.50

For new construction of multi-family dwellings, the following flat rate may apply, including all outlets, range, dryer and any other miscellaneous circuits 1.50 per 100 sq.ft.

Signs, Outline Lighting, and Marquees:

For one sign, outline lighting system or marquee containing one branch circuit, each 6.00

For additional branch circuits within the same sign, outline lighting system, or marquee, each 1.50

For separately installed flashers, timers or other control devices, each 1.50

Temporary power service 5.00

For each reinspection when each portion of work for which inspection is called is not completed or when corrections called for are not made 10.00

For the inspection of any electrical equipment for which no fee is herein prescribed for the time consumed per hour with one hour minimum 12.50

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

SEC. 9-3.113. INSPECTION. That Article 90-17 be added to said Electrical Code to read as follows:

Article 90-17. All work for which a permit is obtained under this Code shall be inspected by the Building Official.

That portion of any work intended to be concealed shall not be concealed until inspected and approved.

When the work is complete, a second or final inspection shall be made.

A final inspection approval may, upon written notice, be revoked by the Building Official if he finds that the work fails in any respect to comply with the requirements of this Code, or that the installation is unsafe, dangerous, or a hazard to life or property.

SEC. 9-3.114. REQUEST FOR INSPECTION. That Article 90-18 be added to said Electrical Code to read as follows:

Article 90-18. The Building Official may require that every request for inspection be filed at least one day before such inspection is desired.

It shall be the duty of the person requesting inspection of any work regulated by this Code to provide access to and means for proper inspection of such work.

The Building Official shall not be liable for any expense entailed in the removal or replacement of any material required to allow the inspection.

SEC. 9-3.115. DANGEROUS AND UNSAFE CONSTRUCTION. That Article 90-19 be added to said Electrical Code to read as follows:

Article 90-19. (a) Any portion of an electrical system found by the Building Official to be unsafe as defined herein is hereby declared to be a nuisance.

(b) Whenever it is brought to the attention of the Building Official that any unsafe equipment or conditions exist or that any construction or work regulated by this Code is dangerous, a nuisance or a menace to life, health or property or otherwise in violation of this Code, the Building Official, upon determining such information to be fact, shall order any person, firm or corporation using or maintaining any such equipment or condition or responsible for the use or maintenance thereof, to discontinue the use or maintenance thereof, or to repair, alter, change, remove or demolish the same as he may consider necessary for the proper protection of life, health or property. The Building Official may order any person, firm or corporation supplying electricity to such equipment or system to discontinue supplying electricity thereto until such equipment or system is made safe to life, health or property.

Every such order shall be in writing, addressed to the permit holder and/or the owner, agent or person responsible for the premises in which such equipment or condition exists and shall specify the date or time for compliance with such order.

(c) Refusal, failure or neglect to comply with any such notice or order shall be considered a violation of this Code.

(d) When any electrical system is maintained in violation of this Code and in violation of any notice issued pursuant to the provisions of this section or where a nuisance exists in any building or on a lot on which a building is situated, the Building Official shall institute any appropriate action or proceedings in any court of competent jurisdiction to prevent, restrain, correct, or abate the violation or nuisance.

SEC. 9-3.116. CONNECTION TO SERVICE. That Article 90-20 be added to said Electrical Code to read as follows:

Article 90-20. It shall be unlawful for any person, firm or corporation to make connection from a source of electrical energy to supply electrical service to any electrical wiring, devices, appliances, apparatus or equipment for the installation of which a permit is required, unless such person, firm or corporation shall have obtained satisfactory evidence that such electrical wiring, devices, appliances, apparatus or equipment are in all respects in conformity with all applicable legal provisions.

In addition, the structure or building shall pass final inspection as per Section 304 (d) of the Building Code prior to connection to the electrical source. Temporary electrical connection to the electrical source for a period not to exceed one hundred twenty (120) days may be granted prior to the final inspection if in the opinion of the Building Official, the electrical service is safe. If after one hundred twenty (120) days the structure or building has not passed final inspection, the Building Official shall have the authority to request the serving utility to disconnect the service.

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

SEC. 9-3.117. SPECIFIC REQUIREMENTS. That Article 90-21 be added to said Electrical Code to read as follows:

Article 90-21. (a) All installations, materials, devices, appliances, apparatus and equipment installed or used, shall be in conformity with the provisions of this Code and with approved standards for safety of life and property.

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

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

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

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

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

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

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

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

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

(k) Type NM and NMC non-metallic sheath cable shall not be used in A, B, C, D, E, F, and G occupancies. Occupancies are defined in the Building Code.

(l) In A, B, C, D, E, F, and G occupancies, a maximum of four (4) convenience outlets per circuit for No. 14 AWG wire and a maximum of six (6) convenience outlets per circuit for No. 12 AWG wire is allowed.

(m) Aluminum wiring shall not be used except as follows: Stranded aluminum wiring shall be allowed in No. 8 or larger sizes only.

(n) Electrical, telephone, and communications wiring penetrations of fire-resistive separations.

(1) For penetrations of one-hour walls the following is required: A length of EMT extends through the wall for a distance of at least thirty (30) inches from each face of the wall. The ends of the EMT are to be securely fastened. The ends of the EMT shall terminate in approved connectors and the EMT must be of a size permitted by the National Electrical Code. Ends are to be packed with rock wool or equal. Where the EMT penetrates gypsum wallboard, the void between the EMT and the wallboard must be solidly packed on both sides with wallboard compound to the thickness of the wallboard.

(2) For penetrations of two-hour walls, the following is required: Same as (n) (1) except EMT extends sixty (60) inches from each face of the wall.

(o) Nonmetallic sheath cable shall be protected to eight (8) feet - 0 inches above the floor with one-half (1/2) inch gypsum board covering two (2) studs minimum or equal.

(p) Residential occupancies as used in this Code means any H or I occupancies as defined in the Building Code.

SECTION 2. FINDING AND DECLARATION. As required by the Health and Safety Code of the State of California, the Council of the City of Modesto finds and declares that the foregoing additions, modifications and changes to the regulations adopted pursuant to said Health and Safety Code are reasonably necessary because of local conditions in that they adopt the 1975 Edition of the National Electrical Code in lieu of the 1971 Edition, prescribe local fee schedules, prescribe local procedures to be used in the administration and enforcement of said Code, provide for the clarification and recording of local interpretations of said Code, and make other changes in said Code consistent with local custom and practice as reflected in the prior local electrical code.

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1975, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Newton

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

ATTEST:

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

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 1484-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 15th day of December, 1975, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Newton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Newton, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

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

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

EFFECTIVE DATE: January 14, 1976

AN ORDINANCE AMENDING SECTION 7-1.502 OF ARTICLE 5 OF CHAPTER 1 OF TITLE VII OF THE MODESTO MUNICIPAL CODE RELATING TO SIDEWALK REQUIREMENTS IN THE CITY OF MODESTO.

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

SECTION 1. AMENDMENT OF CODE. Section 7-1.502 of Article 5 of Chapter 1 of Title VII of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 7-1.502. REQUIRED LOCATIONS. Curbs, gutters, sidewalks and driveway approaches shall be provided and/or repaired along all street frontages of property in accordance with current standard drawings and specifications approved by the Council from time to time by resolution and on file in the offices of the City Clerk and Director of Public Works for all new buildings or structures, property development, or any building or structure altered or expanded in excess of fifty (50%) per cent of the value of such building or structure or for any building or structure in which there is a change from a lesser to a more restrictive occupancy where a building permit is required, with the following exceptions:

(a) Sidewalks shall be required in the Low Density Residential (R-1) Zone and Medium Density Residential (R-2) Zone only when one of the following conditions exists as to the front footage on the side of the block on which the property is located:

(1) More than fifty (50%) per cent of the front footage has sidewalks which are existing or are to be installed under some proceeding or requirement of law.

(2) More than fifty (50%) per cent of the front footage is undeveloped property.

(3) More than fifty (50%) per cent of the front footage cumulatively has sidewalks or is undeveloped property as set forth in subparagraphs (1) and (2) above.

(b) In commercial or manufacturing zones, as defined in Title X of this Code, sidewalks, curbs, gutters and driveway approaches shall be provided and/or repaired, except that in C-M, M-1 and M-2 Zones, special permits may be issued to omit the sidewalk upon approval of the Council.

(c) On large sized properties on which only a portion of the property is to be occupied by the construction of a building, structure or property development, the providing and/or repairing of sidewalks, curbs, gutters and driveway approaches may be confined, upon approval of the Director of Public Works, to that portion of the street frontage abutting the portion of the property being developed, including areas used for parking of motor vehicles.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of December, 1975, by Councilmember Newton, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Newton, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: 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. 1485-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 5th day of January, 1976, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Newton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Newton, Siefkin, Mayor Davies


NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED


LEE H. DAVIES, Mayor

ATTEST:


W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: February 4, 1976

AN ORDINANCE GRANTING W. R. TOMSON, DOING BUSINESS AS THE TRANSADTISE COMPANY, AN EXCLUSIVE FRANCHISE FOR THE RIGHT, PRIVILEGE AND PERMISSION TO PLACE, CONSTRUCT AND MAINTAIN BENCHES WITH ADVERTISING THEREON AT DESIGNATED LOCATIONS ON THE STREETS AND SIDEWALKS IN THE CITY OF MODESTO.

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

SECTION 1. DEFINITIONS. (a) Bench: A seat located upon public property along the public way for the accommodation of passersby or persons awaiting transportation.

(b) Street: Any public thoroughfare or way including the sidewalk, the parkway and other public property fronting upon a public way.

(c) Quarterly Period: A period of three (3) consecutive months. The quarters begin on the first day of January, April, July and October of each year.

SECTION 2. BENCHES PROHIBITED. No person shall install or maintain any bench with advertising thereon upon any street in the City except in accordance with the provisions of this franchise.

SECTION 3. FRANCHISE GRANTED. The City of Modesto hereby grants to W. R. TOMSON, doing business as The Transadtise Company, for a term commencing on January 20, 1976, and ending on December 31, 1976, the exclusive franchise for the right, privilege and permission to place, construct and maintain benches with advertising thereon at designated locations on the streets and sidewalks in the City of Modesto.

SECTION 4. PAYMENT. For the privilege herein granted, the Grantee shall pay to the City of Modesto Three and no/100ths (\$3.00) Dollars per quarter per bench installed and in place. No later than the tenth day of the month following the close of each quarterly period, Grantee shall submit a report to the Director of Finance stating the total number of benches on location on the last day of the preceding month and the number installed during the preceding quarterly period. The fee shall be paid according to the number of benches in place on the last day of the quarterly

period, whether or not there is advertising thereon, and shall be paid on or before the tenth day of the month following the close of the quarterly period. These payments shall be in lieu of payment to the City of a percentage of gross receipts or other license fees under the provisions of Chapter 1 of Title VI of the Modesto Municipal Code.

SECTION 5. COMMENCEMENT OF WORK. No work shall be commenced under the provisions of this franchise until plans and specifications have been filed with and approved by the City Manager, nor until a map showing the precise location of the benches proposed to be installed shall be filed with the City Manager, nor until the insurance policy and performance bond required by Sections 14 and 15, respectively, of this franchise shall be filed with the City Clerk. After complying with the provisions of this section, the Grantee shall be required to place and install not less than twenty-five (25) benches within ninety (90) days after being awarded the franchise. Thereafter, Grantee shall maintain a minimum of twenty-five (25) benches in place during the term of this franchise.

SECTION 6. GENERAL CONDITIONS. This franchise is granted upon and subject to each and all of the conditions set forth in the following sections.

SECTION 7. ADVERTISING SPACE. No advertising matter or sign whatever shall be displayed upon any bench except upon the front and rear surface of the backrest. No advertisement or sign on any bench shall display the words, "Stop", "Look", "Drive-in", "Danger" or any other word, phrase, symbol or character that might interfere with, mislead or distract traffic. The City may require bus schedules to be placed on any bus bench. No advertising other than bus schedules shall be placed on any benches erected and maintained in areas zoned as residential by the zoning regulations of the City. Commercial advertising shall not be placed on any bench where such advertising is prohibited by the laws of the City. No advertising which does not meet with the approval of the City Manager shall be placed or maintained on any of said benches. Bus

schedules shall be of a maximum size of nine inches by twelve inches (9" x 12") and shall be placed on the front of the bench back.

SECTION 8. APPROVAL OF LOCATION. Benches shall be placed only in locations approved by the City Manager. The benches contemplated are designed for the convenience of those using the buses in the City and shall be placed upon the streets traversed by any holder of any bus franchise in the City. The benches may not be installed at any place except public carrier stops except with the express approval of the Council. No bench shall be installed or maintained:

(a) In any alley;

(b) At any location where the distance from the face of the curb to the property line is less than ten (10') feet; provided that whenever, in the opinion of the City Manager, observance of this requirement would result in inconvenience or hardship, this requirement may be waived by the City Manager; or

(c) At any location distant more than fifty (50') feet from the nearest intersecting street; provided that whenever, in the opinion of the City Manager, observance of this requirement would result in inconvenience or hardship, this requirement may be waived by the City Manager.

SECTION 9. APPROVAL OF PROPERTY OWNER REQUIRED. No bench shall be placed or maintained against the desire of the owner or the person in lawful possession or control of the property abutting upon the public street at the place where the bench is proposed to be located, or their representatives. Such persons may veto the placing or maintaining of the bench by written request to the City Manager.

SECTION 10. RATIO OF BENCHES BETWEEN COMMERCIAL AND RESIDENTIAL AREAS. For each seven (7) benches installed in areas zoned for commercial uses, at least one bench shall be installed in areas zoned for residential uses.

SECTION 11. MAINTENANCE OF BENCHES. All benches must be cleaned regularly and when needed, and must be maintained in

decision as to the state of repair and condition shall be conclusive. Grantee shall inspect each bench periodically to assure full compliance with the provisions of this section.

SECTION 12. REMOVAL OF BENCHES. No bench after being installed on the streets or sidewalks of the City shall be removed by the Grantee during the term of this franchise except with the consent of the City Manager. The City Manager may, for a cause considered by him reasonable, order the Grantee to remove any bench. When the City Manager orders the bench removed, the Grantee shall remove it within thirty (30) days at his own expense. If he shall fail to do so, the City Manager may order the removal of the bench, and destroy or sell it at his discretion, and may, in addition, bill Grantee for the removal or destruction in a sum not in excess of Ten and no/100ths (\$10.00) Dollars per bench.

SECTION 13. LOCATION OF BENCHES. The front of all benches shall be placed not less than eighteen (18") inches nor more than thirty (30") inches from the curb line and parallel thereto; provided that whenever, in the opinion of the City Manager, observance of this requirement would result in inconvenience or hardship, this requirement may be varied by the City Manager. No bench shall seat fewer than four (4) people. No bench shall be placed so as to injuriously obstruct passage on the sidewalk or street. No bench shall be placed within fifteen (15') feet of any fire hydrant. No bench shall be more than forty-two (42") inches high nor more than thirty (30") inches wide, nor more than (8') feet long, except that, with the consent of the City Manager, two (2) eight (8') foot long benches may be attached together.

SECTION 14. HOLD HARMLESS AND INSURANCE. The Grantee shall indemnify and save harmless the City, its officers, boards, commissions, agents and employees from and against any and all liability claims, demands, actions, suits and proceedings by others, for loss or damage for personal injury, death or property damage, occasioned by the operations of Grantee under this franchise; and the Grantee shall, at all times during the existence of this franchise, maintain in full force and effect, at its own cost and expense, a general comprehensive liability insurance

policy protecting the City and all persons against liability for loss or damage for personal injury, death or property damage, occasioned by the operations of Grantee under this franchise, with minimum liability limits of One Hundred Thousand, and no/100ths (\$100,000.00) Dollars for personal injury or death of any one person, and Three Hundred Thousand and no/100ths (\$300,000.00) Dollars for personal injury or death of two or more persons in any one occurrence, and Fifty Thousand, and no/100ths (\$50,000.00) Dollars for damage to property resulting from any one occurrence.

The liability policy and the certificate of insurance which is to be furnished the City shall contain a contractual liability endorsement stating that the policy is extended to cover the liability assumed by the Grantee under the terms of this franchise, and shall also contain a cancellation endorsement that the insurance coverage may not be cancelled nor the amount of coverage reduced until ten (10) days after receipt by the City Clerk of the City of Modesto of a written notice of such cancellation or reduction in coverage.

SECTION 15. PERFORMANCE BOND. The Grantee shall post a performance bond in the sum of One Thousand, and no/100ths (\$1,000.00) Dollars guaranteeing its performance of the conditions of this franchise and stating that the said sum of One Thousand, and no/100ths (\$1,000.00) Dollars shall be forfeited to the City as liquidated damages in the event that Grantee shall fail to perform the conditions of its franchise. Said bond shall be furnished by a surety company authorized to do business in the State of California and shall be approved by the City Attorney.

SECTION 16. ACCEPTANCE OF FRANCHISE. Grantee shall be required to file in the Office of the City Clerk of the City an acceptance in writing of the provisions of this franchise and shall agree to perform all the conditions thereof. Said acceptance in writing shall be filed on or before thirty (30) days following the adoption of this ordinance.

SECTION 17. DEFAULT. In the event that either party shall fail or neglect to do or perform each and all of the terms

the conditions of this franchise on his or its part to be performed, the aggrieved party may give the party in default thirty (30) days' written notice to correct the conditions in default, and if the party in default refuses or neglects to make such corrections within the thirty (30) day period, the aggrieved party may terminate this franchise. Should Grantee herein default, it will remove all benches within thirty (30) days of the termination of this franchise if requested to do so by City.

SECTION 18. INSPECTION OF BOOKS. The City shall have the right at all reasonable times to examine all books, papers, and records of the Grantee for the purpose of verifying the statements or reports required and for any other purpose whatsoever connected with this franchise.

SECTION 19. DEFACING BENCHES PROHIBITED. No person shall tamper with or deface any bench placed under the franchise granted by this ordinance.

SECTION 20. PENALTY. It shall be unlawful for any person to violate the provisions of Section 19 of this franchise, or to cause, permit or suffer the same to be done; and any person who does shall be deemed guilty of a misdemeanor, and upon conviction of any such violation, such person shall be punished by a fine of not more than One Thousand, and no/100ths (\$1,000.00) Dollars or by imprisonment for not more than one year or by both such fine and imprisonment.

SECTION 21. 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 22. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of December, 1975, by Councilmember Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Mensinger, Siefkin,
Mayor Davies

NOES: Councilmembers: Kullijian, Newton

ABSENT: Councilmembers: None

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

ATTEST:

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

(SEAL)

APPROVED AS TO FORM:

By ELWYN L. JOHNSON, City Attorney

Ord. No. 1486-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 5th day of January, 1976, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Newton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger,
Newton, Siefkin, Mayor Davies
NOES: Councilmembers: None
ABSENT: Councilmembers: None

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

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

EFFECTIVE DATE: February 4, 1976

AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS
 THE VENEMAN ADDITION TO THE
 CITY OF MODESTO.

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

James B. Blackmon, Ella F. Blackmon, Joe C. Ott, Rosemary K. Ott, Joe D. Trombetta
 and Helen A. Trombetta

on October 17, 1975, 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 Veneman 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 10th day of November, 1975, set said petition for hearing at the hour of 4:00 o'clock P.M. on the 5th day of January, 1976, 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 November 17, 1975, and on November 24, 1975; and in The Ceres Courier, a newspaper published outside the City of Modesto, but in the County of Stanislaus, on November 19, 1975, and on November 26, 1975, 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 October 17, 1975, approve the annexation of said uninhabited territory to the City of Modesto, pursuant to the Government Code, and

WHEREAS, on the 5th day of January, 1976, at the hour of 4:00 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 Veneman 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 5th day of January, 1976, 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, Mensinger, Newton, Siefkin, 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 Paul Campbell
Public Works Department
J.L.C.
12-17-75

VENEMAN ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of the Northwest quarter of Section 12, 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 Northeastern corner of BECKWITH NO. 1 ADDITION (305), as per description filed June 19, 1973, as Instrument 54524, Stanislaus County Records;

1. thence South, 993.01 feet, to the center line of 40.00 foot Veneman Avenue, said center line being the East-West quarter section line of Section 12, said center line also being a Northern line of BECKWITH NO. 2 ADDITION (306), as per description filed June 19, 1973, as Instrument 54525, Stanislaus County Records;
2. thence along said center line of 40.00 foot Veneman Avenue and Northern line of said ADDITION (306), North $89^{\circ} 35' 37''$ East, 432.61 feet, to the North-western corner of CONANT NO. 1 ADDITION (294), as per description filed July 27, 1972, as Instrument 3721, Stanislaus County Records;
3. thence continuing along said center line and Northern line of said ADDITION (294), North $89^{\circ} 35' 27''$ East, 1326.88 feet, to the interior quarter corner of Section 12;
4. thence leaving the existing City Limits along the North-South quarter section line of Section 12, North $00^{\circ} 00' 44''$ East, 992.58 feet;
5. thence South $89^{\circ} 36' 27''$ West, 1759.70 feet, to the point of beginning, containing 40.103 Acres, more or less.

AN ORDINANCE AMENDING SECTION MAP 22-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (CHARLES FENLEY - P-D(137))

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

SECTION 1. ZONING CHANGE. Section 22-3-9 of the Zoning Map is hereby amended to reclassify the following-described property from Low Density Residential Zone, R-1, to Planned-Development Zone, P-D (137) :

All that certain real property situate in a portion of Lot 17, Broughton Colony Tract, filed in Volume 1 of Maps, at Page 78, Stanislaus County Records, in the Southeast quarter of Section 22, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

COMMENCING at the East quarter corner of said Section 22; thence South 0° 45' East along the East line of said Section 22 a distance of 671.91 feet; thence South 89° 59' 45" West 3.50 feet to the intersection of the center lines of Oakdale Road and Wylie Drive, and the point of beginning of this description; thence continuing South 89° 59' 45" West along said center line of Wylie Drive a distance of 546.55 feet; thence North 0° 45' West 340.71 feet to the north line of the South half of said Lot 17; thence East along said North line of the South half of Lot 17, a distance of 546.55 feet, more or less, to said center line of Oakdale Road; thence Southerly 340.68 feet, more or less, along a curve in said center line of Oakdale Road to the point of beginning.

Excepting therefrom the Southerly 10 feet of the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D (137) 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:

Permitted uses on the easterly 500 feet (car wash area)

1. Automobile and service station.
2. Retail sales and services as permitted in the C-1 Zone.

Permitted uses in the westerly 170 feet (office area)

1. Uses permitted in the P-O Zone.
2. Business offices not engaged in retailing or wholesaling and excluding banks and financial institutions.

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of January, 1976, by Councilmember Kullijian, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Mensinger, Newton

NOES: Councilmembers: Dunlap, Siefkin, Mayor Davies

ABSENT: Councilmembers: 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 Urban Shields
Department of Planning & Community Development

Ordinance 1488 C.S.
Exhibit A – Map

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

Ord. No. 1488-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 January, 1976, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Newton, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED



LEE H. DAVIES, Mayor

ATTEST:



W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: February 25, 1976

ORDINANCE NO. 1489 -C.S.

AN ORDINANCE AMENDING SECTION MAP 24-3-9
OF THE ZONING MAP OF THE CITY OF MODESTO,
RECLASSIFYING CERTAIN PROPERTY LOCATED
THEREON. (HORN CONSTRUCTION COMPANY)

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

SECTION 1. ZONING CHANGE. Section 24-3-9 of the Zoning Map is hereby amended to reclassify the following-described property from Planned-Development Zone, P-D(99) to Planned-Development Zone, P-D(135):

All that portion of Lot 8 of the Idaho Colony lying in the Northwest quarter of Section 24, Township 3 South, Range 9 East, Mount Diablo Base and Meridian described as follows:

Commencing at the northwest corner of said Section 24; thence South 0°58' East along the west line of said Section 24 a distance of 190.00 feet to the south line of Briggsmore Avenue as conveyed to the County of Stanislaus by deed recorded as Instrument No. 7699-70, Stanislaus County Records and the true point of beginning of this description; thence continuing South 0°58' East along said west line of Section 24 a distance of 630.00 feet; thence at right angles North 89°02' East a distance of 560.00 feet; thence North 0°58' West parallel to said west line of Section 24 a distance of 630.00 feet to the aforementioned south right-of-way line of Briggsmore Avenue; thence South 89°22' West along said south right-of-way line of Briggsmore Avenue a distance of 560.00 feet to the point of beginning.

Containing: 8.1 acres

SECTION 2. USES. The following uses shall be permitted in said P-D(135) 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 neighborhood shopping center containing a maximum of 80,175 square feet of retail sales space.
2. A minimum of 160 off-street parking spaces.
3. A service station.

SECTION 3. ZONING MAP. Section Map 24-3-9 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 January, 1976, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Newton, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Mensinger

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 A. Nichols
Planning Department

Ordinance 1489 C.S.
Exhibit A – Map

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

Ord. No. 1489-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 19th day of January, 1976, Councilmember Newton moved its final adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Newton, Siefkin, Mayor Davies


NOES: Councilmembers: None

ABSENT: Councilmembers: Mensinger

APPROVED


LEE H. DAVIES, Mayor

ATTEST:


W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: February 18, 1976

AN ORDINANCE AMENDING SECTION 10-2.231 OF ARTICLE 2 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO THE ZONING REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Section 10-2.231 of Article 2 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.231. HOME OCCUPATIONS. Any occupation conducted entirely within a dwelling unit and carried on by persons residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the residential character thereof and in connection with which there is no display nor stock in trade or commodities sold except those which are produced on the premises, and no use of any accessory building or yard space or activity outside of the main building not normally associated with residential use. The home occupation shall not generate vehicular traffic not normally associated with residential use. The home occupation shall not involve the use of more than one room in the dwelling or the equivalent of twenty (20) percent of the floor space of the main floor, whichever is the greater, nor shall it involve the use of power-driven equipment using motors of more than one-half (1/2) horsepower capacity. No commercial telephone directory listing, newspaper, radio, or television service shall be used to advertise such home occupation to the general public and no sign except an unlighted name plate not more than one (1) square foot in area announcing the name and home occupation shall be permitted. No home occupation shall create a nuisance by reason of noise, odor, dust, vibration, fumes, smoke, electrical interference or other causes. Notwithstanding the limitations outlined above, any person who is severely impaired or handicapped as defined in Section 12304 of the State Welfare and Institutions Code may be allowed the following, provided a home occupation is otherwise approved:

- (a) Employment of a maximum of two persons who do not reside in the dwelling unit.
- (b) Use of more than one room in the dwelling.
- (c) Listing in the commercial telephone directory.
- (d) Use of newspaper advertising.

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 January, 1976, by Council-member Kulligian, who moved its introduction and passage to print, which

motion being duly seconded by Councilmember Newton, was upon roll

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

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Newton, Siefkin,
Mayor Davies
NOES: Councilmembers: None
ABSENT: Councilmembers: Mensinger

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. 1490-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 January, 1976, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Newton, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED

Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

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

EFFECTIVE DATE: February 25, 1976

AN ORDINANCE AMENDING SECTION 4-1.108 OF ARTICLE 1 OF CHAPTER 1 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO AMUSEMENT MACHINES.

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

SECTION 1. AMENDMENT OF CODE. Section 4-1.108 of Article 1 of Chapter 1 of

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

SEC. 4-1.108. LIMITATION ON NUMBER AND LOCATION OF MACHINES.

(a) There shall not be placed, kept and/or maintained more than eight (8) amusement machines in each business location unless otherwise permitted by conditional use permit or a planned development zone. This restriction shall not be construed to allow each person who holds a Permit to Operate Amusement Machines eight (8) amusement machines in each business location but is intended to limit the total number of amusement machines to eight (8) in each business location.

(b) No amusement machine as herein defined shall be maintained, operated, conducted or used, nor kept for such purposes, within any place which is closer than three hundred (300') feet from any public or private school.

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 January, 1976, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Newton, Siefkin, Mayor Davies

NOES: Councilmembers: Kullijian

ABSENT: Councilmembers: Mensinger

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. 1491-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 February, 1976, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Siefkin, Mayor Davies

NOES: Councilmembers: Kullijian

ABSENT: Councilmembers: Mensinger, Newton

APPROVED


LEE H. DAVIES, Mayor

ATTEST:


W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: March 3, 1976

AN ORDINANCE AMENDING SECTIONS 10-2.225.1, 10-2.901 AND 10-2.2903 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO AMUSEMENT MACHINES AND ADDING SECTION 10-2.225, 2 THERETO TO READ AS FOLLOWS

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

SECTION 1. AMENDMENT OF CODE. Sections 10-2.225.1, 10-2.901 and 10-2.2903 of Chapter 2 of Title X of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 10-2.225.1. FAMILY AMUSEMENT MACHINE CENTER. A business which has as its primary function the operation of nine (9) or more amusement machines as defined in Sections 4-1.103 and 4-1.104 of the Municipal Code. Said business shall be confined wholly within a structure and shall not be operated in conjunction with or incidental to any other business, such as but not limited to a restaurant, bar, roller rink, bowling alley, etc.

SEC. 10-2.901. PERMITTED USES. In a C-2 zone only the following uses are permitted:

(a) Primary uses:

- (1) Any use permitted in the C-1 (Neighborhood Commercial) zone.
- (2) Signs, subject to the limitations and provisions of Section 10-2.907.
- (3) Amusement and recreation services.
- (4) Antique store.
- (5) Appliance sales, household.
- (6) Armored car service.
- (7) Automobile or trailer rental.
- (8) Automobile repair, excluding painting, upholstering, and body and fender work, except that which is incidental to general repair.
- (9) Bus terminal.
- (10) Carnival.
- (11) Circus.
- (12) Coin operated machine rental service.
- (13) Department store; mail order house.
- (14) Detective and watching agency.
- (15) Drinking place.
- (16) Eating place.
- (17) Electrical supply store.
- (18) Employment agency.

- (19) Express office.
- (20) Farm and garden supply store.
- (21) Farm machinery sales, storage, repair and rental conducted wholly within an entirely enclosed building.
- (22) Floor covering sales.
- (23) Funeral service.
- (24) Furniture.
- (25) Furrier and fur shop, including repair and storage.
- (26) Hardware store.
- (27) Heating and plumbing equipment dealer.
- (28) Hobby shop.
- (29) Hospital supply.
- (30) House equipment display.
- (31) Ice dealer.
- (32) Insulation sales.
- (33) Leather goods, repair.
- (34) Mobile home dealer, including travel trailers, campers and camp cars.
- (35) Motion picture distributor.
- (36) Motion picture theater, indoor.
- (37) Motor vehicle dealer, new and used cars.
- (38) News syndicate.
- (39) Non profit educational and scientific research agency.
- (40) Non profit membership organization, except a church.
- (41) Orthopedic and artificial limb store.
- (42) Parts dealer, airplane, automobile, motorboat, motorcycle and trailer.
- (43) Printing shop.
- (44) Private museum or art gallery.
- (45) Public address system business.
- (46) Radio or television broadcasting studio.
- (47) Research agency, commercial and testing laboratory.
- (48) Roofing sales.
- (49) Secondhand store.
- (50) Sign painting shop.

(51) Taxicab central office, cab maintenance, storage and repair, excluding painting, upholstery and body and fender work, except that which is incidental to general repair.

(52) Taxidermist shop.

(53) Tire, battery and accessory dealer, not including tire recapping and vulcanizing.

(54) Travel bureau.

(55) Upholstery and furniture repair.

(56) Vocational school.

(57) Weather stripping sales.

(b) The following uses subject to the granting of a conditional use permit by the Board of Zoning Adjustment:

(1) Car laundry.

(2) Family Amusement Machine Center.

(3) Kennel.

(4) Massage and bath establishments and schools of massage.

(5) Small animal hospital.

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

(d) Processing, packaging, treating, storing or manufacturing of products to be sold at retail on the premises or to be sold wholesale, subject to the provisions and limitations of Section 10-2.902.

SEC. 10-.2903. PERMITTED USES UPON APPROVAL OF BOARD OF ZONING ADJUSTMENT. The following uses, subject to securing a conditional use permit from the Board of Zoning Adjustment, are permitted in an H-1 Zone, unless the Board of Zoning Adjustment finds that the specific use applied for on a particular site does not meet the purposes set forth in Section 10-2.2901.

(a) Major utility and transportation installations.

(1) Utilities.

(aa) Communications equipment buildings.

(ab) Transmitter towers, radio and television.

(ac) Gas metering stations.

(2) Storm drainage basins and related facilities.

(b) Educational and institutional uses with residential accommodations.

- (1) Convent.
- (2) Home for the aged.
- (3) Hospital, general.
- (4) Monasteries.
- (5) Nursing home.
- (6) Orphanages.
- (7) Rest Home.

(8) Nonprofit membership organization with residential accommodations for members only.

(c) Educational, cultural, institutional and recreational uses serving urban region or major subareas.

(1) Public.

- (aa) Art gallery.
- (ab) Botanical garden.
- (ac) Administrative office.
- (ad) Meeting hall (capacity unlimited).
- (ae) Museum.
- (af) Recreation center and family amusement machine center.
- (ag) School.

(2) Private (noncommercial).

- (aa) Church.
- (ab) Club or recreation facility.
- (ac) Parish house.
- (ad) Art gallery.
- (ae) Club or recreation facility (membership not limited).
- (af) Meeting hall (capacity unlimited).
- (ag) Museum.
- (ah) School.

(d) Travelers' living accommodations. (Transient living service establishments depending on a large trade area).

- (1) Hotel.
- (2) Motel.
- (3) Trailer park.

- (e) Business and professional offices.
- (f) Retail trade and consumer services establishments.
 - (1) Apparel and accessories.
 - (2) Automobile dealers, new and used cars.
 - (3) Automobile tire, battery and accessory shops.
 - (4) Eating and drinking places.
 - (5) Furniture, home furnishings and equipment.
 - (6) General merchandise stores.
 - (7) Miscellaneous retail stores.
 - (8) Parking lots or parking structures for passenger automobiles.
 - (9) Radio and television studios.
- (g) General consumer and business service. (depending on trade from a large area).
 - (1) Business services.
 - (2) Catering establishments.
 - (3) Motion picture production, distribution service.
 - (4) Printing job or commercial.
 - (5) Vending machine rental.
- (h) Special retail trade and consumer service establishments (depending on trade from a wide area and with some objectionable elements likely because of processes used, materials handled, or character of traffic generated).
 - (1) Ambulance service (when not a part of a hospital).
 - (2) Automotive repair, services and garages, excluding:
 - (aa) Body repair shops.
 - (ab) Paint shops.
 - (ac) Tire recapping and retreading.
 - (ad) Truck repair.
 - (3) Carpentry shop or custom woodworking or custom furniture.
 - (4) Food lockers, rental for individual households.
- (i) Special business, consumer and miscellaneous repair services (serving a large area).
 - (1) Animal hospital.
 - (2) Animal shelter or pound.
 - (3) Miscellaneous repair shops.
 - (4) Package delivery service.

(j) Commercial amusement and entertainment establishments requiring large site and/or generating large traffic volumes.

(1) Arena, auditoriums or stadiums, unlimited capacity.

(2) Golf course.

(3) Golf driving range.

(4) Miniature golf course.

(5) Skating rink.

(k) Warehousing and storage. (To be conducted in an entirely enclosed building).

SECTION 2. AMENDMENT OF CODE. Section 10-2.225.2 is hereby added to Chapter 2 of Title X of the Modesto Municipal Code to read as follows:

SEC. 10-2.225.2. FAMILY CARE HOME. A State authorized; certified, or licensed home, serving six (6) or fewer mentally disordered or otherwise handicapped persons or dependent and neglected children, provided such home provides care on a twenty-four (24) hour a day basis.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of January, 1976, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Newton, Siefkin, Mayor Davies

NOES: Councilmembers: Kullijian

ABSENT: Councilmembers: Mensinger

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. 1492-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 February, 1976, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Siefkin, Mayor Davies

NOES: Councilmembers: Kullijian

ABSENT: Councilmembers: Mensinger, Newton

APPROVED 
LEE H. DAVIES, Mayor

ATTEST: 
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: March 3, 1976

AN ORDINANCE AMENDING SECTION MAPS 23-3-9 AND 26-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, REZONING CERTAIN PROPERTY LOCATED THEREON. (NORTH SIDE OF SCENIC DRIVE, EAST OF SONOMA AVENUE - ZAGARIS)

WHEREAS, a verified application for an amendment to Sections 23-3-9 and 26-3-9 of the Zoning Map was filed by Paul M. Zagaris on November 4, 1975, to rezone from Planned Development Zone, P-D(110), to Low Density Residential Zone, R-1, the hereinafter described property, and

WHEREAS, after public hearing held on December 16, 1975, 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. 75-199, adopted on December 16, 1975, the Planning Commission recommended to the Council that the application of Paul M. Zagaris to amend Sections 23-3-9 and 26-3-9 of the Zoning Map to rezone the hereinafter described property from Planned Development Zone, P-D(110), to Low Density Residential Zone, R-1, be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing held on January 26, 1976, at 7:45 p.m., in the City Council Chambers, City Hall, 801 - 11th Street, Modesto, California, this Council finds and determines that the requested rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource for the following reasons:

1. It has been determined that P-D(110) is uneconomical and not feasible; therefore, the developer is proceeding with a single family subdivision (Eastridge No. 6).
2. The owner feels the subject rezoning will allow for the uniform development of this vacant land in a similar manner with the surrounding neighborhood.

SECTION 2. ZONING CHANGE. Sections 23-3-9 and 26-3-9 of the Zoning Map are hereby amended to rezone the following described property from Planned Development Zone, P-D(110), to Low Density Residential Zone, R-1:

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 $0^{\circ} 43' 20''$ 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 nine (9) courses:

North $89^{\circ} 16' 40''$ East 130.00 feet, South $68^{\circ} 44' 50''$ East 93.36 feet, North $86^{\circ} 52' 44''$ East 185.00 feet, North $81^{\circ} 57' 33''$ East 112.86 feet, North $73^{\circ} 05' 35''$ East 112.86 feet, North $64^{\circ} 13' 32''$ East 112.86 feet, North $59^{\circ} 47' 34''$ East 297.89 feet, North $68^{\circ} 21' 10''$ East 82.82 feet, North $89^{\circ} 15' 00''$ East 255.00 feet to the East line of said Lot 6 of the ELBERT TRACT: thence South $0^{\circ} 45'$ 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 $63^{\circ} 36' 10''$ 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 $27^{\circ} 40' 25''$, 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 $88^{\circ} 43' 25''$ 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 $0^{\circ} 43' 20''$ West along said line a distance of 31.29 feet to the point of beginning.

Containing: 18.49 acres.

SECTION 3. ZONING MAP. Sections 23-3-9 and 26-3-9 of the Zoning Map of the City of Modesto are amended to appear as set forth on the maps attached hereto, which are 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 January, 1976, by Councilmember Elliott _____, who moved its introduction and passage to print, which motion being a

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

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Newton, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 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

APPROVED AS TO DESCRIPTION:

By William Brubaker
Department of Planning and Community Development

Ordinance 1493 C.S.
Exhibit A – Map

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

Ord. No. 1493-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 9th day of February, 1976, Councilmember Kullijian moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Mensinger, Newton, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

APPROVED


LEE H. DAVIES, Mayor

ATTEST:


W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: March 10, 1976

AN ORDINANCE AMENDING SECTION MAP 19-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO TO REPEAL A P-D ZONE AND REZONE THE PROPERTY TO R-1 AND R-2, PROPERTY LOCATED ON THE SOUTH SIDE OF EVERGREEN AVENUE, WEST OF GRAPE AVENUE. (O.F.C. PROPERTIES)

WHEREAS, the Modesto City Council by Ordinance No. 1040-C.S., effective September 23, 1970, rezoned from Low Density Residential Zone, R-1, and Medium Density Residential Zone, R-2, to Planned Development Zone, P-D(74), to allow development of a one-story, 80-unit apartment complex, property located on the south side of Evergreen Avenue, west of Grape Avenue, hereinafter described, and

WHEREAS, Resolution No. 70-753, adopted by the City Council on the 10th day of August, 1970, originally specified that the construction program of P-D(74) was to be accomplished in one phase to begin on or before August 15, 1971, and be completed by August 15, 1973, and

WHEREAS, two subsequent time extensions were granted for P-D(74), the last one specifying that construction was to begin on or before August 15, 1974, and

WHEREAS, the property owners have not met the approved development schedule of P-D(74), 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. 75-171, adopted November 4, 1975, initiated proceedings to repeal P-D(74) and rezone the property to R-1 and R-2, and

WHEREAS, after a public hearing held on December 16, 1975, it was found and determined by the Planning Commission that repeal of P-D(74) and rezoning the property back to R-1 and R-2 is required by public necessity, convenience and general welfare for the following reasons:

1. The owner of P-D(74) has failed to develop within the limits of the development schedule even as extended two times.
2. The rezoning is as specified in Section 10-2.2709(c) of the Municipal Code.
3. The owner has expressed no interest to the City that there is any interest in pursuing development of P-D(74),

and

WHEREAS, by Resolution No. 75-192, adopted on December 16, 1975, the Planning Commission recommended to the City Council that Section 19-3-9 of the Zoning Map be amended to repeal P-D(74) and rezone the property hereinafter described to Low Density Residential Zone, R-1, and Medium Density Residential Zone, R-2, 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 4:05 o'clock P.M. on February 2, 1976, 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(74), back to Low Density Residential Zone, R-1, and Medium Density Residential Zone, R-2, is required by public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 75-192.

SECTION 2. ZONING CHANGE. Section 19-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Planned Development Zone, P-D(74), to Low Density Residential Zone, R-1:

P-D to R-1 Parcel 1

Parcel "A" as shown and designated on that certain Parcel Map filed in the office of the County Recorder of Stanislaus County, California, on November 10, 1966, in Volume 2 of Parcel Maps, Page 94, and being a portion of the Northwest quarter of Section 19, Township 3 South, Range 9 East, Mount Diablo Base and Meridian.

P-D to R-1 Parcel 2

Beginning at a point on the North line of Section 19, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, distant 2089.56 feet East of the Northwest corner of said Section; being the Northwest corner of land conveyed to Mattie J. French, by Deed from John W. McDonald and wife, dated April 11, 1908 and recorded April 11, 1908 in Book 112 of Deeds at Page 583, thence South 4° 30' West, 73.26 feet, more or less, to the most easterly corner of land, now or formerly owned by Peter Brunoid; thence West 291.72 feet; thence North 73.26 feet to Section line; thence East along the North line of said Section 295.68 feet more or less, to the point of beginning.

Excepting therefrom that portion of Evergreen Avenue between the existing centerline of Evergreen Avenue and the North line of said Section 19, immediately adjacent to the above described property.

Excepting also, all that portion of the northwest quarter of Section 19, Township 3 South, Range 9 East, Mount Diablo Base and Meridian described as follows:

Commencing at the northwest corner of said Section 19, thence South 89° 21' 30" East along the north line of said Section 19 a distance of 1210.90 feet, thence South 0° 34' 22" East a distance of 10.00 feet to the centerline of Evergreen Avenue and the true point of beginning of this description; thence South 39° 21' 30" East along said centerline of Evergreen Avenue, parallel to and 10.00 feet distant southerly at right angles from the aforementioned north line of Section 19, a distance of 751.69 feet; thence South 0° 34' 34" East a distance of 308.49 feet; thence North 89° 21' 30" West a distance of 752.27 feet; thence North 0° 34' 22" West a distance of 308.49 feet to the point of beginning.

Containing: 5.34 acres gross.

Section 19-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Planned Development Zone, P-D(74), to Medium Density Residential Zone, R-2:

P-D to R-2

All that portion of the northwest quarter of Section 19, Township 3 South, Range 9 East, Mount Diablo Base and Meridian described as follows:

Commencing at the northwest corner of said Section 19, thence South 89° 21' 30" East along the north line of said Section 19 a distance of 1210.90 feet; thence South 0° 34' 22" East a distance of 10.00 feet to the centerline of Evergreen Avenue and the true point of beginning of this description; thence South 89° 21' 30" East along said centerline of Evergreen Avenue, parallel to and 10.00 feet distance southerly at right angles from the aforementioned north line of Section 19, a distance of 751.69 feet; thence South 0° 34' 30" East a distance of 308.49 feet; thence North 89° 21' 30" West a distance of 752.27 feet; thence North 0° 34' 22" West a distance of 308.49 feet to the point of beginning.

Containing 5.34 acres gross.

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 2nd day of February, 1976, by Councilmember Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Mensingher, was upon roll call carried and ordered printed and published by the following vote:

- AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Siefkin, Mayor Davies
- NOES: Councilmembers: None
- ABSENT: Councilmembers: 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 Smith*
Department of Planning
& Community Development

Ordinance 1494 C.S.
Exhibit A – Map

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

Ord. No. 1494-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 9th day of February, 1976, Councilmember Kullijian moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Mensinger, Newton, Siefkin, Mayor Davies


NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

APPROVED


LEE H. DAVIES, Mayor

ATTEST:


W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: March 10, 1976

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 9th day of A February, 1976, by Councilmember Kullijian, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and ordered printed and published by the following vote:

- AYES: Councilmembers: Elliott, Kullijian, Mensinger, Newton, Siefkin, Mayor Davies
- NOES: Councilmembers: None
- ABSENT: Councilmembers: 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

Ordinance 1495 C.S.
Exhibit A – Map

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

Ord. No. 1495-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 17th day of February, 1976, Councilmember Siefkin moved its final adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Siefkin, Mayor Davies


NOES: Councilmembers: None

ABSENT: Councilmembers: Newton

APPROVED


LEE H. DAVIES, Mayor

ATTEST:


W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: March 18, 1976

AN ORDINANCE AMENDING SECTION MAPS 14-3-9 AND 23-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (STANISLAUS MEDICAL SOCIETY - ST. PAUL'S WAY)

WHEREAS, a verified application for an amendment to Section 23-3-9 of the Zoning Map was filed by Stanislaus Medical Society on December 15, 1975, to reclassify from Low Density Residential Zone, R-1, to Professional Office Zone, P-O, the hereinafter described property, and

WHEREAS, after public hearing held on January 20, 1976, 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. 76-17, adopted on January 20, 1976, the Planning Commission recommended to the Council that the application of Stanislaus Medical Society to amend Section 23-3-9 of the Zoning Map to reclassify the hereinafter described property from Low Density Residential Zone, R-1, to Professional Office Zone, P-O, be approved, and

WHEREAS, in fact, the property applied for and recommended by the Planning Commission for rezoning is located partially in Section 14-3-9 as well as Section 23-3-9 of the Zoning Map and therefore it is necessary to amend Section Map 14-3-9 as well as Section Map 23-3-9 of the Zoning Map in order to rezone the property as applied for and recommended by the Planning Commission,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing held on February 17, 1976, in the Council Chambers, 801 11th Street, in the City of Modesto, this Council finds and determines that the requested rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource for the following reasons:

1. The proposed zoning is compatible with adjacent development or zoning since the subject property is across a collector street from a 20-acre site zoned for a community shopping center and is adjacent to two churches.

2. Traffic generated by professional office development on the subject site would not disrupt residential areas since St. Paul's Way is planned to be a deadend street and would not serve any residential development.

SECTION 2. ZONING CHANGE. Sections 14-3-9 and 23-3-9 of the Zoning Map are hereby amended to reclassify the following described property from Low Density Residential Zone, R-1, to Professional Office Zone, P-O:

All that portion of the Southwest one-quarter of Section 14 and the Northwest one-quarter of Section 23 in Township 3 South, Range 9 East, Mount Diablo Base and Meridian described as follows:

All of Parcel 3 as shown on the map filed in Book 14 of Parcel Maps, page 20, in the Stanislaus County Records.

Including also the northerly 40 feet of St. Paul's Way immediately adjacent to the south line of said Parcel 3 and the southerly one-half of Briggsmore Avenue immediately adjacent to the north line of Parcel 3.

SECTION 3. ZONING MAP. Sections 14-3-9 and 23-3-9 of the Zoning Map of the City of Modesto are amended to appear as set forth on the maps attached hereto, which are hereby made a part of this ordinance by reference.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of February, 1976, by Councilmember Newton, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Kullijian,

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

A YES: Councilmembers: Dunlap, Kullijian, Mensinger, Newton, Mayor Davies

NOES: Councilmembers: Siefkin

ABSENT: Councilmembers: Elliott

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

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

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William Smith
Department of Planning and
Community Development

Ordinance 1496 C.S.
Exhibit A – Map

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

Ord. No. 1496-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 1st day of March, 19 , Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Siefkin, Mayor Davies
NOES: Councilmembers: None
ABSENT: Councilmembers: Newton

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

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

EFFECTIVE DATE: March 31, 1976

AN ORDINANCE AMENDING SECTIONS 10-2, 2102 AND 10-2, 2103 OF ARTICLE 21 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO ZONING.

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

SECTION 1. AMENDMENT OF CODE. Sections 10-2, 2102 and 10-2, 2103 of Article 21 of Chapter 2 of Title X of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 10-2, 2102. INITIATION OF AMENDMENTS. Amendments of this Chapter may be initiated by:

(a) Zone boundary changes:

(1) An application verified by one or more of the owners of all or a portion of the property proposed to be reclassified.

(2) Resolution of intention of the Council.

(3) Resolution of intention of the Planning Commission.

(b) Changes other than zone boundary changes:

(1) Resolution of intention of the Council.

(2) Resolution of intention of the Planning Commission.

SEC. 10-2, 2103. APPLICATION FOR ZONE BOUNDARY CHANGE AND UNCLASSIFIED USE PERMIT. Whenever an applicant desires a zone boundary change or an unclassified use permit, the applicant shall file an application with the Planning Commission requesting such amendment or unclassified use permit. Said application shall be verified by one or more of the owners of all or a portion of the property proposed for a zone boundary change 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 Council or the Planning Commission may waive the one year limitation, when in the Council's or the Commission's judgment the applicant has shown substantially changed circumstances which justify a shorter period of time and the Council or the 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 17th day of February, 1976, by Councilman Kullijian, 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, Kullijian, Mensinger, Newton, Siefkin, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Elliott

APPROVED: Lee H. Davies

LEE H. DAVIES, Mayor

ATTEST:

By W. T. Chynoweth

W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson

ELWYN L. JOHNSON, City Attorney

Ord. No. 1497-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 1st day of March , 19 76, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Newton

APPROVED

Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

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

EFFECTIVE DATE: March 31, 1976

ORDINANCE NO. 1498 -C. S.

AN ORDINANCE AMENDING SECTION 6-1.106 OF ARTICLE 1 OF CHAPTER 1 OF TITLE VI OF THE MODESTO MUNICIPAL CODE RELATING TO BUSINESS LICENSING.

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

SECTION 1. AMENDMENT OF CODE. Section 6-1.106 of Article 1 of Chapter 1 of Title VI of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 6-1.106. EXEMPTIONS. The provisions of this chapter shall not be deemed or construed to require the payment of a license tax to conduct, manage or carry on the following businesses or occupations:

(a) Charitable Institutions, Etc. From any institution or organization which is conducted, managed or carried on wholly for the benefit of charitable purposes, or from which profit is not derived either directly or indirectly by any person; nor shall any license be required for the conducting of any entertainment, concert, exhibition or lecture on scientific, historical, literary, religious or moral subjects, whenever the receipts of any such entertainment, concert, exhibition or lecture are to be appropriated to any church, or school, or to any religious or benevolent purpose within the City; nor shall any license be required for the conducting of any entertainment, dance, concert, exhibition or lecture by any religious, charitable, fraternal, educational, military, state, county or municipal organization or association whenever the receipts of any such entertainment, dance, concert, exhibition or lecture are to be appropriated for the purposes and objects for which such association or organization was formed, and from which profit is not derived, either directly or indirectly by any person; provided, however, that nothing in this section contained shall be deemed to exempt any such institution or organization from complying with the provisions of any law of the City requiring such institution or organization to obtain a permit from the proper board, or officer to conduct, manage or carry on any profession, trade, calling or occupation; provided that such institution or organization shall file with the Director satisfactory proof by affidavit that the receipts of such business are to be used for the purposes herein specified.

(b) Interstate Commerce. In any case where the payment of a license tax would cast an undue burden upon the right to engage in commerce with foreign nations or among the several states, or conflicts with the regulations of the United States Congress respecting interstate commerce, but any applicant claiming exemption upon that ground shall file a verified statement with the Director disclosing the interstate or other character of his business entitling it to such exemption, which statement shall contain the name and location of the company or firm for which orders are to be solicited or secured the name and address of the nearest local or state manager, the kind of goods, wares and merchandise to be delivered, the place from which the same are to be shipped or forwarded, the method of solicitation or taking orders, the location of any warehouse, factory or plant within the State, the method of delivery, the name and location of the residence of the applicant, and any other facts necessary to establish such claim of exemption. A copy of the order blank, contract form or other papers used by such person in taking orders shall be attached to the affidavit for the information of the Director. If it appears that the applicant is entitled to such exemption, the Director shall forthwith issue a free license.

(c) Disabled Veterans. Any disabled veteran who is physically unable to obtain a livelihood by manual labor and having honorable discharge or release papers showing disability incurred while in service in the armed forces of the United States, shall have the right to distribute circulars and hawk, peddle and vend any goods, wares or merchandise owned by him without the payment of any license or tax upon the following terms and conditions:

The applicant shall furnish evidence satisfactory to the Director that he is physically unable to obtain a livelihood by manual labor, an honorably discharged or released member of the armed forces of the United States and that he sustained disability while serving in the armed forces of the United States during a war or military campaign in which the United States was engaged.

(d) Agricultural Producers. The actual grower and producer of ranch, farm, orchard, vineyard or poultry produce or products, who, by himself or by an agent or employee, sells or delivers to the market or at a loading platform such produce or products actually produced or grown by him.

(e) Blind. Any business conducted, carried on or managed solely by a totally blind person.

(f) Part-Time Occupations. Any part-time occupation, conducted or carried on solely by any natural person under the age of eighteen (18) years, or seventy (70) years of age or older. Part-time occupation as used in this subsection means an occupation in which the annual gross receipts do not exceed Five Thousand and no/100ths (\$5,000.00) Dollars.

(g) Garage Sales. Any garage sale held or conducted in accordance with the provisions of Section 10-2.502 of this Code. Garage sale as used in this subsection means the sale at retail of used or second-hand goods or merchandise at dwellings and on residentially zoned property; such sales are also commonly known as patio sales, yard sales, etc.

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 February, 1976, by Councilmember Siefkin, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Newton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Mensinger, Newton, Siefkin,
Mayor Davies

NOES: Councilmembers: Kullijian

ABSENT: Councilmembers: Elliott

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

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

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

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 March, 1976, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

- AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Siefkin, Mayor Davies
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Newton

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

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

EFFECTIVE DATE: March 31, 1976

AN ORDINANCE AMENDING SECTIONS 9-6.03 AND 9-6.07 OF CHAPTER 6 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO SIGN REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Sections 9-6.03 and 9-6.07 of Chapter 6 of Title IX of the Modesto Municipal Code are hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

(k) "Garage Sale Sign" shall mean a sign which is used to advertise the sale of used or second-hand goods or merchandise at dwellings and on residentially zoned property; such sales are also commonly known as patio sales, yard sales, etc.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) R-1 Zone.

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

(2) Three (3) unlighted open house directional signs, which do not exceed three (3) square feet in area each and forty-two (42") inches in height, are permitted during daylight hours only, for each house or group of houses offered for sale by the same realtor at the same 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%) per cent, 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.

(12) Two (2) unlighted garage sale signs not exceeding three (3) square feet each in area may be displayed as follows:

(aa) Said signs may be displayed only during such times as the garage sale being advertised is actually being held or conducted.

(ab) Said signs may only be erected and displayed on private property, with the consent of the owner thereof. They may not be erected or displayed on street trees, utility poles, or elsewhere in public rights-of-way.

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

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

(1) Area or multiple family 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 freestanding 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 freestanding 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 sign.

(ac) Any freestanding 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 freestanding 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 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.

(1) Any signs allowed in the C-1 Zone are permitted in the H-1 Zone for uses permitted in Section 10-2.2903 and Section 10-2.2903.1 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:

(aa) That the use or occupancy is a freestanding use. For the 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.

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

(2) Any signs allowed in the R-3 Zone are permitted in the H-1 Zone for uses permitted in Section 10-2.2903.2

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

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

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

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

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of February, 1976, by Councilmember Siefkin, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Newton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Mensinger, Newton, Siefkin, Mayor Davies

NOES: Councilmembers: Kullijian

ABSENT: Councilmembers: 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 1st day of March, 1976, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Siefkin, Mayor Davies


NOES: Councilmembers: None

ABSENT: Councilmembers: Newton

APPROVED


LEE H. DAVIES, Mayor

ATTEST:


W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: March 31, 1976

AN ORDINANCE AMENDING SECTION 10-2.502 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE AND ADDING SECTION 10-2.228.1 THERETO RELATING TO THE ZONING REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Section 10-2.502 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.502. PERMITTED USES. In an R-1 zone only the following uses are permitted as are hereinafter specifically provided and allowed:

- (a) Single family dwelling.
- (b) Storm drainage basins and related facilities which serve residentially zoned property.
- (c) The following uses upon the securing of a conditional use permit from the Board of Zoning Adjustment in accordance with Article 20 of this chapter:
 - (1) Church; wedding chapel.
 - (2) Child day care for more than six (6) children, in addition to members of the family.
 - (3) Rest home.
 - (4) Public buildings or grounds operated by any governmental agency.
 - (5) Public utilities or utilities operated by mutual agencies, including electrical substations, gas metering stations, telephone exchanges, power boosters, or conversion plants, with the building apparatus or appurtenances thereto.
 - (6) Radio or television transmitter.
 - (7) Tower.
 - (8) Private recreational grounds and facilities not open to the general public and to which no admission charge is made.
 - (9) Family care home serving a maximum of six (6) persons except that no conditional use permit is required if not more than three (3) persons are being served. A similar facility serving seven (7) or more persons shall be deemed an unclassified use.
 - (10) Storm drainage basins and related facilities which serve an adjacent nonresidentially zoned property.
 - (11) For homes with families related by blood, marriage, or adoption only, the renting of sleeping quarters to more than three (3) lodgers or the providing of table board to more than three (3) boarders, or both, by a proprietor who lives on the premises. Lodgers or boarders may be allowed kitchen privileges in the proprietor's kitchen, but there shall be no eating, cooking or food storage facilities in conjunction with the sleeping quarters. Sleeping quarters shall not exceed more than one room per lodger or boarder.

(d) The following residential uses:

(1) The renting of sleeping quarters to not more than three (3) lodgers or the providing of table board to not more than three (3) boarders, or both, but not to exceed three (3) in any combination thereof by a proprietor who lives on the premises. For families consisting of persons who are not related by blood, marriage, or adoption, the total number of persons in a dwelling unit including members of the family, lodgers, and boarders, shall not exceed five (5) persons. Lodgers or boarders may be allowed kitchen privileges in the proprietor's kitchen, but there shall be no eating, cooking, or food storage facilities in conjunction with the sleeping quarters. Sleeping quarters shall not exceed more than one room per lodger or boarder.

(2) The day care of not more than six (6) children, in addition to members of the family, when such care is authorized under permits granted by the Stanislaus County Welfare Department, the Modesto Fire Department, the County Health Department and the Secretary of the Commission.

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

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

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

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

(3) The keeping of all domestic animals and fowl provided for in item (2) above shall conform to all other provisions of law governing same and no fowl or animal except household pets, or any pen or coop, except those used for household pets, shall be kept or maintained except under the following conditions:

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

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

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

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

(h) The following signs:

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

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

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

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

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

(6) One subdivision sign not exceeding sixty-four (64) square feet in area or ten (10') feet in height for each recorded subdivision, provided such sign 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 signs 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 election.

(9) Temporary signs are not permitted.

(10) Window signs are not permitted.

(11) Outdoor advertising signs are not permitted.

(12) Two (2) unlighted garage sale signs not exceeding three (3) square feet each in area may be displayed as follows:

(aa) Said signs may be displayed only during such times as the garage sale being advertised is actually being held or conducted.

(ab) Said signs may be erected and displayed only on private property, with the consent of the owner thereof. They may not be erected or displayed on street trees, utility poles or elsewhere in public rights-of-way.

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

(j) A parking area, provided:

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

(2) Development is as required by Article 18 of this chapter.

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

(k) Garage sales, subject to the following conditions:

(1) No garage sale shall be held or conducted on the same premises for more than three (3) consecutive days.

(2) Not more than two (2) garage sales may be held or conducted on the same premises in any one calendar year.

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

SECTION 2. AMENDMENT OF CODE. Section 10-2.228.1 is hereby

added to Chapter 2 of Title X of the Modesto Municipal Code to read as follows:

SEC. 10-2.228.1. GARAGE SALE. The sale at retail of used or second-hand goods or merchandise at dwellings and on residentially zoned property; such sales are also commonly known as patio sales, yard sales, etc.

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 17th day of February, 1976, by Councilmember Siefkin, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Newton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Mensinger, Newton, Siefkin, Mayor Davies

NOES: Councilmembers: Kullijian

ABSENT: Councilmembers: 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 1st day of March, 1976, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Newton

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

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

EFFECTIVE DATE: March 31, 1976