

AN ORDINANCE AMENDING SECTION 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. Section 3-2.1401.1 of Article 14 of Chapter 2 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-2.1401.1. 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 facilitate the orderly movement of vehicular traffic and would be reasonable and safe, except when passing school grounds, and it is hereby determined that a speed limit greater than those hereinafter set forth would be more than is reasonable or safe. It is hereby declared the prima facie speed limits hereinafter set forth are established according to said Traffic Manual Provisions at or near the 85th percentile 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	40 miles per hour	July 11, 1980
BOWEN AVENUE, between Tully Road and McHenry Avenue	35 miles per hour	November 15, 1982
BRIGGSMORE AVENUE, (westbound) between Coffee Road and McHenry Avenue	45 miles per hour	November 15, 1982
BRIGGSMORE AVENUE, (east-bound) between McHenry Avenue and 1,000 feet west of Coffee Road	40 miles per hour	November 13, 1982

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
BRIGGSMORE AVENUE, (east and westbound) between McHenry Avenue and Tully Road	45 miles per hour	April 28, 1980
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	November 13, 1982
CARVER ROAD, between Roseburg Avenue and Brixton Lane within the City limits	35 miles per hour	November 15, 1982
CARVER ROAD, between Brixton Lane and M.I.D. Lateral No. 6 within the City limits	40 miles per hour	December 10, 1981
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
COFFEE ROAD, between Sylvan Avenue and Mable Avenue	40 miles per hour	June 6, 1981
COLLEGE AVENUE, between Princeton Avenue and Bowen Avenue	35 miles per hour	November 20, 1982
COLLEGE AVENUE, between Rumble Road and Bowen Avenue	35 miles per hour	January 19, 1981
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	March 11, 1981
EL VISTA AVENUE, between Yosemite Boulevard and Scenic Drive	40 miles per hour	November 16, 1982
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 Orangeburg Avenue and Carver Road	35 miles per hour	January 19, 1981
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	November 15, 1982

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	November 20, 1982
GRANGER AVENUE, between Sunrise Avenue and McHenry Avenue	30 miles per hour	October 17, 1978
GRANGER AVENUE, between McHenry Avenue and Tully Road	30 miles per hour	October 17, 1978
KANSAS AVENUE, between Carpenter Road and Emerald Avenue within the City limits	40 miles per hour	July 9, 1981
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	January 19, 1981
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	35 miles per hour	November 16, 1982
LINCOLN AVENUE, between Yosemite Boulevard and 650' north of M.I.D. Lateral No. 2	35 miles per hour	June 3, 1980
MABLE AVENUE, between Coffee Road and Oakdale Road	40 miles per hour	February 24, 1981
MILLER AVENUE, between La Loma Avenue and El Vista Avenue	35 miles per hour	November 16, 1982
MITCHELL ROAD, between Finch Road and the southerly City limits	50 miles per hour	November 20, 1982

MORRIS AVENUE, between McHenry Avenue and Coffee Road	35 miles per hour	November 16, 1982
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
ORANGEBURG AVENUE, between McHenry Avenue and Coffee Road	35 miles per hour	July 21, 1980
ORANGEBURG AVENUE, between Oakdale Road and Lakewood Avenue	35 miles per hour	March 17, 1980
ORANGEBURG AVENUE, between Lakewood Avenue and Claus Road	35 miles per hour	March 17, 1980
ORANGEBURG AVENUE, between Coffee Road and Rose Avenue	35 miles per hour	December 9, 1981
ORANGEBURG AVENUE, between Rose Avenue and Oakdale Road	35 miles per hour	August 30, 1979
ORANGEBURG AVENUE, between Briggsmore Avenue and Martin Avenue	30 miles per hour	July 11, 1980
ORANGEBURG AVENUE, between Martin Avenue and McHenry Avenue	35 miles per hour	July 11, 1980

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
PRINCETON AVENUE, between College Avenue and Tully Road	25 miles per hour	July 15, 1980
RIVERSIDE DRIVE, between Edgebrook Drive and Yosemite Boulevard	35 miles per hour	January 19, 1981
ROSE AVENUE, between Scenic Drive and Briggsmore Avenue	35 miles per hour	November 3, 1982
ROSE AVENUE, between Briggsmore Avenue and Floyd Avenue	35 miles per hour	November 16, 1982
ROSEBURG AVENUE, between Sunrise Avenue and McHenry Avenue	35 miles per hour	October 24, 1978
ROSEBURG AVENUE, between McHenry Avenue and Tully Road	30 miles per hour	October 24, 1978
ROSEBURG AVENUE, between Tully Road and Carver Road	35 miles per hour	October 25, 1978
ROSELAWN AVENUE, between Colorado Avenue and Rouse Avenue	30 miles per hour	March 19, 1982
ROUSE AVENUE, between Neece Drive and Colorado Avenue within the City Limits	35 miles per hour	September 16, 1982
RUMBLE ROAD, between Coffee Road and McHenry Avenue within the City limits	35 miles per hour	October 21, 1978
RUMBLE ROAD, between Conant Avenue and Tully Road	30 miles per hour	October 21, 1978
RUMBLE ROAD, between Sisk Road and Conant Avenue	40 miles per hour	December 9, 1981

RUMBLE ROAD, between Tully Road and McHenry Avenue	35 miles per hour	January 19, 1981
SCENIC DRIVE, between Coffee Road and Oakdale Road	40 miles per hour	December 9, 1981
SCENIC DRIVE, Lillian Drive to Claus Road, within the City limits	40 miles per hour	November 3, 1982
SCENIC DRIVE, between Oakdale Road and Lakewood Avenue	45 miles per hour	December 9, 1981
SIERRA DRIVE, between G and South 7th Streets	30 miles per hour	December 1, 1978
SISK ROAD, between Briggsmore Avenue and Brenner Way	50 miles per hour	December 9, 1981
SISK ROAD, between Brenner Way and Standiford Avenue	40 miles per hour	December 9, 1981
SISK ROAD, between Standiford Avenue and 600' north of Vintage Drive	40 miles per hour	March 6, 1981
STANDIFORD AVENUE, between Dale Road and Prescott Road	45 miles per hour	December 10, 1981
STANDIFORD AVENUE, between Prescott Road and Carver Road	40 miles per hour	December 10, 1981
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	October 20, 1980
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 Road and Robertson Road	30 miles per hour	November 1, 1982
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	January 27, 1982
TULLY ROAD, between Coldwell Avenue and Standiford Avenue	35 miles per hour	November 20, 1982
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	November 1, 1982
VENEMAN AVENUE, between Dale Road and MID Lateral No. 7	35 miles per hour	November 13, 1982
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	December 10, 1981
WOODLAND AVENUE, between Morse Avenue and Shasta Avenue, within the City limits	45 miles per hour	April 13, 1979
WOODLAND AVENUE, between Shasta Avenue and Carpenter Road within the City limits	45 miles per hour	February 5, 1980
WOODLAND AVENUE, between 9th Street and Carpenter Road within the City limits	35 miles per hour	December 10, 1981

Ord. No. 2164-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 21st day of December, 1982, Councilmember Lang 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, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: January 20, 1983

AN ORDINANCE AMENDING CHAPTER 2 OF TITLE XII OF THE MODESTO MUNICIPAL CODE RELATING TO MUNICIPAL GOLF COURSES.

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

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

CHAPTER 2.

MUNICIPAL GOLF COURSES

SEC. 12-2.01 ESTABLISHMENT OF GOLF COURSES. The Council is hereby authorized and empowered to establish municipal golf courses from time to time within the City of Modesto. Said municipal golf courses shall be used and maintained for the benefit and entertainment of the public generally, subject however, to the rules and regulations contained in this chapter, and such further rules and regulations as the Council may hereafter adopt from time to time by resolutions.

SEC. 12-2.02 RULES AND REGULATIONS. The following acts are hereby prohibited and the commission of any of them is hereby declared to be an infraction punishable in accordance with the provisions of Section 1-2.01 of this Code:

(a) To be upon any municipal golf course without the permission, whether expressed or implied, of the person in charge thereof.

(b) To play golf on any municipal golf course or any part thereof, without first having paid the required fee and having obtained a receipt therefor. A separate fee shall be paid by each player for each and every round of golf played over any municipal golf course, a round of golf being one continuous play over the total number of holes established in their sequence.

(c) To fail or refuse to show to the person in charge of any municipal golf course a receipt showing that the required fee has been paid for the round of golf then being played.

(d) To cut in, on or double back over any portion of any municipal golf course or to play on or attempt to play with or by authority of a receipt other than the one regularly issued for the round then being played on said municipal golf course.

(e) To wilfully and maliciously injure the turf of any municipal golf course, or to destroy or injure property thereon or remove property or equipment therefrom without permission from the person in charge of said municipal golf course.

(f) To drive or park any unauthorized vehicle on or over any part of a municipal golf course, except in designated areas.

(g) To take possession of golf balls upon or from any municipal golf course or the lands and streets adjacent thereto, except those belonging to the person taking possession of the golf balls.

(h) To sell or offer to sell on any municipal golf course golf balls or other equipment, food, drinks or other commodities except as may be permitted by the Council from time to time.

(i) To deposit rubbish, garbage, cut grass, weeds, or any other debris upon any municipal golf course, or any part thereof.

(j) To play any game with cards or dice for money or representative of value or to bet at or against any such game on any municipal golf course.

(k) To engage in any activity on a municipal golf course unrelated to the playing of golf, or walking or jogging on the perimeter thereof, without the prior written consent of the person in charge of said municipal golf course.

SEC. 12-2.03 CONTROL AND MAINTENANCE. The Council is hereby authorized and empowered to adopt resolutions from time to time to control, regulate and manage all municipal golf courses in all particulars not inconsistent with this chapter, specify the conditions under which the same may be used or played upon, to establish the fees to be paid for the use thereof, and for their collection and payment into the City Treasury, to specify the compensation to be paid to the operators, professionals, or other persons engaged to manage or operate said golf courses, to provide for the employment of such persons and/or enter into contracts for their services, to require bonds for all persons handling moneys derived from said golf courses, to provide for the construction and maintenance of buildings and other facilities thereon, to provide for the sale thereon by concession, or otherwise, of golf equipment and refreshments, to provide for practice greens and driving ranges, to allow exhibition matches and tournaments, and to control, regulate, maintain, and keep said golf courses in every other manner and to every extent deemed necessary by the Council.

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

SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting

forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of December, 1982, by Councilmember Siefkin, 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, Lang, Muratore, Siefkin, Mayor Mensinger
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

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. 2165-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 11th day of January, 1983, Councilmember Bright 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, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 10, 1983

ORDINANCE NO. 2166-C.S.

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 2098-C.S. ENTITLED "AN ORDINANCE AMENDING SECTION MAP 9-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (MC HENRY BOWL)"

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

SECTION 1. AMENDMENT OF ORDINANCE NO. 2098-C.S. Section 2 of Ordinance No. 2098-C.S. is hereby amended to read as follows:

"SECTION 2. USES. The following uses shall be permitted in said P-D(320) 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.

Bowling alleys
Restaurant/cocktail lounge
Family amusement machine center
Off-street parking as shown 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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of January, 1983, by Councilmember Patterson, 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, Lang, Muratore, Patterson, Siefkin,
Mayor Mensinger

NOES: Councilmembers: Elliott

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. 2166-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 11th day of January, 1983, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Bright, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger
NOES: Councilmembers: Elliott
ABSENT: Councilmembers: None

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 10, 1983

AN ORDINANCE AMENDING SECTIONS 4-3-9
AND 9-3-9 OF THE ZONING MAP OF THE CITY OF
MODESTO RECLASSIFYING CERTAIN PROPERTY
LOCATED THEREON. (SIDNEY SMITH)

WHEREAS, a verified application for an amendment to Sections 4-3-9 and 9-3-9 of the Zoning Map was filed by Sidney Smith on October 26, 1982, to reclassify from Low Density Residential Zone, R-1, to Highway Frontage Zone, H-1, the hereinafter described property, and

WHEREAS, after public hearing held on December 6, 1982, 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. 82-187, adopted on December 6, 1982, the Planning Commission recommended to the Council that the application of Sidney Smith to amend Sections 4-3-9 and 9-3-9 of the Zoning Map to reclassify the hereinafter described property from Low Density Residential Zone, R-1, to Highway Frontage Zone, H-1, be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing held on January 4, 1983, 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. Commercial zoning along McHenry Avenue in the City is the standard pattern, and this property is the only McHenry Avenue frontage in the City that is not already zoned commercial.
2. H-1 zoning assures compatibility with the other surrounding commercial properties and adjacent residential properties by virtue of the Board of Zoning Adjustment review of H-1 conditional use permits.

SECTION 2. ZONING CHANGE. Sections 4-3-9 and 9-3-9 of the Zoning Map are hereby amended to reclassify the following described property
 from Low Density Residential Zone, R-1
 to Highway Frontage Zone, H-1 :

All that certain piece or parcel of land situate in and being a portion of the southwest one-quarter of Section 4 and the northwest one-quarter of Section 9, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being more particularly described as follows:

All of Parcels A and B as shown on that certain Parcel Map recorded in Book 13 of Parcel Maps at Page 45, Stanislaus County Records.

Including also all of the eastern 55.00 feet of McHenry Avenue immediately adjacent to the above described property.

SECTION 3. ZONING MAP. Sections 4-3-9 and 9-3-9 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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of January, 19⁸³, 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, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED: Peggy Messinger
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 Alban Amodeo
Department of Planning and
Community Development

Ordinance 2167 C.S.
Exhibit A – Map

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

Ord. No. 2167-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 11th day of January, 1983, Councilmember Bright 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, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger
- NOES:** Councilmembers: None
- ABSENT:** Councilmembers: None

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 10, 1983

AN ORDINANCE AMENDING SECTIONS 10-2.801 AND 10-2.901 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO ZONING.

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

SECTION 1. AMENDMENT OF CODE. Sections 10-2.801 and 10-2.901 of Chapter 2 of Title X of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 10-2.801. PERMITTED USES. In a C-1 zone only the following uses are permitted:

(a) Primary uses:

- (1) Accounting, auditing and bookkeeping services.
- (2) Advertising agency.
- (3) Ambulance service.
- (4) Antique stores.
- (5) Apparel store and related accessories.
- (6) Artists' supplies and art shop.
- (7) Art studio.
- (8) Autograph and philatelist supply.
- (9) Bank, savings and loan, credit union.
- (10) Baby sitters' agency.
- (11) Barbershop; beauty shop.
- (12) Boardinghouse.
- (13) Book and stationery sales.
- (14) Building supply; limited to retail sales.
- (15) Business and professional offices.
- (16) Camera and photographic supply.
- (17) China.

- (18) Christmas tree sales.
- (19) Cigar store and stand.
- (20) Coal and fuel sales office.
- (21) Consumer credit reporting agency; adjustment and collection agency.
- (22) Curtain store.
- (23) Diaper service.
- (24) Drapery store.
- (25) Drug and proprietary medicine.
- (26) Dry cleaners, coin-operated.
- (27) Duplicating, addressing, mailing services, blue-printing and photostating services; stenographic services.
- (28) Eating and drinking establishments. Beer and wine may be served only in conjunction with meals. Music may be provided. The following are excluded:
 - (aa) Dancing and entertainment.
 - (ab) Dispensing of other alcoholic beverages.
- (29) Electrical repair shop.
- (30) Fireworks stand.
- (31) Florist, greenhouse, plant materials nursery.
- (32) Food stores.
- (33) Frozen food lockers, individual retail rental.
- (34) Garden supply.
- (35) General merchandise (excluding department store).
- (36) Gift, novelty and souvenir.
- (37) Glassware.

- (38) Gunsmith shop.
- (39) Hardware, limited to household and gardenware.
- (40) Hat cleaning.
- (41) Home furnishings such as pictures, frames, lamps, shades, awnings and window shades.
- (42) Ice dealer, limited to not more than five (5) tons capacity.
- (43) Interior decorating service.
- (44) Janitorial service, window cleaning, disinfecting and exterminating.
- (45) Jewelry.
- (46) Laundry and dry cleaning agency, including self-service.
- (47) Library.
- (48) Liquor (off-premises consumption).
- (49) Locksmith shop.
- (50) Lodging house.
- (51) Luggage and leather goods.
- (52) Metalware shop.
- (53) Motel, hotel, membership hotel, apartment hotel.
- (54) Musical instruments and records.
- (55) News dealer and newsstand.
- (56) Nonprofit membership organization, private club; fraternity, sorority; lodge.
- (57) Office supply sales.

- (58) Paint, glass and wall paper sales.
- (59) Parking area, parking garage.
- (60) Parts dealer, airplane, automobile, motorboat, motorcycle and trailer; sales only, no service, repair, rebuilding or installation.
- (61) Pet store.
- (62) Pet clinic.
- (63) Photographic studio, film processing.
- (64) Pumpkin sales.
- (65) Radio and television sales and repair.
- (66) Record sales.
- (67) Repair shops, such as bicycle, camera, fountain pen, lawn mower sharpening, knife and tool, musical instrument, saw sharpening, key duplication, and handyman repair service.
- (68) Schools, such as music, art, dramatics, language, children's dancing, correspondence.
- (69) Service station.
- (70) Shoe repair shop, shoeshine parlor, shoe sales.
- (71) Sporting goods.
- (72) Storm drainage basins and related facilities.
- (73) Tailor and seamstress shop, including pressing.
- (74) Taxi stand.
- (75) Toy shop.
- (76) Upholstery material store.
- (77) Variety store.
- (78) Watch, clock and jewelry repair.

- (b) The following uses upon the securing of a conditional use permit from the Board of Zoning Adjustment in accordance with Article 20 of this chapter:
- (1) Amusement and recreation services.
 - (2) Church; wedding chapel; funeral service.
 - (3) Child day care for more than six (6) children in addition to members of the family.
 - (4) Drive-in restaurant.
 - (5) Private recreational grounds and facilities not open to the general public and to which no admission charge is made.
 - (6) Public buildings or grounds operated by any governmental agency.
 - (7) Public utilities or utilities operated by mutual agencies, including electrical substations, gas metering stations, telephone exchanges, power boosters, or conversion plants, with the necessary buildings, apparatus or appurtenances thereto.
 - (8) Radio or television transmitter.
 - (9) Rest home.
 - (10) Tower.
- (c) Accessory uses and buildings customarily incidental to the uses described in this section.
- (d) Processing, packaging, treating or storing of materials to be sold at retail on the premises or to be sold wholesale; and manufacture of products to be sold at retail on the premises or on other lawfully existing commercial premises in the City of Modesto operated by the occupant of the premises where such products are manufactured, subject to the limitations and provisions of Section 10-2.802.

SEC. 10-2.901. PERMITTED USES. In a C-2 zone only the following uses are permitted:

(a) Primary uses:

- (1) Any use permitted in the C-1 (Neighborhood Commercial) zone.
- (2) Amusement and recreation services.
- (3) Appliance sales, household.
- (4) Armored car service.
- (5) Automobile or trailer rental.
- (6) Automobile repair, excluding painting, upholstering, and body and fender work, except that which is incidental to general repair.
- (7) Bus terminal.
- (8) Carnival.
- (9) Circus.
- (10) Coin operated machine rental service.
- (11) Department store; mail order house.
- (12) Detective and watching agency.
- (13) Drinking place.
- (14) Eating place.
- (15) Electrical supply store.
- (16) Employment agency.
- (17) Express office.
- (18) Farm and garden supply store.
- (19) Farm machinery sales, storage, repair and rental conducted wholly within an entirely enclosed building.

- (20) Floor covering sales.
- (21) Funeral service.
- (22) Furniture.
- (23) Furrier and fur shop, including repair and storage.
- (24) Hardware store.
- (25) Heating and plumbing equipment dealer.
- (26) Hobby shop.
- (27) Hospital supply.
- (28) House equipment display.
- (29) Ice dealer.
- (30) Insulation sales.
- (31) Leather goods, repair.
- (32) Mobile home dealer, including travel trailers, campers and camp cars.
- (33) Motion picture distributor.
- (34) Motion picture theatre, indoor.
- (35) Motor vehicle dealer, new and used cars.
- (36) News syndicate.
- (37) Nonprofit educational and scientific research agency.
- (38) Nonprofit membership organization, except a church.
- (39) Orthopedic and artificial limb store.
- (40) Parts dealer, airplane, automobile, motorboat, motorcycle and trailer.
- (41) Printing shop.
- (42) Private museum or art gallery.
- (43) Public address system business.
- (44) Radio or television broadcasting studio.

- (45) Research agency, commercial and testing laboratory.
- (46) Roofing sales.
- (47) Sign painting shop.
- (48) Taxicab central office, cab maintenance, storage and repair, excluding painting, upholstering and body and fender work, except that which is incidental to general repair.
- (49) Taxidermist shop.
- (50) Tire, battery and accessory dealer, not including tire recapping and vulcanizing.
- (51) Travel bureau.
- (52) Upholstery and furniture repair.
- (53) Vocational school.
- (54) Weather stripping sales.
- (b) The following uses subject to the granting of a conditional use permit by the Board of Zoning Adjustment:
 - (1) Car laundry.
 - (2) Family amusement machine center.
 - (3) Kennel.
 - (4) Massage and bath establishments and schools of massage.
 - (5) Small animal hospital.
- (c) Accessory uses and buildings customarily incidental to the above.
- (d) Processing, packaging, treating, storing or manufacturing of products to be sold at retail on the premises or to be sold wholesale, subject to the provisions and limitations of Section 10-2.902.

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January, 1983, 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: Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

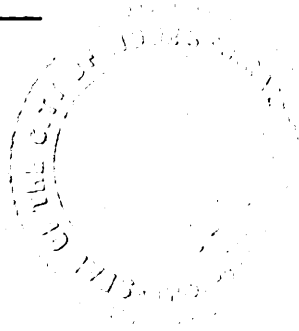
APPROVED: Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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



Ord. No. 2168-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 18th day of January, 1983, Councilmember Bright 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: Bright, Elliott, Lang, Patterson, Siefkin, Acting Mayor Muratore

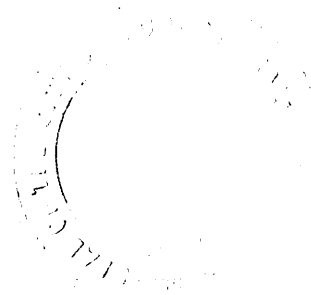
NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Mensinger

APPROVED 
ACTING MAYOR FRANK MURATORE

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 17, 1983



AN ORDINANCE AMENDING SECTIONS 5-6.04 AND 5-6.06 OF CHAPTER 6 OF TITLE V OF THE MODESTO MUNICIPAL CODE RELATING TO THE SEWER BOND REDEMPTION CHARGE AND THE SUBTRUNK SEWER EXTENSION CHARGE.

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

SECTION 1. AMENDMENT OF CODE. Sections 5-6.04 and 5-6.06 of Chapter 6 of Title V of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 5-6.04. SEWER BOND REDEMPTION CHARGES.

Each person owning property within the Sewer District shall pay a charge to the City for connecting to the sewage system in accordance with the following rates:

(a) Residential.

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

(b) Commercial and Industrial.

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

(c) Unconnected Standby Sewer Service Charges.

Properties which paid unconnected standby sewer service charges prior to July 1, 1969, shall be exempt from sewer bond redemption charges.

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

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

A fee shall be paid to the City for the purpose of covering the cost of inspection of the premises to make determinations on the acreage to be covered by the bond redemption charge. Said fee shall be in accordance with a schedule approved by the Council from time to time by resolution.

SEC. 5-6.06. SUBTRUNK SEWER EXTENSION CHARGE.

Each person owning property within the Sewer District shall pay a subtrunk sewer extension charge to the City at the time of connecting to the sewage system in accordance with the following rates:

(a) Residential and Commercial Areas.

- (1) For those territories which are annexed to and made a part of the City of Modesto pursuant to Modesto City Council Resolutions No. 80-191 (South Airport Annexation to the City of Modesto), 80-192 (Butte-Glenn Annexation to the City of Modesto), 80-194 (North Airport Annexation to the City of Modesto), all of which were adopted on the 4th day of March, 1980, a subtrunk sewer extension charge of One Hundred Fifty and no/100ths (\$150.00) Dollars per gross acre shall be paid to the City for each residential and/or commercial area served, unless said area has previously participated in the cost of construction of a subtrunk sewer.
- (2) In all other residential and commercial areas, a subtrunk sewer extension charge of Five Hundred and no/100ths (\$500.00) Dollars per gross acre shall be paid to the City for each residential and/or commercial area served unless said area has previously participated in the cost of construction of a subtrunk sewer.

(b) Industrial Areas.

For industrial areas, the extension of subtrunk sewers will be on an individual basis for areas served since size of these subtrunk sewers is dependent upon specific need.

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

A fee shall be paid to the City for the purpose of covering the cost of inspection of the premises to make determinations on the acreage to be covered by the subtrunk extension charge. Said fee shall be in accordance with a schedule approved 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 adoption.

SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of January, 1983, 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: Bright, Elliott, Lang, Patterson, Siefkin,
Acting Mayor Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Mensinger

APPROVED: 

FRANK MURATORE, Acting Mayor

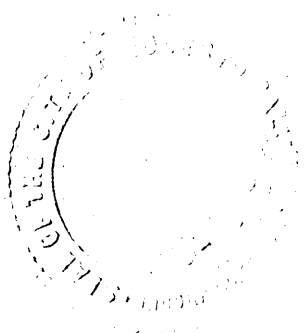
ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
ELWYN L. JOHNSON, City Attorney




Ord. No. 2169-C.S.

FINAL ADOPTION CLAUSE

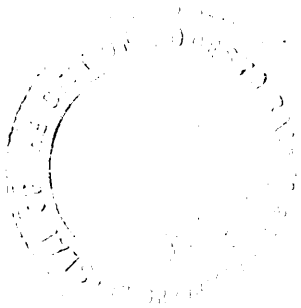
The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 25th day of January, 1983, Councilmember Elliott moved its final adoption, which motion being duly seconded by Councilmember Bright, was upon roll call carried and the ordinance adopted by the following vote:

- AYES:** Councilmembers: Bright, Elliott, Lang, Patterson, Siefkin, Acting Mayor Muratore
- NOES:** Councilmembers: None
- ABSENT:** Councilmembers: Mayor Mensinger

APPROVED 
ACTING MAYOR FRANK MURATORE

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 24, 1983



AN ORDINANCE GRANTING TO RUDY BONZI, INC. LICENSES FOR
THE COLLECTION OF INDUSTRIAL GARBAGE AND SALVAGEABLE
WASTE IN THE CITY OF MODESTO

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

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

SECTION 2. Limited licenses to collect industrial garbage and salvageable waste in the City of Modesto are hereby granted to Rudy Bonzi, Inc. subject to the following terms and conditions:

a. Said licenses shall be for terms commencing retroactively to January 1, 1983, and ending December 31, 1992, unless terminated at an earlier date under the provisions of these licenses.

b. Said licenses shall be non-exclusive licenses to collect industrial garbage and salvageable waste.

c. In accepting these licenses, Licensee thereby agrees that the services provided during the terms herein specified shall be in compliance with the provisions of this ordinance and the provisions of Chapter 5 of Title V of the Modesto Municipal Code.

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

e. The Licensee shall comply with all existing and future State and Federal laws, and all ordinances and regulations which may in any manner affect the Licensee's operations under the terms and conditions of these licenses.

f. The Director of Public Works of the City of Modesto shall administer and supervise the Licensee's operations under the terms of these licenses and in accordance with the provisions of Chapter 5 of Title V of the Municipal Code.

g. The Licensee shall maintain full and complete books of account and other records showing all business transacted in connection with the license for collection of industrial garbage by said Licensee including, but not limited to, receipts, expenses, profits, supporting statements and vouchers, balance sheets, profit and loss statements, and other documents, accurately reflecting and showing all such business of the Licensee. All such books and records shall be subject to audit and inspection at any and all reasonable times by the City and its authorized officers, agents, or employees and shall be made available at said office of such inspection or audit at any and all reasonable times upon request or demand of the authorized City official. The Licensee shall provide the City annually within ninety (90) days of the end of the preceding fiscal year ending June 30th with five (5) copies of an annual balance sheet and profit and loss statement. Financial statements submitted by the Licensee to the City shall be regarded by the City as confidential financial records of the Licensee, and shall not be released as a public record for inspection by any party other than authorized City officers.

h. The Licensee shall not litter any premises or public property in making collections of industrial garbage or salvageable waste nor shall industrial garbage or salvageable waste be allowed to leak, blow or fall from collection vehicles; however, if in spite of normal precautions against spillage, a litter is made on any premises or public property, the Licensee shall immediately remove same and clean up the area of spillage. Licensee's personnel shall make all collections in a quiet and orderly manner and shall refrain from making unnecessary disturbances and noise.

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

i. All equipment and containers used for the collection and hauling of industrial garbage or salvageable waste shall be approved by the Director of Public Works and shall be so constructed and maintained as to prevent leakage, spillage, or overflow. Trucks shall not be loaded in excess of requirements of the State of California Motor Vehicle Code. All trucks and equipment shall be clearly identified by an assigned equipment number and with the firm name and local telephone number affixed thereto. Collection trucks shall be painted a color approved by the Director of Public Works, and shall be equipped with such safety devices and warning lights as are required by the state of California Motor Vehicle Code.

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

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

k. Industrial garbage collected by the Licensee may be disposed of at such locations as are approved by the Health Officer.

l. Salvaging or scavenging by the Licensee, or any of his employees, is prohibited during collection.

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

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

SECTION 4. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January, 1983, 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: Bright, Elliott, Lang, Patterson, Siefkin,
Acting Mayor Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Mensinger

APPROVED: Frank Muratore
~~XXXXXXXXXXXXXXXXXXXX~~
FRANK MURATORE, 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. 2170-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 February, 1983, Councilmember Patterson 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, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger
- NOES:** Councilmembers: None
- ABSENT:** Councilmembers: None

APPROVED

Reggy Mensinger
MAYOR REGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: March 3, 1983

AN ORDINANCE GRANTING TO BERTOLOTTI DISPOSAL, INC., A CALIFORNIA CORPORATION, DBA BERTOLOTTI DISPOSAL SERVICE, A LICENSE FOR THE COLLECTION OF GARBAGE IN THE CITY OF MODESTO.

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

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

SECTION 2. A license to collect garbage in the City of Modesto is hereby granted to Bertolotti Disposal, Inc., a California Corporation, dba Bertolotti Disposal Service, subject to the following terms and conditions:

(a) Said license shall be for a term commencing retroactively to January 1, 1983, and ending either on June 30, 1983, or when Bertolotti Disposal, Inc. ceases to have a license from the County of Stanislaus to provide garbage service to Stanislaus County Refuse Collection Area No. 1, whichever occurs first, unless terminated at an earlier date under the provisions of this license. Nothing herein shall be deemed or construed to impair or affect in any way the right of the City to acquire the equipment and assume the operations of the Licensee at any time during the term of this license by purchase of the Licensee's equipment at a fair and just market value, which shall not include any amount for the license itself or for any of the rights or privileges granted by this license.

(b) During the term specified in paragraph (a) above, said license shall automatically extend to and be an exclusive license to collect garbage:

(1) Within each of the areas, or any portions thereof, delineated and marked as Areas No. 1 through 7 on that certain map titled "Map - Bertolotti Service Area" dated 1-6-75, on file in the office of the City Clerk and to which reference is hereby made, for a maximum period of three (3) years for each of said areas, or any portion thereof, from and after the date of annexation of any of said Areas No. 1 through 7, or any portions thereof, which are annexed to the City of Modesto.

(2) Within each part of Stanislaus County Refuse Collection Area No. 1 located south of the Tuolumne River and annexed to the City of Modesto, for a maximum period of five (5) years for each of said parts from and after the date of annexation of any of said parts.

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

(d) Rates and charges to be charged by the Licensee for the collection of garbage shall be established by the Council by resolution. Service charges and costs of operation of the Licensee will be reviewed annually by the City and, if deemed necessary by the City Council, rate adjustments made to be effective on or after January 1 of each year.

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

(e) The Licensee shall bill and collect all garbage service charges, provided, however, the Licensee and the City may enter into an agreement to provide for all or some of said garbage service charges to be billed and collected by the City, and for the fees to be paid to the City by the Licensee for such billing and collection service.

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

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

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

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

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

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

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

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

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

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

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

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

(m) The Licensee shall make garbage collection service available on request to all schools, public agencies, institutions, and other non-residential premises at the same rates established for business locations. In special cases where unusual quantities of materials or special type of materials, or where special methods of handling and/or disposing is required, the Director of Public Works may permit independent arrangements with the Licensee.

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

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

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

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

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

(q) All equipment used for the collection and hauling of garbage shall be approved by the Director of Public Works and shall be so constructed and maintained as to prevent leakage, spillage, or overflow. Trucks shall not be loaded in excess of requirements of the State of California Motor Vehicle Code.

All trucks and equipment shall be clearly identified by an assigned equipment number and with the firm name and local telephone number affixed thereto. Collection trucks shall be painted white, or other color approved by the Director of Public Works, and shall be equipped with such safety devices and warning lights required by the State of California Motor Vehicle Code.

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

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

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

(1) "Interruption of service" shall mean:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

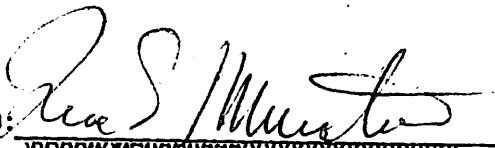
SECTION 4. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance the date of its introduction, and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January, 1983, by Councilmember Bright, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll carried and ordered printed and published by the following vote:

AYES: COUNCILMEMBERS: Bright, Elliott, Lang, Patterson, Siefkin, Acting Mayor Muratore

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: Mayor Mensinger

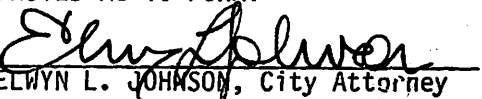
APPROVED: 
~~PEGGY MENSINGER, Mayor~~
FRANK MURATORE, Acting Mayor

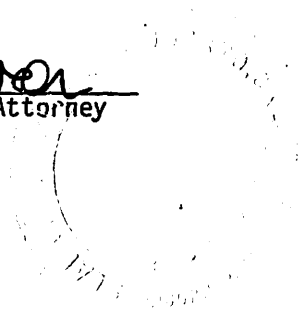
ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
ELWYN L. JOHNSON, City Attorney



Ord. No. 2171-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 February, 1983, Councilmember Patterson 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, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger
- NOES: Councilmembers:** None
- ABSENT: Councilmembers:** None

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: March 3, 1983

AN ORDINANCE AMENDING SECTION MAPS 7-4-9 AND 8-4-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (MARTIN TEUNISSEN)

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

SECTION 1. ZONING CHANGE. Sections 7-4-9 and 8-4-9 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 (336) :

All that real property situate in the southwest quarter of Section 8 and the southeast quarter of Section 7, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

Commencing at the southwest corner of said Section 8, said point being on the centerline of 40.00 foot wide Whitmore Avenue; thence North 89° 50' West along said centerline a distance of 14.00 feet; thence North 0°03'02" East along a line 14.00 feet westerly and parallel to the Section line common to Section 7 and 8 a distance of 1329.41 feet to a point on the 1/4 1/4 section line also being the westerly extension of the southern line of the Rutherford Tract, as per map filed March 19, 1947, in Volume 16 of Maps, Page 37, Stanislaus County Records; thence along said extension and Southern line, South 89°20' 00" East, 1334.75 feet; thence leaving the south line of said Rutherford Tract and along the East line of the Southwest quarter of the Southwest quarter of Section 8, South 0°10'40" West, 1022.97 feet, to the northeast corner of Parcel A as shown on that certain parcel map recorded August 11, 1971 in Book 12 of Parcel Maps, at Page 23, Stanislaus County Records; thence along the North line of said Parcel A, North 89°29' West, 235.00 feet, to the northwest corner of said Parcel A; thence South 0°10'40" West, 300.00 feet, to the South line of Section 8 and the center line of said Whitmore Avenue; thence along said south line and center line, North 89°29'00" West, 1086.63 feet, to the point of beginning.

SECTION 2. USES. The following uses shall be permitted in said P-D(336) 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 mobilehome park containing a maximum of 310 mobilehome spaces and including recreation facilities and off-street parking areas.

SECTION 3. ZONING MAP. Section Maps 7-4-9 and 8-4-9 of the Zoning Map of the City of Modesto are amended to appear as set forth on the maps attached hereto, which are hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January, 1983, 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, Elliott, Lang, Patterson, Siefkin, Acting Mayor Muratore
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Mayor Mensinger

APPROVED: Frank Muratore
~~FRANK MURATORE, MAYOR~~
FRANK MURATORE, Acting 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 William A. Nichols
Department of Planning and
Community Development

Ordinance 2172 C.S.
Exhibit A – Map

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

Ord. No. 2172-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 February, 1983, Councilmember Patterson 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, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: March 3, 1983

ORDINANCE NO. 2173-C.S.

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 1616-C.S. TO REVISE THE USES PERMITTED IN PLANNED DEVELOPMENT ZONE, P-D(159). (THOMAS D. AND DAVID V. HARRELL)

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

SECTION 1. AMENDMENT OF ORDINANCE NO. 1616-C.S. Section 2 of Ordinance No. 1616-C.S. is hereby amended to read as follows:

"SECTION 2. USES. The following uses shall be permitted in said P-D(159) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plans, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

1. A recreation complex including the following:
 - a. Roller skating rink
 - b. Miniature golf course
 - c. Trampoline center
 - d. Family amusement machine center
 - e. Non-motorized bicycle motocross race course
2. An off-street parking area."

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published

once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of February, 1983, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Lang, Muratore, Patterson, Siefkin,
Mayor Mensinger

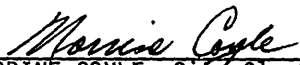
NOES: Councilmembers: Elliott

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. 2173-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 February, 1983, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger

NOES: Councilmembers: Elliott

ABSENT: Councilmembers: None

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: March 17, 1983

ORDINANCE NO: 2174 - C.S.

AN ORDINANCE AMENDING SECTIONS 25-3-9 AND 36-3-9 OF THE ZONING MAP, OF THE CITY OF MODESTO TO REZONE FROM PROFESSIONAL OFFICE ZONE, P-0, HEAVY INDUSTRIAL ZONE, M-2, AND PLANNED DEVELOPMENT ZONE, P-D(144), TO HIGHWAY FRONTAGE ZONE, H-1, PROPERTY LOCATED AT THE NORTHEAST CORNER OF LINCOLN AVENUE AND YOSEMITE BOULEVARD. (KOUNIAS ESTATE)

WHEREAS, a verified application for an amendment to Sections 25-3-9 and 36-3-9 of the Zoning Map was filed by Anna Kounias, executrix, Estate of George Kounias, on December 8, 1982, to reclassify from Professional Office Zone, P-0, Heavy Industrial Zone, M-2, and Planned Development Zone, P-D(144), to Highway Frontage Zone, H-1, property located at the northeast corner of Lincoln Avenue and Yosemite Boulevard, in the City of Modesto, and

WHEREAS, a public hearing was held by the Planning Commission on January 17, 1983, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received, and

WHEREAS, the Planning Commission, by Resolution No. 83-5, adopted on January 17, 1983, found and determined that the rezoning from Professional Office Zone, P-0, Heavy Industrial Zone, M-2, and Planned Development Zone, P-D(144), to Highway Frontage Zone, H-1, property located at the northeast corner of Lincoln Avenue and Yosemite Boulevard, in the City of Modesto, is required by public necessity, convenience and general welfare for the following reasons:

1. The proposed H-1 zoning will ultimately allow the commercial development anticipated in the General Plan and in the P-0 Zoning but will obviate the need for further development schedule extensions.
2. Rezoning from P-D(144) and P-0 will create a compatible zoning pattern tying into H-1 zoning adjoining to the east and along Yosemite Boulevard further west.
3. The rezoning from M-2 to H-1 is only to effect a cleaner zoning map, this portion being entirely in the Yosemite Boulevard right-of-way.

WHEREAS, said matter was set for public hearing before the City Council at its regular meeting place in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, on February 8, 1983 at 7:30 p.m., and

WHEREAS, after hearing evidence, both oral and documentary, the Council finds and determines that the proposed amendment to reclassify from Professional Office Zone, P-0, Heavy Industrial Zone, M-2, and Planned Development Zone, P-D(144), to Highway Frontage Zone, H-1, property located at the northeast corner of Lincoln Avenue and Yosemite Boulevard, in the City of Modesto, should be approved,

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

SECTION 1. COUNCIL FINDINGS. The Council of the City of Modesto finds and determines that the proposed amendment to reclassify from Professional Office Zone, P-0, Heavy Industrial Zone, M-2, and Planned Development Zone, P-D(144), to Highway Frontage Zone, H-1, property located at

the northeast corner of Lincoln Avenue and Yosemite Boulevard, in the City of Modesto, is required by public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 83-5, and quoted above.

SECTION 2. ZONING CHANGE. Sections 25-3-9 and 36-3-9 of the Zoning Map are hereby amended to reclassify the following described property from Professional Office Zone, P-0, Heavy Industrial Zone, M-2, and Planned Development Zone, P-D(144), to Highway Frontage Zone, H-1:

P-D(144) to H-1

All that certain real property situate in a portion of the Southwest quarter of Section 25-3-9, Township 3 South, Range 9 East, Mount Diablo Base and Meridian in the County of Stanislaus, State of California described as follows:

Commencing at the Southwest corner of said Section 25, thence North 89°34'28" East along the South line of said Section 25, a distance of 20.00 feet to the intersection of the center line of Lincoln Avenue with the center line of Yosemite Boulevard and the point of beginning of this description; thence North 0°32'24" West along said center line of Lincoln Avenue a distance of 527.00 feet; thence North 89°34'28" East 901.98 feet to the Westerly line of Parcel A, as shown on the parcel map filed in Volume 22 of parcel maps, at Page 79, Stanislaus County Records; thence South 0°32'24" East along said Westerly line of Parcel A and the Westerly line of Parcel C, a distance of 160.00 feet; thence South 89°34'28" West 130.00 feet; thence South 0°32'24" East 367.00 feet to said center line of Yosemite Boulevard; thence South 89°34'28" West along said center line a distance of 771.98 feet to the point of beginning.

P-0 to H-1

Commencing at the Southwest corner of said Section 25; thence North 89°34'28" East along the South line of said Section 25, a distance of 20.00 feet to the intersection of the center line at Lincoln Avenue with the center line of Yosemite Boulevard; thence North 89°34'28" East along said center line of Yosemite Boulevard a distance of 771.98 feet to the point of beginning of this description; thence North 0°32'24" West 367.00 feet thence North 89°34'28" East 130.00 feet to the Westerly line of Parcel A, as shown on the Parcel Map filed in Volume 22 of Parcel Maps, at Page 79 Stanislaus County Records; thence South 0°32'24" East along said Westerly line of Parcel A and the Westerly line of Parcel C a distance of 139.13 feet to a jog in the boundary of said Parcel C; thence continuing along said boundary of Parcel C, South 89°33'48" West 9.00 feet; thence South 0°32'24" East 227.87 feet to said center line of Yosemite Boulevard; thence South 89°34'28" West along said center line a distance of 121.00 feet to the point of beginning.

M-2 to H-1

All that portion of Yosemite Boulevard situate in a portion of the Northwest quarter of Section 36, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the County of Stanislaus, State of California, described as follows:

Commencing at the Northwest corner of said Section 36; thence North 89°34'28" East along the North line of said Section 36, a distance of 20.00 feet, to the intersection of the center line of Lincoln Avenue with the center line of Yosemite Boulevard and the true point of beginning of this description; thence continuing along said center line of Yosemite Boulevard and the North line of said Section 36, North 89°34'28" East, 892.98 feet; thence South 0°32'24" East, 33.00 feet to the South line of Yosemite Boulevard; thence along said South line, South 89°34'28" West, 892.98 feet to a point on the southern prolongation of the Lincoln Avenue center line thence along said prolongation North 0°32'24" West, 33.00 feet to the true point of beginning of this description.

SECTION 3. ZONING MAP. Section Maps 25-3-9 and 36-3-9 of the Zoning Map of the City of Modesto are amended to appear as set forth on the maps attached hereto, which are hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction, and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of February, 1983, 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, Patterson, 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

APPROVED AS TO DESCRIPTION:

By *Arthur Shields*
Department of Planning and
Community Development

Ordinance 2174 C.S.
Exhibit A – Map

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

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 15th day of February, 1983, Councilmember Bright 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, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger.
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: March 17, 1983

ORDINANCE NO. 7175 -C.S.

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

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

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

SEC. 3-2.1401. 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 Carpenter Road and Culpepper Avenue	25 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 Sisk Road and Rumble Road	35 miles per hour
CORALWOOD ROAD, between McHenry Avenue and Drago Park Drive	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 Glenwood 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 Tioga Drive	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 Rouse Avenue and Sunset Avenue	25 miles per hour
PARKER ROAD, between Claus Road and the Atchinson, Topeka and Santa Fe Railroad Tracks within the City limits	50 miles per hour
PEARL STREET, between Carver Road and Dougfir Drive	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
SNYDER AVENUE, between Blue Bird Drive and Dale Road	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 400' north of Tully Road	35 miles per hour
9TH STREET, between 400' north of Tully Road and Carpenter Road	50 miles per hour

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

SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of March, 1983, by Councilmember Bright, 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, Lang, Muratore, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

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. 2175-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 March, 1983, Councilmember Patterson moved its final adoption, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Lang, Muratore, Patterson, Whiteside, Mayor Mensinger
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Horrine Coyle*
HORRINE COYLE, City Clerk

EFFECTIVE DATE: April 14, 1983

ORDINANCE NO. 2176-C.S.

AN ORDINANCE AMENDING ARTICLE 12 OF CHAPTER 3 OF TITLE II OF THE MODESTO MUNICIPAL CODE RELATING TO THE ENGINEERING SERVICES DEPARTMENT, AND ADDING ARTICLE 13 OF CHAPTER 3 OF TITLE II OF THE MODESTO MUNICIPAL CODE RELATING TO THE UTILITY SERVICES DEPARTMENT.

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

SECTION 1. AMENDMENT OF CODE. Article 12 of Chapter 3 of Title II of the Modesto Municipal Code is hereby amended to read as follows:

ARTICLE 12. ENGINEERING SERVICES DEPARTMENT

SEC. 2-3.1201. CREATION AND FUNCTIONS.

An Engineering Services Department is hereby established. The functions of the Engineering Services Department shall include:

- (a) Perform or direct all phases of engineering work required in connection with the functions of the City and not otherwise assigned to another department by the City Manager.
- (b) Coordinate the planning, design, and inspection of engineering projects and services of the City.
- (c) Prepare and maintain engineering records of the City.
- (d) Perform such other duties as may be assigned or required by the City Manager.

SEC. 2-3.1202. ORGANIZATION AND DIRECTION.

There shall be a Director of Engineering Services appointed by the City Manager and subject to the City Manager's general administrative direction. The Director of Engineering Services, subject to the approval of the City Manager, shall organize and maintain such divisions in the department as operations may require, and shall be responsible for the direction and control of all functions assigned to the department.

SEC. 2-3.1203. ACTING DIRECTOR OF ENGINEERING SERVICES.

In the case of absence or disability of the Director of Engineering Services, the City Manager shall designate a person to perform the duties and exercise the powers of the Director of Engineering Services.

SEC. 2-3.1204. REFERENCES.

- (a) Whenever this Code or any ordinance, resolution or other official document or action of the City of Modesto refers to or uses the names Director of Public Works or Public Works Director, they shall be deemed to refer to either the Director of Engineering Services or the Director of Utility Services as designated in writing from time to time by the City Manager.
- (b) Whenever this Code or any ordinance, resolution or other official document or action of the City of Modesto refers to or uses the names Public Works Department or Department of Public Works, they shall be deemed to refer to either the Engineering Services Department or the Utility Services Department as designated in writing from time to time by the City Manager.

SECTION 2. AMENDMENT OF CODE. Article 13 is hereby added to Chapter 3 of Title II of the Modesto Municipal Code to read as follows:

ARTICLE 13. UTILITY SERVICES DEPARTMENT

SEC. 2-3.1301. CREATION AND FUNCTIONS.

A Utility Services Department is hereby established. The functions of the Utility Services Department shall include:

- (a) Operate and maintain the City's utility services and such other public works facilities as are not otherwise assigned to another department by the City Manager.
- (b) Coordinate the planning, design and inspection of utility projects and services of the City.
- (c) Prepare and maintain records relating to the utilities and public works facilities of the City.
- (d) Perform such other duties as may be assigned or required by the City Manager.

SEC. 2-3.1302. ORGANIZATION AND DIRECTION.

There shall be a Director of Utility Services appointed by the City Manager and subject to the City Manager's general administrative direction. The Director of Utility Services, subject to the approval of the City Manager, shall organize and maintain such divisions in the department as operations may require, and shall be responsible for the direction and control of all functions assigned to the department.

SEC. 2-3.1303. ACTING DIRECTOR OF UTILITY SERVICES.

In the case of absence or disability of the Director of Utility Services, the City Manager shall designate a person to perform the duties and exercise the powers of the Director of Utility Services.

SEC. 2-3.1304. REFERENCES.

- (a) Whenever this Code or any ordinance, resolution or other official document or action of the City of Modesto refers to or uses the names Director of Public Works or Public Works Director, they shall be deemed to refer to either the Director of Engineering Services or the Director of Utility Services as designated in writing from time to time by the City Manager.
- (b) Whenever this Code or any ordinance, resolution or other official document or action of the City of Modesto refers to or uses the names Public Works Department or Department of Public Works, they shall be deemed to refer to either the Engineering Services Department or the Utility Services Department as designated in writing from time to time by the City Manager.

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of March, 1983, 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, Lang, Muratore, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

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. 2176-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 March, 1983, Councilmember Patterson moved its final adoption, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Lang, Muratore, Patterson, Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED


MAYOR PEGGY MENSINGER

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: April 14, 1983

AN ORDINANCE AMENDING ARTICLE 12 OF CHAPTER 3 OF TITLE II OF THE MODESTO MUNICIPAL CODE RELATING TO THE ENGINEERING SERVICES DEPARTMENT, AND ADDING ARTICLE 13 OF CHAPTER 3 OF TITLE II OF THE MODESTO MUNICIPAL CODE RELATING TO THE UTILITY SERVICES DEPARTMENT.

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

SECTION 1. AMENDMENT OF CODE. Article 12 of Chapter 3 of Title II of the Modesto Municipal Code is hereby amended to read as follows:

ARTICLE 12. ENGINEERING SERVICES DEPARTMENT

SEC. 2-3.1201. CREATION AND FUNCTIONS.

An Engineering Services Department is hereby established. The functions of the Engineering Services Department shall include:

- (a) Perform or direct all phases of engineering work required in connection with the functions of the City and not otherwise assigned to another department by the City Manager.
- (b) Coordinate the planning, design, and inspection of engineering projects and services of the City.
- (c) Prepare and maintain engineering records of the City.
- (d) Perform such other duties as may be assigned or required by the City Manager.

SEC. 2-3.1202. ORGANIZATION AND DIRECTION.

There shall be a Director of Engineering Services appointed by the City Manager and subject to the City Manager's general administrative direction. The Director of Engineering Services, subject to the approval of the City Manager, shall organize and maintain such divisions in the department as operations may require, and shall be responsible for the direction and control of all functions assigned to the department.

SEC. 2-3.1203. ACTING DIRECTOR OF ENGINEERING SERVICES.

In the case of absence or disability of the Director of Engineering Services, the City Manager shall designate a person to perform the duties and exercise the powers of the Director of Engineering Services.

SEC. 2-3.1204. REFERENCES.

- (a) Whenever this Code or any ordinance, resolution or other official document or action of the City of Modesto refers to or uses the names Director of Public Works or Public Works Director, they shall be deemed to refer to either the Director of Engineering Services or the Director of Utility Services as designated in writing from time to time by the City Manager.
- (b) Whenever this Code or any ordinance, resolution or other official document or action of the City of Modesto refers to or uses the names Public Works Department or Department of Public Works, they shall be deemed to refer to either the Engineering Services Department or the Utility Services Department as designated in writing from time to time by the City Manager.

SECTION 2. AMENDMENT OF CODE. Article 13 is hereby added to Chapter 3 of Title II of the Modesto Municipal Code to read as follows:

ARTICLE 13. UTILITY SERVICES DEPARTMENT

SEC. 2-3.1301. CREATION AND FUNCTIONS.

A Utility Services Department is hereby established. The functions of the Utility Services Department shall include:

- (a) Operate and maintain the City's utility services and such other public works facilities as are not otherwise assigned to another department by the City Manager.
- (b) Coordinate the planning, design and inspection of utility projects and services of the City.
- (c) Prepare and maintain records relating to the utilities and public works facilities of the City.
- (d) Perform such other duties as may be assigned or required by the City Manager.

SEC. 2-3.1302. ORGANIZATION AND DIRECTION.

There shall be a Director of Utility Services appointed by the City Manager and subject to the City Manager's general administrative direction. The Director of Utility Services, subject to the approval of the City Manager, shall organize and maintain such divisions in the department as operations may require, and shall be responsible for the direction and control of all functions assigned to the department.

SEC. 2-3.1303. ACTING DIRECTOR OF UTILITY SERVICES.

In the case of absence or disability of the Director of Utility Services, the City Manager shall designate a person to perform the duties and exercise the powers of the Director of Utility Services.

SEC. 2-3.1304. REFERENCES.

- (a) Whenever this Code or any ordinance, resolution or other official document or action of the City of Modesto refers to or uses the names Director of Public Works or Public Works Director, they shall be deemed to refer to either the Director of Engineering Services or the Director of Utility Services as designated in writing from time to time by the City Manager.
- (b) Whenever this Code or any ordinance, resolution or other official document or action of the City of Modesto refers to or uses the names Public Works Department or Department of Public Works, they shall be deemed to refer to either the Engineering Services Department or the Utility Services Department as designated in writing from time to time by the City Manager.

SECTION 3. EMERGENCY PROVISIONS. DECLARATION OF URGENCY. The Council of the City of Modesto hereby finds and declares that the foregoing ordinance is necessary as an emergency measure for preserving the public peace, health and safety because the Director of Public Works is retiring effective March 25, 1983, and the Public Works Department is being reorganized into the above two departments. This makes it necessary to establish the Departments of Engineering Services and Utility Services effective March 26, 1983, in order that said reorganization can be accomplished and the new positions of Director of Engineering Services and Director of Utility Services filled without delay.

SECTION 4. 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 5. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of March, 1983, 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, Lang, Muratore, Siefkin,
Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

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

AN ORDINANCE AMENDING SECTION 4-7.1303 OF CHAPTER 7
OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING
TO NONCOMMERCIAL USE OF SOUND TRUCKS.

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

SECTION 1. AMENDMENT OF CODE. Section 4-7.1303 of Chapter 7 of
Title IV of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 4-7.1303. NONCOMMERCIAL USE OF SOUND TRUCKS.

(a) Registration Required. No person shall use, or cause to be used, a sound truck with its sound amplifying equipment in operation, or sound amplifying equipment in the streets or public places in the City before filing a registration statement with the City Clerk in writing. This registration statement shall be filed in duplicate and shall state the following:

- (1) Name and home address of the applicant.
- (2) Address of place of business of applicant.
- (3) License number and motor number of the sound truck to be used by applicant, if any.
- (4) Name and address of person who owns the sound trucks, or sound amplifying equipment.
- (5) Name and address of person having direct charge of sound truck, or sound amplifying equipment.
- (6) Names and addresses of all persons who will use or operate the sound truck, or sound amplifying equipment.
- (7) The purpose for which the sound truck or sound amplifying equipment will be used.
- (8) A general statement as to the section or sections of the City in which the sound truck or sound amplifying equipment will be used.
- (9) The proposed hours of operation of the sound truck, or sound amplifying equipment.

- (10) The number of days of proposed operation of the sound truck, or sound amplifying equipment.
 - (11) A general description of the sound amplifying equipment which is to be used.
 - (12) The maximum sound producing power of the sound amplifying equipment to be used. State the following:
 - (aa) The wattage to be used.
 - (ab) The volume in decibels of the sound which will be produced.
 - (ac) The approximate maximum distance for which sound will be thrown from its source.
- (b) Registration Statement Amendment. All persons using or causing to be used, sound trucks or sound amplifying equipment for noncommercial purposes shall amend any registration statement filed pursuant to subsection (a) of this section within forty-eight (48) hours after any change in the information therein furnished.
- (c) Registration and Identification. The City Clerk shall return to each applicant under subsection (a) of this section, one copy of said registration statement duly certified by the City Clerk as a correct copy of said application. Said certified copy of application shall be in the possession of any truck or sound amplifying equipment at all times while the sound amplifying equipment is in operation and said copy shall be promptly displayed and shown to any policeman of the City of Modesto upon request. The City Clerk shall also furnish one copy of the registration statement duly certified, to the Chief of Police.
- (d) Regulations for Use. Noncommercial use of sound amplifying equipment in operation shall be subject to the following additional regulations:
- (1) The only amplified sounds permitted are music or human speech.
 - (2) Operation shall be permitted only between the hours of 9 a.m. and 6 p.m.
 - (3) Sound amplifying equipment shall not be operated on a truck unless the sound truck upon which such equipment is mounted is operated at a speed of at least ten (10) miles per hour except when said truck

is stopped or impeded by traffic. Where stopped by traffic, the said sound amplifying equipment shall not be operated for longer than one minute at each such stop.

- (4) Sound amplifying equipment shall not be operated within one thousand (1000') feet of hospitals, schools when in session, and churches when services are being conducted.
- (5) No sound truck or sound amplifying equipment shall be erected, maintained or operated in any area zoned as residential by the zoning regulations of this Code.
- (6) No sound truck or sound amplifying equipment shall be erected, maintained or operated within two hundred (200') feet of the boundary of any area zoned as residential by the zoning regulations of this Code.
- (7) The amplified human speech or music shall not be profane, lewd, indecent or slanderous.
- (8) The volume of sound shall be controlled so that it will not be audible for a distance in excess of two hundred (200') feet from its source and so that said volume is not unreasonably loud, raucous, jarring, disturbing or a nuisance to persons within the area of audibility.
- (9) No sound amplifying equipment shall be operated with an excess of fifteen (15) watts of power in the last stage of amplification.

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title

of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of March, 1983, 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, Lang, Muratore, Siefkin,
Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

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. 2178-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 March, 1983, Councilmember Patterson moved its final adoption, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Lang, Muratore, Patterson, Whiteside, Mayor Mensinger
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED


MAYOR PEGGY MENSINGER

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: April 14, 1983

AN ORDINANCE AMENDING SECTION MAPS 26-3-9 AND 35-3-9 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING
CERTAIN PROPERTY LOCATED THEREON. (CREIGHTON W. BROWER)

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

SECTION 1. ZONING CHANGE. Sections 26-3-9 and 35-3-9 of the Zoning

Map is hereby amended to reclassify the following described property
from General Commercial Zone, C-2, to

Planned-Development Zone, P-D 337:

All that certain real property situate in a portion of the
south half of Section 26, and north half of Section 35,
Township 3 South, Range 9 East, Mount Diablo Base and
Meridian, County of Stanislaus, State of California,
described as follows:

All of Parcel 1 as shown on the parcel map filed in the
office of the Recorder of Stanislaus County, California,
on April 19, 1979, in Volume 28 of Parcel Maps at Page
113.

Including also all of Yosemite Boulevard and North Riverside
Drive immediately adjacent to the above described property
as shown on said parcel map.

SECTION 2. USES. The following uses shall be permitted in said P-D(337) 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 allowed in the C-2, General Commercial Zone
Grocery item warehouse, wholesale-retail store
Family Amusement Machine Center
Function Center - banquet room
Off-street parking as shown on the approved development plan

SECTION 3. ZONING MAP. Section Maps 26-3-9 and 35-3-9 of the Zoning Map of the City of Modesto are amended to appear as set forth on the maps attached hereto, which are hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March, 1983, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and ordered printed

and published by the following vote:

AYES: Councilmembers: Bright, Lang, Muratore, Patterson, Whiteside,
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 2179 C.S.
Exhibit A – Map

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

Ord. No. 2179-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 April, 1983, Councilmember Bright moved its final adoption, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: May 5, 1983

AN ORDINANCE ADDING SECTIONS 10-2.807, 10-2.907, 10-2.1007 AND 10-2.2906 AND AMENDING SECTIONS 10-2.802, 10-2.902, 10-2.1002 AND 10-2.2904 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO OUTDOOR DISPLAY, SALES, AND PROMOTIONS IN COMMERCIAL ZONES.

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

SECTION 1. AMENDMENT OF CODE. Sections 10-2.807, 10-2.907, 10-2.1007 and 10-2.2906 are hereby added to read as follows:

SEC. 10-2.807. OUTDOOR DISPLAY, SALES AND PROMOTIONS.

- (a) Outdoor display or sale of goods or services is permitted for those uses which are customarily conducted outdoors as determined by the Planning and Community Development Director. Examples of such uses are nurseries, service stations and car lots. As used in this section, outdoor shall mean all areas that are not enclosed on all four sides by a building wall or other permanent view obscuring wall or fence.
- (b) Outdoor display or sale of goods or services by all other uses shall be limited to three (3) times in number during any twelve (12) month period for each business subject to these conditions:
 - (1) All sales shall be conducted by a business located on the property.
 - (2) All merchandise or services displayed outdoors shall be of the same types ordinarily sold indoors at the business conducting the sale.
 - (3) Each display or sale shall be limited to a maximum of three (3) consecutive days.
 - (4) No display shall encroach on a public right-of-way.
 - (5) All display shall be subject to the sign regulations of this chapter including Section 10-2.3508(j) which prohibits temporary signs.
 - (6) Prior to any display or sale, a permit for such shall be obtained from the Planning and Community Development Director.

- (c) Outdoor promotions or events are permitted by a licensed business, merchant association, school, charitable or not for profit organization. Promotions or events shall not promote or display the goods or services of any business on the premises and shall be subject to all other limitations in the Modesto Municipal Code, including those governing carnivals, circuses, dances and outdoor sound equipment and noise. Examples of such promotions or events are carnivals, circuses, animal rides, car shows, sporting events, and other exhibitions.
- (d) Outdoor fund raising sales by school, charitable or not for profit organizations are permitted if the sale is carried on wholly by the organization and it will derive, both directly and indirectly, any and all profits to be derived from the sale. Such sales are not permitted solely by reason of sponsorship by a school, charitable or not for profit organization.
- (e) Outdoor display or sale of goods or services by itinerant vendors as defined by the Modesto Municipal Code is prohibited.

SEC. 10-2.907. OUTDOOR DISPLAY, SALES, AND PROMOTIONS.

Outdoor display, sales, and promotions are as permitted in the C-1 zone.

SEC. 10-2.1007. OUTDOOR DISPLAY, SALES AND PROMOTIONS.

Outdoor display, sales, and promotions are as permitted in the C-1 zone.

SEC. 10-2.2906. OUTDOOR DISPLAY, SALES, AND PROMOTIONS.

Outdoor display, sales, and promotions are as permitted in the C-1 zone.

SECTION 2. AMENDMENT OF CODE. Sections 10-2.802, 10-2.902, 10-2.1002 and 10-2.2904 of Chapter 2 of Title X of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 10-2.802. LIMITATIONS ON PERMITTED USES IN C-1 ZONE.

Every use permitted in the C-1 zone shall be subject to the following conditions and limitations:

- (a) The above listed stores, shops and businesses shall be retail establishments only, except as follows:

- (1) Not more than twenty-five (25%) per cent of the gross floor area of the building and not more than twenty-five (25%) per cent of the vacant portion of the gross lot area may be devoted to other than retail sales or service or both.
 - (2) All of the frontage of the building or lot used in the operation of the business to a depth equal to approximately seventy-five (75%) per cent of the gross floor area of the building and approximately seventy-five (75%) per cent of the vacant portion of the gross area of the lot shall be devoted primarily to retail sales or service or both.
 - (3) All processing, packaging, treating, or storing of wholesale materials shall be in the same line of merchandise or service as the retail or service business conducted on the premises and all manufacturing shall be for retail sale on the premises only or for retail sale on other lawfully existing commercial premises in the City operated by the occupant of the premises where such products are manufactured.
 - (4) Not more than two (2) employees shall be employed and not more than one (1) truck shall be used in the conduct of any of the above permitted manufacturing, wholesaling, processing, treating or packaging operations.
 - (5) For purposes of this section, off-street parking on the site shall be included in retail sales or service.
- (b) No operation conducted on the premises shall cause an unreasonable amount of noise, odor, dust, mud, smoke, vibration or electrical interference detectable off the premises.

SEC. 10-2.902. LIMITATIONS ON PERMITTED USES IN C-2 ZONE.

Every use permitted in a C-2 zone shall be subject to the following conditions and limitations:

- (a) The above listed stores, shops and businesses shall be retail establishments only, except as follows:
 - (1) Not more than forty (40%) per cent of the gross floor area of the building and not more than forty (40%) per cent of the vacant portion of the gross lot area may be devoted to other than retail sales or service or both.

- (2) All of the frontage of the building or lot used in the operation of the business to a depth equal to approximately sixty (60%) per cent of the gross floor area of the building and approximately sixty (60%) per cent of the vacant portion of the gross area of the lot shall be devoted primarily to retail sales or service or both.
 - (3) All manufacturing, processing, packaging, treating or storing of wholesale material shall be in the same line of merchandise or service as the retail or service business conducted on the premises.
 - (4) Not more than five (5) employees shall be employed and not more than two (2) trucks shall be used in the conduct of any of the above permitted manufacturing, wholesaling, processing, treating, or packaging operations.
 - (5) For purposes of this section, off-street parking on the site shall be included in retail sales or service.
- (b) No operation conducted on the premises, shall cause an unreasonable amount of noise, odor, dust, mud, smoke, vibration or electrical interference detectable off the premises.

SEC. 10-2.1002. LIMITATIONS ON PERMITTED USES IN C-M ZONE.

Every use permitted in a C-M zone shall be subject to the following conditions and limitations:

- (a) No operation conducted on the premises shall cause an unreasonable amount of noise, odor, dust, mud, smoke, vibration or electrical interference detectable off the premises.

SEC. 10-2.2904. STANDARDS.

In order to accomplish the purpose of Section 10-2.2901, the following general standards shall constitute guidelines to the Board of Zoning Adjustment and Planning Commission in considering and determining appropriate and reasonable conditions to apply to any conditional use permit or plot plan approval granted in the H-1 Zone.

It is intended that these standards be applied when reasonable under the facts and circumstances developed through the study and consideration of a particular application for a use authorized in the zone.

- (a) Nuisances. That no operation be conducted on the premises to cause an unreasonable amount of noise, odor, dust, mud, smoke, vibration or electrical interference detectable off the premises.
- (b) Front yard. That every lot have a front yard, including the building line setback area, of no less than fifteen (15') feet from the street right of way line. The front yard shall be landscaped. For those portions of the front yard used for vehicular parking, the landscaping may be reduced to a ten (10') foot strip.
- (c) Side yard. That each lot have at least one side yard a minimum of twelve (12') feet in width or ten (10%) percent of a lot width, whichever is greater, but that in no event need the side yard exceed the maximum width of thirty (30') feet.

That on the side street of all corner lots no structure be built closer than fifteen (15') feet from the property line. The side yard along said street shall be landscaped. For those portions of the side yard used for vehicular parking, the landscaping may be reduced to a ten (10') foot strip.

- (d) Rear yards. That no structure be built closer than forty (40') feet to the nearest residential or agricultural zone boundary at the rear of the property except for accessory buildings customarily incidental to residential uses.
- (e) Screening. That a solid decorative masonry wall six (6') feet in height measured from the finish grade of the H-1 property at the footing of the wall be constructed along the boundary separating the H-1 uses fronting on the major street from adjoining residential or agricultural zones. On the H-1 side of the wall a minimum of ten (10') foot planting strip with screen landscaping shall be required. On corner lots, a solid decorative masonry wall, six (6') feet in height shall be constructed along the side street of the property, fifteen (15') feet in from the property line, or along the building setback line, whichever is greater, from the rear property line to a point even with the rear of the main building furthest to the rear of the parcel or to a point even with the H-1 Zone boundary across the side street whichever is greatest.
- (f) Driveways.
 - (1) Where a wall is required on the side street of a corner lot, no driveway shall be permitted.

- (2) Joint use of driveways, one parcel to another, shall be encouraged to limit driveways on the major street as much as reasonable with one driveway per one hundred (100') feet of frontage most desirable.
- (g) Projections into yards. That every part of a required yard be open from its lowest point to the sky unobstructed as provided in Section 10-2.1610 of this chapter.
- (h) Street width. That every applicant for a proposed development which will involve a use which is a potential traffic generator be required to dedicate and improve sufficient right of way to provide a street width commensurate with standard city right of way widths or such other right of way as might be adopted by the Council.

The Board of Zoning Adjustment and Planning Commission may impose such other and additional reasonable conditions as they deem will promote the public interest and general welfare based on the facts and circumstances of the individual case and proposed development.

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April, 1983, 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, Lang, Muratore, Patterson, Sutton,
Whiteside, 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. 2180-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 12th day of April, 1983, 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, Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: _____

May 12, 1983

ORDINANCE NO. 2181-C.S.

AN ORDINANCE AMENDING SECTION 10-2.3510 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO SIGN REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Section 10-2.3510 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 (1) 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 the size of the lettering of the shopping center name on such sign.
 - (ac) Any freestanding 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 (1) 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 (1) 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 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 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.

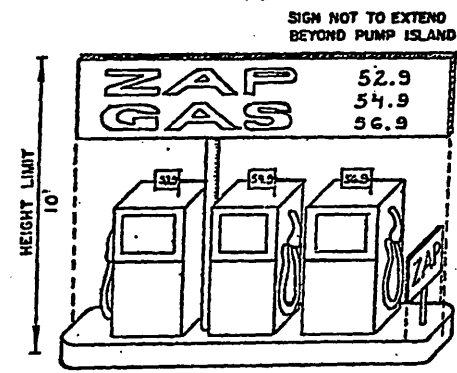
(5) Directional signs located wholly on private property on the premises to which they pertain as follows:

(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.

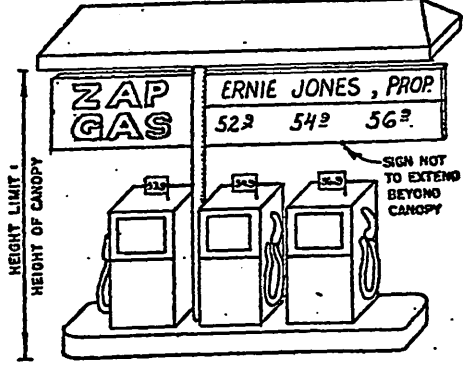
(ab) Any number of interior directional signs, each not exceeding six (6) square feet in area and six (6) feet in height.

- (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 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 uprights, and nonmovable 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 sixty (160) square feet is permitted.



SERVICE STATION WITHOUT A CANOPY



SERVICE STATION WITH A CANOPY

(15) From March 1, 1981, to March 1, 1985, only, freestanding motor fuel price signs are permitted, as hereinafter specified, for business dispensing motor fuel to the public. The message on said signs shall be limited to specifying the prices and grades of motor fuel, self-service or full-service, and brand name of the motor fuel, as required by Section 13530 et seq. of the California Business and Professions Code, effective January 1, 1981, and as hereafter amended. Motor fuel price signs shall be permitted as follows:

(aa) One (1) motor fuel price sign per street frontage of the site.

(ab) Maximum area shall be twenty-five (25) square feet for the self-service portion of the sign and six (6) square feet for a discount for cash portion of the sign; twenty-five (25) square feet for the full-service portion of the sign and six (6) square feet for a discount for cash portion of the sign; all can be combined as one (1) sign.

(ac) Maximum height of sign shall be fourteen (14) feet.

(16) 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 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 floodplain 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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April, 1983, by Councilmember Muratore, 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, Lang, Muratore, Patterson, Sutton, Whiteside, 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. 2181-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 12th day of April, 1983, 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, Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: May 12, 1983

AN ORDINANCE AMENDING SECTION MAP 29-3-9 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING
CERTAIN PROPERTY LOCATED THEREON. (ROBERT JACOBSEN, INC.)

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

SECTION 1. ZONING CHANGE. Section 29-3-9 of the Zoning

Map is hereby amended to reclassify the following described property
from General Commercial Zone, C-2 to

Planned-Development Zone, P-D (338) :

All that certain real property situate in a portion of the southwest quarter of Section 29, 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:

All of Lots 14, 15, and 16, City of Modesto, Block 61.

Including also all of the southwestern 40 feet of 10th Street, the northwestern 40 feet of "N" Street, and the northeastern 10 feet of the alley in said Block 61 and all immediately adjacent to the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(338) 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.

Two-story office condominiums
Off-street parking as shown on the approved development plan

SECTION 3. ZONING MAP. Section Map 29-3-9 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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April, 1983, by Councilmember Sutton, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and ordered printed

and published by the following vote:

AYES: Councilmembers: Bright, Lang, Muratore, Patterson, Sutton, Whiteside,
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 2182 C.S.
Exhibit A – Map

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

Ord. No. 2182-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 12th day of April, 1983, 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, Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: May 12, 1983

AN ORDINANCE AMENDING SECTION MAP 2-3-8 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (MILTON DAVID)

WHEREAS, the City Council, by Ordinance No. 1702-C.S. which was introduced on January 9, 1978, finally adopted on January 16, 1978, and which became effective on February 15, 1978, amended Section Map 2-3-8 of the Zoning Map to prezone to Planned Development Zone, P-D(177), property located at the southwest corner of Dale Road and Pelandale Avenue to allow a neighborhood shopping center and a 122-unit two-story apartment complex adjoining to the west, and

WHEREAS, a verified application for an amendment to Section 2-3-8 of the Zoning Map was filed by Dr. Milton David on February 1, 1983 to reclassify from a portion of Planned Development Zone, P-D(177), to Medium High Density Residential Zone, R-3, property located on the southwest corner of Dale Road and Pelandale Avenue, described as follows:

All that certain real property situate in the North half of the southeast quarter of the southeast quarter of Section 2, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

Beginning at the Northeast corner of said Southeast quarter of the Southeast quarter of Section 2, said corner being also the intersection of the center line of Pelandale Avenue with the center line of Dale Road;

Thence South 0°18'47" West along said centerline of Dale Road, a distance of 662.24 feet; thence South 89°54'45" West 690.00 feet; thence North 0°18'23" East 662.69 feet to the aforementioned center line of Pelandale Avenue; thence North 89°57'00" East along said center line of Pelandale Avenue a distance of 690.16 feet to the point of beginning.

and

WHEREAS, said application was set for public hearing before the Planning Commission on March 7, 1983, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, and

WHEREAS, at said public hearing, after hearing evidence both oral and documentary, the Planning Commission, by its Resolution No. 83-36, found and determined that rezoning of the property entirely to Medium High Density Residential Zone, R-3 as requested is not required, but that rezoning to Medium High Density Residential Zone, R-3, and Medium Density Residential Zone, R-2, for a portion of the property as described below is required by public necessity, convenience, and general welfare for the following reasons:

1. Rezoning of the entire 9 acre parcel to R-3 could result in exceeding the density limits designated in the Pelandale Neighborhood Zoning and Development Policy.
2. Rezoning to R-3 to a net depth of 300 feet from both Pelandale Avenue and Dale Road frontage and the remainder at the southwest corner of the parcel to R-2 would conform to the zoning and density pattern of the Pelandale Neighborhood Zoning and Development Plan.

and

WHEREAS, the Planning Commission by its Resolution No. 83-36 recommended to the City Council that the application of Dr. Milton David to amend Section 2-3-8 of the Zoning Map to reclassify the hereinafter described portion of Planned Development Zone, P-D(177), to Medium Density Residential Zone, R-2, and Medium High Density Residential Zone, R-3, be approved, and

WHEREAS, said matter was set for a public hearing before the City Council at its regular meeting place in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, on April 5, 1983, and

WHEREAS, after hearing evidence, both oral and documentary, the Council finds and determines that the application of Dr. Milton David to amend Section 2-3-8 of the Zoning Map to reclassify the hereinafter described portions of

Planned Development Zone, P-D(177), to Medium Density Residential Zone, R-2, and Medium High Density Residential Zone, R-3, is required by public necessity, convenience, and general welfare for the reasons set forth in Planning Commission Resolution No. 83-36, and quoted above.

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

SECTION 1. ZONING CHANGE. Section 2-3-8 of the Zoning Map is hereby amended to reclassify the following described portion of property from Planned Development Zone, P-D(177), to Medium Density Residential Zone, R-2, and Medium High Density Residential Zone, R-3:

Portion P-D(177) to R-2

All that certain real property situate in a portion of the North half of the Southeast quarter of the Southeast quarter of Section 2, Township 3 South, Range 8 East, M.D.B. & M., City of Modesto, County of Stanislaus, State of California, described as follows:

Commencing at the Northeast corner of said North half of the Southeast quarter of the Southeast quarter of Section 2, said corner being the intersection of the centerlines of Pelandale Road and Dale Road; thence South 0°18'47" West, along said centerline of Dale Road, a distance of 662.24 feet; thence South 89°54'45" West, 350.01 feet to the point of beginning of this description; thence continuing South 89°54'45" West, 339.99 feet; thence North 0°18'23" East, 312.68 feet; thence North 89°57'00" East, parallel with and 350.00 feet distant Southerly, measured at right angles from said centerline of Pelandale Avenue, a distance of 340.03 feet; thence South 0°18'47" West, parallel with and 350.00 feet distant Westerly, measured at right angles from said center line of Dale Road, a distance of 312.46 feet to the point of beginning.

Portion P-D(177) to R-3

All that certain real property situate in a portion of the North half of the Southeast quarter of the Southeast quarter of Section 2, Township 3 South, Range 8 East, M.D.B. & M., City of Modesto, County of Stanislaus, State of California, described as follows:

Beginning at the Northeast corner of said North half of the Southeast quarter of the Southeast quarter of Section 2, said corner being the intersection of the centerlines of Pelandale Road and Dale Road; thence South $0^{\circ}18'47''$ West, along said centerline of Dale Road, a distance of 662.24 feet; thence South $89^{\circ}54'45''$ West, 350.01 feet; thence North $0^{\circ}18'47''$ East, parallel with and 350.00 feet distant Westerly, measured at right angles, from said center line of Dale Road, a distance of 312.46 feet; thence South $89^{\circ}57'00''$ West, parallel to and 350.00 feet distant Southerly, measured at right angles, from said centerline of Pelandale Avenue, a distance of 340.03 feet; thence North $0^{\circ}18'23''$ East, 350.01 feet to a point on said centerline of Pelandale Avenue; thence North $89^{\circ}57'00''$ East, along said centerline of Pelandale Avenue, a distance of 690.07 feet to the point of beginning.

SECTION 2. ZONING MAP. Section 2-3-8 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 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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April, 1983, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Lang, Muratore, Patterson, Sutton,
Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:

Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

By Noraine Coyle
NORAINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William J. Nichols
Department of Planning and
Community Development

Ordinance 2183 C.S.
Exhibit A – Map

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

Ord. No. 2183-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 12th day of April, 1983, 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, Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger
- NOES:** Councilmembers: None
- ABSENT:** Councilmembers: None

APPROVED


MAYOR PEGGY MENSINGER

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE:

May 12, 1983

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

WHEREAS, the City Council, by Ordinance No. 2002-C.S. which was introduced on December 9, 1980, finally adopted on December 16, 1980, and which became effective on January 15, 1981, amended Section 16-3-9 of the Zoning Map to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(285), property located on the south side of Norwegian Avenue east of McHenry Avenue in the City of Modesto, to allow a two-story, 9 unit townhouse condominium complex, and

WHEREAS, a verified application was filed by Fred A. Earle III, Inc., on February 1, 1983 to amend Section 16-3-9 of the Zoning Map of the City of Modesto to rezone a portion of Planned Development Zone, P-D(45), the Modesto Racquet Club Development, to Planned Development Zone, P-D(285), to incorporate a portion of the Racquet Club property into the townhouse condominium complex on the south side of Norwegian Avenue east of McHenry Avenue, and

WHEREAS, said application was set for a public hearing before the Planning Commission on March 7, 1983, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, and

WHEREAS, at said public hearing, after hearing evidence both oral and documentary, the Planning Commission, by its Resolution No. 83-32, found and determined that an amendment to Section 16-3-9 of the Zoning Map of the City of Modesto to rezone a portion of Planned Development Zone, P-D(45), to Planned Development Zone, P-D(285), as requested, is required by public necessity, convenience, and general welfare for the following reason:

The redesign including incorporating a portion of Racquet Club property will improve compatibility by utilizing existing driveways onto Norwegian Avenue.

and

WHEREAS, the Planning Commission by its Resolution No. 83-32 recommended to the City Council that the application of Fred A. Earle III, Inc. to amend Section 16-3-9 of the Zoning Map of the City of Modesto to rezone a portion of Planned Development Zone, P-D(45), to Planned Development Zone, P-D(285), as requested, be approved, and

WHEREAS, said matter was set for a public hearing before the City Council at its regular meeting place in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, on April 12, 1983, and

WHEREAS, after hearing evidence, both oral and documentary, the Council finds and determines that the application of Fred A. Earle III, Inc. to amend Section 16-3-9 of the Zoning Map of the City of Modesto to rezone a portion of Planned Development Zone, P-D(45), to Planned Development Zone, P-D(285), as recommended by the Planning Commission, is required by public necessity, convenience, and general welfare for the reason set forth in Planning Commission Resolution No. 83-32, and quoted above.

NOW, THEREFORE, 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 rezone a portion of Planned Development Zone, P-D(45) to Planned Development Zone, P-D(285), said portion being described as follows:

Portion P-D(45) to P-D(285)

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

Commencing at a 3/4 inch pipe marking the intersection of the centerline of Norwegian Avenue with the east line of 50.00 foot wide McHenry Avenue: thence along the centerline of Norwegian Avenue, South 89°39' East, 963.70 feet to the point of beginning, said point of beginning lying North 0°49' West 20 feet from the Northeast corner of the property conveyed to Fred A. Earl III Inc., by Deed recorded in Volume 3011 of Official Records, page 101, parcel number 3, Stanislaus County Records; thence continuing along said centerline South 89°39' East, 50.00 feet; thence South 0°49' East 113.00 feet; thence North 89°39' West 45.00 feet; thence South 0°49' East, 120.00 feet; thence South 89°39' East, 16.00 feet; thence South 0°49' East, 125.20 feet to a point on the southerly line of Lot 12 of the Pamona Villa Tract, as recorded in Volume 2 of Maps, page 4, Stanislaus County Records; thence along said southerly line North 70°33' West, 22.38 feet to the Southeasterly corner of said Earl property; thence along the Easterly line of said Earl property North 0°49' West, 350.87 feet to the point of beginning.

SECTION 2. ZONING MAP. Section 16-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of April, 1983, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Lang, Muratore, Patterson, Sutton, Whiteside, 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

APPROVED AS TO DESCRIPTION:

By Urban (Maid)
Department of Planning and
Community Development

Ordinance 2184 C.S.
Exhibit A – Map

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

Ord. No. 2184-C.S.

FINAL ADOPTION CLAUSE

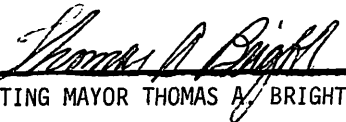
The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 19th day of April, 1983, Councilmember Patterson moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Lang, Muratore, Patterson, Sutton, Whiteside, Acting Mayor Bright


NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Mensinger

APPROVED


ACTING MAYOR THOMAS A. BRIGHT

ATTEST:


MORRAINE COYLE, City Clerk

EFFECTIVE DATE: May 19, 1983

AN ORDINANCE AMENDING SECTION 24-3-9 OF THE ZONING MAP TO REPEAL P-D(204) AND REZONE TO R-1, PROPERTY LOCATED ON THE NORTH SIDE OF EAST ORANGEBURG AVENUE WEST OF CLAUS ROAD. (JAN ROUW)

WHEREAS, the Modesto City Council, by Ordinance No. 1783-C.S., which was adopted on November 6, 1978, and which became effective on December 13, 1978, amended Section Map 24-3-9 of the Zoning Map to reclassify from Low Density Residential Zone, R-1, to Planned-Development Zone, P-D(204), property located on the north side of East Orangeburg Avenue west of Claus Road in the City of Modesto to allow a zero lot line patio home development, and

WHEREAS, the Modesto City Council, by Resolution No. 78-1130, approved the development plan for Planned-Development Zone, P-D(204), with conditions of approval, and

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

WHEREAS, the owner of P-D(204) has failed to meet the approved development schedule, and

WHEREAS, on February 7, 1983, by Resolution No. 83-17, the Planning Commission initiated proceedings to amend Section 24-3-9 to repeal Planned-Development Zone, P-D(204), which allows a zero lot line patio home development and rezone the property to Low Density Residential Zone, R-1, and set March 7, 1983, as the date for public hearing, and

WHEREAS, after a public hearing held on March 7, 1983, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found

and determined by the Planning Commission that the repeal of Planned-Development Zone, P-D(204) and rezoning the property back to Low Density Residential Zone, R-1, is required by public necessity, convenience and general welfare for the following reasons:

1. The existing P-D(204) zone no longer represents an actual development proposal, but has become a "holding zone".
2. The proposed R-1 zone will not be construed to prohibit a new P-D zone from being sought at a later date when development becomes imminent.

and

WHEREAS, by Resolution No. 83-37, adopted on March 7, 1983, the Planning Commission recommended to the City Council that Section 24-3-9 of the Zoning Map be amended to repeal P-D(204) and rezone the property hereinafter described to Low Density Residential Zone, R-1, and

WHEREAS, said amendment was set for public hearing before the City Council at its regular meeting place in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, on April 12, 1983, and

WHEREAS, after hearing evidence, both oral and documentary, the Council finds and determines that the proposed amendment to Section 24-3-9 of the Zoning Map to repeal Planned-Development Zone, P-D(204) to Low Density Residential Zone, R-1, property located on the north side of East Orangeburg Avenue west of Claus Road, in the City of Modesto, should be approved,

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

SECTION 1. COUNCIL FINDINGS. The Council of the City of Modesto

finds and determines that the repeal of Planned-Development Zone, P-D(204), and rezoning of the property to Low Density Residential Zone, R-1, is required by public necessity, convenience, and general welfare for the reasons set forth in Planning Commission Resolution No. 83-37, and quoted above.

SECTION 2. ZONING CHANGE. Section 24-3-9 of the Zoning Map is hereby amended to repeal Planned-Development Zone, P-D(204) and rezone the property to Low Density Residential Zone, R-1, property located on the north side of East Orangeburg Avenue west of Claus Road, in the City of Modesto, and described as follows:

P-D to R-1

All that certain real property situate in a portion of the Northeast 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 2 and the north 713 feet, more or less, of the East 344.0 feet of Lot 3 of IDAHO COLONY, according to the Official Map thereof, filed for record on April 27, 1909, in Volume 4 of Maps, at page 21, Stanislaus County Records.

Excepting therefrom all of said Lots 2 and 3 immediately north of the south line of Briggsmore Avenue

Containing 20.6 acres, more or less.

SECTION 3. ZONING MAP. Section 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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent

and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction, and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of April, 1983, by Councilmember Patterson, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED: Peggy Messenger
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

APPROVED AS TO DESCRIPTION:

By Michael C. Herren
Department of Planning and
Community Development

Ordinance 2185 C.S.
Exhibit A – Map

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

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 19th day of April, 1983, Councilmember Patterson 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: Lang, Muratore, Patterson, Sutton, Whiteside, Acting Mayor Bright
- NOES:** Councilmembers: None
- ABSENT:** Councilmembers: Mayor Mensinger

APPROVED *Thomas A. Bright*
ACTING MAYOR THOMAS A. BRIGHT

ATTEST: *Horrine Coyle*
HORRINE COYLE, City Clerk

EFFECTIVE DATE: May 19, 1983

AN ORDINANCE AMENDING SECTION 14-3-9 OF THE ZONING MAP TO REZONE A PORTION OF PLANNED DEVELOPMENT ZONE, P-D(242) TO R-1, PROPERTY LOCATED ON THE SOUTH SIDE OF FLOYD AVENUE, THE NORTH SIDE OF MERLE AVENUE AND WEST SIDE OF ROSELLE AVENUE EXTENDED. (MT. VERNON INVESTMENT GROUP/ARLO HILKEY)

WHEREAS, the City Council, by Ordinance No. 1879-C.S. which was introduced on September 11, 1979, finally adopted on September 27, 1979, and which became effective on October 27, 1979, amended Section 14-3-9 of the Zoning Map to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone; P-D(242), property located on the west side of Roselle Avenue extended between Floyd Avenue and Merle Avenue, to allow an 879 unit, one and two-story residential condominium and apartment complex, and

WHEREAS, City Council Resolution No. 79-966 was adopted on September 11, 1979, and approved the development plan containing the conditions of approval and the development schedule specifying construction to be in four phases, and

WHEREAS, the Planning Commission on November 30, 1980, by Resolution No. 80-270 granted an extension to Phase I specifying start of construction on or before December 31, 1981, and completion to be by December 31, 1982, and

WHEREAS, on December 21, 1981, by Resolution No. 81-267, the Planning Commission granted a time extension to the first three phases of the development schedule as follows:

Phase I to start on or before December 31, 1982 and completion to be by December 31, 1984

Phase II to start on or before December 31, 1983 and completion to be by December 31, 1985

Phase III to start on or before December 31, 1984 and completion to be by December 31, 1986

and

WHEREAS, the developers failed to start construction of Phase I as required and the entire P-D(242) therefore expired, and

WHEREAS, on March 21, 1983, by Resolution No. 83-41, the Planning Commission set a date for public hearing for review and modification of P-D(242), and

WHEREAS, a public hearing was held by the Planning Commission on April 4, 1983, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, the Planning Commission by Resolution No. 83-52, adopted on April 4, 1983, found and determined that an amendment to Section 14-3-9 of the Zoning Map to rezone Phases 2, 3 and 4 of Planned Development Zone, P-D(242) to Low Density Residential Zone, R-1, property located on the south side of Floyd Avenue, the north side of Merle Avenue and the west side of Roselle Avenue extended should be approved on the basis that Phases 2, 3 and 4 represent speculation projects for sale, are no longer real development proposals and further time extensions should not be granted, and

WHEREAS, said amendment was set for public hearing before the City Council at its regular meeting place in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, on May 3, 1983, and

WHEREAS, after hearing evidence, both oral and documentary, the Council finds and determines that the proposed amendment to Section 14-3-9 of the Zoning Map to rezone Phases 2, 3 and 4 of Planned Development Zone, P-D(242) to Low Density Residential Zone, R-1, property located on the south side of Floyd Avenue, the north side of Merle Avenue and the west side of Roselle Avenue extended, in the City of Modesto should be approved for the reasons set forth above,

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

SECTION 1. ZONING CHANGE. Section 14-3-9 of the Zoning Map is hereby amended to rezone a portion of Planned Development Zone, P-D(242) to Low Density Residential Zone, R-1, property located on the south side of Floyd Avenue, the north side of Merle Avenue and the west side of Roselle Avenue extended, in the City of Modesto, and described as follows:

All that certain real property situate in a portion of Section 14, Township 3 South, Range 9 East, Mt. Diablo Base and Meridian, City of Modesto, State of California, described as follows:

Lots 4, 5, and 6, of Hilkey Subdivision as recorded in Volume 26 of Maps at Page 43, Stanislaus County Records, on December 15, 1976.

Including also the Southerly 30.00 feet of Floyd Avenue, immediately adjacent to said lots 4, 5 and 6.

Excepting therefrom the southerly 45.00 feet of said lot 4 and the southerly 45.00 feet of the westerly 166.29 feet of said lot 5.

SECTION 2. 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.

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in the Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction, and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of May, 1983, by Councilmember Lang, who moved its introduction and passage

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

AYES: Councilmembers: Bright, Lang, Patterson, Whiteside

NOES: Councilmembers: Muratore, Sutton, Mayor Mensinger

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

APPROVED AS TO DESCRIPTION:

By *Alison Smith*
Department of Planning and
Community Development

Ordinance 2186 C.S.
Exhibit A – Map

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

Ord. No. 2186-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 May, 1983, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Lang, Patterson, Whiteside

NOES: Councilmembers: Muratore, Sutton, Mayor Mensinger

ABSENT: Councilmembers: None

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Marrine Coyle
MARRINE COYLE, City Clerk

EFFECTIVE DATE: June 9, 1983