

C. L. K.

MODESTO CITY COUNCIL
ORDINANCE NO. 2749 -C.S.

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 2599-C.S. ENTITLED "AN ORDINANCE AMENDING SECTION MAP 7-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(450), PROPERTY LOCATED AT THE SOUTHEAST CORNER OF STANDIFORD AVENUE AND CARVER ROAD (SUMMERVIEW ASSOCIATES)."

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

SECTION 1. AMENDMENT OF ORDINANCE NO. 2599-C.S. Section 2 of Ordinance No. 2599-C.S. is hereby amended to read as follows:

"SECTION 2. USES. The following uses shall be permitted in said P-D(450) Zone if the plan for construction conforms in principle to the approved plan, or if changes are approved by the Secretary of the Planning Commission as required by Section 10-2.1709(c) 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 10-2.1709(a) or (b) of the Modesto Municipal Code:

1. All permitted and conditional P-O zone uses.
2. Restaurant.
3. Retail drug store.
4. Multi-family condominium units."

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 22nd day of January, 1991, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: 
CAROL G. WHITESIDE, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

Ord. No. 2749-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 February, 1991, Councilmember Irizarry moved its final adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

APPROVED: Carol G. Whiteside
MAYOR CAROL G. WHITESIDE

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: March 7, 1991

ORDINANCE NO. 2750 -C.S.

AN ORDINANCE AMENDING SECTION MAP SECTION 20-3-9 OF THE ZONING MAP TO REZONE FROM GENERAL COMMERCIAL ZONE, C-2, AND PROFESSIONAL OFFICE ZONE, P-O, TO PLANNED DEVELOPMENT ZONE, P-D(481), PROPERTY LOCATED ON THE SOUTH SIDE OF WEST ORANGEBURG AVENUE AND WEST OF MCHENRY AVENUE (PHILLIPS ELECTRIC COMPANY).

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

SECTION 1. ZONING CHANGE. Section 20-3-9 of the Zoning Map is hereby amended to reclassify the following described property from General Commercial Zone, C-2, and Professional Office Zone, P-O, to Planned Development Zone, P-D(481):

C-2 to P-D

All that certain real property situate in a portion of Lot 9 of the Mensinger Colony, according to the Official Map thereof, recorded May 18, 1909 in Volume 4 of Maps, Page 25, Stanislaus County Records, located in the Northeast Quarter of Section 20, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

COMMENCING at the northeast corner of said Lot 9, being also the intersection of the centerlines of Orangeburg Avenue and McHenry Avenue; thence North 88°51'00" West along the north line of said Lot 9, being also the centerline of Orangeburg Avenue, a distance of 330.00 feet to the centerline of 60 foot wide Alma Avenue, as shown on map of Mensinger Tract No. 4, recorded in Volume 14 of Maps, Page 68, Stanislaus County Records, said point being the TRUE POINT OF BEGINNING of this description; thence South 0°56'00" East, along said centerline of Alma Avenue, a distance of 165.00 feet; thence South 88°51'00" East, along the south line of a 20 foot wide Alley and the westerly and easterly extensions thereof, a distance of 150.00 feet; thence North 0°56'00" West 165.00 feet to said north line of Lot 9 and centerline of said Orangeburg Avenue; thence North 88°51'00" West along said north line of Lot 9 and centerline of said Orangeburg Avenue, a distance of 150.00 feet to the point of beginning.

P-O to P-D

All that certain real property situate in a portion of Lot 9 of the Mensinger Colony, according to the Official Map thereof, recorded

May 18, 1909 in Volume 4 of Maps, Page 25, Stanislaus County Records, located in the Northeast Quarter of Section 20, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

COMMENCING at the northeast corner of said Lot 9, being also the intersection of the centerlines of Orangeburg Avenue and McHenry Avenue; thence North $88^{\circ}51'00''$ West along the north line of said Lot 9, being also the centerline of Orangeburg Avenue, a distance of 330.00 feet to the centerline of 60 foot wide Alma avenue, as shown on map of Mensinger Tract No. 4, recorded in Volume 14 of Maps, Page 68, Stanislaus County Records, said point being the TRUE POINT OF BEGINNING of this description; thence continuing North $88^{\circ}51'00''$ West, along said north line of Lot 9 and centerline of Orangeburg Avenue, a distance of 170.00 feet; thence South $0^{\circ}56'00''$ East 145.00 feet to the north line of a 20 foot wide alley as shown on said map of Mensinger Tract No.4; thence South $88^{\circ}51'00''$ East, along said north line of a 20 foot wide Alley, a distance of 170.00 feet to said centerline of Alma Avenue; thence North $0^{\circ}56'00''$ West, along said centerline of Alma Avenue, a distance of 145.00 feet to the point of beginning.

SECTION 2. USES. The following uses shall be permitted in said P-D(481) Zone if the plan for construction conforms in principle to the approved plan, or if changes are approved by the Secretary of the Planning Commission as required by Section 10-2.1709(c) 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 10-2.1709(a) or (b) of the Modesto Municipal Code:

1. A new parking lot.
2. A one-story expansion of the existing Phillips Electric Company building.

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

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

SECTION 5. PUBLICATION. 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 January, 1991, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None


APPROVED: 
CAROL G. WHITESIDE, Mayor

ATTEST:


By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By 
Department of Planning and
Community Development

Ord. No. 2750-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 February, 1991, Councilmember Irizarry moved its final adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

APPROVED: Carol G. Whiteside

MAYOR CAROL G. WHITESIDE

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: March 7, 1991

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ORDINANCE NO. 2751 -C.S.

AN ORDINANCE REPEALING ARTICLE 2 OF CHAPTER 2 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE RELATING TO ADMISSION TAX.

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

SECTION 1. REPEAL. Article 2 of Chapter 2 of Title VIII of the Modesto Code is hereby repealed.

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

SECTION 3. PUBLICATION. 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 February, 1991, by Councilmember Irizarry, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

APPROVED: Carol G. Whiteside
CAROL G. WHITESIDE, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

Ord. No. 2751-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 February, 1991, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember ~~Dobbs~~, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dobbs, Irizarry, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Lang

APPROVED: Carol G. Whiteside
MAYOR CAROL G. WHITESIDE

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: March 14, 1991

ORDINANCE NO. 2752 -C.S.

AN ORDINANCE AMENDING CHAPTER 9 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO NOISE REGULATIONS.

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

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

CHAPTER 9. NOISE REGULATIONS

ARTICLE 1. GENERAL NOISE REGULATIONS

SEC. 4-9.101. DECLARATION OF POLICY.

It is hereby declared to be the policy of the City of Modesto that the peace, health, safety, and welfare of its citizens require protection from loud and raucous noises from any and all sources in the community.

SEC. 4-9.102. PROHIBITED GENERALLY.

It shall be unlawful for any person to willfully or knowingly make, continue, or cause to be made or continued any loud and raucous noise.

The term "loud and raucous noise" shall mean any sound which, because of its volume level, duration, or character, annoys, disturbs, injures, or endangers the comfort, health, peace, or safety of a reasonable person of ordinary sensibility within the limits of the City of Modesto.

The term "loud and raucous noise" specifically includes, but is not limited to, the kinds of noise generated by the activities enumerated in Section 4-9.103. The term "loud and raucous noise" specifically excludes the kinds of noise generated by the activities described in Section 4-9.104.

For any kind of noise not enumerated in Section 4-9.103, the factors which may be considered in determining whether a violation of the provisions of this section exists may include, but shall not be limited to, the following:

- (a) The volume of the noise;
- (b) Whether the nature of the noise is usual or unusual;

- (c) Whether the origin of the noise is natural or unnatural;
- (d) The volume and intensity of the background noise, if any;
- (e) The proximity of the noise to residential sleeping facilities;
- (f) The nature and zoning of the area within which the noise emanates;
- (g) The density of the inhabitation of the area within which the noise emanates;
- (h) The time of the day or night the noise occurs;
- (i) The day of the week the noise occurs;
- (j) The duration of the noise;
- (k) Whether the noise is recurrent, intermittent, or constant; and
- (l) Whether the noise is produced by a commercial or noncommercial activity.

SEC. 4-9.103. ENUMERATION.

The following specific acts, subject to the exemptions provided in Section 4-9.104, are declared to be public nuisances in violation of Section 4-9.102, namely:

- (a) The loud and raucous discharge into the open air of the steam of any steam equipment or exhaust from any stationary internal combustion engine.
- (b) The loud and raucous operation or use of any of the following before 7:00 a.m. or after 9:00 p.m. daily (except Saturday and Sunday and State or Federal holidays when the prohibited time shall be before 9:00 a.m. and after 9:00 p.m.).
 - (1) A hammer, or any other device or implement used to pound or strike an object.
 - (2) An impact wrench, or other tool or equipment powered by compressed air.
 - (3) A hand powered saw.
 - (4) Any tool or piece of equipment powered by an internal combustion engine such as, but not limited to, chain saw, backpack blower, and lawn mower. Except as included in subparagraph (6) below, motor vehicles, powered by an internal combustion engine and subject to the California Vehicle Code, are excluded from this prohibition.

- (5) Any electrically powered (whether by alternating current electricity or by direct current electricity) tool or piece of equipment used for cutting, drilling, or shaping wood, plastic, metal, or other materials or objects, such as, but not limited to, a saw, drill, lathe, or router.
- (6) Any of the following: heavy equipment (such as but not limited to bulldozer, steam shovel, road grader, back hoe), ground drilling and boring equipment (such as but not limited to derrick or dredge), hydraulic crane and boom equipment, portable power generator or pump, pavement equipment (such as but not limited to pneumatic hammer, pavement breaker, tamper, compacting equipment), pile driving equipment, vibrating roller, sand blaster, gunite machine, trencher, concrete truck, and hot kettle pump.
- (7) Any construction, demolition, excavation, erection, alteration, or repair activity.

In the case of urgent necessity and in the interest of public health and safety, the Chief Building Official may issue a permit for exemption from the requirements within subsection (b) of this section. Such period shall not exceed three (3) working days in length while the emergency continues but may be renewed for successive periods of three (3) days or less while the emergency continues. The Chief Building Official may limit such permit as to time of use and/or permitted action, depending upon the nature of the emergency and the type of action requested.

- (c) The loud and raucous use or operation of any radio, amplifier, phonograph, stereo, compact disc or tape player, loudspeaker, bullhorn, megaphone, or other device for the producing or reproducing of sound.
- (d) Loud and raucous yelling, shouting, talking, whistling, or singing between the hours of 10:00 p.m. and 7:00 a.m. on any day.
- (e) The owning, possessing, controlling, harboring, or keeping of any dog, cat, or other animal or fowl which by howling, yelping, whining, barking, or otherwise causes a loud and raucous noise.
- (f) The loud and raucous use of any drum, guitar, horn, or other musical instrument or device.

SEC. 4-9.104. EXEMPTIONS.

The term "loud and raucous noise" as used in this chapter does not include noise or sound generated by the following:

- (a) Cries for emergency assistance and warning calls.
- (b) Radios, sirens, horns, and bells on police, fire, and other emergency response vehicles.
- (c) Parades, fireworks displays, and other special events for which a permit has been obtained from the City are exempt provided there is compliance with all conditions which have been noted in writing on the permit. That loud and raucous noise produced as a result of noncompliance with any condition specified on the permit is not exempted from the requirements of this chapter.
- (d) Activities on or in publicly owned property and facilities, or by public employees while in the authorized discharge of their responsibilities, are exempt provided that such activities have been authorized by the owner of such property or facilities or its agent or by the employing authority.
- (e) Religious worship activities, including but not limited to, bells, organs, singing, and preaching.
- (f) Locomotives and other railroad equipment, and aircraft.
- (g) The collection of solid waste is exempt to the extent that the noise of such collection is regulated by Section 5-5.15 (Collection Equipment). That noise not covered by Section 5-5.15 is not exempted from the requirements of this chapter.

SEC. 4-9.105. PERSONS RESPONSIBLE.

Any person, owner, agent, manager, or supervisor in charge of operating, ordering, directing, or allowing the operation or maintenance of any device, object, machine, or animal creating a noise as prohibited in this chapter, shall be deemed guilty of violating this chapter.

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

SECTION 3. PUBLICATION. 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 19th day of February, 1991, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Carol Whiteside
CAROL G. WHITESIDE, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

Ord. No. 2752-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 26th day of February, 1991, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore,
Mayor Whiteside

NOES: Councilmembers: None


ABSENT: Councilmembers: Patterson

APPROVED:



MAYOR CAROL G. WHITESIDE

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: March 27, 1991

9

ORDINANCE NO. 2753 -C.S.

AN ORDINANCE AMENDING SECTION MAP 27-3-9 OF THE ZONING MAP TO REZONE FROM P-D(420) ZONE, TO PLANNED DEVELOPMENT ZONE, P-D(482), PROPERTY LOCATED ON THE SOUTH SIDE OF SCENIC DRIVE, WEST OF ROSE AVENUE (SCENIC DRIVE #1 - JOHN DOXEY AND ASSOCIATES).

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

SECTION 1. ZONING CHANGE. Section 27-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Planned Development Zone, P-D(420), to Planned Development Zone, P-D(482):

All that certain real property situate in a portion of the north half of Section 27, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, California, described as follows:

BEGINNING at the northeast corner of Lot "1" Wellington Cove Condominiums as shown on the map filed in Book 32 of Maps at Page 39, Stanislaus County Records, said point being on the south line of present 90 foot wide Scenic Drive; thence South 0°33'03" East on the east line of said Wellington Cove Condominiums, 554.14 feet to the centerline of Dry Creek as shown on the map filed in Book 16 of Surveys at Page 71, Stanislaus County Records; thence along said Dry Creek centerline, the following two courses and distances:

- 1) South 75°55'52" West, 392.11 feet; thence
- 2) South 52°37'40" West, 384.89 feet; thence
North 0°33'51" West 683.05 feet to the south line of present 90 foot wide Scenic Drive; thence North 73°46'06" East along said south line of Scenic Drive 13.60 feet to an angle point in said south line of Scenic Drive; thence continuing along said south line of Scenic Drive North 73°46'48" East 702.53 feet to the point of beginning of this description.

Including also all the southern one-half of 90.00 foot wide Scenic Drive located immediately adjacent to the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(482) Zone, if the plan for construction conforms in principle to the approved plan, or if changes are approved by the Secretary of the Planning Commission as required by Section 10-2.1709(c) 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 10-2.1709(a) or (b) of

the Modesto Municipal Code:

1. "de facto" zero lot line single-family subdivision

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

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

SECTION 5. PUBLICATION. 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 26th day of February, 1991, by Councilmember Irizarry, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Carol G. Whiteside
CAROL G. WHITESIDE, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By William J. ...
DEPARTMENT OF PLANNING AND
COMMUNITY DEVELOPMENT

Ord. No. 2753-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 March, 1991, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Carol Whiteside
MAYOR CAROL G. WHITESIDE

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: April 4, 1991

10/1

ORDINANCE NO. 2754 -C.S.

AN ORDINANCE AMENDING SECTIONS 10-2.1009 AND 10-2.2102 OF
CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE
RELATING TO INFLATABLE DEVICE.

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

SECTION 1. AMENDMENT OF CODE. Sections 10-2.1009 and 10-2.2102 of
Chapter 2 of Title X of the Modesto Municipal Code are hereby amended to read
as follows:

SEC. 10-2.1009. OUTDOOR DISPLAY, SALES AND PROMOTIONS.

- (a) All merchandise or displays and all storage or sales areas shall be within a completely enclosed building or structure, except that the following may be conducted outdoors:
- (1) Newspaper vending.
 - (2) Plant and floral display.
 - (3) Plant sales, plant nursery.
 - (4) Restaurant outdoor dining area.
 - (5) Vehicular fuel sales.
 - (6) Vending machines.
 - (7) Outdoor displays authorized by the City Council such as the certified farmers market or sidewalk sales as specified below.
 - (8) Other outdoor sales, displays or promotions which are permitted by the zone and for which a conditional use permit has been obtained.
 - (9) Small recycling collection facility.
- (b) The display or sale of goods, merchandise or services which are customary indoor uses shall be allowed outdoors, 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) Each display or sale shall be subject to the sign regulations of this chapter.
 - (6) Prior to any display or sale, a permit for such shall be obtained from the 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.
 - (f) Use of an inflatable device for a promotion or event shall be limited to three (3) times in number during any twelve-month period for each business, and to a single inflatable device per promotion or event.
 - (g) Outdoor display or sale of any item of personal property on vacant or unimproved land is prohibited. This prohibition shall not apply to sales of fireworks, Christmas trees, pumpkins, or other seasonal items as permitted under this Article.
 - (h) It shall be unlawful and punishable as an infraction for any person to display, sell, or promote for sale any item in violation of the provisions of this Section.

SEC. 10-2.2102. DEFINITIONS.

For the purpose of these sign regulations the following words and phrases shall have the meanings respectively ascribed to them by this section.

- (a) "Area of a Sign" shall mean the entire area within a single continuous perimeter enclosing the extreme limits of all elements such as boards or frames, perforated or solid backgrounds, ornamental embellishments, writings, representations, emblems or any figures or similar characters, including any spires, masts, shafts or similar projections, but excluding the necessary supports or uprights on which such sign is placed.



EXAMPLES OF SIGN AREA

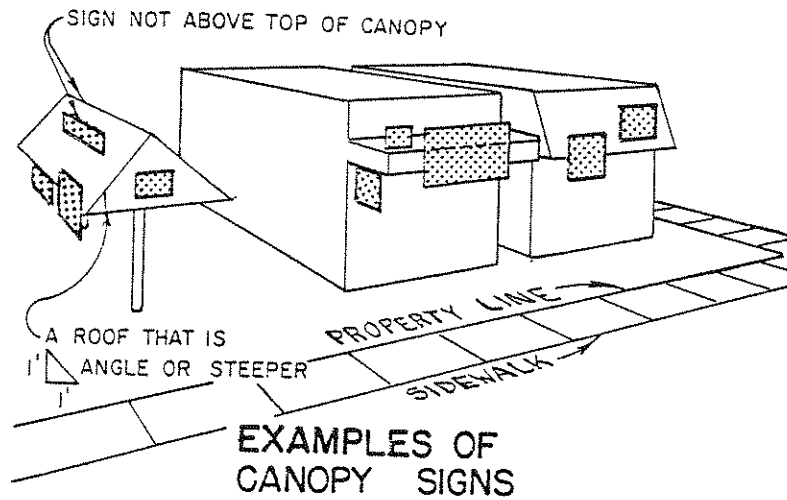
Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except where two (2) such faces are placed back to back and are at no point more than two (2) feet from one another, the area of the sign shall be taken as the area of one face if the two (2) faces are of equal area, or as the area of the larger face if the two (2) faces are of unequal area.

- (b) "Bench Sign" shall mean a City-franchised bus bench located outdoors with advertising matter thereon.
- (c) "Bulletin Board" shall mean a sign used to announce a coming event or attraction or used to convey a specific message related to the building or use of the property on which the

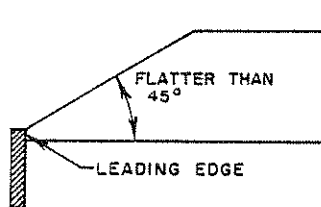
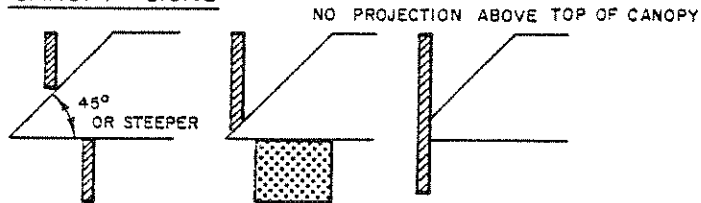
bulletin board is located. In all zones, bulletin boards, which are displayed so as to be viewed from a public street, highway, parking lot, walkway or mall shall be subject to the sign regulations of the zone in which the building or property is located.

- (d) "Canopy" shall mean a roof of a building or a fixed overhead shelter used as a roof, which may or may not be attached to a building and which does not encroach into nor overhang a public street or alley right-of-way.
- (e) "Canopy Sign" shall mean a sign attached to or hung from a canopy and which:
 - (1) is mounted in a vertical plane.
 - (2) is mounted parallel to the leading edge of a canopy except for an under canopy sign which may be mounted at an angle to the leading edge of a canopy.
 - (3) does not project above the top of the canopy when mounted on a canopy with a slope of forty-five (45) degrees (one [1] horizontal to one [1] vertical) or steeper, and which may be mounted anywhere on the slope.
 - (4) does not project above the leading edge of the canopy when mounted on a canopy with a slope flatter than forty-five (45) degrees.

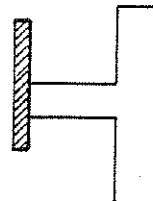
- (5) on a flat canopy (no slope), projects above the top of the canopy but does not project higher than the wall of the building to which the canopy is attached.



CANOPY SIGNS



NO PROJECTION ABOVE RIDGE-LINE

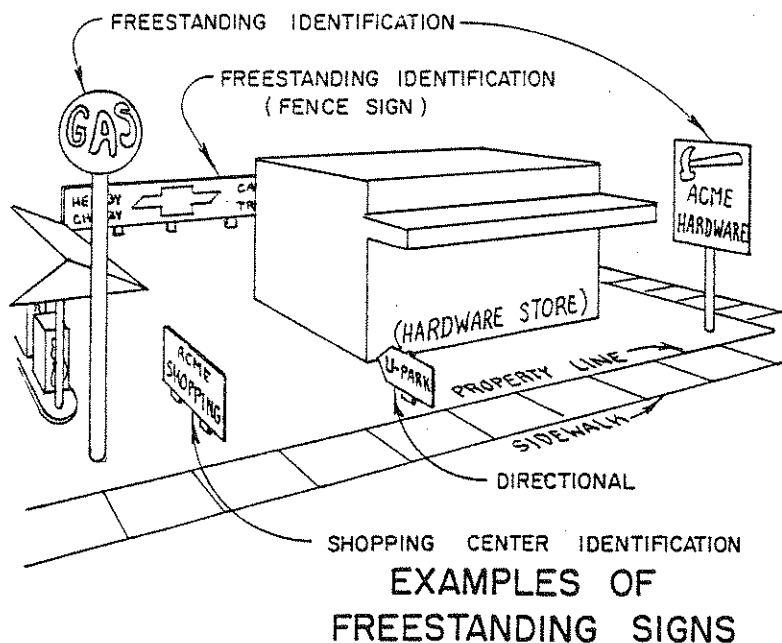


MARQUEE SIGNS

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

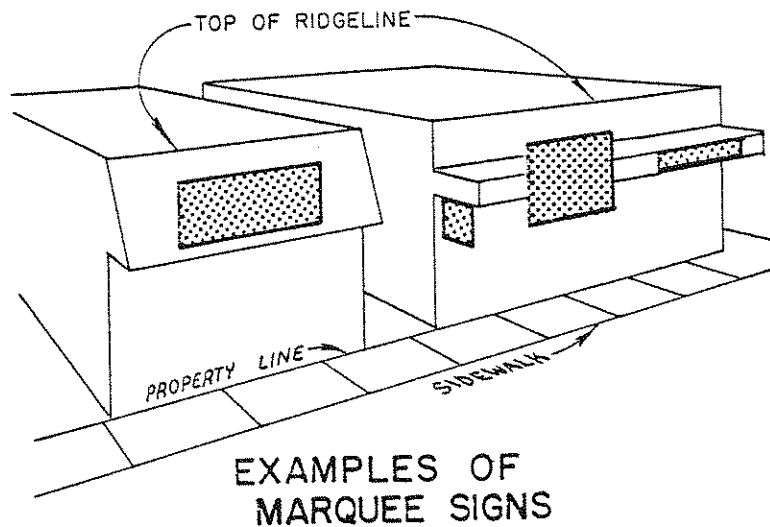
SIGNS ON CANOPIES, ROOFS, MARQUEES

- (f) "Construction Sign" shall mean a sign with the names of the architects, engineers, contractors, subcontractors and financing agencies of buildings and structures being constructed upon the premises on which the sign is located.
- (g) "Corporate Flag" shall mean a flag identifying a business or firm.
- (h) "Directional Sign" shall mean one of two (2) types of signs. An exterior directional sign shall mean a sign oriented to a street and used to direct and control pedestrian or vehicular traffic and located on the same lot or premises as the use which it is intended to serve. An interior directional sign shall mean a directional, warning, or informational sign not bearing any advertising message readable from any street right-of-way. It shall be located on the same lot or premises as the use which it is intended to serve.
- (i) "For Sale or Rent Sign" shall mean a sign advertising that the subject building or real property or portion thereof is for sale, rent or lease.
- (j) "Freestanding Sign" shall mean a sign detached from any building or structure, and the supports of which are permanently affixed in the ground.



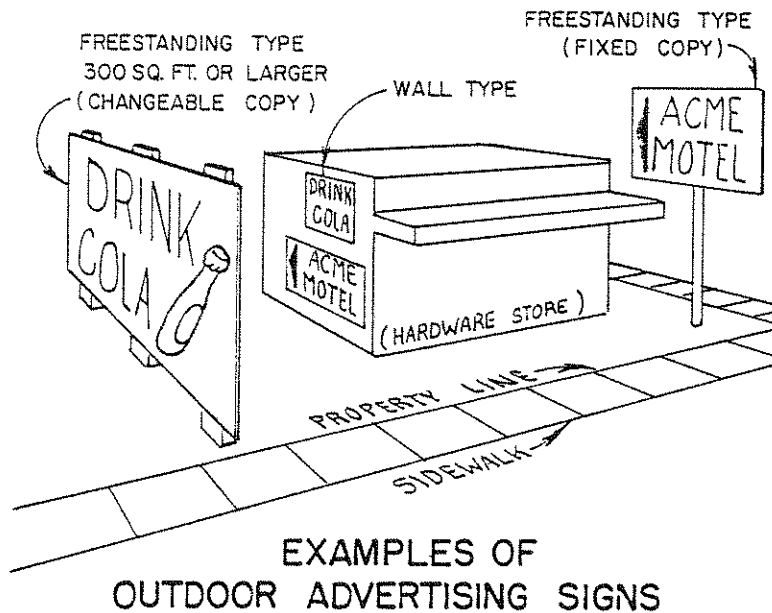
- (k) "Garage Sale Sign" shall mean a sign which is used to advertise the sale of used or secondhand goods or merchandise at dwellings and on residentially zoned property; such sales are also commonly known as patio sales, yard sales, etc.
- (l) "Height" shall mean the vertical distance from the highest point used in measuring the area of a sign to the top of curb of the street at a point which is closest to the highest point of the sign.
- (m) "Hot Air Balloon" shall mean a balloon that is filled with heated air, has a gondola, and is capable of rising and floating in the atmosphere with people aboard.
- (n) "Identification Sign" shall mean any sign which is used to identify or advertise the occupant of a building, lot or premises or the merchandise or activity available at the building, lot or premises where the sign is located.
- (o) "Lighted Sign" shall mean any sign which is illuminated either directly or indirectly by artificial light.
- (p) "Marquee" shall mean a fixed overhead shelter used as a roof, which may or may not be attached to a building, and which projects into or overhangs a public street or alley right-of-way.
- (q) "Marquee Sign" shall mean a sign attached to or hung from a marquee and which:
- (1) Is mounted in a vertical plane.
 - (2) Is mounted parallel to the leading edge of a marquee, except for an under marquee sign which may be mounted at an angle to the leading edge of a marquee.

- (3) Does not project higher than the wall of the building to which the marquee is attached.



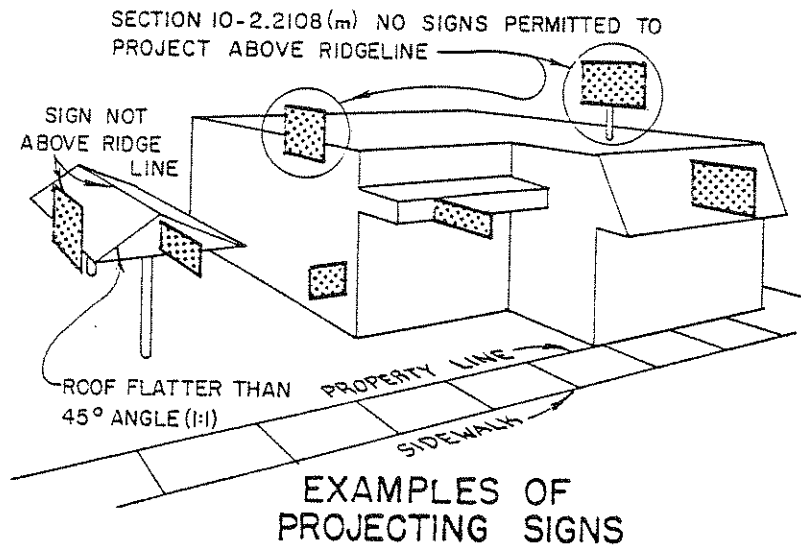
- (r) "Open House Directional Sign" shall mean a sign with the words "Open House" and may include an arrow or other directional symbol and real estate office name.
- (s) "Outdoor Advertising Sign" shall mean any of the following:
- (1) Commercial: Any sign, excepting a bench sign, that directs attention to a business, profession, product, commodity, or mercantile-oriented service that is not the primary business, profession, product, commodity or mercantile-oriented service sold, manufactured, conducted, or offered on the site on which the sign is located.

- (2) Noncommercial: Any sign, excepting a bench sign, which does not direct attention to a business, profession, product, commodity or mercantile-oriented service. This includes but is not limited to any sign expressing a personal, political, religious or social message, idea or point of view.



- (t) "Political Sign" shall mean any impermanent sign or advertising device or display, with or without letters, words, numbers or figures thereon, which is designed to advertise a candidate for political office, a political party, or a measure scheduled for an election.
- (u) "Principal Frontage" shall mean that wall of a building or structure which has frontage on a public street, highway, parking lot, walkway or mall and which is designated by the owner or occupant thereof as the principal frontage of said building or structure for the purposes of Section 10-2.2110(a)(4) of these regulations.
- (v) "Projecting Sign" shall mean any of the following:
- (1) Any sign attached to and projecting from the face of a wall, canopy, or marquee.

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



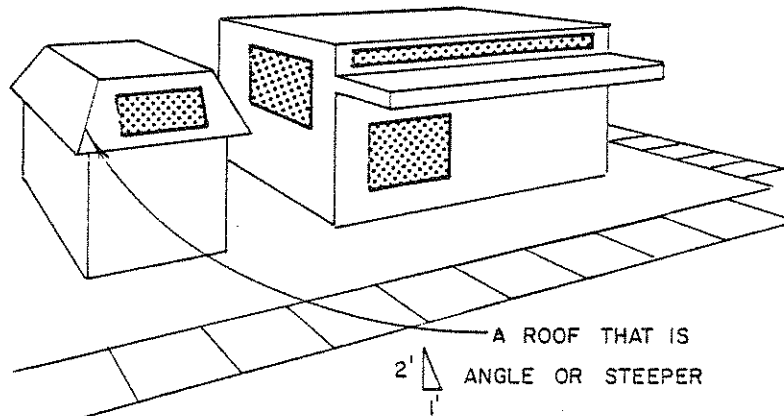
- (w) "Ridgeline" shall mean the peak of the roof, the top of a parapet, or the top of the wall of a building.
- (x) "Sign" shall mean any structure, device, letter, figure, character, poster, picture, trademark or reading matter which is used or designed to announce, declare, demonstrate, display or otherwise identify or advertise, or attract the attention of the public. However, a sign shall not include the following:
- (1) Official notices authorized by a court, public body or public officer.
 - (2) Directional, warning or informational signs authorized by federal, state or municipal authority or public utility.
 - (3) A properly displayed official flag of a government, school, religious group, or nonprofit organization.
 - (4) A memorial plaque, tablet or cornerstone indicating the name of a building and date of construction, when cut or

carved into any masonry surface or when made of bronze or other incombustible material and made an integral part of the building or structure, not to exceed four (4) square feet in area.

- (5) Signs within a building except window or wall signs as hereinafter defined.
- (6) Christmas decorations and Christmas lights, from November 15 to January 15.
- (7) Inflatable device when utilized in conformance with Section 10-2.1009.
- (y) "Subdivision Sign" shall mean a sign indicating the name of a recorded subdivision, the name of the contractor or subdivider, the name of the owner or agent, and/or giving information regarding directions, price and/or terms.
- (z) "Subdivision Directional Sign" shall mean a sign indicating the name of a recorded subdivision and information regarding location. The name of the contractor or subdivider, the name of the owner or agent and/or information regarding price and/or terms may also be noted.
- (aa) "Temporary Sign" shall mean any banner, pennant, valance, balloon, streamer, placard, "A" frame, sandwich board or similar impermanent sign or advertising device or display with or without letters, words, numbers or figures thereon which directs, promotes service or price, or which is otherwise designed to attract attention, except for the following:
 - (1) For Sale or Rent Sign.
 - (2) Garage Sale Sign.
 - (3) Open House Directional Sign.
 - (4) Political Sign.
 - (5) Sign for fireworks stands, pumpkin sales, Christmas tree sales lots, and temporary certified farmers markets.
 - (6) Window Sign.
 - (7) Corporate Flag.
 - (8) Banners for grand openings, outdoor display or sale of goods, and decorative banners as defined in Modesto Municipal Code Section 10-2.2110(17) and (18).

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

- (ab) "Wall" shall mean any wall or element of a wall or any member or group of members, which defines the exterior boundaries or courts of a building or structure and which has a slope steeper than one (1) horizontal to two (2) vertical, with the horizontal plane.
- (ac) "Wall Sign" shall mean any sign painted on, attached to or erected against the wall of a building with the exposed face of the sign in a place approximately parallel to the plane of the wall and which does not project beyond the top or ends of the wall. "Wall Sign" shall also mean any sign permanently displayed on the inside or outside of a window.



EXAMPLES OF
WALL SIGNS

- (ad) "Window Sign" shall mean any sign temporarily displayed on the inside of a window or temporarily painted on a window and facing a street, highway, parking lot, walkway or mall.
- (ae) "Zone" shall mean one of the various classes of areas into which the City has been divided by this chapter.

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

SECTION 3. PUBLICATION. 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 26th day of February, 1991, by Councilmember Dobbs, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

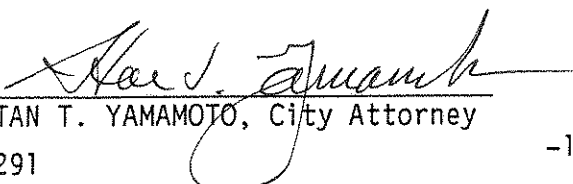
APPROVED: 
CAROL G. WHITESIDE, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

Ord. No. 2754-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 March, 1991, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Carol G. Whiteside
MAYOR CAROL G. WHITESIDE

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: April 4, 1991

ORDINANCE NO. 2755 -C.S.

AN ORDINANCE AMENDING SECTIONS 2-5.11 AND 2-5.12 OF CHAPTER 5 OF TITLE II OF THE MODESTO MUNICIPAL CODE RELATING TO DISCIPLINARY PROBATION.

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

SECTION 1. AMENDMENT OF CODE. Sections 2-4.11 and 2-5.12 of Chapter 5 of Title II of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 2-5.11. NOTICE OF DISCIPLINARY PROBATION, SUSPENSION, DEMOTION OR DISMISSAL.

Any employee who is suspended, demoted or dismissed or placed on disciplinary probation shall be furnished with a written notice of such action, including a statement of the reasons for such action.

SEC. 2-5.12. RIGHT TO HEARING.

Any regular employee in the Classified Service shall have the right of appeal relative to any disciplinary probation, suspension, demotion or dismissal for disciplinary reasons except in instances where the right of appeal is denied by this chapter. Such an appeal must be in writing and filed with the Director of Personnel within thirty (30) days following written notice to said employee of such disciplinary probation, suspension, demotion or dismissal.

Appeal procedures shall be as contained in the Personnel Rules or a valid and binding Memorandum of Understanding.

Judicial review may be had by filing a petition for a writ of mandate in accordance with the provisions of Section 1094.5 of the Code of Civil Procedure of the State of California. Such a petition shall be filed in accordance with the provisions of Section 1094.6 of the Code of Civil Procedure of the State of California, which section shall be applicable to all such petitions.

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 26th day of February, 1991, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Bird, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

APPROVED:



CAROL G. WHITESIDE, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

Ord. No. 2755-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 March, 1991, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Carol Whiteside
MAYOR CAROL G. WHITESIDE

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: April 4, 1991

Clark

ORDINANCE NO. 2756 -C.S.

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 of, and upon the basis of engineering and traffic surveys conducted pursuant to Vehicle Code and the Traffic Manual of the Department of Transportation, it is determined that the prima facie speed limits which follow would facilitate the orderly movement of vehicular traffic and would be reasonable and safe.

<u>NAME OF STREET OR PORTION AFFECTED</u>	<u>DECLARED PRIMA FACIE SPEED LIMIT</u>	<u>DATE SURVEYED</u>
BLUE GUM AVENUE, between Morse Road and Carpenter Road	35 miles per hour	August 31, 1989
BOWEN AVENUE, between Tully Road and McHenry Avenue	35 miles per hour	June 2, 1987
BRIGGSMORE AVENUE, between Prescott Road and Tully Road	45 miles per hour	October 20, 1988
BRIGGSMORE AVENUE, (east and westbound) between Tully Road and McHenry Avenue	45 miles per hour	October 20, 1988
BRIGGSMORE AVENUE, (westbound) between Coffee Road and McHenry Avenue	45 miles per hour	October 20, 1988
BRIGGSMORE AVENUE, (eastbound) between McHenry Avenue and 1,000 feet west of Coffee Road	40 miles per hour	June 2, 1987
BRIGGSMORE AVENUE, (eastbound) between a point 1,000 feet west of Coffee Road and Coffee Road	40 miles per hour	October 20, 1988

BRIGGSMORE AVENUE, between Coffee Road and Rose Avenue	45 miles per hour	October 20, 1988
BRIGGSMORE AVENUE, between Rose Avenue and Oakdale Road	45 miles per hour	October 20, 1988
BRIGGSMORE AVENUE, between Oakdale Road and Claus Road	45 miles per hour	October 20, 1988
BRIGHTON AVENUE, between Coffee Road and Locke Road	30 miles per hour	March 2, 1988
CALIFORNIA AVENUE, between Carpenter Road and N. Martin Luther King Drive within the City limits	35 miles per hour	February 24, 1987
CARPENTER ROAD, between Blue Gum Avenue and Woodland Avenue within the City limits	45 miles per hour	November 2, 1988
CARPENTER ROAD, between Woodland Avenue and Maze Boulevard within the City limits	40 miles per hour	March 14, 1989
CARPENTER ROAD, between Maze Boulevard and Paradise Road within the City limits	45 miles per hour	October 26, 1988
CARVER ROAD, between M.I.D. Lateral No. 6 and Brixton Lane within the City limits	40 miles per hour	March 27, 1986
CARVER ROAD, between Brixton Lane and Briggsmore Avenue	35 miles per hour	May 26, 1987
CARVER ROAD, between Briggsmore Avenue and Orangeburg Avenue	30 miles per hour	May 8, 1987
CARVER ROAD, between Orangeburg Avenue and 9th Street within the City limits	35 miles per hour	May 26, 1987
CELESTE DRIVE, between Coffee Road and Oakdale Road	30 miles per hour	March 8, 1988
CLAUS ROAD, between M.I.D. Lateral No. 3 and 200' south of Scenic Drive	45 miles per hour	October 26, 1988

CLAUS ROAD, between 200' south of Scenic Drive and Yosemite Boulevard	50 miles per hour	February 14, 1989
COFFEE ROAD, between Mable Avenue and Sylvan Avenue within the City limits	45 miles per hour	April 17, 1986
COFFEE ROAD, between Sylvan Avenue and Floyd Avenue within the City limits	35 miles per hour	October 27, 1988
COFFEE ROAD, between Floyd Avenue and Briggsmore Avenue	35 miles per hour	October 27, 1988
COFFEE ROAD, between Briggsmore Avenue and Scenic Drive	35 miles per hour	October 27, 1988
COLLEGE AVENUE, between Rumble Road and Bowen Avenue	30 miles per hour	October 27, 1988
COLLEGE AVENUE, between Bowen Avenue and Princeton Avenue	35 miles per hour	June 2, 1987
CREEKWOOD DRIVE, between Claus Road and Yosemite Boulevard	30 miles per hour	May 29, 1990
CROWS LANDING ROAD, Blankenburg Avenue to School Avenue, within the City limits	35 miles per hour	March 2, 1988
DALE ROAD, between Pelandale Avenue and Snyder Avenue within the City limits	35 miles per hour	September 2, 1987
DALE ROAD, between Snyder Avenue and Veneman Avenue	35 miles per hour	September 2, 1987
DALE ROAD, between Veneman Avenue and Standiford Avenue	35 miles per hour	October 20, 1988
EASTRIDGE DRIVE, between Orangeburg Avenue and Scenic Drive	30 miles per hour	March 7, 1988
EICHER AVENUE, between Conant Avenue and Goldie Avenue	30 miles per hour	May 21, 1990
EL VISTA AVENUE, between Scenic Drive and Yosemite Boulevard	35 miles per hour	October 26, 1988

EMERALD AVENUE, between Maze Boulevard and California Avenue within the City limits	35 miles per hour	March 2, 1988
ENCINA AVENUE, between Santa Barbara Avenue and Conejo Avenue	30 miles per hour	March 8, 1988
EVERGREEN AVENUE, between Orangeburg Avenue and Carver Road	30 miles per hour	June 23, 1988
FAIRMONT AVENUE, between Sunrise Avenue and Coffee Road	30 miles per hour	March 7, 1988
FLOYD AVENUE, between McHenry Avenue and Coffee Road	35 miles per hour	May 26, 1987
FLOYD AVENUE, between Coffee Road and Oakdale Road	30 miles per hour	March 8, 1988
FLOYD AVENUE, between Oakdale Road and Roselle Avenue within the City limits	35 miles per hour	August 26, 1987
GRANGER AVENUE, between Tully Road and McHenry Avenue	30 miles per hour	March 8, 1988
GRANGER AVENUE, between McHenry Avenue and Sunrise Avenue	30 miles per hour	March 7, 1988
KANSAS AVENUE, between Carpenter Road and Emerald Avenue within the City limits	40 miles per hour	March 19, 1986
KANSAS AVENUE, between Emerald Avenue and Eighth Street	35 miles per hour	October 26, 1988
KEARNEY AVENUE, between Glenwood Drive and Coldwell Avenue	25 miles per hour	May 21, 1990
KELLER STREET, between Sylvan Avenue and Rumble Road within the City limits	30 miles per hour	October 27, 1988
LA LOMA AVENUE, between H Street and Santa Ana Avenue	35 miles per hour	August 27, 1986

LA LOMA AVENUE, between Santa Ana Avenue and Yosemite Boulevard	35 miles per hour	August 27, 1986
LAKWOOD AVENUE, between Orangeburg Avenue and Scenic Drive	30 miles per hour	March 7, 1988
LINCOLN AVENUE, between 650' north of M.I.D. Lateral No. 2 and Yosemite Boulevard	35 miles per hour	August 30, 1989
MABLE AVENUE, between Coffee Road and Oakdale Road	35 miles per hour	May 29, 1990
MERLE AVENUE, between Oakdale Road and Roselle Avenue	35 miles per hour	March 14, 1989
MILLER AVENUE, between La Loma Avenue and El Vista Avenue	35 miles per hour	June 11, 1987
MITCHELL ROAD, between Finch Road and the southerly City limits	50 miles per hour	June 11, 1987
MORRIS AVENUE, between McHenry Avenue and Coffee Road	30 miles per hour	May 26, 1987
MT. VERNON DRIVE, between Prescott Road and Carver Road	30 miles per hour	March 8, 1988
MT. VERNON DRIVE, between Carver Road and College Avenue	30 miles per hour	March 8, 1988
NEECE DRIVE, between Tuolumne Boulevard and Rouse Avenue	35 miles per hour	March 2, 1988
NEEDHAM STREET, between 9th and and L Streets	35 miles per hour	March 2, 1988
N. MARTIN LUTHER KING DRIVE, between Maze Boulevard and California Avenue	30 miles per hour	June 24, 1987
NORWEGIAN AVENUE, between McHenry Avenue and Coffee Road	35 miles per hour	March 8, 1988
OAKDALE ROAD, between Mable Avenue and Sylvan Avenue within the City limits	50 miles per hour	March 14, 1989

OAKDALE ROAD, between Sylvan Avenue and Floyd Avenue within the City limits	45 miles per hour	March 14, 1989
OAKDALE ROAD, between Floyd Avenue and Briggsmore Avenue	35 miles per hour	April 21, 1988
OAKDALE ROAD, between Briggsmore Avenue and Scenic Drive	35 miles per hour	April 21, 1988
ORANGEBURG AVENUE, between Briggsmore Avenue and Martin Avenue	30 miles per hour	August 30, 1989
ORANGEBURG AVENUE, between Martin Avenue and McHenry Avenue	35 miles per hour	March 9, 1988
ORANGEBURG AVENUE, between McHenry Avenue and Coffee Road	35 miles per hour	March 31, 1988
ORANGEBURG AVENUE, between Coffee Road and Oakdale Road	35 miles per hour	March 17, 1986
ORANGEBURG AVENUE, between Oakdale Road and Lakewood Avenue	35 miles per hour	August 31, 1989
ORANGEBURG AVENUE, between Lakewood Avenue and Claus Road	35 miles per hour	August 31, 1989
PARADISE ROAD, between Vernon Avenue and N. Martin Luther King Drive within the City limits	35 miles per hour	March 14, 1989
PARADISE ROAD, between N. Martin Luther King Drive and Washington Street	30 miles per hour	March 14, 1989
PRESCOTT ROAD, between Snyder Avenue and Standiford Avenue	35 miles per hour	March 9, 1988
PRESCOTT ROAD, between Standiford Avenue and Rumble Road	35 miles per hour	March 9, 1988

PRESCOTT ROAD, between Rumble Road and Briggsmore Avenue	35 miles per hour	October 20, 1988
PRINCETON AVENUE, between Tully Road and College Avenue	25 miles per hour	August 30, 1989
RIVERSIDE DRIVE, between Edgebrook Drive and Yosemite Boulevard	30 miles per hour	May 21, 1990
ROSE AVENUE, between Floyd Avenue and Briggsmore Avenue	35 miles per hour	May 26, 1987
ROSE AVENUE, between Briggsmore Avenue and Scenic Drive	35 miles per hour	May 26, 1987
ROSEBURG AVENUE, between Carver Road and Tully Road	30 miles per hour	March 7, 1988
ROSEBURG AVENUE, between Tully Road and McHenry Avenue	30 miles per hour	March 7, 1988
ROSEBURG AVENUE, between McHenry Avenue and Sunrise Avenue	35 miles per hour	March 7, 1988
ROSEMORE AVENUE, between Blue Gum Avenue and Kansas Avenue within the City limits	40 miles per hour	September 28, 1990
ROUSE AVENUE, between Neece Drive and Colorado Avenue within the City limits	35 miles per hour	June 26, 1987
RUMBLE ROAD, between Sisk Road and Conant Avenue	40 miles per hour	March 27-28, 1986
RUMBLE ROAD, between Conant Avenue and Tully Road	30 miles per hour	March 9, 1988
RUMBLE ROAD, between Tully Road and McHenry Avenue	35 miles per hour	May 29, 1990
RUMBLE ROAD, between McHenry Avenue and Coffee Road	35 miles per hour	March 8, 1988
SANTA CRUZ AVENUE, between Yosemite Boulevard and Legion Park Drive within the City limits	30 miles per hour	May 29, 1990

SCENIC DRIVE, between Burney Street and Coffee Road	30 miles per hour	March 2, 1988
SCENIC DRIVE, between Coffee Road and Oakdale Road	40 miles per hour	March 17, 1986
SCENIC DRIVE, between Oakdale Road and Lakewood Avenue	40 miles per hour	July 30, 1990
SCENIC DRIVE, between Lakewood Avenue and Lillian Drive	30 miles per hour	March 7, 1988
SCENIC DRIVE, between Lillian Drive and Claus Road	40 miles per hour	June 11, 1987
SHARON WAY, between Budd Street and Prescott Road	30 miles per hour	March 8, 1988
SIERRA DRIVE, between G and South 7th Streets	30 miles per hour	March 2, 1988
SISK ROAD, between 600' north of Vintage Drive and Standiford Avenue	35 miles per hour	May 21, 1990
SISK ROAD, between Standiford Avenue and Briggsmore Avenue	40 miles per hour	March 28, 1986
SNYDER AVENUE, between Dale Road and Prescott Road within the City limits	35 miles per hour	September 30, 1987
SNYDER AVENUE, between Prescott Road and Carver Road within the City limits	40 miles per hour	September 30, 1987
STANDIFORD AVENUE, between Dale Road and Prescott Road within the City limits	35 miles per hour	August 30, 1989
STANDIFORD AVENUE, between Prescott Road and Carver Road	35 miles per hour	August 30, 1989
STANDIFORD AVENUE, between Carver Road and Tully Road	35 miles per hour	October 5, 1989

STANDIFORD AVENUE, between Tully Road and McHenry Avenue	35 miles per hour	March 14, 1989
SUNRISE AVENUE, between Floyd Avenue and Briggsmore Avenue	30 miles per hour	March 8, 1988
SUNRISE AVENUE, between Briggsmore Avenue and Lucern Avenue	30 miles per hour	August 31, 1989
SURREY AVENUE, between Oakdale Road and Eastridge Drive	30 miles per hour	August 31, 1989
SUTTER AVENUE, between Paradise Road and Robertson Road within the City limits	30 miles per hour	June 24, 1987
SYCAMORE AVENUE, between Orangeburg Avenue and Griswold Avenue	30 miles per hour	October 26, 1988
SYLVAN AVENUE, between McHenry Avenue and Coffee Road	35 miles per hour	August 30, 1989
SYLVAN AVENUE, between Coffee Road and Oakdale Road	35 miles per hour	February 14, 1989
TENAYA DRIVE, between Santa Cruz Avenue and Mitchell Road within the City limits	30 miles per hour	June 4, 1990
TULLY ROAD, between M.I.D. Lateral No. 6 and Standiford Avenue	35 miles per hour	March 9, 1988
TULLY ROAD, between Standiford Avenue and Coldwell Avenue	35 miles per hour	June 2, 1987
TUOLUMNE BOULEVARD, between Paradise Road and 7th Street	35 miles per hour	June 24, 1987
VENEMAN AVENUE, between Dale Road and Regency Park Drive	35 miles per hour	June 2, 1987
VENEMAN AVENUE NORTH, between Regency Park Drive and Snyder Avenue	25 miles per hour	October 28, 1988

VIRGINIA AVENUE, between Roseburg Avenue and Needham Street	30 miles per hour	March 7, 1988
WHITMORE AVENUE, between Crows Landing Road and Morgan Road within the City limits	45 miles per hour	March 27, 1986
WOODLAND AVENUE, between Morse Road and Carpenter Road, within the City limits	35 miles per hour	October 26, 1988
WOODLAND AVENUE, between Carpenter Road and 9th Street, within the City limits	35 miles per hour	August 28, 1986
WOODROW AVENUE, between Tully Road and McHenry Avenue	30 miles per hour	March 9, 1988
WYLIE DRIVE, between Rose Avenue and Oakdale Road	30 miles per hour	October 26, 1988
9TH STREET, between Carpenter Road and 400' north of Tully Road within the City limits	45 miles per hour	December 2, 1986
9TH STREET, between P Street and L Street	35 miles per hour	March 19, 1986

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 March, 1991, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Carol G. Whiteside
CAROL G. WHITESIDE, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

Ord. No. 2756-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 March, 1991, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Carol G. Whiteside
MAYOR CAROL G. WHITESIDE

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: April 18, 1991

Clark

ORDINANCE NO. 2757-C.S.

AN ORDINANCE AMENDING SECTION 10-2.2109 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO RESIDENTIAL SUBDIVISION PROMOTIONAL SIGNS.

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

SECTION 1. AMENDMENT OF CODE. Section 10-2.2109 of Chapter 2 of

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

SEC. 10-2.2109. SPECIFIC REQUIREMENTS FOR TYPE, AREA, AND HEIGHT OF SIGNS IN THE R-1, R-2, R-3 AND P-0 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 R-1, R-2 and R-3 Zones, the following signs are permitted, except as otherwise stated:
 - (1) One (1) unlighted for sale or rent sign per street frontage, not exceeding eight (8) square feet in area and six (6) feet in height.
 - (2) Three (3) unlighted open house directional signs, each not exceeding three (3) square feet in area and forty-two (42) inches in height, which shall be permitted during daylight hours only, for each house or group of houses offered for sale by the same realtor at the same general location, provided they do not bear any advertising message other than the real estate office name, and that such signs are located wholly on private property with permission of the property owner on whose property they are located.
 - (3) One (1) wall mounted name plate not exceeding one (1) square foot in area.
 - (4) For uses permitted by conditional use permits additional signing as follows:
 - (aa) One (1) bulletin board or identification sign not exceeding twenty-five (25) square feet in area and six (6) feet in height.
 - (ab) Canopy and wall identification signs limited to one-half (0.5) square foot in combined sign area for each lineal foot of any wall, and not exceeding

thirty-five (35) feet in height. Canopy and wall identification signs may have external illumination only; no internal illumination shall be permitted.

- (5) One (1) construction sign not exceeding twenty (20) square feet in area and six (6) feet in height, provided that such sign shall be removed not later than thirty (30) days after construction is completed.
- (6) One (1) subdivision sign not exceeding sixty-four (64) square feet in area and ten (10) feet in height for each recorded subdivision provided that such sign shall be removed not later than three (3) years from the recording date of the subdivision, except as follows:
 - (aa) Where building permits have been taken out for more than one-half (0.5), but less than sixty-five (65) percent, of the lots in such subdivision at the end of said three (3) year period, such sign may remain for an additional one (1) year period.
 - (ab) Where building permits have been taken out for one-half (0.5) or less of the lots in such subdivision at the end of said three (3) year period, such sign may remain for an additional two (2) year period.
- (7) Unlighted subdivision directional signs not exceeding sixteen (16) square feet in area and six (6) feet in height for each recorded subdivision as follows:
 - (aa) Within the boundaries of the recorded subdivision, one (1) subdivision directional sign shall be permitted per block.
 - (ab) Outside the boundaries of any recorded subdivision, subdivision directional signs on private property shall be permitted as follows:
 - (i) One (1) at each street intersection where a change in direction (left turn, right turn) is required.
 - (ii) Three (3) where no change in direction is required. Placement of one (1) sign under this subsection shall be no closer than one thousand (1000) feet to another sign under this subsection for this subdivision.

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

(i) Where building permits have been taken out for more than one-half (0.5), but less than sixty-five (65) percent, of the lots in such subdivision at the end of said three (3) year period, such signs may remain for an additional one (1) year period.

(ii) Where building permits have been taken out for one-half (0.5) or less of the lots in such subdivision at the end of said three (3) year period, such signs may remain for an additional two (2) year period.

(7.1) Subdivision banners for grand openings as follows:

(aa) One (1) banner permitted not to exceed seventy-two (72) square feet in area to be located within the boundaries of the recorded subdivision.

(ab) The banner shall not exceed thirty-five (35) feet in height, or the ridgeline of the roof of the building, whichever is lower. If the banner is placed on a free-standing structure, the sign shall not exceed twenty (20) feet in height.

(ac) Banners shall be permitted for no more than sixty (60) days after obtaining a permit from the Director.

(8) Political signs which may be erected, maintained and displayed as follows:

(aa) On lots or parcels upon which there is located a residential structure, except that:

(i) The area of each such sign shall not exceed six (6) square feet.

(ii) The overall height shall not exceed six (6) feet.

(iii) The combined area of all such signs shall not exceed sixty (60) square feet.

(ab) On lots or parcels upon which there is not located a residential structure, except that:

- (i) The area of each such sign shall not exceed thirty-two (32) square feet.
 - (ii) The overall height of each such sign shall not exceed ten (10) feet.
 - (iii) The combined area of all such signs shall not exceed one hundred (100) square feet.
- (ac) Political signs shall not be lighted either directly or indirectly.
- (ad) Such signs shall be erected no more than one-hundred twenty (120) days prior to an election, and shall be removed within ten (10) days after the election.
- (9) Temporary signs are not permitted.
- (10) Window signs are not permitted.
- (11) Outdoor advertising signs are not permitted.
- (12) Two (2) unlighted garage sale signs not exceeding three (3) square feet each in area may be displayed as follows:
 - (aa) Said signs may be displayed only during such times as the garage sale being advertised is actually being held or conducted.
 - (ab) Said signs may only be erected and displayed on private property with the consent of the owner thereof. They may not be erected or displayed on street trees, utility poles, or elsewhere in public rights-of-way.
- (13) Interior directional, warning, and informational signs not exceeding six (6) square feet in area and six (6) feet in height.
- (14) One (1) exterior directional sign per driveway or pedestrian walkway serving five (5) or more dwelling units as follows:
 - (aa) Sign copy limited to any or all of the following: street name and address, housing project name and logo, for sale, for rent, for lease.
 - (ab) Twelve (12) square feet maximum area, external illumination only.

- (ac) For a freestanding sign, six (6) feet maximum height; for a wall sign, first story maximum height not to exceed twelve (12) feet.
- (15) For the purpose of replacing one nonconforming use with another nonconforming use, additional signs as follows:
- (aa) Canopy and wall identification signs limited to one-half (0.5) square foot in combined sign area for each lineal foot of any wall facing a public street. Signs shall face only public streets, shall not exceed thirty-five (35) feet in height, and shall have external illumination only, except for neon signs on the inside of windows.
 - (ab) Window signs are permitted, shall face only public streets, and shall have external illumination only.
- (b) In the P-0 Zone, the following signs are permitted:
- (1) For any uses permitted in the R-3 Zone, except those permitted by conditional use permit, any signs permitted in the R-3 Zone excepting Section 10-2.2109(a)(4).
 - (2) For any uses permitted by conditional use permit in the R-3 Zone, any signs permitted in the R-3 Zone, including Section 10-2.2109(a)(4).
 - (3) For uses other than those permitted in the R-3 Zone, the following signs are permitted:
 - (aa) Any signs permitted in the R-3 Zone except Section 10-2.2109(a)(4).
 - (ab) For each site one (1) freestanding sign per street frontage, each sign not exceeding sixteen (16) square feet and eight (8) feet in height.
 - (ac) Canopy and wall identification signs limited to one-half (0.5) square foot in combined sign area for each lineal foot of any wall, and not exceeding thirty-five (35) feet in height. Canopy and wall identification signs may have external illumination only; no internal illumination shall be permitted.
 - (ad) 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.

- (4) For the purpose of replacing one nonconforming use with another nonconforming use, additional signs as follows:
 - (aa) Canopy and wall identification signs limited to one-half (0.5) square foot in combined sign area for each lineal foot of any wall facing a public street. Signs shall face only public streets, shall not exceed thirty-five (35) feet in height, and shall have external illumination only, except for neon signs on the inside of windows.
 - (ab) Window signs are permitted, shall face only public streets, and shall have external illumination only.

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 2nd day of April, 1991, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bird, Irizarry, Lang, Muratore, Patterson,
Acting Mayor Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Stan Dobbs
STAN DOBBS, Acting Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

Ord. No. 2757-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 16th day of April, 1991, Councilmember Bird 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:	Bird, Dobbs, Irizarry, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

APPROVED:


MAYOR RICHARD A. LANG

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: May 16, 1991

ORDINANCE NO. 2758-C.S.

AN ORDINANCE ADDING CHAPTER 3 ENTITLED "AFFORDABLE HOUSING" TO TITLE X OF THE MODESTO MUNICIPAL CODE.

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

SECTION 1. AMENDMENT OF CODE. Chapter 3 entitled "Affordable Housing" is hereby added to Title X of the Modesto Municipal Code to read as follows:

CHAPTER 3

AFFORDABLE HOUSING

ARTICLE 1. DENSITY BONUS: GENERAL PROVISIONS

SEC. 10-3.101. PURPOSE AND INTENT.

The intent of the density bonus is to contribute significantly to the economic feasibility of lower income housing in proposed developments, in compliance with Government Code Sections 65915 and 65917.

SEC. 10-3.102. STATEMENT OF AUTHORIZATION.

Density bonuses may be granted as part of the normal approval process for plot plans, rezonings, or subdivision maps. Any additional incentives, as defined in Section 10-3.109, or waiver or modification of development standards, as defined in Section 10-3.110, shall be approved by the City Council. Density bonuses for senior housing projects shall be granted only with a rezoning to P-D, Planned Development zone. The density bonus agreements shall be approved by the City Council.

SEC. 10-3.103. DEVELOPER OBLIGATIONS.

A developer requesting a density bonus shall agree to construct a housing development with one of the following types of affordable housing:

- (a) Ten (10%) percent of its units for very low income households, as defined in Section 10-3.401.
- (b) Twenty (20%) percent of its units for low income households, as defined in Section 10-3.402.

- (c) Fifty (50%) percent of its units for senior citizens, and at least ten (10%) percent of its units for very low income senior citizens, or at least twenty (20%) percent of its units for low income senior citizens, as defined in Section 10-3.404.

SEC. 10-3.104. CITY OBLIGATIONS.

If a developer agrees to one of the provisions outlined in Section 10-3.103, then the developer may request, and the City of Modesto will grant, the following:

- (a) A twenty-five (25%) percent density bonus over the housing unit density allowed on the site by the existing zoning and General Plan designation.
- (b) A housing development with one hundred (100%) percent of its units provided for senior citizens, as defined in Section 10-3.404(a), will be allowed at a density equal to that allowed in the R-3 Zone, with a rezoning to P-D. A density bonus in excess of R-3 density will be granted if the developer agrees to the provisions of Section 10-3.103(c). The amount of the density bonus will vary with the amount of low income senior citizen or very low income senior citizen housing that is provided in the housing development, in accordance with the following chart:

<u>% of Low Income Senior Housing</u>	OR	<u>% of Very Low Income Senior Housing</u>	<u>Density Bonus Range</u>
20%		10%	0 to 25%
40%		20%	>25% to 50%
60%		30%	>50% to 75%
80%		40%	>75% to 100%
100%		50%	>100%

The density bonus applies only to those portions of a senior housing project designated for independent living units.

- (c) An additional incentive, as defined in Section 10-3.109, unless the City Council finds that the additional incentive is not necessary to make the proposed development economically feasible, as defined in Section 10-3.203.

SEC. 10-3.105. FINDINGS FOR DENIAL OF PROJECT.

Notwithstanding Section 10-3.104, the City shall deny the proposed development if either of the following findings are made:

- (a) The proposed development does not conform to the General Plan or applicable zoning and development policies.

- (b) The proposed development would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the adverse impact identified.

The above findings shall be made in addition to findings made under other sections of the Municipal Code.

SEC. 10-3.106. MINIMUM DEVELOPMENT SIZE.

The density bonus provisions of this Chapter only apply to proposed developments of five or more dwelling units.

SEC. 10-3.107. AFFORDABLE HOUSING UNIT CHARACTERISTICS.

All affordable housing units shall have an appearance, bedroom mix, and amenities representative of the entire housing development.

SEC. 10-3.108. DISTRIBUTION OF DENSITY BONUS UNITS.

A developer of a proposed development containing more than one parcel shall be allowed to build the density bonus units in one section of the proposed development while building the affordable units in another section of the development, provided that:

- (a) Development proposals for the two sections of the proposed development are approved concurrently.
- (b) The housing units in both sections are developed concurrently.

SEC. 10-3.109. ADDITIONAL INCENTIVES.

If the developer has shown economic necessity, as defined in Section 10-3.203, then the City shall grant an additional incentive. The additional incentive may be any of the following:

- (a) A reduction in site development standards or a modification of zoning code requirements or architectural design requirements which exceed minimum building standards approved by the State Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code.
- (b) Approval of mixed use zoning in conjunction with the housing development if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing development and the existing or planned development in the area where the housing development will be located.

- (c) Other regulatory incentives or concessions which result in identifiable cost reductions.

This subdivision does not limit or require the provision of direct financial incentives for the housing development, including the provision of publicly owned land or the waiver of fees or dedication requirements. All incentives are to be negotiated between the developer and the City. The City Council may substitute another incentive for the one requested if it finds that the requested incentive is infeasible or undesirable.

SEC. 10-3.110. WAIVER OR MODIFICATION OF DEVELOPMENT STANDARDS.

The City may waive or modify zoning and development standards that would otherwise physically inhibit the use of the density bonus on a specific site, if the following finding is made:

- (a) The waiver or modification is necessary to make the proposed development economically feasible, as defined in Section 10-3.203.

SEC. 10-3.111. DENSITY BONUS FOR CONDOMINIUM CONVERSIONS.

- (a) In accordance with Section 65915.5 of the Government Code, when an applicant proposing to convert apartments to a condominium project agrees to provide thirty-three (33%) percent of the total units in the proposed condominium project for moderate income households, as defined in Section 10-3.403, or fifteen (15%) percent of the total units for low income households, as defined in Section 10-3.402, then the City shall grant a twenty-five (25%) percent density bonus.
- (b) For purposes of this section, "density bonus" means an increase of twenty-five (25%) percent over the number of apartments, to be provided within the existing structure or structures proposed for conversion.
- (c) An applicant may submit a preliminary proposal for a condominium conversion under the provisions of Section 10-3.201.
- (d) Notwithstanding Section 10-3.111(a), the City may deny the condominium conversion under the provisions of Section 10-3.105.
- (e) An applicant shall be ineligible for a density bonus under the provisions of this section if the apartments proposed for conversion were previously granted a density bonus under the provisions of Section 10-3.104.

ARTICLE 2. DENSITY BONUS: PROCEDURES

SEC. 10-3.201. PRELIMINARY PROPOSAL.

A developer may submit a preliminary proposal for a density bonus prior to a formal application. The City shall respond within ninety (90) days of receipt of a written proposal, notifying the developer in writing of the procedures which will be followed in processing the application.

SEC. 10-3.202. DENSITY BONUS AGREEMENTS.

Any developer requesting a density bonus shall submit a density bonus agreement in a form approved by the City Attorney. The density bonus agreement shall be approved by the City Council, and shall run with the land. It may include, but not be limited to, the following provisions:

- (a) The number of requested housing units above the amount allowed by the existing zoning, and the additional incentives requested.
- (b) The number of affordable units by number of bedrooms and income group to be provided in the project.
- (c) The term of affordability for affordable units, as defined in Section 10-3.301.
- (d) The standards for maximum qualifying incomes for affordable units.
- (e) The standards for maximum rents or sales prices for affordable units.
- (f) The process to be used to certify tenant/homeowner incomes.
- (g) The arrangements with the Stanislaus County Housing Authority for monitoring of the affordable units.
- (h) How vacancies will be marketed and filled.
- (i) Restrictions and enforcement mechanisms binding on property upon sale or transfer.
- (j) Penalties and enforcement mechanisms in event of failure to maintain affordability provisions.
- (k) Any other provisions deemed necessary by the City of Modesto.

SEC. 10-3.203. ECONOMIC FEASIBILITY.

Any developer requesting an additional incentive, or a waiver or modification of zoning and development standards, shall be required to show that the additional incentive is necessary to make the project economically feasible. The developer shall submit supporting financial documents with the application. Said documents shall be in a format as approved by resolution by the City Council from time to time. The documents shall be evaluated by the Finance Director for proof of economic necessity.

SEC. 10-3.204. CALCULATING AFFORDABLE AND DENSITY BONUS UNITS.

In calculating the additional density bonus units to be allowed over what is currently allowed by the existing zoning, or the amount of affordable housing units to be required, any resulting fraction of a unit shall be rounded up to the next whole number. In calculating the amount of affordable units required under Section 10-3.103(a) or (b), the twenty-five (25%) percent density bonus units shall not be included. In the case of Section 10-3.104(b), the density bonus units shall be included in calculating the amount of affordable units when the density bonus exceeds twenty-five (25%) percent.

ARTICLE 3. DENSITY BONUS: AFFORDABILITY PROVISIONS

SEC. 10-3.301. TERM OF AFFORDABILITY.

- (a) If a density bonus and an additional incentive is granted, then affordability of the approved low income or very low income bonus units shall be maintained for a period of thirty (30) years, beginning when the units are first available for occupancy.
- (b) If only a density bonus is granted, then affordability of the approved low income or very low income bonus units shall be maintained for a period of ten (10) years, beginning when the units are first available for occupancy.

SEC. 10-3.302. RENTAL HOUSING UNITS.

- (a) Rents for those units in a rental housing development designated for very low income households or very low income senior citizens shall not exceed thirty (30%) percent of fifty (50%) percent of the monthly area median income, as published annually by the California Department of Housing and Community Development in Title 25 of the California Code of Regulations, and adjusted for household size. If the units are rented to Section 8 certificate holders, then the maximum rents for those units shall be as determined by the Stanislaus County Housing Authority.

- (b) Rents for units designated for low income households or low income senior citizens shall not exceed thirty (30%) percent of sixty (60%) percent of the monthly area median income, as published annually by the California Department of Housing and Community Development in Title 25 of the California Code of Regulations, and adjusted for household size. If the units are rented to Section 8 certificate holders, then the maximum rents for those units shall be as determined by the Stanislaus County Housing Authority.
- (c) In calculating rents for senior citizen housing units, any services, such as meals or individual medical care, offered above those normally provided for independent living units, shall be optional, and shall not be included in calculating maximum rents.
- (d) The following table shall be used in determining the household size for setting the maximum rents, and in determining the maximum occupancy for units:

<u>Unit Size</u> (number of bedrooms)	<u>Household Size</u> for Max. Rents (number of persons)	<u>Occupancy Limit</u> (number of persons)
Studio	1	2
1	2	3
2	3	5
3	4	7
4	6	9

An exception to the above table shall be made for units designated for senior citizens. The exception is that a household size of one (1) for the purpose of setting maximum rents shall be assumed for a single bedroom unit. The occupancy limit shall remain at three (3).

- (e) Total move-in costs for affordable units shall be limited to the last month's rent plus a cleaning deposit not to exceed one (1) month's rent.

SEC. 10-3.303. OWNERSHIP HOUSING UNITS.

- (a) The total mortgage payments for those units in a home ownership housing development designated for very low income households or low income households shall not exceed the criteria specified for maximum rents in Section 10-3.302. Total mortgage payments include principal, interest, taxes, insurance, assessment district fees, and homeowner association fees, if applicable.

- (b) The total down payment, excluding closing costs, for the affordable units, shall not exceed ten (10%) percent of the purchase price.
- (c) The provisions of this section shall be included in the density bonus agreement, and shall run with the land for the term of affordability.

ARTICLE 4. DENSITY BONUS: DEFINITIONS

SEC. 10-3.401. VERY LOW INCOME HOUSEHOLDS.

Very low income households are households whose income does not exceed fifty (50%) percent of area median income, as defined in Section 50105 of the Health and Safety Code.

SEC. 10-3.402. LOW INCOME HOUSEHOLDS.

Low income households are households whose income does not exceed eighty (80%) percent of area median income, as defined in Section 50079.5 of the Health and Safety Code.

SEC. 10-3.403. MODERATE INCOME HOUSEHOLDS.

Moderate income households are households whose income does not exceed one hundred twenty (120%) percent of area median income, as defined in Section 50093 of the Health and Safety Code.

SEC. 10-3.404. SENIOR CITIZENS, LOW INCOME SENIOR CITIZENS, AND VERY LOW INCOME SENIOR CITIZENS.

- (a) Senior citizens are persons of at least 62 years of age (or 55 years of age if the project is at least one hundred fifty (150) dwelling units), as defined in Section 51.2 of the Civil Code.
- (b) Low income senior citizens are senior citizens whose income does not exceed eighty (80%) percent of area median income, as defined in Section 50079.5 of the Health and Safety Code.
- (c) Very low income senior citizens are senior citizens whose household income does not exceed fifty (50%) percent of area median income, as defined in Section 50105 of the Health and Safety Code.

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

SECTION 3. PUBLICATION. 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 2nd day of April, 1991, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Bird, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bird, Irizarry, Lang, Muratore, Patterson,
Acting Mayor Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Stan Dobbs
STAN DOBBS, Acting Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

Ord. No. 2758-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 16th day of April, 19 91, Councilmember Bird 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: Bird, Dobbs, Irizarry, Muratore, Patterson,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:


MAYOR RICHARD A. LANG

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: May 16, 1991

ORDINANCE NO. 2759 -C.S.

AN ORDINANCE AMENDING ATTACHMENT II OF ORDINANCE NO. 2293-C.S., AS AMENDED BY ORDINANCE NO. 2496-C.S., RELATING TO THE NONEXCLUSIVE FRANCHISE GRANTED TO POST-NEWSWEEK CABLE, INC. TO MODIFY THE LIST OF PRODUCTION EQUIPMENT.

WHEREAS, Ordinance No. 2293-C.S., which became effective on December 1, 1984, granted to Capital Cities Cable, Inc., a nonexclusive franchise to construct, operate and maintain a cable communication system within the City of Modesto, and

WHEREAS, Ordinance No. 2496-C.S., which became effective on May 28, 1987, amended Ordinance No. 2293-C.S to change the name of Capital Cities Cable, Inc., to Post-Newsweek Cable, Inc., and

WHEREAS, to accommodate the request of Post-Newsweek Cable for a modification of the list of production equipment contained in said franchise, it is necessary to amend Attachment II of Ordinance No. 2293-C.S., as amended by Ordinance No. 2496-C.S., entitled "An Ordinance Granting to Post-Newsweek Cable, Inc., a Nonexclusive Franchise to Construct, Operate and Maintain a Cable Communication System Within the City of Modesto,"

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

SECTION 1. AMENDMENT OF ATTACHMENT II OF ORDINANCE NO. 2293-C.S., AS AMENDED BY ORDINANCE NO. 2496-C.S. Attachment II of Ordinance No. 2293-C.S., as amended by Ordinance No. 2496-C.S., entitled "An Ordinance Granting to Post-Newsweek Cable, Inc., a Nonexclusive Franchise to Construct, Operate and Maintain a Cable Communication System Within the City of Modesto",

is hereby amended to modify the list of production equipment contained in the franchise, said modified list of production equipment is entitled "POST-NEWSWEEK CABLE OF MODESTO MAJOR COMPONENTS OF ACCESS EQUIPMENT - MARCH, 1991", a copy of which list is attached hereto, marked Exhibit "A", and incorporated herein by reference.

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

SECTION 3. PUBLICATION. 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.

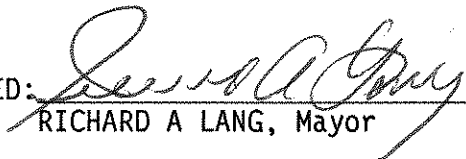
POST-NEWSWEEK CABLE OF MODESTO
 MAJOR COMPONENTS OF ACCESS EQUIPMENT - MARCH, 1991

<u>ITEM</u>	<u>FRANCHISE REQUIREMENT</u>	<u>EXISTING ± 1991 ADDITIONS</u>
<u>STUDIO CAMERAS</u>	(3) JVC KY-1900 CAMERA	(3) SONY DXC-3000A CAMERA
<u>PORTABLE CAMERAS & VCRS</u>	(5) SONY HVC 2200 CAMERA (5) SONY 4800 PORTABLE 3/4" VCR	(4) PANASONIC 460U S-VHS CAMCORDER (3) SHARP XC-A1 CAMERA (2) SONY DXC-1820 CAMERA (5) SONY VO-6800 3/4" PORTABLE VCR
<u>EDITING EQUIPMENT</u>	(2) SONY VO5850 3/4" EDIT SYSTEM	(1) SONY VO5850 3/4" EDIT SYSTEM + SVHS SOURCE VCR (1) SONY VO5850 3/4" EDIT SYSTEM + TBC, LAIRD CHARACTER GENERATOR (ALSO SERVES AS SUITCASE STUDIO) (1) SONY VO9850 3/4" SP EDIT SYSTEM + SVHS EDIT VCR
<u>SUITCASE STUDIO</u>	(1) SUITCASE STUDIO WITH (2) JVC KY-1900 CAMERAS, (1) SONY VO 5600 3/4" VCR	(1) SUITCASE STUDIO WITH (2) SHARP XC-A1 CAMERAS, (1) SONY 3/4" VO-5850 EDIT SYSTEM, TBC, LAIRD CHAR. GENERATOR, WAVEFORM MONITOR, VECTORSCOPE (1) SUITCASE STUDIO WITH (2) PANASONIC WV-D5000 CAMERAS, WAVEFORM MONITOR, VECTORSCOPE, VHS VCR

Exhibit "A"

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of April, 1991, by Councilmember Bird, 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: Bird, Dobbs, Irizarry, Muratore, Patterson, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

APPROVED: 
RICHARD A LANG, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

Ord. No. 2759-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 7th day of May, 1991, Councilmember Irizarry moved its final adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Muratore, Patterson,
Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED:


MAYOR RICHARD A. LANG

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: June 6, 1991

Clark

ORDINANCE NO. 2760 -C.S.

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

WHEREAS, a verified application for an amendment to Section 9-3-9 of the Zoning Map was filed by Architecture Plus, Tim Fisher on January 7, 1991, to reclassify from Low Density Residential Zone, R-1, to Professional Office Zone, P-0, property located on the west side of Coffee Road north of East Rumble Road, and

WHEREAS, after public hearing held on March 18, 1991, 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. 91-14, adopted on March 18, 1991, the Planning Commission recommended to the Council that the application of Architecture Plus, Tim Fisher to amend Section 9-3-9 of the Zoning Map to reclassify the hereinafter described property from Low Density Residential Zone, R-1, to Professional Office Zone, P-0, be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing held on April 23, 1991, 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. That the proposed P-0 rezoning is in conformance with the amended Coffee Road Zoning and Development Policy adopted by the Planning Commission on February 6, 1989.
2. That a Negative Declaration recommended by the Environmental Assessment Committee in the initial study dated January 30, 1991 should be certified as adopted.

SECTION 2. ZONING CHANGE. Section 9-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Low Density Residential Zone, R-1, to Professional Office Zone, P-0:

R-1 to P-0

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

Commencing at a point established by the intersection of the centerline of 100.00 foot wide Coffee Road and 60.00 foot wide Rumble Road. Said point also being the southeast corner of said Section 9; thence along said centerline of Rumble Road, north 89°37'00" west 298.00 feet to a point established by the southern prolongation of an east line of the Somerset Park Subdivision recorded in Volume 20 of Maps at Page 84, Stanislaus County Records; thence along said southern prolongation and an east line of said Somerset Park Subdivision, north 0°50'30" west 104.00 feet to the true point of beginning of this description; thence continuing along said east line of Somerset Park subdivision, North 0°50'30" West 79.00 feet; thence leaving said east line, South 89°37'00" East 298.00 feet to the centerline of Coffee Road; thence along said centerline, South 0°50'30" East 79.00 feet; thence North 89°37'00" West 298.00 feet to the point of beginning of this description.

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

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

SECTION 5. PUBLICATION. 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 23rd day of April, 1991, by Councilmember Bird, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

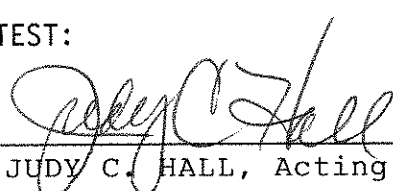
ABSENT: Councilmembers: None

APPROVED:


RICHARD A. LANG, Mayor

ATTEST:

By


JUDY C. HALL, Acting City Clerk

(SEAL)

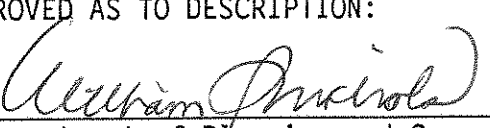
APPROVED AS TO FORM:

By


STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By


Department of Planning and Community
Development

Ord. No. 2760-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 7th day of May, 1991, Councilmember Irizarry moved its final adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED: Richard A. Lang
MAYOR RICHARD A. LANG

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: June 6, 1991

ORDINANCE NO. 2761 -C.S.

AN ORDINANCE AMENDING SECTIONS 14-3-9 AND 23-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(147), PROPERTY LOCATED ON THE SOUTHEAST CORNER OF BRIGGSMORE AVENUE AND OAKDALE ROAD (ST. PAUL'S CHURCH); AND AMENDING SECTION 2 OF ORDINANCE NO. 1566-C.S. ENTITLED "AN ORDINANCE AMENDING SECTION MAP 23-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (ST. PAUL'S EPISCOPAL CHURCH)", AS AMENDED BY ORDINANCE NOS. 1839-C.S. AND 2350-C.S. RESPECTIVELY.

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

SECTION 1. ZONING CHANGE. Sections 14-3-9 and 23-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(147):

R-1 to P-D(147)

ALL that portion of the Northwest one-quarter of the Northwest one-quarter of Sections 14, 23, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

ALL that portion of Parcel 1 as shown on the map filed in Book 14 of Parcel Maps, at Page 20, in the Stanislaus County Records, described as follows:

COMMENCING at the Southeast corner of said Parcel 1, said point being on the North right-of-way line of St. Paul's Way, thence Northerly along the Easterly line of said Parcel 1, North 0 degrees 25'40" East, 305.00 feet to the point of beginning of this description; thence leaving said Easterly line of Parcel 1 and running along the following three (3) courses and distances: North 89 degrees 34'20" West, 329.48 feet; thence North 0 degrees 19'00" West, 44.97 feet; thence North 89 degrees 34'20" West, 250.00 feet to a point on the Easterly right-of-way line of Oakdale Road; thence Northerly along said Easterly right-of-way line North 0 degrees 19'00" West, 153.16 feet to the beginning of a curve concave to the Southeast having a radius of 20.00 feet; thence 31.68 feet along the arc of said curve to the right through a central angle of 90 degrees 44'54" to a point on the Southerly right-of-way line of Briggsmore Avenue; thence Easterly along said Southerly right-of-way line South 89 degrees 34'06" East, 178.86 feet to the point of beginning of a curve concave to the Northwest having a radius of 1,260.00 feet; thence 329.87 feet along the arc of said curve to the left through a central angle of 15 degrees 00'00" to the end of said curve; thence

Clark

ORDINANCE NO. 2761 -C.S.

AN ORDINANCE AMENDING SECTIONS 14-3-9 AND 23-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(147), PROPERTY LOCATED ON THE SOUTHEAST CORNER OF BRIGGSMORE AVENUE AND OAKDALE ROAD (ST. PAUL'S CHURCH); AND AMENDING SECTION 2 OF ORDINANCE NO. 1566-C.S. ENTITLED "AN ORDINANCE AMENDING SECTION MAP 23-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (ST. PAUL'S EPISCOPAL CHURCH)", AS AMENDED BY ORDINANCE NOS. 1839-C.S. AND 2350-C.S. RESPECTIVELY.

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

SECTION 1. ZONING CHANGE. Sections 14-3-9 and 23-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(147):

R-1 to P-D(147)

ALL that portion of the Northwest one-quarter of the Northwest one-quarter of Section 23, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

ALL that portion of Parcel 1 as shown on the map filed in Book 14 of Parcel Maps, at Page 20, in the Stanislaus County Records, described as follows:

COMMENCING at the Southeast corner of said Parcel 1, said point being on the North right-of-way line of St. Paul's Way, thence Northerly along the Easterly line of said Parcel 1, North 0 degrees 25'40" East, 305.00 feet to the point of beginning of this description; thence leaving said Easterly line of Parcel 1 and running along the following three (3) courses and distances: North 89 degrees 34'20" West, 329.48 feet; thence North 0 degrees 19'00" West, 44.97 feet; thence North 89 degrees 34'20" West, 250.00 feet to a point on the Easterly right-of-way line of Oakdale Road; thence Northerly along said Easterly right-of-way line North 0 degrees 19'00" West, 153.16 feet to the beginning of a curve concave to the Southeast having a radius of 20.00 feet; thence 31.68 feet along the arc of said curve to the right through a central angle of 90 degrees 44'54" to a point on the Southerly right-of-way line of Briggsmore Avenue; thence Easterly along said Southerly right-of-way line South 89 degrees 34'06" East, 178.86 feet to the point of beginning of a curve concave to the Northwest having a radius of 1,260.00 feet; thence 329.87 feet along the arc of said curve to the left through a central angle of 15 degrees 00'00" to the end of said curve; thence

North 75 degrees 25'54" East, 59.09 feet to the Northeast corner of said Parcel 1; thence leaving said Southerly right-of-way line of Briggsmore Avenue and running in a Southerly direction along the East line of said Parcel 1, South 0 degrees 25'40" West, 276.57 feet to the Point of Beginning and containing 2.83 acres of land, more or less.

Including also the Southerly 60 feet East of Briggsmore Avenue, the Easterly 50 feet of Oakdale Road, and all being immediately adjacent to the above described property.

SECTION 2. AMENDMENT OF ORDINANCE NO. 1566-C.S. Section 2 of Ordinance No. 1566-C.S., as previously amended by Ordinance Nos. 1839-C.S. and 2350-C.S., is hereby further amended to read as follows:

"SECTION 2. USES. The following uses shall be permitted in said P-D(147) Zone if the plan for construction conforms in principle to the approved plan, or if changes are approved by the Secretary of the Planning Commission as required by Section 10-2.1709(c) 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 10-2.1709(a) or (b) of the Modesto Municipal Code:

1. A church facility.
2. Utilization of church facilities for a maximum 95-child day care establishment.
3. Utilization of church facilities for a private K-6 elementary school.
4. A book store; child ministries office space.
5. A bank or financial institution.
6. An elderly housing complex."

SECTION 3. ZONING MAP. Section Maps 14-3-9 and 23-3-9 of the Zoning Map of the City of Modesto are amended to appear as set forth on the maps attached hereto, which are hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. 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 23rd day of April, 1991, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Muratore, Patterson, Mayor Lang


NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:

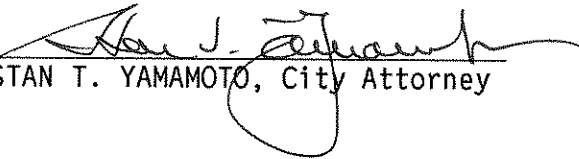

RICHARD A. LANG, Mayor

ATTEST:

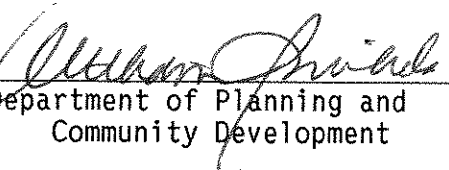
By 
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By 
Department of Planning and
Community Development

Ord. No. 2761-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 7th day of May, 1991, Councilmember Irizarry moved its final adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED: 
MAYOR RICHARD A. LANG

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: June 6, 1991

ORDINANCE NO. 2762 -C.S.

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 of, and upon the basis of engineering and traffic surveys conducted pursuant to Vehicle Code and the Traffic Manual of the Department of Transportation, it is determined that the prima facie speed limits which follow would facilitate the orderly movement of vehicular traffic and would be reasonable and safe.

<u>NAME OF STREET OR PORTION AFFECTED</u>	<u>DECLARED PRIMA FACIE SPEED LIMIT</u>	<u>DATE SURVEYED</u>
BLUE GUM AVENUE, between Morse Road and Carpenter Road	35 miles per hour	August 31, 1989
BOWEN AVENUE, between Tully Road and McHenry Avenue	35 miles per hour	June 2, 1987
BRIGGSMORE AVENUE, between Prescott Road and Tully Road	45 miles per hour	October 20, 1988
BRIGGSMORE AVENUE, (east and westbound) between Tully Road and McHenry Avenue	45 miles per hour	October 20, 1988
BRIGGSMORE AVENUE, (westbound) between Coffee Road and McHenry Avenue	45 miles per hour	October 20, 1988
BRIGGSMORE AVENUE, (eastbound) between McHenry Avenue and 1,000 feet west of Coffee Road	40 miles per hour	June 2, 1987
BRIGGSMORE AVENUE, (eastbound) between a point 1,000 feet west of Coffee Road and Coffee Road	40 miles per hour	October 20, 1988

BRIGGSMORE AVENUE, between Coffee Road and Rose Avenue	45 miles per hour	October 20, 1988
BRIGGSMORE AVENUE, between Rose Avenue and Oakdale Road	45 miles per hour	October 20, 1988
BRIGGSMORE AVENUE, between Oakdale Road and Claus Road	45 miles per hour	October 20, 1988
BRIGHTON AVENUE, between Coffee Road and Locke Road	30 miles per hour	March 2, 1988
CALIFORNIA AVENUE, between Carpenter Road and N. Martin Luther King Drive within the City limits	35 miles per hour	February 24, 1987
CARPENTER ROAD, between Blue Gum Avenue and Woodland Avenue within the City limits	45 miles per hour	November 2, 1988
CARPENTER ROAD, between Woodland Avenue and Maze Boulevard within the City limits	40 miles per hour	March 14, 1989
CARPENTER ROAD, between Maze Boulevard and Paradise Road within the City limits	45 miles per hour	October 26, 1988
CARVER ROAD, between M.I.D. Lateral No. 6 and Brixton Lane within the City limits	40 miles per hour	March 27, 1986
CARVER ROAD, between Brixton Lane and Briggsmore Avenue	35 miles per hour	May 26, 1987
CARVER ROAD, between Briggsmore Avenue and Orangeburg Avenue	30 miles per hour	May 8, 1987
CARVER ROAD, between Orangeburg Avenue and 9th Street within the City limits	35 miles per hour	May 26, 1987
CELESTE DRIVE, between Coffee Road and Oakdale Road	30 miles per hour	March 8, 1988
CLAUS ROAD, between M.I.D. Lateral No. 3 and 200' south of Scenic Drive	45 miles per hour	October 26, 1988

CLAUS ROAD, between 200' south of Scenic Drive and Yosemite Boulevard	50 miles per hour	February 14, 1989
COFFEE ROAD, between Mable Avenue and Sylvan Avenue within the City limits	45 miles per hour	April 17, 1986
COFFEE ROAD, between Sylvan Avenue and Floyd Avenue within the City limits	35 miles per hour	October 27, 1988
COFFEE ROAD, between Floyd Avenue and Briggsmore Avenue	35 miles per hour	October 27, 1988
COFFEE ROAD, between Briggsmore Avenue and Scenic Drive	35 miles per hour	October 27, 1988
COLLEGE AVENUE, between Rumble Road and Bowen Avenue	30 miles per hour	October 27, 1988
COLLEGE AVENUE, between Bowen Avenue and Princeton Avenue	35 miles per hour	June 2, 1987
CREEKWOOD DRIVE, between Claus Road and Yosemite Boulevard	30 miles per hour	May 29, 1990
CROWS LANDING ROAD, Blankenburg Avenue to School Avenue, within the City limits	35 miles per hour	March 2, 1988
DALE ROAD, between Pelandale Avenue and Snyder Avenue within the City limits	35 miles per hour	September 2, 1987
DALE ROAD, between Snyder Avenue and Veneman Avenue	35 miles per hour	September 2, 1987
DALE ROAD, between Veneman Avenue and Standiford Avenue	35 miles per hour	October 20, 1988
EASTRIDGE DRIVE, between Orangeburg Avenue and Scenic Drive	30 miles per hour	March 7, 1988
EICHER AVENUE, between Conant Avenue and Goldie Avenue	30 miles per hour	May 21, 1990
EL VISTA AVENUE, between Scenic Drive and Yosemite Boulevard	35 miles per hour	October 26, 1988

EMERALD AVENUE, between Maze Boulevard and California Avenue within the City limits	35 miles per hour	March 2, 1988
ENCINA AVENUE, between Santa Barbara Avenue and Conejo Avenue	30 miles per hour	March 8, 1988
EVERGREEN AVENUE, between Orangeburg Avenue and Carver Road	30 miles per hour	June 23, 1988
FAIRMONT AVENUE, between Sunrise Avenue and Coffee Road	30 miles per hour	March 7, 1988
FLOYD AVENUE, between McHenry Avenue and Coffee Road	35 miles per hour	May 26, 1987
FLOYD AVENUE, between Coffee Road and Oakdale Road	30 miles per hour	March 8, 1988
FLOYD AVENUE, between Oakdale Road and Roselle Avenue within the City limits	35 miles per hour	August 26, 1987
GRANGER AVENUE, between Tully Road and McHenry Avenue	30 miles per hour	March 8, 1988
GRANGER AVENUE, between McHenry Avenue and Sunrise Avenue	30 miles per hour	March 7, 1988
KANSAS AVENUE, between Carpenter Road and Emerald Avenue within the City limits	40 miles per hour	March 19, 1986
KANSAS AVENUE, between Emerald Avenue and Eighth Street	35 miles per hour	October 26, 1988
KEARNEY AVENUE, between Glenwood Drive and Coldwell Avenue	25 miles per hour	May 21, 1990
KELLER STREET, between Sylvan Avenue and Rumble Road within the City limits	30 miles per hour	October 27, 1988
LA LOMA AVENUE, between H Street and Santa Ana Avenue	35 miles per hour	August 27, 1986

LA LOMA AVENUE, between Santa Ana Avenue and Yosemite Boulevard	35 miles per hour	August 27, 1986
LAKWOOD AVENUE, between Orangeburg Avenue and Scenic Drive	30 miles per hour	March 7, 1988
LINCOLN AVENUE, between 650' north of M.I.D. Lateral No. 2 and Yosemite Boulevard	35 miles per hour	August 30, 1989
MABLE AVENUE, between Coffee Road and Oakdale Road	35 miles per hour	May 29, 1990
MERLE AVENUE, between Oakdale Road and Roselle Avenue	35 miles per hour	March 14, 1989
MILLER AVENUE, between La Loma Avenue and El Vista Avenue	35 miles per hour	June 11, 1987
MITCHELL ROAD, between Finch Road and the southerly City limits	50 miles per hour	June 11, 1987
MORRIS AVENUE, between McHenry Avenue and Coffee Road	30 miles per hour	May 26, 1987
MT. VERNON DRIVE, between Prescott Road and Carver Road	30 miles per hour	March 8, 1988
MT. VERNON DRIVE, between Carver Road and College Avenue	30 miles per hour	March 8, 1988
NEECE DRIVE, between Tuolumne Boulevard and Rouse Avenue	35 miles per hour	March 2, 1988
NEEDHAM STREET, between 9th and L Streets	35 miles per hour	March 2, 1988
N. MARTIN LUTHER KING DRIVE, between Maze Boulevard and California Avenue	30 miles per hour	June 24, 1987
NORWEGIAN AVENUE, between McHenry Avenue and Coffee Road	35 miles per hour	March 8, 1988
OAKDALE ROAD, between Mable Avenue and Sylvan Avenue within the City limits	50 miles per hour	March 14, 1989

OAKDALE ROAD, between Sylvan Avenue and Floyd Avenue within the City limits	45 miles per hour	March 14, 1989
OAKDALE ROAD, between Floyd Avenue and Briggsmore Avenue	35 miles per hour	April 21, 1988
OAKDALE ROAD, between Briggsmore Avenue and Scenic Drive	35 miles per hour	April 21, 1988
ORANGEBURG AVENUE, between Briggsmore Avenue and Martin Avenue	30 miles per hour	August 30, 1989
ORANGEBURG AVENUE, between Martin Avenue and McHenry Avenue	35 miles per hour	March 9, 1988
ORANGEBURG AVENUE, between McHenry Avenue and Coffee Road	35 miles per hour	March 31, 1988
ORANGEBURG AVENUE, between Coffee Road and Oakdale Road	35 miles per hour	February 12, 1991
ORANGEBURG AVENUE, between Oakdale Road and Lakewood Avenue	35 miles per hour	August 31, 1989
ORANGEBURG AVENUE, between Lakewood Avenue and Claus Road	35 miles per hour	August 31, 1989
PARADISE ROAD, between Vernon Avenue and N. Martin Luther King Drive within the City limits	35 miles per hour	March 14, 1989
PARADISE ROAD, between N. Martin Luther King Drive and Washington Street	30 miles per hour	March 14, 1989
PRESCOTT ROAD, between Snyder Avenue and Standiford Avenue	35 miles per hour	March 9, 1988
PRESCOTT ROAD, between Standiford Avenue and Rumble Road	35 miles per hour	March 9, 1988

PRESCOTT ROAD, between Rumble Road and Briggsmore Avenue	35 miles per hour	October 20, 1988
PRINCETON AVENUE, between Tully Road and College Avenue	25 miles per hour	August 30, 1989
RIVERSIDE DRIVE, between Edgebrook Drive and Yosemite Boulevard	30 miles per hour	May 21, 1990
ROSE AVENUE, between Floyd Avenue and Briggsmore Avenue	35 miles per hour	May 26, 1987
ROSE AVENUE, between Briggsmore Avenue and Scenic Drive	35 miles per hour	May 26, 1987
ROSEBURG AVENUE, between Carver Road and Tully Road	30 miles per hour	March 7, 1988
ROSEBURG AVENUE, between Tully Road and McHenry Avenue	30 miles per hour	March 7, 1988
ROSEBURG AVENUE, between McHenry Avenue and Sunrise Avenue	35 miles per hour	March 7, 1988
ROSELLE AVENUE, between Floyd Avenue and Briggsmore Avenue	45 miles per hour	February 12, 1991
ROSEMORE AVENUE, between Blue Gum Avenue and Kansas Avenue within the City limits	40 miles per hour	September 28, 1990
ROUSE AVENUE, between Neece Drive and Colorado Avenue within the City limits	35 miles per hour	June 26, 1987
RUMBLE ROAD, between Sisk Road and Conant Avenue	40 miles per hour	March 27-28, 1986
RUMBLE ROAD, between Conant Avenue and Tully Road	30 miles per hour	March 9, 1988
RUMBLE ROAD, between Tully Road and McHenry Avenue	35 miles per hour	May 29, 1990
RUMBLE ROAD, between McHenry Avenue and Coffee Road	35 miles per hour	March 8, 1988

SANTA CRUZ AVENUE, between Yosemite Boulevard and Legion Park Drive within the City limits	30 miles per hour	May 29, 1990
SCENIC DRIVE, between Burney Street and Coffee Road	30 miles per hour	March 2, 1988
SCENIC DRIVE, between Coffee Road and Oakdale Road	40 miles per hour	March 17, 1986
SCENIC DRIVE, between Oakdale Road and Lakewood Avenue	40 miles per hour	July 30, 1990
SCENIC DRIVE, between Lakewood Avenue and Lillian Drive	30 miles per hour	March 7, 1988
SCENIC DRIVE, between Lillian Drive and Claus Road	40 miles per hour	June 11, 1987
SHARON WAY, between Budd Street and Prescott Road	30 miles per hour	March 8, 1988
SIERRA DRIVE, between G and South 7th Streets	30 miles per hour	March 2, 1988
SISK ROAD, between 600' north of Vintage Drive and Standiford Avenue	35 miles per hour	May 21, 1990
SISK ROAD, between Standiford Avenue and Briggsmore Avenue	40 miles per hour	March 28, 1986
SNYDER AVENUE, between Dale Road and Prescott Road within the City limits	35 miles per hour	September 30, 1987
SNYDER AVENUE, between Prescott Road and Carver Road within the City limits	40 miles per hour	September 30, 1987
STANDIFORD AVENUE, between Dale Road and Prescott Road within the City limits	35 miles per hour	August 30, 1989
STANDIFORD AVENUE, between Prescott Road and Carver Road	35 miles per hour	August 30, 1989

STANDIFORD AVENUE, between Carver Road and Tully Road	35 miles per hour	October 5, 1989
STANDIFORD AVENUE, between Tully Road and McHenry Avenue	35 miles per hour	March 14, 1989
SUNRISE AVENUE, between Floyd Avenue and Briggsmore Avenue	30 miles per hour	March 8, 1988
SUNRISE AVENUE, between Briggsmore Avenue and Lucern Avenue	30 miles per hour	August 31, 1989
SURREY AVENUE, between Oakdale Road and Eastridge Drive	30 miles per hour	August 31, 1989
SUTTER AVENUE, between Paradise Road and Robertson Road within the City limits	30 miles per hour	June 24, 1987
SYCAMORE AVENUE, between Orangeburg Avenue and Griswold Avenue	30 miles per hour	October 26, 1988
SYLVAN AVENUE, between McHenry Avenue and Coffee Road	35 miles per hour	August 30, 1989
SYLVAN AVENUE, between Coffee Road and Oakdale Road	35 miles per hour	February 14, 1989
TENAYA DRIVE, between Santa Cruz Avenue and Mitchell Road within the City limits	30 miles per hour	June 4, 1990
TULLY ROAD, between M.I.D. Lateral No. 6 and Standiford Avenue	35 miles per hour	March 9, 1988
TULLY ROAD, between Standiford Avenue and Coldwell Avenue	35 miles per hour	June 2, 1987
TUOLUMNE BOULEVARD, between Paradise Road and 7th Street	35 miles per hour	June 24, 1987
UNION AVENUE, between Tully Road and McHenry Avenue	30 miles per hour	February 12, 1991

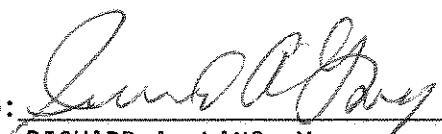
VENEMAN AVENUE, between Dale Road and Regency Park Drive	35 miles per hour	June 2, 1987
VENEMAN AVENUE NORTH, between Regency Park Drive and Snyder Avenue	25 miles per hour	October 28, 1988
VIRGINIA AVENUE, between Roseburg Avenue and Needham Street	30 miles per hour	March 7, 1988
WHITMORE AVENUE, between Crows Landing Road and Morgan Road within the City limits	45 miles per hour	March 27, 1986
WHITMORE AVENUE, between Ustick Road and Crows Landing Road within the City limits	45 miles per hour	February 13, 1991
WOODLAND AVENUE, between Morse Road and Carpenter Road, within the City limits	35 miles per hour	October 26, 1988
WOODLAND AVENUE, between Carpenter Road and 9th Street, within the City limits	35 miles per hour	August 28, 1986
WOODROW AVENUE, between Tully Road and McHenry Avenue	30 miles per hour	March 9, 1988
WYLIE DRIVE, between Rose Avenue and Oakdale Road	30 miles per hour	October 26, 1988
9TH STREET, between Carpenter Road and 400' north of Tully Road within the City limits	45 miles per hour	December 2, 1986
9TH STREET, between P Street and L Street	35 miles per hour	March 19, 1986

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 7th day of May, 1991, by Councilmember Irizarry, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Bird, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED: 
RICHARD A. LANG, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

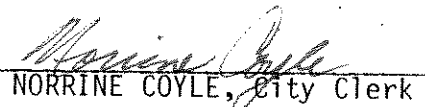
Ord. No. 2762-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 14th day of May, 19 91, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the ordinance adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

APPROVED: 
RICHARD A. LANG, Mayor

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: June 13, 1991

ORDINANCE NO. 2763 -C.S.

AN ORDINANCE AMENDING SECTIONS 11-1.06 AND 11-1.14 OF CHAPTER 1 OF TITLE XI OF THE MODESTO MUNICIPAL CODE RELATING TO METERED SERVICES.

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

SECTION 1. AMENDMENT OF CODE. Sections 11-1.06 and 11-1.14 of Chapter 1 of Title XI of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 11-1.06. METERED SERVICES.

- (a) All hotels, lodging houses, new single-family dwellings issued a building permit on or after October 1, 1991, multiple-family dwellings, campgrounds, office buildings, eating houses, commercial establishments, industrial plants, theaters, hospitals, laundries, dance halls, warehouses, bus stations, milk plants, manufacturing establishments, service stations, wash racks, cooling systems and any or all other places offering services to the public or commodities for sale, as well as owners of gardens using water for irrigation of flowers and vegetables to be used commercially, must be equipped with meters and shall be charged for water on the metered rate as specified in Section 11-1.07 of this chapter.
- (b) Where clusters of single-family dwellings are located on a single parcel of property, service may be provided by a metered connection for each individual unit or a single metered connection serving all units under one ownership.
- (c) All buildings of any kind whatsoever, whether industrial, commercial or residential, heretofore or hereafter equipped with water using heat pumps or refrigeration units shall be equipped with meters and shall be charged for water on the metered rate as specified in Section 11-1.07 of this chapter.
- (d) Each swimming pool and bathing pool heretofore or hereafter constructed shall be metered except those located on residential property and equipped with a filtering system meeting the standards approved by the Public Works and Transportation Director; provided, further, that every swimming pool and bathing pool heretofore or hereafter constructed which is used commercially or by a closed membership association or corporation shall be metered. The connection fee and water rates for pools required to be metered shall be as provided for other metered connections.

- (e) For all metered services, the City will furnish, install and maintain all meters, with the consumer to pay the cost of the meter and installation. The cost of meters and installation shall be in accordance with a schedule approved by the Council from time to time by resolution and on file in the offices of the City Clerk, Public Works and Transportation Director and Finance Director. In the case of existing meters under the ownership of the consumer, the City will assume responsibility for maintenance and replacement of the meters upon receipt of transfer of title from the owner. Said title shall be in a form satisfactory to the Public Works and Transportation Director.
- (f) Except as provided in Section 11-1.06(c) and 11-1.14(a) single-family dwellings issued a building permit prior to October 1, 1991 shall not be required to have metered services.

SEC. 11-1.14. RULES AND REGULATIONS.

In addition to all other provisions and requirements of this chapter, the Council may, from time to time by resolution, establish additional rules and regulations concerning the operation of the municipal water system, the use of water, and water conservation. These provisions shall apply to all persons using water in the City regardless of whether any person using water shall have a contract for water service with the City. Failure to comply with any provision, requirement, rule, or regulation under this Chapter shall be unlawful and may be punishable as an infraction.

- (a) Should the Public Works and Transportation Director, or his designee, determine that any water user has committed acts which violate the regulations of the Drought Contingency Plan, as provided by resolution, the water user and property owner shall be notified in the following manner:
 - (1) Shall be served with a Notice of Violation either personally, by mail, or by posting such notice at the person's business or place of residence. Such notice shall:
 - (aa) Identify the date, time, and circumstances of violation.
 - (ab) Notify that further violations may result in penalty fees being assessed.
 - (2) Should a water user violate the regulations of the Drought Contingency Plan after being served with a Notice of Violation, that water user and property owner shall be served with a Notice of Intention to Impose a Penalty. Said notice shall:

(aa) Identify the date, time, and circumstances of violation.

(ab) State the amount of penalty to be imposed.

(ac) Advise the water user or property owner of his or her appeal rights as provided herein.

The Notice of Intention to Impose a Penalty shall be served in the same manner as the Notice of Violation.

- (3) After a Notice of Intention to Impose a Penalty is served, a penalty shall be assessed to the utility account of the water user in an amount as set by Council resolution from time to time. Penalties will be assessed for violations occurring within a one year time period and will be progressive in nature. The penalty may be collected in the same manner as any unpaid water service charges.
- (4) A water user or property owner shall have the right to appeal either the Notice of Violation or the imposition of the penalty assessed to his utility account. The water user or property owner must request an appeal hearing in writing within 15 days from the date of service of the Notice of Violation; or within 15 days of the service of the Notice of Intention to Impose a Penalty. The request for hearing shall be addressed to the Public Works and Transportation Director and shall be deemed served only when received by the City. Failure to properly serve the request for hearing within the 15 day period shall be deemed a waiver of the right to appeal the matter and the penalty will be assessed against the customer's account.
- (5) The appeal hearing shall be held before the Public Works and Transportation Director, or his designee, who shall make a factual finding on the existence of a violation in this matter. The water user or property owner shall be allowed to present such witnesses and evidence as he or she may desire and may be represented by an attorney or other representative of his or her choosing. The hearing officer shall give written notice by mail to the water user of the date and time of the appeal hearing. Said hearing shall not be held sooner than 10 days from receipt of the request for hearing and not longer than 30 days. The decision of the hearing officer shall be final. If a violation is found the penalty shall be assessed to the customer's account.
- (6) The City Council hereby designates the Water Division personnel as the persons authorized to investigate

violations and to serve any notices required by the provisions of this subsection.

- (b) All water services installed shall have a wheel valve where the service pipe enters the house and/or structure.
- (c) In making plumbing connections, the consumer shall comply with the regulations of the State and County Department of Public Health. Such regulations prohibit (1) unprotected cross-connections between a public supply and any unapproved source of water and (2) water service to premises where there is a possibility of contaminated water backflowing into the public water system. In addition, approved double check valves or other protective devices shall be installed on water services when (1) another source of water, whether cross-connected or not, is in use or is available for use; or (2) contaminating liquid substances of any kind are used, produced or processed. The Public Works and Transportation Director shall determine the type, design and layout of backflow control devices required at each premises, and the devices shall be installed at the expense of the consumer. The control devices shall be inspected, tested and approved by the Public Works and Transportation Director as a condition of service to the premises.
- (d) Regulations of the California State Department of Public Health require the owner of any premises on or for which check valves or other protective devices are installed to inspect these devices for watertightness and reliability at least once per year. Double check valves and other protective devices may, in addition, be inspected and tested for watertightness by the City at any time. If the inspection cannot be made without undue difficulty because of an obstruction or other interference, the consumer will be notified and requested either to correct the condition or have the inspection made at his own expense and witnessed by the City. Any defects found in any backflow control device shall be corrected by the consumer within three (3) days. Failure to correct such defects is cause for discontinuance of water service.
- (e) Water bills for unmetered services shall be issued on a monthly basis for water service in the month immediately preceding the billing cycle in which they are issued. The water bills are due and payable upon presentation; and if they are not paid at the end of the cycle in which they are billed, they shall be considered delinquent. If they are delinquent for more than ten (10) days and a delinquent notice issued by the Finance Director has been delivered to the user or posted on the premises, a delinquent charge shall be added to the regular service charges; and service shall be subject to being

disconnected. If the water service is disconnected because of nonpayment, the service shall not be reconnected until the amount of the delinquent bill, including the delinquent charges and an additional charge for reconnection is paid except where a new owner has acquired title since the delinquent bill was incurred. The delinquent charge and reconnection charge shall be in accordance with a schedule approved by the Council from time to time by resolution.

- (f) Water bills for metered services shall be issued for the month immediately preceding the date of the meter reading and shall be due and payable upon presentation. If the water bills are not paid at the end of the cycle in which they are billed, they shall be considered delinquent; and the same procedure and charges as for the unmetered service shall apply.
- (g) No person shall supply water in any way for use outside of the premises to which the service is assigned or appurtenant except by permission from the Public Works and Transportation Director.
- (h) The water charges herein specified will be charged against vacant or untenanted buildings unless notice of the vacancy and a request for discontinuance of service is made to the office of the Finance Director.
- (i) Access to service connections and water meters must be provided at all times.
- (j) All persons must keep the service pipes in good order at their own expense and may be held liable for damages which may result from their failure to do so. When leaky faucets or fixtures are discovered and not immediately repaired, the water service may be disconnected. Authorized employees of the City of Modesto shall be admitted at all reasonable hours to all parts of any premises supplied with water, except the interior of dwellings, but including the meter box, to see that the regulations contained in this chapter are observed and complied with.
- (k) It shall be unlawful for any person to interfere with the City service lines, valves or meters or to construct a bypass around a meter or service.
- (l) Owners of property will be held responsible for water used on their premises, although payments will be accepted from tenants. In case the tenants do not pay in accordance with the provisions of this chapter, the service may be disconnected and shall not be restored until the delinquent water charges, including the cost of water delivered as well as the cost of reconnecting service, shall have been paid.

- (m) All unpaid accounts for water delivered at any premises shall be a lien against the real property.
- (n) Independent fire sprinkler systems and private fire hydrant systems shall have an "idler assembly" installed in the service line to permit future installation of a check valve and a bypass meter assembly. If the Public Works and Transportation Director determines that an independent fire sprinkler system or private fire hydrant system is being used for other than fire prevention and suppression purposes, he may install a check valve and bypass assembly. The cost of such installation plus ten (10) percent shall be paid by the consumer.
- (o) When a water connection fee is paid for a particular parcel, it shall be credited to subsequent owners of that parcel. Refunds shall be made for duplicate payments. Additional fees will be required where there are zoning, use or density changes that will increase the fees.

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.

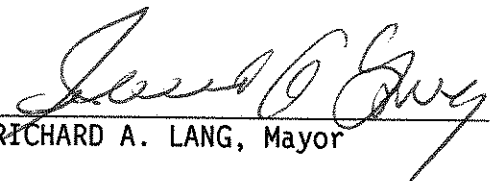
SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth 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 14th day of May, 1991, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: 
RICHARD A. LANG, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

Ord. No. 2763-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 May, 1991, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED: 
MAYOR RICHARD A. LANG

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: June 20, 1991

10/1/82

ORDINANCE NO. 2764 -C.S.

AN ORDINANCE AMENDING SECTION 5-6.13 OF CHAPTER 6 OF TITLE V OF THE MODESTO MUNICIPAL CODE AND SECTION 11-1.05 OF CHAPTER 1 OF TITLE XI OF THE MODESTO MUNICIPAL CODE RELATING TO WATER OR SEWER SERVICE OUTSIDE CURRENT SERVICE AREAS.

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

SECTION 1. AMENDMENT OF CODE. Section 5-6.13 of Chapter 6 of Title V of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 5-6.13. RULES AND REGULATIONS.

- (a) No person shall discharge, or allow the discharge of, or dump sanitary sewage or industrial waste or other waste matter into the sewage system except in compliance with the terms of and upon payment of the charges provided in this chapter.
- (b) No person shall discharge or allow the discharge of toxic or flammable material or any other material which would be injurious to sewage treatment processes or to the conduits carrying domestic or industrial waste.
- (c) No person shall connect property outside the Sewer District to the sewage system without first obtaining the consent of the City Manager and the Public Works and Transportation Director, and paying the fees and charges imposed by the City. In considering applications for furnishing sewer service to property located outside the Sewer District, the City Manager may impose such reasonable conditions to the granting of such privilege as the City Manager deems to be in the best interest of the City. Any agreements for the provision of such sewer service shall be approved as to form by the City Attorney.
- (d) There shall be a separate connection to the sewage system for each building served except that when authorized by the Director, two (2) or more buildings on the same lot may be served by the same sewer connection.
- (e) The value of BOD to be used in determining the strength of waste of an industrial user shall be the average of at least four (4) grab samples taken at reasonable intervals during the billing period.
- (f) Each user shall be responsible for the construction, maintenance and repair of his house sewer line. Each user shall be liable for damages which may result to the sewage

system from his failure to keep his house sewer line in good order. A City inspector shall be admitted at all reasonable hours to all parts of any premises connected with the sewage system for purposes of checking the house sewer line and all fixtures and facilities connected thereto.

- (g) When a sewer connection fee is paid for a particular parcel, it shall be credited to subsequent owners of that parcel. Refunds shall be made for duplicate payments. Additional fees will be required where there are zoning, use or density changes that will increase the fees.

SECTION 2. AMENDMENT OF CODE. Section 11-1.05 of Chapter 1 of Title XI of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 11-1.05. WATER MAIN CONNECTION CHARGES.

In addition to the water service installation charges imposed by Section 11-1.04 of this chapter, and in case of metered services, the meter costs imposed by Section 11-1.06 of this chapter, water main connection charges shall be paid in accordance with this section.

- (a) Territory Within the City. For water service in all areas within the City, the water main connection charge to existing mains shall be in accordance with a schedule approved by the Council from time to time by resolution.
- (b) Territory Outside the City. For water services in territory outside the City limits, the water main connection charge to existing mains shall be in accordance with a schedule approved by the Council from time to time by resolution. The City Manager shall have the authority to grant any request for water service to property outside the City limits, upon recommendation of the Public Works and Transportation Director. In considering applications for furnishing water service to property located outside the City limits, the City Manager may impose such reasonable conditions to the granting of such privilege as the City Manager deems to be in the best interest of the City. City Manager shall establish the conditions and City Council shall approve said conditions from time to time by resolution. Any agreements for the provision of such water service shall be approved as to form by the City Attorney.
- (c) Main Extensions. Where water main extensions are required before water service can be provided outside the City, the City may require an agreement with the person desiring water service which shall provide the basis upon which water mains will be

constructed and financed. Such an agreement, among other things, may include the requirement of annexation of any territory so served to the City at the earliest opportunity.

- (d) Allocation of Costs. Notwithstanding the provisions of subsections (a) and (b) above, the Public Works and Transportation Director is hereby authorized to approve and process applications for water service to portions of parcels of land in accordance with the rates specified in the above subsections subject to all of the following terms and conditions:
- (1) That the property involved can reasonably be served by the municipal water system.
 - (2) The total area of such parcels of land to be served shall be not less than twenty thousand (20,000) square feet and the portion of the parcel to be served shall not be less than six thousand (6,000) square feet in area.
 - (3) A fee shall be paid to the City and shall accompany the application for the purpose of covering the costs of inspection of the premises to make the determination specified in subsections (1) and (2) above, and said fee shall be in accordance with a schedule approved by the Council from time to time by resolution.
 - (4) Connection fees shall be payable based on the size of the portion of the parcel to be served and shall be paid in accordance with the applicable provisions of the Municipal Code.
 - (5) Water service fees shall be payable in accordance with the Municipal Code provisions relating to water service generally.
 - (6) The portion of the area to be served shall be recorded by means of a sketch map on the water service card filed in the Public Works and Transportation Department.
 - (7) In addition to the remedies for violations of the provisions of this Code, as an additional and alternate remedy, the Public Works and Transportation Director shall have the authority to immediately discontinue water service without requirement of notification in the event that the Director shall determine that water supplied to serve the area under the permit is used on other premises.
- (e) Water Mains Installed by Developers. Notwithstanding the charges set forth in subsections (a) and (b) above, the Public

Works and Transportation Director is hereby authorized to waive the square footage portion of the water main connection charge and require water mains to be installed in conjunction with the subdivision of land by the developers of subdivisions as follows:

- (1) All water mains shall be sized in accordance with current City of Modesto Standard Specifications.
 - (2) All six-inch and eight-inch diameter mains and appurtenances thereto, such as, but not necessarily limited to, fire hydrants, blowoffs, valves and valve boxes to be furnished and installed by the developer.
 - (3) All ten-inch and larger water mains and all water pumping stations to be furnished and installed by the City.
 - (4) The cost of installation of all fire hydrants, whether connected to water mains installed by the developer or by the City, shall be the responsibility of the developer. Where fire hydrants are installed by the City, the developer shall pay to the City a fee for such installation, the amount of which shall be established by the City Council from time to time by resolution.
- (f) Water Connection Charges to Subdivisions. Normally all water mains smaller than ten (10) inches in inside diameter, and appurtenances thereto, will be installed by the developers of subdivisions as set forth in subsection (3) above. From time to time, however, in its best interest, the City may elect to install all water mains, and appurtenances thereto, in a particular subdivision.

In the event the City so elects to install all water mains, and appurtenances thereto, water service shall be provided only if the developer of said subdivision agrees that if the water main connection charges set forth in subsection (a), (b) and (c) above have not been paid for eighty (80) percent of all lots within said subdivision within three (3) years and ninety (90) days from the date of recordation of the final map, or within three (3) years of the completion of installation of the waterlines by the City, whichever is the longer period of time, developer, or his assignees shall forthwith pay to City water main connection charges for all lots for which said fees have not been paid. Notwithstanding the provisions of this subsection, the City may enter into special agreements with developers of industrial subdivisions which shall provide the basis upon which water mains shall be constructed and financed.

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 21st day of May, 1991, by Councilmember Bird, 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: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: 
RICHARD A. LANG, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

Ord. No. 2764-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 28th day of May, 1991, Councilmember Dobbs moved its final adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore,
Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED:


MAYOR RICHARD A. LANG

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: June 27, 1991

Cork

ORDINANCE NO. 2765-C.S.

AN ORDINANCE AMENDING ARTICLE 13 OF CHAPTER 7 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO REGULATION OF SOUND VEHICLES AND SOUND-AMPLIFYING EQUIPMENT.

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

SECTION 1. AMENDMENT OF CODE. Article 13 of Chapter 7 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

ARTICLE 13. REGULATION OF SOUND VEHICLES AND SOUND-AMPLIFYING EQUIPMENT.

SEC. 4-7.1301. DEFINITIONS.

- (a) Sound Vehicle. "Sound vehicle", as used in this article, means any vehicle having mounted thereon, or attached thereto, any sound-amplifying equipment. "Vehicle", as used in this article, means any device by which any person or property may be propelled, moved, or drawn upon a street or sidewalk, including automobiles, trucks, vans, trailers, wagons, and carts.
- (b) Sound-Amplifying Equipment. "Sound-amplifying equipment", as used in this article, means any machine or device used to amplify or project speech, music, or any other sound or tone. Except as excluded below, sound-amplifying equipment includes public address systems; megaphones; bullhorns; phonographs; televisions; radios; cassette, eight-track, or reel-to-reel tape players; compact disc or laser players; and, musical instruments.

Exclusion: "Sound-amplifying equipment", as used in this article, does not include radios, tape players, CD players, or other similar equipment when installed inside a vehicle and audible only to persons seated therein; or radios, tape players, CD players, musical instruments, or other similar equipment if the sound projected by such equipment is audible not more than twenty (20) feet away from such equipment; or warning devices on authorized emergency or traffic safety vehicles.

SEC. 4-7.1302. SOUND-AMPLIFICATION PERMITS.

- (a) Permit Required. Except as exempted in Section 4-7.1302(d) hereof, it shall be unlawful to use or operate sound-amplifying equipment in any outdoor location unless a Sound-Amplification Permit covering the activity has been first approved by the

City of Modesto. Such permit shall be readily available for inspection by any officer of the City of Modesto during the use of such equipment. The criteria for permit approval or disapproval are found in Section 4-7.1303 of this Code.

Such permit shall not exceed forty-eight (48) hours in duration. However, this time duration may be extended by the City of Modesto for a particular activity if the person requesting such change can demonstrate to the City that the benefit to the general public caused by such extension will be substantially greater than the detriment caused to those in the immediate area who may be negatively affected by the sound due to the proposed extended use.

- (b) Responsibility. It shall be the joint responsibility of the property owner upon whose property sound-amplifying equipment is used, the leader of the activity using sound-amplifying equipment, and any person using the sound-amplifying equipment to ensure that all requirements of this article are complied with.
- (c) Accuracy of Permit. All information on a Sound-Amplification Permit shall be current and accurate at all times. Permittees shall resubmit their permits for approval or disapproval any time any information is added or changed.
- (d) Exemptions.
 - (1) Section 4-7.1302(a) of this Code does not apply to the amplification of any political message or to any message concerning religion. However, any person desiring to use sound-amplifying equipment in support of such uses shall observe and follow all regulations specified in Section 4-7.1303 of this Code.
 - (2) This article does not apply to official activities of the City of Modesto, Stanislaus County, the state or federal government, or any school district operating in the City of Modesto.
 - (3) This article does not apply in any park or facility operated by the City of Modesto.
 - (4) This article does not apply if the City of Modesto has, by City Council resolution, approved a specific agreement regarding the use of sound-amplifying equipment provided that specific regulations for use are detailed in said agreement.

- (e) Penalty. It shall be unlawful and punishable as an infraction for any person to use a sound vehicle or sound-amplifying equipment in violation of any provision of this article, or to allow such use upon their property. Continued failure to comply with all provisions of this article after being notified by any city official or peace officer shall be grounds for summary revocation of a permit issued under this article.

SEC 4-7.1303. USE OF SOUND-AMPLIFYING EQUIPMENT.

Except as exempted in Section 4-7.1302(d) of this Code, it shall be unlawful to use or operate sound-amplifying equipment in any outdoor location in violation of any of the following regulations. These regulations are enacted to minimize the negative effects of noise on surrounding areas.

- (a) The only sounds permitted to be amplified are music or human speech. Amplified music or human speech shall not be obscene.
- (b) Sound-amplifying equipment shall be operated only between 8:00 a.m. and 9:00 p.m. However, this time limitation may be modified by the City of Modesto for a particular activity if the person requesting such change can demonstrate to the City that the benefit to the general public caused by such modification will be substantially greater than the detriment caused to those in the immediate area who may be negatively affected by the sound due to the proposed earlier or later use.
- (c) Sound-amplifying equipment shall not be operated closer than one thousand (1,000) feet to hospitals, schools when in session, and churches when services are being conducted.
- (d) No sound vehicle or sound-amplifying equipment shall be erected, maintained, or operated in any area zoned as residential under the zoning ordinances of this Code, closer than two hundred (200) feet to any such zone, or upon any street or sidewalk within or abutting any such zone. However, this location restriction may be modified by the City of Modesto for a particular activity if the person requesting such change can demonstrate to the City that the benefit to the general public caused by such modification will be substantially greater than the detriment caused to those in the immediate area who may be negatively affected by the sound due to their proximity to the sound.
- (e) The sound generated shall be controlled so that its volume level, duration, or character do not annoy, disturb, injure, or endanger the comfort of reasonable persons of ordinary sensibility within the City.

(f) Sound-amplifying equipment shall not be used to broadcast, advertise, or promote any commercial product or service; providing, however, that this restriction does not apply to the broadcast of a commercial advertising message by a commercial radio station or by a commercial television station.

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 21st day of May, 1991, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: 
RICHARD A. LANG, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

Ord. No. 2765-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 June, 19 91, Councilmember Patterson moved its final adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: 
MAYOR RICHARD A. LANG

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: July 11, 1991

E. Cook

ORDINANCE NO. 2766 -C.S.

AN ORDINANCE AMENDING ARTICLE 2 AND ARTICLE 4 OF CHAPTER 4 OF TITLE V OF THE MODESTO MUNICIPAL CODE RELATING TO LICENSING, IMMUNIZATION, AND IMPOUNDMENT OF DOGS WITHIN THE CITY OF MODESTO.

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

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

ARTICLE 2. DOGS

SEC. 5-4.200. PENALTY PROVISIONS.

A violation of any provision of this article shall be punishable as an infraction, or as provided under any remedy available at law.

SEC. 5-4.201. LICENSING, TAGS, IMMUNIZATION AND FEES.

- (a) License Required. Every person who owns, controls, harbors, possesses or keeps in the City any dog over the age of four (4) months shall first procure a license from the Finance Director for said dog.
- (b) License tag required to be attached to dog. Upon proper application and payment therefor, by any person owning, controlling, harboring, or keeping any dog, the Finance Director shall issue a serially numbered license tag, stamped with the name of the City and the period for which said license is valid. The applicant for said license shall state the age, sex, color and breed of the dog for which the license is desired, and the address of the owner of said dog. The Finance Director, upon the issuance of said license, shall endorse upon the application the number of the license tag issued; and all applications so endorsed shall be kept on file in the office of the Finance Director and shall be open to public inspection. The person to whom said license is issued shall affix or cause to be affixed the license tag hereinabove mentioned to said dog for whom said license is issued; and said dog shall thereafter, at any and all times, have attached to it said license tag aforesaid.
- (c) Immunization required. It shall be unlawful for any person to keep, own, or harbor any dog or dogs in the City over the age of four (4) months unless such dog or dogs have been vaccinated with an approved canine antirabies vaccine by a veterinarian authorized to practice veterinary medicine or surgery in this State.

- (d) Fees. Fees for the above described requirements will be changed in accordance with Section 5-4.202 of this code.
- (e) Exemptions. The provisions of this article shall not apply to any dog owned by or in the charge of any person not a resident of the City of Modesto who is traveling through the City or temporarily sojourning therein for a period not longer than thirty (30) days; nor to any dog brought into the City and kept therein for less than thirty (30) days for the exclusive purpose of entering said dog in any bench show, dog exhibition, field trial or competition; nor to any dog brought to or sent into the City from any point outside thereof for the exclusive purpose of receiving care from a licensed veterinary.

SEC. 5-4.202. STANISLAUS COUNTY DOG LICENSE AND FEE PROVISIONS APPLY TO DOGS IN CITY.

As provided in Section 30501 of the Agriculture Code of California, the provisions and fees duly adopted by the Board of Supervisors of Stanislaus County for the licensing, immunization, impounding, humane destruction, license fees, tags, permits, penalties, exemptions and other legislation or regulation pertaining thereto, as the Board may amend from time to time, shall apply to all dogs within City limits; provided, however, that County kennel licensing procedures shall not apply within the City. A copy of the fee schedule adopted by the County Board of Supervisors is on file in the offices of the City Clerk and the Finance Director.

SEC. 5-4.203. LEASH REQUIRED.

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

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

SECTION 5-4.204. VICIOUS DOG ABATEMENT HEARING PROCEDURE.

Purpose and Intent. Within the City of Modesto there are vicious dogs which constitute a public nuisance which should be abated. The provisions of this section provide an administrative procedure by which dogs found to be a nuisance may be abated following a hearing at which oral and documentary evidence is considered. This section

is intended to supplement rather than supplant any other remedy available either under state law or the Modesto Municipal Code.

- (a) Vicious Dog Defined. Any dog, except one assisting a peace officer engaged in law enforcement duties, which demonstrates any of the following behavior, is presumed vicious:
- (1) An attack which requires a defensive action by any person to prevent bodily injury or property damage when such person is conducting himself or herself peacefully and lawfully.
 - (2) An attack which results in property damage or in an injury to a person when such a person is conducting himself or herself peacefully and lawfully.
 - (3) An attack on another animal, livestock, or poultry which occurs on property other than that of the owner of the attacking dog.
 - (4) Any behavior which constitutes a threat of bodily harm to a person when such person is conducting himself or herself peacefully and lawfully.

For the purposes of this section, a person is conducting himself or herself peacefully and lawfully upon the private property of an owner or possessor of the dog when he or she is on such property in the performance of any duty imposed on such person by state or local law or by the laws of [or] postal regulations of the United States, or when he or she is on such property upon invitation, either expressed or implied.

- (b) Investigation. Any incident reported to the Modesto Police Department concerning a vicious dog may be investigated by the Police Chief, or his designee. The investigation may consist of reports of officers made at the time of the incident, or follow up reports. If, based on the investigation, the Police Chief concludes that there is probable cause to believe that the dog is vicious, he shall so certify in writing within ten (10) working days following completion of the investigation to the person owning or controlling the dog. Thereafter a hearing shall be held pursuant to subsections (d), (e) and (f) below.
- (c) Confinement of Dog. If the Police Chief certifies that there is probable cause to believe that a dog is vicious and a risk to public safety he may direct any animal control officer, police officer or other authorized employee of the City to enter the yard of any private residence or business in order to seize any such dog, whether running at large or not, and confine said dog at an appropriate animal shelter pending the decision of the City Manager following the hearing provided for

in subsections (d), (e) and (f) below. The cost of said confinement shall be paid by the person owning or controlling such dog. The dog shall not be released until such costs have been paid in full.

- (d) Hearing-Schedule. A hearing date shall be set not later than ten (10) working days from the date of certification. The City Manager shall mail or otherwise deliver to the owner or person controlling the dog and other interested persons, including, but not necessarily limited to, all properties within three hundred (300) feet [of] the address of the owner or person controlling the dog, at least five (5) working days prior to the date set for hearing, a notice in substantially the following form:

"NOTICE OF HEARING REGARDING VICIOUS DOG"

To: _____ (name) _____; _____ (address) _____:

"NOTICE IS HEREBY GIVEN that pursuant to the provisions of Section 5-4.204 of the Modesto Municipal Code, the Police Chief has certified that there is probable cause to believe a dog owned or controlled by you, a _____ (breed) _____, is vicious.

FURTHER NOTICE IS HEREBY GIVEN that on _____ the _____ day of _____, 19____, at the hour of _____ o'clock, in the offices of the City Manager, City Hall, 801 11th Street, Modesto, California, the report of the Police Chief will be considered by the City Manager or an appointed hearing officer with such other oral and documentary evidence bearing upon the question of whether your dog is vicious. You may appear and may present evidence at the hearing. You may also be represented by an attorney. If you fail to appear without giving notice to the City Manager, the matter may proceed in your absence and such absence may be further considered a waiver of your right to present evidence and object to any decision made.

In the event your dog is found to be vicious, it will be ordered to be controlled, confined, destroyed, restricted, or otherwise abated as a public nuisance and any impoundment cost incurred shall be assessed against you.

A copy of this notice has been sent to property owners within three hundred (300) feet of your address.

Dated: _____

City Manager

- (e) Hearing-Procedure. At the hearing, which may be continued from time to time, both oral and documentary evidence may be taken from any interested person and considered in determining whether the dog is vicious. Any owner who fails to appear after notice as provided herein was given, without obtaining a continuance from the City Manager or an appointed hearing officer, may be deemed to have waived any right to introduce evidence or object to an order made by the City Manager. If the hearing is conducted by a hearing officer other than the City Manager, the hearing officer shall submit a report to the City Manager summarizing the evidence and making a recommendation as to disposition.
- (f) Hearing-Findings: Public Nuisance. If, based upon the hearing, and the report of the hearing officer, if any, the City Manager upholds the findings of the Police Chief that the dog is vicious, the City Manager shall so specify in writing together with the reasons therefor. Any dog found to be vicious is hereby deemed a public nuisance and shall be, pursuant to the order of the City Manager, humanely destroyed, be removed from the City, or the nuisance otherwise abated by appropriate order of the City Manager including, but not limited to, confinement, fencing, muzzling or leashing. The decision of the City Manager shall be made within ten (10) working days after the conclusion of the hearing and shall be final. A copy of the decision shall be sent by certified mail or personally served upon the person owning or controlling the dog.
- (g) Cost of Impoundment. If the City Manager finds the dog is vicious, the costs of impoundment incurred by the City, including any abatement period, shall be paid by the owner or the person controlling the dog and shall become a lien against the real property upon which the dog was kept and maintained until said lien is paid. If the order includes the release of a dog found to be vicious to the owner or person controlling it, the dog shall not be released until such costs have been paid in full. If such costs have not been paid within thirty (30) calendar days after the date of mailing or delivery of the order, the City Manager may dispose of the dog in any manner provided by law, or return the dog and pursue alternative collection procedures. The total amount of the impoundment charges may be entered on the next fiscal year tax roll as a lien against the property upon which the dog was maintained and shall be subject to the same penalties as are provided for other delinquent taxes, liens or assessments of the City, or an action may be brought in the name of the City to recover the costs of impoundment.

- (h) Criminal Sanctions. The first violation of any order issued pursuant to subsection (f) above shall constitute an infraction. The second and any further violations within twenty-four (24) months of the order shall be misdemeanors.

SEC. 5-4.205. TRESPASSING PROHIBITED.

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

SEC. 5-4.206. COMMISSION OF NUISANCE PROHIBITED.

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

SEC. 5-4.207. ANIMAL WASTES.

- (a) It shall be unlawful for any person owning, or having charge, care, control or custody of any animal to allow animal waste or fecal matter produced by said animal to accumulate or remain on the ground or about the premises or property for more than three (3) days without said animal waste or fecal matter being placed in an airtight bag or other container and removed from the property within seven (7) days.
- (b) Notwithstanding the above, any person owning, or having charge, care, control or custody of any animal shall at all times prevent urine and/or feces odors of said animal's waste from hindering, hampering, impeding, interfering with, infringing upon, or detracting from another person's enjoyment of their real or personal property.

SEC. 5-4.208. MUZZLING.

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

SEC. 5-4.209. LOUD AND RAUCOUS NOISE PROHIBITED.

It shall be unlawful for any person owning, possessing, controlling, harboring, or keeping any dog or puppy to cause or permit said animal to make or continue, by howling, yelping, whining, whimpering, growling, barking, or otherwise, a loud and raucous noise. "Loud and raucous noise" means any sound which, because of its volume level, duration, or character, annoys, disturbs, injures, or endangers the comfort, health, peace, or safety of a reasonable person of ordinary sensibility within the limits of the City of Modesto. The Police Chief may impound any dog or puppy making a loud and raucous noise.

SEC. 5-4.210. FEMALE DOGS.

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

SEC. 5-4.211. DUTY OF POLICE CHIEF TO IMPOUND UNLICENSED DOGS.

It shall be the duty of the Police Chief to impound all dogs over the age of four (4) months that are unlicensed and/or unidentified, as provided for in this article, or that are in and upon any public street, alley, park, parkway or public place unleashed.

SEC. 5-4.212. VICIOUS BEHAVIOR PROHIBITED.

It shall be unlawful for any person owning, possessing, controlling, harboring, or keeping any dog or puppy to cause or permit said animal to exhibit or engage in vicious behavior. "Vicious behavior" means any of the following:

- (a) An attack which requires a defensive action by any person to prevent bodily injury or property damage when such person is conducting himself or herself peacefully and lawfully.
- (b) An attack which results in property damage or in an injury to a person when such a person is conducting himself or herself peacefully and lawfully.
- (c) An attack on another animal, livestock or poultry which occurs on property other than that of the owner of the attacking dog.
- (d) Any behavior which constitutes a threat of bodily harm to a person when such person is conducting himself or herself peacefully and lawfully.

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

ARTICLE 4. MISCELLANEOUS

SEC. 5-4.401. ANIMAL CONTROL CENTER.

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

SEC. 5-4.402. ANIMAL CONTROL OFFICERS.

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

SEC. 5-4.403. RIGHT OF ENTRY INTO YARDS.

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

SEC. 5-4.404. OBSTRUCTING OR INTERFERING WITH ANIMAL CONTROL OFFICER.

It shall be unlawful for any person to obstruct or interfere with any City of Modesto Animal Control Officer, or with any vehicle or equipment of such Animal Control Officer, when such Animal Control Officer is engaged in enforcing the provisions of this chapter.

SECTION 3. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after ninety (90) 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 28th day of May, 1991, by Councilmember Patterson, 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:

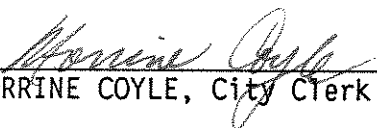
AYES: Councilmembers: Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: Bird

ABSENT: Councilmembers: None

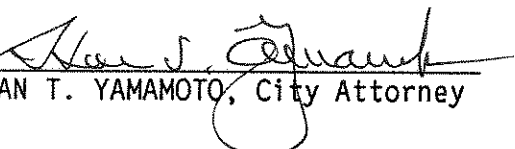
APPROVED: 
RICHARD A. LANG, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

Ord. No. 2766-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 4th day of June, 1991, Councilmember Patterson 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: Dobbs, Irizarry, Martin, Muratore, Patterson,
Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Bird

APPROVED:


MAYOR RICHARD A. LANG

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: July 4, 1991

ORDINANCE NO. 2767 -C.S.

AN ORDINANCE GRANTING THE APPEAL OF ROBERT BRADEN ON BEHALF OF THE WILLIAM LYON COMPANY TO THE DECISION OF THE PLANNING COMMISSION RELATING TO AN AMENDMENT TO SECTION 25-3-9 OF THE ZONING MAP TO REZONE FROM MEDIUM HIGH DENSITY RESIDENTIAL ZONE, R-3, TO LOW DENSITY RESIDENTIAL ZONE, R-1, PROPERTY LOCATED NORTH OF YOSEMITE BOULEVARD BETWEEN CREEKWOOD DRIVE AND NEW CLAUS ROAD (THE WILLIAM LYON COMPANY).

WHEREAS, a verified application for an amendment to Section 25-3-9 of the Zoning Map was filed by The William Lyon Company, on March 8, 1991, to reclassify from Medium High Density Residential Zone, R-3, to Low Density Residential Zone, R-1, property located north of Yosemite Boulevard between Creekwood Drive and the new Claus Road, the hereinafter described property, and

WHEREAS, a public hearing was held by the Planning Commission on May 6, 1991, in the City Council Chambers, in City Hall, 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, after considering said evidence, the Planning Commission found and determined that rezoning of the property as requested is not required by public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 91-27, and

WHEREAS, an appeal to the decision of the Planning Commission's denial of the request to reclassify from Medium High Density Residential Zone, R-3, to Low Density Residential Zone, R-1, property located north of Yosemite Boulevard between Creekwood Drive and the new Claus Road, was filed with the Office of the City Clerk by Robert Braden on behalf of The William Lyon Company by letter dated May 8, 1991, and

WHEREAS, said appeal was set for a public hearing before the City Council at its regular meeting place in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California, on June 4, 1991, and

WHEREAS, after hearing evidence both oral and documentary the Council found and determined that said appeal to the denial of the requested rezoning of the property from Medium High Density Residential Zone, R-3, to Low Density Residential Zone, R-1, property located north of Yosemite Boulevard between Creekwood Drive and the new Claus Road, should be granted for the following reasons:

1. The proposed downzoning from R-3 to R-1 will allow a single-family subdivision which will be compatible with adjoining residential development.
2. This project is consistent with the Modesto General Plan in that the multi-family development on Lincoln Avenue satisfies the need for various densities of housing in the neighborhood, and the market conditions do not justify developing this property as multi-family.
3. Development under the proposed R-1 zoning conforms to the General Plan which calls for residential "back-up lots" to develop along major streets and expressways.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. APPEAL GRANTED. The appeal of Robert Braden on behalf of The William Lyon Company to the decision of the Planning Commission to reclassify the above described property from Medium High Density Residential Zone, R-3, to Low Density Residential Zone, R-1, property located north of Yosemite Boulevard between Creekwood Drive and the new Claus Road, is hereby granted for the reasons set forth above, and the decision of the Planning Commission denying said rezoning is hereby overruled.

SECTION 2. ZONING CHANGE. Section 25-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Medium High Density Residential Zone, R-3, to Low Density Residential Zone, R-1:

All of Lot A of Block 2915 as shown on the official map of Dry Creek Meadows recorded in volume 33 of Maps at Page 87, Stanislaus County Records.

ALSO including the easterly one-half of the 70 feet right of way of Creekwood Drive and the westerly one-half of the 135 feet right of way of new Claus Road immediately adjacent to the above described property.

SECTION 3. ZONING MAP. Section 25-3-9 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 4th day of June, 1991, 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: Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: Irizarry

ABSENT: Councilmembers: Bird, Martin

APPROVED: 
RICHARD A. LANG, Mayor

ATTEST:

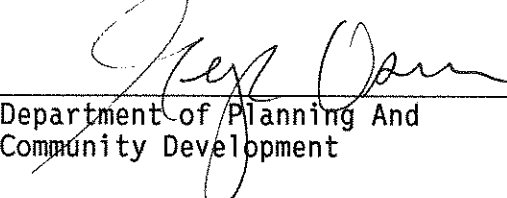
By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By 
Department of Planning And
Community Development

Ord. No. 2767-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 June, 1991, Councilmember Patterson moved its final adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry, Martin

APPROVED:


MAYOR RICHARD A. LANG

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: July 25, 1991

Work

ORDINANCE NO. 2768 -C.S.

AN ORDINANCE AMENDING SECTIONS 1-3-8 AND 2-3-8 OF THE ZONING MAP OF THE CITY OF MODESTO PREZONING CERTAIN PROPERTY LOCATED THEREON. (RULE DEVELOPMENT)

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

SECTION 1. ZONING CHANGE. Sections 1-3-8 and 2-3-8 of the Zoning Map is hereby amended to prezone the following described property to Planned Development Zone, P-PD(483):

All that certain real property situate in portions of the Southwest Quarter of Section 1, the Southeast Quarter of Section 2, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, in the County of Stanislaus, State of California described as follows:

BEGINNING at the southeast corner of the Northeast Quarter of said Southeast Quarter of Section 2, being also the Northeast corner of the Pelandale No. 1 Addition to the City of Modesto; thence South 89°57'00" West along the South line of the North Half of said Southeast Quarter of Section 2, being also the centerline of Pelandale Avenue and the North line of said Pelandale No. 1 Addition, a distance of 2,642.02 feet to the West line of said Southeast quarter of Section 2; thence North 0°16'16" East along said West line of the Southeast Quarter of Section 2, a distance of 1,240.60 feet to the South line of 100 foot wide Modesto Irrigation District (MID) Lateral No. 6; thence South 89°54'19" East along said South line of MID Lateral No. 6, a distance of 2,642.93 feet to the West line of said Southwest Quarter of Section 1; thence North 89°45'30" East along said South line of MID Lateral No. 6, a distance of 50.00 feet to the East line of Dale Road; thence South 0°18'54" West along said East line of Dale Road, a distance of 1,233.94 feet to the South line of the North Half of said Southwest Quarter of Section 1; thence South 89°45'30" West along said South line of the North Half of Southwest Quarter of Section 1, a distance of 50.00 feet to the point of beginning.

Containing: 76.47 Acres

SECTION 2. USES. The following uses shall be permitted in said P-PD(483) Zone if the plan for construction conforms in principle to the approved plan, or if changes are approved by the Secretary of the Planning Commission as required by Section 10-2.1709(c) 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 10-2.1709(a) or (b) of the Modesto Municipal Code:

1. Single-family homes.
2. Uses permitted in the C-1 Zone.

SECTION 3. ZONING MAP. Sections 1-3-8 and 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 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 June, 1991, 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: Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

APPROVED: 
RICHARD A. LANG, Mayor

ATTEST:

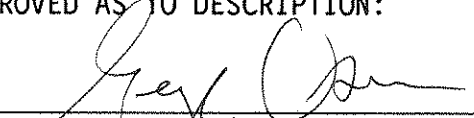
By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By 
Department of Planning and
Community Development

Ord. No. 2768-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 June, 1991, Councilmember Patterson moved its final adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dobbs, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Irizarry

APPROVED: 
MAYOR RICHARD A. LANG

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: July 11, 1991

Clark

ORDINANCE NO. 2769 -C.S.

AN ORDINANCE AMENDING SECTION 12-1.08 OF CHAPTER 1 OF TITLE XII OF THE MODESTO MUNICIPAL CODE RELATING TO LANDSCAPING AND IRRIGATION FEES.

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

SECTION 1. AMENDMENT OF CODE. Section 12-1.08 of Chapter 1 of Title XII of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 12-1.08. FEES.

A landscaping and irrigation plan review fee shall be paid to the Chief Building Official when the building permit is issued. The fee shall be in an amount to be determined from time to time by the City Council by resolution.

Where plans are incomplete, or changed so as to require additional plan checking, an additional landscaping and irrigation plan check fee shall be charged at a rate determined by resolution of 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 4th day of June, 1991, by Councilmember Dobbs, 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: Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

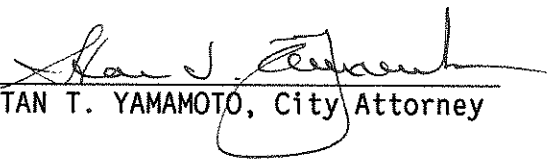
APPROVED: 
RICHARD A. LANG, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

Ord. No. 2769-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 June, 1991, Councilmember Patterson moved its final adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Richard A. Lang
MAYOR RICHARD A. LANG

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: July 11, 1991

Clerk

ORDINANCE NO. 2771 -C.S.

AN ORDINANCE AMENDING SECTION 5-5.14 OF CHAPTER 5 OF TITLE V OF THE MODESTO MUNICIPAL CODE RELATING TO HOURS OF COLLECTION.

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

SECTION 1. AMENDMENT OF CODE. Section 5-5.14 of Chapter 5 of Title V of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 5-5.14. HOURS OF COLLECTION.

- (a) No collections shall be made in residential districts, as shown on the Zoning Map of the City of Modesto, or at schools, churches, hospitals, offices or commercial establishments in or adjacent to said residential district except between the hours of 5:00 a.m. and 6:00 p.m. year round.
- (b) No collections shall be made in commercial areas when in or adjacent to residential areas except between the hours of 5:00 a.m. and 9:00 p.m. Monday through Sunday.
- (c) No collection shall be made from premises in residential or commercial areas other than described in subsections (a) and (b) above except when prior approval has been given by the Public Works and Transportation Director.

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.

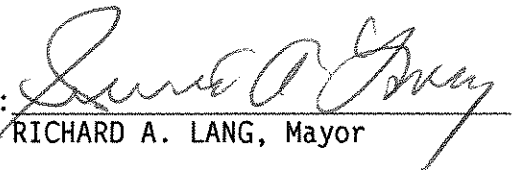
SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth 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 June, 1991, by Councilmember Patterson, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Martin, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: 
RICHARD A. LANG, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

Ord. No. 2771-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 June, 19 91, Councilmember Bird moved its final adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Patterson,
Acting Mayor Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Mayor Lang

APPROVED: 

MAYOR RICHARD A. LANG

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: July 18, 1991

ORDINANCE NO. 2772 -C.S.

AN ORDINANCE ADDING ARTICLE 4 AND ARTICLE 19 TO CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO GENERAL AGRICULTURAL ZONE (A-10) AND SPECIFIC PLAN ZONE (SP).

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

SECTION 1. AMENDMENT OF CODE. Article 4 is hereby added to Chapter 2 of Title X of the Modesto Municipal Code to read as follows:

ARTICLE 4. GENERAL AGRICULTURAL ZONE (A-10)

SEC. 10-2.401. PURPOSE AND INTENT.

The purposes of the A-10 Zone are to:

- (a) Assist in the orderly transition of property from long-term agricultural use to urban development in areas to be developed as a part of the City's "village concept."
- (b) Provide reasonable opportunities to use property that has been annexed to the City of Modesto and zoned SP Zone prior to the approval of a Precise Plan.

SEC. 10-2.402. PERMITTED USES.

The following are permitted uses:

- (a) The growing of fruit and nut trees, vines, row crops and horticultural stock, and the maintenance of livestock and other farm animals excluding pig farming, dairies, and feed lots.
- (b) One (1) single family dwelling per lot.
- (c) The provision of lodging and/or boarding to a maximum of three (3) persons by a proprietor who lives on the premises. Lodgers and boarders may use the proprietor's kitchen, but shall not be permitted separate eating, cooking or food storage facilities.
- (d) The operation of a bed and breakfast home, provided that not more than two (2) bedrooms may be used for the lodging of guests and that the property owner shall reside on the premises.
- (e) Adult day care for three (3) or fewer persons in addition to members of the family.

- (f) Twenty-four (24) hour care for six (6) or fewer persons in addition to members of the family. Twenty-four (24) hour care is not permitted where there are two (2) dwellings on a lot.
- (g) Child day care for twelve (12) or fewer children in addition to members of the family. Only one (1) day care business is permitted per lot.
- (h) Parks owned and operated by a governmental agency.
- (i) A dish-type, satellite antenna, subject to the following conditions:
 - (1) A satellite antenna shall be located at least five (5) feet from the rear lot line and entirely outside of any required front yard and side yard. A satellite antenna shall not be located in the area between a required front yard and the front of a main building on a lot if the satellite antenna will be visible from the front lot line. A satellite antenna shall not be located in the area between a required side-street side yard and a main building on a lot if the satellite antenna will be visible from the side street lot line.
 - (2) A satellite antenna shall not exceed thirteen (13) feet in diameter.
 - (3) A satellite antenna shall be ground-mounted and shall not exceed a height of fifteen (15) feet at the highest point of the antenna.
- (j) Signs subject to the provisions of Article 21.
- (k) Accessory uses and structures customarily incidental to the above permitted uses.

SEC. 10-2.403. PLOT PLAN USES.

The following uses are permitted upon securing plot plan approval from the Board:

- (a) A dish-type, satellite antenna, subject to the setback, size, and Code requirements for a dish-type, satellite antenna as a permitted use but higher than fifteen (15) feet subject to these conditions:
 - (1) Evidence, satisfactory to the board, that a low, ground mounting of a satellite antenna will not produce a usable satellite signal.

- (2) The satellite antenna shall not exceed a height of thirty-five (35) feet at the highest point of the antenna.
 - (3) The satellite antenna shall have rear yard or rear-of-house orientation unless their options preclude a usable satellite signal.
 - (4) Evidence, satisfactory to the Board, that available technologies have been explored such as the feasibility of smaller dishes to reduce the visual mass; use of perforated metals, radar mesh, or wire screen to reduce the visual mass; and selection of a subdued flat color to minimize the visual impact.
- (b) For uses permitted subject to conditional use permit by subsections (a), and (b) of Section 10-2.404 and dish-type satellite antenna not meeting the provisions of Section 10-2.402(i) and not larger than thirteen (13) feet in diameter and not exceeding a height of thirty-five (35) feet at the highest point of the antenna.

SEC. 10-2.404. CONDITIONAL USES.

The following uses are permitted upon securing a conditional use permit from the Board:

- (a) Church.
- (b) Public buildings or grounds operated by any governmental agency which are not a permitted use.
- (c) Buildings, facilities or grounds operated by a utility company.
- (d) Private recreational grounds and facilities not open to the general public and to which no admission charge is made.
- (e) Storm drainage basins and related facilities.
- (f) Adult day care for three (3) or fewer persons in addition to members of the family.
- (g) Adult day care for four (4) or more persons in addition to members of the family.
- (h) Twenty-four (24) hour care for seven (7) or more persons in addition to members of the family.
- (i) Child day care for thirteen (13) or more children in addition to members of the family.

- (j) The provision of lodging and/or board to four (4) or more persons by a proprietor who lives on the premises. Lodgers and boarders may use the proprietor's kitchen, but shall not be permitted separate eating, cooking or food storage facilities.

SEC. 10-2.405. FINDING FOR APPROVAL OF CONDITIONAL USE PERMIT, SUBDIVISION, OR PARCEL MAP.

In approving a Conditional Use Permit, Subdivision Map, or Parcel Map, the Board or Planning Commission shall make the following finding:

- (a) The Conditional Use Permit, Subdivision, or Parcel Map is consistent with the Modesto General Plan and any applicable Specific Plan.

SEC. 10-2.406. HOME BUSINESS.

- (a) Conducting a business in or from a dwelling is a permitted use of an accessory nature which is subject to the following conditions:
 - (1) The person conducting the business shall reside on the premises on a regular full-time basis and the business shall be clearly incidental and secondary to the residential use.
 - (2) The residential appearance of the premises shall not be altered through remodeling or new construction so as to give the appearance of other than normal residential premises or to call attention to the premises.
 - (3) The business shall be conducted entirely within buildings designed and built for normal residential use and there shall be no outside activity, storage or display.
 - (4) No parking or traffic shall be generated by the business in greater volumes than would normally be expected for a residence.
 - (5) No trucks or construction equipment shall be parked or stored on or near the premises.
 - (6) No more than one (1) business vehicle shall be parked or used in connection with the business on or near the premises. All business pick ups and deliveries to and from the premises shall be only by the one (1) allowed business vehicle. "Business vehicle" means a car, pickup or small van used for home business purposes and driven by a person living on the premises.

- (7) Employees shall not work at or be dispatched from the premises nor otherwise be on or about the premises for business purposes.
 - (8) There shall be no delivery of merchandise to customers at the premises other than that incidental to a service conducted on the premises.
 - (9) Sales or services conducted away from the premises may be advertised in any commercial telephone directory (yellow pages), newspaper, circular or other commercial media, including radio and television.
 - (10) Sales or services conducted on the premises shall not be listed in any commercial telephone directory (yellow pages) nor be advertised in any newspaper, circular or other commercial media, including radio and television.
 - (11) Signs shall not be used to identify the business, its products or services.
 - (12) The business shall not create a disturbance or nuisance by reason of noise, odor, fumes, dust, vibration, smoke, electrical interference or other causes.
 - (13) Notwithstanding the above limitations, any person who is severely impaired or handicapped as defined by State law may employ a maximum of two (2) people on the premises who do not reside there and may advertise in any commercial telephone directory (yellow pages), newspaper, circular or other commercial media, including radio and television.
- (b) All businesses conducted in and from a dwelling shall comply with the licensing requirements for businesses in the City.
 - (c) Prior to receipt of a license to conduct a business in or from a dwelling, a permit shall be obtained from the Director.
 - (d) It shall be unlawful and punishable as an infraction for any person to conduct a home business not in compliance with the provisions of this Section.

SEC. 10-2.407. GARAGE SALES.

Garage sales are permitted uses subject to these conditions:

- (a) No garage sale shall be conducted on the same premises for more than three (3) consecutive days.

- (b) Not more than two (2) garage sales may be conducted on the same premises in any calendar year.
- (c) Failure to comply with the provisions of this Section shall be unlawful and punishable as an infraction.

SEC. 10-2.408. ANIMALS AND FOWL.

- (a) There shall be a minimum of forty (40) feet between the window or door of any building used for human habitation and pens, coops, cages or similar housings where animals and fowl, except household pets, are kept.
- (b) There shall be a minimum separation equal to the required side yard between any property line and any pens, coops, cages or similar housings for animals and fowl.
- (c) All animals and fowl shall be kept in conformance with all other laws, ordinances and regulations governing them, including licensing regulations.
- (d) Failure to comply with the provisions of this Section shall be unlawful and punishable as an infraction.

SEC. 10-2.409. HEIGHT.

No structure shall exceed two (2) stories or thirty (30) feet whichever is the lesser height, and no wall or fence shall exceed eight (8) feet except when permitted by a conditional use permit.

Any second-story portion of any dwelling or accessory building, including additions or alterations to the exterior portions of an existing dwelling or accessory building, shall be subject to plot plan approval by the Director or designee in accordance with Article 27, except as hereinafter specifically excepted. In conducting the plan review, the Director shall consider:

- (a) The relationship of second-story windows, doors, exterior stairways, exterior balconies, sundecks, etc. with the privacy of the neighbors.
- (b) The relationship of building mass with the neighbors' views and use and enjoyment of their yards.
- (c) The relationship of building mass with the neighbors' accessories such as solar collectors and satellite antennas.

SEC. 10-2.410. FRONT YARD.

- (a) Every building shall have a minimum front yard of fifteen (15) feet except for garages, carports and required parking spaces

opening onto the front street which shall have a minimum yard of twenty (20) feet.

- (b) On through lots every building shall have a front yard as required above on both frontages. If vehicular access is denied and a minimum six (6) foot wall is maintained across one frontage, necessary structures no higher than the wall are permitted in the yard area adjacent to that frontage.
- (c) Front yard areas shall be unobstructed unless otherwise provided except that walls and fences outside the clear vision triangle are permitted a maximum of forty-two (42) inches in height.
- (d) A trash enclosure up to fifty-two (52) inches in height serving individual cans may be permitted in the front yard setback where there is no practical alternative, subject to the approval of the Director. Such enclosures shall be located as far from the front property line as feasible and shall fully screen the trash cans.

SEC. 10-2.411. SIDE YARDS.

- (a) The minimum side yard for a garage, carport, required parking space or accessory structure shall be five (5) feet except when located to the rear and at least five (5) feet from the dwelling(s), in which case no side yard is required. This minimum five (5) foot area between a dwelling and accessory building or use shall be unobstructed from the ground upward. In no case shall any portion of a building overhang a property line.
- (b) Side street side yards shall be unobstructed except that walls and fences outside the clear vision triangle are permitted a maximum of forty-two (42) inches in height.
- (c) On corner lots, the side street side yard shall be a minimum of fifteen (15) feet for a dwelling or accessory building except for lots legally existing or on an approved tentative subdivision map prior to July 7, 1955 which shall have a minimum side street side yard of seven and one-half (7.5) feet. Garages, carports and required parking spaces opening onto a side street shall have a minimum twenty (20) foot yard.
- (d) If a legally existing lot has less than the required lot width, the side yard shall be a minimum of ten (10) percent of the lot width, but in no case shall an interior side yard be less than three (3) feet and a side street side yard be less than seven and one-half (7.5) feet.

SEC. 10-2.412. REAR YARD.

Rear yards are not required except as follows:

- (a) A reversed corner lot shall have a minimum rear yard of five (5) feet.
- (b) Any building used for human habitation shall have a minimum rear yard equal to the required side yard for a dwelling.

SEC. 10-2.413. STREET FRONTAGE.

Every lot shall have frontage on a street.

SEC. 10-2.414. AREA.

Every lot shall have a minimum area of ten (10) acres.

SEC. 10-2.415. LOT WIDTH.

- (a) Every interior lot shall have a minimum width of fifty (50) feet at the front yard setback line and forty (40) feet at the front lot line except as in subsection (c) of this section.
- (b) Every corner lot shall have a minimum width of sixty (60) feet at the front yard setback line and fifty (50) feet at the front lot line.

SEC. 10-2.416. LOT COVERAGE.

All buildings and required parking spaces shall not cover more than fifty (50) percent of the area of an interior lot and fifty-five (55) percent of a corner lot.

SECTION 2. AMENDMENT OF CODE. Article 19 is hereby added to Chapter 2 of Title X of the Modesto Municipal Code to read as follows:

ARTICLE 19. SPECIFIC PLAN ZONE (SP)

SEC. 10-2.1901. PURPOSE AND INTENT.

The purposes of the SP Zone are to:

- (a) Implement General Plan policy regarding the use of Specific Plans to plan the development of areas adjacent to the City as a part of the "village concept."
- (b) Implement the Village One Specific Plan, adopted by the Modesto City Council on October 16, 1990, and as amended from time to time, by:

- (1) providing for the reasonable use of property prior to the development of Village One;
- (2) giving appropriate public notice that the policies, programs, and standards of the Village One Specific Plan apply to property in the Village One area;
- (3) requiring the review and approval of Precise Plans to insure that the use and development of property is consistent with the Village One Specific Plan's goals, policies, and programs as they relate to use, development standards, infrastructure, financing, and affordable housing;
- (4) providing a process to insure that, once developed, the use of property in the Village One area is governed by the established and traditional zoning regulations of the City of Modesto (e.g. R-1, R-3, C-1, etc.) as modified by the Village One Specific Plan;
- (5) encouraging the concurrent review of proposed applications for discretionary approvals, permits, or other entitlements as a means of streamlining the development review process.

SEC. 10-2.1902. USES AND STANDARDS - PRIOR TO APPROVAL OF A PRECISE PLAN.

Prior to the approval of a Precise Plan, as described in Section 10-2.1903, the uses and standards of the SP Zone shall be those of the A-10 Zone as set forth in Article 4. Existing uses not conforming with the A-10 Zone shall be permitted subject to the provisions of Article 22.

SEC. 10-2.1903. PRECISE PLAN REQUIRED.

Except for uses allowed in the A-10 Zone, prior to the development of any property zoned SP, the City Council must approve a Precise Plan, underlying principal zoning and a Development Agreement for the Village One Specific Plan Neighborhood Area in which the property is located, as provided in Section 10-2.1904 and 10-2.1907.

A Precise Plan may be submitted to the Department of Planning and Community Development by any one or more property owners within the Precise Plan area, or by their authorized representatives. The Precise Plan shall include and address the following:

- (a) A completed Precise Plan application form as prescribed by the Director of Planning and Community Development, which will include:

- (1) A description of the Precise Plan area (A Precise Plan may include one or more Neighborhood Areas. While it is desirable to include all of a Neighborhood Area within a Precise Plan, a significant portion of a Neighborhood Area may be considered for approval, if the resulting Precise Plan is consistent with the Village One Specific Plan, and the financing, infrastructure, affordable housing, and other burdens will be equitably shared among all properties within the Neighborhood Area.);
 - (2) A filing fee to be established by the City Council;
 - (3) A description of the development schedule;
 - (4) An assessor's parcel map of the Precise Plan area showing all assessor parcels included in the Precise Plan area;
 - (5) A list of the names, addresses and assessor parcel numbers of all property owners within the Precise Plan area, and
 - (6) The written consent of all property owners joining in the submittal of the Precise Plan.
- (b) A Zoning Plan showing the proposed underlying principal zoning of all properties included in the Precise Plan.
- (c) Plans and associated applications, including:
- (1) A site and plot plan showing land uses, a tabulation of the area devoted to each category of land use, and density calculations;
 - (2) A landscape plan for mini-parks and other common open spaces included in the Precise Plan;
 - (3) An Infrastructure Master Plan showing the location of all sewer, water, storm drainage, circulation, and all other public facilities located within the Precise Plan.
 - (4) Any Tentative Subdivision Maps, if concurrent subdivision is proposed.
- (d) An Infrastructure Financing Program, which includes:
- (1) A plan, which is consistent with the Financing Policies of the Village One Finance Plan, for the participation of properties located in the Precise Plan area in the financing of (a) the costs of preparation of the Village One Specific Plan and Village One Financing Plan, and (b) the sewer, water, storm drain, circulation, school

facilities, and other facilities as described in the Village One Specific Plan.

- (2) A plan for financing the costs of maintenance of mini-parks, alleys, and other common open space areas or facilities in the Precise Plan area.
- (e) A plan for providing affordable housing consistent with the Village One Specific Plan Affordable Housing Program, as amended.
- (f) A Mitigation Plan consistent with the Village One Specific Plan Mitigation Monitoring Plan.
- (g) A Draft Development Agreement consistent with the Development Agreement form prescribed by the City Attorney.

SEC. 10-2.1904. CONCURRENT REZONING WITH PRECISE PLAN REVIEW.

Concurrent with the review and approval of a Precise Plan, all properties included in the Precise Plan shall be rezoned, consistent with the basic land use categories of the Village One Specific Plan, to the principal underlying zones set forth in Title 10 of this Code (e.g. R-1, R-3, C-1, etc.).

Upon the approval of a Precise Plan and rezoning by the City Council, the SP Zone shall be an overlay or combining zone whose purpose is to supplement the regulations established by the underlying principal zoning with the uses, standards, and development review processes of the Village One Specific Plan and approved Precise Plan.

Once rezoned, all subsequent development will comply with the uses, standards, and development review processes of the principal underlying zone, the SP Zone, Precise Plan, and Development Agreement. In the event of a conflict between the uses, standards and development review processes of the underlying principal zoning (e.g. R-1, R-3, C-1, etc.) and those of the Village One Specific Plan, the approved Precise Plan or Development Agreement, those of the Village One Specific Plan, the approved Precise Plan and Development Agreement shall prevail.

To indicate the application of the SP Zone and presence of an approved Precise Plan, a ":SP-" together with a number that is assigned to the approved Precise Plan, will be added as a suffix to the underlying principal zoning on the Zoning Map (e.g. R-1:SP-12, etc.).

SEC. 10-2.1905. PREAPPLICATION CONFERENCE REQUIRED.

Prior to submitting a Precise Plan to the City for approval, a preapplication conference with the Planning and Community Development Department shall be held. The purpose of this conference is to assist the applicant and property owners in understanding the Village One Specific Plan's policies, programs, mitigation measures and development review processes, and to assist the applicant with the preparation of a Precise Plan. A letter of intent and a sketch plan showing the Precise Plan area, the proposed land uses, and estimated development schedule shall be submitted to the Planning and Community Development Department prior to this conference.

SEC. 10-2.1906. PROPERTY OWNERS MEETING REQUIRED.

Prior to the Planning Commission's public hearing to consider a Precise Plan, a meeting with the owners of property located within the area encompassed by the Precise Plan and within three hundred (300) feet of the exterior boundaries of the Precise Plan shall be held. The purpose of this meeting is to inform property owners about the proposed Precise Plan and to answer any questions that they may have regarding the proposed project.

SEC. 10-2.1907. PROCEDURE - FINDINGS.

A Precise Plan, underlying principal zoning and the Development Agreement shall be adopted by ordinance. The Planning Commission shall hold a public hearing on the proposed Precise Plan, underlying principal zoning and Development Agreement for the purpose of making a recommendation to the City Council. The City Council shall hold a public hearing for the purpose of making a decision. The City Council may: approve the proposed Precise Plan and underlying principal zoning; approve the proposed Precise Plan and underlying principal zoning with conditions; amend or modify the proposed Precise Plan and underlying principal zoning; deny the proposed Precise Plan and underlying principal zoning; or refer the proposed Precise Plan and underlying principal zoning to the Planning Commission for additional study. In each case, the Development Agreement shall reflect the terms and conditions of the Precise Plan and underlying principal zoning. A public hearing on a proposed Precise Plan and principal zoning may be continued at any time by the Planning Commission or City Council to a specific date. Procedures for the consideration of an application for a Precise Plan, including public hearings, shall be the same as required for a rezoning, as provided in Section 10-2.2606.

The Planning Commission, in recommending the approval of a Precise Plan, underlying principal zoning, and the Development Agreement, and the City Council, in making a decision to approve a Precise

Plan, underlying principal zoning, and the Development Agreement shall make the following findings:

- (a) The proposed Precise Plan, underlying principal zoning, and Development Agreement are consistent with the Modesto General Plan; and
- (b) The proposed Precise Plan, underlying principal zoning, and Development Agreement is are consistent with the Village One Specific Plan.

These findings shall be in addition to the findings otherwise required by resolution, ordinance, or statute for any other discretionary approval, permit, or other entitlement considered concurrently with a Precise Plan.

SEC. 10-2.1908. ADMINISTRATION OF PRECISE PLANS.

The following provisions shall govern the review of all projects proposed in areas covered by adopted Precise Plans:

- (a) All applications for discretionary approvals, permits, or other entitlements shall be found consistent with the adopted Precise Plan and Village One Specific Plan, and the underlying principal zoning and Development Agreement before they can be approved. This finding shall be in addition to any findings otherwise required by resolution, ordinance, statutes, or the Development Agreement.
- (b) Major modifications or changes to a Precise Plan, such as: a substantial increase or decrease in density; significant change in the circulation pattern; or significant change in the Infrastructure Master Plan, the Infrastructure Financing Plan, the Mitigation Plan, or Affordable Housing Plan, shall require an amendment to the Precise Plan. The procedures for the adoption of a Precise Plan shall apply to the amendment of an adopted Precise Plan. Minor modifications to a Precise Plan, which do not involve new uses or require significant site plan redesign, may be approved by the Planning and Community Development Director. Any such modifications shall be noted in the project file.
- (c) A review by the Planning and Community Development Department shall be required of any project in an area covered by a Precise Plan, prior to the issuance of any building permit that authorizes the construction or remodeling of any building or structure, excluding those issued for minor accessory buildings, electrical, plumbing or other special service, or for remodeling that is entirely confined to the interior of a building or structure. This review shall be for the purpose of

determining compliance with all of the requirements of the Precise Plan, including the design and development standards of the Village One Specific Plan. In the case of projects consisting of new detached single-family dwellings, this review shall be confined to individual housing models that have distinct elevations, footprints, and/or site plans. Use of these approved models in an approved site configuration will enable the Planning and Community Development Department to preapprove these building permits.

- (d) The procedures for revocation of a Precise Plan shall be those set forth in Section 10-2.1711.

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 18th day of June, 1991, by Councilmember Patterson, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Bird, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Patterson, Acting Mayor Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Mayor Lang

APPROVED: Stan Dobbs
STAN DOBBS, Acting Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

Ord. No. 2772-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 June, 19 91, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore,
Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED: 
MAYOR RICHARD A. LANG

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: July 25, 1991

Clerk

ORDINANCE NO. 2773 -C.S.

AN ORDINANCE AMENDING SECTION MAPS 11-3-9, 12-3-9, 13-3-9, 14-3-9, 7-3-10, AND 18-3-10 OF THE ZONING MAP OF THE CITY OF MODESTO PREZONING CERTAIN PROPERTY LOCATED THEREON TO SPECIFIC PLAN ZONE, P-SP. (CITY INITIATED - VILLAGE I)

WHEREAS, the Village One Specific Plan establishes uses, standards, and development processes that are different from those in the rest of the City, and requires that Precise Plans be approved prior to urban development, and

WHEREAS, without rezoning, most of Village One would annex into the City with R-1 zoning under the City's current conversion table, and

WHEREAS, the R-1 Zone does not provide linkage to the Village One Specific Plan, does not contain any requirement for Precise Plans prior to development, and allows subdivision of land into small lots that would obstruct development of Village One, and

WHEREAS, rezoning most of Village One SP will address the requirements of the Village One Specific Plan by requiring Precise Plan approval prior to urban development, and by allowing reasonable use of the property prior to Precise Plan approval, and

WHEREAS, the City has requested an amendment to Sections 11-3-9, 12-3-9, 13-3-9, 14-3-9, 7-3-10, and 18-3-10 of the Zoning Map to prezone to Specific Plan Zone, P-SP, the hereinafter described property, and

WHEREAS, after a public hearing held on May 20, 1991, and continued to June 3, 1991, 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. 91-33, adopted on June 3, 1991, the Planning Commission recommended to the Council that the amendment to Sections 11-3-9, 12-3-9, 13-3-9, 14-3-9, 7-3-10, and 18-3-10 of the Zoning Map to prezone the hereinafter described property to Specific Plan Zone, P-SP, 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 June 18, 1991, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, this Council finds and determines that the requested pre zoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource for the following reason:

1. The pre zoning to P-SP is necessary to implement the Village One Specific Plan.

SECTION 2. ZONING CHANGE. Sections 11-3-9, 12-3-9, 13-3-9, 14-3-9, 7-3-10, and 18-3-10 of the Zoning Map is hereby amended to prezone the following described property to Specific Plan Zone, P-SP:

All that certain property situate in Sections 11, 12, 13, and 14, Township 3 South, Range 9 East; and in Sections 7 and 18, Township 3 South, Range 10 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California, described as follows:

Beginning at the west quarter corner of said Section 11, said point being the centerline intersection of original 40 foot Sylvan Ave. with original 40 foot Oakdale Rd.; thence South 0°43'01" East 998.0 feet to the true point of beginning of this description; thence South 1°06'00" East 1,648.9 feet to the southwest corner of said section 11; thence South 0°53'48" East 1,321.53 feet to the southwest corner of the northwest quarter of the northwest quarter of said section 14, being also the centerline intersection of

original 40 foot Oakdale Rd. with original 40 foot Floyd Ave.; thence South 89°33'41" East, along the centerline of Floyd Ave., 5,249.79 feet to the southeast corner of the northeast quarter of the northeast quarter of said section 14; thence South 00°25'10" East 2,645.95 feet along the east line said Section 14, to the centerline of original 40 foot Merle Ave.; thence along said centerline North 89°20'00" East 256.42 feet; thence South 1°02'40" East 30 feet to the corner of Parcel 2 as shown on that certain map filed in Volume 3 of Parcel Maps, at Page 17, Stanislaus County Records: thence South 1°02'40" East 170.0 feet; thence North 89°20'00" East 100 feet; thence North 1°02'40" West 34.8 feet; thence North 89°20'00" East 300.0 feet to the northeast corner of said Parcel 2; thence South 1°02'40" East 1,081.25 feet to the southeast corner of said Parcel 2; thence South 1°02'40" East 82.17 feet to the south line of said Section 13; thence North 89°21'09" East 4,588.94 feet along the south line of said section 13, to the southeast corner of said section 13; thence South 88°33'35" East 2,816 feet, more or less, to a point on the centerline of original 40 foot Parker Rd., being the intersection of said centerline and the southerly extension of the east property line of the A.T. & S.F. R.R. property right-of-way; thence northwesterly along said east property line of A.T. & S.F. R.R., and the southerly and northerly extensions of said line 5,593 feet, more or less, to a point on the northern line of 66 foot Milnes Rd.; thence easterly 43 feet, more or less, to the point of intersection of said northern line of Milnes Rd. and the westerly right-of-way line of 80 foot wide Santa Fe Ave.; thence northwesterly 88 feet, more or less, along said west right-of-way line to the beginning of a tangent curve concave to the southwest, having a radius of 1,760 feet; thence continuing northwesterly along said right-of-way and the arc of said curve 354 feet, more or less; thence northwesterly along said right-of-way 1,425 feet, more or less, to the beginning of a tangent curve concave to the southwest having a radius of 1,760 feet; thence along said right-of-way and arc of said curve 354 feet, more or less; thence northwesterly along said right-of-way 137 feet, more or less, to the beginning of a tangent curve concave to the northeast, having a radius of 1,840 feet; thence northwesterly along said right-of-way and arc of said curve 370 feet, more or less; thence northwesterly along said right-of-way 602 feet, more or less, to a point 67.5 feet east of the east line of said section 12, also being on the east line of future 135 foot wide Claus Rd.; thence westerly 135 feet to a point 67.5 feet west of the east line of said section 12, also being on the western line of future 135 foot Claus Rd.; thence southerly 465 feet, more or less, along a line 67.5 feet west of and parallel to the centerline of Claus Rd., being also the west line of future 135 foot Claus Rd., to the point of intersection of said line and a line 50 feet north of and parallel to the centerline of original 40 foot Sylvan Ave., being also the north line of future 100 foot Sylvan Ave.; thence westerly 9,634 feet, more or less, along said line; thence South 50 feet to the point of centerline

intersection of Sylvan Ave. and Courtney Way; thence South 0°15'22" West 654.01 feet, along the centerline of said Courtney Way, to the intersection of Courtney Way and Post Office Dr.; thence along the centerline of Post Office Dr. North 89°16'59" West 433.3 feet, more or less, to a point of intersection of said centerline and the northerly extension of the west parcel line of Parcel 2 as shown on that certain map filed in Volume 40 of Parcel Maps, at Page 38, Stanislaus County Records; thence South 3°13'41" West 330.78, more or less; thence South 89°16'59" West 362.21 feet to the centerline of Oakdale Rd. and the beginning of this description.

SECTION 3. ZONING MAP. Sections 11-3-9, 12-3-9, 13-3-9, 14-3-9, 7-3-10, and 18-3-10 of the Zoning Map of the City of Modesto is amended to appear as set forth on the maps 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 18th day of June, 1991, by Councilmember Irizarry, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Bird, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bird, Irizarry, Patterson, Acting Mayor Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Martin, Muratore, Mayor Lang

APPROVED: Stan Dobbs
STAN DOBBS, Acting Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

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

Ord. No. 2773-C.S.

FINAL ADOPTION CLAUSE

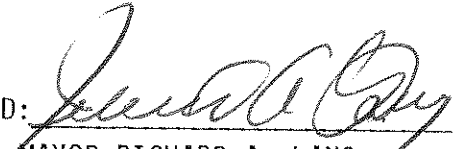
The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 25th day of June, 19 91, Councilmember Patterson moved its final adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: Irizarry

ABSENT: Councilmembers: Martin

APPROVED:


MAYOR RICHARD A. LANG

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: July 25, 1991

C. C. C.

ORDINANCE NO. 2774 -C.S.

AN ORDINANCE AMENDING SECTION MAP 11-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO PREZONING CERTAIN PROPERTY LOCATED THEREON TO GENERAL COMMERCIAL ZONE, P-C2. (CITY INITIATED - VILLAGE I)

WHEREAS, the City has requested an amendment to Section 11-3-9 of the Zoning Map to prezone to General Commercial Zone, P-C2, the hereinafter described, and

WHEREAS, after a public hearing held on May 20, 1991, which was continued to June 3, 1991, it was found and determined by the Planning Commission that pre zoning of the property as requested is required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 91-33, adopted on June 3, 1991, the Planning Commission recommended to the Council that the amendment to Section 11-3-9 of the Zoning Map to prezone the hereinafter described property to General Commercial Zone, P-C2, 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 June 18, 1991, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, this Council finds and determines that the requested pre zoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource for the following reason:

1. The pre zoning to P-C2 is necessary to implement the Village One Specific Plan.

SECTION 2. ZONING CHANGE. Section 11-3-9 of the Zoning Map is hereby amended to prezone the following described property to General Commercial Zone, P-C2:

All that certain property situate in Section 11, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California, described as follows:

Beginning at the west quarter corner of said Section 11, said point being the centerline intersection of original 40 foot Sylvan Ave. with original 40 foot Oakdale Rd, said point being the true point of beginning of this description; thence North 50 feet to the point of intersection of the centerline of said 40 foot Oakdale Rd and the north line of proposed 100 foot Sylvan Ave.; thence South $89^{\circ}44'38''$ East 829.39 feet to a point on said north line; thence South 50 feet to the centerline intersection of Sylvan Ave. and Courtney Way; thence South $0^{\circ}15'22''$ West 654.01 feet, along the centerline of said Courtney Way, to the intersection of Courtney Way and Post Office Dr.; thence along the centerline of Post Office Dr. North $89^{\circ}16'59''$ West 433.3 feet, more or less, to a point of intersection of said centerline and the northerly extension of the west parcel line of Parcel 2 as shown on that certain map filed in Volume 40 of Parcel Maps, at Page 38, Stanislaus County Records; thence South $3^{\circ}13'41''$ West 330.78 feet, more or less; thence South $89^{\circ}16'59''$ West 362.21 feet to the centerline of Oakdale Rd.; thence North $0^{\circ}43'01''$ West 998 feet to the point of beginning.

SECTION 3. ZONING MAP. Section 11-3-9 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 18th day of June, 1991, by Councilmember Irizarry, 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: Bird, Irizarry, Patterson, Acting Mayor Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Martin, Muratore, Mayor Lang

APPROVED: Stan Dobbs
STAN DOBBS, Acting Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By William Driscoll
Department of Planning and Community
Development

Ord. No. 2774-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 June, 1991, Councilmember Patterson moved its final adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: Irizarry

ABSENT: Councilmembers: Martin

APPROVED:


MAYOR RICHARD A. LANG

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: July 25, 1991

Book
9

ORDINANCE NO. 2775 -C.S.

AN ORDINANCE AMENDING SECTION MAP 13-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO PREZONING CERTAIN PROPERTY LOCATED THEREON TO PREZONED PLANNED DEVELOPMENT ZONE, P-PD(484). (CITY INITIATED - VILLAGE I)

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

SECTION 1. ZONING CHANGE. Section 13-3-9 of the Zoning Map is hereby amended to prezone the following described property to Planned Development Zone, P-PD(484):

All that certain property situate in the southwest quarter of the southwest quarter of Section 13, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California, described as follows:

Beginning at the Northwest corner of the Southwest quarter of the Southwest quarter of said Section 13, also being on the centerline of original 40 foot Merle Ave.; thence along said centerline North 89°20'00" East 256.42 feet; thence South 1°02'40" East 30 feet to the corner of Parcel 2 as shown on that certain map filed in Volume 3 of Parcel Maps, at Page 17, Stanislaus County Records: thence South 1°02'40" East 170.0 feet; thence North 89°20'00" East 100 feet; thence North 1°02'40" West 34.8 feet; thence North 89°20'00" East 300.0 feet to the northeast corner of said Parcel 2; thence South 1°02'40" East 1,081.25 feet to the southeast corner of said Parcel 2; thence South 1°02'40" East 82.17 feet to the south line of said Section 13; thence South 89°43'20" West 655.84 feet to the southwest corner of said Section 13; thence North 1°04'24" West 82.17 feet; thence North 89°43'20" East 5.67 feet to the southwest corner of said Parcel 2; thence North 1°04'24" West 1,037.08 feet; thence South 88°55'36" West 5.67 feet; thence North 1°04'24" West 205.0 feet to the point of beginning.

SECTION 2. USES. The following uses shall be permitted in said P-PD(484) Zone if the plan for construction conforms in principle to the approved plan, or if changes are approved by the Secretary of the Planning Commission as required by Section 10-2.1709(c) 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 10-2.1709(a) or (b) of the Modesto Municipal Code:

1. Uses permitted in the C-1 Zone.

SECTION 3. ZONING MAP. Section Map 13-3-9 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 18th day of June, 1991, by Councilmember Irizarry, 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: Bird, Irizarry, Patterson, Acting Mayor Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Martin, Muratore, Mayor Lang

APPROVED: Stan Dobbs
STAN DOBBS, Acting Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By William Irizarry
Department of Planning and
Community Development

Ord. No. 2775-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 June, 19 91, Councilmember Patterson moved its final adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: Irizarry

ABSENT: Councilmembers: Martin

APPROVED: 

MAYOR RICHARD A. LANG

ATTEST: 

NORRINE COYLE, City Clerk

EFFECTIVE DATE: July 25, 1991

ORDINANCE NO. 2776-C.S.

Corrected 7/2/91

AN ORDINANCE ADDING SECTIONS 5-6.22, 5-6.23, 5-6.24, 5-6.25, 5-6.26, AND 5-6.27 TO CHAPTER 6 OF TITLE V OF THE MODESTO MUNICIPAL CODE RELATING TO STORM DRAINAGE AND SURFACE WATER RUNOFF MANAGEMENT.

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

SECTION 1. AMENDMENT OF CODE. Sections 5-6.22, 5-6.23, 5-6.24, 5-6.25, 5-6.26, and 5-6.27 are hereby added to Chapter 6 of Title V of the Modesto Municipal Code to read as follows:

SEC. 5-6.22. STORM DRAINAGE RULES AND REGULATIONS.

The following rules and regulations shall apply to all persons using storm drainage facilities. Failure to comply with any provision, requirement, rule, or regulation under this chapter shall be unlawful and punishable as an infraction.

- (a) The willful or negligent disposal of petroleum products (oil and grease), pesticides, fertilizers, household or industrial chemicals, industrial process wastewater, domestic sewage, animal waste or other pollutants into storm drainage facilities is prohibited.
- (b) Domestic roof drain leaders may not be directly connected to sidewalks and gutters, but must discharge into landscaped areas.
- (c) Discharge of water from swimming pools into rockwells is prohibited. Discharge of water from swimming pools into positive storm drainage facilities is allowed only with the written permission of the Public Works and Transportation Director. Such discharge may not cause flooding of the street. Water from pumping out swimming pools may be discharged to the sanitary sewer.
- (d) Storm water or surface water which is causing flooding on private property served by an on-site storm drainage system may not be discharged to the City's storm drainage facilities.

SEC. 5-6.23. COMPLIANCE BY INDUSTRIAL USERS WITH FEDERAL AND STATE STANDARDS.

- (a) All industrial activities shall comply with the strictest of any applicable Federal or State standards or regulations covering the discharge of stormwater or surface water, including but not limited to those adopted pursuant to the

Clean Water Act, PL 95-217, as amended, and the National Pollutant Discharge Elimination System (NPDES).

- (b) Any industrial activity not complying with the standards or regulations as required by subsection (a) hereof may be required by the Public Works and Transportation Director to develop and implement a compliance schedule for any measures or facilities as may be necessary to meet said standards and regulations.
- (c) The Director may require the submission of such notices of self-monitoring report from the site of industrial activities as he may consider necessary to assure compliance with said standards and regulations.
- (d) Holders of NPDES industrial stormwater permits which discharge stormwater or surface water to the City's storm drainage facilities shall comply with applicable requirements of the City's NPDES permit for its Municipal Separate Storm Sewer System.
- (e) Industrial activities required to obtain NPDES permits regulating the discharge of stormwater and surface water to the City's storm drainage facilities shall notify the Public Works and Transportation Director that they are subject to such permit. Notice shall be made in writing by May 15, 1991, or thirty (30) days before such activity commences. The NPDES permit holders shall notify the Director immediately by phone upon discovery of any discharge in violation of their permit.
- (f) The Public Works and Transportation Director or a representative shall have access to the site of the industrial activity regulated by a NPDES industrial stormwater permit, for purposes of inspection and monitoring, upon notice to the designated representative of the NPDES permit holder.

SEC. 5-6.24. STORM DRAINAGE SEWER SURCHARGE.

The City of Modesto is implementing activities to improve the environmental quality of stormwater by decreasing the amount of organic material, dirt, toxics and pesticides that enter the system. Each person owning property within the city limits shall pay a storm drainage sewer surcharge to the City in accordance with rates and charges as established by the Council from time to time by resolution and on file in the office of the City Clerk and the Public Works and Transportation Director. The surcharge is based on the size and intensity of use of property and shall go to pay the costs of improving the stormwater generated by the property. The surcharge shall be added to the charge for sewer service and payment of the total amount shall be made in accordance with this chapter of Title V and shall go into the Sewer Enterprise Fund.

The Council shall have the power to establish, by agreement or resolution, the rate or rates to be charged and the method of collecting the surface water runoff sewer surcharge for properties outside the boundaries of the city limits for those properties which discharge into the City's storm drain system.

SEC. 5-6.25. INDUSTRIAL ACTIVITIES FEES.

Council shall, from time to time, establish by resolution a schedule of industrial activities fees. These fees shall apply to parcels which are required by Federal law to obtain a National Pollutant Discharge Elimination System (NPDES) permit regulating the discharge of stormwater and surface water from the site of an industrial activity. The fees shall correspond to the costs expended by the City in monitoring the discharge from such a site of industrial activity for compliance with the conditions of its NPDES permit.

SEC. 5-6.26. ADMINISTRATIVE REVIEW.

Any person who disputes the amount of any sewer charge or who requests a deferred payment schedule therefor may request a revision or modification of such charge from the Public Works and Transportation Director. The Director will notify any owner or occupier in the event the Director considers the charge to be inadequate or improper. The parcel owner shall make such request in writing.

SEC. 5-6.27. VIOLATIONS.

- (a) Any holder of a NPDES industrial stormwater permit who performs the following actions, or who violates the conditions of its permit, or of applicable State and Federal regulations, is subject to notice of the Central Valley Regional Water Quality Control Board of such violation.
- (1) Failure of a NPDES stormwater permit holder to comply with the discharge limits to the City's storm drainage facilities.
 - (2) Failure of an NPDES stormwater permit holder to notify the Director of willful or negligent discharges in violation of their permit.
 - (3) Refusal of reasonable access to the site of industrial activities subject to an NPDES stormwater permit, for the purpose of inspection or monitoring.
- (b) In the event that a permittee does not comply with the provisions of their NPDES industrial stormwater permit, and wastes or pollutants are discharged to the City's storm

drainage facilities, that cause or threaten to cause an adverse impact on the water quality of a receiving stream or the groundwater, the permittee shall be liable for any or all of the following:

- (1) Any and all monetary penalties, charges, fees, cleanup costs, and other costs that may be imposed on the city by state or federal regulatory agencies as a result of threatened or actual violation(s), including administrative and legal fees.
- (2) Any and all judgments and associated costs that may be awarded to individuals or entities as a result of threatened or actual violation(s).
- (3) The total cost of containment, cleanup, treatment or disposal that the Director may deem necessary to abate threatened or actual adverse impact on water quality of a receiving stream or the groundwater, including consulting and administrative fees.

SECTION 2. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of this city hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional.

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 25th day of June, 1991, 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: Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: Bird, Dobbs, Irizarry

ABSENT: Councilmembers: None

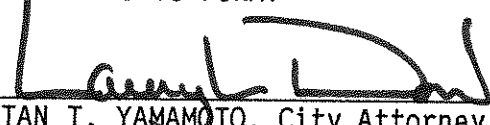
APPROVED: 
RICHARD A. LANG, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

Ord. No. 2776-C.S.

FINAL ADOPTION CLAUSE

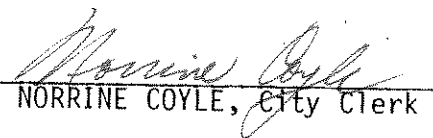
The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 2nd day of July, 1991, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: Dobbs, Irizarry

ABSENT: Councilmembers: Bird

APPROVED: 
MAYOR RICHARD A. LANG

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: August 1, 1991

ORDINANCE NO. 2776 -C.S.

AN ORDINANCE ADDING SECTIONS 5-6.22, 5-6.23, 5-6.24, 5-6.25, 5-6.26, AND 5-6.27 TO CHAPTER 6 OF TITLE V OF THE MODESTO MUNICIPAL CODE RELATING TO STORM DRAINAGE AND SURFACE WATER RUNOFF MANAGEMENT.

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

SECTION 1. AMENDMENT OF CODE. Sections 5-6.22, 5-6.23, 5-6.24, 5-6.25, 5-6.26, and 5-6.27 are hereby added to Chapter 6 of Title V of the Modesto Municipal Code to read as follows:

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- (b) Domestic roof drain leaders may not be directly connected to sidewalks and gutters, but must discharge into landscaped areas.
- (c) Discharge of water from swimming pools into rockwells is prohibited. Discharge of water from swimming pools into positive storm drainage facilities is allowed only with the written permission of the Public Works and Transportation Director. Such discharge may not cause flooding of the street. Water from pumping out swimming pools may be discharged to the sanitary sewer.
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SEC. 5-6.23. COMPLIANCE BY INDUSTRIAL USERS WITH FEDERAL AND STATE STANDARDS.

- (a) All industrial activities shall comply with the strictest of any applicable Federal or State standards or regulations covering the discharge of stormwater or surface water, including but not limited to those adopted pursuant to the

Clean Water Act, PL 95-217, as amended, and the National Pollutant Discharge Elimination System (NPDES).

- (b) Any industrial activity not complying with the standards or regulations as required by subsection (a) hereof may be required by the Public Works and Transportation Director to develop and implement a compliance schedule for any measures or facilities as may be necessary to meet said standards and regulations.
- (c) The Director may require the submission of such notices of self-monitoring report from the site of industrial activities as he may consider necessary to assure compliance with said standards and regulations.
- (d) Holders of NPDES industrial stormwater permits which discharge stormwater or surface water to the City's storm drainage facilities shall comply with applicable requirements of the City's NPDES permit for its Municipal Separate Storm Sewer System.
- (e) Industrial activities required to obtain NPDES permits regulating the discharge of stormwater and surface water to the City's storm drainage facilities shall notify the Public Works and Transportation Director that they are subject to such permit. Notice shall be made in writing by May 15, 1991, or thirty (30) days before such activity commences. The NPDES permit holders shall notify the Director immediately by phone upon discovery of any discharge in violation of their permit.
- (f) The Public Works and Transportation Director or a representative shall have access to the site of the industrial activity regulated by a NPDES industrial stormwater permit, for purposes of inspection and monitoring, upon notice to the designated representative of the NPDES permit holder.

SEC. 5-6.24. STORM DRAINAGE SEWER SURCHARGE.

The City of Modesto is implementing activities to improve the environmental quality of stormwater by decreasing the amount of organic material, dirt, toxics and pesticides that enter the system. Each person owning property within the city limits shall pay a storm drainage sewer surcharge to the City in accordance with rates and charges as established by the Council from time to time by resolution and on file in the office of the City Clerk and the Public Works and Transportation Director. The surcharge is based on the size and intensity of use of property and shall go to pay the costs of improving the stormwater generated by the property. The surcharge shall be added to the charge for sewer service and payment of the total amount shall be made in accordance with this chapter of Title V and shall go into the Sewer Enterprise Fund.

The Council shall have the power to establish, by agreement or resolution, the rate or rates to be charged and the method of collecting the surface water runoff sewer surcharge for properties outside the boundaries of the city limits for those properties which discharge into the City's storm drain system.

SEC. 5-6.25. INDUSTRIAL ACTIVITIES FEES.

Council shall, from time to time, establish by resolution a schedule of industrial activities fees. These fees shall apply to parcels which are required by Federal law to obtain a National Pollutant Discharge Elimination System (NPDES) permit regulating the discharge of stormwater and surface water from the site of an industrial activity. The fees shall correspond to the costs expended by the City in monitoring the discharge from such a site of industrial activity for compliance with the conditions of its NPDES permit.

SEC. 5-6.26. ADMINISTRATIVE REVIEW.

Any person who disputes the amount of any sewer charge or who requests a deferred payment schedule therefor may request a revision or modification of such charge from the Public Works and Transportation Director. The Director may notify any owner or occupier in the event the Director considers the charge to be inadequate or improper. The parcel owner shall make such request in writing.

SEC. 5-6.27. VIOLATIONS.

- (a) Any holder of a NPDES industrial stormwater permit who performs the following actions, or who violates the conditions of its permit, or of applicable State and Federal regulations, is subject to notice of the Central Valley Regional Water Quality Control Board of such violation.
- (1) Failure of a NPDES stormwater permit holder to comply with the discharge limits to the City's storm drainage facilities.
 - (2) Failure of an NPDES stormwater permit holder to notify the Director of willful or negligent discharges in violation of their permit.
 - (3) Refusal of reasonable access to the site of industrial activities subject to an NPDES stormwater permit, for the purpose of inspection or monitoring.
- (b) In the event that a permittee does not comply with the provisions of their NPDES industrial stormwater permit, and wastes or pollutants are discharged to the City's storm

drainage facilities, that cause or threaten to cause an adverse impact on the water quality of a receiving stream or the groundwater, the permittee shall be liable for any or all of the following:

- (1) Any and all monetary penalties, charges, fees, cleanup costs, and other costs that may be imposed on the city by state or federal regulatory agencies as a result of threatened or actual violation(s), including administrative and legal fees.
- (2) Any and all judgments and associated costs that may be awarded to individuals or entities as a result of threatened or actual violation(s).
- (3) The total cost of containment, cleanup, treatment or disposal that the Director may deem necessary to abate threatened or actual adverse impact on water quality of a receiving stream or the groundwater, including consulting and administrative fees.

SECTION 2. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of this city hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional.

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

ORDINANCE NO. 2777-C.S.

AN ORDINANCE ADOPTING THE BUDGET FOR THE CITY OF MODESTO FOR THE FISCAL YEAR ENDING JUNE 30, 1992, AND PROVIDING FOR CERTAIN TRANSFERS OF FUNDS.

WHEREAS, pursuant to the Charter of the City of Modesto, a proposed budget for the 1991-1992 fiscal year has been submitted to the City Council by the City Manager, and the City Council has made such revisions as it has deemed advisable, and

WHEREAS, in accordance with the City Charter, a public hearing has been held upon the adoption of the proposed budget after due notice, as provided by law, and

WHEREAS, copies of the proposed budget have been and are available for inspection by the public at the office of the City Clerk,

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

SECTION 1. That the "City of Modesto Proposed Budget 1991-92", presented by the City Manager to the City Council at its meeting held June 11, 1991, and as thereafter amended by the City Council, a copy of which budget, as amended, is on file in the office of the City Clerk, is hereby adopted as the budget for the City of Modesto for the fiscal year ending June 30, 1992, and the several amounts stated therein as proposed expenditures are hereby appropriated for the various objects therein described.

SECTION 2. That funds of the City of Modesto encumbered on June 30, 1991, are hereby appropriated for the purposes for which they are encumbered and shall be a part of the budget for the fiscal year 1991-1992 adopted hereby.

SECTION 3. That Capital Projects carried over from fiscal year 1990-1991 are hereby re-appropriated as a part of the budget for the fiscal year 1991-1992 adopted hereby. The amount of said appropriations will equal the Reserve for Appropriated Carryover Projects established in the General Ledger Accounts of the City of Modesto for all funds as of June 30, 1991.

SECTION 4. That the City Council is authorized by resolution to transfer funds from one department to another department and to transfer and authorize the expenditure of funds from the Reserved Fund Balances for specific purposes.

SECTION 5. That the City Manager is authorized to transfer funds within departmental budgets between the following classifications, to wit: Employee Services, Professional and Contractual Services, Materials and Supplies, other operating expenses and Capital Appropriations; and to transfer appropriations for capital items budgeted within the same department within the same capital fund and that the City Manager may delegate this authority to the Deputy City Manager.

SECTION 6. Pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall take effect upon adoption.

SECTION 7. 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 adoption and the places where this ordinance is posted.

The foregoing ordinance was introduced and adopted at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 1991, by Councilmember Muratore, who moved its adoption and passage to print, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: Bird

ABSENT: Councilmembers: None

APPROVED:


RICHARD A. LANG, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

Clark

ORDINANCE NO. 2778 -C.S.

AN ORDINANCE AMENDING SECTION 2-5.04 OF CHAPTER 5 OF TITLE II OF THE MODESTO MUNICIPAL CODE RELATING TO DIRECTOR OF PERSONNEL.

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

SECTION 1. AMENDMENT OF CODE. Section 2-5.04 of Chapter 5 of Title II of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 2-5.04. DIRECTOR OF PERSONNEL.

There is hereby created the position of Director of Personnel. The City Manager shall be ex officio Director of Personnel. The City Manager may delegate any of the powers and duties conferred upon him as Director of Personnel under this chapter to any other officer or employee of the City appointed by the City Manager, or he may recommend to the Council that any or all such powers and duties be performed under contract as provided in Section 2-5.19. The Director of Personnel or his designated representative shall:

- (a) Administer all the provisions of this chapter and of the personnel rules not specifically reserved to the Council or the Board of Personnel Appeals.
- (b) Recommend the adoption, amendment, or repeal of personnel rules and regulations. The City Attorney shall approve the legality of such rules and regulations and revisions and amendments thereto prior to their submission to the Council.
- (c) Recommend a position classification plan, including class specifications, and revisions of the plan.
- (d) Recommend a plan of compensation, and revisions thereof, covering all classes for which the City Manager is the appointing authority.

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

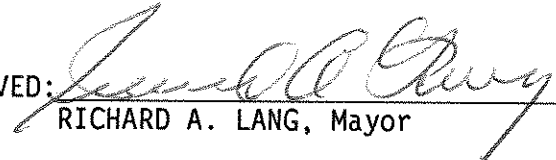
once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 1991, by Councilmember Dobbs, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Martin, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

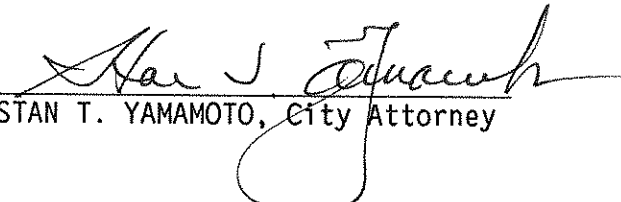
APPROVED: 
RICHARD A. LANG, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

Ord. No. 2778-C.S.

FINAL ADOPTION CLAUSE


The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 16th day of July, 1991, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore,
Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

APPROVED:


MAYOR RICHARD A. LANG

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: August 15, 1991

Check

ORDINANCE NO. 2779 -C.S.

AN ORDINANCE ADDING ARTICLE 16 TO CHAPTER 3 OF TITLE II OF THE MODESTO MUNICIPAL CODE TO ESTABLISH A PERSONNEL DEPARTMENT.

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

SECTION 1. AMENDMENT OF CODE. Article 16 is hereby added to Chapter 3 of Title II of the Modesto Municipal Code to read as follows:

ARTICLE 16. PERSONNEL DEPARTMENT

SEC. 2-3.1601. CREATION AND FUNCTIONS.

A Personnel Department is hereby established. The function of the Personnel Department shall include:

- (a) Attend all meetings of the Board of Personnel Appeals.
- (b) Prepare and recommend to the Director of Personnel the adoption, amendment or repeal of personnel rules and regulations.
- (c) Prepare and recommend to the Director of Personnel a position classification plan, including class specifications, and revisions of the plan.
- (d) Publish and post notices of tests for positions in the Classified Service, receive applications therefor, conduct and grade tests, and certify to the person having the power of appointment a list of all persons eligible for appointment to the appropriate position in the Classified Service.
- (e) Plan, direct and review the activities and operations of the Personnel Department including personnel, payroll, training and employee benefits, employee relations and risk management.
- (f) Perform such other duties as may be assigned or required by the City Manager.

SEC. 2-3.1602. ORGANIZATION AND DIRECTION.

There shall be a Personnel Director appointed by the City Manager and subject to the City Manager's general administrative direction. The Personnel Director, 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. 2-3.1603. ACTING DIRECTOR.

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

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 9th day of July, 1991, by Councilmember Dobbs, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Martin, was upon roll call carried and ordered printed and published by the following vote:

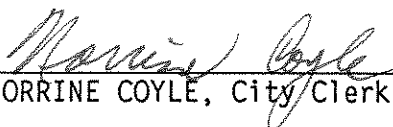
AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

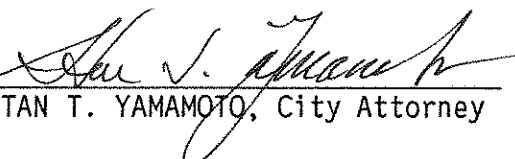
APPROVED: 
RICHARD A. LANG, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

Ord. No. 2779-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 16th day of July, 1991, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

APPROVED: 
MAYOR RICHARD A. LANG

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: August 15, 1991

ORDINANCE NO. 2779 -C.S.

AN ORDINANCE ADDING ARTICLE 16 TO CHAPTER 3 OF TITLE II OF THE MODESTO MUNICIPAL CODE TO ESTABLISH A PERSONNEL DEPARTMENT.

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

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ARTICLE 16. PERSONNEL DEPARTMENT

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- (a) Attend all meetings of the Board of Personnel Appeals.
- (b) Prepare and recommend to the Director of Personnel the adoption, amendment or repeal of personnel rules and regulations.
- (c) Prepare and recommend to the Director of Personnel a position classification plan, including class specifications, and revisions of the plan.
- (d) Publish and post notices of tests for positions in the Classified Service, receive applications therefor, conduct and grade tests, and certify to the person having the power of appointment a list of all persons eligible for appointment to the appropriate position in the Classified Service.
- (e) Plan, direct and review the activities and operations of the Personnel Department including personnel, payroll, affirmative action, training and employee benefits, employee relations and risk management.
- (f) Perform such other duties as may be assigned or required by the City Manager.

SEC. 2-3.1602. ORGANIZATION AND DIRECTION.

There shall be a Personnel Director appointed by the City Manager and subject to the City Manager's general administrative direction. The Personnel Director, 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. 2-3.1603. ACTING DIRECTOR.

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

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 9th day of July, 1991, by Councilmember Dobbs, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Martin, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

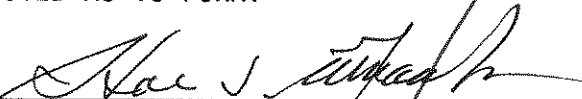
APPROVED: _____
RICHARD A. LANG, Mayor

ATTEST:

By _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

Cliff

ORDINANCE NO. 2780 -C.S.

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 2744-C.S. ENTITLED "AN ORDINANCE AMENDING SECTION MAP 28-3-9 OF THE ZONING MAP TO REZONE FROM MEDIUM HIGH DENSITY RESIDENTIAL ZONE, R-3, TO PLANNED DEVELOPMENT ZONE, P-D(480), PROPERTY LOCATED ON THE EAST CORNER OF 16TH AND G STREETS (GEORGE SIMVOULAKIS)".

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

SECTION 1. AMENDMENT OF ORDINANCE NO. 2744-C.S. Section 2 of

Ordinance No. 2744-C.S. is hereby amended to read as follows:

"SECTION 2. USES. The following uses shall be permitted in said P-D(480) Zone if the plan for construction conforms in principle to the approved plan, or if changes are approved by the Secretary of the Planning Commission as required by Section 10-2.1709(c) 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 10-2.1709(a) or (b) of the Modesto Municipal Code:

1. Credit union or other financial institution in addition to P-O Zone uses.
2. 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 6th day of August, 1991, by Councilmember Dobbs, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and ordered printed and published by the following vote:


AYES: Councilmembers: Bird, Dobbs, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Martin

APPROVED: 
RICHARD A. LANG, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

Ord. No. 2780-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 13th day of August, 1991, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

APPROVED: 
MAYOR RICHARD A. LANG

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: September 12, 1991

not adopted

ORDINANCE NO. 2781 -C.S.

AN ORDINANCE AMENDING SECTION 6-8.107 OF ARTICLE 1 OF CHAPTER 8 OF TITLE VI OF THE MODESTO MUNICIPAL CODE RELATING TO APPLICATION PERMIT FEES FOR PRIVATE PATROL SERVICE.

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

SECTION 1. AMENDMENT OF CODE. Section 6-8.107 of Article 1 of Chapter 8 of Title VI of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 6-8.107. APPLICATION FEE.

The application fee shall be paid at the time the application is filed with the Police Chief. Said application fee shall be in an amount as established from time to time by resolution of 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.

NOT ADOPTED

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 1991, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Martin, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED: _____
RICHARD A. LANG, Mayor

ATTEST:

By _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

ORDINANCE NO. 2782 -C.S.

AN ORDINANCE AMENDING SECTION 4-6.702 OF ARTICLE 7 OF CHAPTER 6 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO TAXICAB DRIVER'S PERMITS.

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

SECTION 1. AMENDMENT OF CODE. Section 4-6.702 of Article 7 of Chapter 6 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 4-6.702. APPLICATION BLANK.

Applicants for such permits shall file applications therefor with the Police Chief upon blanks to be furnished by the City. Applicants for driver's permits shall pay to the Finance Director a fee for each application. Said application fee shall be in an amount as established from time to time by resolution of the Council. A copy of the receipt for fees paid shall be filed with the Police Chief.

In the event a person who has obtained a permit to drive a taxicab pursuant to this article thereafter terminates his employment as a taxicab driver, no permit fee shall be required for such person to obtain a new taxicab driver's permit if the application for the new permit is made within one (1) year from the date of the termination of his immediate prior employment as a taxicab driver.

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 27th day of August, 1991, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Martin, was upon roll call carried and ordered printed and published by the following vote:

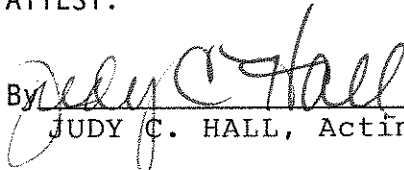
AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED:


RICHARD A. LANG, Mayor

ATTEST:

By


JUDY C. HALL, Acting City Clerk
(SEAL)

APPROVED AS TO FORM:

By


STAN T. YAMAMOTO, City Attorney

Ord. No. 2782-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 3rd day of September, 19 91, Councilmember Bird moved its final adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: 
MAYOR RICHARD A. LANG

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: October 2, 1991

ORDINANCE NO. 2783 -C.S.

AN ORDINANCE AMENDING SECTIONS 4-1.105 AND 4-1.106 OF ARTICLE 1 OF CHAPTER 1 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO THE REGULATION OF AMUSEMENTS AND AMUSEMENT DEVICES.

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

SECTION 1. AMENDMENT OF CODE. Sections 4-1.105 and 4-1.106 of Chapter 1 of Title IV of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 4-1.105. PERMIT TO OPERATE AMUSEMENT MACHINES REQUIRED.

It shall be unlawful for any person, either as principal, agent, servant or employee to operate machines of the kind specified in Section 4-1.103 hereof without having a Permit to Operate Amusement Machines as herein specified.

Applications for Permits to Operate Amusement Machines shall be in writing, signed by the applicant, giving his name, business address, business or occupation, age, and such other information as may be required by the Police Chief. They shall be filed with the Finance Director with the filing fee therefor. The Finance Director shall refer the application to the Police Chief for investigation and decision. If the Police Chief finds from an examination of the application and such further facts as may be officially brought to his attention that the application is in proper form, the applicant of good moral character, and that the business therein applied for may be carried on without danger to the public peace, health or safety, the Police Chief shall approve the application and issue the permit applied for; but if he finds that the applicant is not a person of good moral character or that the business cannot be carried on without danger to the public peace, health or safety, he may deny the application.

The filing fee for a Permit to Operate Amusement Machines shall be payable in advance. Said filing fee shall be in an amount as established from time to time by resolution of the Council.

A Permit to Operate Amusement Machines shall remain in effect so long as the person to whom the permit is issued remains continuously in the business of owning and operating amusement machines or until it is revoked as hereinafter provided.

SEC. 4-1.106. LOCATION PERMIT REQUIRED.

It shall be unlawful for any person, either as principal, agent, servant or employee, to install or use or allow to be installed or used machines of the kind specified in Section 4-1.103 hereof without having a Location Permit as herein specified.

Applications for Location Permits shall be in writing, signed by the applicant, giving his name, business address, business or occupation, the premises at which the amusement machines are proposed to be located, the name of the person managing the business at that location, if different from the applicant, and such other information as may be required by the Police Chief. They shall be filed with the Finance Director with the filing fee therefor. The Finance Director shall refer the application to the Police Chief for investigation and decision. If the Police Chief finds from an examination of the application and such further facts as may be officially brought to his attention that the application is in proper form, and that amusement machines may be installed and used at the premises therein applied for without danger to the public peace, health or safety, the Police Chief shall approve the application and issue the permit applied for; but if he finds that the amusement machines cannot be installed and used at the premises applied for without danger to the public peace, health or safety, he may deny the application.

The filing fee for a Location Permit shall be the sum for each location applied for, payable in advance as established from time to time by resolution of the Council. The Location Permit required by this section shall be posted and exhibited in some conspicuous part of the premises for which it is issued.

A Location Permit shall remain in effect so long as the person to whom the permit is issued remains continuously in business at the location for which the permit is issued or until it is revoked as hereinafter provided.

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 27th day of August, 1991, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Martin, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: 
RICHARD A. LANG, Mayor

ATTEST:

By 
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

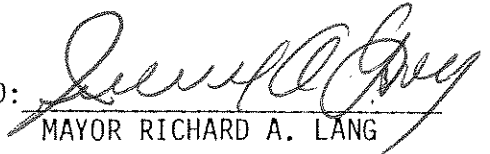
By 
STAN T. YAMAMOTO, City Attorney


Ord. No. 2783-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 3rd day of September, 19 91, Councilmember Bird moved its final adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED: 
MAYOR RICHARD A. LANG

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: October 2, 1991

ORDINANCE NO. 2784 -C.S.

AN ORDINANCE AMENDING SECTIONS 3-3-8 AND 10-3-8 OF THE ZONING MAP TO REZONE FROM PLANNED DEVELOPMENT ZONE, P-D(431), TO PLANNED DEVELOPMENT ZONE, P-D(485), PROPERTY LOCATED ON THE NORTHEAST SIDE OF SALIDA BOULEVARD, SOUTH OF PELANDALE AVENUE. (RAMAN PATEL)

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

SECTION 1. ZONING CHANGE. Sections 3-3-8 and 10-3-8 of the Zoning Map is hereby amended to reclassify the following described property from Planned Development Zone, P-D(431), to Planned Development Zone, P-D(485):

P-D(431) to P-D

All that certain real property situate in a portion of the Northeast one-quarter of the Northeast one-quarter of Section 10 and the Southeast one-quarter of the Southeast one-quarter of Section 3, both in 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:

Commencing at the Northeast corner of said Section 10; thence along the East line of said Section 10, South 0°13'29" East 477.34 feet to the West right-of-way line of State Highway 99; thence northwesterly along said West line 293.58 feet to the True Point of Beginning; thence continuing along said West line, North 27°27'31" West, 539.71 feet more or less; thence leaving said west line and at right angles, Southwesterly 50.00 feet; thence at right angles Northwesterly 50.00 feet; thence at right angles Northeasterly 50.00 feet to the aforementioned west line; thence continuing along the west right-of-way line of said State Highway 99, North 27°27'31" West, 40.00 feet; thence continuing along said west line, North 43°07'15", West 350.29 feet; thence continuing along said west line, North 56°57'22" West, 448.08 feet; thence continuing along said west line on a tangent curve concave to the Northeast, moving a radius of 860.00 feet, 60.00 feet to the intersection with the West right-of-way line of Salida Boulevard; thence along said East line, Southeasterly, 506.07 feet; thence continuing along said East line Southeasterly 950.00 feet to the Point of Beginning.

SECTION 2. USES. The following uses shall be permitted in said P-D(485) Zone if the plan for construction conforms in principle to the approved plan, or if changes are approved by the Secretary of the Planning

Commission as required by Section 10-2.1709(c) 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 10-2.1709(a) or (b) of the Modesto Municipal Code:

1. Motel, restaurant, convenience market, other C-3 zone uses.
2. Off-street parking as shown on the approved plan.

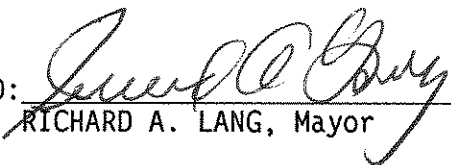
SECTION 3. ZONING MAP. Sections 3-3-8 and 10-3-8 of the Zoning Map of the City of Modesto are amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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.

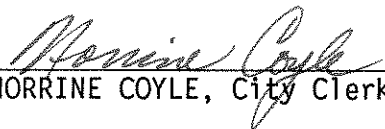
SECTION 5. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth 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 3rd day of September, 1991, 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: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED: 
RICHARD A. LANG, Mayor

ATTEST:

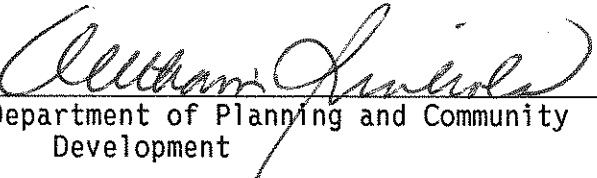
By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By 
Department of Planning and Community Development

Ord. No. 2784-C.S.

FINAL ADOPTION CLAUSE

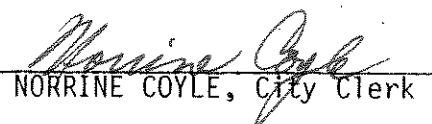
The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 10th day of September, 19 91, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: 
RICHARD A. LANG, Mayor

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: October 10, 1991

ORDINANCE NO. 2785 -C.S.

AN ORDINANCE AMENDING SECTION MAP 24-3-9 OF THE ZONING MAP TO REZONE FROM MEDIUM DENSITY RESIDENTIAL ZONE, R-2, TO PLANNED DEVELOPMENT ZONE, P-D(486), PROPERTY LOCATED ON THE NORTH SIDE OF EAST ORANGEBURG AVENUE AND WEST OF CLAUS ROAD (P & R ENTERPRISES).

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

SECTION 1. ZONING CHANGE. Section 24-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Medium Density Residential Zone, R-2, to Planned Development Zone, P-D(486):

R-2 to P-D(486)

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 an Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

Being all of Orangeburg Terrace as shown on the map filed in Volume 34 of Maps, at Page 52, recorded on November 8, 1989, Stanislaus County Records.

Including also the northern 30.00 feet of 60.00 foot wide East Orangeburg Avenue located immediately adjacent to the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(486) Zone if the plan for construction conforms in principle to the approved plan, or if changes are approved by the Secretary of the Planning Commission as required by Section 10-2.1709(c) 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 10-2.1709(a) or (b) of the Modesto Municipal Code:

- 1. Senior citizen housing units.

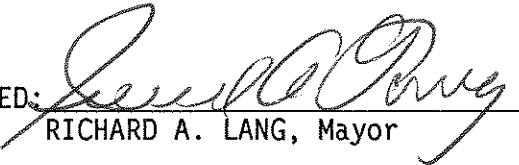
SECTION 3. ZONING MAP. Section Map 24-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

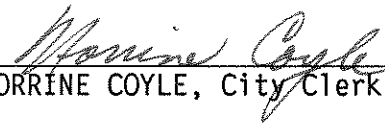
SECTION 5. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth 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 September, 1991, by Councilmember Dobbs, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None


APPROVED: 
RICHARD A. LANG, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By 
Department of Planning and
Community Development

Ord. No. 2785-C.S.

FINAL ADOPTION CLAUSE

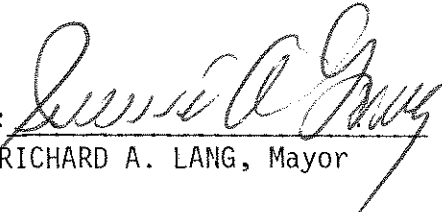
The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 10th day of September, 1991, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:


RICHARD A. LANG, Mayor

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: October 10, 1991

ORDINANCE NO. 2786-C.S.

AN ORDINANCE AMENDING SECTION MAP 27-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (NORMON OHLSON)

WHEREAS, a verified application for an amendment to Section 27-3-9 of the Zoning Map was filed by Normon Ohlson on June 10, 1991, to reclassify from Low Density Residential Zone, R-1, to Medium High Density Residential Zone, R-3, property located at the northwest corner of Brighton Avenue and Scenic Drive, and

WHEREAS, after public hearing held on August 5, 1991, 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. 91-47, adopted on August 5, 1991, the Planning Commission recommended to the Council that the application of Normon Ohlson to amend Section 27-3-9 of the Zoning Map to reclassify the hereinafter described property from Low Density Residential Zone, R-1, to Medium High Density Residential Zone, R-3, be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing held on September 10, 1991, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, this Council finds and determines that the requested rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource for the following reasons:

1. The proposed rezoning adds to the diversity of housing needs of the community.
2. The proposed rezoning implements the Neighborhood Zoning and Development Plan for the Sunnyside/Brighton area originally adopted in mid-1980.
3. The proposed rezoning reflects the established density patterns in terms of the bus system as well as the street and highway system as outlined in the General Plan.

SECTION 2. ZONING CHANGE. Section 27-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Low Density Residential Zone, R-1, to Medium High Density Residential Zone, R-3:

R-1 to R-3

All that certain real property situate in a portion of the Northwest quarter of Section 27 Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

All that portion of Lot 35 of SUNNYSIDE ACRES, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on May 24, 1911 in Volume 5 of Maps, at page 45, bounded and particularly described as follows:

COMMENCING at the Northeasterly corner of said Lot 35; said Northeasterly corner being in the center of said County Road; thence South along center of said County Road a distance of 90 feet to a point; thence West 20 feet to the South east corner of tract conveyed to Edwin E. Goodwin and Wife, by Deed recorded November 17, 1937 as Instrument No. 15108, Stanislaus County Records, and point of commencement of this description; an being on West line of said County Road; thence West along the South line of land so conveyed to Goodwin a distance of 90 feet to a point; thence South parallel with West line of said County Road and 90 feet Westerly therefrom a distance of 105 feet, more or less, to the North line of County Road, known as Scenic Drive; thence Easterly along the North line of said Scenic Drive a distance of 90 feet, more or less, to West line of County Road first above mentioned; thence North along the West line of said first above mentioned County Road a distance of 103.4 feet more or less, to point of commencement.

INCLUDING the north 25.00 feet of the original 50.00 feet wide Scenic Drive and the west 20.00 feet of original 40.00 foot wide Brighton Avenue immediately adjacent to the above described property.

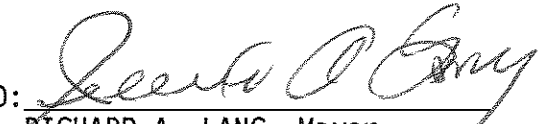
SECTION 3. ZONING MAP. Section 27-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. 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 10th day of September, 1991, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Martin, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED: 
RICHARD A. LANG, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By 
Department of Planning and Community Development

Ord. No. 2786-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 17th day of September, 1991, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:


RICHARD A. LANG, MAYOR

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: October 17, 1991

ORDINANCE NO. 2787 -C.S.

AN ORDINANCE AMENDING SECTION MAP 14-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (ROD KELLY)

WHEREAS, a verified application for an amendment to Section 14-3-9 of the Zoning Map was filed by Rod Kelly on June 3, 1991, to reclassify from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, property located at the Northwest corner of Merle Avenue and Roselle Avenue hereinafter described, and

WHEREAS, after a public hearing held on August 5, 1991, 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. 91-45, adopted on August 5, 1991, the Planning Commission recommended to the Council that the application of Rod Kelly to amend Section 14-3-9 of the Zoning Map to reclassify the hereinafter described property from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing held on September 10, 1991, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, this Council finds and determines that the requested rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource for the following reasons:

1. The proposed R-2 zoning does not exceed the maximum density for multiple family development as called for in the Orchard

Neighborhood Zoning and Development Policy.

2. The proposed R-2 zoning conforms to the General Plan as adding to the diversity of housing types to the neighborhood.
3. The plot plan approval accompanying this proposed rezone will assure compatibility with adjoining neighbors and will facilitate proper traffic movement at this major/collector street intersection.

SECTION 2. ZONING CHANGE. Section 14-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2:

R-1 to R-2

All that real property situate in the Northeast quarter of the Southeast quarter of Section 14, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, describe as follows:

All of Lot 21 of Block 11151 of New England Square, according to the official map thereof, filed in the office of the Recorder of Stanislaus County, California on December 23, 1987, in Volume 32 of Maps, Page 49.

Including also the north 35.00 feet of that 70.00 foot wide portion of Merle Avenue and all of 100.00 foot wide Roselle Avenue located immediately adjacent to th above described property.

SECTION 3. ZONING MAP. Section 14-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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.

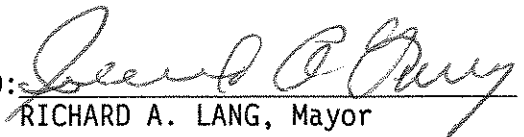
SECTION 5. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth 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 10th day of September, 1991, by Councilmember Bird, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Martin, was upon roll call carried and ordered printed and published by the following vote:

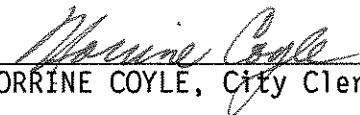
AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: 
RICHARD A. LANG, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By 
Department of Planning and
Community Development

Ord. No. 2787-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 17th day of September, 1991, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: 
RICHARD A. LANG, MAYOR

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: October 17, 1991

ORDINANCE NO. 2788 -C.S.

AN ORDINANCE ADDING ARTICLE 19 TO CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE TO CREATE RESIDENTIAL PERMIT PARKING ZONES AND ESTABLISH REGULATIONS THEREFORE.

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

SECTION 1. AMENDMENT OF CODE. Article 19 is hereby added to Chapter 2 of Title III of the Modesto Municipal Code to read as follows:

ARTICLE 19
RESIDENTIAL PARKING PERMIT ZONES

SEC. 3-2.1900. ESTABLISHMENT.

Upon the filing with the City Clerk of a verified petition containing the valid signatures of at least 67% of the residents and owners of real property in a specific residential area, Council shall conduct a public hearing to consider whether that residential area should be designated as a residential parking permit zone. Upon a finding by Council that the area proposed for designation has unique residential parking problems, due to the nature, location, frequency or duration of activities or events causing such problems, that outweigh the needs of the general public for access to the area and its facilities, the Council may by resolution establish a residential parking permit zone for said residential area in accordance with the provisions of this Article. Such resolution shall state the findings of necessity for the zone designation, the boundaries of the residential parking permit zone, the applicable time limitations, the day or days of restriction, and such other conditions as Council deems necessary and in the public interest. Persons occupying residences with frontage on streets within a residential parking permit zone shall be exempt from the general restrictions of parking. Such exemptions shall be evidenced by a valid parking sticker affixed to the left front window of the parked vehicle.

Council shall not consider permit zone establishment for a particular residential area more frequently than once each year.

SEC. 3-2.1901. DEFINITIONS OF WORDS AND PHRASES.

- (a) The words and phrases used in this Article shall have the meanings respectively ascribed to them in this section.
- (b) Whenever any words or phrases used in this Article are not defined in this section, but are now or hereafter defined in the Vehicle Code of the State of California, such definitions are

incorporated herein and shall be deemed to apply to such words and phrases used in this Article as though set forth in full.

SEC. 3-2.1902. VEHICLE.

"Vehicle" means an automobile, truck, motorcycle, or other motor-driven form of transportation.

SEC. 3-2.1903. OWNER

"Owner" means a natural person over the age of 16 years who has at least a one-quarter ownership interest in a parcel of real property within a Residential Permit Parking Zone designated pursuant to this Article.

SEC. 3-2.1904. RESIDENT.

"Resident" means a person over the age of 16 years who lives in a Residential Permit Parking Zone as his or her permanent place of residence, either as a tenant or owner.

SEC. 3-2.1905 RESIDENTIAL AREA.

"Residential Area" means a contiguous or substantially contiguous area, containing public streets or highways or parts thereof, in which residents dwell and which have been zoned by the City of Modesto as R-1, R-2, or R-3.

SEC. 3-2.1906. RESIDENT PARKING PERMIT.

"Resident Parking Permit" means a permit issued pursuant to this Article.

SEC. 3-2.1907. RESIDENTIAL PERMIT PARKING ZONE.

"Residential Permit Parking Zone" means a residential zone as designated in this Article in which vehicles displaying a valid permit issued pursuant to this chapter shall be exempt from the parking restrictions herein established.

SEC. 3-2.1908. POSTING OF RESIDENTIAL PERMIT PARKING ZONE.

Upon the adoption of a resolution by the Council designating a residential permit parking zone and appropriate parking time restrictions, the City Manager shall order appropriate signs to be erected in such area indicating prominently thereon the time limitation in days and hours during which parking shall be restricted.

SEC. 3-2.1909. VIOLATIONS

- (a) It is unlawful and a violation of this Section, unless expressly provided to the contrary herein, for any person to park a vehicle on a street in a Residential Permit Parking Zone within the parking time limit posted by signs giving notice thereof and erected pursuant to this Article, without a valid resident parking permit for that zone properly affixed to such vehicle. The fine for each such violation is \$30.00.
- (b) It is unlawful and a violation of this Section for a person falsely to represent himself or herself as eligible for a resident parking permit or a guest permit or to furnish false information in an application for any such permits.
- (c) It is unlawful and a violation of this Section for any person to use or display, or permit the use or display of, a resident parking permit or a guest permit or a sticker pertaining thereto on a vehicle other than that vehicle for which such permit or sticker was issued.
- (d) It is unlawful and a violation of this Section for any person to sell, transfer, or convey, or to offer to sell, transfer, or convey, any parking permit or placard issued pursuant to this article, whether for money or other consideration or without money or consideration.

SEC. 3-2.1910. EXEMPTIONS

- (a) Any vehicle on which is properly affixed or displayed a valid resident parking permit, temporary permit, or sticker pertaining thereto, as provided for herein, may be parked on a street in the residential permit parking zone pertaining thereto without limitation of the time restrictions established by the Council under Section 3-2.1900. Such parking permit shall not guarantee or reserve the holder thereof an on-street parking space on a street in such residential permit parking zone or exempt the vehicle from any other applicable restrictions, ordinances, or State or local laws.
- (b) This Article does not apply to ambulances, fire department vehicles, police vehicles, public utility vehicles, or other official or emergency vehicles during conduct of official business if such vehicles are identified as such by an official seal or logo.
- (c) Clearly marked vehicles with commercial license plates parked for the purpose of and actively engaged in loading or delivery of goods, wares, or merchandise from or to any building or structure in a Residential Permit Parking Zone or delivering

materials to be used in the repair, alteration, remodeling, construction, or reconstruction of any such building or structure for which a building permit has previously been obtained, or vehicles used for commercial residential maintenance, including but not limited to landscapers and repairers doing work for residents in the zone, shall be exempt from the time restrictions established by Council under Section 3-2.1900.

- (d) Any vehicle which is identified by a disabled or handicapped driver placard meeting the requirements of Vehicle Code Section 22511.5 and which is displaying a valid handicapped license plate shall be exempt from the time restrictions established by Council under Section 3-2.1900.

SEC. 3-2.1911. DURATION AND ISSUANCE OF PERMITS.

There shall be no limit to the number of annual permits issued to any residential address within a Residential Permit Parking Zone, provided that the resident can prove ownership or control of each of the vehicles for which an annual permit is issued. A separate application shall be filed for each motor vehicle. Each Residential Parking Permit issued by the Director shall be valid for a maximum of one year unless otherwise stated on the permit. The City Manager shall cause to be prepared and issued, effective on January 1st of each year, a distinctively colored sticker for issuance to permittees of Residential Parking Zones, which sticker shall be affixed to the motor vehicle as required herein.

SEC. 3-2.1912. DISPLAY OF PERMITS.

Residential Parking Permits shall be affixed to a motor vehicle at the lower left corner of the windshield. Guest permits shall be placed inside the vehicle and attached to the rear view mirror so as to be visible through the windshield.

SEC. 3-2.1913. FEES FOR ISSUANCE.

The Council may establish, by resolution, fees for the issuance of Residential Parking Permits and Guest Permits, and for the replacement of lost, damaged, or destroyed permits or decals. There shall be no refund for or setoff of any unused portion of any decal or permit.

SEC. 3-2.1914. TERMINATION OF PERMITS.

Permits shall terminate upon any of the following events:

- (a) The transfer or sale of the vehicle for which a permit has been issued.

- (b) The relocation of the permittee from his or her residence within a Residential Parking Area to another residence, whether within or outside said Zone.
- (c) Upon expiration of the time period for which a permit has been issued.

SEC. 3-2.1915. REGULATIONS.

Issuance of resident parking permits shall be administered in accordance with regulations promulgated from time to time by the City Manager.

SEC. 3-2.1916. RECONSIDERATION OR DISESTABLISHMENT.

Upon the filing with the City Clerk of a verified petition containing the valid signatures of at least 51% of the residents and owners of real property in a specific residential area or upon the written request of the chief executive officer of a major employer, agency, or institution adjacent to the residential permit parking zone, Council shall conduct a public hearing to consider whether that area should totally or partially cease to be designated as a residential parking permit zone. Upon a finding by Council that a majority of the residents no longer wish to participate in the permit parking zone or desire revision of its conditions or that a major employer or institution adjacent to a permit parking zone suffers significant detrimental impacts resulting from the permit parking zone which outweigh residents' interests, Council may by resolution terminate or disestablish the permit parking zone. Such resolution shall state the effective date of termination of the permit parking zone or of partial termination or of the revised conditions. Not more than one reconsideration or disestablishment hearing per zone shall be held annually unless five members of the Council vote to reconsider a particular matter at a lesser interval.

SEC. 3-2.1917. TERMINATION

At any time the Council may by resolution terminate one or more of the residential parking permit zones then in existence.

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 17th day of September, 1991, by Councilmember Bird, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Martin, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore,
Mayor Lang

NOES: Councilmembers: Patterson

ABSENT: Councilmembers: None

APPROVED: 
RICHARD A. LANG, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

Ord. No. 2788-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 24th day of September, 1991, Councilmember Irizarry moved its final adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Mayor Lang

NOES: Councilmembers: Patterson

ABSENT: Councilmembers: None

APPROVED: 
RICHARD A. LANG, MAYOR

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: October 24, 1991

Clerk

ORDINANCE NO. 2789 -C.S.

AN ORDINANCE AMENDING SECTION 3-1.201 OF ARTICLE 2 OF CHAPTER 1 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO HAZARDOUS MATERIALS.

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

SECTION 1. AMENDMENT OF CODE. Section 3-1.201 of Article 2 of Chapter 1 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-1.201. DEPOSITS OF HAZARDOUS MATERIALS; CLEANUP OR ABATEMENT; LIABILITY FOR COSTS.

- (a) The Police, Public Works and Transportation, and Fire Departments are authorized to clean up or abate the effects of any hazardous material deposited upon or into property or facilities of the City; and any person or persons who intentionally or negligently caused such deposit shall be liable for the payment of all costs incurred by these departments as a result of such cleanup or abatement activity. The remedy provided by this section shall be in addition to any other remedies provided by law.
- (b) For purposes of this section, "hazardous materials" shall be defined as any substances or materials in a quantity or form which, in the determination of the Police or Fire Chief or an authorized representative, poses an unreasonable and imminent risk to the life, health or safety of persons or property or to the ecological balance of the environment, and shall include, but not be limited to, such substances as explosives, radioactive materials, petroleum or petroleum products or gases, poisons, etiologic (biologic) agents, flammables and corrosives.
- (c) For purposes of this section, costs incurred by the Police and Fire Departments shall include, but shall not necessarily be limited to, the following: Actual labor costs of City personnel, including worker's compensation benefits, fringe benefits, administrative overhead; cost of equipment operation; cost of materials obtained directly by the City; and cost of any contract labor and materials.
- (d) The authority to recover costs under this section shall not include actual fire suppression services which are normally or usually provided by the Fire Department.

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.

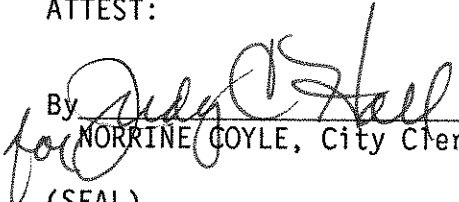
SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth 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 1st day of October, 1991, by Councilmember Bird, 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: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED: 
RICHARD A. LANG, Mayor

ATTEST:

By 
for NORRINE COYLE, City Clerk
(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

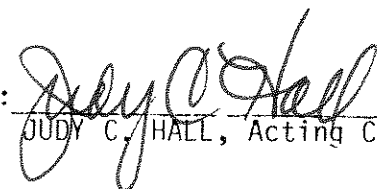
Ord. No. 2789-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 8th day of October, 19 91, Councilmember Bird 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: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED: 
MAYOR, RICHARD A. LANG

ATTEST: 
JUDY C. HALL, Acting City Clerk

EFFECTIVE DATE: November 7, 1991

ORDINANCE NO. 2790 -C.S.

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

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

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

SECTION 2. The City Manager or his authorized designee of the City of Modesto is hereby authorized, empowered, and directed to execute said amendment for and on behalf of said City of Modesto.

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 1st day of October, 1991, by Councilmember Bird, 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: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

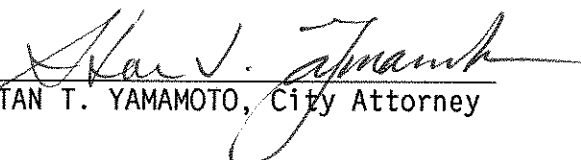
APPROVED: 
RICHARD A. LANG, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

COPY

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

PLEASE DO NOT SIGN "EXHIBIT ONLY"

The Board of Administration, Public Employees' Retirement System, hereinafter referred to as Board, and the governing body of above public agency, hereinafter referred to as Public Agency, having entered into a contract effective August 1, 1946, and witnessed July 27, 1946, and as amended effective December 1, 1950, July 1, 1956, July 1, 1959, November 1, 1959, January 1, 1960, October 1, 1962, January 1, 1969, May 1, 1973, May 1, 1974, June 24, 1975, March 28, 1978, July 4, 1978, November 1, 1980, October 20, 1981, June 29, 1982, October 15, 1985, June 24, 1986 and April 14, 1987, which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

- A. Paragraphs 1 through 12 are hereby stricken from said contract as executed effective April 14, 1987, and hereby replaced by the following paragraphs numbered 1 through 13 inclusive:
1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 60 for local miscellaneous members and age 50 for local safety members.
 2. Public Agency shall participate in the Public Employees' Retirement System from and after August 1, 1946 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.
 3. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:
 - a. Local Fire Fighters (herein referred to as local safety members);
 - b. Local Police Officers (herein referred to as local safety members);
 - c. Employees other than local safety members (herein referred to as local miscellaneous members).

EXHIBIT

PLEASE DO NOT SIGN "EXHIBIT ONLY"

4. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:
 - a. **POLICE COURT EMPLOYEES; AND**
 - b. **ALL HOURLY RATED OR HOURLY BASIS EMPLOYEES HIRED ON AND AFTER OCTOBER 1, 1962.**
5. Assets heretofore accumulated with respect to members in the local retirement system have been transferred to the Public Employees' Retirement System and applied against the liability for prior service incurred thereunder. That portion of the assets so transferred which represent the accumulated contributions (plus interest thereof) required of the employees under said local system has been credited to the individual membership account of each such employee under the Public Employees' Retirement System.
6. The percentage of final compensation to be provided for local miscellaneous members for each year of credited prior and current service shall be determined in accordance with Section 21251.13 of said Retirement Law, subject to the reduction provided therein for service on and after January 1, 1956, the effective date of Social Security coverage, and prior to June 30, 1978, termination of Social Security, for members whose service has been included in Federal Social Security (2% at 60 Full and Modified).
7. The percentage of final compensation to be provided for each year of credited prior and current service as a local safety member shall be determined in accordance with Section 21252.01 of said Retirement Law (2% at age 50 Full).
8. Public Agency elected to be subject to the following optional provisions:
 - a. Section 21222.1 (Special 5% Increase - 1970). Legislation repealed said Section effective January 1, 1980.
 - b. Section 21222.2 (Special 5% Increase - 1971). Legislation repealed said Section effective January 1, 1980.
 - c. Section 21222.6 (Special 15% Increase for Local Miscellaneous Members).
 - d. Sections 21380-21387 (1959 Survivor Benefits) excluding Section 21382.2 (Increased 1959 Survivor Benefits) and Section 21382.4 (Third Level of 1959 Survivor Benefits) for local safety members.
 - e. Sections 21380-21387 (1959 Survivor Benefits) including Section 21382.2 (Increased 1959 Survivor Benefits) for local miscellaneous members.
 - f. Section 20024.2 (One-Year Final Compensation).
 - g. Section 21298 (Improved Non-Industrial Disability Allowance) for local miscellaneous members only.

PLEASE DO NOT SIGN "EXHIBIT ONLY"

- h. Sections 21263, 21263.1 and 21263.3 (Post-Retirement Survivor Allowance) for local safety members; and those local miscellaneous members who entered into membership prior to October 20, 1981.
 - i. Section 21222.85 (Special 3% - 15% Increase) for or on behalf of those local miscellaneous members and local safety members who retired or died prior to January 1, 1974.
 - j. Section 20461.6 (Different Level of Benefits), applicable to Sections 21263, 21263.1 and 21263.3 (Post-Retirement Survivor Allowance) for local miscellaneous members entering membership on or after October 20, 1981.
 - k. Section 21222.72 (Special 4% Increase) for or on behalf of those local miscellaneous members and local safety members who retired or died prior to January 1, 1981.
 - l. Section 21222.4 (Special 15% Increase for Local Safety Members).
9. Public Agency, in accordance with Government Code Section 20740, ceased to be an "employer" for purposes of Section 20759 effective on March 28, 1978. Accumulated contributions of Public Agency shall be fixed and determined as provided in Government Code Section 20759, and accumulated contributions thereafter shall be held by the Board as provided in Government Code Section 20759.
10. Public Agency shall contribute to said Retirement System the contributions determined by actuarial valuations of prior and future service liability with respect to local miscellaneous members and local safety members of said Retirement System.
11. Public Agency shall also contribute to said Retirement System as follows:
- a. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.
 - b. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.
12. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.

13. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within fifteen days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

B. This amendment shall be effective on the _____ day of _____, 19____

BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL
OF THE
CITY OF MODESTO

BY _____
CHIEF, CONTRACT SERVICES DIVISION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY _____
Presiding Officer

Witness Date

Attest:

Clerk

PERS-CON-702 (AMENDMENT)
(Rev. 3/91)

Ord. No. 2790-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 22nd day of October, 19 91, Councilmember Martin moved its final adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

APPROVED:


MAYOR RICHARD A. LANG

ATTEST:


JUDY C. HALL, Acting City Clerk

EFFECTIVE DATE: November 21, 1991

ORDINANCE NO. 2791 -C.S.

AN ORDINANCE REPEALING SECTIONS 6-8.104, 6-8.105, 6-8.106, 6-8.107, 6-8.108, 6-8.109, AND 6-8.110 OF ARTICLE 1 OF CHAPTER 8 OF TITLE VI OF THE MODESTO MUNICIPAL CODE RELATING TO PRIVATE PATROL SERVICE.

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

SECTION 1. REPEALS. Sections 6-8.104, 6-8.105, 6-8.106, 6-8.107, 6-8.108, 6-8.109, and 6-8.110 of Article 1 of Chapter 8 of Title VI of the Modesto Municipal Code are hereby repealed.

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


SECTION 3. PUBLICATION. 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 October, 1991, by Councilmember Bird, 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: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

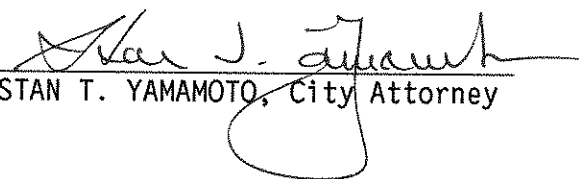
APPROVED: 
RICHARD A. LANG, Mayor

ATTEST:

By 
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

Ord. No. 2791-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 22nd day of October, 19 91, Councilmember Martin moved its final adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Muratore, Patterson, Mayor Lang


NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

APPROVED:


Mayor Richard A. Lang

ATTEST:


JUDY C. HALL, Acting City Clerk

EFFECTIVE DATE: November 21, 1991

Clark
11/11

ORDINANCE NO. 2792-C.S.

AN ORDINANCE ADDING ARTICLES 4, 5, AND 6 TO CHAPTER 12 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO DEFACEMENT OF PROPERTY AND GRAFFITI REMOVAL PROGRAMS.

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

SECTION 1. AMENDMENT OF CODE. Articles 4, 5, and 6 are hereby added to Chapter 12 of Title IV of the Modesto Municipal Code to read as follows:

ARTICLE 4. DEFACEMENT OF PROPERTY

SEC. 4-12.400. PURPOSE.

The purpose of this legislation is to provide programs for removal of graffiti from public and private property within the City and to establish regulations designed to prevent and control the spread of graffiti in Modesto.

The City Council finds and determines that the increase of graffiti on both public and private buildings, structures, and in other places, creates a condition of blight within the City which can result in the deterioration of property values, business opportunities, and enjoyment of life for persons using adjacent and surrounding properties. The Council further finds and determines that graffiti is inconsistent with the City's property maintenance goals, crime prevention programs, and aesthetic standards, and, unless graffiti is quickly removed from public and private properties, other properties soon become the targets of graffiti.

SEC. 4-12.401. DEFINITIONS.

As used in this Article:

- (a) "Defacement" means the intentional and unauthorized altering of the physical appearance or shape of any real or personal property within the City limits.
- (b) "Graffiti" means the act, or the condition caused thereby, of producing crude drawings, inscriptions, scratching, scrawling, painting, spraying, or otherwise defacing, marking, damaging, or destroying real or personal property through the use of graffiti materials as defined in this Article, placed where such defacement can be seen by the public.

(c) "Graffiti materials" include paint, aerosol or pressurized containers of paint, indelible markers, pens, pencils, chalk, ink, dye, charcoal, or any other substance capable of altering the physical appearance of public or private property.

SEC. 4-12.402. GRAFFITI DECLARED A PUBLIC NUISANCE.

The City Council hereby declares that graffiti is a public nuisance and is subject to punishment and abatement as prescribed in this Code.

SEC. 4-12.403. APPLICATION OF GRAFFITI PROHIBITED.

It is unlawful for any person to apply graffiti or similar markings upon any surface of real or personal property, whether publicly or privately owned.

SEC. 4-12.404. ASSISTING IN OR ENCOURAGING VIOLATIONS.

It is unlawful for any person to assist, aid, abet, allow, permit, or encourage another to violate the provisions of this ordinance, by words, overt act, failure to act, or by lack of supervision and control.

SEC. 4-12.405. REMOVAL OF GRAFFITI.

It is unlawful for any person applying graffiti within the City to fail to remove the same within one (1) week after notice by the City or by the owner of the public or private property involved. As provided by California Civil Code Section 1714.1, where graffiti is applied by juveniles, the parent or parents of said juvenile shall be responsible for such removal or for the payment of restitution therefor.

SEC. 4-12.406. PROPERTY OWNER'S DUTY TO ABATE GRAFFITI.

It shall be unlawful for the owner of any property within the City to permit graffiti to remain upon his or her real or personal property for a period exceeding fifteen (15) days.

SEC. 4-12.407. PROHIBITION OF GRAFFITI MATERIALS AT PUBLIC RECREATIONAL FACILITIES.

No person shall have in his or her possession any graffiti materials while in any public park, playground, swimming pool, golf course, stadium, recreation center, ball field, model plane field, recreational facility, or any other area owned or operated by the City of Modesto which is intended for active or passive recreational purposes. This section shall not apply to authorized employees of the City or of any party under contract with the City.

SEC. 4-12.408. SUMMARY ABATEMENT.

The City shall have the right but not the duty to obscure or remove, at its sole expense, any graffiti upon the exterior of walls or fences upon the perimeters of private property within the City. The City Manager shall direct such abatement when he or she finds that the graffiti is plainly visible to the public and is detrimental to the health or welfare of City residents; and, in the case of publicly owned property, after securing the consent of and appropriate release by the public entity having jurisdiction over the property. In the case of privately owned property, the City shall attempt to provide three (3) days' notice of the planned abatement activities, but failure so to do or nonreceipt of any notice shall not invalidate the City's powers hereunder. The provisions of this section authorize the removal of graffiti only upon the exterior of walls or fences upon the perimeter of private property. The scope of removal is limited to such areas as are determined appropriate by the City and not the repair or masking of a more extensive area.

SEC. 4-12.409. REWARD.

The City hereby offers a reward of One Hundred Dollars (\$100.00) or such other sum as Council may direct for information leading to the arrest and conviction of any person injuring, defacing, or destroying property by the application of graffiti.

SEC. 4-12.410. RESTITUTION.

In addition to any other penalties and as restitution for a violation of any section of this article, a violator may be required to pay for the costs of repairing any damages to property caused by that violator's unlawful conduct. When the violator is a person under eighteen (18) years of age, any parent, guardian, or other person having legal custody of the violator and who fails or neglects to exercise reasonable supervision and control of the conduct of the violator shall be liable in a civil action for damages caused by the violator.

SEC. 4-12.411. CUMULATIVE REMEDIES.

The procedures set forth in this Chapter are not exclusive and nothing contained herein shall be deemed to preclude the City Attorney from initiation of any civil or criminal action or from the pursuit of any available remedy.

SEC. 4-12.412. SEVERABILITY.

If any section, paragraph, or provision of this ordinance is declared unconstitutional by a court of competent jurisdiction, such

determination shall not affect the remainder of the ordinance, it being the intention of Council that the unconstitutional section, paragraph, or provision be severable from the remainder of the ordinance.

ARTICLE 5. GRAFFITI REMOVAL PROGRAM

SEC. 4-12.500. APPROPRIATION OF FUNDS.

The City may appropriate money from the General Fund to assist property owners to remove or mask graffiti or other inscribed material upon private property located within the City, including, but not limited to, buildings, walls, and fences.

SEC. 4-12.501. AUTHORIZATION TO REMOVE ONLY GRAFFITI.

The provisions of this article authorize assistance for the removal or masking of graffiti or other inscribed material only as determined appropriate by the City, and not the repair or masking of a more extensive area.

SEC. 4-12.502. FINDINGS AND CONSENT.

Such removal or masking may be performed by the property owner or property owner's agent using General Fund monies only after a finding by the City Manager that the graffiti or other inscribed material is plainly visible to the public and detrimental to the health or welfare of City residents.

ARTICLE 6. ADMINISTRATIVE ABATEMENT

SEC. 4-12.600. DECLARATION OF NUISANCE AFTER DUE PROCESS.

Whenever a City code enforcement staff person has determined that a violation of a section of this Code exists within the City and the property owner or other legally responsible party has failed, neglected, or refused to comply with City's requests to bring the property promptly into compliance with the law, the City Manager, after according the owner and any other responsible parties notice, opportunity to be heard, and opportunity to cross-examine witnesses regarding the matter, may declare, pursuant to competent testimony under oath, that said condition is a public nuisance and order its abatement.

4-12.601. INSPECTION WARRANT.

Prior to entry upon private property to verify the existence of a violation of this Code, an appropriate warrant authorizing the contemplated search or other necessary actions shall be first obtained from a court of competent jurisdiction.

SEC. 4-12.602. ABATEMENT AT OWNER'S EXPENSE.

After determination that a violation of this Code constitutes a public nuisance, the City may remove or abate such nuisance upon private property or may engage a private party so to do. The costs of such abatement, including incidental expenses, shall, if unpaid within 30 days after invoice, become a personal debt of the property owner or owners and a lien upon the subject property for collection at the same time and in the same manner as ad valorem taxes are collected. No abatement shall occur under this Section unless preceded by issuance of judicial warrants authorizing entry, search, seizure, and abatement, or, in the alternative, written consent and release of liability by the property owner or other responsible parties. "Incidental expenses" include, but are not limited to, personnel costs, both direct and indirect; costs incurred in documenting the nuisance; the actual expenses and costs of the City in the preparation and mailing of notices, specifications, and contracts, in inspecting the site, and in obtaining necessary warrants so to do.

SEC. 4-12.603. CONDUCT OF ADMINISTRATIVE HEARINGS.

Administrative hearings required by this Code shall be conducted in accordance with regulations promulgated from time to time by the City Attorney. The hearing officer shall have the power to compel the attendance of witnesses in the matter at issue, to compel production of relevant evidence, and to continue the hearing from time to time.

SEC. 4-12.604. DEMOLITION.

No property shall be found to be a public nuisance and ordered demolished unless it is found that there is no reasonable way other than demolition to correct such nuisance. A copy of the order requiring abatement by demolition shall be recorded with the Stanislaus County Recorder.

SEC. 4-12.605. ABATEMENT BY OWNER; NONINTERFERENCE BY OWNER OR OCCUPANT.

Before the arrival of the persons authorized to abate the nuisance, any property owner may abate the nuisance at his or her own expense. No owner or occupant of the property shall obstruct any abatement activity by any authorized person after abatement activities have commenced.

SEC. 4-12.606. SPECIAL ASSESSMENT; COLLECTION.

The cost of nuisance abatement upon each parcel of land constitutes a special assessment against that parcel upon filing of said

SEC. 4-12.602. ABATEMENT AT OWNER'S EXPENSE.

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SEC. 4-12.606. SPECIAL ASSESSMENT; COLLECTION.

The cost of nuisance abatement upon each parcel of land constitutes a special assessment against that parcel upon filing of said

assessment with the Auditor of Stanislaus County, who shall enter each assessment on the County tax roll opposite the parcel of land. The assessment shall be collected at the same time and in the same manner as ordinary municipal ad valorem taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for such taxes. All laws applicable to the levy, collection, and enforcement of municipal ad valorem taxes shall be applicable to such assessment.

SEC. 4-12.607. ALTERNATIVE RECOVERY OF ABATEMENT COSTS; LIEN ATTACHMENT.

Public nuisance abatement costs may also be secured for recovery by recordation of a lien in the official real property records of Stanislaus County. Said lien shall be in the amount of abatement costs, plus interest of ten (10%) percent per annum from the date of confirmation to the date of payment in full. Any such lien shall be removed by the City upon full payment of the costs thereby secured. The lien property shall be subject to the penalties, procedures, and sale in case of delinquency as provided in the Civil Code of California.

SEC. 4-12.608. ABATEMENT COSTS ARE PERSONAL DEBT OF OWNER.

In addition to any other remedy provided herein or available at law, costs of nuisance abatement upon real property within the City constitute a personal debt of the persons or parties who owned said real property at the time of nuisance abatement by the City.

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 22nd day of October, 1991, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Bird, was upon roll call carried and ordered printed and published by the following vote:


AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

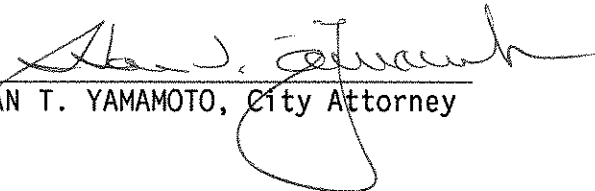
ABSENT: Councilmembers: None

APPROVED: 
RICHARD A. LANG, Mayor

ATTEST:

By 
JUDY C. HALL, Acting City Clerk
(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

Ord. No. 2792-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 November, 1991, Councilmember Bird moved its final adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

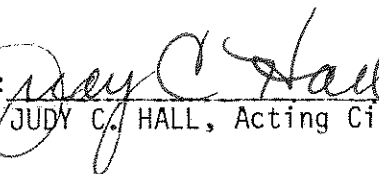
NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:


MAYOR RICHARD A. LANG

ATTEST:


JUDY C. HALL, Acting City Clerk

EFFECTIVE DATE: December 5, 1991

208

ORDINANCE NO. 2793 -C.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MODESTO, CALIFORNIA, AMENDING ORDINANCE NO. 2203-C.S., AS AMENDED BY ORDINANCE NO. 2269-C.S., APPROVING AND ADOPTING THE AMENDED REDEVELOPMENT PLAN FOR THE MODESTO REDEVELOPMENT PROJECT.

WHEREAS, the City Council of the City of Modesto (the "City Council") adopted Ordinance No. 2203-C.S. on July 12, 1983, as amended by Ordinance No. 2269-C.S., approving and adopting the Redevelopment Plan (the "Redevelopment Plan") for the Modesto Redevelopment Project (the "Project"); and

WHEREAS, the Redevelopment Agency of the City of Modesto (the "Agency") has been designated as the official redevelopment agency to carry out in the City of Modesto the functions and requirements of the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000 et seq.) and to implement the Redevelopment Plan; and

WHEREAS, the Agency has proposed an Amended Redevelopment Plan for the Modesto Redevelopment Project (the "Amended Plan") in the City of Modesto (the "City") and the County of Stanislaus (the "County") to provide for the addition of certain areas (hereinafter referred to as the "Added Areas") to the original area of the Project (the "Project Area"), to increase or extend certain limitations in order to enable redevelopment of the Added Areas, and to change certain land uses to provide certain flexibility consistent with the General Plan of the City and, where applicable, with the General Plan of the County; and

WHEREAS, the Added Areas include areas located outside the City and within the County; and

WHEREAS, the Board of Supervisors of the County adopted Ordinance No. C.S. 423, on December 4, 1990, authorizing the Agency to redevelop certain portions of the County; and

WHEREAS, the Board of Supervisors of the County introduced Ordinance No. C.S. 454, introduced on November 5, 1991, which will be adopted on November 19, 1991, and which will become effective on December 19, 1991, approving the Amended Redevelopment Plan for the Modesto Redevelopment Project; and

WHEREAS, the Planning Commission of the City of Modesto (the "Planning Commission") has reviewed the Amended Plan and recommended the approval

and adoption of the Amended Plan, together with its certification that the Amended Plan conforms to the General Plan of the City of Modesto; and

WHEREAS, the City Council has received from the Agency the proposed Amended Plan, together with the Report of the Agency and the Final EIR on the Amended Plan; and

WHEREAS, the City Council and the Agency held a joint public hearing on October 22, 1991, on adoption of the Amended Plan and on approval of the certification of the Final EIR on said Amended Plan, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California; and

WHEREAS, a notice of said hearing was duly and regularly published in the Modesto Bee, a newspaper of general circulation in the City of Modesto, once a week for four successive weeks prior to the date of said hearing, and a copy of said notice and affidavit of publication are on file with the City Clerk and the Agency; and

WHEREAS, copies of the notice of public hearing were mailed by certified mail with return receipt requested to the last known address of each assessee of each parcel of land in the existing Project Area and in the Added Areas, as shown on the last equalized assessment roll of the County of Stanislaus; and

WHEREAS, copies of the notice of public hearing were mailed by certified mail with return receipt requested to the governing body of each taxing agency which receives taxes from property in the existing Project Area and in the Added Areas; and

WHEREAS, copies of a statement concerning acquisition of property by the Agency were mailed by certified mail with return receipt requested to the last known address of each assessee of each parcel of land in the Added Areas, as shown on the last equalized assessment roll of the County of Stanislaus; and

WHEREAS, the Council has considered the Report of the Agency and the report and recommendation of the Planning Commission, the Amended Plan and its economic feasibility, the Final EIR, and provided an opportunity for all persons to be heard, and has received and considered all evidence and testimony presented for or against any and all aspects of the Amended Plan;

WHEREAS, the Agency and the City Council have reviewed and considered the Final EIR on the Amended Plan, as prepared and submitted pursuant to Public Resources Code Section 21151 and Health and Safety Code Section 33352, and determined that the Amended Plan will not have a significant effect on the environment;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MODESTO DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The purposes and intent of the City Council with respect to the Amended Plan are: (1) to contribute to and complement the overall goals and policies of the Redevelopment Plan; (2) to eliminate blighting influences and environmental deficiencies within the Added Areas such as deteriorated structures and deteriorated or inadequate public improvements, facilities or utilities; (3) to increase or extend certain limitations in the Redevelopment Plan; and (4) to change the land uses to provide certain flexibility consistent with the General Plan of the City and, where applicable, with the General Plan of the County;

Section 2. The City Council hereby specifically finds and determines that:

a. It is necessary and desirable to amend the Redevelopment Plan to include additional areas in the Project Area in that the Added Areas are blighted areas, the redevelopment of which is necessary to effectuate the public purposes declared in the Community Redevelopment Law, and the inclusion of the Added Areas is consistent with the goals and objectives of the existing Redevelopment Plan. This finding is based on the fact that:

(1) The Added Areas include unfit or unsafe buildings and structures due to age, obsolescence and mixed character;

(2) The Added Areas include properties which suffer from economic dislocation, deterioration and disuse because of: inadequate public improvements, facilities and open spaces, including inadequate traffic circulation, sidewalks, curbs, gutters, street lights, parking, storm drains and lots (parcels) of irregular form, shape and size which cannot be remedied with private or governmental action without redevelopment;

(3) The Added Areas are characterized by a lack of proper utilization of property, resulting in stagnant and unproductive conditions of land potentially useful and valuable;

(4) The Added Areas include a prevalence of economic maladjustment evidenced by depreciated values and a stagnation in retail sales; and

(5) There is a need for and lack of sufficient employment opportunities within the Added Areas.

It is further found and determined that such conditions are causing and will increasingly cause a reduction and lack of proper utilization of the

area to such an extent that it constitutes a serious physical, social and economic burden on the community which cannot reasonably be expected to be reversed or alleviated by private enterprise acting alone, requiring redevelopment in the interest of the health, safety and general welfare of the people of the City and the State. This finding is based on the fact that governmental action available to the City without redevelopment would be insufficient to cause any significant correction of the blighting conditions, and that the nature and costs of the public improvements and facilities required to correct the blighting conditions are beyond the capacity of the City and cannot be undertaken or borne by private enterprise, acting alone or in concert with available governmental action.

b. The Amended Plan will enable the Added Areas and the existing Project Area to be redeveloped in conformity with the Community Redevelopment Law and in the interests of the public peace, health, safety and welfare. This finding is based upon the fact that redevelopment of the Project Area, as contemplated by the Redevelopment Plan, as amended by the Amended Plan, will implement the objectives of the Community Redevelopment Law by aiding in the elimination and correction of the conditions of blight and deterioration in the Added Areas; provide for planning, development, redesign, clearance, reconstruction or rehabilitation of properties which need improvement; providing affordable housing, including housing for low- and moderate-income persons; providing additional employment opportunities, and providing for higher economic utilization of potentially useful land.

c. The adoption and carrying out of the Amended Plan is economically sound and feasible. This finding is based upon the fact that under the Amended Plan, the Agency will be authorized to seek and utilize a variety of potential financing resources, including tax increments; that the nature and timing of public redevelopment assistance will depend on the amount and availability of such financing resources, including tax increments generated by new investment in the Project Area and the Added Areas; and that under the Amended Plan, no public redevelopment activity will be undertaken unless the Agency can demonstrate that it has adequate revenue to finance the activity.

d. The Amended Plan conforms to the General Plan of the City of Modesto. This finding is based on the report of the Planning Commission that the Amended Plan conforms to the General Plan of the City of Modesto. Based on a determination by the County, as to the areas in the County, the Amended Plan

conforms to the General Plan of the County adopted on June 23, 1987, as amended to date.

e. The carrying out of the Amended Plan will promote the public peace, health, safety and welfare of the City of Modesto and will effectuate the purposes and policies of the Community Redevelopment Law. This finding is based upon the fact that redevelopment, as contemplated by the Redevelopment Plan, as amended by the Amended Plan, will benefit the Project Area by correcting conditions of blight and by coordinating public and private actions to stimulate development and improve the economic, social and physical conditions of the Project Area.

f. The condemnation of real property within the Added Areas, as provided for in the Amended Plan, is necessary to the execution of the Amended Plan, and adequate provisions have been made for the payment for property to be acquired as provided by law. This finding is based upon: (1) the need to ensure that the provisions of the Amended Plan will be carried out; and (2) the need to prevent the recurrence of blight.

g. The Agency has a feasible method and plan for the relocation of families and persons who may be displaced, temporarily or permanently, from housing facilities in the Added Areas. This finding is based upon the fact that the Amended Plan provides for relocation assistance according to law.

h. There are, or are being provided, within the Added Areas, the existing Project Area or within other areas not generally less desirable with regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and persons who might be displaced from the Added Areas, decent, safe and sanitary dwellings equal in number to the number of and available to such displaced families and persons and reasonably accessible to their places of employment. This finding is based upon the fact that no person or family will be required to move from any dwelling unit in the Added Areas until suitable replacement housing is available.

i. All noncontiguous areas of the Added Areas are either blighted or necessary for effective redevelopment and are not included for the purpose of obtaining the allocation of taxes from the Added Areas pursuant to Section 33670 of the Community Redevelopment Law without other substantial justification for their inclusion. This finding is based upon the fact that the boundaries of the Added Areas were chosen to be added to the existing Project Area as a unified and consistent whole to include lands that were underutilized because of blighting

influences, or affected by the existence of blighting influences, and land uses significantly contributing to the condition of blight, which inclusion is necessary to accomplish the objectives and benefits of the Amended Plan.

j. Inclusion of any lands, buildings or improvements in the Added Areas which are not detrimental to the public health, safety or welfare is necessary for the effective redevelopment of the whole area of which they are a part, and any such areas included are necessary for effective redevelopment and are not included for the purpose of obtaining the allocation of tax increment revenues from such areas without other substantial justification for their inclusion. This finding is based upon the fact that the inclusion of lands, buildings or improvements within the Added Areas is necessary in order to (1) eliminate underutilized, stagnant and unproductive conditions of land; (2) eliminate deteriorated structures; (3) eliminate inadequate or deteriorated public improvements, facilities and utilities; (4) provide affordable housing, including housing for low- and moderate-income persons; and (5) provide employment opportunities.

k. The elimination of blight and the redevelopment of the Added Areas could not be reasonably expected to be accomplished by private enterprise acting alone without the aid and assistance of the Agency. This finding is based upon the existence of blighting influences, including the lack of adequate public improvements, and the inability of individual developers to economically remove these blighting influences without public assistance to acquire and assemble sites for development, and the provisions of public improvements, facilities and utilities, the inability of low- and moderate-income persons to finance needed improvements, and the inadequacy of other governmental programs and financing mechanisms to eliminate blight, including the provision of necessary public improvements and facilities.

l. The effect of tax increment financing to carry out the Amended Plan will not cause a severe financial burden or detriment on any taxing agency deriving revenues from the Added Areas. This finding is based on the fact that (1) the tax increment revenue allocated to the Agency from the Added Areas is a relatively small percentage of each affected taxing agency's total property tax revenue; and (2) the Agency has entered into an agreement to pass through certain portions of the tax increment funds to be received by the Agency in order to alleviate the financial burden or detriment that may have been caused to certain taxing agencies by tax increment financing.

m. The Amended Plan will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the redevelopment of the Added Areas by private enterprise.

Section 3. The City Council is satisfied that permanent housing facilities will be available within three years from the time occupants of the Added Areas are displaced if any, and that pending the development of such facilities, there will be available to any such displaced occupants temporary housing facilities at rents comparable to those in the City of Modesto at the time of their displacement. No persons or families of low or moderate income shall be displaced from residences unless and until there is a suitable housing unit available and ready for occupancy by such displaced persons or families at rents comparable to those at the time of their displacement. Such housing units shall be suitable to the needs of such displaced persons or families and must be decent, safe, sanitary and otherwise standard dwellings. The Agency shall not displace any such persons or families until such housing units are available and ready for occupancy.

Section 4. The Council is satisfied that all written objections received before or at the noticed public hearing have been responded to in writing. In addition, written findings have been adopted in response to each written objection of an affected property owner or taxing entity which has been filed with the City Clerk either before or at the noticed public hearing.

Section 5. The mitigation measures, as identified in Council Resolution No. 91-673 and Agency Resolution No. 27-91, adopted on November 5, 1991, making findings as to the Final Environmental Impact Report on the Amended Plan to the Redevelopment Plan, are incorporated into the proposed redevelopment of the Added Areas.

Section 6. The Redevelopment Plan for the Project, as adopted by Ordinance No. 2203-C.S., as amended by Ordinance No. 2269-C.S., is hereby further amended as set forth in the proposed "Amended Plan to the Redevelopment Plan for the Modesto Redevelopment Project", incorporated herein and made a part hereof by reference. As so amended, the Amended Plan is hereby designated as the official Amended Redevelopment Plan for the Modesto Redevelopment Project.

When filed with the City Clerk, the Secretary of the Agency and the County Clerk, the Amended Redevelopment Plan shall constitute the official Amended Redevelopment Plan in place of the document currently constituting the Redevelopment Plan.

Section 7. In order to implement and facilitate the effectuation of the Amended Plan hereby approved, it may be necessary for the City Council to take certain actions, and accordingly, this City Council hereby (a) pledges its cooperation in helping to carry out the Amended Plan; (b) requests the various officials, departments, boards and agencies of the City and County, including the Board of Supervisors, having administrative responsibilities in the Project Area as amended by the Amended Plan (the "Amended Project Area"), likewise to cooperate to such end and to exercise their respective functions and powers in a manner consistent with the redevelopment of the Amended Project Area pursuant to the Amended Plan; (c) stands ready to consider and take appropriate action upon proposals and measures designed to effectuate the Amended Plan; and (d) declares its intention to undertake and complete any proceedings necessary to be carried out by the City under the provisions of the Amended Plan.

Section 8. Ordinance No. 2203-C.S., as amended by Ordinance No. 2269-C.S., is continued in full force and effect as further amended by this Ordinance.

Section 9. The City Clerk is hereby directed to send a certified copy of this Ordinance to the Agency, whereupon the Agency is vested with the responsibility for carrying out the Amended Plan.

Section 10. The City Clerk is hereby directed to record with the County Recorder of Stanislaus County a notice of the approval and adoption of the Amended Plan pursuant to this Ordinance containing a statement that proceedings for the redevelopment of the Amended Project Area pursuant to the Amended Plan have been instituted under the California Community Redevelopment Law.

Section 11. The City Clerk is hereby directed to transmit a copy of this Ordinance, a description of the land within the Amended Project Area, and a map or plat of the Amended Project Area, indicating the Added Areas, to the auditor, assessor and tax collector of the County of Stanislaus, to the governing body of each of the taxing agencies which levies taxes upon any property in the Amended Project Area, and to the State Board of Equalization.

Section 12. Effective Date. This Ordinance shall be in full force and effect thirty (30) days after its final adoption.

Section 13. Publication. The City Clerk is hereby ordered and directed to certify to the passage of this Ordinance and to cause the same to be published once in the Modesto Bee, a newspaper of general circulation, published and circulated in the City of Modesto, California.

Section 14. Severability. If any part of this Ordinance, or the Amended Plan which it approves, is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance or of the Amended Plan, and this City Council hereby declares that it would have passed the remainder of the Ordinance, or approved the remainder of the Amended Plan, if such invalid portion thereof had been deleted.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Modesto held on the 5th day of November, 1991, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Martin, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Dobbs, Irizarry

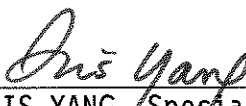
APPROVED: 
RICHARD A. LANG, Mayor

ATTEST:

By 
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
IRIS YANG, Special Counsel for
City of Modesto

Ord. No. 2793-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 November, 1991, Councilmember Patterson 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: Bird, Muratore, Patterson, Mayor Lang


NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Friedman, Irizarry

APPROVED:


MAYOR RICHARD A. LANG

ATTEST:


JUDY C. HALL, Acting City Clerk

EFFECTIVE DATE: December 19, 1991

2/1/11

ORDINANCE NO. 2794-C.S.

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 837-C.S., ENTITLED "AN ORDINANCE AMENDING SECTION MAP 21-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, TO PREZONE CERTAIN PROPERTY LOCATED THEREON. (WEST SIDE OF COFFEE ROAD, SOUTH OF GLORIA WAY)" (DOWNEY PARK PROFESSIONAL CENTER).

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

SECTION 1. AMENDMENT OF ORDINANCE NO. 837-C.S. Section 2 of Ordinance No. 837-C.S., is hereby amended to read as follows:

"SECTION 2. USES. The following uses shall be permitted in said P-D(32) Zone if the plan for construction conforms in principle to the approved plan, or if changes are approved by the Secretary of the Planning Commission as required by Section 10-2.1709(c) 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 10-2.1709(a) or (b) of the Modesto Municipal Code.

1. Medical, dental, allied healing arts office, and air-space condominiums.
2. Pharmacy.
3. 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 12th day of November, 1991, by Councilmember Dobbs, 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: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: 
RICHARD A. LANG, Mayor

ATTEST:

By 
JUDY C. HALL, Acting City Clerk
(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

Ord. No. 2794-C.S.

FINAL ADOPTION CLAUSE

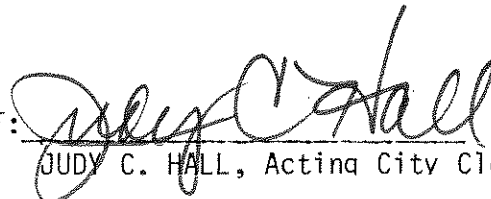
The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 19th day of November, 1991, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: 
MAYOR RICHARD A. LANG

ATTEST: 
JUDY C. HALL, Acting City Clerk

EFFECTIVE DATE: December 19, 1991

ORDINANCE NO. 2795 -C.S.

AN ORDINANCE AMENDING SECTION MAP 31-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(487), PROPERTY LOCATED ON THE NORTH SIDE OF CHICAGO AVENUE BETWEEN FRANKETTE AND FLORETTE AVENUES WEST OF PARADISE ROAD (MATTHEWS/FABIAN).

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

SECTION 1. ZONING CHANGE. Section 31-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(487):

R-1 to P-D(487)

All that certain real property situate in a portion of the southeast quarter of Section 31, 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 the western 118.00 feet of Lot 17 and the eastern 122.00 feet of the southern 126.00 feet of Lot 20 of Brichman's addition to the City of Modesto, according to the official map thereof, filed in the office of the Recorder of Stanislaus County, California, on October 15, 1904, in Volume 2 of Maps, Page 1.

Including also all of 60.00 foot wide Chicago Avenue located immediately adjacent to the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(487) Zone if the plan for construction conforms in principle to the approved plan, or if changes are approved by the Secretary of the Planning Commission as required by Section 10-2.1709(c) 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 10-2.1709(a) or (b) of the Modesto Municipal Code:

1. Elderly housing project.
2. Off-street parking as shown on the approved plan.

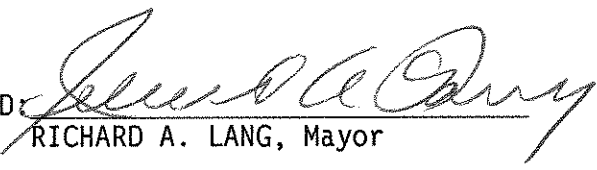
SECTION 3. ZONING MAP. Section Map 31-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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.

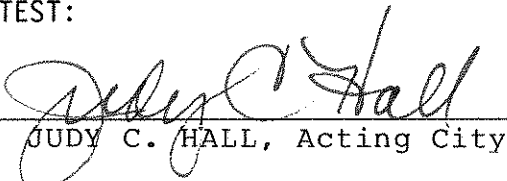
SECTION 5. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth 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 19th day of November, 1991, by Councilmember Dobbs, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and ordered printed and published by the following vote:

- AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

APPROVED: 
RICHARD A. LANG, Mayor

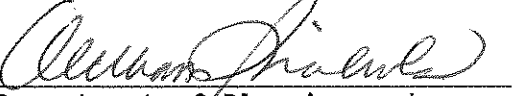
ATTEST:

By 
JUDY C. HALL, Acting City Clerk
(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By 
Department of Planning and
Community Development

Ord. No. 2795-C.S.

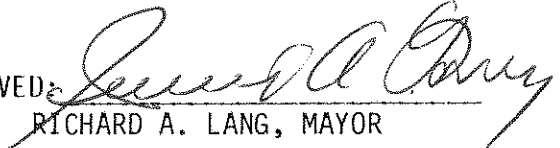
FINAL ADOPTION CLAUSE

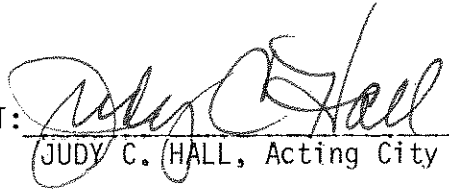
The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 26th day of November, 19 91, Councilmember _____ moved its final adoption, which motion being duly seconded by Councilmember _____, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

APPROVED: 
RICHARD A. LANG, MAYOR

ATTEST: 
JUDY C. HALL, Acting City Clerk

EFFECTIVE DATE: December 26, 1991

ORDINANCE NO. 2796 -C.S.

AN ORDINANCE AMENDING SECTIONS 5-6.01, 5-6.12, 5-6.12.1, 5-6.12.2, 5-6.13, 5-6.13.1, 5-6.13.2, AND 5-6.15 OF CHAPTER 6 OF TITLE V OF THE MODESTO MUNICIPAL CODE RELATING TO SEWAGE COLLECTION AND DISPOSAL.

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

SECTION 1. AMENDMENT OF CODE. Sections 5-6.01, 5-6.12, 5-6.12.1, 5-6.12.2, 5-6.13, 5-6.13.1, 5-6.13.2, and 5-6.15 of Chapter 6 of Title V of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 5-6.01. DEFINITIONS

Unless the context requires a different meaning for the purposes of this chapter, the following terms shall be defined as follows:

- (a) "Apartment": A building or portion thereof containing three (3) or more dwelling units.
- (b) "Biochemical Oxygen Demand (B.O.D.)": The quantity of oxygen required by sewage for biochemical oxidation in five (5) days at 20° C in ppm.
- (c) "Categorical Industry": Any industry classified in a category according to 40 CFR 403.6 and uses or has the potential to use priority pollutants as classified in 40 CFR 413 and 433, including heavy metals and/or toxic organics, in its industrial process(es).
- (d) "Commercial User": Any user whose premises are used to provide a product or service for retail or wholesale. Commercial shall include, but shall not be limited to, the following: motel; hotel; boarding and rooming house; health care facility.
- (e) "Director": The Public Works and Transportation Director of the City or such other persons as may be designated by the Public Works and Transportation Director to perform the services or make the determinations permitted or required in this chapter to be made by the Public Works and Transportation Director of the City.
- (f) "Duplex": A building containing two (2) dwelling units.
- (g) "Dwelling Group": Two (2) or more buildings on any one (1) lot, containing three (3) or more dwelling units.

- (h) "Dwelling Unit": A suite of one (1) or more rooms which is occupied by or intended to be occupied by one (1) family.
- (i) "House Sewer Line": The line connecting a user's property to the sewage system.
- (j) "Industrial User": Any industry which can be classified as significant or nonsignificant which is any user engaged in the business of processing or manufacturing agricultural products, animals, poultry, goods, wares, or other products or materials who processes or manufactures the same for the purpose of sale, resale, or redelivery in processed or manufactured form.
- (k) "Industrial Waste": Liquid and/or solids contained within a liquid, other than sanitary sewage, and discharged into the sewage system by an industrial user.
- (l) "Lot": A parcel of land consisting of one (1) or more contiguous lots of record in one (1) ownership.
- (m) "Major Industry": Any industry discharging four (4) million gallons of industrial wastewater per month, and/or 20,000 pounds of BOD or more per month, and/or 10,000 pounds of SS or more per month.
- (n) "Minor Industry": Any industry which is neither a major or categorical industry.
 - (1) Wet Minor Industry: Any industry which uses water and/or generated additional wastewater in its industrial process.
 - (2) Dry Minor Industry: Any industry that generates only domestic waste.
 - (3) Surveillance Minor Industry: Any industry which has hazardous waste located on its premises.
- (o) "Mobile Home Park": Any area or tract of land where two (2) or more spaces are rented or leased or held for rent or lease to accommodate mobile homes.
- (p) "Mobile Home Space": Each space in a mobile home park designed to be used for parking a mobile home on a temporary, semipermanent or permanent basis.
- (q) "Mobile Home Subdivision": Any area or tract of land improved to subdivision standards with mobile home lots.
- (r) "Nonsignificant Industry": An industry which is classified as a minor industry.

- (s) "Premises": Any lot, piece or parcel of land, and building or other structure or any part of any building or structure used or useful for human habitation or gathering or carrying on any business, industry, or occupation.
- (t) "Residential User": Any user whose premises contain a dwelling unit(s) intended for permanent occupancy. Residential shall include, but shall not be limited to, the following: single-family residential; multifamily residential; condominiums/townhouses; mobile homes; senior residential housing.
- (u) "Sanitary Sewage": Waste discharging into the City sewage system and which contains human or animal excreta.
- (v) "Sewage": Industrial waste or sanitary sewage, or both.
- (w) "Sewage System": The facilities for the collection, treatment, and disposal of industrial wastes and sanitary sewage.
- (x) "Sewer Bond Redemption Charge": A charge established to compensate the City for having provided collection and treatment facilities before being able to collect revenue from the benefited properties.
- (y) "Sewer District": Modesto Municipal Sewer District No. 1 established by the City Council by Resolution No. 66-543 effective August 16, 1966, encompassing the City of Modesto and portions of contiguous unincorporated areas, the legal description and boundaries of which have been recorded in the office of the Recorder of the County of Stanislaus, including areas heretofore or hereafter annexed thereto.
- (z) "Sewer Lateral": A pipeline which collects sewage from individual users and transports it to subtrunk and trunk sewers.
- (aa) "Sewer Service": The services and facilities for the collection, treatment, and disposal of industrial wastes and sanitary sewage.
- (bb) "Sewer Service Charge": A charge established to pay the cost of operation, maintenance, and debt service of the sewage system.
- (cc) "Significant Industry": Any industry which can be classified as a major or categorical industry.
- (dd) "Subtrunk Sewer": A sewer lateral which has been deepened and/or enlarged to serve areas in addition to those immediately adjacent to the trunk sewer.

- (ee) "Subtrunk Sewer Extension Charge": A charge established to equalize the costs of connecting the in-track facilities and/or oversized facilities of a particular subdivision or are to the trunk sewers so that developments close to the chosen trunk sewer alignments do not receive unfair advantage over those located further away.
- (ff) "Suspended Solids (SS)": Organic and inorganic solids which do not tend to separate in sewage.
- (gg) "Trunk Sewer": A pipeline which transports sewage from sewer laterals and subtrunk sewers to the water quality control plant.
- (hh) "User": Any person responsible for payment of sewer service charges for premises served by the sewage system as provided in this chapter.
- (ii) "Water Quality Control Plant": The plant owned by the City and designed for the treatment and disposal of sewage, including a remote oxidation ponding site.

The decision of the Director as to the type of use for determining the assessment of sewer fees shall be final.

SEC. 5-6.12. PERMITS

- (a) Industrial Users and Liquid Waste Haulers. Before an industrial waste connection is made to the sewage system, a permit must first be obtained from the Director. Application for a permit to discharge such wastes shall be in writing and shall contain the following information:
 - (1) Name and address of applicant.
 - (2) Proposed location of connection.
 - (3) Estimated gallonage of wastes proposed to be discharged, estimated time of discharge, time of peak loads, and other similar data.
 - (4) Character of waste proposed to be discharged.
 - (5) Other information as may be deemed to be necessary by the Director.

Upon receipt of an application as provided, the Director shall promptly make such investigation as he shall deem necessary.

A permit shall be issued to the applicant as requested if the Director finds and determines:

- (1) That the trunk sewer in which the connection is to discharge has sufficient unused carrying capacity for the disposition of these wastes; and
- (2) That the character of the wastes proposed to be discharged by the applicant is such that they can successfully be treated; and
- (3) That such wastes will not result in damage to the sewage system.

The Director, at his discretion, and toward the end of fulfilling the intent and purposes of this chapter, may grant a permit in part only and may thereupon prescribe conditions with respect to discharge of such waste into such system, including pretreatment and installation and maintenance of pretreatment facilities, and/or maintenance of individual screens to collect waste products, and/or may require the construction and use of tanks designed to equalize flow and reduce peak load.

In the event that, after the granting of a permit, there shall develop a change of conditions, such as an increased flow or change of character of discharge or operations or for any cause whatsoever, the permittee must immediately report such changes to the Director. If, in the opinion of the Director, it becomes necessary or desirable to change the conditions prescribed at the time of issuing said permit, then the Industrial Waste Division at the discretion of the Director may change said permit or may impose further conditions with respect thereto, toward the end of remedying such conditions.

- (b) Capacity Allocation. Each major industrial user, at the time a permit is issued in accordance with subsection (a) above, shall be assigned a capacity allocation for monthly discharge and annual discharge measured in million gallons (MG).
- (c) Pretreatment Facilities. Any facilities required to pretreat industrial wastewater including all effluent monitoring equipment, to a level acceptable to the Director shall be provided, operated and maintained at the industrial user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Director for all existing industrial user's facilities as well as before construction of the facility. The review of such plans and operating procedures will in no way relieve the industrial user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the City under the provisions of this article. Any subsequent changes in the pretreatment facilities or operating procedures shall be reported to and be acceptable to the Director prior to the

industrials user's initiation of the changes. All records relating to compliance with pretreatment standards shall be made available to the Director upon request.

- (d) All Other Users. Permits for all sewer connections, except industrial users and liquid waste haulers, shall be obtained in accordance with the provisions of the Plumbing Code of the City.

SEC. 5-6.12.1. CAPACITY CHARGE.

Whenever the annual gallonage of flow from a major industrial user for a calendar year falls below eighty (80) percent of the capacity allocation shown on a permit issued in accordance with Section 5-6.12, the major industrial user shall pay for that calendar year a minimum sewer service charge, based on eighty (80) percent of the capacity allocation shown on the permit, to pay for unused capacity allocated to the industrial user.

SEC. 5-6.12.2. ACCIDENTAL DISCHARGE.

- (a) Preplanning. Each industrial user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this article. Such facilities shall be provided and maintained at the industrial user's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Director for review and shall be acceptable to the Director before construction of the facility. All existing industrial users shall complete such a plan as required by the Director. No industrial user shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the City. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility of modifying the facility as necessary to provide the protection necessary to meet the requirements of this article.
- (b) Notification Required. In the case of an accidental discharge, it is the responsibility of the industrial user to immediately telephone and notify the Director of the incident. The notification shall include location of discharge, type of waste concentration and volume, and corrective actions. Within five (5) days following an accidental discharge, the industrial user shall submit to the Director a detailed written report describing the cause of the discharge and the measures to be taken by the industrial user to prevent similar future occurrences. Such notification shall not relieve the industrial user of any expense, loss, damage or other liability which may be incurred as a result of damage to the wastewater treatment facility, or any other damage to person or property.

nor shall such notification relieve the industrial user of any fines, civil penalties or other liability which may be imposed.

- (c) Violation. Failure to provide notification to the City of an accidental discharge as described above shall be a violation of the Municipal Code and shall be punishable as a misdemeanor.
- (d) Notice. A notice shall be permanently posted on the industrial user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

SEC. 5-6.13. RULES AND REGULATIONS.

- (a) No person shall discharge, or allow the discharge of, or dump sanitary sewage or industrial waste or other waste matter into the sewage system except in compliance with the terms of and upon payment of the charges provided in this chapter.
- (b) No person shall discharge or allow the discharge of toxic or flammable material or any other material which would be injurious to sewage treatment processes, ground water, or to the conduits carrying domestic or industrial waste.
- (c) No person shall connect property outside the Sewer District to the sewage system without first obtaining the consent of the City Manager and the Public Works and Transportation Director, and paying the fees and charges imposed by the City. In considering applications for furnishing sewer service to property located outside the Sewer District, the City Manager may impose such reasonable conditions to the granting of such privilege as the City Manager deems to be in the best interest of the City. Any agreements for the provision of such sewer service shall be approved as to form by the City Attorney.
- (d) Each industrial user shall have one (1) industrial waste line connection to the City's sewer system. All major industries must have a twenty-four (24) composite sampler and effluent flow meter.
- (e) Major industries will have a 24-hour composite sampler for BOD and SS collected and analyzed a minimum of four (4) times per month by the Industrial Waste Division.

Wet minor industries shall have a grab sample for BOD and SS inspected, analyzed, and averaged a minimum of four (4) times per month for billing purposes.

Surveillance minor industries shall have one (1) grab sample for BOD and SS collected and analyzed per month for billing purposes.

Flow will be based on influent meter readings if the minor industry does not have an effluent meter.

Dry minor industries' monthly billing shall be based on influent flow only.

- (f) Each user shall be responsible for the construction, maintenance and repair of his house sewer line. Each user shall be liable for damages which may result to the sewage system from his failure to keep his house sewer line in good order. A City inspector shall be admitted at all reasonable hours to all parts of any premises connected with the sewage system for purposes of checking the house sewer line and all fixtures and facilities connected thereto.
- (g) When a sewer connection fee is paid for a particular parcel, it shall be credited to subsequent owners of that parcel. Refunds shall be made for duplicate payments. Additional fees will be required where there are zoning, use density changes that will increase the fees.

SEC. 5-6.13.1. COMPLIANCE BY INDUSTRIAL USERS WITH FEDERAL AND STATE STANDARDS.

- (a) All industrial users shall comply with the strictest of any applicable federal 40 CFR 401-471 or state pretreatment standards or regulations, including but not limited to those adopted pursuant to the Clean Water Act, Pub. L. 95-217, as amended, and the National Pollutant Discharge Elimination System.
- (b) Any industrial user not complying with the standards or regulations as required by subsection (a) hereof may be required by the Director to develop and implement a compliance schedule for the installation of such technology as may be necessary to meet said standards and regulations or the regulations promulgated under subsection (d) hereof.
- (c) The Director may require the submission of such notices or self-monitoring reports from industrial users as he may consider necessary to assure compliance with said standards and regulations. Failure to submit such reports shall be a violation of the Municipal Code and shall be prosecuted as a misdemeanor.

- (d) The Director is hereby authorized to and shall establish such regulations as are necessary to ensure compliance by industrial users with applicable federal, state and local pretreatment standards or regulations, and shall regulate industrial waste loading as necessary through industrial waste permits issued annually to comply with interim and long-term National Pollutant Discharge Elimination System permit conditions. The Director is hereby authorized to and shall revise industrial waste loading allocations annually through meetings with major industries and/or modify treatment plant operations to meet National Pollutant Discharge Elimination System permit conditions, as necessary.
- (e) The Director is hereby authorized upon the presentation of proper credentials and/or other documents as may be required by law to enter onto any premises of an industrial user to assure compliance with this section and said standards and regulations.

SEC. 5-6.13.2. VIOLATIONS.

- (a) Cease and Desist Order. The Director may issue a Cease and Desist Order to any industrial user who shows significant noncompliance or creates situations in which a discharge may pose a threat to the safety of operation of the Publicly Owned Treatment Works. The order shall require immediate correction of the situation or may impose additional requirements. The order shall be enforceable in court.
- (b) Revocation of Permit. Any industrial user who performs the following actions, or who violates any condition of its permit, or of applicable state and federal regulations, may have its permit revoked:
 - (1) Failure of an industrial user to factually report the sewage constituents and characteristics of its discharge;
 - (2) Failure of an industrial user to report significant changes in operations, site plans, floor plans, mechanical and plumbing plans or sewage constituents and characteristics; or
 - (3) Refusal of reasonable access to an industrial user's premises for the purpose of inspection or monitoring.
- (c) Fine. Any industrial user who intentionally or negligently violates any provision of any permit issued pursuant to this chapter, or who intentionally or negligently discharges waste or wastewater which causes pollution or who violates any cease and desist order, established effluent limitations, national standard of performance or national pretreatment or toxicity

standard, shall be fined not more than ten thousand dollars (\$10,000.00) for each offense. The Director may determine the existence of a violation and may levy a fine which shall be in accordance with a schedule approved by the Council from time to time by resolution. Each day on which a violation may occur or continue shall be deemed a separate and distinct offense. The Director's determination can be appealed as provided in this chapter. In addition to the penalties provided herein, the City may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this article or the orders, rules, regulations and permits hereunder.

- (d) Liability. In the event that a permittee does not comply with the conditions of a permit and wastes are discharged to the sewage system that cause, or threaten to cause, the water quality control plant's waste treatment facilities to malfunction or otherwise result in a violation of waste discharge requirements or limitations imposed by state or federal regulatory agencies (40 CFR 403.8), the permittee shall be liable for any or all of the following:
- (1) It shall be a violation of the Municipal Code for an industrial user to violate any provision of any permit issued pursuant to this chapter. Such violation may be prosecuted as a misdemeanor.
 - (2) To pay any and all monetary penalties, charges, fees and other costs that may be imposed on the City by state or federal regulatory agencies as a result of threatened or actual violation(s) or malfunction(s), including administrative and legal fees.
 - (3) To pay any and all judgments and associated costs that may be awarded to individuals or entities as a result of threatened or actual violation(s) or malfunction(s).
 - (4) To pay the total cost of any interim waste treatment measures that the Director may deem necessary to abate threatened or actual violation(s) or malfunction(s), including consulting and administrative fees.
 - (5) To pay the total cost of providing waste treatment facilities needed to remedy threatened or actual violation(s) or malfunction(s).
- (e) List of Violators. The Director shall annually publish in a newspaper of general circulation in the Modesto area, a list of the industrial users which significantly violated applicable pretreatment requirements or standards at least once during the

twelve (12) previous months. The notification shall also summarize any enforcement actions taken against the industrial user(s) during the same twelve (12) months. A significant violation is defined in the Enforcement Response Plan adopted by the City.

SEC. 5-6.15. ENFORCEMENT RESPONSIBILITIES.

- (a) Responsibility. The City Manager shall ensure enforcement of this chapter by coordinating the actions of the Finance Director, the Public Works and Transportation Director, and any other City departments concerned in applying the City's Enforcement Response Plan. The Public Works and Transportation Director is hereby charged with the enforcement of all of the provisions of this chapter.
- (b) Appeals. In the event of a violation of any of the terms of this chapter, or any rule or regulation established thereunder, the Director shall notify in writing the person causing, allowing, or committing such violation, specifying the violation, and if applicable, the time after which (upon the failure of such person to prevent or rectify the violation) the Director will exercise his authority to disconnect the system from the municipal water system and/or the sewage system; provided that such time shall not be less than five (5) days after the deposit with postage paid of such notice in the United States Post Office at Modesto, California, addressed to the person to whom notice is given; provided, however, that in the event such violation results in a public hazard or menace, then the Director may enter upon the premises without notice and do such things and spend sums as may be necessary to abate such hazard, and the reasonable value of things done and the amounts expended in so doing shall be a charge upon the person so in violation. If the ruling made by the Director is unsatisfactory to the person requesting reconsideration, he may, within ten (10) days after notice of the action by the Director file a written appeal to the City Manager.

The written appeal shall state all pertinent aspects of the matter, and shall include the hearing record if one was requested. Within thirty (30) days after the written appeal is received, the City Manager shall hold a hearing after due notice to the appellant. The City Manager may establish rules and regulations governing the hearing of such appeals. The City Manager shall make a final ruling on the appeal within ten (10) days after close of the hearing. The decision, action, or determination shall remain in effect during such period of review by the City Manager.

If the decision of the City Manager is unsatisfactory to the person appealing, he may file a written appeal to the City Council within ten (10) days after receipt of the decision.

The City Council will hear the appeal and act upon it pursuant to the procedures set forth in Title I.

- (c) Nonpayment of charge. Upon the failure of any user to pay any sewer service charge prior to delinquency, any one or more of the actions authorized in subsection (d) or (e) hereof may, or where required hereby, must, be taken by the City or City officials to enforce such payment, subject to the provisions of subsection (b) hereof.
- (d) Lien. Each sewer service charge levied by or pursuant to this chapter on any premises within the Sewer District is hereby made a lien upon such premises, and any steps authorized by law may be taken by the City to enforce payment of such lien.
- (e) Disconnection. In each case where a bill for sewer service shall become delinquent, the Director shall disconnect the premises from the municipal water system, and he also may disconnect the premises from the sewage system. Whenever premises have been disconnected from either the municipal water system or the sewage system for the nonpayment of sewer service charges, such premises shall not be reconnected to either the municipal water system or the sewage system until all delinquent fees have been paid, together with such reasonable charges for reconnection as may be established from time to time by resolution duly adopted 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 26th day of November, 1991, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and ordered printed and published by the following vote:

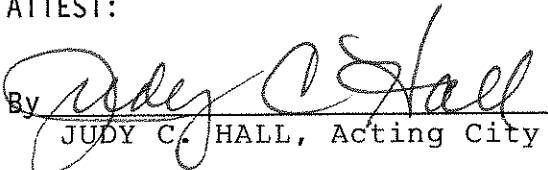
AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: 
RICHARD A. LANG, Mayor

ATTEST:

By 
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

Ord. No. 2796-C.S.

FINAL ADOPTION CLAUSE

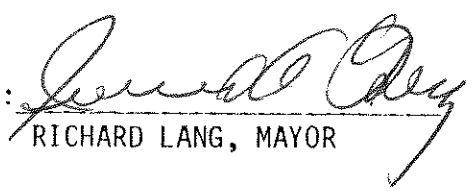
The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 10th day of December, 19 91, Councilmember Friedman moved its final adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

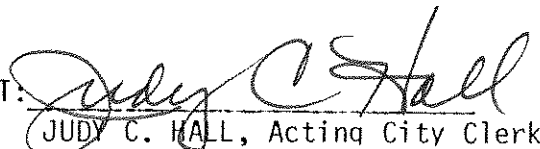
NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:


RICHARD LANG, MAYOR

ATTEST:


JUDY C. HALL, Acting City Clerk

EFFECTIVE DATE: January 9, 1992

Clark

ORDINANCE NO. 2797 -C.S.

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 2632-C.S., ENTITLED "AN ORDINANCE AMENDING SECTION MAP 17-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(460), PROPERTY LOCATED ON THE SOUTHWEST CORNER OF JUDITH LANE AND TIMOTHY AVENUE (MARK POWELL)" (ROGER RULE).

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

SECTION 1. AMENDMENT OF ORDINANCE NO. 2632-C.S. Section 2 of Ordinance No. 2632-C.S., is hereby amended to read as follows:

"SECTION 2. USES. The following uses shall be permitted in said P-D(460) Zone if the plan for construction conforms in principle to the approved plan, or if changes are approved by the Secretary of the Planning Commission as required by Section 10-2.1709(c) 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 10-2.1709(a) or (b) of the Modesto Municipal Code.

- 1. Medical/Professional Offices as allowed in the P-0 Zone.
- 2. 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.

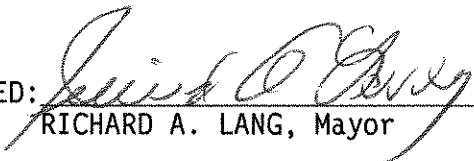
SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth 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 3rd day of December, 1991, by Councilmember Dobbs, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

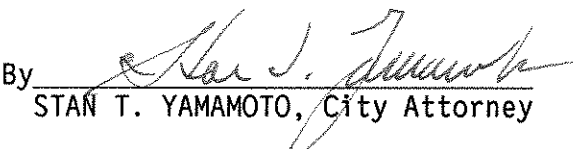
ABSENT: Councilmembers: Bird

APPROVED: 
RICHARD A. LANG, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk
(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

Ord. No. 2797- 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 December, 1991, Councilmember Friedman moved its final adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

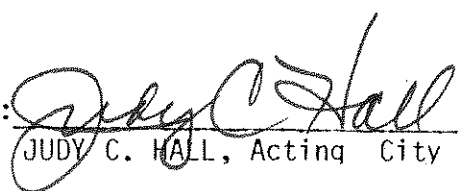
NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:


RICHARD LANG, MAYOR

ATTEST:


JUDY C. HALL, Acting City Clerk

EFFECTIVE DATE: January 9, 1992