

ORDINANCE NO. 1952-C.S.

AN ORDINANCE AMENDING SECTIONS 10-2.502, 10-2.502.1, 10-2.504, 10-2.505, 10-2.506, 10-2.507, 10-2.508, 10-2.606, 10-2.607, 10-2.611, 10-2.706, 10-2.707, 10-2.711, 10-2.1605, 10-2.1801, 10-2.1804, 10-2.1810, 10-2.3005, 10-2.3006, 10-2.3502, 10-2.3503, AND 10-2.3508 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE, AND ADDING SECTION 10-2.507.1 THERETO RELATING TO THE ZONING REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Sections 10-2.502, 10-2.502.1, 10-2.504, 10-2.505, 10-2.506, 10-2.507, 10-2.508, 10-2.606, 10-2.607, 10-2.611, 10-2.706, 10-2.707, 10-2.711, 10-2.1605, 10-2.1801, 10-2.1804, 10-2.1810, 10-2.3005, 10-2.3006, 10-2.3502, 10-2.3503, and 10-2.3508 of Chapter 2 of Title X of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 10-2.502. PERMITTED USES. In an R-1 zone only the following uses, as hereinafter specifically provided and allowed, or as provided and allowed in Sections 10-2.502.1 and 10-2.502.2 are permitted:

(a) Single-family dwelling.

(b) Two-family dwelling on any corner lot, provided that the driveway serving the off-street parking for one dwelling unit shall have access to one street and the driveway serving the off-street parking for the other dwelling unit shall have access to another street, and further provided that such lot shall have been created by a final subdivision map recorded after January 1, 1978.

(c) Storm drainage basins and related facilities which serve residentially zoned property.

(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 (1) 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.

(3) Family care home serving a maximum of six (6) persons.

(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 and Section 10-2.502.1(i) 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 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-0, 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 (1) lot or be more than seventy-five (75') feet in width, whichever is the lesser.

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

(i) 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.

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

(k) Any business activities conducted in or from an R-1 zone shall meet all of the following criteria unless otherwise excepted by this chapter:

(1) Any business activities conducted in or from a dwelling shall be clearly incidental and secondary to the use of the premises for dwelling purposes and shall not change the residential character thereof. The business shall be conducted entirely within a structure and shall be limited to telephone, mail, radio communication, and office uses conducted by an occupant. Any other business activity shall be conducted entirely away from the premises.

(2) No more than one (1) vehicle connected with any such business activities shall be parked on or near the premises. As used herein a vehicle means one (1) car, pickup or small van driven by a person living on the premises. Parking of trucks, as defined in Section 10-2.271 of this chapter, or construction equipment on or near the premises or the dispatching of employees from the premises is not permitted.

(3) No person, other than a resident of the dwelling, may be engaged in business activities at the premises.

(4) All equipment, supplies, samples or other business goods or articles shall be kept or maintained within a business vehicle and shall not otherwise be kept or maintained on the premises except for personal office use such as stationery and bookkeeping materials.

(5) No vehicle, equipment or activity shall be conducted or operated in such a manner as to cause a disturbance in the neighborhood, nor create a public nuisance with noise, odor, dust, vibration, fumes, smoke, electrical interference, or other causes.

(6) No residential address, excepting a post office box number, shall be included in any advertising, including telephone directory, newspaper, radio or television advertising.

(7) No signs shall be displayed on the premises except one (1) unlighted, wall-mounted nameplate not to exceed one (1) square foot in area.

(8) No business deliveries shall be made to the premises in conjunction with any such business activities.

(9) This subsection (k) on business activities shall not apply to activities conducted pursuant to a home occupation permit.

SEC. 10-2.502.1. CONDITIONAL USES. The following uses are permitted in the R-1 Zone upon the securing of a conditional use permit from the Board of Zoning Adjustment in accordance with Article 20 of this chapter:

- (a) Church, wedding chapel.
- (b) Public buildings or grounds operated by any governmental agency.
- (c) 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.
- (d) Radio or television transmitter.
- (e) Tower.
- (f) Private recreational grounds and facilities not open to the general public and to which no admission charge is made.
- (g) Storm drainage basins and related facilities which serve an adjacent nonresidentially zoned property.
- (h) The following residential uses:
 - (1) Family care home serving seven (7) or more persons.
 - (2) 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 (1) room per lodger or boarder.
 - (3) Child day care for more than seven (7) children, in addition to members of the family.
 - (4) Rest home.
 - (i) A maximum of fifty (50) racing homer pigeons as defined in Section 10-2.255.1 to be maintained in pens or lofts on a lot or parcel which contains at least one (1) dwelling unit, subject also to the limitations of Section 10-2.502(f)(3). The Board of Zoning Adjustment may restrict the number of pigeons to less than fifty (50) birds.
 - (j) A parking area, provided:
 - (1) Development is as required by Article 18 of this chapter.

(2) 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.

SEC. 10-2.504. FRONT YARD. Every lot shall maintain a front yard not less than fifteen (15) feet in depth or the average of existing front yards in the block where fifty (50%) per cent or more of the block is developed; provided that in no case shall the front yard be less than five (5') feet or be required to be more than fifteen (15') feet in depth, except that for garages and carports opening onto the front street the minimum distance between the opening of such carport or garage and the front line shall be twenty (20') feet.

SEC. 10-2.505. SIDE YARDS. The minimum side yard for any dwelling shall be five (5') feet and the total width of the two (2) required side yards shall not be less than ten (10') feet.

The minimum side yard for a private garage or other accessory building shall be five (5') feet, except that a private garage or other accessory building located at least ten (10') feet in the rear of the main building requires no side yard provided that no portion of the building shall overhang the property line. On corner lots and reversed corner lots the side yard which faces on a street shall be not less than fifteen (15') feet for both main and accessory buildings, or the average of existing buildings where more than fifty (50%) per cent of the frontage is developed, but in no case shall the side yard be less than five (5') feet or be required to be more than fifteen (15') feet, except that for garages and carports opening onto the side street the minimum distance between the opening of such garage or carport and the side street line shall be twenty (20') feet.

SEC. 10-2.506. AREA. The minimum required lot shall be five thousand (5,000) square feet for interior lots and fifty-five hundred (5,500) square feet for corner and reversed corner lots.

SEC. 10-2.507. LOT WIDTH. Every interior lot shall have a width of not less fifty (50') feet, and every corner and reversed corner lot shall have a width of not less than sixty (60') feet except as specified in Section 10-2.507.1 or Section 10-2.1621.

SEC. 10-2.508. PERMISSIBLE LOT COVERAGE. All buildings, including accessory buildings and structures, shall not cover more than forty (40%) per cent of the area of the lot, except for two (2) family dwellings on corner lots which shall cover not more than fifty (50%) per cent of the area of the lot.

SEC. 10-2.606. FRONT YARD. Every lot shall maintain a front yard not less than fifteen (15') feet in depth or the average of existing front yards in the block where fifty (50%) per cent or more of the block is developed; provided that in no case shall the front yard be less than five (5') feet or be required to be more than fifteen

(15') feet in depth, except that for garages and carports opening onto the front street the minimum distance between the opening of such carport or garage and the front street line shall be twenty (20') feet.

SEC. 10-2.607. SIDE AND REAR YARDS. (a) For any development consisting of one residential structure per lot and less than five (5) dwelling units the minimum side or rear yard for any residential structure shall be five (5') feet and the total width of the two (2) required side yards shall be not less than ten (10') feet. A twelve (12') foot setback shall be required for any second-story portion of such a structure.

(b) For any development consisting of two (2) or more residential structures per lot or five (5) or more dwelling units the minimum side and rear yards for residential structures shall be:

(1) The minimum side or rear yard for any residential structure shall be five (5') feet and the total width of the two (2) required side yards shall be not less than ten (10') feet.

(2) The minimum setback for any two (2) story portion of a residential structure not adjacent to City or County A-2, A-R, R-A or R-1 property shall be twelve (12') feet.

(3) The minimum setback for any two (2) story portion of a residential structure adjacent to City or County A-2, A-R, R-A or R-1 property shall be forty (40') feet. If, however, a plot plan is submitted for review pursuant to Section 10-2.604 then this setback may be reduced to twelve (12') feet by the Planning Commission as long as compatibility with adjacent properties is maintained.

(4) The minimum side yard for a private garage or other accessory building shall be five (5') feet, except that a private garage or other accessory building located at least ten (10') feet in the rear of the main building requires no side yard provided that no portion of the building shall overhang the property line. In addition, any building having a door or window in a wall facing on an alley shall be located not closer than five (5') feet to such alley.

(5) On corner lots the side yard which faces on a street shall be not less than fifteen (15') feet for both main and accessory buildings, or the average of existing buildings where more than fifty (50%) percent of the frontage is developed, but in no case shall the side yard be less than five (5') feet or be required to be more than fifteen (15') feet except that for garages and carports opening onto the side street the minimum distance between the opening of such garage or carport and the side street line shall be twenty (20') feet.

SEC. 10-2.611. BUILDINGS, PLACEMENT. Placement of buildings on any lot shall conform to the following:

(a) No building may occupy any portion of a required yard.

(b) All buildings used for human habitation shall not be located closer to a property line than the distance required in the side yard.

(c) The distance between any building used for human habitation and any accessory building or another building used for human habitation on any lot shall be equal to twice the required side yard, but shall not be required to exceed ten (10') feet.

(d) In the case of a reversed corner lot no building shall be located closer to the side yard of the abutting lot to the rear than the width of the required side yard on such lot to the rear.

SEC. 10-2.706. FRONT YARD. Every lot shall maintain a front yard not less than fifteen (15') feet in depth or the average of existing front yards in the block where fifty (50%) per cent or more of the block is developed, provided that in no case shall the front yard be less than five (5') feet or be required to be more than fifteen (15) feet in depth, except that for garages and carports opening onto the front street the minimum distance between the opening of such carport or garage and the front street line shall be twenty (20') feet.

SEC. 10-2.707. SIDE AND REAR YARDS. (a) For any development consisting of one residential structure per lot and less than five (5) dwelling units the minimum side or rear yard for any residential structure shall be five (5') feet and the total width of the two (2) required side yards shall be not less than ten (10') feet. A twelve (12') foot setback shall be required for any second story portion of such a structure.

(b) For any development consisting of two (2) or more residential structures per lot or five (5) or more dwelling units, the minimum side and rear yards for residential structures shall be:

(1) The minimum side or rear yard for any residential structure shall be five (5') feet and the total width of the two (2) required side yards shall be not less than ten (10') feet.

(2) The minimum setback for any two-story portion of a residential structure not adjacent to City or County A-2, A-R, R-A or R-1 property shall be twelve (12') feet.

(3) The minimum setback for any two-story portion of a residential structure adjacent to City or County A-2, A-R, R-A or R-1 property shall be forty (40') feet. If, however, a plot plan is submitted for review pursuant to Section 10-2.704 then this setback may be reduced to twelve (12') feet by the Planning Commission as long as compatibility with adjacent properties is maintained.

(4) The minimum side yard for a private garage or other accessory building shall be five (5') feet, except that a private garage or other accessory building located at least ten (10') feet to the rear of the main building requires no side yard provided that no portion of the building shall overhang the property line. In addition, any building having a door or window in a wall facing on an alley shall be located not closer than five (5') feet to such alley.

(5) On corner lots the side yard which faces on a street shall be not less than fifteen (15') feet for both main and accessory buildings, or the average of existing buildings where more than fifty (50%) per cent of the frontage is developed, but in no case shall the side yard be less than five (5') feet or be required to be more than fifteen (15') feet, except for that garages and carports opening onto the side street the minimum distance between the opening of such garage or carport and the side street line shall be twenty (20') feet.

SEC. 10-2.711. BUILDINGS, PLACEMENT. Placement of buildings on any lot shall conform to the following:

(a) No building may occupy any portion of a required yard.

(b) All buildings used for human habitation shall not be located closer to a property line than the distance required in the side yard.

(c) The distance between any building used for human habitation and any accessory building or other building used for human habitation on any lot shall be equal to twice the required side yard, but shall not be required to exceed ten (10') feet.

(d) In the case of a reversed corner lot no building shall be located closer to the side yard of the abutting lot to the rear than the width of the required side yard on such lot to the rear.

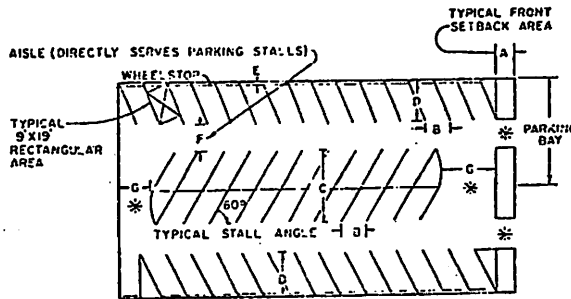
SEC. 10-2.1605. YARD REQUIREMENTS WHEN MORE THAN ONE MAIN BUILDING EXISTS. Where two (2) or more buildings are, as defined in this chapter, considered main buildings, then the front yard requirement shall apply only to the building closest to the front lot line and the required side yard shall extend to the rear line of the rear most building. There shall be a distance between such main buildings equal to twice the required width of the side yard but shall not be required to exceed ten (10') feet.

SEC. 10-2.1801. DESIGN REQUIREMENTS. Except as otherwise provided in this article every lot or parcel used as a public or private parking area shall be developed in accordance with the following requirements excepting those parking areas of four (4) or less. Said excepted parking areas, however, shall meet the standard parking space size requirements of the first paragraph of subsection (a). Said excepted parking areas for residences shall also meet location requirements contained in subsection (b).

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

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

TYPICAL PARKING AREA DIAGRAM
REQUIRED LANDSCAPING NOT SHOWN



*DRIVEWAY (DOES NOT DIRECTLY SERVE PARKING STALLS)
PARKING STALL AND AISLE DIMENSION TABLE

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

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

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

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

The minimum aisle width (F) for 90° parking on a fifty (50') foot lot in the Downtown P-D Zone area, as set forth in Section 10-2.2711, may be twenty-five and five-tenths (25.5') feet.

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

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

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

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

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

No parking stall shall be so located as to require a vehicle, while exiting therefrom, to back onto any public street right-of-way, except stalls serving one and two-family dwelling structures may back onto any street, and stalls serving three-family dwelling structures may back onto any street other than a major street as shown on the City's Select Street System Map adopted from time to time by the City Council. However, alleyways may be used for ingress and egress to and from parking stalls provided the stalls are set back the proper distance from the property line so that the aisle width is sufficient, as required in the Parking Stall and Aisle Dimension Table.

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

If desired, thirty (30%) per cent of the required parking stalls may be designated for parking small cars. Small car stalls shall contain a rectangular area of exactly seven and one-half (7.5') feet in width and exactly fifteen (15') feet in length. Each small car space shall be identified with the words "small car" painted on the pavement.

Every parking area serving commercial, industrial, and public uses shall include parking stalls for the physically handicapped. Parking stalls for the handicapped shall contain a rectangular area a minimum of twelve (12') feet in width and a minimum of nineteen (19') feet in length. The number of handicapped parking stalls required shall be two (2%) per cent of the total number of stalls provided in any such parking area. In no case shall a parking area contain less than one such stall. Handicapped stalls shall be situated so that the handicapped person will not be required to wheel behind parked cars other than parked cars for the handicapped while entering or exiting the parking area. Each parking stall for the physically handicapped shall be identified by posting immediately adjacent to and visible from, each stall or space, a sign consisting of a profile view of a wheelchair with occupant in white on a blue background. The sign shall be a minimum of twelve (12") inches in width by eighteen (18") inches in height, and may contain the words, "parking only."

Ramped access ways shall be provided between off-street parking areas and adjacent walk ways. Ramping of access ways shall meet the requirements of the Chief Building Official.

Any dwelling, boarding house, lodging house, motel or hotel which may provide accommodations specifically for the physically handicapped shall also provide parking for the handicapped on not less than a 1 to 1 ratio, one physically handicapped stall to each specially equipped living unit.

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

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

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

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

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

SEC. 10-2.1804. PARKING SPACES REQUIRED. Except as otherwise provided in this article, or by the City Council, Planning Commission or Board of Zoning Adjustment during the consideration of rezonings, use permits, plot plan review, and other types of applications, the number of off-street parking spaces required shall be as follows:

Beauty college - two and one-half (2.5) for each training station.

Bingo games - one (1) for each four (4) seats, number of seats as determined by the Fire Chief and Chief Building Official.

Bowling alley - four (4) for each lane.

Children's dancing school - one for each six hundred (600) square feet of gross floor area.

Churches - one for each five (5) seats in the facility with the largest seating capacity.

Clubs and lodges not having sleeping rooms - adequate number as determined by the Board of Zoning Adjustment.

Dance halls - one for each fifty (50) square feet of gross floor area used for dancing.

Dwellings - a minimum of two (2) for each dwelling unit.

Eating and drinking establishments (on-premises consumption) - one for each four (4) fixed seats, including stools, benches and booths or one for each sixty (60) square feet of dining area when the number of seats is unknown or not permanently fixed.

Hospitals - one and one-half (1.5) for each bed.

Hotels - one for each guest room.

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

Manufacturing plants and kindred uses - one for each four (4) employees on the site at any one time, including changes of shift.

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

Motels - one for each sleeping unit or dwelling unit.

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

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

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

Pool halls - two (2) for each table.

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

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

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

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

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

Theaters - one for each five (5) seats.

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

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

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

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

Notwithstanding the foregoing provisions of this section, a two-family dwelling for which a building permit is issued on or before April 1, 1973, and which is to be erected on a lot or parcel created on or before April 1, 1972, shall only be required to provide one off-street parking space for each dwelling unit.

SEC. 10-2.1810. TEMPORARY PARKING LOTS DOWNTOWN. (a) Modified Standards. If an off-street parking area meets the qualifications set forth below, the following modifications in standards in this Article 18 may be made subject to plot plan review and approval by the Planning Commission:

(1) The minimum width of each parking space shall be eight (8') feet, four (4") inches.

(2) The turnaround or end driveway width (y) as shown on the diagram in Section 10-2.1801 shall be a minimum of thirteen (13') feet.

(3) The surface may be a sand-asphalt pavement.

(4) Storm drainage to be approved by the Public Works Department may allow up to one-half of the parking area to drain across the adjacent sidewalks with the balance permitted to drain to an adjacent alley.

(5) Exemption from the landscaping provisions of Section 10-2.1808(c).

(b) Qualifications. To qualify as a temporary parking lot downtown, subject to the modified standards noted above, all of the following conditions shall be met:

(1) The property shall be entirely within the Downtown P-D zone area as defined in Section 10-2.2711 of this Code.

(2) None of the spaces shall be required by this Code, including but not limited to joint use parking by covenant and common parking.

(3) The maximum term shall be five (5) years from date of issuance of a building permit for said temporary parking lot.

(c) Plot Plan. The applicant shall provide a complete plot plan drawn to scale of not less than one (1) inch for each twenty (20) feet to assist the staff in evaluating the proposed development. The plot plan shall include but not be limited to:

(1) The location of all proposed buildings, facilities and open space.

(2) The location of on-site vehicular and pedestrian circulation.

(3) The location of all off-street parking.

(4) The location of all land to be dedicated to or reserved for public use.

(5) The location and extent of street improvements as determined in consultation with the Public Works Department.

(6) All dimensions pertinent to any requirement of the Municipal Code.

(d) Time Extension. A maximum five (5) years additional use of a temporary parking lot may be granted for good and sufficient reasons by the Planning Commission after four (4) years of use.

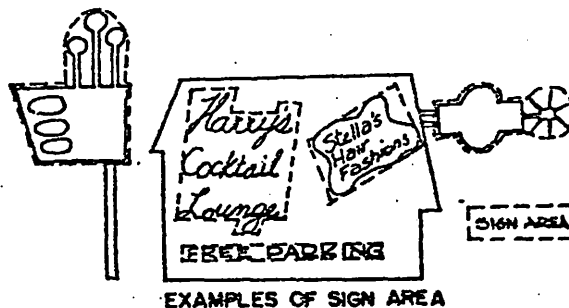
SEC. 10-2.3005. SIDE YARD. Minimum unobstructed, landscaped side yard for any building or structure shall be five (5') feet and the total of the two (2) required side yards shall not be less than ten (10') feet. On corner lots the side yard which faces on a street shall not be less than fifteen (15') feet for any building or structure or ten (10') feet for vehicular parking. Whenever an existing commercial

building in an adjacent commercial zone is located on the side property line of a P-0 zoned lot, no side yard setback is required on that side of the P-0 zoned lot.

SEC. 10-2.3006. REAR YARD. Every lot shall maintain an unobstructed, landscaped rear yard of not less than five (5') feet in depth. Whenever an existing commercial building in an adjacent commercial zone is located on the rear property line of a P-0 zoned lot, no rear yard setback is required on that side of the P-0 zoned lot.

SEC. 10-2.3502. DEFINITIONS. For the purpose of these sign regulations 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.

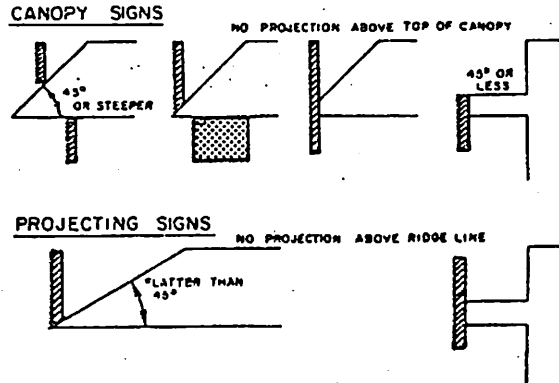
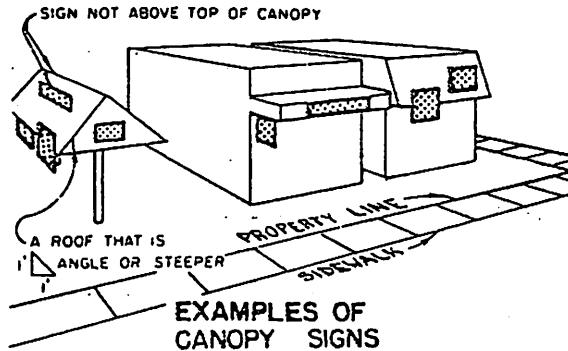


Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except where two (2) such faces are placed back to back and are at no point more than two (2') feet from one another, the area of the sign shall be taken as the area of one face if the 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) "Bench Sign" shall mean a City franchised bus bench located outdoors with advertising matter thereon.

(c) "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.

(d) "Canopy" shall mean a roof of a building or a fixed overhead shelter used as a roof, which may or may not be attached to a building and which does not encroach into nor overhang a public street or alley right-of-way.



MARQUEE SIGNS

ANY OF THE ABOVE SIGNS THAT OVERHANG A PUBLIC STREET OR ALLEY IN PART OR IN TOTAL.

SIGNS ON CANOPIES, ROOFS, MARQUEES

(e) "Canopy Sign" shall mean a sign attached to or hung from a canopy but not projecting from the face of the canopy. A canopy sign shall be parallel to the face of a canopy except for a sign hung under a canopy. If the canopy has a roof slope flatter than forty-five (45°) degrees (one (1) horizontal to one (1) vertical), no sign shall project above the face of the canopy. If the canopy has a slope of forty-five (45°) degrees or steeper, a canopy sign shall not project above the highest point of the canopy roof behind the sign.

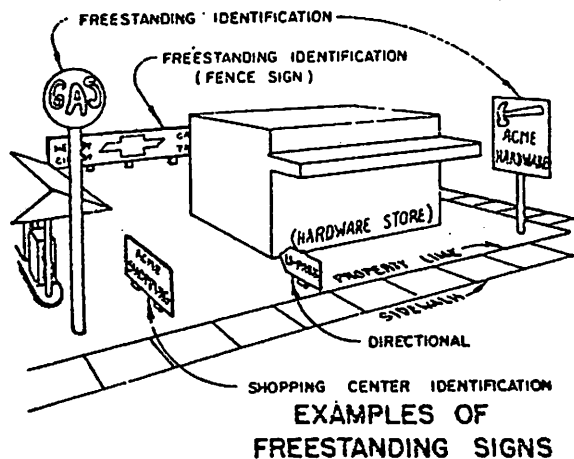
(f) "Construction Sign" shall mean a sign with the names of the architects, engineers, contractors, subcontractors and financing agencies of buildings and structures being constructed upon the premises on which the sign is located.

(f-1) "Corporate Flag" shall mean a flag identifying a business or firm.

(g) "Directional Sign" shall mean one of two (2) types of signs. An exterior directional sign shall mean a sign oriented to a street and 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. An interior directional sign shall mean a directional, warning, or informational sign not bearing any advertising message readable from any street right-of-way. It shall be located on the same lot or premises as the use which it is intended to serve.

(h) "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.

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



(j) "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.

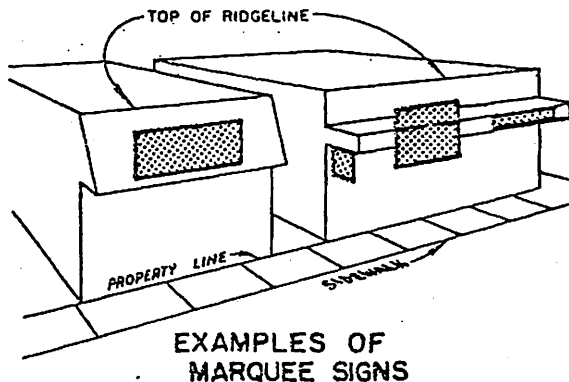
(k) "Height" shall mean the vertical distance from the highest point used in measuring the area of a sign to the top of curb of the street at a point which is closest to the highest point of the sign.

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

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

(n) "Marquee" shall mean a fixed overhead shelter used as a roof, which may or may not be attached to a building, and which projects into or overhangs a public street or alley right-of-way.

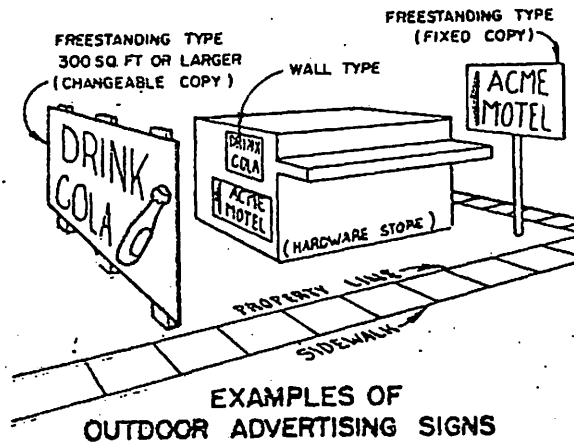
(o) "Marquee Sign" shall mean a sign attached to or hung from a marquee but not projecting from the face of the marquee or above the top of the ridgeline of the building. "Marquee Sign" shall also mean a sign similarly mounted on any other roof structure that overhangs a street or alley right-of-way.



(p) "Multiple Family Housing Project Sign" shall mean a sign identifying the name of a multiple family housing project and located within the boundaries of a multiple family housing project.

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

(r) "Outdoor Advertising Sign" shall mean a sign, excepting a bench sign, excepting a bench 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.



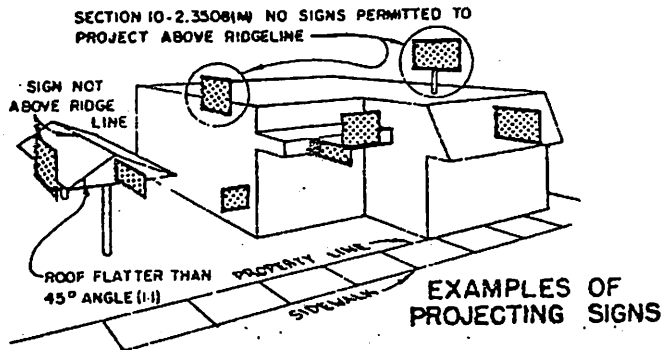
(s) "Political Sign" shall mean any impermanent sign or advertising device or display, with or without letters, words, numbers or figures thereon, which is designed to advertise a candidate for political office, a political party, or a measure scheduled for an election.

(t) "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 10-2.3510(a)(4) of these regulations.

(u) "Projecting Sign" shall mean any of the following:

(1) Any sign attached to and projecting from the face of a wall, canopy, or marquee.

(2) Any sign mounted on a canopy roof or building roof that has a slope flatter than a forty-five (45°) degree angle (one (1) horizontal to one (1) vertical).



(v) "Ridgeline" shall mean the peak of the roof, the top of a parapet, or the top of the wall of a building.

(w) "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 informational signs authorized by federal, state or municipal authority or public utility.

(3) A properly displayed official flag of a government, school, religious group, or non-profit organization.

(4) A 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, not to exceed four (4) square feet in area.

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

(6) Christmas decorations and Christmas lights, from November 15 to January 15.

(x) "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.

(y) "Subdivision Directional Sign" shall mean a sign indicating the name of a recorded subdivision and information regarding location. The name of the contractor or subdivider, the name of the owner or agent and/or information regarding price and/or terms may also be noted.

(z) "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 service or price, or which is otherwise designed to attract attention, except for the following:

(1) For Sale or Rent Sign.

(2) Garage Sale Sign.

(3) Open House Directional Sign.

(4) Political Sign.

(5) Signs for fireworks stands, pumpkin sales, Christmas tree sales lots, and temporary certified farmers' markets.

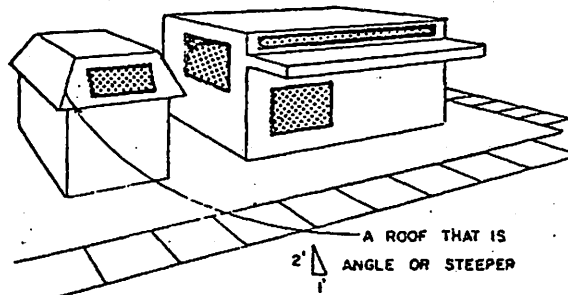
(6) Window Sign.

(7) Corporate Flag.

Paper signs tacked or otherwise fastened to a side of a building or bulletin board or outside a window are temporary signs unless enclosed in a frame with a glass, plexiglass, or equivalent cover. The sign area will be subject to the wall and canopy sign standards.

(aa) "Wall" shall mean any wall or element of a wall or any member or group of members, which defines the exterior boundaries or courts of a building or structure and which has a slope steeper than one (1) horizontal to (2) vertical, with the horizontal plane.

(ab) "Wall Sign" shall mean any sign painted on, 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.



EXAMPLES OF
WALL SIGNS

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

(ad) "Zone" shall mean one of the various classes of areas into which the City has been divided by this chapter.

SEC. 10-2.3503. ADMINISTRATION. (a) Duty to Enforce. It is the duty of the Chief Building Official to enforce all of the provisions of this article.

(b) Inspection. Every sign prior to erection in the City of Modesto shall be subject to approval by the Chief Building Official to assure compliance with all provisions of this article and all other laws and ordinances of the City.

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

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

- (1) Construction Sign.
- (2) For Sale or Rent Sign.
- (3) Garage Sale Sign.
- (4) Unlighted Interior Directional, Warning, or Information Sign.
- (5) Name Plate, one (1) square foot maximum size.
- (6) Open House Directional Sign.
- (7) Political signs permitted by Sections 10-2.3509 or 10-2.3510 of these sign regulations.
- (8) Signs for fireworks stands, pumpkin sales, Christmas tree sale lots, and temporary certified farmers' markets.
- (9) Subdivision Directional Sign.
- (10) Corporate Flag.

(11) Bench Sign.

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

- (1) Name, address and telephone number of the owner of the property.
- (2) Name, address and telephone number of the applicant (owner of the sign).
- (3) Name, address and telephone number of the sign contractor, and contractor's state license number.
- (4) Location of the building, structure, or lot to which or upon which the sign is to be attached, erected, or painted.
- (5) Two (2) copies of a plan showing:

(aa) The position of the sign in relation to adjacent buildings or structures.

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

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

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

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

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

(f) Permit Issued If Application In Order. It shall be the duty of the Chief Building Official, upon the filing of an application for a sign permit, to investigate the application, and if it shall appear that the proposed sign is in compliance with all the requirements of this article and all other laws and ordinances of the City, he shall then issue the sign permit. If the work authorized under a sign permit has not been completed within one hundred and twenty (120) days after date of issuance, the permit shall become null and void.

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

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

(i) Permit Fees. Each application for a sign for which a permit is required by this article and each application for a change of copy of an existing sign shall be accompanied by a sign permit fee as established by City Council resolution from time to time.

The required fees shall be doubled for any sign erected or painted prior to the securing of a sign permit when a sign permit is required.

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

(k) Unsafe and Unlawful Signs. If the Chief Building Official shall find that any sign regulated herein is unsafe or insecure, or is a menace to the public, or is in a dilapidated, decayed, or neglected state, or has been constructed, erected, or painted or is being maintained in violation of the provisions of this article, he shall give written notice to the permittee or owner thereof. If the permittee or owner fails to remove or alter the structure or sign so as to comply with the standards herein set forth within ten (10) days after such notice, or within three (3) days for temporary signs, such sign may be removed or altered to comply by the Chief Building Official and any expense incidental thereto shall be paid by the permittee or owner of the property upon which it is located. No permit shall be issued thereafter to any permittee or owner who has not paid the costs so assessed. The Chief Building Official may cause any sign which is an immediate peril to persons or property to be removed summarily and without notice.

(1) Removal of the Copy of Certain Signs. The copy of any sign now or hereafter existing which no longer advertises a bona fide business conducted, or a product available for purchase by the public, shall be taken down, removed, painted over, or covered as approved by the Chief Building Official, by the owner, agent, or person having the beneficial use of the building, structure, or premises upon which such sign may be found. This action shall occur within ten (10) days after written notification from the Chief Building Official. Upon failure to comply with such notice within the time specified in such order, the Chief Building Official is hereby authorized to take down, remove, paint over, or cover such sign or sign copy, or to cause such action to be taken. Any expense incidental thereto shall be paid by the owner of the building or structure to which such sign is attached, or by the owner of said sign.

SEC. 10-2.3508. GENERAL REQUIREMENTS. (a) Height Limitation. The maximum height of any sign shall be as stated herein, but in no case shall a sign exceed thirty-five (35') feet in height.

(b) Rotating, Moving, Flashing, Changing or Blinking Signs. No sign shall have or consist of any moving, rotating or otherwise animated part or any flashing, blinking, fluctuating or otherwise animated light. The provisions of this subsection shall not be applied so as to prohibit the following types of signs:

(1) A sign showing time separately and which changes no oftener than once a minute, or a conventional clock face.

(2) A sign showing temperature separately and which changes only when the temperature rises or falls one (1) degree of more.

(3) An on-premises barber pole of a length not to exceed thirty (30") inches of traditional design which shall be permitted to revolve during the time that a barbershop is open for business. Said sign shall not exceed ten (10') feet in height.

(c) Projections. All signs, if otherwise authorized, are permitted to project into required front, side and rear yards. The permitted projection of an authorized sign into any street or alley right-of-way is as follows:

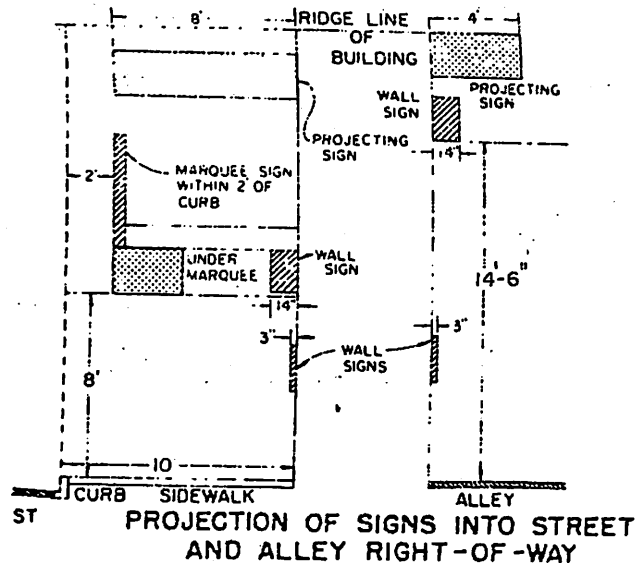
(1) Freestanding sign: No projection.

(2) Wall sign: Up to fourteen (14") inches in thickness.

(3) Marquee sign: Not closer than two (2') feet from the face of the curb.

(4) Projecting sign: Up to eight (8') feet into any street right-of-way and up to four (4') feet into any alley right-of-way, but not closer than two (2') feet from the face of the curb.

- (5) Bus bench sign: Entirely within street right-of-way.



(d) Vertical Clearance. No sign shall be less than eight (8') feet above a public or private sidewalk or fourteen and one-half (14 1/2') feet above ground level in areas open to vehicular traffic except wall signs not exceeding three (3") inches in thickness.

(e) Obstructions to Doors, Windows or Fire Escapes. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window, fire escape or exit way.

(f) Construction Standards. All signs, including all parts, portions, units and material comprising the same, together with the frames, backgrounds, supports and anchorage therefor shall be manufactured, fabricated, assembled, constructed and erected in accordance with applicable Building, Electrical and Fire Prevention Codes of the City of Modesto.

(g) Illuminated Signs. Any illuminated sign or lighting device shall employ only lights emitting a light of constant intensity; and no sign shall be illuminated by or contain flashing intermittent, rotating or moving light or lights. In no event shall an illuminated sign or lighting device be so placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public street, highway, sidewalk or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.

(h) Signs Not to Constitute Vehicular Traffic Hazard. No sign, as regulated in this article, shall be erected at the intersection of any street, or at any railroad grade crossing, or at any driveway in such a manner as to obstruct free and clear vision of operators of motor vehicles, or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device, or which makes use of the words "STOP", "DANGER", or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.

(i) Sign Company Identification. It shall be unlawful for any person to change copy on or to erect, alter, or relocate any sign without printing or causing to be printed in the lower right-hand corner of the sign in clearly legible letters the name of the person, firm or company doing such work, the date of such work, and the City of Modesto building permit number. Said information shall not exceed sixteen (16) square inches in area. If said information is not printed in the lower right-hand corner of a sign, the Chief Building Official may remove the sign pursuant to the provisions of Section 10-2.3503(k) of this article.

(j) Temporary Signs. It shall be unlawful for any person to erect, install or maintain any temporary sign.

(k) Bench Signs. It shall be unlawful for any person to erect, install or maintain any bench sign, except on public property pursuant to a franchise granted by the City of Modesto.

(l) Wall Signs, Additional Standards. No wall sign shall exceed fourteen (14") inches in thickness; no display or messages shall be permitted on the edges of wall signs except the sign company's identification as required by paragraph (i) of this section.

(m) Ridgeline Limitation. A wall, canopy, marquee or projecting sign shall not project above the ridgeline of the building on which the sign is mounted.

(n) Building Outlining. Outlining of a building or its roof by means of permanent lighting by exposed neon tubing, exposed incandescent lighting or other artificial lighting, or an equivalent effect, is prohibited. Outlining means delineation, with a row or band of lights, of the edges of a roof or wall surface. This provision does not prohibit floodlighting or generally illuminating buildings and their roofs nor temporary Christmas displays.

(o) No Signs on Street Trees, Utility Poles or Structure in Street Right-of-Way. No signs will be attached to any city street tree, or any poles such as utility poles, street signals, streetlights, street name signs, or traffic warning signs, or on any bus shelter.

SECTION 2. AMENDMENT OF CODE. Section 10-2.507.1 is hereby added to Chapter 2 of Title X of the Modesto Municipal Code to read as follows:

SEC. 10-2.507.1. DECREASE IN LOT WIDTH. (a) Lots with a width of not less than twenty (20') feet may be approved by the Planning Commission in accordance with the subdivision regulations, in addition to those permitted in Section 10-2.1621, with both these findings:

(1) Creation of such lot(s) is necessary to use an existing lot to permitted R-1 density.

(2) The property is of a size and shape that does not allow the creation of standard size lots.

(b) The following conditions shall apply in such cases:

(1) A plot plan shall be approved prior to approval of a tentative map under this section.

(2) No building permit shall be issued for a new lot created under this section without an approved plot plan and until a subdivision or parcel map in substantial conformity with the approved tentative map has been recorded.

(3) An approved plot plan shall become null and void if not exercised within one year from date of approval, unless a time extension is granted by the Planning Commission.

SECTION 3. EFFECTIVE DATE. This ordinance shall become effective from and after thirty (30) days after its final passage and adoption.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of June, 1980, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Lang, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: **Bright, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger**

NOES: Councilmembers: **None**

ABSENT: Councilmembers: **Elliott**

APPROVED: *Peggy Mensinger*
PEGGY MENSINGER, Mayor

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 1952-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 June, 1980, Councilmember Kullijian 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: Elliott, Kullijian, Lang, Muratore,
Acting Mayor Siefkin

NOES: Councilmembers: None

ABSENT: Councilmembers: Bright, Mayor Mensinger

APPROVED

Susan Siefkin
Acting Mayor Susan Siefkin

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: July 17, 1980

ORDINANCE NO. 1953 -C. S.

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 1605-C.S. ENTITLED "AN ORDINANCE AMENDING SECTION MAP 18-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (MODESTO DEVELOPMENT - EVERGREEN AVENUE) "

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

SECTION 1. AMENDMENT TO ORDINANCE NO. 1605-C. S. Section 2 of Ordinance No. 1605-C. S. is hereby amended to read as follows:

"SECTION 2. USES. The following uses shall be permitted in said P-D(160) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan as required by Section 10-2.2704 of the Modesto Municipal Code, 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. Residential condominiums
2. Parking as indicated on the approved plan"

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of June, 1980, by Councilmember Lang, 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: **Bright, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger**

NOES: Councilmembers: **None**

ABSENT: Councilmembers: **Elliott**

APPROVED: *Peggy Mensinger*
PEGGY MENSINGER, Mayor

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 1953-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 June, 1980, Councilmember Kullijian 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: Elliott, Kullijian, Lang, Muratore, Acting Mayor Siefkin
- NOES:** Councilmembers: None
- ABSENT:** Councilmembers: Bright, Mayor Mensinger

APPROVED Susan Siefkin
ACTING MAYOR SUSAN SIEFKIN

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: July 17, 1980

ORDINANCE NO. 1954 -C. S.

AN ORDINANCE REPEALING ARTICLE 5 OF CHAPTER 7
OF TITLE IV OF THE MODESTO MUNICIPAL CODE
RELATING TO PICKETING.

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

SECTION 1. REPEALS. Article 5 of Chapter 7 of Title IV of the
Modesto Municipal Code is hereby repealed.

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

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

The foregoing ordinance was introduced at a regular meeting of the
Council of the City of Modesto held on the 10th day of June, 1980,
by Councilmember Lang, 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: Bright, Kullijian, Lang, Muratore,
Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

APPROVED: Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 1954-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 June, 1980, Councilmember Kullijian 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: Elliott, Kullijian, Lang, Muratore, Acting Mayor Siefkin

NOES: Councilmembers: None

ABSENT: Councilmembers: Bright, Mayor Mensinger

APPROVED Susan Siefkin
ACTING MAYOR SUSAN SIEFKIN

ATTEST: Norrine Coyle
NORRINE COYLE City Clerk

EFFECTIVE DATE: July 17, 1980

ORDINANCE NO. 1955 -C.S.

AN ORDINANCE AMENDING SECTIONS 8-2.402, 8-2.403 AND 8-2.404 OF ARTICLE 4 OF CHAPTER 2 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE RELATING TO SALES AND USE TAXES.

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

SECTION 1. AMENDMENT OF CODE. Sections 8-2.402, 8-2.403 and 8-2.404 of Article 4 of Chapter 2 of Title VIII of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 8-2.402. PURPOSE. The Council of the City of Modesto hereby declares that this article is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

(a) To adopt a sales and use tax law which complies with the requirements and limitations contained in Part 1.5 of Division 2 of the Revenue and Taxation Code of the State of California;

(b) To adopt a sales and use tax law which incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.5 of Division 2 of the said Revenue and Taxation Code;

(c) To adopt a sales and use tax law which imposes a tax and provides a measure therefor that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practical to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes;

(d) To adopt a sales and use tax law which can be administered in a manner that will, to the degree possible consistent with the provisions of Part 1.5 of Division 2 of the said Revenue and Taxation Code, minimize the cost of collecting city sales and use taxes and at the same time minimize the burden of record keeping upon persons subject to taxation under the provisions of this article.

SEC. 8-2.403. SALES TAX. (a) (1) For the privilege of selling tangible personal property at retail a tax is hereby imposed upon all retailers in the City at a rate of ninety-three one hundredths (.93) of one (1%) per cent of the gross receipts of the retailers from the sale of all tangible personal property sold at retail in the City of Modesto for the period commencing July 1, 1980, and ending June 30, 1981. Thereafter, on the first day of July of each year, commencing on July 1, 1981, said tax rate shall increase five one thousandths (.005) of one (1%) per cent until a rate of ninety-five one hundredths (.95) of one (1%) per cent is reached.

(2) For the purposes of this article, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the State sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the Board of Equalization.

(b) (1) Except as hereinafter provided, and except insofar as they are inconsistent with the provisions of Part 1.5 of Division 2 of the said Revenue and Taxation Code, all of the provisions of Part 1 of Division 2 of said Code, as amended and in force and effect on April 1, 1957, applicable to sales taxes are hereby adopted and made a part of this section as though fully set forth herein.

(2) Wherever, and to the extent that in Part 1 of Division 2 of the said Revenue and Taxation Code, the State of California is named or referred to as the taxing agency, the City of Modesto shall be substituted therefor. Nothing in this subdivision shall be deemed to require the substitution of the name of the City of Modesto for the word "State" when that word is used as part of the title of the State Controller, the State Treasurer, the State Board of Control, the State Board of Equalization, or the name of the State Treasury, or of the Constitution of the State of California; nor shall the name of the City be substituted for that of the State in any section when the result of that substitution would require action be taken by or against the City or any agency thereof, rather than by or against the State Board of Equalization, in performing the functions incident to the administration or

operation of this article; and neither shall the substitution be deemed to have been made in those sections, including, but not necessarily limited to, sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to provide an exemption from this tax with respect to certain gross receipts which would not otherwise be exempt from this tax while those gross receipts remain subject to tax by the State under the provisions of Part 1 of Division 2 of the said Revenue and Taxation Code; nor to impose this tax with respect to certain gross receipts which would not be subject to tax by the State under the said provisions of that Code; and, in addition the name of the City shall not be substituted for that of the State in Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 and 6828 of the said Revenue and Taxation Code as adopted.

(3) If a seller's permit has been issued to a retailer under Section 6068 of the said Revenue and Taxation Code, an additional seller's permit shall not be required by reason of this section.

(4) There shall be excluded from the gross receipts by which the tax is measured:

(i) The amount of any sales or use tax imposed by the State of California upon a retailer or consumer.

(ii) Receipts from sales to operators of common carriers and waterborne vessels of property to be used or consumed in the operation of such common carriers or waterborne vessels principally outside of this City.

(4.5) There shall be excluded from the gross receipts by which the tax is measured:

(i) The amount of any sales or use tax imposed by the State of California upon a retailer or consumer.

(ii) The gross receipts from the sale of tangible personal property to operators of waterborne vessels to be used or consumed principally outside the city in which the sale is made and directly and exclusively in the carriage of persons or property in such vessels for commercial purposes.

(iii) The gross receipts from the sale of tangible personal property to operators of aircraft to be used or consumed principally outside the city in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

SEC. 8-2.404. USE TAX. (a) An excise tax is hereby imposed on the storage, use or other consumption in the City of Modesto of tangible personal property purchased from any retailer for the period commencing July 1, 1980, and ending June 30, 1981, for storage, use or other consumption in the City, at the rate of ninety-three one hundredths (.93) of one (1%) per cent of the sales price of the property. Thereafter, on the first day of July of each year, commencing on July 1, 1981, said tax rate shall increase five one thousandths (.005) of one (1%) per cent until a rate of ninety-five one hundredths (.95) of one (1%) per cent is reached. The sales price of property shall include delivery charges when such charges are subject to State sales or use tax regardless of the place to which delivery is made.

(b) (1) Except as hereinafter provided, and except insofar as they are inconsistent with the provisions of Part 1.5 of Division 2 of the said Revenue and Taxation Code, all of the provisions of Part 1 of Division 2 of said Code, as amended and in force and effect on April 1, 1957, applicable to use taxes are hereby adopted and made a part of this section as though fully set forth herein.

(2) Wherever, and to the extent that, in Part 1 of Division 2 of the said Revenue and Taxation Code the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefor. Nothing in this subdivision shall be deemed to require the substitution of the name of this City for the word "State" when that word is used as part of the title of the State Controller, the State Treasurer, the State Board of Control, the State Board of Equalization, or the name of the State Treasury, or of the Constitution of the State of California; nor shall the name of the City be substituted for that of the State in any section when the result of that substitution would require action to be taken by or against the City or any agency thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this article; and neither shall the substitution be deemed to

have been made in those sections, including but not necessarily limited to, sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to provide an exemption from this tax with respect to use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such storage, use or other consumption remains subject to tax by the State under the provisions of Part 1 of Division 2 of the said Revenue and Taxation Code, or to impose this tax with respect to certain storage, use or other consumption of tangible personal property which would not be subject to tax by the State under the said provisions of that Code; and in addition, the name of the City shall not be substituted for that of the State in Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 and 6828 of the said Revenue and Taxation Code as adopted, and the name of the City shall not be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 nor in the definition of that phrase in Section 6203.

(3) There shall be exempt from the tax due under this section:

(i) The amount of any sales or use tax imposed by the State of California upon a retailer or consumer.

(ii) The storage, use or other consumption of tangible personal property, the gross receipts from the sale of which has been subject to sales tax under a sales and use tax ordinance enacted in accordance with Part 1.5 of Division 2 of the Revenue and Taxation Code by any city and county, county, or city in this State.

(iii) The storage or use of tangible personal property in the transportation or transmission of persons, property or communications or in the generation, transmission or distribution of electricity or in the manufacture, transmission or distribution of gas in intrastate, interstate, or foreign commerce by public utilities which are regulated by the Public Utilities Commission of the State of California.

(iv) The use or consumption of property purchased by operators of common carriers and waterborne vessels to be used or consumed in the operation of such common carriers or waterborne vessels principally outside the City.

(3.5) There shall be exempt from the tax due under this section:

(i) The amount of any sales or use tax imposed by the State of California upon a retailer or consumer.

(ii) The storage, use or other consumption of tangible personal property, the gross receipts from the sale of which has been subject to sales tax under a sales and use tax ordinance enacted in accordance with Part 1.5 of Division 2 of the Revenue and Taxation Code by any city and county, county, or city in this State.

(iii) The storage, use, or other consumption of tangible personal property purchased by operators of water-borne vessels and used or consumed by such operators directly and exclusively in the carriage of persons or property in such vessels for commercial purposes.

(iv) In addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code, the storage, use, or other consumption of tangible personal property purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of June, 1980, by Councilmember Lang, 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: Bright, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

APPROVED:

Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 1955-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 June, 1980, Councilmember Kullijian 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: Elliott, Kullijian, Lang, Muratore,
Acting Mayor Siefkin

NOES: Councilmembers: None

ABSENT: Councilmembers: Bright, Mayor Mensinger

APPROVED

Susan Siefkin
ACTING MAYOR SUSAN SIEFKIN

ATTEST:

Norrine Coyle
NORRINE COYLE City Clerk

EFFECTIVE DATE: July 17, 1980

ORDINANCE NO. 1956 -C.S.:

AN ORDINANCE AMENDING SECTIONS 8-2.402, 8-2.403 AND 8-2.404 OF ARTICLE 4 OF CHAPTER 2 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE RELATING TO SALES AND USE TAXES.

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

SECTION 1. AMENDMENT OF CODE. Sections 8-2.402, 8-2.403 and 8-2.404 of Article 4 of Chapter 2 of Title VIII of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 8-2.402. PURPOSE. The Council of the City of Modesto hereby declares that this article is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

(a) To adopt a sales and use tax law which complies with the requirements and limitations contained in Part 1.5 of Division 2 of the Revenue and Taxation Code of the State of California;

(b) To adopt a sales and use tax law which incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.5 of Division 2 of the said Revenue and Taxation Code;

(c) To adopt a sales and use tax law which imposes a tax and provides a measure therefor that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practical to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes;

(d) To adopt a sales and use tax law which can be administered in a manner that will, to the degree possible consistent with the provisions of Part 1.5 of Division 2 of the said Revenue and Taxation Code, minimize the cost of collecting city sales and use taxes and at the same time minimize the burden of record keeping upon persons subject to taxation under the provisions of this article.

SEC. 8-2.403. SALES TAX. (a) (1) For the privilege of selling tangible personal property at retail a tax is hereby imposed upon all retailers in the City at a rate of ninety-three one hundredths (.93) of one (1%) per cent of the gross receipts of the retailers from the sale of all tangible personal property sold at retail in the City of Modesto for the period commencing July 1, 1980, and ending June 30, 1981. Thereafter, on the first day of July of each year, commencing on July 1, 1981, said tax rate shall increase five one thousandths (.005) of one (1%) per cent until a rate of ninety-five one hundredths (.95) of one (1%) per cent is reached.

(2) For the purposes of this article, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the State sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the Board of Equalization.

(b) (1) Except as hereinafter provided, and except insofar as they are inconsistent with the provisions of Part 1.5 of Division 2 of the said Revenue and Taxation Code, all of the provisions of Part 1 of Division 2 of said Code, as amended and in force and effect on April 1, 1957, applicable to sales taxes are hereby adopted and made a part of this section as though fully set forth herein.

(2) Wherever, and to the extent that in Part 1 of Division 2 of the said Revenue and Taxation Code, the State of California is named or referred to as the taxing agency, the City of Modesto shall be substituted therefor. Nothing in this subdivision shall be deemed to require the substitution of the name of the City of Modesto for the word "State" when that word is used as part of the title of the State Controller, the State Treasurer, the State Board of Control, the State Board of Equalization, or the name of the State Treasury, or of the Constitution of the State of California; nor shall the name of the City be substituted for that of the State in any section when the result of that substitution would require action be taken by or against the City or any agency thereof, rather than by or against the State Board of Equalization, in performing the functions incident to the administration or

operation of this article; and neither shall the substitution be deemed to have been made in those sections, including, but not necessarily limited to, sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to provide an exemption from this tax with respect to certain gross receipts which would not otherwise be exempt from this tax while those gross receipts remain subject to tax by the State under the provisions of Part 1 of Division 2 of the said Revenue and Taxation Code; nor to impose this tax with respect to certain gross receipts which would not be subject to tax by the State under the said provisions of that Code; and, in addition the name of the City shall not be substituted for that of the State in Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 and 6828 of the said Revenue and Taxation Code as adopted.

(3) If a seller's permit has been issued to a retailer under Section 6068 of the said Revenue and Taxation Code, an additional seller's permit shall not be required by reason of this section.

(4) There shall be excluded from the gross receipts by which the tax is measured:

(i) The amount of any sales or use tax imposed by the State of California upon a retailer or consumer.

(ii) Receipts from sales to operators of common carriers and waterborne vessels of property to be used or consumed in the operation of such common carriers or waterborne vessels principally outside of this City.

(4.5) There shall be excluded from the gross receipts by which the tax is measured:

(i) The amount of any sales or use tax imposed by the State of California upon a retailer or consumer.

(ii) The gross receipts from the sale of tangible personal property to operators of waterborne vessels to be used or consumed principally outside the city in which the sale is made and directly and exclusively in the carriage of persons or property in such vessels for commercial purposes.

(iii) The gross receipts from the sale of tangible personal property to operators of aircraft to be used or consumed principally outside the city in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

SEC. 8-2.404. USE TAX. (a) An excise tax is hereby imposed on the storage, use or other consumption in the City of Modesto of tangible personal property purchased from any retailer for the period commencing July 1, 1980, and ending June 30, 1981, for storage, use or other consumption in the City, at the rate of ninety-three one hundredths (.93) of one (1%) per cent of the sales price of the property. Thereafter, on the first day of July of each year, commencing on July 1, 1981, said tax rate shall increase five one thousandths (.005) of one (1%) per cent until a rate of ninety-five one hundredths (.95) of one (1%) per cent is reached. The sales price of property shall include delivery charges when such charges are subject to State sales or use tax regardless of the place to which delivery is made.

(b) (1) Except as hereinafter provided, and except insofar as they are inconsistent with the provisions of Part 1.5 of Division 2 of the said Revenue and Taxation Code, all of the provisions of Part 1 of Division 2 of said Code, as amended and in force and effect on April 1, 1957, applicable to use taxes are hereby adopted and made a part of this section as though fully set forth herein.

(2) Wherever, and to the extent that, in Part 1 of Division 2 of the said Revenue and Taxation Code the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefor. Nothing in this subdivision shall be deemed to require the substitution of the name of this City for the word "State" when that word is used as part of the title of the State Controller, the State Treasurer, the State Board of Control, the State Board of Equalization, or the name of the State Treasury, or of the Constitution of the State of California; nor shall the name of the City be substituted for that of the State in any section when the result of that substitution would require action to be taken by or against the City or any agency thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this article; and neither shall the substitution be deemed to

have been made in those sections, including but not necessarily limited to, sections referring to the exterior boundaries of the State of California; where the result of the substitution would be to provide an exemption from this tax with respect to use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such storage, use or other consumption remains subject to tax by the State under the provisions of Part 1 of Division 2 of the said Revenue and Taxation Code, or to impose this tax with respect to certain storage, use or other consumption of tangible personal property which would not be subject to tax by the State under the said provisions of that Code; and in addition, the name of the City shall not be substituted for that of the State in Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 and 6828 of the said Revenue and Taxation Code as adopted, and the name of the City shall not be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 nor in the definition of that phrase in Section 6203.

(3) There shall be exempt from the tax due under this section:

(i) The amount of any sales or use tax imposed by the State of California upon a retailer or consumer.

(ii) The storage, use or other consumption of tangible personal property, the gross receipts from the sale of which has been subject to sales tax under a sales and use tax ordinance enacted in accordance with Part 1.5 of Division 2 of the Revenue and Taxation Code by any city and county, county, or city in this State.

(iii) The storage or use of tangible personal property in the transportation or transmission of persons, property or communications or in the generation, transmission or distribution of electricity or in the manufacture, transmission or distribution of gas in intrastate, interstate, or foreign commerce by public utilities which are regulated by the Public Utilities Commission of the State of California.

(iv) The use or consumption of property purchased by operators of common carriers and waterborne vessels to be used or consumed in the operation of such common carriers or waterborne vessels principally outside the City.

(3.5) There shall be exempt from the tax due under this section:

(i) The amount of any sales or use tax imposed by the State of California upon a retailer or consumer.

(ii) The storage, use or other consumption of tangible personal property, the gross receipts from the sale of which has been subject to sales tax under a sales and use tax ordinance enacted in accordance with Part 1.5 of Division 2 of the Revenue and Taxation Code by any city and county, county, or city in this State.

(iii) The storage, use, or other consumption of tangible personal property purchased by operators of waterborne vessels and used or consumed by such operators directly and exclusively in the carriage of persons or property in such vessels for commercial purposes.

(iv) In addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code, the storage, use, or other consumption of tangible personal property purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government.

SECTION 2. DECLARATION OF EMERGENCY. The Council of the City of Modesto hereby finds and declares that the foregoing ordinance is necessary as an emergency measure for the reason that State law requires that the City's and the County of Stanislaus' sales and use tax ordinances be consistent. It is necessary to make the changes herein provided for to bring the City's ordinance in conformance with the County's ordinance as requested by the State Board of Equalization. Unless the foregoing ordinance is enacted as an emergency ordinance, it will not be effective by July 1, 1980, as required by the State Board of Equalization.

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 10th day of June, 1980, by Councilmember Lang, who moved its adoption 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: Bright, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

APPROVED:

Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

ORDINANCE NO. 1957 -C.S.

AN ORDINANCE AMENDING SECTION MAP 19-3-10 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING
CERTAIN PROPERTY LOCATED THEREON. (MODESTO DEVELOPMENT)

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

SECTION 1. ZONING CHANGE, Section 19-3-10 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 (267) :

All that portion of the Southeast quarter of the Northwest quarter
of Section 19, Township 3 South, Range 10 East, Mount Diablo Base
and Meridian, in the City of Modesto, County of Stanislaus, State
of California, described as follows:

Beginning at the Northwest corner of the Southeast quarter of the
Northwest quarter of said Section 19, said point being on the Eastern
line of the Modesto Irrigation District right-of-way as recorded in
Volume 1747 Official Records, at Page 92, Stanislaus County Records;
thence South 89°02'09" East along the Northerly line of said South-
east quarter of the Northwest quarter a distance of 950+ feet to
the center line of 60.00 foot wide Cedar creek Drive; thence along
said centerline on a curve concave to the Northwest in a southwesterly
direction; said curve having a radius of 6,000.00 feet through a
central angle of 8°02'35" a distance of 842.27 feet, thence continuing
along centerline on a curve concave to the Northwest in a southwesterly
direction, said curve having a radius of 1800.00 feet, through a cen-
tral angle of 3°19'23" a distance of 104.40 feet; thence North
89°28'10" West a distance of 442+ feet to a point on the Eastern line
of said Modesto Irrigation District right-of-way; thence North 0°07'56"
East along said Eastern line a distance of 808+ feet to the point of
beginning.

SECTION 2. USES. The following uses shall be permitted in said P-D(267) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, as required by Section 10-2.2704 of the Modesto Municipal Code, 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.

zero lot line patio houses

SECTION 3. ZONING MAP. Section Map 19-3-10 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of June, 1980, 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

Ord. No. 1957-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 24th day of June, 1980, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Elliott, Lang, Muratore, Acting Mayor Siefkin

NOES: Councilmembers: None

ABSENT: Councilmembers: Bright, Kullijian, Mayor Mensinger

APPROVED Susan D. Siefkin

~~MAYOR MENSINGER~~

SUSAN D. SIEFKIN, Acting Mayor

ATTEST: Norrine Coyne
NORRINE COYNE, City Clerk

EFFECTIVE DATE: July 24, 1980

Ordinance 1957 C.S.

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

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
CARPENTER ROAD, between Woodland Avenue and Maze Boulevard within the City limits	50 miles per hour
CARPENTER ROAD, between the Tuolumne River and Robertson Road	35 miles per hour
CENTER STREET, between Rosedale Avenue and Calaveras Avenue	25 miles per hour
CONANT AVENUE, between North 9th Street and Rumble Road	35 miles per hour

CROWS LANDING, between 7th Street and Imperial Avenue; those portions within the City	35 miles per hour
CROWS LANDING, between Imperial Avenue and Whitmore; those portions within the City	45 miles per hour
DALE ROAD, between Veneman Avenue and Snyder Avenue	45 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
ENSLÉN 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
LA LOMA AVENUE, between Burney Street and Buena Vista	25 miles per hour
LAUREL AVENUE, between Emerald Avenue and Franklin Street, within the City limits	35 miles per hour

LEGION PARK ROAD, between Santa Cruz Avenue and Conejo Avenue	25 miles per hour
LEVELAND LANE, between College Avenue and TSRR tracks	25 miles per hour
LUCERN AVENUE, between Johnson Street and Coffee Road	25 miles per hour
MADISON STREET, between Paradise Avenue and Laurel Avenue	25 miles per hour
MORTON BOULEVARD, between 9th Street and Downey Avenue	25 miles per hour
NEECE DRIVE, between Tuolumne Boulevard and Sunset Avenue	25 miles per hour
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
SHERWOOD AVENUE, between Orangeburg Avenue and Briggsmore Avenue	25 miles per hour
STODDARD AVENUE, between McHenry Avenue and Virginia Avenue	25 miles per hour
WESTERN WAY, between Sutter Avenue and Roselawn Avenue	25 miles per hour
WRIGHT STREET, between Sycamore Avenue and McHenry Avenue	25 miles per hour
7TH STREET, between Sierra Drive and the Tuolumne River	25 miles per hour
9TH STREET, on the Tuolumne River Bridge	40 miles per hour
9TH STREET, between north end of the Tuolumne River Bridge and D Street	30 miles per hour

9TH STREET, between P Street and
Tully Road

35 miles per hour

9TH STREET, between Tully Road and
Shoemaker Avenue

50 miles per hour

SEC. 3-2.1401.1 CHANGE IN SPEED LIMITS SET BY STATE LAW:
FOR PURPOSE 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 facili-
tate 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
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>
BLUE GUM AVENUE, between Poust and Carpenter Roads	45 miles per hour	April 13, 1979
BOWEN AVENUE, between Tully Road and McHenry Avenue	35 miles per hour	February 10, 1978
BRIGGSMORE AVENUE, westbound between Coffee Road and McHenry Avenue	45 miles per hour	February 2, 1978
BRIGGSMORE AVENUE, (east- bound) between McHenry Avenue and 1,000 feet west of Coffee Road	45 miles per hour	March 21, 1978
BRIGGSMORE AVENUE, (eastbound), between a point 1,000 feet west of Coffee Road and Coffee Road	40 miles per hour	April 20, 1979

BRIGGSMORE AVENUE, between Coffee Road and Rose Avenue	45 miles per hour	April 13, 1979
BRIGGSMORE AVENUE, between Rose Avenue and Oakdale Road	50 miles per hour	April 13, 1979
BRIGGSMORE AVENUE, between Oakdale Road and Claus Road	55 miles per hour	April 13, 1979
W. BRIGGSMORE AVENUE, (east and westbound) between McHenry Avenue and Tully Road	45 miles per hour	April 28, 1980
W. BRIGGSMORE AVENUE, between Tully Road and Prescott Road	45 miles per hour	April 28, 1980
BRIGHTON AVENUE, between Locke Road and Coffee Road	35 miles per hour	October 27, 1978
CARPENTER ROAD, between Paradise Road and Maze Boulevard	45 miles per hour	April 13, 1979
CARPENTER ROAD, between Woodland Avenue and Blue Gum Avenue	45 miles per hour	April 13, 1979
CARVER ROAD, between 9th Street and Roseburg Avenue	35 miles per hour	February 3, 1978
CARVER ROAD, between Roseburg Avenue and Brixton Lane within the City limits	35 miles per hour	February 10, 1978
CARVER ROAD, between Brixton Lane and M.I.D. Lateral No. 6 within the City limits	40 miles per hour	August 17, 1977
CELESTE DRIVE, between Coffee Road and Oakdale Road	30 miles per hour	October 5, 1978
COFFEE ROAD, between Scenic Drive and Briggsmore Avenue.	40 miles per hour	July 18, 1979
COFFEE ROAD, between Briggsmore Avenue and Floyd Avenue	40 miles per hour	July 18, 1979

COFFEE ROAD, between Floyd Avenue and Sylvan Avenue	40 miles per hour	April 13, 1979
COLLEGE AVENUE, between Princeton Avenue and Bowen Avenue	35 miles per hour	March 16, 1978
COLLEGE AVENUE, between W. Rumble Road and Bowen Avenue	35 miles per hour	May 27, 1976
CROWS LANDING ROAD, School Avenue to Blankenburg Avenue, within the City of Modesto	35 miles per hour	November 2, 1978
DALE ROAD, between Standiford Avenue and Veneman Avenue	35 miles per hour	April 13, 1979
EICHER AVENUE, between Conant Avenue and Goldie Avenue	30 miles per hour	June 4, 1976
EL VISTA AVENUE, between Yosemite Boulevard and Scenic Drive	35 miles per hour	March 23, 1978
EMERALD AVENUE, between Maze Boulevard and California Avenue within the City limits	35 miles per hour	October 26, 1978
ENCINA AVENUE, between Santa Barbara Avenue and Conejo Avenue	35 miles per hour	November 8, 1978
EVERGREEN AVENUE, between W. Orangeburg Avenue and Carver Road	35 miles per hour	May 6, 1976
FAIRMONT AVENUE, between Coffee Road and Sunrise Avenue	30 miles per hour	October 5, 1978
FLOYD AVENUE, between McHenry Avenue and Coffee Road	35 miles per hour	February 2, 1978
FLOYD AVENUE, between Coffee Road and Oakdale Road	35 miles per hour	October 5, 1978
FRANKLIN STREET, between California Avenue and Maze Boulevard	35 miles per hour	February 2, 1978

E. GRANGER AVENUE, between Sunrise Avenue and McHenry Avenue	30 miles per hour	October 17, 1978
W. GRANGER AVENUE, between McHenry Avenue and Tully Road	30 miles per hour	October 17, 1978
KANSAS AVENUE, between Emerald Avenue and Eighth Street	35 miles per hour	April 13, 1979
KEARNEY AVENUE, between Coldwell Avenue and Glenwood Drive	30 miles per hour	May 28, 1976
KELLER STREET, between Rumble Road and Sylvan Avenue	30 miles per hour	April 13, 1979
LAKWOOD AVENUE, between Scenic Drive and Orangeburg Avenue	35 miles per hour	October 26, 1978
LA LOMA AVENUE, between Buena Vista and Yosemite Boulevard	30 miles per hour	March 23, 1978
LINCOLN AVENUE, between Yosemite Boulevard and 650' north of M.I.D. Lateral No. 2	35 miles per hour	June 3, 1980
MILLER AVENUE, between La Loma Avenue and El Vista Avenue	35 miles per hour	February 21, 1978
MITCHELL ROAD, between Finch Road and 1,326' south of Finch Road	50 miles per hour	February 21, 1978
MORRIS AVENUE, between McHenry Avenue and Coffee Road	30 miles per hour	February 21, 1978
MT. VERNON AVENUE, between Carver Road and Prescott Road	35 miles per hour	October 18, 1978
MT. VERNON AVENUE, between College Avenue and Carver Road	30 miles per hour	October 19, 1978
NEECE DRIVE, between Tuolumne Boulevard and Rouse Avenue	35 miles per hour	December 1, 1978

NEEDHAM STREET, between L and 9th Streets	35 miles per hour	November 15, 1978
NORWEGIAN AVENUE, between McHenry Avenue and Coffee Road	35 miles per hour	October 24, 1978
OAKDALE ROAD, between Scenic Drive and Briggsmore Avenue	40 miles per hour	July 18, 1979
OAKDALE ROAD, between Briggsmore Avenue and Floyd Avenue	45 miles per hour	April 13, 1979
E. ORANGEBURG AVENUE, between McHenry Avenue and Coffee Road within the City limits	40 miles per hour	October 20, 1978
E. ORANGEBURG AVENUE, between Oakdale Road and Lakewood Avenue	35 miles per hour	March 17, 1980
E. ORANGEBURG AVENUE, between Lakewood Avenue and Claus Road	35 miles per hour	March 17, 1980
E. ORANGEBURG AVENUE, between Coffee Road and Rose Avenue	35 miles per hour	July 1, 1977
E. ORANGEBURG AVENUE, between Rose Avenue and Oakdale Road	35 miles per hour	August 30, 1979
W. ORANGEBURG AVENUE, between Carver Road and McHenry Avenue	35 miles per hour	March 16, 1978
PARADISE ROAD, between Vernon Avenue and Franklin Street	35 miles per hour	April 13, 1979
PRESCOTT ROAD, between Briggsmore Avenue and Rumble Road	40 miles per hour	July 18, 1979
RIVERSIDE DRIVE, between Edge- brook Drive and Yosemite Boulevard	35 miles per hour	May 28, 1976
ROSE AVENUE, between Scenic Drive and Briggsmore Avenue	35 miles per hour	February 17, 1978
ROSE AVENUE, between Briggsmore Avenue and Floyd Avenue	30 miles per hour	March 23, 1978

ROSEBURG AVENUE, between Sunrise Avenue and McHenry Avenue	35 miles per hour	October 24, 1978
W. ROSEBURG AVENUE, between McHenry Avenue and Tully Road	30 miles per hour	October 24, 1978
W. ROSEBURG AVENUE, between Tully Road and Carver Road	35 miles per hour	October 25, 1978
E. RUMBLE ROAD, between Coffee Road and McHenry Avenue within the City limits	35 miles per hour	October 21, 1978
W. RUMBLE ROAD, between Conant Avenue and Tully Road	30 miles per hour	October 21, 1978
W. RUMBLE ROAD, between Sisk Road and Conant Avenue	35 miles per hour	March 31, 1977
W. RUMBLE ROAD, between Tully Road and McHenry Avenue	35 miles per hour	May 27, 1976
SCENIC DRIVE, between Coffee Road and Oakdale Road	40 miles per hour	March 31, 1977
SCENIC DRIVE, Lillian Drive to Claus Road, within the City of Modesto	40 miles per hour	March 9, 1978
SCENIC DRIVE, between Oakdale Road and Lakewood Avenue	45 miles per hour	May 27, 1977
SIERRA DRIVE, between G and South 7th Streets	30 miles per hour	December 1, 1978
SISK ROAD, between Briggsmore Avenue and 600' north of Brenner Way	50 miles per hour	July 1, 1977
SISK ROAD, between 600' north of Brenner Way and Standiford Avenue	40 miles per hour	July 14, 1977
STANDIFORD AVENUE, between Dale Road and Veneman Avenue	50 miles per hour	July 14, 1977

STANDIFORD AVENUE, between Veneman Avenue and Carver Road	40 miles per hour	June 30, 1977
STANDIFORD AVENUE, between Carver Road and Tully Road	45 miles per hour	July 19, 1979
STANDIFORD AVENUE, between Tully Road and McHenry Avenue	40 miles per hour	July 31, 1978
SUNRISE AVENUE, between Lucern Avenue and Floyd Avenue	35 miles per hour	October 19, 1978
SURREY AVENUE, between Oakdale Road and Eastridge Drive	25 miles per hour	May 30, 1980
SUTTER AVENUE, between Paradise Avenue and Robertson Road	30 miles per hour	February 17, 1978
SYCAMORE AVENUE, between Griswold Avenue and Orangeburg Avenue	35 miles per hour	October 31, 1978
SYLVAN AVENUE, between McHenry Avenue and Oakdale Road within the City limits	45 miles per hour	October 18, 1978
TOKAY AVENUE, between McHenry Avenue and Bodega Lane	35 miles per hour	March 31, 1977
TULLY ROAD, between Coldwell Avenue and Standiford Avenue	35 miles per hour	March 22, 1978
TULLY ROAD, between Standiford Avenue and M.I.D. Lateral No. 6	45 miles per hour	October 21, 1978
TUOLUMNE BOULEVARD, between 7th Street and Paradise Road	35 miles per hour	February 17, 1978
VENEMAN AVENUE, between Dale Road and Standiford Avenue	40 miles per hour	January 11, 1978

VIRGINIA AVENUE, between Needham Street and Roseburg Avenue	35 miles per hour	October 20, 1978
WHITMORE AVENUE, between Morgan Road and Crows Landing Road within the City limits	45 miles per hour	November 9, 1977
WOODLAND AVENUE, between Morse Avenue and Shasta Avenue, within the City limits	45 miles per hour	April 13, 1979
WOODLAND AVENUE, between 9th Street and Carpenter Road within the City limits	35 miles per hour	December 6, 1977
WOODROW AVENUE, between McHenry Avenue and Tully Road	35 miles per hour	October 18, 1978
WYLIE DRIVE, between Rose Avenue and Oakdale Road	35 miles per hour	August 31, 1979
9TH STREET, between L Street and P Street	35 miles per hour	June 23, 1977

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 June, 1980, 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 order printed and published by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Muratore,
Acting Mayor Siefkin.

NOES: Councilmembers: None

ABSENT: Councilmembers: Bright, Mayor Mensinger

APPROVED: Susan D. Siefkin
~~REGG XTRENS UNOES X MAYOR~~
SUSAN D. SIEFKIN, Acting Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 1958-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 24th day of June, 1980, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Elliott, Lang, Muratore, Acting Mayor Siefkin

NOES: Councilmembers: None

ABSENT: Councilmembers: Bright, Kullijian, Mayor Mensinger

APPROVED

Susan D. Siefkin

~~MAYOR PEGGY MENSINGER~~

SUSAN D. SIEFKIN, Acting Mayor

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: July 24, 1980

28

ORDINANCE NO. 1959 -C.S.

AN ORDINANCE ADOPTING THE BUDGET FOR THE CITY OF MODESTO FOR THE FISCAL YEAR ENDING JUNE 30, 19 81, AND PROVIDING FOR CERTAIN TRANSFERS OF FUNDS.

WHEREAS, pursuant to the Charter of the City of Modesto, a proposed budget for the 1980 - 81 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 1980 - 81", presented by the City Manager to the City Council at its meeting held May 6, 1980, 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 81, 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 Reserved Fund Balances for specific purposes.

SECTION 3. That the City Manager is authorized to transfer funds within departmental budgets between the following classifications, to wit: Employee Services, Professional and Contractual Services, Materials and Supplies, Other operating expenses and Capital Appropriations; and to transfer appropriations for capital items budgeted within the same department within the same capital fund.

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 17th day of June, 1980, by Councilmember Kullijian, who moved its adoption 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, Lang, Muratore,
Acting Mayor Siefkin.

NOES: Councilmembers: None

ABSENT: Councilmembers: Bright

ATTEST:

APPROVED: Susan D. Siefkin
SUSAN D. SIEFKIN, Acting Mayor

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

ORDINANCE NO. 1960 -C. S.

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 1013-C. S. ENTITLED "AN ORDINANCE AMENDING SECTION MAP 27-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, PREZONING CERTAIN PROPERTY LOCATED THEREON. (ALBERT LANDINI - DONALD SANDY APARTMENTS)

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

SECTION 1. AMENDMENT OF ORDINANCE NO. 1013-C. S. Section 2 of Ordinance No. 1013-C. S. is hereby amended to read as follows:

"SECTION 2. USES. The following uses shall be permitted in said P-D(68) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, as required by Section 10-2.2704 of the Modesto Municipal Code, 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. Residential condominiums
2. Parking as indicated on the approved plan"

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of June, 1980, by Councilmember Muratore, who moved its introduction and passage to print, which motion

Ord. No. 1960-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 July, 1980, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: July 30, 1980

AN ORDINANCE AMENDING SECTION 3-4.02 OF CHAPTER 4 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO EMERGENCY SERVICES.

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

SECTION 1. AMENDMENT OF CODE. Section 3-4.02 of Chapter 4 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of July, 1980, by Councilmember Kullijian, who moved its introduction and passage to print, which motion

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

AYES: Councilmembers: Bright, Elliott, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: *Peggy Mensinger*
PEGGY MENSINGER, Mayor

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 1961-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 July, 1980, Councilmember Siefkin 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: Bright, Elliott, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: August 14, 1980

AN ORDINANCE AMENDING SECTION 3-4.02 OF CHAPTER 4 OF
TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO
EMERGENCY SERVICES.

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

SECTION 1. AMENDMENT OF CODE. Section 3-4.02 of Chapter 4 of
Title III of the Modesto Municipal Code is hereby amended to read as follows:

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

SECTION 2. DECLARATION OF EMERGENCY. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety, and shall take effect immediately. The following is a statement of the facts showing its urgency: State law has been changed to allow the declaration of an emergency for, among other things, a sudden and severe energy shortage. The City of Modesto has been informed by the Modesto Irrigation District that there is a threat of an electric energy shortage in the Modesto Irrigation District's electric service area in the summer of 1980. Therefore, it is necessary to amend the City's definition of emergency, in its emergency services regulations, to conform to the State law in order that an emergency can be declared in case of a sudden and severe electric energy shortage in the Modesto Irrigation District's electric service area in the summer of 1980.

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 8th day of July, 1980, by Councilmember Kullijian, who moved its adoption and passage to print, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:

Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

By NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

AN ORDINANCE ADDING CHAPTER 4 ENTITLED "FLOOD DAMAGE PREVENTION" TO TITLE IX TO THE MODESTO MUNICIPAL CODE

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

SECTION 1. AMENDMENT OF CODE. Chapter 4 entitled "Flood Damage Prevention" is hereby added to Title IX of the Modesto Municipal Code to read as follows:

CHAPTER 4

FLOOD DAMAGE PREVENTION

ARTICLE 1. GENERAL PROVISIONS

SEC. 9-4.101. DEFINITIONS. For the purpose of this chapter the following words and phrases shall have the meanings respectively ascribed to them by this section.

(a) "Appeal" means a request for a review of the Chief Building Official's interpretation of any provision of this chapter or a request for a variance.

(b) "Area of shallow flooding" means a designated A0 Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one (1) to three (3') feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident.

(c) "Area of special flood hazard" means the land in the flood plain within a community subject to a one (1%) percent or greater chance of flooding in any given year.

(d) "Base Flood" means the flood having a one (1%) percent chance of being equalled or exceeded in any given year.

(e) "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

(f) "Existing mobile home park or mobile home subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this chapter.

(g) "Expansion to an existing mobile home park or mobile home subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

(h) "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters and/or

(2) The unusual and rapid accumulation or runoff of surface waters from any source.

(i) "Flood Insurance Rate Map" (FIRM) means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

(j) "Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

(k) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

(l) "New construction" means structures for which the "start of construction" commenced on or after the effective date of this chapter.

(m) "Start of construction" means the first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, "start of construction" means the affixing of the mobile home to its permanent site. For mobile homes within mobile

home parks or mobile home subdivisions, "start of construction" is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a minimum, the construction of streets either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

(n) "Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50%) percent of the market value of the structure either:

(1) Before the improvement or repair is started, or

(2) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

(1) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety laws or ordinances which are solely necessary to assure safe living conditions, or

(2) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

(o) "Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

SEC. 9-4.102. LANDS TO WHICH THIS CHAPTER APPLIES. This chapter shall apply to all areas of special flood hazards within the jurisdiction of the City of Modesto.

SEC. 9-4.103. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD. The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the City of Modesto, dated February, 1980, with accompanying Flood Insurance Rate Maps is hereby adopted by reference and declared to be a part of this chapter. Copies of said Flood Insurance Study and Maps are on file in the office of the City Clerk, the Planning and Community Development Department, and the office of the Chief Building Official.

SEC. 9-4.104. COMPLIANCE. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the provisions of this chapter and other applicable regulations.

SEC. 9-4.105. ABROGATION AND GREATER RESTRICTIONS. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another law, ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SEC. 9-4.106. INTERPRETATION. In the interpretation and application of this chapter, all provisions shall be:

- (a) Considered as minimum requirements;
- (b) Liberally construed in favor of the City of Modesto; and,
- (c) Deemed neither to limit nor repeal any other powers granted under other state or local laws or ordinances.

SEC. 9-4.107. WARNING AND DISCLAIMER OF LIABILITY. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City of Modesto, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

ARTICLE 2. ADMINISTRATION

SEC. 9-4.201. BUILDING PERMIT REQUIRED. A building permit shall be obtained before construction or development begins within any area of special flood hazard established by Section 9-4.103 of this chapter. Application for a building permit shall be made on forms furnished by the Chief Building Official and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- (a) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;

(b) Elevation in relation to mean sea level to which any structure has been floodproofed;

(c) Certification by a registered civil engineer or licensed architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in subsection (b) of Section 9-4.402 of this chapter and,

(d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

SEC. 9-4.202. DESIGNATION OF THE CHIEF BUILDING OFFICIAL. The Chief Building Official is hereby appointed to administer and implement this chapter by granting or denying building permits in accordance with the provisions of this chapter.

SEC. 9-4.203. DUTIES AND RESPONSIBILITIES OF THE CHIEF BUILDING OFFICIAL. Duties of the Chief Building Official shall include, but not limited to:

(a) Permit Review.

(1) Review all building permits to determine that the permit requirements of this chapter have been satisfied.

(2) Review all building permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

(3) Review all building permits to determine if the proposed development adversely affects the flood carrying capacity of the area of special flood hazard. For purposes of this chapter, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point.

(b) Information To Be Obtained And Maintained.

(1) Obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures.

(2) For all new or substantially improved floodproofed structures:

(aa) verify and record the actual elevation (in relation to mean seal level), and

(ab) maintain the floodproofing certifications required in subsection (3) of Section 9-4.201 of this chapter.

(3) Maintain for public inspection all records pertaining to the provisions of this chapter.

(c) Alteration of Watercourses.

(1) Notify adjacent communities and the State Reclamation Board prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

(2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

(d) Interpretation of FIRM Boundaries.

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Article 3 of this chapter.

ARTICLE 3. APPEALS AND VARIANCES

SEC. 9-4.301. BOARD OF BUILDING APPEALS. The Board of Building Appeals established by Section 204 of the Building Code of the City of Modesto shall hear and decide appeals and requests for variances from the requirements of this chapter.

SEC. 9-4.302. APPEALS. The Board of Building Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Chief Building Official in the enforcement or administration of this chapter.

SEC. 9-4.303. CONSIDERATION OF APPEALS. In passing upon such appeals, the Board of Building Appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

(a) The danger that materials may be swept onto other lands to the injury of others:

- (b) The danger to life and property due to flooding or erosion damage;
- (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (d) The importance of the services provided by the proposed facility to the community;
- (e) The necessity to the facility of a waterfront location, where applicable;
- (f) The availability of alternative locations, for the proposed use which are not subject to flooding or erosion damage;
- (g) The ompatibility of the proposed use with existing and anticipated development;
- (h) The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
- (i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (j) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
- (k) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

SEC. 9-4.304. VARIANCES. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (a) through (k) in Section 9-4.303 of this chapter have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

SEC. 9-4.305. CONSIDERATION OF VARIANCES. Upon consideration of the factors of Section 9-4.303 of this chapter and the purposes of this chapter, the Board of Building Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

SEC. 9-4.306. CONDITIONS FOR VARIANCES.

(a) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

(b) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(d) Variances shall only be issued upon:

(1) A showing of good and sufficient cause;

(2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

(3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, adversely affect the public as identified in Section 9-4.303 of this chapter, or conflict with existing state or local laws or ordinances.

(e) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

SEC. 9-4.307. MAINTENANCE OF RECORDS. The Chief Building Official shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

ARTICLE 4. PROVISIONS FOR FLOOD HAZARD REDUCTION

SEC. 9-4.401. GENERAL STANDARDS. In all areas of special flood hazards the following standards are required:

(a) Anchoring.

(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

(2) All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:

(aa) over-the-top ties be provided at each of the four (4) corners of the mobile home, with two (2) additional ties per side at intermediate locations, with mobile homes less than fifty (50') feet long requiring one additional tie per side;

(ab) frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points, with mobile homes less than fifty (50') feet long requiring four (4) additional ties per side;

(ac) all components of the anchoring system be capable of carrying a force of four thousand, eight hundred (4,800) pounds; and,

(ad) any additions to the mobile home be similarly anchored.

(b) Construction Materials and Methods.

(1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(c) Utilities.

(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,

(3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

SEC. 9-4.402. SPECIFIC STANDARDS. In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 9-4.103 of this chapter, the following provisions are required:

(a) Residential Construction.

New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.

(b) Nonresidential Construction.

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

(1) Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

(2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(3) Be certified by a registered civil engineer or licensed architect that the standards of this subsection are satisfied. Such certifications shall be provided to the Chief Building Official as set forth in subsection (b) of Section 9-4.203 of this chapter.

(c) Mobile Homes.

(1) Mobile homes shall be anchored in accordance with subsection (a)(2) of Section 9-4.401 of this chapter.

(2) For new mobile home parks and mobile home subdivisions; for expansions to existing mobile home parks and mobile home subdivisions; for existing mobile home parks and mobile home subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds fifty (50%) percent of value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and for mobile homes not placed in a mobile home park or mobile home subdivision, require that:

(aa) stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level;

(ab) adequate surface drainage and access for a hauler are provided; and,

(ac) in the instance of elevation on pilings, that:

--lots are large enough to permit steps,

--piling foundations are placed in stable soil no more than ten (10') feet apart, and

--reinforcement is provided for pilings more than six (6') feet above the ground level.

(3) No mobile home shall be placed in a floodway, except in an existing mobile home park or existing mobile home subdivision.

SEC. 9-4.403. FLOODWAYS. Located within the areas of special flood hazard established by Section 9-4.103 of this chapter are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

(a) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered civil engineer or licensed architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(b) If subsection (a) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this Article.

(c) Prohibit the placement of any mobile homes, except in an existing mobile home park or existing mobile home subdivision.

SEC. 9-4.404. SHALLOW FLOODING. Located within the areas of special flood hazard established by Section 9-4.103 of this chapter are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one (1) to three (3') feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

(a) All new construction and substantial improvements of residential structures have the lowest floor, including basement, elevated above the crown of the nearest street to or above the depth number specified on the FIRM.

(b) All new construction and substantial improvements of nonresidential structures shall:

(1) Have the lowest floor, including basement, elevated above the crown of the nearest street to or above the depth number specified on the FIRM, or

(2) Together with attendant utility and sanitary facilities be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of July, 1980, by Councilmember Kullijian, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 1963-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 July, 1980, Councilmember Siefkin 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: Bright, Elliott, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: August 14, 1980

ORDINANCE NO. 1964 -C. S.

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 748-C. S. ENTITLED "AN ORDINANCE AMENDING SECTION MAPS 7-3-9 AND 8-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (PACIFIC INVESTMENT COMPANY)"

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

SECTION 1. AMENDMENT OF ORDINANCE NO. 748-C. S. Section 2 of Ordinance No. 748 C. S. is hereby amended to read as follows:

"SECTION 2. USES. The following uses shall be permitted in said P-D(21) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan as required by Section 10-2.2704 of the Modesto Municipal Code, 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) FOOD SERVICES.

Supermarket, bakery, delicatessen, meat, poultry and fish, frozen foods, dairy drive-in, candy and confections.

(b) RETAIL COMMERCIAL USES.

Variety store, family clothiers (men's, women's, infants', and children's), shoes, shoe repair-other apparel accessories, custom tailoring (dress making, millinery shop), ladies specialty - hosiery, handbags, bridal shop, maternity, sporting foods, jewelry, florist, flower shops, cigar stand, news dealer, music and records, cameras and photo supplies, gifts, novelties. card shop, travel agency, hobby shop, luggage, imports, interiors, toys, trading stamp redemption center, post office, service station, auto accessories, laundromat, dry cleaners, laundry, antiques, optometrist, office supplies, stationery, hardware, bank, bank savings and loan, personal finance company, utilities collection agency, drug store, liquors - package store, books and stationery, tobacco shop, sewing machines, fabrics, lock and key shop, radio and television - including repairs, interior decorating, coin collector, health foods, art shop, lending library, drapery and curtain shop, nursery and baby supplies, stock brokerage, music studio and dance, nut shop, paint and wallpaper (related business offices), title company, lawn mower and bicycle shop.

- (c) EATING ESTABLISHMENTS.
Restaurants, cafeteria, sandwich shop, coffee shop, carry-out foods, donut shop, ice cream shop.
- (d) PERSONAL SERVICES.
Barber shop, beauty shop, slenderizing salon, pet clipping services.
- (e) MEDICAL AND PROFESSIONAL OFFICES.
- (f) CONVALESCENT HOSPITAL OR REST HOME.
- (g) GENERAL OFFICES.
- (h) MULTIPLE-FAMILY APARTMENTS AND RESIDENTIAL CONDOMINIUMS - with maximum density of thirty (30) dwelling units per acre.
- (i) CHURCH.
- (j) PARKING as indicated on the approved plans.

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 July, 1980, by Councilmember Elliott, 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: Bright, Elliott, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

APPROVED:

Peggy Mensinger
PEGGY MENSINGER, Mayor

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

Ord. No. 1964-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 August, 1980, Councilmember Muratore 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: Bright, Elliott, Kullijian, Lang, Muratore, Acting Mayor Siefkin
NOES: Councilmembers: None
ABSENT: Councilmembers: Mayor Mensinger

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: September 4, 1980

AN ORDINANCE AMENDING SECTION MAP 8-3-9 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING
CERTAIN PROPERTY LOCATED THEREON. (STONE BROS. AND ASSOCIATES)

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

SECTION 1. ZONING CHANGE. Section 8-3-9 of the Zoning
Map is hereby amended to reclassify the following-described property
from Medium Density Residential Zone, R-2, and Medium High Density Residential Zone,
R-3, to Planned Development Zone, P-D(268):

R-2 to P-D

All that certain real property situate in a portion of the Southeast Quarter of Section 8, 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:

Being all of Lots 12 and 13 in Block 13129 of Tully Manor No. 2 as per map filed April 28, 1965, in Volume 21 of Maps, page 8, Stanislaus County Records.

Also including the Western 30.00 feet of Colonial Drive and the Northern 25.00 feet of Baron Avenue immediately adjacent to the above described property.

R-3 to P-D

All that certain real property situate in a portion of the Southwest Quarter of Section 8, 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:

Being all of Lot 14 in Block 13129 of Tully Manor No. 2 as per map filed April 28, 1965, in Volume 21 of Maps, page 8, Stanislaus County Records.

Also including the Southern 45.00 feet of Standiford Avenue and the Western 30.00 feet of Colonial Drive immediately adjacent to the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(268) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, as required by Section 10-2.2704 of the Modesto Municipal Code, 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.

Residential condominiums

Parking as indicated on the approved plan

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.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of July, 1980, 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: Bright, Elliott, Kullijian, Lang, Muratore, Siefkin,
Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:

Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By

Michael C. Herrero
Department of Planning and
Community Development

Ordinance 1965 C.S.

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

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 22nd day of July, 1980, Councilmember Lang 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: Bright, Elliott, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: August 21, 1980

AN ORDINANCE AMENDING CHAPTER 1 OF TITLE IX OF THE MODESTO MUNICIPAL CODE, RELATING TO THE BUILDING CODE

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

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

CHAPTER 1 - BUILDING CODE

SEC. 9-1.01 ADOPTION BY REFERENCE OF "UNIFORM BUILDING CODE". That certain document, three (3) copies of which are on file in the office of the City Clerk, being marked and designated as "Uniform Building Code, 1979 Edition", published by the International Conference of Building Officials, together with Appendix thereto, and the Uniform Building Code Standards referred to therein, which said Code provides for proper regulations for erecting, constructing, enlarging, altering, repairing, removing, conversions, demolition, occupancy, equipment, use, height and maintenance of buildings or structures in the City and providing for the issuance of permits and collection of fees therefor, declaring and establishing fire districts, and providing penalties for the violation thereof, as hereinafter amended, deleted and added to, be and the same is hereby adopted by reference as the Building Code of the City of Modesto.

SEC. 9-1.02. TITLE. That Section 101 of said Building Code be amended to read as follows:

Section 101. This Code shall be known as the "Building Code", may be cited as such, and will be referred to herein as "this Code".

SEC. 9-1.03. INTERPRETATION. That Section 108 be added to said Building Code to read as follows:

Section 108. The language used in this Code is intended to convey the common and accepted meaning familiar to the building industry.

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

SEC. 9-1.04. NONRESPONSIBILITY OF CITY. That subsection (f) of Section 202 of said Building Code be amended to read as follows:

7/14/80
wpc

(f) Nonresponsibility of City. Neither the City, nor any department, nor any board, commission, officer or employee thereof shall be held liable or responsible for any damage or injury caused by or resulting from the issuance of or failure to issue or the revocation of any permit or certificate of inspection or the making of any inspection under the provisions of this Code.

SEC. 9-1.05. BOARD OF BUILDING APPEALS. That Section 204 of said Building Code be amended to read as follows:

(a) In order to determine the suitability of alternate materials and methods of construction and to provide for reasonable interpretations of the provisions of this Code, the Uniform Mechanical Code, the Uniform Plumbing Code, the Uniform Housing Code, the National Electrical Code, Flood Damage Prevention regulation and the Uniform Code for the Abatement of Dangerous Buildings, and to hear appeals provided for in said codes and regulations, there shall be and is hereby created a Board of Building Appeals, hereinafter referred to as the Board, consisting of five (5) members who are qualified by experience and training to pass upon matters pertaining to building construction. The Building Official shall act as Secretary of the Board. The members of the Board shall be appointed and hold office in accordance with the provisions of Article XI of the Charter of the City of Modesto. The Board of Building Appeals created hereby shall be the successor to the Board of Appeals created by Chapters 8 and 9 of Title IX of the Modesto Municipal Code, as said chapters existing previous to the effective date of this Code, and the members of said Board of Appeals holding office when this Code becomes effective shall continue to hold office, as members of the Board of Building Appeals created by this Code, for the remainder of the terms to which they were originally appointed and until their respective successors shall be appointed and qualified. All actions taken and decisions made by said Board of Appeals prior to the effective date of this Code shall continue in full force and effect the same as if taken or made by the Board of Building Appeals created by this Code.

(b) The Board shall adopt reasonable rules and regulations for conducting its business and shall render all decisions and findings in writing to the Building Official with a duplicate copy to the appellant and may recommend to the Council of the City of Modesto such new legislation as is consistent therewith.

(c) Except as otherwise provided in the Uniform Mechanical Code, the Uniform Plumbing Code, the Uniform Housing Code, the National Electrical Code, Flood Damage Prevention regulation and the Uniform Code for the Abatement of Dangerous Buildings, the Board shall hear appeals in accordance with the procedures set forth herein.

(d) As soon as practicable after receiving a written appeal, the Building Official shall fix a date, time and place for the hearing of the appeal by the Board. Such date shall be not less than ten (10) days nor more than forty-five (45) days from the date the appeal was filed with the Building Official. Written notice of the time and place of the hearing shall be given at least ten (10) days prior to the date of the hearing to the appellant(s) by the Building Official either by causing a copy of such notice to be delivered to the appellant(s) personally or by mailing a copy thereof, postage prepaid, addressed to the appellant(s) at the address(es) shown on the appeal.

(e) The decision of the Board in granting or denying an appeal shall become final and effective fifteen (15) days after the date of adoption of the decision, unless within such fifteen (15) day period an appeal is filed by the appellant(s) in writing with the City Council. The filing of such appeal within such time limit shall stay the effective date of the decision of the Board until such time as the Council has acted on the appeal.

Upon receipt of a written appeal filed with the Council as provided herein, the Secretary of the Board shall thereupon transmit to the Council the Board's complete record of the case.

Within not to exceed forty (40) days following the receipt of the written appeal, the Council shall hold a hearing thereon. Written notice of the time and place of the hearing shall be given at least ten (10) days prior to the date of the hearing to the appellant(s) by the City Clerk either by causing a copy of such notice to be delivered to the appellant(s) personally or by mailing a copy thereof, postage prepaid, addressed to the appellant(s) at the address(es) shown on the appeal.

The Council shall announce its findings and decision by formal resolution not more than forty (40) days following the hearings, and said resolution shall recite, among other things, the facts and reasons which, in the opinion of the City Council, make the granting or denial of the appeal necessary, and shall order that the appeal be granted or denied or modified subject to such conditions or limitations that it may impose.

The action by the Council on such matters shall be by majority vote of the entire Council and shall be final and conclusive.

Not later than ten (10) days following the adoption of a resolution ordering that an appeal be granted or denied, a copy of such resolution shall be mailed to the appellant(s) and one copy shall be attached to the Board's file of the case and said file returned to the Secretary of the Board for permanent filing.

SEC. 9-1.06. VIOLATIONS. That Section 205 of said Building Code be amended to read as follows:

Section 205. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure in the city, or cause the same to be done, contrary to or in violation of any of the provisions of this Code.

SEC. 9-1.107. PERMITS ISSUANCE. That subsection (d) of Section 303 be amended to read as follows:

(d) 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 eighty (180) days from the date of said permit, or if such building or work authorized by such permit is suspended or abandoned at any time after the work has commenced for a period of 180 days, or if the building or work authorized by such permit is not completed seven hundred thirty (730) days from the date of such permit. 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 of 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.

Any permittee holding an unexpired permit may apply for an extension of time within which he may commence the work under that permit when he is unable to commence work within the time required by this section for good and satisfactory reasons. The Building Official may extend the time for action by the permittee for a period not exceeding one hundred eighty (180) days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.

SEC. 9-1.08. FEES. That subsections (a) and (b) of Section 304 of said Building Code be amended to read as follows:

(a) Building Permit Fees. A fee for each building permit shall be paid to the Building Official as set forth in Table No. 3-A.

The determination of value or valuation under any of the provisions of this Code shall be made by the Building Official. The valuation to be used in computing the permit and plan-check fee shall be the total value of all construction work for which the permit is issued as well as all finished work, painting, roofing, electrical, plumbing, heating, air conditioning systems and any other permanent work or permanent equipment.

Where work for which a permit is required by this Code is started or proceeded with prior to obtaining said permit the fees specified in Table 3-A shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this Code in the execution of the work nor from any other penalties prescribed herein.

Permit fees for new buildings or additions to buildings of Group R, Division 3 and M occupancies may be determined by the Building Official by multiplying the square foot of floor area of such building or addition by the price per square foot value which results in the total fee for the building permit, the plan checking, the plumbing permit, the mechanical permit, and the electrical permit. The per square foot value shall be determined by the Building Official, and such value when multiplied by the floor areas shall result in a total fee which shall be commensurate with the sum of such fees if individually calculated by otherwise applicable provisions of the Municipal Code.

(b) Plan-Checking Fees. When the valuation of the proposed construction exceeds One Thousand and no/100ths (\$1,000.00) Dollars, and a plan is required to be submitted by subsection (b) of Section 302, a plan-checking fee shall be paid to the Building Official at the time of submitting plans and specifications for checking.

Said plan-checking fees for buildings of Groups R, Division 3 and M occupancies shall be ten per cent (10%) of the building permit fees. Plan-checking fees for all other buildings shall be sixty-five per cent (65%) of the building permit fees as set forth in Table No. 3-A.

Where plans are incomplete, or changed so as to require additional plan checking, an additional plan-check fee shall be charged at a rate shown in Table 3-A.

The Building Official may require that the plan-checking fee be paid at the same time the permit fee is paid.

SEC. 9-1.09. FEES. That subsections (h) and (i) be added to Section 304 of said Building Code to read as follows:

(h) Fees to Governmental Agencies. No permit fees shall be required for the issuance of building permits to governmental agencies, however, governmental agencies which obtain permits may be charged plan-checking and inspection fees to defray the actual cost of these services.

(i) Telephone Permit Procedure. 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 violation of this Code. Such a system may provide for the payment of permit fees on permits issued by telephone on an accounts receivable basis.

SEC. 9-1.10. CERTIFICATE OF OCCUPANCY. That subsection (d) of Section 307 be amended to read as follows:

(d) Temporary Occupancy. If any building or structure including Groups R, Division 3 or M occupancy is to be occupied with the approval of the Building Official prior to the final inspection and/or final corrections, the occupant, owner and contractor shall sign a temporary certificate of occupancy prior to occupying the building agreeing to make all corrections required and/or listed within thirty (30) days of occupancy. If corrections are not completed within thirty (30) days, the Building Official shall have the authority to request the immediate discontinuance of the electrical service and/or the gas service by the appropriate utility and may file a notice of noncompliance with the County Recorder. The notice of noncompliance shall be removed by the Building Official only after all items requiring correction are completed.

SEC. 9-1.11. CERTIFICATE OF OCCUPANCY. That subsection (f) be added to Section 307 of said Building Code to read as follows:

(f) If any building or structure is occupied prior to the issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy as required by subsections a, b, c, or d above, the Building Official shall have the authority to request the immediate discontinuance of the electrical service and/or the gas service by the appropriate utility.

SEC. 9-1.12. DEMOLITION OF BUILDINGS: CLEARANCE OF SITE AND SAFETY MEASURES REQUIRED. That Section 308 be added to said Building Code to read as follows:

Section 308. Prior to the issuance of a permit to demolish a building, the owner of the property on which the building is to be demolished, or his agent, shall file with the City Clerk a bond in favor of the City of Modesto conditioned as follows:

(a) Before any work is started on a building or structure, the permittee or his authorized agent shall notify the appropriate utilities in order that all gas, electrical, sewer, water and oil pipelines that are to be disconnected from the building may be capped and sealed or otherwise secured.

(b) Immediately after the demolition of any building or structure, the permittee or his authorized agent shall securely barricade all basement excavations and other holes or openings, as required by the Building Official.

(c) Within ten (10) days after the demolition of any building or structure, the permittee or his authorized agent shall complete the following work:

(1) Securely close and seal any sanitary piping located on the property.

(2) Either fill with dirt or sand or remove, at the discretion of the Building Official, any septic tanks or cesspools located on the property.

(3) Fill any openings, excavations or basements remaining on the land with dirt or sand to street level or the natural level of adjoining property, unless otherwise directed by the Building Official.

(4) Remove any buried underground tanks formerly used for storage of flammable liquids, as may be required by the Fire Department.

(5) Remove all refuse, debris and waste materials from the property.

The bond required by this section shall be in an amount equal to the cost of the work proposed to be done, as estimated by the Building Official.

The bond may be in the form of a corporate surety bond, cash deposit, savings and loan certificate, or an instrument of credit.

An extension of time for completion of the work required by this section may be granted in writing by the Building Official when, in his discretion, circumstances justify such an extension; but no such extension shall release any bond or other security furnished pursuant to this section.

SEC. 9-1.13. That Section 414 of said Building Code be amended as follows:

Sec. 414. MARQUEE is a permanent roofed structure attached to and supported by the building and projecting over public property. Marquees are regulated in Chapter 45.

MASONRY is that form of construction composed of stone, brick, concrete, gypsum, hollow clay tile, concrete block or tile, or other similar building units or materials or combination of these materials laid up unit by unit and set in mortar.

MASONRY, SOLID, is masonry of solid units built without hollow spaces.

MALL is an interior area used as a pedestrian way connecting two or more buildings housing individual or multiple mercantile tenants. A mall shall be a minimum of 30 feet in width. No portion of a mall shall be used for sales, storage, or display of merchandise or services if it is less than 30 feet from any non-rated wall or non-rated entry to an occupancy.

MAY, as used in this code, is permissive for compliance.

MECHANICAL CODE is the Uniform Mechanical Code, 1979 Edition.

MEZZANINE or MEZZANINE FLOOR is an intermediate floor placed in any story or room. When the total area of any such "Mezzanine Floor" exceeds 33 1/3 percent of the total floor area in that room, it shall be considered as constituting an additional "Story." The clear height above or below a "Mezzanine Floor" construction shall be not less than 7 feet.

MOTEL shall mean hotel as defined in this Code.

SEC. 9-1.14. BUILDING SECURITY. That Section 1216 be added to said Building Code to read as follows:

Section 1216. (a) Every exterior door of a dwelling unit, except sliding glass doors, and every door leading from a garage into a dwelling unit shall be equipped with a self-locking (dead latch) device with a minimum throw of one-half (1/2") inch.

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

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

SEC. 9-1.15. MINIMUM SLAB THICKNESS: That Section 2623 of said Building Code be amended to read as follows:

Section 2623. (a) The minimum thickness of concrete floor slabs supported directly on the ground shall be not less than three and one-half (3 1/2") inches.

(b) Concrete slab floors, when used as a finished floor or as a base for other floor finish in buildings to be used in Groups R, Divisions 1 and 3, shall be constructed according to the following additional requirements, or as approved by the Building Official:

(1) Four (4) inches of compacted gravel three-fourths (3/4") inch, maximum aggregate size shall be placed so that the surface of the base is not less than two (2) inches above finish grade.

(2) A membrane water proofing, 6 mil, or water proofing acceptable to the Building Official shall be placed on the rock base. The membrane shall extend to exterior walls and turn up to top of slab or down to bottom of footing for mono-lithic pours.

(3) One-half (1/2") inch of clean sand shall be placed on the membrane water proofing before placing of concrete.

SEC. 9-1.16. That subsection (g) of Section 3303 of said Building Code be amended to read as follows:

(g) SPECIAL DOORS. Revolving, sliding and overhead doors shall not be used as required exits. Approved power operated doors may be used for exit purposes.

EXCEPTION: Notwithstanding any other provisions of this Code, roll up and sliding security grills or doors of a type approved by the Building Official and Fire Chief shall be permitted as required exits from a B-2 occupancy into an enclosed, covered mall, provided:

1. That all B-2 occupancies shall have another conforming means of egress. This conforming means of egress shall have panic hardware or shall have no latch or lock and shall have lighted exit signs in locations as required by the Building Official.

2. That all other exits from the mall shall be provided with panic hardware or shall have no latch or lock.

3. That all roll up or sliding security grills or doors shall be provided with a key locking device so as to enable the grill to be locked in the full open position, and shall be so locked during any time that the public is in the B-2 occupancy. A readily visible permanent sign shall be placed adjacent to such locking device stating, "THIS DOOR TO REMAIN LOCKED IN THE FULL OPEN POSITION WHENEVER THE PUBLIC IS IN THIS STORE." The sign shall be in letters not less than one inch high on a contrasting background.

4. That all electrically operated roll up or sliding security grills or doors shall have a manual override within the B-2 occupancy which shall allow easy manual opening of the grill or door. This manual override shall not be locked whenever the public is in the B-2 occupancy. That a readily visible permanent sign shall be placed adjacent to such manual override giving instructions for its use in letters not less than one inch high on a contrasting background.

5. That the roll up or sliding security grill or door shall be installed for the full opening between the B-2 occupancy and the mall except for required structural supports and minor architectural appendages.

The use of this exception may be revoked by the Building Official or the Fire Chief for due cause.

SEC. 9-1.17. SECTIONS TO BE DELETED FROM BUILDING CODE. That Sections 6003 and 6004 of said Building Code are hereby deleted. That Section 5113 of said Building Code as set forth in the appendix thereto, is hereby deleted.

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 1979 Edition of the Uniform Building Code in lieu of the 1976 Edition, prescribe local fee schedules, prescribe local procedures to be used in the administration and enforcement of said Code, provide for local interpretations of said Code, make other changes in said Code consistent with local custom and practice as reflected in the prior local building code, and other changes due to local climatic and geographic conditions.

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 15th day of July, 1980, by Councilmember Siefkin, 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: Bright, Elliott, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED

Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

Ord. No. 1966-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 August, 1980, Councilmember Muratore 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: Bright, Elliott, Kullijian, Lang, Muratore, Acting Mayor Siefkin

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Mensinger

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: September 4, 1980

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

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

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

CHAPTER 2 - PLUMBING CODE

SEC. 9-2.01. ADOPTION OF UNIFORM PLUMBING CODE. That certain document three (3) copies of which are on file in the office of the City Clerk being marked and designated as the "Uniform Plumbing Code, 1979 Edition," adopted by the International Association of Plumbing and Mechanical Officials, together with Appendices A, B, C, D, E, G and I thereto, which said Code provides for the protection of the public health and safety, requires a permit for the installation or alteration of plumbing and drainage systems, defines certain terms, establishes minimum regulations for the installation, alteration or repair of plumbing and drainage systems and the inspection thereof, and provides penalties for the violation thereof, as amended, deleted and added to, be and the same is hereby adopted by reference as the Plumbing Code of the City of Modesto.

SEC. 9-2.02. TITLE. That Section 10.1 of said Plumbing Code be amended to read as follows:

Section 10.1. This Code shall be known as the "Plumbing Code" and will be referred to as "this Code" herein.

SEC. 9-2.03. PURPOSE: The Section 10.2 of said Plumbing Code be amended to read as follows:

Section 10.2. The purpose of this Code is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance of plumbing and drainage systems and any part or components thereof, and appliances connected thereto.

SEC. 9-2.04. AUTHORITY TO ABATE. That Section 10.5 of said Plumbing Code be amended to read as follows:

Section 10.5 (a) Any portion of a plumbing system found by the Building Official to be insanitary as defined herein is hereby declared to be a nuisance.

(b) Whenever it is brought to the attention of the Building Official that any insanitary conditions exist or that any construction or work regulated by this Code is dangerous, unsafe, insanitary, a nuisance or a menace to life, health or property or otherwise is 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 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 and in the case of any gas piping or gas appliance may order any person, firm or corporation, supplying gas to such piping or appliance to discontinue supplying gas thereto until such piping or appliance is made safe to life, health or property.

Every such order shall be in writing, addressed to the owner, agent or person responsible for the premises in which such 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 plumbing system is maintained in violation of this Code and in violation of any notice issued pursuant to the provisions of this section of 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 proceeding in any court of competent jurisdiction to prevent, restrain, correct, or abate the violation or nuisance.

SEC. 9-2.05. ADMINISTRATIVE AUTHORITY. That Section 20.1 of said Plumbing Code be amended to read as follows:

Section 20.1. Administrative Authority. The Administrative Authority is the Building Official or his duly authorized representative who is hereby charged with the administration and enforcement of this Code. The Building Official is hereby authorized and directed to enforce all provisions of this Code. For such purposes he shall have the powers of a law enforcement officer.

SEC. 9-2.06. VIOLATIONS. That Section 20.3 of said Plumbing Code be amended to read as follows:

Section 20.3. It shall be unlawful for any person, firm or corporation to erect, install, alter, repair, relocate, add to, replace, use, or maintain plumbing or drainage systems or parts thereof or appliances connected thereto in the city, or cause the same to be done, contrary to or in violation of any of the provisions of this Code. Maintenance of equipment which was unlawful at the time it was in-

stalled 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. 9-2.07. APPLICATION FOR PERMIT. That Section 20.6 of said Plumbing Code be amended to read as follows:

Section 20.6. 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, drawings, 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. 9-2.08. COST OF PERMIT. That the Schedule of Fees set forth in Section 20.7 of said Plumbing Code be amended to read as follows:

SCHEDULE OF FEES

For issuing each permit \$10.00

In addition -

For each plumbing fixture or trap or set of fixtures on one trap (including water, drainage piping and backflow protection therefor) - 2.60.

For each building sewer and each trailer park sewer - 8.50.

Rainwater systems-per drain - 3.50.

For each cesspool - 8.50

For each private sewage disposal system - 17.25.

For each water heater and/or vent - 2.60.

For each gas piping system of one (1) to five (5) outlets - 2.60.

For each gas piping system of six (6) or more, per outlet - .50.

For each industrial waste pretreatment interceptor, including its trap and vent, excepting kitchen type grease interceptors, functioning as fixture traps - 2.00.

For installation, alteration or repair of water piping and/or water treating equipment - 2.60.

For repair or alteration of drainage or vent piping - 3.00.

For each lawn sprinkler system on any one meter including back-flow protection devices therefor - 3.50.

For vacuum breakers or backflow protective devices on tanks, vats, etc. or for installation on unprotected plumbing fixtures including necessary water piping - one (1) to five (5) - 3.50.

Over five (5), each - .50.

For each reinspection when such portion of work for which inspection is called is not completed or when corrections called for are not made - 15.00.

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

SEC. 9-2.09. NOTIFICATION. That section 20.9 of said Plumbing Code be amended to read as follows:

Section 20.9. The Building Official may require that every request for inspection be filed at least one day before such inspection is desired. Such request may be in writing or by telephone at the option of the Building Official.

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. No portion of any work shall be concealed until inspected and approved.

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. 9-2.10. NONRESPONSIBILITY OF CITY. That Section 20.12 of said Plumbing Code be amended to read as follows:

Section 20.12. Nonresponsibility of City. Neither the City, nor any department, nor any board, commission, officer or employee thereof

shall be held liable or responsible for any damage or injury caused by or resulting from the issuance of or failure to issue or the revocation of any permit or certificate of inspection or the making of any inspection under the provisions of this Code.

SEC. 9-2.11. BOARD OF APPEALS. That Section 20.14 of said Plumbing Code be amended to read as follows:

Section 20.14. The Board of Building Appeals established by Section 204 of the Building Code of the City of Modesto shall determine the suitability of alternate materials and types of construction and provide for reasonable interpretations of the provisions of this Code and hear appeals from decisions of the Building Official regarding the intent and meaning of any provision of this Code.

SEC. 9-2.12. INTERPRETATION. That Section 20.15 be added to said Plumbing Code to read as follows:

Section 20.15. Interpretation. The language used in this Code is intended to convey the common and accepted meaning familiar to the plumbing industry.

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

SEC. 9-2.13. TO WHOM PERMITS MAY BE ISSUED. That Section 20.16 be added to said Plumbing Code to read as follows:

Section 20.16. The following categories of plumbing permits may be issued:

(a) A regular plumbing may be issued to a person, firm or corporation holding a valid contractor's license issued by the State of California to perform such work.

(b) A special owner's permit may be issued to an individual authorizing said individual to do plumbing work in, on or about a dwelling of which said individual is owner and in which he resides or intends to reside but not elsewhere; provided, that no plumbing work authorized under any such 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. 9-2.14. TELEPHONE PERMIT PROCEDURE. That Section 20.17 be added to said Plumbing Code to read as follows:

Section 20.17. 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 violation of this Code. Such a system may provide for the payment of permit fees on permits issued by telephone on an accounts receivable basis.

SEC. 9-2.15. VALIDITY AND LENGTH OF PERMIT. That Section 20.18 be added to said Plumbing Code to read as follows:

Section 20.18. (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 the Municipal Code or of any other ordinance of the City of Modesto.

(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 180 days from the date of said permit, or if such building or work authorized by such permit is suspended or abandoned at any time after the work has commenced for a period of 180 days, or if the building or work authorized by such permit is not completed 730 days from the date of such permit. Before such work can be recommenced, a new permit shall be first obtained so to do, and the fee therefor shall be 1/2 the amount required of 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.

Any permittee holding an unexpired permit may apply for an extension of time within which he may commence the work under that permit when he is unable to commence work within the time required by this section for good and satisfactory reasons. The Building Official may extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that

circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.

SEC. 9-2.16. RAINWATER PIPING. That Section 410 be added to said Plumbing Code to read as follows:

Section 410. (a) No overflow from a cistern, tank, expansion tank, drip pan or other device shall be directly connected to any soil waste or vent pipe, house drain or house sewer.

(b) Rainwater from roofs or other approved areas exposed to rainwater may be drained into the storm water drainage system but shall not drain into any sewer intended for sanitary sewage. A permit shall be procured in all cases to connect rainwater drainage to the storm water drainage system.

Rainwater from roofs or other approved areas may drain into the public street gutter; provided, that such gutter is paved and runs to a catch basin connected to the storm drain.

Rainwater from roofs or other approved areas may drain into a system of drainage piping designed to allow such drainage to be absorbed by the soil of the premises or may discharge upon the premises outside the building walls.

(c) No rainwater from roofs or other rainwater drainages of premises shall discharge upon a public sidewalk. When it is desired to conduct rainwater from a building or premises to a public street gutter, the outside underground piping shall be cast iron soil pipe. Water leaders connecting to such underground drainage piping, which are on the outside of a building wall that abuts on a public thoroughfare shall be constructed of cast iron pipe for a distance of five (5') vertically above grade.

(d) No sheet metal water leader shall be installed on the inside of a building, inner court or vent shaft. No sheet metal leader shall be directly connected to any drainage system which connects to a public sewer.

(e) When an existing sheet metal water leader pipe within the walls of a building becomes defective, such water leader shall be replaced with one which conforms to this Code.

(f) All underground roof and area rainwater drainage piping within the walls of a building shall be cast iron pipe and fittings and all such piping above ground shall be cast iron pipe and fittings or galvanized wrought iron or steel pipe with drainage fittings or approved standards.

(g) Except the feeding of rain water leader traps as herein required, no water leader or other rain water piping shall be used as a soil, waste or vent pipe nor shall any soil, waste or vent pipe be used as a rainwater leader.

(h) Rainwater leaders connecting to the storm water drainage system shall be effectively trapped if such water leader opening is within twelve feet (12') of a side or rear property line which does not abut on a public street or alley, or if such rainwater leader opening is within twelve feet (12') of any door or window or other source of ventilation or fresh air supply to any building. All water leaders may be served by one master trap or each leader may be trapped separately. All water leader traps shall have their seals maintained by an automatic priming device, designed and installed for that purpose. When a rainwater drainage system is served by one trap, such trap shall be provided with a fresh air inlet, not less than four inches (4") in diameter, which shall lead to the outer air and be provided with an approved cowl or grating so installed as to prevent the entrance of soil, stones or other objectionable materials.

(i) All roof boxes connected to concealed rainwater leaders (if made of light metal) shall be made by means of a lead stub and caulking ferrule which shall be firmly caulked with lead and oakum into said rainwater leader and the other end of lead stub to be firmly soldered to roof box. Cast iron roof drains may be screwed or caulked to their respective rainwater leaders.

(j) Rainwater from paved or unpaved areas shall not drain into the sanitary sewer system but may drain to the storm water drainage system. All such rainwater shall drain to a sump constructed of concrete with bottom and walls not less than four inches (4") in thickness. All sumps shall be provided with a trap formed by turning down the outlet pipe with a forty-five degree (45°) bend so as to maintain a water seal of not less than twelve inches (12"). No part of such seal shall protrude inside the sump. All sumps shall be not less than eighteen inches (18") wide and eighteen inches (18") long and two feet (2') deep and be provided with suitable grates that may be removed for cleaning purposes.

Sec. 9-2.17. TEMPORARY USE OF GAS. That Section 1210 of said Plumbing Code be amended to read as follows:

Section 1210. A structure or building shall pass final inspection as per Section 305(e) of the Building Code prior to connection of the gas service by the gas supplier. Temporary gas connection to the gas source for a period not to exceed ninety (90) days may be granted prior to the final inspection if in the opinion of the Building Official, the gas distributing line pipes and fittings are safe. If after ninety (90) days the structure or building has not passed final inspection, the Building Official shall have the authority to request the gas supplier to discontinue the service.

SECTION 2. FINDINGS 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 1979 Edition of the Uniform Plumbing Code in lieu of the 1976 Edition, prescribe local fee schedules, prescribe local procedures to be used in the administration and enforcement of said Code, provide for local interpretations of said Code, make other changes in said Code consistent with local custom and practice as reflected in the prior local plumbing code, and other changes due to local climatic and geographic conditions.

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 within 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 15th day of July, 1980, by Councilmember Siefkin, 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: Bright, Elliott, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED:


PEGGY MENSINGER, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
ELWYN L. JOHNSON, City Attorney

Ord. No. 1967-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 22nd day of July, 1980, Councilmember Lang 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: Bright, Elliott, Kulljian, Lang, Muratore, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: August 21, 1980

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

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

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

CHAPTER 7 - MECHANICAL CODE

SEC. 9-7.01. ADOPTION BY REFERENCE OF "UNIFORM MECHANICAL CODE". That certain document, three (3) copies of which are on file in the office of the City Clerk, being marked and designated as "Uniform Mechanical Code, 1979 Edition", published by the International Association of Plumbing and Mechanical Officials and the International Conference of Building Officials, together with Appendices A, B, and C thereto, which said Code provides for proper regulations for erecting, installing, altering, repairing, relocating, replacing, adding to, using and maintenance of, any heating, ventilating, comfort cooling or refrigeration systems and incinerators and other miscellaneous heat-producing appliances in the City and providing for the issuance of permits and collection of fees therefor, and providing penalties for the violation thereof, as hereinafter amended, deleted and added to, be and the same is hereby adopted by reference as the Mechanical Code of the City of Modesto.

SEC. 9-7.02. TITLE. That Section 101 of said Mechanical Code be amended to read as follows:

Section 101. This Code shall be known as the "Mechanical Code", may be cited as such, and will be referred to herein as "this Code".

SEC. 9-7.03. INTERPRETATION. That Section 108 be added to said Mechanical Code to read as follows:

Section 108. The language used in this Code is intended to convey the common and accepted meaning familiar to the mechanical industry.

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

SEC. 9-7.04. NONRESPONSIBILITY OF CITY. That subsection (h) of Section 201 of said Mechanical Code be amended to read as follows:

(h) Nonresponsibility of City. Neither the City, nor any department, nor any board, commission, officer or employee thereof shall be held liable or responsible for any damage or injury caused by or resulting from the issuance of or failure to issue or the revocation of any permit or certificate of inspection or the making of any inspection under the provisions of this Code.

SEC. 9-7.05. BOARD OF APPEALS. That Section 203 of said Mechanical Code be amended to read as follows:

Section 203. The Board of Building Appeals established by Section 204 of the Building Code of the City of Modesto shall determine the suitability of alternate materials and types of construction and provide for reasonable interpretations of the provisions of this Code and hear appeals from decisions of the Building Official regarding the intent and meaning of any provisions of this Code.

SEC. 9-7.06. PERMIT ISSUANCE. That subsection (d) of Section 303 of said Mechanical Code be amended to read as follows:

(d) 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 180 days from the date of said permit, or if such building or work authorized by such permit is suspended or abandoned at any time after the work has commenced for a period of 180 days, or if the building or work authorized by such permit is not completed 730 days from the date of such permit. Before such work can be recommenced, a new permit shall be first obtained so to do, and the fee therefore shall be 1/2 the amount required of 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.

Any permittee holding an unexpired permit may apply for an extension of time within which he may commence the work under that permit when he is unable to commence work within the time required by this section for good and satisfactory reasons. The Building Official may extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.

SEC. 9-7.07. PERMIT FEES. That subsection (a) of Section 304 of said Mechanical Code be amended to read as follows:

(a) The fee for each permit shall be as set forth in Table No. 3-A. No permit fees shall be required for the issuance of mechanical permits to governmental agencies, however governmental agencies which obtain permits may be charged inspection fees to defray the actual cost of inspection services.

SEC. 9-7.08. TELEPHONE PERMIT PROCEDURE. That Section 307 be added to said Mechanical Code to read as follows:

Section 307. 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 system. Said directives and regulations shall have the force and effect of law and a violation thereof shall constitute a violation of this Code. Such a system may provide for the payment of permit fees on permits issued by telephone on an accounts receivable basis.

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 1979 Edition of the Uniform Mechanical Code in lieu of the 1976 Edition, prescribe local fee schedules, prescribe local procedures to be used in the administration and enforcement of said Code, provide for local interpretations of said Code, make other changes in said Code consistent with local custom and practice as reflected in the prior local mechanical code, and other changes due to local climatic and geographic conditions.

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 15th day of July, 1980, by Councilmember Siefkin, 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: Bright, Elliott, Kullijian, Lang, Muratore, Siefkin,
Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:

Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, 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 July, 1980, Councilmember Lang 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: Bright, Elliott, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger
- NOES:** Councilmembers: None
- ABSENT:** Councilmembers: None

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: August 21, 1980

AN ORDINANCE AMENDING SECTIONS 9-9.01 AND 9-9.06 OF CHAPTER 9 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO THE HOUSING CODE.

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

SECTION 1. AMENDMENT OF CODE. Sections 9-9.01 and 9-9.06 of Chapter 9 of Title IX of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 9-9.01. ADOPTION BY REFERENCE OF "HOUSING CODE". That certain document, three (3) copies of which are on file in the office of the City Clerk, being marked and designated as "Uniform Housing Code, 1979 Edition" published by the International Conference of Building Officials, which said Code provides for proper regulations for the alteration, relocation, removing, demolition, sanitation, occupancy, vacation, equipment, use and maintenance of residential buildings within the City, and provides procedures for processing appeals on decisions made by the Building Official, and provides for enforcement of orders, performance of repair or demolition work, and for recovering the costs of repair or demolition, as hereinafter amended, deleted and added to, is hereby adopted by reference as the Housing Code of the City of Modesto.

SEC. 9-9.06. STANDARDS TO BE FOLLOWED. That Section 1103 of said Housing Code be amended to read as follows:

Section 1103. (a) STANDARDS TO BE FOLLOWED. The following standards shall be followed by the Building Official (and by the Board of Building Appeals, and the City Council, if appeals are taken) in ordering the repair, vacation or demolition of any substandard building or structure:

1. If any building is declared a substandard building under this Code it shall either be repaired in accordance with the current Building Code or shall be demolished at the option of the building owner.
2. If the building or structure is in such condition as to make it immediately dangerous to the life, limb, property, or safety of the public or of the occupants, it shall be ordered to be vacated.

SECTION 2. FINDINGS AND DECLARATION. As required by Section 17958.7 of the Health and Safety Code of the State of California, the Council of the City of Modesto finds and declares that the foregoing additions, modifications, and changes to the regulations adopted pursuant to said Health and Safety Code are reasonably necessary because of local conditions in that they adopt the 1979 Edition of the Uniform Housing Code in lieu of the 1976 Edition, prescribe local procedures to be used in the administration and enforcement of said Code, provide for local interpretations of said Code, make other changes in said Code consistent with local custom and practice as reflected in the prior local Housing Code, and make other changes due to local climatic and geographic conditions.

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 15th day of July, 1980, by Councilmember Siefkin, 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: Bright, Elliott, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 1969-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 22nd day of July, 1980, Councilmember Lang 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: Bright, Elliott, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyne
NORRINE COYNE, City Clerk

EFFECTIVE DATE: August 21, 1980

AN ORDINANCE AMENDING SECTIONS 9-3.101, 9-3.102, 9-3.107, 9-3.111, 9-3.112, 9-3.116 AND 9-3.117 OF ARTICLE 1 OF CHAPTER 3 OF TITLE IX OF THE MODESTO MUNICIPAL CODE, AND ADDING SECTION 9-3.118 THERETO RELATING TO THE ELECTRICAL CODE.

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

SECTION 1. AMENDMENT OF CODE. Sections 9-3.101, 9-3.102, 9-3.107, 9-3.111, 9-3.112, 9-3.116 and 9-3.117 of Article 1 of Chapter 2 of Title IX of the Modesto Municipal Code are hereby amended to read as follows:

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 1978", 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 law enforcement officer. The building official may waive specific requirements in this Code or permit alternative methods where it is assured that equivalent objectives can be achieved by establishing and maintaining effective safety.

(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 request 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 request 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.

When the Building Official or his authorized representative shall have first obtained a proper inspection warrant or other 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 request 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. 9-3.107. 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.

Any permittee holding an unexpired permit may apply for an extension of time within which he may commence the work under that permit when he is unable to commence work within the time required by this section for good and satisfactory reasons. The Building Official may extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.

(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 provided 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.....	\$10.00
In addition: For services including one meter:	
For services, 600 volts or less, not over 200 A, each....	4.50
For service above 600 volts or over 200 A, but not over 800A, each.....	14.00

For services, above 600 volts or over 800 A, each.....	\$14.00
Plus each additional 100 A over 800 A.....	2.00
Additional meters, each.....	2.00
For subpanel not over 200 A, each.....	4.50
For subpanel over 200 A, each.....	14.00
For receptacles, switches, lighting or other outlets at which current is used or controlled:	
Each.....	.30
Each 5 feet or fraction thereof of multi-outlet assembly shall be considered as one outlet.....	.30
For each 5 feet or fraction thereof of plug-in bus duct or trolley duct.....	.30
For fixtures, sockets or other lamp holding device:	
Each.....	.30
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.....	2.00
Over 1 and not over 3, each.....	2.50
Over 3 and not over 7-1/2, each.....	3.00
Over 7-1/2 and not over 15, each.....	4.50
Over 15 and not over 50, each.....	7.00
Over 50 and not over 100, each.....	14.00
Over 100, each.....	20.00
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 trans- former) and equipment:	
For each fixture.....	1.25
For each projection machine, dissolver, etc.....	3.75
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.....	2.00
Note: For motor operated appliances over one horse- power (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.....\$ 2.00

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..... 7.50

For additional branch circuits within the same sign, outline lighting system, or marquee, each..... 2.00

For separately installed flashers, timers or other control devices, each..... 2.00

Temporary power service..... 6.25

For each reinspection when each portion of work for which inspection is called is not completed or when corrections called for are not made..... 15.00

For the inspection of any electrical equipment for which no fee is herein prescribed for the time consumed per hour with one hour minimum..... 15.00

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. 9-3.116. 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 305(e) 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 disconnected 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, E, H and I occupancies. Occupancies are defined in the Building Code. Exception: Type NM and NMC non-metallic sheath cable, may be used when R-3 occupancies are converted to E-3 day care occupancies with less than 20 children.

(l) In A, B, E, H and I 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 R occupancy as defined in the Building Code.

SECTION 2. AMENDMENT OF CODE. Section 9-3.118 is hereby added to Article 1 of Chapter 3 of Title IX of the Modesto Municipal Code to read as follows:

SEC. 9-3.118. BOARD OF APPEALS. The Article 90.22 be added to said Electrical Code to read as follows:

Article 90.22. The Board of Building Appeals established by Section 204 of the Building Code of the City of Modesto shall determine the suitability of alternate materials and types of construction and provide for reasonable interpretations of the provisions of this Code and hear appeals from decisions of the Building Official regarding the intent and meaning of any provisions of this Code.

SECTION 3. 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 1978 Edition of the National Electrical Code in lieu of the 1975 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 interpretation 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 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. 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 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 15th day of July, 1980, by Councilmember Siefkin, 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: **Bright, Elliott, Kulliffan, Lang, Muratore, Siefkin, Mayor Mensinger**

NOES: Councilmembers: **None**

ABSENT: Councilmembers: **None**

APPROVED: *Peggy Mensinger*
PEGGY MENSINGER, Mayor

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, 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 July, 1980, Councilmember Lang 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: Bright, Elliott, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: August 21, 1980

AN ORDINANCE AMENDING SECTION 11-1.14 OF CHAPTER 1
OF TITLE XI OF THE MODESTO MUNICIPAL CODE RELATING
TO WATER RULES AND REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Section 11-1.14 of the Modesto
Municipal Code is hereby amended to read as follows:

SEC. 11-1.14. RULES AND REGULATIONS. In addition to all other provisions and requirements of this Chapter, the following additional rules and regulations for the use of water are hereby established:

(a) Consumers shall not waste water. The City shall have the right, after giving written notice of water waste, to take one or more of the following actions at the discretion of the Director of Public Works, if the waste continues:

(1) Install a water meter at the consumer's expense.

(2) Install a flow restrictive device at the consumer's expense in accordance with guidelines established by the Director of Public Works and on file in the office of the City Clerk and Director of Public Works.

(3) Install or require the installation of any other water conservation device required by resolution of the City Council.

(b) All water services installed shall have a wheel valve where the service pipe enters the house and/or structure.

(c) In making plumbing connections, the consumer shall comply with the regulations of the State and County Department of Public Health. Such regulations prohibit (1) unprotected cross connections between a public supply and any unapproved source of water and (2) water service to premises where there is a possibility of contaminated water backflowing into the public water system. In addition, approved double check valves or other protective devices shall be installed on water services when (1) another source of water, whether cross-connected or not, is in use or is available for use; or (2) contaminating liquid substances of any kind are used, produced, or processed. The Director of Public Works shall determine the type, design and layout of backflow control devices required at each premises and the devices shall be installed at the expense of the consumer. The control devices shall be inspected, tested and approved by the Director of Public Works as a condition of service to the premises.

(d) Regulations of the California State Department of Public Health require the owner of any premises on or for which check valves or other protective devices are installed to inspect these devices for water tightness and reliability at least once per year. Double check valves and other protective devices may, in addition, be inspected and tested for water tightness by the city at any time. If the inspection cannot be made without undue difficulty because of an obstruction or other interference, the consumer will be notified and requested either to correct the condition or have the inspection made at his own expense and witnessed by the city. Any defects found in any backflow control device shall be corrected by the consumer within (3) days. Failure to correct such defects is cause for discontinuance of water service.

(e) Water bills for unmetered services shall be issued on a bi-monthly basis for water service in the months immediately preceding and following the first of the month in which they are issued. The water bills are due and payable upon presentation, and if they are not paid at the end of the month in which they are billed, they shall be considered delinquent. If they are delinquent for more than ten (10) days and a delinquent notice issued by the Director of Finance has been delivered to the user or posted on the premises, a delinquent charge of Two and no/100ths (\$2.00) Dollars shall be added to the regular service charges, and service shall be subject to being disconnected. If the water service is disconnected because of nonpayment, the service shall not be reconnected until the amount of the delinquent bill, including the delinquent charges of Two and no/100ths (\$2.00) Dollars and an additional Two and no/100ths (\$2.00) Dollar charge for reconnection is paid except where a new owner has acquired title since the delinquent bill was incurred.

(f) Water bills for metered services shall be issued for the two (2) months immediately preceding the date of the meter reading and shall be due and payable upon presentation. If the water bills are not paid at the end of the month in which they are billed, they shall be considered delinquent and the same procedure and charges as for the unmetered service shall apply.

(g) No person shall supply water in any way for use outside of the premises to which the service is assigned or appurtenant, except by permission from the Director of Public Works.

(h) The water charges herein specified will be charged against vacant or untenanted buildings unless notice of the vacancy and a request for discontinuance of service is made to the office of the Director of Finance.

(i) Access to service connections and water meters must be provided at all times.

(j) All persons must keep the service pipes in good order at their own expense and may be held liable for damages which may

result from their failure to do so. When leaky faucets or fixtures are discovered and not immediately repaired, the water service may be disconnected. Authorized employees of the City of Modesto shall be admitted at all reasonable hours to all parts of any premises supplied with water, except the interior of dwellings, but including the meter box, to see that the regulations contained in this chapter are observed and complied with.

(k) It shall be unlawful for any person to interfere with the city service lines, valves or meters or to construct a by-pass around a meter or service.

(l) Owners of property will be held responsible for water used on their premises, although payments will be accepted from tenants. In case the tenants do not pay in accordance with the provisions of this chapter, the service may be disconnected and shall not be restored until the delinquent water charges, including the cost of water delivered as well as the cost of reconnecting service, shall have been paid.

(m) All unpaid accounts for water delivered at any premises shall be a lien against the real property.

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

(o) Independent fire sprinkler systems and private fire hydrant systems shall have an "idler assembly" installed in the service line to permit future installation of a check valve and a by-pass meter assembly. If the Director of Public Works determines that an independent fire sprinkler system or private fire hydrant system is being used for other than fire prevention and suppression purposes, he may install a check valve and by-pass assembly. The cost of such installation plus ten percent (10%) shall be paid by the consumer.

(p) For the purpose of this chapter, waste is causing, suffering or permitting water:

(1) To run into any street, road or highway without taking reasonable steps to prevent the same from occurring.

(2) To run upon the land of any person or of any public agency unless it is used thereon for irrigation or domestic, commercial or industrial use.

(3) To be used for any purpose during hours or day when such use is prohibited by resolution of the City Council.

(4) To be used in plumbing fixtures and/or appliances without installation of water conservation devices required by resolution of the City Council.

(q) Additional rules and regulations concerning the operation of the municipal water system and water conservation may be established by the Council from time to time by resolution.

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 July, 1980, by Councilmember Siefkin, 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: Bright, Elliott, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: *Peggy Mensinger*
PEGGY MENSINGER, Mayor

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, 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 July, 1980, Councilmember Lang 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: Bright, Elliott, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger
- NOES:** Councilmembers: None
- ABSENT:** Councilmembers: None

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: August 21, 1980

ORDINANCE NO. 1972 -C.S.

AN ORDINANCE AMENDING SECTION MAP 20-3-9 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING
CERTAIN PROPERTY LOCATED THEREON. (CHARLES DUERNER)

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

SECTION 1. ZONING CHANGE. Section 20-3-9 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 (269) ;

All that certain real property situate in a portion of the Northwest Quarter of the Southeast Quarter of Section 20, 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 interior quarter corner of said Section 20 which is also the Northwest corner of Lot 2 of North Central Tract according to the Official Map thereof, filed in the Office of the Recorder of Stanislaus County, California, on September 24, 1919, in Vol. 9 of Maps, page 16, thence along the North line of said Lot 2 which is also the centerline of 60.00 foot wide West Roseburg Avenue, in an Easterly direction, 122.53 feet to a point, said point being the true point of beginning of this description; thence continuing along the North line of Lot 2 in an Easterly direction, 207.53 feet to the Northeast corner of said Lot 2; thence in a Southerly direction along the East line of Lots 2, 3, and 6 of said North Central Tract, 330.08 feet to the Southeast corner of said Lot 6; thence along the South line of Lot 6 in a Westerly direction, 165.02 feet; thence in a Northerly direction parallel with and 165.10 feet distant from the centerline of Virginia Avenue, 100.00 feet; thence in a Westerly direction parallel with and 230.00 feet distant from the centerline of West Roseburg Avenue, 42.51 feet; thence in a Northerly direction parallel with and 122.53 feet from the centerline of Virginia Avenue, 230.00 feet to the centerline of West Roseburg Avenue and the true point of beginning of this description.

SECTION 2. USES. The following uses shall be permitted in said P-D(269) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, as required by Section 10-2.2704 of the Modesto Municipal Code, 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.

Three single dwellings oriented to Roseburg Avenue and condominiums to the rear.

Off-street parking and open space as shown on the approved plan

SECTION 3. ZONING MAP. Section Map 20-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of August, 1980, by Councilmember Kullijian, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Bright, was upon roll call carried and ordered printed

and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Kullijian, Muratore, Siefkin,
Mayor Mensinger

NOES: Councilmembers: Lang

ABSENT: Councilmembers: None

APPROVED:

Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By *William J. Mink*
Department of Planning and
Community Development

Ordinance 1972 C.S.

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

Ord. No. 1972-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 August, 1980, Councilmember Siefkin 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: Bright, Elliott, Kullijian, Muratore, Siefkin, Mayor Mensinger
NOES: Councilmembers: Lang
ABSENT: Councilmembers: None

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: September 18, 1980

ORDINANCE NO. 1973 -C.S.

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

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

SECTION 1. ZONING CHANGE. Section 16-3-9 of the Zoning

Map is hereby amended to reclassify the following-described property

from Low Density Residential Zone, R-1 to

Planned-Development Zone, P-D (275) :

Lot 19 in Block 12945 of Laurel Meadows, in the City of Modesto,
County of Stanislaus, State of California, according to the Official
Map thereof, filed in the Office of the Recorder of Stanislaus County,
California, on April 11, 1978, in Volume 27 of Maps, at page 62.

Also including the westerly 40.00 feet of Coffee Road immediately
adjacent to the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(275) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, as required by Section 10-2.2704 of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code.

All uses permitted in the P-O Zone.

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of August, 1980, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Bright, was upon roll call carried and ordered printed

and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Kullijian, Lang, Muratore,

NOES: Councilmembers: Siefkin, Mayor Mensinger

ABSENT: Councilmembers: None

APPROVED:

Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

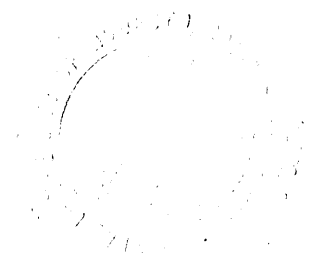
(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By *William D. Duda*
Department of Planning and
Community Development



Ordinance 1973 C.S.

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 19th day of August, 1980, Councilmember Bright 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: Bright, Elliott, Kullijian, Lang, Muratore

NOES: Councilmembers: Siefkin, Mayor Mensinger

ABSENT: Councilmembers: None

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: September 18, 1980

AN ORDINANCE AMENDING SECTION 10-2.3510 OF ARTICLE 35 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. Section 10-2.3510 of Article 35 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.3510. SPECIFIC REQUIREMENTS FOR TYPE, AREA AND HEIGHT OF SIGNS IN THE C-1, C-2, C-M, M-1, M-2, M-P, H-1, A-R, F, and P-D ZONES. 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) In the C-1 Zone, C-2 Zone, C-M Zone, M-1 Zone, M-2 Zone, and M-P Zone, the following signs are permitted except as otherwise stated:

(1) Only one (1) of the following signs for each use or occupancy:

(aa) Freestanding identification sign not exceeding seventy-two (72) square feet in area and twenty (20') feet in height, or

(ab) Projecting identification sign not exceeding seventy-two (72) square feet in area and thirty-five (35') feet in height. If any portion projects into or overhangs a public street or alley right-of-way, said sign shall not exceed forty-eight (48) square feet in area, or

(ac) Marquee identification sign at right angles to a street, not exceeding forty-eight (48) square feet in area and thirty-five (35') feet in height. A second such marquee identification sign is permitted if the two (2) signs are single-faced, are parallel, and are on opposite ends of a marquee.

(ad) Exception: Any sign existing on March 1, 1977, in the C or M Zones on a pylon which extends above a ridgeline shall be allowed to remain in addition to one (1) of the above signs as a non-conforming sign subject to abatement according to the schedule set forth in Section 10-2.3507.

(2) One freestanding identification sign for a shopping center, as herein defined, for each street upon which the shopping center fronts subject to the following provisions:

(aa) Each shopping center sign shall not exceed seventy-two (72) square feet in area and twenty (20') feet in height.

(ab) The identification on each shopping center sign shall be limited to the shopping center name with either a reader board or a listing of uses within the center optional. 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 free-standing or projecting 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 erection of a shopping center sign at a shopping center, even in those cases where the shopping center sign installation preceded this Code provision, no additional freestanding or projecting identification sign shall be erected at such shopping center for any use or occupancy therein.

(ae) A shopping center, eligible for a freestanding identification sign, is usually characterized by a cluster of retail uses:

(i) At one location held out to the public as a distinct shopping area and having a minimum of five (5) retail uses on the same or adjacent sites.

(ii) On one or more parcels not normally traversed by any public streets.

(iii) With membership in a merchants association comprising the cluster.

(iv) That employ a common advertising program for such a center.

(3) For a freestanding tourist-oriented hotel, motel, restaurant or service station located on property within two hundred (200') feet of the freeway 99 right-of-way, one (1) freestanding identification sign, not exceeding one hundred and fifty (150) square feet in area and thirty-five (35') feet in height may be approved subject to the securing of a conditional use permit from the Board of Zoning Adjustment in accordance with Article 20 of Chapter 2 of Title X of this Code.

(aa) Said use permit shall be dependent upon the following two (2) findings being shown:

(i) That the use or occupancy is a free-standing use. For the purposes of this section, a free-standing 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.

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

(ab) The Board of Zoning Adjustment may grant permission for said sign to be higher than thirty-five (35') feet if the applicant can show that a bridge over freeway 99 or ramps thereto obstruct visibility of said sign to the northbound or southbound lanes of freeway 99. Applicant shall also present plans illustrating the means by which the minimum height necessary to clear said visual obstruction was determined.

(4) Canopy, marquee, and wall identification signs, provided:

(aa) That said signs shall be limited to the portion of a building wherein the use or occupancy is conducted.

(ab) That the maximum total area for all said signs shall be limited as follows:

(i) For the principal frontage of the building as designated by the applicant:

<u>Building Frontage</u>	<u>Maximum Total Area for All Canopy, Marquee, and Wall Identification Signs</u>
First 50 feet	4 square feet per lineal foot of building frontage; plus
Next 50 feet	2 square feet per lineal foot of building frontage; plus
Over 100 feet	1 square foot per lineal foot of building frontage.

(ii) For each other frontage of the building:

<u>Building Frontage</u>	<u>Maximum Total Area for All Canopy, Marquee, and Wall Identification Signs</u>
First 50 feet	4 square feet per lineal foot of building frontage; plus
Next 50 feet	2 square feet per lineal foot of building frontage; plus
Over 100 feet	0.5 square foot per lineal foot of building frontage.

(ac) That said signs shall not exceed thirty-five (35') feet in height nor project above a ridgeline.

(ad) That signs hung from a canopy shall be not less than eight (8') feet above a private sidewalk or fifteen (15') feet above ground level in areas open to vehicular traffic.

(ae) That marquee signs shall be parallel with the building upon which they are mounted and parallel with the public street or alley into which they project or overhang.

(5) Directional signs located wholly on private property on the premises to which they pertain as follows:

(aa) One (1) exterior directional sign per use per street frontage of the site, not exceeding twelve (12) square feet in area and six (6') feet in height, and provided business identification shall not exceed one-half of the area on a given sign face.

(ab) Any number of interior directional signs, each not exceeding six (6) square feet in area and six (6') feet in height.

(ac) Two (2) maximum interior directional signs for a drive-in restaurant or other eating place with drive-through facilities, each sign not to exceed thirty (30) square feet in area and eight (8') feet in height.

(6) One (1) for sale or rent sign, not exceeding sixty-four (64) square feet in area and ten (10') feet in height.

(7) One (1) construction sign, not exceeding sixty-four (64) square feet in area and ten (10') feet in height, provided such sign is removed not later than thirty (30) days after construction is completed.

(8) One (1) marquee sign, not exceeding six (6) square feet in area on any one side or twelve (12) square feet maximum total area. Said sign may be hung from a marquee providing such sign shall be not less than eight (8') feet above a public sidewalk.

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

(aa) Each such sign shall not exceed sixty-four (64) square feet in area.

(ab) The overall height of each such sign shall not exceed ten (10') feet.

(ac) The combined area of all such signs shall not exceed one hundred and fifty (150) square feet.

(ad) Such signs shall be erected no more than sixty (60) days prior to the date of the election, and shall be removed within ten (10) days after the election.

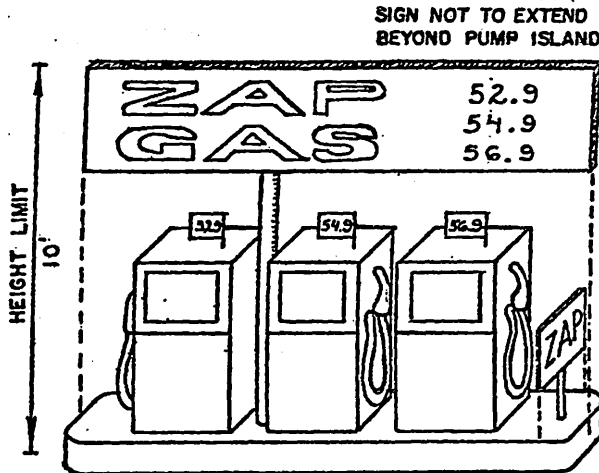
(10) Temporary signs are not permitted.

(11) Outdoor advertising signs are not permitted except as otherwise provided in this article.

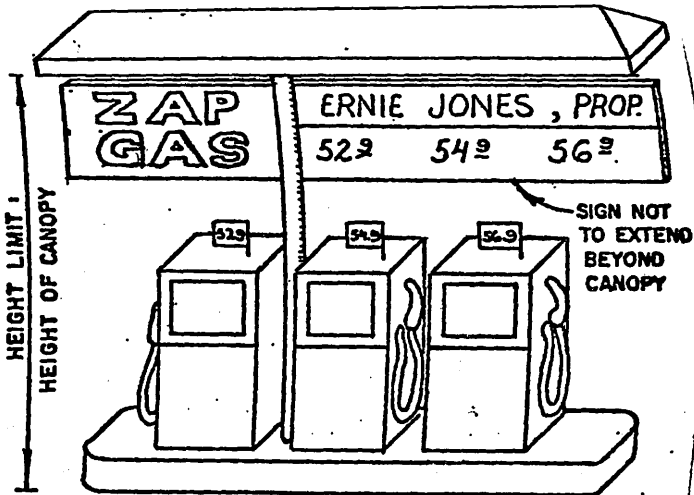
(12) Window signs are permitted.

(13) One (1) freestanding identification sign, not exceeding seventy-two (72) square feet in area and twenty (20') feet in height, which shall be permitted to identify a use without any structures, such as a parking lot. For pumpkin and Christmas tree sale lots, one (1) freestanding identification sign shall be permitted, not exceeding thirty-two (32) square feet in area and twelve (12') feet in height.

(14) Signs on service station pump islands, canopy up-rights, and non-movable structures on the pump islands, which shall be permitted if the combined area of said signs and all other wall and canopy signs do not exceed the total sign area permitted in subsection (4) above for the building on the site and do not project beyond the canopy roof or raised pump island. Said signs shall not exceed ten (10') feet in height if there is no canopy. For self-service service stations with small attendant booths less than ten (10') feet on any side, a maximum total wall and canopy sign area of one hundred and sixty (160) square feet is permitted.



SERVICE STATION WITHOUT A CANOPY



SERVICE STATION WITH A CANOPY

(15) One (1) corporate flag per use or occupancy, not exceeding twenty-four (24) square feet in area, dimensions relative to each other shall not exceed a ratio of 2:1. Such flags shall be flown only from a flagstaff or flagpole.

(b) In the H-1 Zone, the following signs are permitted:

(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, marquee, and projecting identification signs as allowed in Section 10-2.3510(a)(1) and freestanding shopping center identification signs as allowed in Section 10-2.3510(a)(2) are not 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.

(3) For a freestanding tourist-oriented hotel, motel, restaurant, or service station located on property within two hundred (200') feet of the freeway 99 right-of-way, one (1) freestanding identification sign, not exceeding one hundred and fifty (150) square feet in area and thirty-five (35') feet in height may be approved subject to the securing of a conditional use permit from the Board of Zoning Adjustment in accordance with Article 20 of Chapter 2 of Title X of this Code.

(aa) Said use permit shall be dependent upon the following two (2) findings being shown.

(i) 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.

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

(ab) The Board of Zoning Adjustment may grant permission for said sign to be higher than thirty-five (35') feet if the applicant can show that an overcrossing of freeway 99 or ramps thereto obstruct visibility of said sign to the northbound or southbound lanes of freeway 99. Applicant shall also present plans illustrating the means by which the minimum height necessary to clear said visual obstruction was determined.

(4) For any other freestanding use or occupancy, one (1) freestanding identification sign not to exceed seventy-two (72) square feet in area and twenty (20') feet in height may be approved subject to the securing of a conditional use permit from the Board of Zoning Adjustment in accordance with Article 20 of Chapter 2 of Title X of this Code. Said use permit will be dependent upon the following two (2) findings being 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 other signs permitted in the H-1 Zone.

(c) In the A-R Zone, the following signs are permitted:

(1) For any uses in the A-R Zone that are also permitted in the R-A Zone, the R-A sign regulations shall apply.

(2) For any uses in the A-R Zone that are not permitted in the R-A Zone, the H-1 sign regulations shall apply.

(d) In the F Zone, the following signs are permitted:

Any sign allowed in the underlying zone. The Flood Plain Zone is an overlay zone that does not regulate signs.

(e) For P-D Zones and Unclassified Use Permits, the following signs are permitted:

Sign limitations shall be made a condition of each P-D Zone and unclassified use permit and approval shall be based on the provisions of the zoning classification most closely approximating the uses proposed in the P-D Zone or unclassified use permit.

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 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 August, 1980, by Councilmember Muratore, 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: Bright, Elliott, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

APPROVED: Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 26th day of August, 1980, Councilmember Kullijian moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: September 25, 1980

ORDINANCE NO. 1975 -C.S.

AN ORDINANCE AMENDING SECTION MAP 10-3-9 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING
CERTAIN PROPERTY LOCATED THEREON. (R.B. WELTY FOR DOUG METCALFE)

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

SECTION 1. ZONING CHANGE. Section 10-3-9 of the Zoning

Map is hereby amended to reclassify the following-described property

from Medium Density Residential Zone, R-2 to

Planned-Development Zone, P-D (271):

All that certain real property situate in a portion of the Northwest quarter of Section 10, 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:

Lots 1, 2, and 3 in Block 12575 of Sylvan Meadows East No. 1, according to the Official Map thereof, filed in the Office of the Recorder of Stanislaus County, California, on July 9, 1974, in Volume 25 of Maps, at page 8.

Including also the eastern one-half of Coffee Road and the northern one-half of Sylvan Meadows Drive immediately adjacent to the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(271) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, as required by Section 10-2.2704 of the Modesto Municipal Code, 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.

Residential condominiums
Parking as indicated on the approved plan

SECTION 3. ZONING MAP. Section Map 10-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of August, 1980, by Councilmember Lang, 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: Bright, Elliott, Kullijian, Lang, Muratore,
Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:

Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

Judy C. Hall
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William Pruid
Department of Planning and
Community Development

Ordinance 1975 C.S.

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

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 2nd day of September, 1980, Councilmember Siefkin moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

- AYES:** Councilmembers: Bright, Elliott, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger
- NOES:** Councilmembers: None
- ABSENT:** Councilmembers: None

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Judy C. Hall
JUDY C. HALL, Acting City Clerk

EFFECTIVE DATE: October 2, 1980

AN ORDINANCE AMENDING SECTION 10-2.225.1 OF ARTICLE 2 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. Section 10-2.225.1 of Article 2 of Chapter 2 of Title X of the Modesto Municipal Code is 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, other than a restaurant which is operated separate from any other business. The term any other business as used herein includes but is not limited to a bar, roller rink; bowling alley, 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 2nd day of September, 1980, by Councilmember Elliott, who moved its introduction and passage to print, which motion

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

AYES: Councilmembers: Bright, Elliott, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Peggy Mensinger
PEGGY MENSINGER Mayor

ATTEST:

By Judy C. Hall
JUDY C. HALL, 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 10th day of September, 1980, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

- AYES:** Councilmembers: Bright, Elliott, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger
- NOES:** Councilmembers: None
- ABSENT:** Councilmembers: None

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Judy C. Hall*
JUDY C. HALL, Acting City Clerk

EFFECTIVE DATE: October 10, 1980

AN ORDINANCE AMENDING SECTION MAP 14-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (ALLEN GRANT)

WHEREAS, a verified application for an amendment to Section 14-3-9 of the Zoning Map was filed by Allen Grant

on July 2, 1980, 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 August 4, 1980, 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. 80-194, adopted on August 4, 1980, the Planning Commission recommended to the Council that the application of Allen Grant

to amend Section 14-3-9 of the Zoning Map to reclassify the hereinafter 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 September 2, 19⁸⁰, 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 reason:

The proposed density conforms to the Orchard Neighborhood Zoning and Development Plan

SECTION 2. ZONING CHANGE. Section 14-3-9 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 a portion of the West One-Half of the Northeast Quarter of Lot 3 of the O. McHenry Ranch, as per map filed February 14, 1905, in Volume 2 of Maps, Page 7, Stanislaus County Records, in the Southwest Quarter of Section 14, 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 said Northeast Quarter of Lot 3, said point being on the centerline of 40 foot wide Merle Avenue; thence along said centerline of Merle Avenue, South 89°32'10" East 190.35 feet; thence North 0°27'50" East 45.00 feet; thence northerly 133.48 feet along a tangent curve, concave to the West, having a radius of 270.00 feet and a central angle of 28°19'35"; thence northerly 129.58 feet along a reverse curve, concave to the East, having a radius of 270.00 feet and a central angle of 27°29'55"; thence North 0°21'50" West along a tangent line 1024.82 feet to the North line of that property conveyed to Allen R. Grant, et ux, as described in deed recorded July 29, 1976, as Instrument 5030, Stanislaus County Records; thence along said North line of Grant property North 89°33'24" West 130.01 feet to the Northwest corner thereof; thence along the West line of said Grant property South 0°21'50" East 1322.13 feet to the point of beginning.

CONTAINING 4.09 Acres

SECTION 3. ZONING MAP. Section 14-3-9 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.

~~CONFIDENTIAL~~

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 September, 1980, by Councilmember Bright, 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: Bright, Elliott, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Michael C. Herrero
Department of Planning and
Community Development

Ordinance 1977 C.S.

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

Ord. No. 1977-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 September, 1980, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Judy C. Hall
JUDY C. HALL, Acting City Clerk

EFFECTIVE DATE: October 10, 1980

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 461-C. S. ENTITLED "AN ORDINANCE AMENDING SECTION MAP 16 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (DEETER)"

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

SECTION 1. AMENDMENT OF ORDINANCE NO. 461-C. S. Section 2 of Ordinance No. 461-C. S. is hereby amended to read as follows:

"SECTION 2. USES. The following uses shall be permitted in said P-D(3) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, as required by Section 10-2.2704 of the Modesto Municipal Code, 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:

Residential condominiums and apartments".

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September, 1980, by Councilmember Kulltjian, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Kulltjian, Muratore, Siefkin
Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

APPROVED: Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

By Judy C. Hall
~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~

(SEAL) JUDY C. HALL, Acting City Clerk

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 23rd day of September, 1980, Councilmember Muratore 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: Elliott, Lang, Muratore, Siefkin, Mayor Mensinger
- NOES:** Councilmembers: None
- ABSENT:** Councilmembers: Bright, Kullijian

APPROVED Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

EFFECTIVE DATE: October 23, 1980

AN ORDINANCE AMENDING SECTION MAP 32-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (KIEU CONG TRAN)

WHEREAS, a verified application for an amendment to Section 32-3-9 of the Zoning Map was filed by Kieu Cong Tran

on July 1, 1980, to reclassify from Neighborhood Commercial Zone, C-1, to Professional Office Zone, P-O, the hereinafter described property, and

WHEREAS, after public hearing held on August 4, 1980, 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. 80-190, adopted on August 4, 1980, the Planning Commission recommended to the Council that the application of Kieu Cong Tran

to amend Section 32-3-9 of the Zoning Map to reclassify the hereinafter described property from Neighborhood Commercial Zone, C-1, to Professional Office Zone, P-O, 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 September 10, 1980, 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. The property proposed for P-O zoning contains dwelling units which are nonconforming, permitting no expansion or replacement of dilapidated or destroyed buildings normally allowed in the older, close-in residential areas.
2. The property proposed for P-O zoning is bounded on two sides by substantive commercial establishments and is adjoined by other dwelling units providing a land use intensity transition between the I Street commercial and the mid-block residential area.

SECTION 2. ZONING CHANGE. Section 32-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Neighborhood Commercial Zone, C-1, to Professional Office Zone, P-O :

All that certain real property situate in a portion of the Northwest quarter of Section 32, 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:

Lots 31 and 32 of Block 9, City of Modesto.

Including also the southern one-half of I Street, the eastern one-half of Third Street, and the western one-half of the alley immediately adjacent to the above described property.

SECTION 3. ZONING MAP. Section 32-3-9 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.

Ordinance 1979 C.S.

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

Ord. No. 1979-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 September, 1980, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Elliott, Lang, Muratore, Siefkin, Mayor Mensinger
NOES: Councilmembers: None
ABSENT: Councilmembers: Bright, Kullijian

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Judy C. Hall
JUDY C. HALL, Acting City Clerk

EFFECTIVE DATE: October 23, 1980

ORDINANCE NO. 1980 -C.S.

AN ORDINANCE AMENDING SECTION MAP 12-3-8 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING and PREZONING
CERTAIN PROPERTY LOCATED THEREON. (STANISLAUS COUNTY HOUSING
AUTHORITY)

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

SECTION 1. ZONING CHANGE. Section 12-3-8 of the Zoning

Map is hereby amended to reclassify and to prezone the following described property

from Low Density Residential Zone, R-1, and to prezone to

Planned-Development Zone, P-D (270) :

R-1 to P-D

All that portion of Section 12, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, being a portion of Lot 11 of McKinney Colony, as per map filed November 21, 1903, in Volume 1 of Maps, page 57, Stanislaus County Records, described as follows:

Commencing at the Southwest corner of said Section 12, said point being on the center line of a 50-foot public road known as Dale Road; thence along the West line of Section 12, North 00° 19' 21" West, 263.78 feet, to the North line of the 110-foot wide Hetch Hetchy right-of-way conveyed to the City and County of San Francisco, a Corporation, by Deed recorded April 7, 1926, in Volume 60 of Official Records, page 484, Stanislaus County Records; thence along said North line, North 70° 11' 17" East, 2,816.47 feet, to the West line of said Lot 11 of McKinney Colony; thence continuing along said Hetch Hetchy right-of-way North 70° 11' 17" East, 704.09 feet to the true point of beginning of this description; thence North 0° 21' 40" East, 30.00 feet to the south line of 100-foot wide Standiford Avenue; thence along said south line on a tangent curve concave to the Northwest, having a radius of 1,550.00 feet, a central angle of 20° 40' 34" and an arc length of 559.34 feet; thence continuing along said south line North 39° 42' 26" East, 364.95 feet, to the East line of Lot 11 of McKinney Colony; thence along said East line, South 0° 21' 40" East, 429.49 feet, to the north line of Hetch Hetchy right-of-way; thence along said north line South 70° 11' 17" West, 703.77 feet to the point of beginning.

Including also all of the Southerly one-half of Standiford Avenue immediately adjacent to the above described property.

Excepting therefrom the East 60.00 feet of the above described property.

Prezone to P-D

The East 60.00 feet of the following described property.

All that portion of Section 12, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, being a portion of Lot 11 of McKinney Colony, as per map filed November 21, 1903, in Volume 1 of Maps, page 57, Stanislaus County Records, described as follows:

Commencing at the Southwest corner of said Section 12, said point being on the center line of a 50-foot public road known as Dale Road; thence along the West line of Section 12, North $00^{\circ} 19' 21''$ West, 263.78 feet, to the North line of the 110-foot wide Hetch Hetchy right-of-way conveyed to the City and County of San Francisco, a Corporation, by Deed recorded April 7, 1926, in Volume 60 of Official Records, page 484, Stanislaus County Records; thence along said North line, North $70^{\circ} 11' 17''$ East, 2,816.47 feet, to the West line of said Lot 11 of McKinney Colony; thence continuing along said Hetch Hetchy right-of-way North $70^{\circ} 11' 17''$ East, 704.09 feet to the true point of beginning of this description; thence North $0^{\circ} 21' 40''$ East, 30.00 feet to the south line of 100-foot wide Standiford Avenue; thence along said south line on a tangent curve concave to the Northwest, having a radius of 1,550.00 feet, a central angle of $20^{\circ} 40' 34''$ and an arc length of 559.34 feet; thence continuing along said south line North $39^{\circ} 42' 26''$ East, 364.95 feet, to the East line of Lot 11 of McKinney Colony; thence along said East line, South $0^{\circ} 21' 40''$ East, 429.49 feet, to the north line of Hetch Hetchy right-of-way; thence along said north line South $70^{\circ} 11' 17''$ West, 703.77 feet to the point of beginning.

Including also all of the Southerly one-half of Standiford Avenue immediately adjacent to the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(270 Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, as required by Section 10-2.2704 of the Modesto Municipal Code, 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 and 2-story apartments

Off-street parking as shown on the approved development plan

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September, 1980, by Councilmember Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Bright, was upon roll call carried and ordered printed

and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Kullijian, Lang, Muratore, Siefkin,
Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: *Peggy Mensinger*
PEGGY MENSINGER, Mayor

ATTEST: *Judy C. Hall*
~~NOTARY PUBLIC, CLERK~~
JUDY C. HALL, Acting City Clerk
(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By *Michael C. Herrero*
Department of Planning and
Community Development

Ordinance 1980 C.S.

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

Ord. No. 1980-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 September, 1980, Councilmember Elliott moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Elliott, Lang, Muratore, Siefkin, Mayor Mensinger

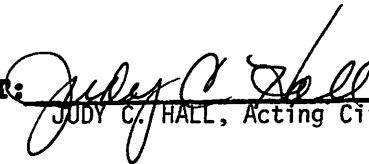
NOES: Councilmembers: None

ABSENT: Councilmembers: Bright, Kullijian

APPROVED


MAYOR PEGGY MENSINGER

ATTEST:


JUDY C. HALL, Acting City Clerk

EFFECTIVE DATE: October 23, 1980

ORDINANCE NO. 1981 -C.S.

AN ORDINANCE AMENDING SECTION MAPS 22-3-9 and 27-3-9 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING
CERTAIN PROPERTY LOCATED THEREON. (JAMES R. CORN ENTERPRISES, INC)

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

SECTION 1. ZONING CHANGE. Sections 22-3-9 and 27-3-9 of the Zoning
Map are hereby amended to reclassify the following-described property
from Low Density Residential Zone, R-1, _____ to
Planned-Development Zone, P-D (272) :

All that certain real property situate in a portion of the Southeast
quarter of the Southwest quarter of Section 22, Township 3 South, Range
9 East, Mount Diablo Base and Meridian, and a portion of the Northeast
quarter of the Northwest quarter of Section 27, 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:

Lots 1 and 8 of Sunnyside Acres according to the Official Map thereof,
filed in the office of the Recorder of Stanislaus County, California, on
May 24, 1911, in Volume 5 of Maps, at page 45.

INCLUDING also the South 25.00 feet of the East 395.53 feet of Lot 31 of
the Broughton Colony Tract according to the Official Map thereof, filed
in the office of the Recorder of Stanislaus County, California, on
November 11, 1903, in Volume 1 of Maps at page 78.

SECTION 2. USES. The following uses shall be permitted in said P-D(272) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, as required by Section 10-2.2704 of the Modesto Municipal Code, 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.

Residential condominiums
Offstreet parking as indicated on the approved plans

SECTION 3. ZONING MAP. Section Maps 22-3-9 and 27-3-9 of the Zoning Map of the City of Modesto are amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of September, 1980, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and ordered printed

and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Siefkin,
Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

APPROVED: *Peggy Mensinger*
PEGGY MENSINGER, Mayor

ATTEST: *Judy C. Hall*
~~XX~~
JUDY C. HALL, Acting City Clerk
(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By *William P. Smith*
Department of Planning and
Community Development

Ord. No. 1981-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 September, 1980, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Elliott, Lang, Muratore, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Bright, Kullijian

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

EFFECTIVE DATE: October 23, 1980

Ordinance 1981 C.S.

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

ORDINANCE NO. 1982 -C. S.

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

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

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

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of September, 1980, by Councilmember

Lang, 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, Lang, Muratore, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Bright, Kullijian

APPROVED: *Peggy Mensinger*
PEGGY MENSINGER, Mayor

ATTEST:

By *Judy C. Hall*
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

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

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

SECRET ONLY

The Board of Administration, Public Employees' Retirement System, hereinafter referred to as Board, and the governing body of above public agency, hereinafter referred to as Public Agency, having entered into a contract under date of July 27, 1946, effective August 1, 1946, and as amended effective December 1, 1950, July 1, 1956, July 1, 1959, November 1, 1959, January 1, 1960, October 1, 1962, January 1, 1969, May 1, 1973, May 1, 1974, June 24, 1975, March 28, 1978, and July 4, 1978, which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

A. Paragraphs 1 through 10 are hereby stricken from said contract as executed effective July 4, 1978, and hereby replaced by the following paragraphs numbered 1 through 10 inclusive:

- 1.. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 60 for local miscellaneous and age 55 for local safety members.
2. Public Agency shall participate in the Public Employees' Retirement System from and after August 1, 1946 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except such as by express provisions thereof apply only on the election of contracting agencies.
3. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:
 - a. Local Firemen (herein referred to as local safety members);
 - b. Local Policemen (herein referred to as local safety members);
 - c. Employees other than local safety members (herein referred to as local miscellaneous members).

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

POLICE COURT DEPARTMENT EMPLOYEES.

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

4. The fraction of final compensation to be provided for local miscellaneous members for each year of credited prior and current service shall be that provided in Section 21251.13 subject to the reduction provided therein for service on or after January 1, 1956 and prior to June 30, 1978 for members whose service has been included in Federal Social Security.
5. The fraction of final compensation to be provided for each year of credited prior and current service as a local safety member shall be determined in accordance with Section 21252.1 of said Retirement Law (One-half pay at age 55).
6. The following additional provisions of the Public Employees' Retirement Law which apply only upon election of a contracting agency shall apply to the Public Agency and its employees:
 - a. Section 20952.5 (Age 50 voluntary retirement) for local safety members only.
 - b. Section 21222.1 (Special 5% increase - 1970).
 - c. Section 21222.2 (Special 5% increase - 1971).
 - d. Section 21222.6 (Special 15% increase for certain local miscellaneous members).
 - e. Sections 21380-21388 (1959 Survivors Program).
 - f. Section 20024.2 (One-year final compensation), for local miscellaneous members.
 - g. Section 21298 (Increased non-industrial disability allowance), for local miscellaneous members.
 - h. Section 21390 (Increased 1959 Survivors benefits), for local miscellaneous members.
 - i. Sections 21263/21263.1 (Post-retirement survivor allowance).
 - j. Section 21222.85 (Special 3%-15% increase to pre-1-1-74 retirees).
7. Public Agency, in accordance with Section 20740, Government Code, ceased to be an "employer" for purposes of Chapter 6 of the Public Employees' Retirement Law effective on March 28, 1978. Accumulated contributions of Public Agency as of the aforementioned date shall be fixed and determined as provided in Section 20759, Government Code, and accumulated contributions as of the aforementioned date and contributions thereafter made shall be held by the Board as provided in Section 20759, Government Code.

8. Public Agency shall contribute to said Retirement System as follows:
- a. With respect to miscellaneous members, the agency shall contribute the following percentages of monthly salaries earned as miscellaneous members of said Retirement System:
 - (1) 0.445 percent until June 30, 2000 on account of the liability for prior service benefits.
 - (2) 14.941 percent on account of the liability for current service benefits.
 - (3) 0.212 percent on account of the liability for the 1959 Survivor Program.
 - b. With respect to local safety members, the agency shall contribute the following percentages of monthly salaries earned as local safety members of said Retirement System:
 - (1) 0.106 percent until June 30, 2000 on account of the liability for prior service benefits.
 - (2) 14.529 percent on account of the liability for current service benefits.
 - c. A reasonable amount per annum, as fixed by the Board to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.
 - d. A reasonable amount as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.
9. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.
10. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within thirty days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances, or adjustments on account of errors in contributions required of any employee may be made by direct cash payments between the employee and the Board. Payments by Public Agency to Board may be made in the form of warrants, bank checks, bank drafts, certified checks, money orders or cash.

B. This amendment shall be attached to said contract and shall be effective on the 1st day of November, 1980.

Witness our hands the 16th day of September, 1980.

BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL
OF THE
CITY OF MODESTO

BY
Carl J. Blechinger, Executive Officer

BY
Presiding Officer

EXHIBIT ONLY

Approved as to form:

Attest:

Cynthia G. Besemer 8/20/80
Cynthia G. Besemer, Legal Office, Date

GARTH LIPSKY, City Manager

PERS CON-702

Ord. No. 1982-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 September, 1980, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Elliott, Lang, Muratore, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Bright, Kullijian

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Judy C. Hall
JUDY C. HALL, Acting City Clerk

EFFECTIVE DATE: October 23, 1980

ORDINANCE NO. 1983 -C. S.

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 1894-C. S. ENTITLED "AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 1474-C. S. ENTITLED "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 AND CAROL L. ELLIS' (ALFREDO AND EMMA DURAN)' " (VINTAGE HOT TUB COMPANY).

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

SECTION 1. AMENDMENT OF ORDINANCE NO. 1894-C. S. Section 2 of Ordinance No. 1894-C. S. is hereby amended to read as follows:

"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; alcoholic beverages may be sold in conjunction with the operation of a restaurant; and there may be individual spas open to public use in conjunction with a sale and installation of spas business.
- (c) Parking Areas."

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of September, 1979, by Councilmember Lang, 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: Lang, Muratore, Siefkin, Mayor Mensinger

NOES: Councilmembers: Elliott

ABSENT: Councilmembers: Bright, Kulliffan

ATTEST:

APPROVED:

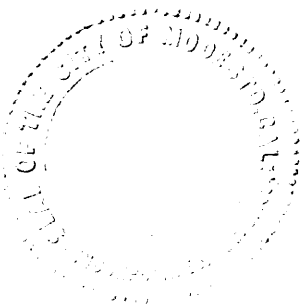
Peggy Mensinger
PEGGY MENSINGER, Mayor

By Judy C. Hall
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney



Ord. No. 1983-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 October, 1980, Councilmember Lang 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: Bright, Elliott, Kullijian, Lang, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

APPROVED


MAYOR PEGGY MENSINGER

ATTEST: 
JUDY C. HALL, Acting City Clerk

EFFECTIVE DATE: November 6, 1980

ORDINANCE NO. 1984 -C. S.

AN ORDINANCE AMENDING SECTION 8 OF ORDINANCE NO. 1766-C. S. ENTITLED "AN ORDINANCE GRANTING TO CABLECOM GENERAL OF MODESTO, A CALIFORNIA CORPORATION, A NON-EXCLUSIVE FRANCHISE TO CONSTRUCT, OPERATE AND MAINTAIN A COMMUNITY ANTENNA TELEVISION SYSTEM WITHIN THE CITY OF MODESTO."

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

SECTION 1. Section 8 of Ordinance No. 1766-C. S. entitled "An Ordinance Granting To Cablecom General Of Modesto, A California Corporation, A Nonexclusive Franchise To Construct, Operate And Maintain A Community Antenna Television System Within The City Of Modesto" is hereby amended to read as follows:

"SECTION 8. Grantee shall provide a television signal return capability from the following locations of the type shown and by the dates or times shown:

- | | <u>Date</u> |
|--|--|
| A. Modesto City Council Chambers (VHF) | From the effective date of this ordinance. |
| B. Modesto City Fire Station No. 1 (Mid-band) | From the effective date of this ordinance. |
| C. Headend facilities of the East Campus of the Modesto Junior College (VHF) | From the effective date of this ordinance. |
| D. Modesto City Fire Department Training Facility (Mid-band) | December 31, 1978. |
| E. Stanislaus County Board of Supervisors Chambers (VHF) | December 31, 1979. |
| F. Stanislaus County Department of Education Instructional Materials Center (Mid-band) | October 13, 1980. |

- G. Downey High School (Room One)
(Mid-band) September 1, 1981.
- H. Modesto High School Auditorium (VHF) September 1, 1981.
- I. Modesto Community Center (VHF) Completion of the Modesto
Community Center or each
phase thereof."

SECTION 2. 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. 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 September, 1980, by Councilmember Siefkin, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Elliott, Lang, Muratore, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Bright, Kullijian

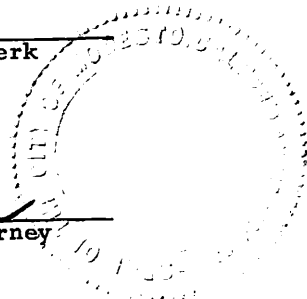
APPROVED: Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

By Judy C. Hall
JUDY C. HALL, Acting City Clerk
(SEAL)

APPROVED AS TO FORM:

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



Ord. No. 1984-C.S.

FINAL ADOPTION CLAUSE

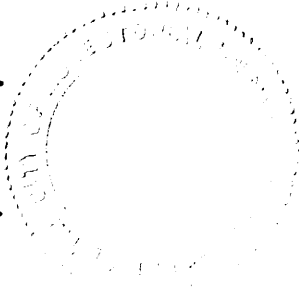
The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 7th day of October, 1980, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Kullijian, Lang, Siefkin, Mayor Mensinger
NOES: Councilmembers: None
ABSENT: Councilmembers: Muratore

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Judy C. Hall*
JUDY C. HALL, Acting City Clerk

EFFECTIVE DATE: November 6, 1980



ORDINANCE NO. 1985 -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)

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 Medium Density Residential Zone, R-2, to
Planned-Development Zone, P-D (274) :

All that certain real property situate in a portion of the Northwest quarter
of Section 24, 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:

Lot 1, Block 1644, of Lakewood Gardens No. 1, recorded February 25, 1975,
in Volume 25 of Maps, at page 26, Stanislaus County Records.

Lot 18, Block 1644, of Lakewood Gardens No. 2, recorded February 10, 1976,
in Volume 25 of Maps, at page 74, Stanislaus County Records.

Including also the southern one-half of East Orangeburg Avenue, the eastern
one-half of Lakewood Avenue, and the northern one-half of Laramie Drive
immediately adjacent to the above described lots 1 and 18.

SECTION 2. USES. The following uses shall be permitted in said P-D(274) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, as required by Section 10-2.2704 of the Modesto Municipal Code, 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.

residential condominiums

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 7th day of October, 1980, by Councilmember Muratore, 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: Bright, Elliott, Kullijian, Lang, Muratore,
Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST: Judy C. Hall
~~NOT RECORDED / COVERED BY XXXXXXXXXXXXXXX~~
JUDY C. HALL, Acting City Clerk

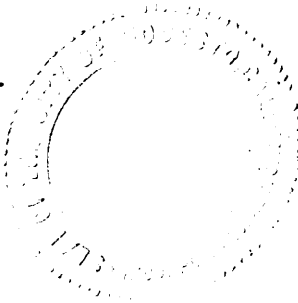
(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William Tribbe
Department of Planning and
Community Development



Ordinance 1985 C.S.

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

Ord. No. 1985-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 October, 1980, 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: Bright, Elliott, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Judy C. Hall
JUDY C. HALL, Acting City Clerk

EFFECTIVE DATE: November 9, 1980