

ORDINANCE NO. 2701 -C.S.

AN ORDINANCE AMENDING SECTION MAP 18-3-9 OF THE ZONING MAP TO REZONE FROM NEIGHBORHOOD COMMERCIAL ZONE, C-1, TO PLANNED DEVELOPMENT ZONE, P-D(415), AS AN ADDITION TO P-D(415), PROPERTY LOCATED ON THE NORTH SIDE OF EVERGREEN AVENUE EAST OF ORANGEBURG AVENUE. (OATES, ERICKSON, AND HOULIHAN)

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

SECTION 1. ZONING CHANGE. Section 18-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Neighborhood Commercial Zone, C-1, to Planned Development Zone, P-D(415), as an addition to P-D(415):

C-1 to P-D(415) as an addition to P-D(415)

ALL that certain real property situate in a portion of the Southwest quarter of Section 18, 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 Parcels "A" and "B" as shown on that certain parcel map filed in Book 41 of Parcel Maps, at page 14, Stanislaus County Records on July 26, 1988. Including all of that northern portion of Evergreen Avenue located between the above described property and the South section line of said Section 18.

SECTION 2. USES. The following uses shall be permitted in said P-D(415) Zone, as an addition to P-D(415), 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. Floor covering business, car rental business, racquetball facility.
2. All permitted and conditional C-1 zone uses.

SECTION 3. ZONING MAP. Section Map 18-3-9 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 2 day of January, 1990, 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: Irizarry, Lang, Muratore, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

APPROVED: _____
CAROL G. WHITESIDE, Mayor

ATTEST:

By _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Altham Prindle
Department of Planning and
Community Development

Ord. No. 2701-C.S.

FINAL ADOPTION CLAUSE

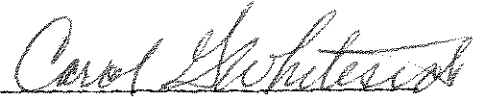
The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 9th day of January, 1990, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None

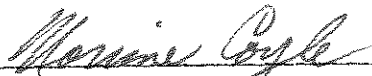
ABSENT: Councilmembers: None

APPROVED



MAYOR CAROL G. WHITESIDE

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 8, 1990

Cluck

ORDINANCE NO. 2702 -C.S.

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

WHEREAS, a verified application for an amendment to Section 20-3-9 of the Zoning Map was filed by John G. Waterbury on November 8, 1989, to reclassify from Medium Density Residential Zone, R-2, to Neighborhood Commercial Zone, C-1, property located on the east side of Ardmore Avenue, north of West Orangeburg Avenue, and

WHEREAS, after public hearing held on January 2, 1990, 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. 90-2, adopted on January 2, 1990, the Planning Commission recommended to the Council that the application of John G. Waterbury to amend Section 20-3-9 of the Zoning Map to reclassify the hereinafter described property from Medium Density Residential Zone, R-2, to Neighborhood Commercial Zone, C-1, be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing held on February 6, 1990, 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 will allow the desirable addition of an elevator/stairway to an existing office building.
2. The proposed rezoning covers a portion of a property which is subject to a City-approved development plan and will have no adverse impacts to the site or surrounding properties.

SECTION 2. ZONING CHANGE. Section 20-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Medium Density Residential Zone, R-2, to Neighborhood Commercial Zone, C-1:

R-2 to C-1

All that certain real property situate in a portion of the Northeast quarter of the Northwest 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:

All of the south 20.00 feet of Lot 13 of Block 6069 of the Roosevelt Center subdivision according to the official map thereof filed in the office of the Recorder of Stanislaus County, California, on September 8, 1950 in Volume 17 of Maps, Page 12.

Including also all of the East 30.00 feet of 60.00 foot wide Ardmore Avenue and West 10.00 feet of the 20.00 foot wide alley in said Block 6069 and all immediately adjacent to the above described property.

SECTION 3. ZONING MAP. Section 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 6th day of February, 1990, 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, Mayor Whiteside

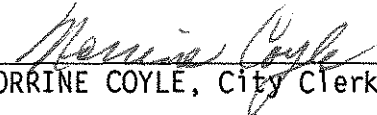
NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

APPROVED:

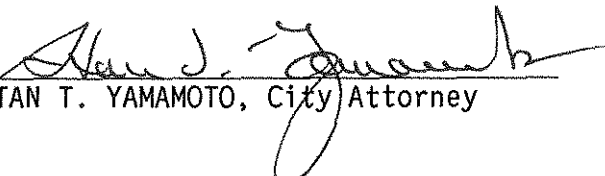

CAROL G. WHITESIDE, Mayor

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. 2702-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 February, 1990, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

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

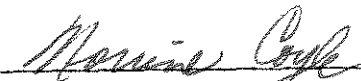
NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

APPROVED


MAYOR CAROL G. WHITESIDE

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: March 15, 1990

Clark

ORDINANCE NO. 2703 -C.S.

AN ORDINANCE AMENDING ARTICLE 5 OF CHAPTER 1 OF TITLE V OF THE MODESTO MUNICIPAL CODE RELATING TO CONSTRUCTION, OPERATIONS, AND MAINTENANCE OF WATER WELLS.

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

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

ARTICLE 5. CONSTRUCTION, OPERATIONS, AND MAINTENANCE OF WELLS

SEC. 5-1.501. PERMIT NECESSARY.

It shall be unlawful to install, construct, repair, modify, or destroy a water well, observation well, monitoring well or any other excavation that may intersect groundwater in the City for any purpose whatsoever without first securing a valid permit.

SEC. 5-1.502. NO WATER SHALL BE RETURNED TO WELLS.

No person shall permit any water to be returned to wells; provided, however, the Health Officer may grant permission for such return, subject to necessary conditions to protect the public health and safety.

SEC. 5-1.503. DEFINITIONS.

(a) "Abandoned well" means a well that has not been used for a period of one (1) year, unless the owner or person in lawful possession of the well demonstrates his or her intention to use the well again for supplying water or other associated purpose (such as an observation well). The well shall then be considered "inactive". As evidence of his intentions for continued use, the owner shall properly maintain the well in such a way that:

- (1) The well has no defects which will allow the impairment of quality of water in the well or in the water-bearing formations penetrated.
- (2) The well is covered such that the cover is watertight and cannot be removed except with the aid of equipment or the use of tools.
- (3) The well is marked so that it can be clearly seen.
- (4) The area surrounding the well is kept clear of brush or debris.

If the pump has been removed for repair or replacement, the well shall not be considered "abandoned". During the repair period, the well shall be adequately covered to prevent injury to people and to prevent the entrance of undesirable water or foreign matter.

Observation or test wells used in the investigation or management of groundwater basins by governmental agencies or engineering or research organizations are not considered "abandoned" so long as they are maintained for this purpose. However, such wells shall be covered with an appropriate cap, bearing the label, "Observation Well", and the name of the agency or organization, and shall be secured and locked when measurements are not being made. When these wells are no longer used for this purpose or for supplying water, they shall be considered "abandoned".

- (b) "Cathodic protection well" means any artificial excavation by any method for the purpose of installing equipment or facilities for the electrical protection of metallic equipment in contact with the ground.
- (c) "Code" means the Municipal Code of the City of Modesto.
- (d) "Department" means the Public Works and Transportation Department of the City of Modesto.
- (e) "Director" means the Public Works and Transportation Director of the City of Modesto or his duly authorized representative.
- (f) "Monitoring well" means any well used exclusively for monitoring or sampling conditions of a water-bearing aquifer, e.g., water pressure, depth, movement, or quality.
- (g) "Exploratory boring" means an uncased excavation used to determine the engineering or geological properties of subsurface materials by seismic investigation, direct observation or any other means.

SEC. 5-1.504. PERMIT.

The Public Works and Transportation Director is authorized to issue a permit to install, construct, repair, modify or destroy a water well, observation well, monitoring well, emergency extraction well, or any other excavation that may intersect groundwater in the City for any purpose whatsoever. A nonrefundable fee shall be paid upon application for the permit in an amount as approved from time to time by resolution of the City Council.

SEC. 5-1.505. PERMIT APPLICATION.

Applications for permits shall be made to the Public Works and Transportation Director, on forms supplied by the Director, and shall include the following:

- (a) A plot plan indicating the exact location of the well with respect to the following features within a radius of five hundred (500) feet of the well:
 - (1) approximate property lines;
 - (2) all sewage disposal systems or works carrying or containing sewage or storm water runoff;
 - (3) all intermittent, perennial, natural, or artificial water bodies or water courses;
 - (4) drainage pattern of the property;
 - (5) all existing wells of all types, regardless of whether they are subject to regulation under this Article;
 - (6) all access roads; and
 - (7) all subsurface utilities.
- (b) Location of property, including street address, township/range/quarter section, or other information sufficient to identify the well site location.
- (c) Name and address of the person who will perform the work on the well.
- (d) Name and credentials affiliation of inspector.
- (e) Proposed depth of well.
- (f) Proposed use of well.
- (g) Proof satisfactory to the Director that the person who will construct, modify or abandon the well or boring(s) possesses a valid license to perform such work which has been issued in accordance with the California Contractors License Law (Chapter 9 of Division 3 of the Business and Professions Code, Sections 7000 - 7173).
- (h) A certificate satisfying the requirements of the California Workers Code (Sections 3800 et seq.). Compensation and Insurance Law (Part 1 of Division 4 of the Labor Code Sections 3200 - 4418).

- (i) Such fee as Council may from time to time impose. The required fee shall accompany the application and shall be nonrefundable.
- (j) Such other information as the Director may deem necessary to determine whether underground waters meet minimum protection standards as set below.

SEC. 5-1.506. PERMIT ISSUANCE.

Prior to the issuance of a permit, if the Director so requires, an applicant shall deposit with the City Clerk a security instrument, in a form acceptable to the City Attorney and in an amount deemed necessary by the Director to insure proper and complete performance of permitted work. The security amount shall not exceed one hundred (100%) percent of the total estimated cost of the permitted work.

SEC. 5-1.507. PERMIT VALIDITY.

Issuance of a permit under this Article to any person does not entitle the holder thereof to carry on any work or business thereunder unless permittee has fully complied with all the applicable requirements of this code and all other applicable federal, state, or local provisions of the law.

SEC. 5-1.508. LICENSE REQUIRED OF PERSONS PERFORMING PERMITTED WORK.

No person shall perform any work, either on such person's own property or on the property of another, for which a permit is required by this Article unless such person is in possession of a valid license appropriate to such work which has been issued in accordance with the California Contractors License Law (Chapter 9 of Division 3 of the California Business and Professions Code, Sections 7000 - 7173). Licensed water well contractors (Class C-57) may perform all types of permitted work, while licensed engineering contractors (Class A) and limited specialty contractors (Class C-61) may perform only permitted work on engineering test holes.

SEC. 5-1.509. PERMIT TERM.

A permit shall expire six (6) months after the date of issuance. Permits for exploratory boring shall expire thirty (30) days after the date of issuance. Permittee shall complete all work authorized by a permit and satisfy all the requirements of the permit prior to its expiration.

SEC. 5-1.510. EXTENSION OF PERMIT TERM.

The Director may grant one (1) or more extensions of a permit, each for a period not exceeding three (3) months, if the permittee demonstrates to the satisfaction of the Director that circumstances

beyond the permittee's control prevented completion of the permitted work prior to permit expiration. Any such extension granted may be subject to such conditions as the Director may deem necessary, including but not limited to, a cash deposit, security bond, or other security instrument to insure proper and complete performance of the permitted work.

SEC. 5-1.511. PERMIT DENIAL OR REVOCATION.

Whenever it appears to the Director that an application should be denied under the standards herein, or that a permittee is in violation of any of the provisions of the permit, this code, or any applicable federal, state, or local provisions of law, he shall have the authority to deny the application or to summarily suspend the permit. The suspension order shall also constitute notice of proposed revocation.

Written notice of such proposed revocation shall be given by depositing in the United States mail a notice directed to said permittee at the address given in the application. The notice shall set forth the reasons for the proposed revocation and shall notify the permittee that he or she has ten (10) days in which to file a written request for a hearing before the Director.

SEC. 5-1.512. NOTICE AND REVIEW OF DENIAL OR REVOCATION.

The applicant or permittee shall be notified in writing that applicant or permittee shall have ten (10) days from the date of such notice to request in writing a hearing before the Director or his designee to appeal denial of the permit application or to determine if the permit should be revoked. If the applicant or permittee fails or declines to make any such timely request, such omission shall be deemed a waiver of applicant's or permittee's rights to be heard on the pending matter, and the application will be deemed denied or the permit may be revoked.

In case of an application denial, or a summary suspension or notice of revocation, the Director shall provide a hearing within fifteen (15) days after receipt of a written request from the permittee, at which hearing the permittee may present oral or written evidence why the application should be granted or why the permit should not be revoked. Notice of the time and place of such hearing shall be given to the applicant or permittee by deposit of the notice in the United States mail at least ten (10) days before the hearing to the address given in the application.

If the application is denied or the permit is revoked, written notice shall be given to the applicant or permittee within twenty-five (25) days of the close of the hearing. Notice shall be given by United States mail. The permittee will be presumed to have

received said notice within five (5) days after mailing. It shall be unlawful for any person whose application is denied or whose permit is revoked under this action to construct, operate, or maintain any well within the City. Any person who does so without a permit is guilty of an infraction and subject to criminal prosecution and/or civil litigation as provided in this Code.

No person whose permit is denied or revoked may apply for a permit to construct, operate, or maintain any well in the City of Modesto for a period of three (3) months from the date of such denial or revocation.

Any person whose application is denied or whose permit is revoked under this Article shall have the right, after receiving notice in writing of the denial or revocation, to file a written appeal to the City Council pursuant to the provisions of Chapter 4 of Title I of this Code.

SEC. 5-1.513. STANDARDS: ADOPTION BY REFERENCE.

Standards for the construction, repair, modification, abandonment, or destruction of well so as to protect groundwater from contamination and pollution and to preserve health, safety, and welfare shall be those set forth in the California Department of Water Resources Bulletin No. 74-81 dated December 1981 and entitled Water Well Standards: State of California as supplemented by California Department of Water Resources Bulletin No. 74-90 (Supplement to Bulletin 74-81), dated January 1990 and entitled California Well Standards: Water Wells, Monitoring Wells, Cathodic Protection Wells, together with all appendices thereto, as compiled and published by the Department of Water Resources of the Resources Agency of the State of California.

These certain documents, three (3) copies of which are on file in the Office of the City Clerk of the City of Modesto, as hereinafter amended, deleted, modified and added to, and the same are hereby adopted by this reference as the Groundwater Conservation Code of the City of Modesto, with the following additions:

- (a) Every new, repaired, or modified community water supply well or individual domestic water well, after construction, modification, or repair and before being placed into service, shall be thoroughly cleaned of all foreign substance and shall be thoroughly disinfected utilizing the procedures set forth in Appendix C of the aforementioned Bulletin No. 74-81.
- (b) Exploratory boring deeper than ten (10) feet shall be destroyed immediately upon completion of testing by complete filling and/or sealing of the borehole in accordance with criteria established by the Director. The Director may waive complete

sealing if the permittee demonstrates to the Director's satisfaction that City's groundwater protection and conservation shall not be impaired by the permittee's proposed methods.

SEC. 5-1.514. WELL LOGS.

Any person who has performed any work for which a permit is required hereunder and which involves drilling, digging, excavating or boring of a well, or exploratory boring, shall, within thirty (30) days following completion of such work, submit to the Department an accurate and complete well log on forms satisfactory to the Director (DWR 188 [latest revision]). In areas for which the Director deems the available subsurface information insufficient, the permit may require any person performing a completion operation to submit a well log prior to commencement of the completion operation. Well logs shall include all of the following:

- (a) a detailed record of the boundaries, character, size, distribution and color of all lithologic units penetrated;
- (b) the specifications and approvals for well casing;
- (c) the location of perforations filter pack and sealing zones;
- (d) reports on the quantity and quality of groundwater (if available); and
- (e) any other data required by the Director in the permit conditions.

SEC. 5-1.515. INSPECTION.

The Director and City inspectors may, at any and all reasonable times, enter any and all places, property, premises, enclosures, and structures for the purpose of making examinations and investigations to determine compliance with any provision of this Article.

SEC. 5-1.516. WELL INSPECTION REPORTS.

Any inspector who has inspected any work pursuant to conditions of a permit required hereunder and which involves drilling, digging, excavating or boring a well shall, not later than thirty (30) days after completion of such work, submit to the Department an accurate and complete well inspection report on forms satisfactory to the Director. Well inspection reports shall include all of the following:

- (a) permit number;

- (b) type and volume of sealing material and depth of seal(s);
- (c) diameter of borehole and well casing in sealing zone(s);
- (d) method of placement (if grout pipe, include number and length of sections);
- (e) confirmation that casing was ripped or perforated (destruction only);
- (f) conditions which may have caused sealing to be less than satisfactory;
- (g) date sealed;
- (h) an opinion as to whether the well sealing operation was satisfactory or unsatisfactory certified by signature of the registered inspector; and
- (i) any other data required by the Director in the permit conditions.

SEC. 5-1.517. ABANDONED WELL DESTRUCTION.

No person shall own or possess an abandoned drainage well deeper than ten (10) feet, an abandoned cathodic protection well deeper than ten (10) feet, an abandoned monitoring well, an abandoned engineering test hole deeper than ten (10) feet, or any abandoned water well unless such well has been either destroyed pursuant to this Article or exempted hereunder.

SEC. 5-1.518. CERTIFICATE OF EXEMPTION.

Any owner or lawful possessor of a water well or monitoring well which is abandoned or soon to be abandoned but who intends to use such well again may apply to the Director, in a form satisfactory to the Director, for exemption from the requirement that such well be destroyed. If the Director determines from review of said application that exemption from destruction would not pollute or contaminate groundwater and would not create or aggravate a hazard to health or safety, the Director shall issue a certificate of exemption. A certificate of exemption shall expire three (3) years after issuance and may be terminated by the Director at any time prior to expiration upon the Director's determination that destruction of the well is necessary to prevent pollution or contamination of groundwater or to avoid health or safety hazards. Successive certificates of exemption may be issued with respect to a well in the same manner as the original certificate.

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 February, 1990, 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, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

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. 2703-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 February, 1990, Council member _____ moved its final adoption, which motion being duly seconded by Council member _____, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Council members:

NOES: Council members:

ABSENT: Council members:

APPROVED *Carol Whiteside*
MAYOR CAROL G. WHITESIDE

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: March 15, 1990

Clark

ORDINANCE NO. 2704 -C.S.

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

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

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

SEC. 11-1.14 RULES AND REGULATIONS.

In addition to all other provisions and requirements of this chapter, the following additional rules and regulations for the use of water are hereby established. 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 punishable as an infraction.

- (a) Consumers shall not waste water. The City may refuse service or discontinue service to any premises where water is being wasted. The City shall have the right to notify the occupant, in writing, of such waste and to discontinue service to the consumer. The City also reserves the right to install, or require the installation of a water meter or other water conservation device, at the consumer's expense. If the City installs a meter or other conservation device, the charge for installation shall be paid before service is reestablished. Water waste includes, but is not limited to, the following:
- (1) Watering lawns or gardens such that excess water leaves property being watered.
 - (2) Washing cars, building exteriors, mobile home exteriors, recreational vehicle exteriors, sidewalks, patios, driveways, gutters or other exterior surfaces without the use of a quick-acting positive shut-off nozzle on the hose.
 - (3) Having leaky faucets or plumbing fixtures on premises for any period of time within which such break or leak should reasonably have been discovered and corrected. It shall be presumed that a period of twenty-four (24) hours after the water user discovers such break, leak, or malfunction, or receives notice from the City, whichever occurs first, is a reasonable time within which to correct such condition or to make arrangements for correction.

- (4) Consumers shall not use water for outdoor purposes during hours or days when such use is prohibited by resolution of the City Council.
- (b) All water services installed shall have a wheel valve where the service pipe enters the house and/or structure.
- (c) In making plumbing connections, the consumer shall comply with the regulations of the State and County Department of Public Health. Such regulations prohibit (1) unprotected cross-connections between a public supply and any unapproved source of water and (2) water service to premises where there is a possibility of contaminated water backflowing into the public water system. In addition, approved double check valves or other protective devices shall be installed on water services when (1) another source of water, whether cross-connected or not, is in use or is available for use; or (2) contaminating liquid substances of any kind are used, produced or processed. The 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 bimonthly basis for water service in the months immediately preceding and following the first of the month in which they are issued. The water bills are due and payable upon presentation; and if they are not paid at the end of the month in which they are billed, they shall be considered delinquent. If they are delinquent for more than ten (10) days and a delinquent notice issued by the Director of Finance has been delivered to the user or posted on the premises, a delinquent

charge 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 two (2) months immediately preceding the date of the meter reading and shall be due and payable upon presentation. If the water bills are not paid at the end of the month in which they are billed, they shall be considered delinquent; and the same procedure and charges as for the unmetered service shall apply.
- (g) No person shall supply water in any way for use outside of the premises to which the service is assigned or appurtenant except by permission from the 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 Director of Finance.
- (i) Access to service connections and water meters must be provided at all times.
- (j) All persons must keep the service pipes in good order at their own expense and may be held liable for damages which may result from their failure to do so. When leaky faucets or fixtures are discovered and not immediately repaired, the water service may be disconnected. Authorized employees of the City of Modesto shall be admitted at all reasonable hours to all parts of any premises supplied with water, except the interior of dwellings, but including the meter box, to see that the regulations contained in this chapter are observed and complied with.
- (k) It shall be unlawful for any person to interfere with the City service lines, valves or meters or to construct a 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.
- (p) Additional rules and regulations concerning the operation of the municipal water system and water conservation may be established by the Council from time to time by resolution.

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

SECTION 3. PUBLICATION. 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 13 day of February, 1990, 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, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

APPROVED:

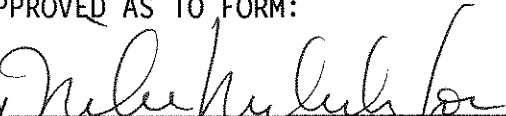

CAROL G. WHITESIDE, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

Ord. No. 2704-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 20th day of February, 1990, Councilmember Bird moved its final adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED



MAYOR CAROL G. WHITESIDE

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: March 30, 1990

Link

ORDINANCE NO. 2705-C.S.

AN ORDINANCE AMENDING SECTION 25-3-8 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(470), PROPERTY LOCATED ON THE NORTHWEST CORNER OF CARPENTER ROAD AND TORRID AVENUE (JOHN HINCHEY).

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

SECTION 1. ZONING CHANGE. Section 25-3-8 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(470):

R-1 to P-D

All that certain real property situate in a portion of the northeast quarter of Section 25, 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:

The south 195 feet of:

Lot 4 in Block 12 of Pleasant Homes, as per map, filed August 17, 1922, in Volume 9 of Maps at Page 67, Stanislaus County Records.

SECTION 2. USES. The following uses shall be permitted in said P-D(470) 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 Neighborhood Commercial, C-1 Zone, uses.
2. Off-street parking as shown on the approved plan.

SECTION 3. ZONING MAP. Section Map 25-3-8 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 13th day of March, 1990, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: Irizarry

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. 2705-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 April, 1990, 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: 4

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Irizarry

APPROVED



MAYOR CAROL G. WHITESIDE

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: May 30, 1990

ORDINANCE NO. 2706 -C.S.

AN ORDINANCE ADDING ARTICLE 18 TO CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO CRUISING.

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

SECTION 1. AMENDMENT OF CODE. Article 18 is hereby added to

Chapter 2 of Title III of the Modesto Municipal Code to read as follows:

ARTICLE 18. REGULATION OF CRUISING.

SEC. 3-2.1801. CRUISING PROHIBITED.

No person shall engage in the activity known as "cruising" as defined in this Article, on the public streets, alleys, or highways of the City of Modesto in any area which has been posted as a no-cruising zone.

SEC. 3-2.1802. DEFINITIONS.

- (a) Cruising. For the purposes of this Article, "cruising" shall be defined as the repetitive driving of any motor vehicle past a traffic control point in traffic which is congested at or near the traffic control point.
- (b) Congested Traffic. For purposes of this Article, "congested traffic" means traffic on any public street, alley or highway which is delayed to the point that:
 - (1) Motor vehicles cannot move through a 100-yard approach corridor to an intersection controlled by a traffic light within two (2) complete green light cycles where the delay in forward movement is due to the position of other motor vehicles; or
 - (2) Motor vehicles cannot move through a 100-yard approach corridor to an intersection controlled by a traffic light, stop sign or yield sign within a five (5) minute period of time where the delay in forward movement is due to the position of other motor vehicles; or
 - (3) Motor vehicles cannot readily move forward on portions of public streets, alleys or highways between intersections because traffic speed is slowed to less than five (5) miles per hour, and the delay in movement is due to the position of other motor vehicles.

The determination that a street, alley or highway is congested shall be made by the ranking peace officer on duty within the affected area.

- (c) Green Light Cycle. For purposes of this Article, a "green light cycle" shall mean the period commencing upon the switching of a traffic light from a red light to a green light through to the return of a red light.
- (d) Traffic Control Point. For purposes of this Article, "traffic control point" shall mean a location along a public street, alley or highway utilized by a peace officer on duty within the affected area as an observation point in order to monitor traffic conditions for potential violations of this Article.

SEC. 3-2.1803. WARNING AGAINST CRUISING.

A peace officer may issue a written notice to any person operating or occupying any motor vehicle passing a traffic control point stating that any subsequent passage past that traffic control point within the next succeeding four (4) hours will be a violation of this Article.

SEC. 3-2.1804. VIOLATION OF THIS ARTICLE.

Any person who, after having received a written notice as described in Section 3-2.1803, subsequently drives past or is a passenger in a vehicle passing the same traffic control point within the next succeeding four (4) hours shall be in violation of this Article.

SEC. 3-2.1805. POSTING OF SIGNS.

This Article may be enforced in any area which has been posted as a "no-cruising zone". No cruising signs shall be posted at the beginning and end of any public street, alley or highway or portion thereof which is a no-cruising zone. The signs shall reference California Vehicle Code Section 21100(k) and this Article. The City Manager is hereby authorized to designate no-cruising zones in which it is found that conditions of congested traffic exist.

SEC. 3-2.1806. PENALTY FOR VIOLATIONS.

Violation of this Article is an infraction. The minimum penalty for a first conviction of cruising is a \$100.00 fine; for a second conviction within one (1) year, the minimum penalty is a \$200.00 fine; for a third or subsequent conviction within one (1) year, the minimum penalty is a \$250.00 fine.

SEC. 3-2.1807. SEVERABILITY.

If any provision, clause, sentence or paragraph of this Article or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions or applications of the provisions of this Article which can be given effect without the invalid provisions or application and, to this end, the provisions of this Article are hereby declared to be severable.

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 March, 1990, 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
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. 2706-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 April, 1990, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

APPROVED

Carol Whiteside
MAYOR CAROL G. WHITESIDE

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: May 3, 1990

Check

ORDINANCE NO. 2707 -C.S.

AN ORDINANCE ADDING SECTION 4-7.1504 TO ARTICLE 15 OF CHAPTER 7 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO LOITERING.

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

SECTION 1. AMENDMENT OF CODE. Section 4-7.1504 is hereby added to Article 15 of Chapter 7 of Title IV of the Modesto Municipal Code to read as follows:

SEC. 4-7.1504. LOITERING IN A NO-CRUISE ZONE PROHIBITED.

It shall be unlawful to loiter on any property in the proximity of any posted no-cruising zone between the hours of 6:00 p.m. of one day and 6:00 a.m. the next day. As used in this section, the term "loiter" means to delay or linger without a lawful purpose for being on the property. "Property in the proximity of any posted no-cruising zone" as used in this section shall mean any property which is both visible from and located within 300 feet of any portion of a street, alley, or highway which is posted as a no-cruising zone pursuant to Article 18 of Chapter 2 of Title III of the Modesto Municipal Code.

Violation of this section is an infraction. The minimum penalty for a first conviction is a \$75.00 fine; for a second conviction within one (1) year, the minimum penalty is a \$150.00 fine; for a third or subsequent conviction within one (1) year, the minimum penalty is a \$250.00 fine.

The refusal by any person to leave the premises after having been cited by any peace officer for a violation of this section shall constitute a misdemeanor. The punishment for a misdemeanor violation of this section shall be as provided by Section 1-2.01 of this Code.

Any minor who is cited for violation of this section shall be considered in violation of a traffic offense for purposes of California Welfare & Institutions Code Section 256.

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 March, 1990, 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*
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. 2707-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 April, 19 90, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

APPROVED

Carol G. Whiteside
MAYOR CAROL G. WHITESIDE

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: May 3, 1990

Clark

ORDINANCE NO. 2708 -C.S.

AN ORDINANCE AMENDING SECTIONS 8-3.06 AND 8-3.08 OF CHAPTER 3 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE RELATING TO THE CENTRAL PURCHASE SYSTEM-FORMAL CONTRACTS.

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

SECTION 1. AMENDMENT OF CODE. Sections 8-3.06 and 8-3.08 of Chapter 3 of Title VIII of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 8-3.06. FORMAL CONTRACT PROCEDURES.

Except as provided in Section 8-3.05 of this chapter, for all purchases exceeding \$20,000.00, or when directed by the City Manager for any purchase of \$20,000.00 or less, formal bid procedures shall be followed whereby the City shall purchase only from the lowest responsible bidder after:

- (a) Notice Inviting Bids. Notice inviting bids shall be published in the official newspaper by one or more insertions, the first of which shall be at least seven (7) days before the time of bid opening, in accordance with the provisions of Section 1307 of the City Charter. The required newspaper notice shall include a general description of the supplies, materials, equipment, and contractual services to be purchased, state where bid blanks and specifications may be secured and the time and place for opening bids.

Wherever feasible, the Purchasing Officer shall send copies of the bid proposal to prospective vendors and contractors. It shall be the responsibility of the Purchasing Officer to encourage as wide a response as possible from prospective vendors or contractors.

- (b) Bid Deposits. Where required by the City Charter and when not so required but deemed necessary or desirable by the Purchasing Officer, all bids shall be accompanied by either a certified or cashier's check, or a bidder's bond executed by a corporate surety authorized to engage in such business in California, made payable to the City. Such security shall be in an amount not less than the amount specified in the notice inviting bids or in the specifications referred to therein, or if no amount is specified by the notice inviting bids, then in an amount not less than ten percent (10%) of the aggregate amount of the bid. If the successful bidder neglects or refuses to enter into the contract, or provide supplies, materials, equipment,

or contractual services according to specifications within the time specified in the notice inviting bids or specifications referred to therein, the amount of the bidder's security shall be declared forfeited to the City, and shall be collected and paid into its General Fund, and all bonds forfeited shall be prosecuted and the amount thereof collected and paid into such fund.

All bids not submitted with the required deposit shall be rejected. Unsuccessful bidders shall be entitled to the return of deposits when such have been required.

- (c) Sealed Bids. Bids shall be sealed, shall be identified as bids on the envelope, shall be submitted at the place and no later than the time stated in the public notice inviting bids, and shall be opened at a public meeting at the time and place stated in the public notice. Bids received after the stated time shall not be accepted and shall be returned to the bidder unopened.
- (d) Council May Reject Bids. The Council shall have the authority to accept or reject any or all bids, or to waive any informalities or minor irregularities in a bid. The Council, after rejecting bids, or if no bids are received, may declare and determine that, in its opinion, based on estimates approved by the City Manager, the purchase in question may be made without a formal bid procedure and, after the adoption of a resolution to this effect by at least five (5) affirmative votes of the Council, may proceed to have said purchase made in the manner stated without further observation of the provisions of this section.
- (e) Lowest Responsible Bidder. In addition to price in determining the "lowest responsible bidder", consideration will be given to quality and performance of the commodity to be purchased, or service provided by the seller. Criteria for determining low bid shall include, but not be limited to, the following:
 - (1) The ability, capacity and skill of the bidder to provide the supplies, materials, equipment or contractual services as required.
 - (2) The ability of the bidder to provide the supplies, materials, equipment or contractual services within the time specified.
 - (3) The character, integrity, reputation, judgment, experience and efficiency of the bidder.

- (4) The quality or performance of previous purchases from said bidder.
- (5) The ability of the bidder to provide future maintenance, repair parts and services for the use of the commodity purchased.
- (f) Faithful Performance Bond. When the specifications so provide, the successful bidder shall furnish surety in the form of certified or cashier's check, corporate surety bond or savings and loan certificate for faithful performance of the contract.

SEC. 8-3.08. OPEN MARKET PURCHASES.

Except as otherwise provided by this chapter or when directed by the City Manager, all purchases of supplies, materials, equipment and contractual services involving an expenditure of City funds in the amount of \$20,000.00 or less, shall be purchased, when feasible and when in the best interest of the City, in the open market by letter inquiry, informal solicitation, or telephone or facsimile solicitations, with or without newspaper advertisement, and without observation of prescribed formal bid procedures.

Open market purchases, whenever possible and practicable, shall be based on at least three (3) competitive quotations (letter inquiries and/or telephone solicitations), and shall be awarded to the person, firm or corporation submitting the lowest responsible quotation. In determining the lowest quotation, the City shall do so on the basis defined in Section 8-3.06 (e) for establishing the lowest responsible bid used in formal bid purchases.

The Purchasing Officer shall keep a record of all open market orders and the quotations submitted in competition thereof. Such records shall be open to public inspection during business hours. Records of said open market orders or purchases may be disposed of by the Purchasing Officer following two (2) years from the date of the purchase.

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 3 day of April, 1990, 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, Lang, Muratore, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

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. 2708-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 April, 1990, 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



MAYOR CAROL G. WHITESIDE

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: May 10, 1990

Clerk

ORDINANCE NO. 2709 -C.S.

AN ORDINANCE AMENDING SECTION 2-1.01 OF CHAPTER 1 OF TITLE II OF THE MODESTO MUNICIPAL CODE RELATING TO REGULAR CITY COUNCIL MEETINGS.

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

SECTION 1. AMENDMENT OF CODE. Section 2-1.01 of Chapter 1 of Title II of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 2-1.01. REGULAR MEETINGS.

- (a) **Time.** Regular meetings of the City Council shall be held on the first, second, third and fourth Tuesday of each month. The meetings held on the first and third Tuesday shall commence at the hour of 7:30 p.m., and the meetings held on the second and fourth Tuesday shall commence at the hour of 4:00 p.m. Whenever the day fixed for any regular meeting of the Council falls upon a day designated by the City of Modesto as a holiday, such meeting shall be held at the same hour on the next succeeding day not a holiday.
- (b) **Place.** All regular meetings of the Council shall be held in the Council Chambers in the City Hall located at 11th and H Streets, Modesto, California. If, due to an emergency it shall be unsafe to meet in the place designated, the meetings may be held for the duration of the emergency at such place as is designated by the Mayor.
- (c) **Public.** All meetings of the Council shall be open to the public; provided, however, the City Council may hold executive sessions as provided by the laws of the State of California.

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 10 day of April, 1990, 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:

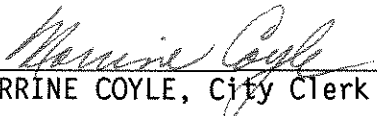
AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

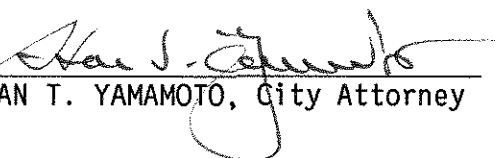
APPROVED: 
CAROL G. WHITESIDE, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

Ord. No. 2709-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 April, 19 90, 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, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

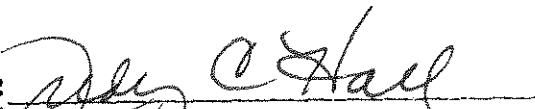
ABSENT: Councilmembers: Muratore

APPROVED



MAYOR CAROL G. WHITESIDE

ATTEST:


JUDY C. HALL, Acting City Clerk

EFFECTIVE DATE: May 30, 1990

Clark

ORDINANCE NO. 2710 -C.S.

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 2312-C.S. ENTITLED "AN ORDINANCE AMENDING SECTION MAP 20-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (QUARESMA)"

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

SECTION 1. AMENDMENT OF ORDINANCE NO. 2312-C.S. Section 2 of Ordinance No. 2312-C.S. is hereby amended to read as follows:

"SECTION 2. USES. The following uses shall be permitted in said P-D(368) 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.

Phase I - A C-1 commercial/office building and accessory parking area.

Phase II - A business/professional office condominium complex and accessory parking area."

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 10 day of April, 1990, 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, 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. 2710-C.S.

FINAL ADOPTION CLAUSE

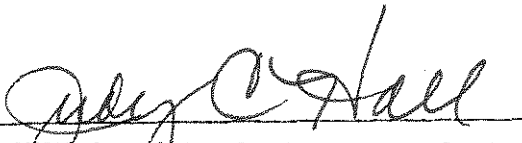
The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 17th day of April, 1990, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the ordinance adopted by the following vote:

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

APPROVED


MAYOR CAROL G. WHITESIDE

ATTEST:


JUDY C. HALL, Acting City Clerk

EFFECTIVE DATE: May 30, 1990

ORDINANCE NO. 2711 -C.S.

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

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

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

SEC. 11-1.14 RULES AND REGULATIONS.

In addition to all other provisions and requirements of this chapter, the following additional rules and regulations for the use of water are hereby established. 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 punishable as an infraction.

- (a) Consumers shall not waste water. The City may refuse service or discontinue service to any premises where water is being wasted. The City shall have the right to notify the occupant, in writing, of such waste and to discontinue service to the consumer. The City also reserves the right to install, or require the installation of a water meter or other water conservation device, at the consumer's expense. If the City installs a meter or other conservation device, the charge for installation shall be paid before service is reestablished. Water waste includes, but is not limited to, the following:
 - (1) Watering lawns or gardens such that excess water leaves property being watered.
 - (2) Washing cars, without the use of a quick-acting positive shut-off nozzle on the hose. Furthermore, there shall be no washing of building exteriors, mobile home exteriors, recreational vehicle exteriors, sidewalks, patios, driveways, gutters or other exterior surfaces, unless permitted by the Public Works and Transportation Director and done with the use of a quick acting positive shut-off nozzle on the hose.
 - (3) Having leaky faucets or plumbing fixtures on premises for any period of time within which such break or leak should reasonably have been discovered and corrected. It shall be presumed that a period of twenty-four (24) hours after

the water user discovers such break, leak, or malfunction, or receives notice from the City, whichever occurs first, is a reasonable time within which to correct such condition or to make arrangements for correction.

- (4) Outdoor water use in violation of the following schedule:
 - (aa) No outdoor water use will be allowed between 12:00 p.m. and 7:00 p.m.;
 - (ab) Dwellings or establishments with odd-numbered street addresses shall water only on Mondays, Wednesdays, and Fridays subject to the time restrictions set forth above.
 - (ac) Dwellings or establishments with even-numbered street addresses shall water only on Tuesdays, Thursdays, and Saturdays subject to the time restrictions set forth above.
 - (ad) Anyone may water on Sundays subject to the time restrictions set forth above.
- (5) Eating establishments are encouraged to serve water only at the customer's request.
- (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 bimonthly basis for water service in the months immediately preceding and following the first of the month in which they are issued. The water bills are due and payable upon presentation; and if they are not paid at the end of the month in which they are billed, they shall be considered delinquent. If they are delinquent for more than ten (10) days and a delinquent notice issued by the Director of Finance has been delivered to the user or posted on the premises, a delinquent charge 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 two (2) months immediately preceding the date of the meter reading and shall be due and payable upon presentation. If the water bills are not paid at the end of the month in which they are billed, they shall be considered delinquent; and the same procedure and charges as for the unmetered service shall apply.
- (g) No person shall supply water in any way for use outside of the premises to which the service is assigned or appurtenant except by permission from the 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 Director of Finance.
- (i) Access to service connections and water meters must be provided at all times.

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 10 day of April, 1990, 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, 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. 2711-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 April, 1990, 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, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

APPROVED Carol G. Whiteside
MAYOR CAROL G. WHITESIDE

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

EFFECTIVE DATE: May 30, 1990

ORDINANCE NO. 2712 -C.S.

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(472), PROPERTY LOCATED ON THE SOUTH SIDE OF STANDIFORD AVENUE OPPOSITE LONGBRIDGE DRIVE (PHILLIP D. OVERHOLTZER, INC.).

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

SECTION 1. ZONING CHANGE. Section 7-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(472):

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

Commencing at the centerline intersection of Carver Road and Standiford Avenue as shown on that certain map of "Tully Manor No. 6" filed in Volume 23 of Maps, at Page 55, Stanislaus County Records; thence along said centerline of Standiford Avenue and also being a quarter section line, South 89° 08' 00" East, 1,543.20 feet to a quarter quarter Section line and the true point of beginning of this description; thence leaving said centerline of Standiford Avenue and along said quarter quarter Section line, South 1° 02' 40" East, 270.00 feet to the intersection with the eastern prolongation of the North line of said "Tully Manor No. 6"; thence along said Eastern prolongation and said North line, North 89° 08' West, 225.00 feet; thence leaving said North line; North 1° 02' 40" West, 270.00 feet to aforementioned Standiford Avenue center; thence along said centerline, South 89° 08' 00" East, 225.00 feet to the point of beginning.

Also including all of the 14.00-foot-wide alley located immediately adjacent to the East line of the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(472) 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 uses as allowed in the P-0 Zone.
2. Off-street parking as shown on the approved development plan.

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

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

SECTION 5. PUBLICATION. 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 17 day of April, 1990, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and ordered printed and published by the following vote:


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

NOES: Councilmembers: None

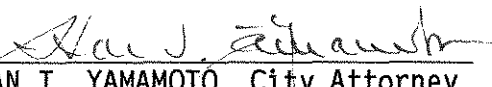
ABSENT: Councilmembers: Muratore

APPROVED: 
CAROL G. WHITESIDE, 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. 2712-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 April, 19 90, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

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

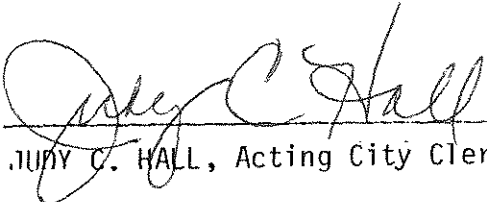
NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED


MAYOR CAROL G. WHITESIDE

ATTEST:


JUDY C. HALL, Acting City Clerk

EFFECTIVE DATE: May 24, 1990

ORDINANCE NO. 2713-C.S.

AN ORDINANCE AMENDING SECTION MAP 16-3-9 OF THE ZONING MAP TO REZONE FROM LOW-DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE P-D(474), PROPERTY LOCATED ON THE SOUTH SIDE OF FLOYD AVENUE WEST OF COFFEE ROAD (PHILLIP D. OVERHOLTZER)

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

SECTION 1. AMENDMENT OF CODE. Section 16-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Low-Density Residential Zone, R-1, to Planned Development Zone, P-D(474):

All that certain real property situate in a portion of the Northeast quarter of Section 16, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

Beginning at the Northwest corner of the Montgomery Village Park subdivision, according to the official map thereof, filed in the office of the Recorder of Stanislaus County, California, on June 6, 1961, in Volume 19 of Maps, Page 72; thence South 0°58'00" East, 5.00 feet along the West line of said Montgomery Village Park subdivision; thence leave said West line North 89°27'57" West 100.00 feet along the North line of Montgomery Village No. 4 subdivision, according to the official map thereof, filed in the office of the Recorder of Stanislaus County, California, on April 4, 1961, in Volume 19 of Maps, Page 63; thence continuing along said North line North 0°53'00" West, 40.00 feet; thence continuing along said North line North 89°27'57" West, 20.00 feet to the Southeast corner of Parcel "B" as shown on that certain Parcel Map filed in the office of the Recorder of Stanislaus County, California, on April 11, 1980, in Volume 30 of Parcel Maps, Page 50; thence along the East line of said Parcel "B" North 0°53'00" West, 127.32 feet to the South line of 60.00 foot wide Floyd Avenue; thence continuing along the Northerly prolongation of said East line North 0°53'00", West, 30.00 feet to the centerline of said Floyd Avenue; thence along the centerline of Floyd Avenue, South 89°29'40" East, 320.00 feet to the intersection with the Northern prolongation of the East line of Parcel "D" as shown on that certain Parcel Map filed in the office of the Recorder of Stanislaus County, California, on October 21, 1969, in Volume 7 of Parcel Maps, Page 77; thence leaving the centerline of Floyd Avenue and along said Northern prolongation, South 0°53'00" East, 120.00 feet to the Northeast corner of said Parcel "D"; thence along the East line of said Parcel "D" South 0°53'00" East 70.00 feet to the Southeast corner of said Parcel "D" and the aforementioned North line of the Montgomery Village Park subdivision; thence along said North line, North 89°27'57" West, 200.00 feet to the point of beginning.

SECTION 2. USES. The following uses shall be permitted in said P-D(474) Zone if the plan for construction conforms in principle to the approved plan, or if the 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 uses allowed in the P-0 Zone.
2. Off-street parking as shown on the approved development plan.

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

SECTION 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 24th day of April, 1990, 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, Lang, Muratore, Patterson

NOES: Councilmembers: Dobbs, Irizarry, Mayor Whiteside

ABSENT: Councilmembers: None

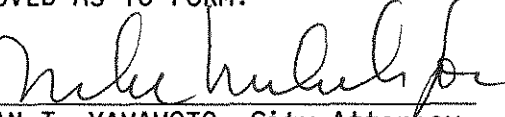
APPROVED: 
CAROL G. WHITESIDE, Mayor

ATTEST:


By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By 
Planning And Community Development
Director

Ord. No. 2713-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 15th day of May, 1990, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, Lang, Muratore, Patterson

NOES: Councilmembers: Dobbs, Irizarry, Mayor Whiteside

ABSENT: Councilmembers: None

APPROVED

Carol G. Whiteside
MAYOR CAROL G. WHITESIDE

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: June 14, 1990

Clark

ORDINANCE NO. 2714 -C.S.

AN ORDINANCE AMENDING SECTION MAP SECTION 21-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(473), PROPERTY LOCATED ON THE NORTH SIDE OF EAST ORANGEBURG AVENUE, WEST OF SUNRISE AVENUE (DENNIS HOBBY).

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

SECTION 1. ZONING CHANGE. Section 21-3-9 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(473):

R-1 to P-D

ALL that certain real property situated in the City of Modesto, County of Stanislaus, State of California, described as follows:

ALL that portion of the Southeast quarter of the Northeast quarter of the Northwest quarter of Section 21, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, more particularly described as follows:

COMMENCING at the Southwest corner of the Southeast quarter of the Northeast quarter of the Northwest quarter of said Section 21, being in the intersection of Melrose Avenue with Orangeburg Avenue; thence East along the South line of the Northeast quarter of the Northwest quarter of said Section 21, being the centerline of Orangeburg Avenue, a distance of 320 feet to the Point of Beginning of this Description; thence North and parallel to the West line of the East half of the Northeast quarter of the Northwest quarter of said Section 21, a distance of 264 feet; thence East and parallel to the aforementioned centerline of Orangeburg Avenue, a distance of 175 feet; thence South and parallel to the aforementioned West line of the East half of the Northeast quarter of the Northwest quarter of said Section 21, a distance of 264 feet; thence West along the aforementioned centerline of Orangeburg Avenue, a distance of 175 feet to the Point of Beginning.

SECTION 2. USES. The following uses shall be permitted in said P-D(473) 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 office condominium allowing all P-0 Zone uses.
2. Off-street parking as shown on the approved plans.

SECTION 3. ZONING MAP. Section Map 21-3-9 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 1st day of May, 1990, 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
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. 2714-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 May, 1990, 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, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Stan Dobbs

APPROVED *Carol Whiteside*
MAYOR CAROL G. WHITESIDE

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: June 7, 1990

clerk

ORDINANCE NO. 2715 -C.S.

AN ORDINANCE AMENDING SECTION MAP 28-3-9 OF THE ZONING MAP TO REZONE FROM MEDIUM DENSITY RESIDENTIAL ZONE, R-2, TO PLANNED DEVELOPMENT ZONE, P-D(471), PROPERTY LOCATED ON THE NORTH SIDE OF SCENIC DRIVE WEST OF COFFEE ROAD (ROMAN CATHOLIC BISHOP OF STOCKTON C/O THOMAS ANGELO, AGENT).

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

SECTION 1. ZONING CHANGE. Section 28-3-9 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(471):

All that certain real property situate in a portion of the Southeast quarter of Section 28, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

Beginning at the Southwest corner of the Grant Tract, according to the official map thereof, filed in the office of the Recorder of Stanislaus County, California, on June 6, 1950, in Volume 16 of Maps, Page 74; thence along the South line of said subdivision, South 89°10' East 442.66 feet; thence leaving the South line of said Grant Tract, South 4°03' East 520.72 feet to the North line of Scenic Drive; thence Westerly along the North line of Scenic Drive on a curve concave to the Southeast, 251.65 feet; thence continuing along said North line Westerly on a curve concave to the Northwest, 214.38 feet; thence continuing along said North line bearing Southwesterly 89.29 feet; thence leaving the North line of Scenic Drive, North 0°08' West 799.52 feet to the point of beginning of this description.

Including also all of the Northern one-half of Scenic Drive located immediately adjacent to the above-described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(471) 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:

Cemetery including mausoleum structure and ground burial sites with lawn coverage.

SECTION 3. ZONING MAP. Section Map 28-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of June, 1990, by Councilmember Lang, 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

Judy C. Hall
JUDY C. MALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By

Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By

Alberto Medina
Department of Planning and
Community Development

Ord. No. 2715-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 June, 1990, Councilmember Lang 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, Lang, Muratore, Patterson, Acting Mayor Bird
NOES: Councilmembers: None
ABSENT: Councilmembers: Mayor Whiteside

APPROVED: Charles V. Bird
CHARLES V. BIRD, Acting Mayor

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: July 19, 1990

ORDINANCE NO. 2716 -C.S.

AN ORDINANCE AMENDING SECTION MAP 21-3-9 OF THE ZONING MAP TO REPEAL P-D(366) AND REZONE TO LOW DENSITY RESIDENTIAL ZONE, R-1, PROPERTY LOCATED ON THE NORTH SIDE OF EAST ORANGEBURG AVENUE, WEST OF COFFEE ROAD. (HILLHAVEN)

WHEREAS, the City Council, by Ordinance No. 2307-C.S., which became effective on February 14, 1985, amended Section Map 21-3-9 of the Zoning Map to rezone to Planned Development Zone, P-D(366), for a convalescent hospital and an elderly housing complex, property located on the north side of East Orangeburg Avenue, west of Coffee Road, and

WHEREAS, the City Council, by Resolution No. 85-8, adopted on January 8, 1985, approved the development plan for P-D(366) and established the development schedule which specified that the entire construction program be accomplished in two phases, with construction of Phase I to begin on or before January 1, 1987, completion to be by January 1, 1988, and construction of Phase II to begin on or before January 1, 1988, completion to be by January 1, 1989, and

WHEREAS, by letter dated September 8, 1986, the Director of Planning and Community Development under authority of Section 10-2.1710(a) of the Zoning Regulations granted a one-year extension of the entire development schedule, and

WHEREAS, by Resolution No. 87-191 adopted November 30, 1987, the Planning Commission granted another extension of time to the development schedule for P-D(366), and

WHEREAS, construction on P-D(366) has not proceeded in accordance with the amended development schedule, and

WHEREAS, by Resolution No. 90-42, adopted on May 7, 1990, the Planning Commission initiated proceedings to repeal P-D(366) and rezone the property to Low Density Residential Zone, R-1, and

WHEREAS, a public hearing was held by the Planning Commission at its regular meeting on June 4, 1990, in the City Council Chambers, City Hall, 801 11th Street, Modesto, at which hearing evidence both oral and documentary was received and considered, and thereafter the Planning Commission, by Resolution No. 90-51 found and determined that the repeal of Planned Development Zone, P-D(366), and rezoning the property back to Low Density Residential Zone, R-1, is required by public necessity, convenience and general welfare for the following reasons:

1. P-D(366) did not develop within the extended time limits of the revised development schedule.
2. Section 10-2.1710(C) of the Municipal Code calls for repeal or modification of expired P-D zones. ✓
3. A vesting tentative subdivision map called Orangeburg Park which includes the subject property has been submitted and is predicated on the reversion to R-1 zoning.

and

WHEREAS, by Resolution No. 90-51, adopted June 4, 1990, the Planning Commission recommended to the Council that Section Map 21-3-9 of the Zoning Map be amended to repeal P-D(366) and rezone the property hereinafter described to Low Density Residential Zone, R-1, and

WHEREAS, said matter was set for public hearing before the Council of the City of Modesto in the Council Chambers, City Hall, 801 11th Street, in the City of Modesto, at 4:00 p.m. on June 26, 1990, at which time evidence, both oral and documentary, was taken and introduced.

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

SECTION 1. COUNCIL FINDINGS. After a public hearing, this Council finds and determines that the recommended rezoning of Planned Development Zone, P-D(366), to Low Density Residential Zone, R-1, is required by public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 90-51, and quoted above.

SECTION 2. ZONING CHANGE. Section 21-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Planned Development Zone, P-D(366), to Low Density Residential Zone, R-1:

All that portion of the Northeast quarter of the Northeast quarter of Section 21, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

COMMENCING at the Northeast corner of Section 21; thence North $89^{\circ}38'20''$ West of the North line of said Section 21, a distance of 992.21 feet; thence South $0^{\circ}40'30''$ East a distance of 109.80 feet to the point of beginning of this description; thence continuing South $0^{\circ}40'30''$ East a distance of 1169.40 feet to the North road line of East Orangeburg Avenue; thence South $89^{\circ}41'00''$ East, a distance of 229.65 feet to the west line of the Modesto Irrigation District Lateral Number 4; thence North $25^{\circ}22'20''$ East along the West side of said Lateral a distance of 489.15 feet; thence North $0^{\circ}40'38''$ West a distance of 764.82 feet to a non tangent point on a curve concave to the Southeast and having a central angle of $12^{\circ}30'44''$ a radius of 1170 feet and a length of 255.50 feet; thence Westerly along said curve a distance of 27.28 feet to a tangent point to a curve concave to the Northeast and having a central angle of $12^{\circ}30'44''$; a radius of 1230 feet and a length of 268.61 feet; thence Westerly along said curve a distance of 268.61 feet; thence South $89^{\circ}46'48''$ West a distance of 150.37 feet to the point of beginning of this description.

Including all of the Northern one-half of East Orangeburg Avenue immediately adjacent to the above described property.

Also including that area located immediately adjacent to and between the north line of the above described property and the north line of said Section 21.

and

SECTION 3. ZONING MAP. Section 21-3-9 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 June, 1990, 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: Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird


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. 2716-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 July, 1990, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED



MAYOR CAROL G. WHITESIDE

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: _____

Clerk

ORDINANCE NO. 2717-C.S.

AN ORDINANCE ADOPTING THE BUDGET FOR THE CITY OF MODESTO FOR THE FISCAL YEAR ENDING JUNE 30, 1991, AND PROVIDING FOR CERTAIN TRANSFERS OF FUNDS.

WHEREAS, pursuant to the Charter of the City of Modesto, a proposed budget for the 1990-1991 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 1990-91", presented by the City Manager to the City Council at its meeting held June 5, 1990, 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, 1991, 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, 1990, are hereby appropriated for the purposes for which they are encumbered and shall be a part of the budget for the fiscal year 1990-1991 adopted hereby.

SECTION 3. That Capital Projects carried over from fiscal year 1989-1990 are hereby re-appropriated as a part of the budget for the fiscal year 1990-1991 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, 1990.

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 26th day of June, 1990, by Councilmember Lang, who moved its adoption and passage to print, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

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

Clark
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ORDINANCE NO. 2718 -C.S.

AN ORDINANCE AMENDING SECTION MAP SECTION 27-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(475), PROPERTY LOCATED ON THE NORTH SIDE OF SCENIC DRIVE EAST OF ROSE AVENUE (JAMES C. RICHARDSON).

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 Low Density Residential Zone, R-1, to Planned Development Zone, P-D(475):

R-1 to P-D

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 of Parcels "A" and "B" as shown on that parcel map filed in the office of the Recorder of Stanislaus County, California, on January 20, 1981, in Book 31 of Parcel Maps, at Page 49.

Including also all of the North one-half of 90.00 foot wide Scenic Drive, the East 30.00 feet of Rose Avenue and the South one-half of the 20.00 foot wide public alley as shown on the aforementioned parcel map and all immediately adjacent to the above described property:

SECTION 2. USES. The following uses shall be permitted in said P-D(475) 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. Two-story townhouse apartments.
2. Off-street parking as shown on the approved plans.

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 3rd day of July, 1990, 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, Irizarry, Lang, Muratore, Patterson

NOES: Councilmembers: Dobbs, Mayor Whiteside

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

APPROVED AS TO DESCRIPTION:

By *William Smith*
Department of Planning and
Community Development

Ord. No. 2718-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 July, 1990, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: Dobbs, Mayor Whiteside

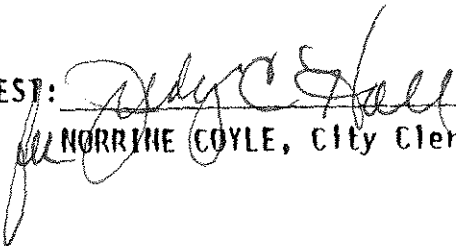
ABSENT: Councilmembers: None

APPROVED



MAYOR CAROL G. WHITESIDE

ATTEST:



NORRYNE COYLE, City Clerk

EFFECTIVE DATE: August 23, 1990

Ord. (7)
(5)

ORDINANCE NO. 2719 -C.S.

AN ORDINANCE AMENDING SECTION 8-7.05 OF CHAPTER 7 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE RELATING TO QUALIFICATIONS FOR REBATE FOR ENTERPRISE ZONE.

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

SECTION 1. AMENDMENT OF CODE. Section 8-7.05 of Chapter 7 of Title VIII of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 8-7.05. QUALIFICATIONS FOR REBATE.

- (a) A new or expanding business will qualify for a partial or total rebate in the percentages set forth below if at the anniversary date determined as of one (1) year from the start of operation the business can establish an increase in the numbers of full-time employees per acre as specified below:
- (1) A new business may have a fifty (50) percent rebate if there is an increase of at least seven and one-half (7.5) employees per acre.
 - (2) A new business may have a one hundred (100) percent rebate if there is an increase of at least fifteen (15) employees per acre.
 - (3) An existing business may have a one hundred (100) percent rebate if there is an increase of at least fifteen (15) employees on-site.
- (b) A new manufacturing business will qualify for a one hundred (100) percent rebate at the one (1) year anniversary of the start of operation if at that date the percentage of the business site covered by new building construction is at least twenty (20) percent and the size of new building construction exceeds one hundred fifty thousand (150,000) square feet.

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 24th day of July, 1990, 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
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. 2719-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 August, 1990, 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: 4

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

APPROVED Carol Whiteside
MAYOR CAROL G. WHITESIDE

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

EFFECTIVE DATE: September 6, 1990

ORDINANCE NO. 2720-C.S.

AN ORDINANCE GRANTING TO MODESTO GARBAGE COMPANY INC., A CALIFORNIA CORPORATION, A LICENSE FOR THE COLLECTION OF GARBAGE IN THE CITY OF MODESTO, INCLUDING THE COLLECTION OF RECYCLABLE MATERIALS, AND REPEALING ORDINANCE NOS. 2533-C.S. AND 2612-C.S.

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

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

SECTION 2. A license to collect garbage, industrial garbage, and salvageable waste, including recyclable materials, in the City of Modesto is hereby granted to Modesto Garbage Company Inc., a California Corporation, subject to the following terms and conditions:

- a. This license shall be for a term of eight (8) calendar years commencing on January 1, 1991. During every third calendar year of the term of this license, including both the initial term and any extensions thereof, the Licensee may apply to the City to extend the term of this license to eight (8) calendar years commencing on January 1 of the following calendar year. Applications for extensions of this license shall be submitted and considered in accordance with the provisions of Chapter 5 of Title V of the Modesto Municipal Code. In addition to the information required by Chapter 5 of Title V of the Modesto Municipal Code, such an application shall also include a financial analysis, in a form acceptable to the City's Finance Director, and prepared by an independent Certified Public Accountant. The initial term of this license, or any extensions thereof, may be terminated under the provisions of this ordinance or the provisions of Chapter 5 of Title V of the Modesto Municipal Code. Nothing herein shall be deemed or construed to impair or affect in any way the right of the City to acquire the equipment and assume the operations of the Licensee at any time during the initial term of this license or any extensions thereof by purchase of the Licensee's equipment at a fair and just market value, which shall not include any amount for the license itself or for any of the rights or privileges granted by this license.

- b. This license shall be an exclusive license to collect garbage and a nonexclusive license to collect industrial garbage, salvageable waste, and recyclable materials within the areas delineated and marked as Areas C and D on that certain map entitled "Garbage Areas" dated July 11, 1972, on file in the office of the City Clerk, and to which reference is hereby made.
- c. In accepting this license, Licensee thereby agrees to serve the areas covered by the license for the terms herein specified in compliance with the provisions of this ordinance and the provisions of Chapter 5 of Title V of the Modesto Municipal Code.
- d. This license shall automatically extend to any portion of the Licensee's service area, as shown on the map referred to in paragraph (b) above, which is hereafter annexed to the City, except that City may permit any person or firm licensed by the County of Stanislaus and then serving such area or portions thereof to continue to serve such area or portions thereof for such period of time, not to exceed five (5) years from the date of annexation, as the City deems proper. The Licensee, when required to serve new portions of the City, shall promptly extend its routes and services and, when necessary, shall hire additional personnel and obtain additional equipment.
- e. Rates and charges to be charged by the Licensee for the collection of garbage shall be established by the Council by resolution. Service charges and costs of operation of the Licensee will be reviewed annually by the City and, if deemed necessary by the City Council, rate adjustments shall be made to become effective on or after January 1 of each year.

The City reserves the right to require adjustments in operations of the Licensee due to changing community needs, and/or developments in the field of garbage collection and disposal. Rate adjustments, if necessary, will be considered in such cases.
- f. The Licensee shall bill and collect all garbage service charges, provided, however, that the City may require that all or some of said garbage service charges shall be billed and collected by the City, and may require the Licensee to pay to the City fees, to be determined by the City, for such billing and collection service.
- g. The City reserves the right to revise the provisions of Chapter 5 of Title V of the Modesto Municipal Code, from time to time, as required in order to protect the public health, safety and welfare of the City.

- h. The Licensee shall comply with all existing and future State and Federal laws, and all ordinances and regulations which may in any manner affect the Licensee's operations under the terms and conditions of this license.
- i. The Public Works and Transportation Director of the City of Modesto shall administer and supervise the Licensee's operations under the terms of this license and in accordance with the provisions of Chapter 5 of Title V of the Municipal Code.

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

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

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

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

1. The Licensee shall provide the City annually, not later than ninety (90) days after the end of the fiscal year ending June 30th, with five (5) copies of an annual balance sheet and profit and loss statement. The annual financial statement shall include a separate description of costs and revenues resulting from salvage and recycling operations hereunder and shall encompass cumulative data from the monthly statistical reports required by Section 2 subparagraph y.(4), below. Licensee may include the operating costs of the curbside recycling license when calculating profits of Licensee's entire waste collection license hereunder. Financial statements submitted by the Licensee to the City shall be regarded by the City as confidential financial records of the Licensee, and shall not be released as a public record for inspection by any party other than authorized City officers unless the City is so ordered by a court of competent jurisdiction.

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

- m. The Licensee shall collect and remove from any and all premises, not later than twenty-four (24) hours after notice, demand or request, any and all garbage and recyclables which Licensee shall have failed to collect and remove at the regularly scheduled time. The customer's failure to place garbage and recyclables for collection at the regularly scheduled time and place shall not be deemed a missed collection.
- n. The Licensee shall collect garbage and recyclables at least once each calendar week, Mondays through Fridays, for residential collections, and on Mondays through Saturdays for commercial and industrial collections. For purposes of such collection, the Licensee shall divide the City into collection routes. Such collection routes shall be each wholly within the City limits, and shall be approved by the Public Works and Transportation Director. Upon approval of the proposed routes by the Public Works and Transportation Director, the Licensee shall prepare route books as soon as possible which shall indicate the address of each service, number of containers, frequency of collection, and such other pertinent information as the Public Works and Transportation Director may require. The Licensee shall keep route books up to date at all times. The Licensee shall give reasonable notice to the general public as to the days and times for collection on each route. No changes in collection schedules shall be made without the approval of the Public Works and Transportation Director and reasonable notice thereof to the customers concerned by the Licensee.

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

- o. The Licensee shall make garbage collection service available on request to all schools, public agencies, institutions, and other nonresidential premises at the same rates established for business locations. In special cases where unusual quantities of materials, special types of materials, or special methods of handling and/or disposing are required, the Public Works and Transportation Director may permit independent arrangements between Licensee and the special customer.
- p. The Licensee shall furnish, to all residential customers, a standard sixty (60) gallon or ninety (90) gallon automated collection container for the containerization of household garbage and garden refuse. The Licensee shall be responsible for the general repair and upkeep of all the standard automated collection containers furnished to the residential customers. Containers shall be kept in serviceable condition at all times.

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

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

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

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

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

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

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

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

- t. All garbage collection vehicles shall be well maintained, properly identified, painted, clean and in satisfactory mechanical condition. The Licensee shall institute a complete and comprehensive system of preventive maintenance on all vehicles and shall keep them lubricated and in good repair. Records in a form approved by the Public Works and Transportation Director to provide data on operating, maintenance and repair costs shall be kept on each piece of equipment.
- u. For purposes of this paragraph the following definitions apply:
 - (1) "Interruption of service" means:
 - (a) Any time period during which garbage collection services by the Licensee are interrupted by a labor dispute and scheduled collections are discontinued or substantially reduced; or
 - (b) Any time period after notice by the City of the termination of the license by reason of a breach or default by the Licensee and until other suitable equipment can reasonably be purchased or otherwise acquired by the City for such purpose.
 - (2) "Equipment" means any and all vehicles and equipment used by the Licensee for the purpose of performing the services provided for in the license at any time within the ninety (90) days immediately prior to the commencement of the interruption of service.
 - (3) "Payment for use" has the following meaning:
 - (a) In the case of equipment subject to a contract, "payment for use" shall mean any installment payment coming due under a contract for such equipment while the City is possessing and using such equipment pursuant to this paragraph during an interruption of service. Payment for use shall not be deemed to include any payment coming due under such contract either prior to, or after the expiration of, such period. Payment for use shall be made by the City, from time to time, directly to the person or company to whom the payment is owed under the contract, and the making of such payment or payments shall constitute full compensation to all persons for the City's temporary use of such equipment.
 - (b) In the case of equipment not subject to a contract, "payment for use" shall mean the reasonable rental

value of such equipment for such period of time during which the City possesses and uses such equipment pursuant to this paragraph during an interruption of service. Such payment shall, at termination of service interruption, be applied against any sums then owed to the City by the Licensee, or, if none, shall be paid by the City to the Licensee.

- (4) "Contract" means any conditional sales contract, mortgage, encumbrance, lease, rental agreement, or other agreement which provides for retention of title to said equipment or grants a security interest therein, that may exist at the commencement of the interruption of service.
- (5) "Notice" means written notification actually received by the person to be notified or mailed to him or her by registered or certified mail at the most recent address furnished by him or her to the City Clerk of the City of Modesto. As to the holder of a contract, the City shall be required to give notice only if the holder's identity is known to the City and the holder has furnished his or her address to said City Clerk.

In the event of an interruption of service, the City shall be entitled to have the temporary possession of all or any portion of the equipment of Licensee on the condition that the City shall, from time to time, make the payment for use as provided in Section 2 subparagraph u.(3), above. Upon taking such temporary possession, City shall forthwith give notice thereof to the Licensee and to the holder at that time, if any, of the contract on such equipment. Such temporary use shall not be deemed a breach of the terms of any contract regarding said equipment, but it shall otherwise be subject to the terms of such contract which are not in conflict herewith, except that the City shall not be required to make any payment other than the payment for use prescribed in Section 2 subparagraph u.(3), above. The City's payment for use prescribed in Section 2 subparagraph u.(3) shall be deemed to be compensation only for the temporary use of such equipment and the City shall not thereby acquire any ownership interest in such equipment.

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

such equipment shall cease, and possession of such equipment may be retaken by the Licensee or by the holder of any contract thereon.

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

All equipment used by the Licensee for the purpose of performing the services provided for in this license shall be solely owned by the Licensee except that the Licensee may, with the prior approval of the City Manager, enter into contracts as defined in Section 2 subparagraph u.(4), above, with respect to such equipment. All such contracts shall provide for temporary possession by the City as set forth herein and shall provide that such temporary possession shall not be deemed a breach of such contract.

- v. All vehicles and equipment used by the Licensee for the collection and hauling of garbage shall be solely owned by Licensee, except that the Licensee may, with the prior approval of the City Manager, enter into conditional sales contracts, mortgages, encumbrances, leases, rental agreements, and other appropriate agreements for the purpose of purchasing, leasing or renting vehicles and equipment to be used in providing the services provided for in this license. All such documents shall provide for temporary possession by the City as set forth in Section 2 subparagraph u.(5) above and shall provide that such temporary possession shall not be deemed a breach of the agreement.

- w. Garbage collected by the Licensee shall be disposed of at the Fink Road sanitary landfill or at the resource recovery facility depending on the makeup of the waste. The City reserves the right to designate other sanitary landfill areas for disposal and other methods of disposal. Disposal of garbage at the sanitary landfill will be in compliance with regulations in effect for the same as they now exist or may hereafter be amended. Industrial garbage collected by the Licensee may be disposed of at such other locations as are approved by the Health Officer.

- x. Pursuant to Licensee's nonexclusive license to collect salvageable waste and recyclable materials, Licensee shall, at its sole cost and expense, furnish all labor and equipment required to perform curbside collection pursuant to this Ordinance and to bear all costs and charges in connection with the sale of recyclable and salvageable materials. Besides collection of sorted recyclable materials, salvaging or scavenging by the Licensee's employees is prohibited on collection routes; however, salvaging activities are encouraged at properly zoned and otherwise suitable locations.

- y. For the purposes of this Ordinance, recyclable materials means newspapers, glass containers, tin cans, aluminum cans, used motor oil, PET plastic, and such other materials as may be mutually agreed upon in writing by Licensee and the Public Works and Transportation Director, which are collected by Licensee pursuant to this Ordinance. Licensee shall perform recycling services in the City of Modesto as follows:
 - (1) Licensee shall collect and remove all recyclable materials that have been segregated, donated, and placed on scheduled service days at the curb of the public street fronting on all single-family residences and from designated locations near multi-family dwellings located within the service areas as established in Section 2 subparagraphs b., c., and d., above. Licensee shall have the sole right to any and all funds and proceeds from the sale of salvaged and recycled materials. Such funds and proceeds shall be accounted for as part of Licensee's gross revenues.
 - (2) Licensees recycling rights and duties hereunder shall commence upon the effective date of this Ordinance and shall thereafter coincide with the license term and extension provisions contained in Section 2 subparagraph a. of this Ordinance.
 - (3) Licensee shall collect recyclable materials sorted and placed at the curbside for collection once each week, regardless of weather conditions. Collection shall be scheduled as for regular garbage collection service in Section 2.n, above. Licensee may collect recyclable materials between 6:00 a.m. and 6:00 p.m. Licensee shall service missed collections as provided in Section 2 subparagraph m., above.
 - (4) Licensee shall file with the City written monthly statistical reports, not later than the tenth of each month to report statistics for the previous month. Reports shall be directed to the Recycling Program

Coordinator of the City of Modesto, Suite 16, 1012 I Street, Modesto, California 95354. The following statistics shall be included in the monthly reports:

- (a) Daily record of volumes collected for aluminum cans, tin cans, PET plastic, glass, newspaper, and used motor oil.
 - (b) Daily record of the number of set-outs, stops, or pick ups.
 - (c) Monthly totals for each of the above.
 - (d) A copy of the Recycling Miss Log of the missed pick ups reported to Licensee during the preceding month.
 - (e) A summary of the preceding month's sale of recyclables, identifying purchaser, purchase price, costs involved, and quantity sold.
 - (f) Information regarding any problems, changes in routes, drivers, and/or equipment.
 - (g) Suggestions for the expansion or improvement of the recycling program.
- (5) Licensee shall provide reasonable public access to Licensee's facility where recyclable materials, including items not picked up at curbside, may be dropped off and where waste oil may be deposited.
- (6) Licensee shall not deposit, in any landfill or waste-to-energy facility, wherever located, any substantial quantity of easily separable recyclable materials without City's prior written consent.
- z. The Licensee shall file with the City Clerk and maintain during the term of this license a corporate surety bond or other form of security satisfactory to the City Attorney in the sum of One Hundred Thousand and no/100ths (\$100,000.00) Dollars. Said bond or security shall be conditioned upon the faithful performances of the terms and conditions of this license and the provisions of Chapter 5 of Title V of the Modesto Municipal Code.
- aa. Licensee agrees, in connection with the performance of all operations under or pursuant to this license, to be an Equal Opportunity Employer and to refrain from discrimination against any employee or applicant for employment because of race, creed, color, national origin, sex, age, or handicap.

- (1) Licensee agrees that it will undertake an affirmative action program to ensure that no person shall on the grounds of race, creed, color, national origin, sex, age, or handicap be excluded from participating in any employment activities or opportunities. Licensee shall fully document these efforts and shall submit to City on or before January 31 of each year a report detailing the affirmative actions Licensee has taken during the prior calendar year. Licensee shall ensure that seniority practices, job classifications, work assignments, and other personnel practices, including employment reduction actions, do not have a discriminatory effect by continually monitoring all personnel and employment-related activities to ensure that the equal employment opportunity actions required by this License are being carried out.
- (2) Licensee agrees to ensure and maintain a working environment free of harassment, intimidation, and coercion at all job locations and in all facilities where Licensee's employees are assigned to work. Licensee shall specifically ensure that all foremen and forewomen, superintendents, and other on-site supervisory personnel are aware of and carry out the Licensee's obligation to maintain such a working environment with specific attention to minority and women at such work locations or in such facilities.
- (3) In the event of breach of any of the above nondiscrimination, equal opportunity, and affirmative action covenants, the Council of the City of Modesto shall have the right to revoke this license in accordance with the provisions of Section 5-5.31 of the Modesto Municipal Code.

ab. Licensee and City shall cooperate, on such terms as shall be agreed upon, to support, develop, publicize, expand, and promote the concept and benefits of recycling by any reasonable and effective methods. Licensee shall reimburse City for its expenses and mailing costs whenever City determines that it is in the best interest of the curbside recycling program to distribute information and promotional materials to Licensee's customers."

SECTION 2. SUPERSEDES AND REPEALS. This ordinance supersedes and repeals Ordinance Nos. 2533-C.S., and 2612-C.S.

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; provided, however, that the license hereby granted shall not become effective unless and until Licensee files with the City Clerk written acceptance thereof and an agreement to be bound by and comply with all of the requirements thereof, in a form satisfactory to the City Attorney, and delivers to the City Clerk the bond and insurance policies required to be furnished, pursuant to the provisions of this ordinance and of Chapter 5 of Title V of the Modesto Municipal Code.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of July, 1990, 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 order 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

ACCEPTANCE OF LICENSE

MODESTO GARBAGE COMPANY, a California corporation, hereby accepts that certain license, and all the terms and conditions thereof, granted by the City Council of the City of Modesto by Ordinance No. 2720 -C.S., entitled "An Ordinance Granting to Modesto Garbage Company Inc., a California corporation, a License for the Collection of Garbage in the City of Modesto, including the Collection of Recyclable Materials" Modesto Garbage Company, and Repealing Ordinance Nos. 2533-C.S. and 2612-C.S."

Licensee hereby agrees to provide the services authorized by the license for the duration of the term of the license. Licensee further agrees to be bound by, to comply with, and to do all things required by the provisions of said Ordinance No. _____-C.S. and of Chapter 5 of Title V of the Modesto Municipal Code, as such provisions now exist or may hereafter be amended.

Dated: _____

MODESTO GARBAGE COMPANY,
A California corporation,

By _____,
President

By _____,
Secretary

(SEAL)

APPROVED AS TO FORM:

By _____
STAN T. YAMAMOTO, City Attorney

Note: The signatures of the persons authorized to sign for Licensee must be notarized.

CERTIFICATE OF CLERK

I hereby certify that the foregoing Acceptance of License was received by me at the hour of _____ o'clock _____ .m. on the _____ day of _____, 1990.

NORRINE COYLE, City Clerk

Ord. No. 2720-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 August, 19 90, 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: Irizarry, Lang, Muratore, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Dobbs

APPROVED



MAYOR CAROL G. WHITESIDE

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: September 20, 1990

Clerk

ORDINANCE NO. 2721 -C.S.

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

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

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

SEC. 5-6.04. SEWER BOND REDEMPTION CHARGES.

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

(a) Residential.

A bond redemption charge shall be paid to the City for connection to the sewage system. Payment shall be made in accordance with a schedule approved by the Council from time to time by resolution.

(b) Commercial and Industrial.

A bond redemption charge shall be paid to the City for connection to the sewage system. Payment shall be made in accordance with a schedule approved by the Council from time to time by resolution. Churches shall pay a commercial bond redemption charge.

(c) Unconnected Standby Sewer Service Charges.

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

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

For those properties connected to the sewage system whose zoning designation and/or use is changed from Residential to Commercial and

Industrial or from Commercial and Industrial to Residential, a bond redemption charge equal to the difference, if any, between the current rate for the existing use and the current rate for the proposed use shall be paid to the City. If the current rate for the proposed use is less than the current rate for the existing use, the user shall not be entitled to a refund.

SEC. 5-6.06. SUBTRUNK SEWER EXTENSION CHARGES.

- (a) Residential and Commercial Areas. Each person owning property within the Sewer District shall pay a subtrunk sewer extension charge to the City at the time of connecting to the sewage system. Payment shall be made in accordance with a schedule approved by the Council from time to time by resolution.
- (b) Industrial Areas. For industrial areas, the extension of subtrunk sewers will be on an individual basis for areas served since size of these subtrunk sewers is dependent upon specific need.

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

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage 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 24th day of July, 1990, 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, 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. 2721-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 August, 19 90, 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: Judy C. Hall
JUDY C. HALL, Acting City Clerk

EFFECTIVE DATE: September 6, 1990

ORDINANCE NO. 2722 -C.S.

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 2514-C.S. ENTITLED "AN ORDINANCE AMENDING SECTION MAP 19-3-9 OF THE ZONING MAP TO REZONE FROM MEDIUM DENSITY RESIDENTIAL ZONE, R-2, AND MEDIUM HIGH DENSITY RESIDENTIAL ZONE, R-3, TO PLANNED DEVELOPMENT ZONE, P-D(416), PROPERTY LOCATED ON THE NORTH SIDE OF WEST ORANGEBURG AVENUE, WEST OF MARTIN AVENUE (JOHNNY BRUCE BRANNON)".

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

SECTION 1. AMENDMENT OF ORDINANCE NO. 2514-C.S. Section 2 of Ordinance No. 2514-C.S. is hereby amended to read as follows:

"SECTION 2. USES. The following uses shall be permitted in said P-D(416) 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. Phase I - Motel and residential development.
2. Phase II - Three-story motel and off-street parking area."

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August, 1990, by Councilmember Dobbs, 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, Lang, Muratore, Patterson

NOES: Councilmembers: Mayor Whiteside

ABSENT: Councilmembers: None

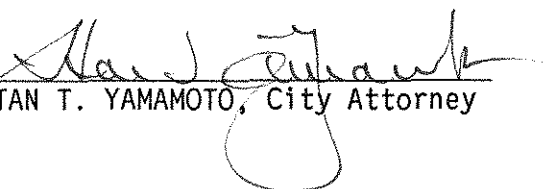
APPROVED: 
CAROL G. WHITESIDE, Mayor

ATTEST:

By 
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

Ord. No. 2722-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 August, 1990, 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, Lang, Muratore, Patterson

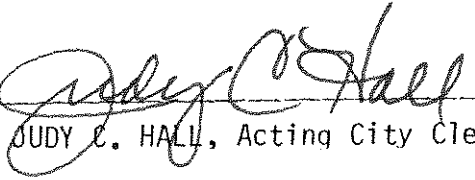
NOES: Councilmembers: Mayor Whiteside

ABSENT: Councilmembers: Irizarry

APPROVED


MAYOR CAROL G. WHITESIDE

ATTEST:


JUDY C. HALL, Acting City Clerk

EFFECTIVE DATE: September 13, 1990

Clerk

ORDINANCE NO. 2723 -C.S.

AN ORDINANCE AMENDING SECTION MAP 8-4-9 OF THE ZONING MAP TO REZONE FROM PLANNED DEVELOPMENT ZONE, P-D(462), TO PLANNED DEVELOPMENT ZONE, P-D(476), PROPERTY LOCATED ON THE SOUTHEAST CORNER OF HATCH ROAD AND BOISE AVENUE. (ARAMBEL AND ROSE DEVELOPMENT, INC.)

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

SECTION 1. ZONING CHANGE. Section 8-4-9 of the Zoning Map is hereby amended to reclassify the following described property from Planned Development Zone, P-D(462), to Planned Development Zone, P-D(476):

P-D(462) to P-D

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

All of Parcel A as shown on that certain parcel map filed in the office of the Recorder of Stanislaus County, California, on May 1, 1987, in Volume 39 of Parcel Maps at page 50.

Including also the southern 50.00 feet of Hatch Road and the eastern 30.00 feet of Boise Avenue and all immediately adjacent to the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(476) 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 on small offset-zero lots.

SECTION 3. ZONING MAP. Section Map 8-4-9 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 7th day of August, 1990, 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, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Carol Whiteside
MAYOR CAROL G. WHITESIDE

ATTEST:

By Judy C. Hall
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William Shields
Department of Planning and Community
Development

Ord. No. 2723-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 August, 19 90, 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, Lang, Muratore, Patterson, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: Irizarry

APPROVED


MAYOR CAROL G. WHITESIDE

ATTEST:


JUDY C. HALL, Acting City Clerk

EFFECTIVE DATE: September 13, 1990

ORDINANCE NO. 2724 -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 DEPOSITS OF HAZARDOUS MATERIALS; CLEANUP OR ABATEMENT; LIABILITY FOR COSTS.

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 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 7th day of August, 1990, 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, lang, Muratore, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: 
CAROL G. WHITESIDE, Mayor

ATTEST:

By 
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

Ord. No. 2724-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 August, 1990, 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, Lang, Muratore, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

APPROVED

Carol G. Whiteside
MAYOR CAROL G. WHITESIDE

ATTEST:

Judy C. Hall
JUDY C. HALL, Acting City Clerk

EFFECTIVE DATE: September 13, 1990

ORDINANCE NO. 2725-C.S.

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

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

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

SEC. 11-1.14 RULES AND REGULATIONS.

In addition to all other provisions and requirements of this chapter, the following additional rules and regulations for the use of water are hereby established. 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 punishable as an infraction.

- (a) Consumers shall not waste water. The City may refuse service or discontinue service to any premises where water is being wasted. The City shall have the right to notify the occupant, in writing, of such waste and to discontinue service to the consumer. The City also reserves the right to install, or require the installation of a water meter or other water conservation device, at the consumer's expense. If the City installs a meter or other conservation device, the charge for installation shall be paid before service is reestablished. Water waste includes, but is not limited to, the following:
 - (1) Watering lawns or gardens such that excess water leaves property being watered.
 - (2) Washing cars, without the use of a quick-acting positive shut-off nozzle on the hose. Furthermore, there shall be no washing of building exteriors, mobile home exteriors, recreational vehicle exteriors, sidewalks, patios, driveways, gutters or other exterior surfaces, unless permitted by the Public Works and Transportation Director and done with the use of a quick acting positive shut-off nozzle on the hose.
 - (3) Having leaky faucets or plumbing fixtures on premises for any period of time within which such break or leak should reasonably have been discovered and corrected. It shall be presumed that a period of twenty-four (24) hours after

the water user discovers such break, leak, or malfunction, or receives notice from the City, whichever occurs first, is a reasonable time within which to correct such condition or to make arrangements for correction.

(4) Outdoor water use in violation of the following schedule:

(aa) No outdoor water use will be allowed between the hours of 9:00 a.m. and 7:00 p.m. beginning August 7, 1990 through October 15, 1990; thereafter, no outdoor water use will be allowed between the hours of 12:00 p.m. and 7:00 p.m.

(ab) Dwellings or establishments with odd-numbered street addresses shall water only on Mondays, Wednesdays, and Fridays subject to the time restrictions set forth above.

(ac) Dwellings or establishments with even-numbered street addresses shall water only on Tuesdays, Thursdays, and Saturdays subject to the time restrictions set forth above.

(ad) Anyone may water on Sundays subject to the time restrictions set forth above.

(5) Eating establishments are encouraged to serve water only at the customer's request.

(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 bimonthly basis for water service in the months immediately preceding and following the first of the month in which they are issued. The water bills are due and payable upon presentation; and if they are not paid at the end of the month in which they are billed, they shall be considered delinquent. If they are delinquent for more than ten (10) days and a delinquent notice issued by the Director of Finance has been delivered to the user or posted on the premises, a delinquent charge 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 two (2) months immediately preceding the date of the meter reading and shall be due and payable upon presentation. If the water bills are not paid at the end of the month in which they are billed, they shall be considered delinquent; and the same procedure and charges as for the unmetered service shall apply.
- (g) No person shall supply water in any way for use outside of the premises to which the service is assigned or appurtenant except by permission from the 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 Director of Finance.

- (i) Access to service connections and water meters must be provided at all times.
- (j) All persons must keep the service pipes in good order at their own expense and may be held liable for damages which may result from their failure to do so. When leaky faucets or fixtures are discovered and not immediately repaired, the water service may be disconnected. Authorized employees of the City of Modesto shall be admitted at all reasonable hours to all parts of any premises supplied with water, except the interior of dwellings, but including the meter box, to see that the regulations contained in this chapter are observed and complied with.
- (k) It shall be unlawful for any person to interfere with the City service lines, valves or meters or to construct a 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.
- (p) Additional rules and regulations concerning the operation of the municipal water system and water conservation may be established by the Council from time to time by resolution.

SECTION 2. EMERGENCY PROVISIONS. DECLARATION OF EMERGENCY. The Council of the City of Modesto hereby finds and declares that the foregoing ordinance is necessary as an emergency measure for preserving the public peace, health and safety.

The drought has caused a decrease in water pressure which is further decreased by heavy outdoor water use in the morning hours. Unless the foregoing ordinance is adopted without delay, the danger to persons and property resulting from the lack of sufficient water pressure will jeopardize the health and safety of the citizens of the City of Modesto.

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

SECTION 4. PUBLICATION. 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 adoption 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 August, 1990, by Councilmember Patterson, who moved its introduction and adoption which motion being duly seconded by Councilmember Muratore, was upon roll call carried 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, for
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Clark

ORDINANCE NO. 2726 -C.S.

AN ORDINANCE AMENDING SECTION MAP 8-4-9 OF THE ZONING MAP OF THE CITY OF MODESTO PREZONING CERTAIN PROPERTY LOCATED THEREON. (R. J. HILL COMPANY)

WHEREAS, a verified application for an amendment to Section 8-4-9 of the Zoning Map was filed by R. J. Hill Company on July 5, 1990, to prezone to Low Density Residential Zone, R-1, property located on the north side of Whitmore Avenue and east of Ustick Road hereinafter described, and

WHEREAS, after a public hearing held on August 6, 1990, 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. 90-62, adopted on August 6, 1990, the Planning Commission recommended to the Council that the application of R. J. Hill Company to amend Section 8-4-9 of the Zoning Map to prezone the hereinafter described property to Low Density Residential Zone, R-1, be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing held on August 28, 1990, 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 reasons:

1. That the proposed prezone is in accordance with community objectives as set forth in the General Plan, which provides for backup single-family lots adjacent to major streets.
2. That a Negative Declaration recommended by the Environmental Assessment Committee in the initial study dated July 5, 1990, be certified.

SECTION 2. ZONING CHANGE. Section 8-4-9 of the Zoning Map is hereby amended to prezone the following described property to Low Density Residential Zone, R-1:

All that certain real property situate in the Southwest Quarter of Section 8, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, in the County of Stanislaus, State of California described as follows:

COMMENCING at the South Quarter corner of said Section 8; thence North 89°30' West 1321.83 feet to the point of beginning of this description; thence North 0°09'21" East 1174.93 feet; thence South 89°21'06" East 480.70 feet; thence South 0°07'23" West 700.00 feet; thence South 89°30' East 182.00 feet; thence South 0°07'23" West 473.18 feet to south line of said Section 8; thence North 89°30' West 663.48 feet to the point of beginning.

SECTION 3. ZONING MAP. Section 8-4-9 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 28th day of August, 1990, by Councilmember Patterson, 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, Dobbbs, 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 Albain Prud'homme
Department of Planning and Community
Development

Ord. No. 2726-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 September, 1990, Councilmember Dobbs moved its final adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: 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: October 4, 1990

B

ORDINANCE NO. 2727 -C.S.

AN ORDINANCE AMENDING SECTION 5-2.302 OF ARTICLE 3 OF CHAPTER 2 OF TITLE V OF THE MODESTO MUNICIPAL CODE AND ADDING ARTICLE 5 TO CHAPTER 2 OF TITLE V OF THE MODESTO MUNICIPAL CODE RELATING TO OUT-CALL MASSAGE.

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

SECTION 1. AMENDMENT OF CODE. Section 5-2.302 of Article 3 of Chapter 2 of Title V of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 5-2.302. OPERATING REQUIREMENTS.

- (a) Every portion of a massage establishment or school of massage, including appliances and apparatus, shall be kept clean and operated in a sanitary condition.
- (b) All masseurs, masseuses, instructors, and trainees shall be clean and wear clean outer garments, the use of which is restricted to the massage establishment or school of massage. A separate dressing room for each sex must be maintained on the premises with individual lockers for each employee or trainee. Doors to such dressing rooms shall open inward and shall be self-closing.
- (c) Each massage establishment and school of massage shall be provided with an adequate quantity of clean, laundered sheets and towels. Said sheets and towels shall be laundered after each use thereof and shall be stored in an approved and sanitary manner. Each massage table shall be provided with clean sheets and towels prior to each use. Approved receptacles shall be provided for the storage of soiled linens and towels.
- (d) Cubicles, rooms, booths, toilet rooms, plumbing fixtures, and other patron facilities shall be thoroughly cleaned at least once each day the massage establishment or school of massage is in operation. Bathtubs and shower compartments shall be thoroughly cleaned with disinfectant after each use.
- (e) No massage establishment or school of massage, or any portion of a building in which the massage establishment or school of massage is located, shall be used for residential or sleeping purposes.
- (f) If male and female patrons are to be served simultaneously, separate rooms, baths, and other patron facilities shall be provided for such male and female patrons.

- (g) Massage establishments and schools of massage may be open for operation only between the hours of 7:00 A.M. and 12:00 P.M., inclusive, of each day.
- (h) No alcoholic beverage shall be sold, served, furnished, kept or possessed on the premises of any massage establishment or school of massage.

SECTION 2. AMENDMENT OF CODE. Article 5 is hereby added to Chapter 2 of Title V of the Modesto Municipal Code to read as follows:

ARTICLE V. OUT-CALL MASSAGE.

SEC. 5-2.501. PERMIT REQUIRED.

Except for out-call massage which has been prescribed in writing by a duly licensed physician, chiropractor, or osteopath, it shall be unlawful for any person to conduct out-call massage without first having obtained a permit issued by the City of Modesto.

SEC. 5-2.502. OUT-CALL MASSAGE DEFINED.

As used in this article the term "out-call massage" shall mean: The engaging in or carrying on of massage for a fee not at a massage establishment or school of massage, but at a location designated by the customer or client, by any permittee or by any other party.

SEC. 5-2.503. TYPE OF OUT-CALL MASSAGE ALLOWED.

All out-call massage, unless prescribed in writing by a duly licensed physician, chiropractor, or osteopath shall be performed in a high-touch massage chair or other similar device.

The therapist performing the massage therapy, shall be fully clothed as shall be the client. No oils, liniments, rubbing alcohol, antiseptics, creams, or lotions shall be used.

SEC. 5-2.504. PROHIBITED LOCATIONS.

- Out-call massage shall not be conducted in the following locations:
- (1) A hotel/motel room or any other similar location used primarily for transitory habitation purposes.
 - (2) The residence of the out-call massage therapist.

SEC. 5-2.505. PERMITTED HOURS.

Out-call massage shall only be conducted between the hours of 8:00 A.M. and 8:00 P.M.

SEC. 5-2.506. OUT-CALL MASSAGE PERMIT APPLICATION.

- (a) Every person who proposes to conduct out-call massage shall make an application under penalty of perjury to the Chief of Police or his authorized representative upon a form provided by the City of Modesto. A non-refundable fee of \$75.00 shall be paid to the City of Modesto to reimburse the City for the cost of the investigation. A copy of the receipt issued by the City of Modesto Finance Department shall accompany the application. The permit fee required under this section is in addition to any other license or permit fee required by the Modesto Municipal Code.
- (b) The application for permit does not authorize the applicant to practice out-call massage until such permit has been granted.
- (c) Every application submitted to the Chief of Police shall include the following information:
 - (1) The applicant's full name, any other names used, date of birth, California driver's license number or California identification number, Social Security number, present resident address, telephone number, sex, height, weight, color of hair, and color of eyes.
 - (2) Previous two residence addresses of the applicant and the inclusive dates at each address.
 - (3) The applicant's business, occupation, and employment history for five years preceding the date of application and inclusive dates of same.
 - (4) The permit history of the applicant; whether such person ever had any permit or license issued to him or her by any other public entity in this or any other state; the date of issuance of any such permit or license, whether any such permit or license has ever been revoked or suspended; and if any such license or permit has been revoked or suspended, the reason therefor.
 - (5) All convictions for any crimes involving conduct which requires registration under any state law similar to and including California Penal Code Section 290, or of conduct which is a violation of the provisions of any state laws similar to and including California Penal Code Section 314, 315, 316, 318, 647, or any crime involving dishonesty, fraud, deceit, or moral turpitude.
 - (6) Acceptable written proof that the applicant is at least 18 years of age.

- (7) A complete set of fingerprints acceptable to the Chief of Police.
- (8) The applicant shall make himself available to the Modesto Police Department in order to be photographed.
- (9) Authorization for the City of Modesto, its agents, and employees to seek information and conduct an investigation into the truth of the statements set forth in the application.
- (10) The applicant must submit a written statement signed by a medical doctor licensed to practice in the State of California stating that the applicant has been examined within thirty days immediately preceding the application, and found to be free of any contagious or communicable disease.
- (11) The applicant must furnish a diploma or certificate of graduation from a school of massage approved by the State of California, Department of Education. The applicant must have completed at least five hundred hours in a resident course wherein the theory, method, profession, and work of massage is taught. In the alternative, if the applicant did not attend a school of massage in the State of California, the applicant must submit a certified transcript of the applicant's school record showing date of enrollment, 500 or more hours of instruction, and graduation from a course wherein the theory, method, profession, and work of massage is taught, and a copy of the school's certification from its State's Board of Education, or the equivalent state agency.
- (12) Such other identification and information as the Chief of Police may require.

SEC. 5-2.507. ISSUANCE, DENIAL, SUSPENSION, REVOCATION, OR SUSPENSION OF PERMITS.

The Chief of Police or his authorized representative shall have sixty days from the date a complete application is submitted in which to investigate the application and background of the applicant. Upon completion of the investigation, the Chief of Police or his designated representative shall approve or deny the permit. The Chief of Police may refuse, revoke, or suspend a permit for out-call massage for any of the following reasons, which reasons will be set forth fully in writing and delivered to the applicant:

- (1) The applicant has been convicted of any of the offenses enumerated in the paragraph (a)(10) of Section 5-2.202, or

convicted of an offense outside the State of California that would have constituted any of the described offenses if committed within the State of California.

A permit may be issued to any person convicted of any of the crimes described if such conviction occurred more than five years prior to the date of the application, and the applicant has had no subsequent felony convictions of any nature and no subsequent misdemeanor convictions for crimes mentioned in paragraph (a)(10) of Section 5-2.202.

- (2) The applicant has been licensed or registered in any state as a prostitute.
- (3) The Police Chief is not satisfied with the moral character of the applicant. The applicant's moral character is such that the operation of out-call massage will adversely effect the public interest, morals, or welfare.
- (4) That any of the provisions of this chapter have been violated or the out-call massage therapist is engaged in any conduct at any time found to be in violation of any state or local law or ordinance.
- (5) A permit shall be refused if the applicant is found not to have the required education in the field of massage therapy as listed in this section.
- (6) Any false statements made in the initial application for out-call massage permit.

SEC. 5-2.508. TERM OF PERMIT.

Permits issued under the provisions of the section shall be valid for a period of one year from the date of issuance and shall be renewable annually.

An application for renewal for an out-call massage permit shall be accompanied by a non-refundable filing fee of \$25.00.

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 28th day of August, 1990, 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, 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. 2727-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 September, 1990, Councilmember Dobbs moved its final adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the ordinance adopted by the following vote:

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

APPROVED Carol Whiteside
MAYOR CAROL G. WHITESIDE

ATTEST: Morrine Coyle
MORRINE COYLE, City Clerk

EFFECTIVE DATE: October 4, 1990

Check

ORDINANCE NO. 2728 -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 |

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| 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 |

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| 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 |

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| 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 |

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| LAKESWOOD 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 |

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| 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 |

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| 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 | 35 miles per hour | October 31, 1985 |
| 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 | 45 miles per hour | July 22, 1985 |

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| 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 |

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| 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 |

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| 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 4th day of September, 1990, 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, 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. 2728-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 September, 1990, Councilmember Lano moved its final adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: 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: October 11, 1990

ORDINANCE NO. 2729 -C.S.

AN ORDINANCE AMENDING SECTION MAP SECTION 22-3-9 OF THE ZONING MAP TO REZONE FROM PROFESSIONAL OFFICE ZONE, P-0, TO PLANNED DEVELOPMENT ZONE, P-D(477), PROPERTY LOCATED ON THE NORTHWEST CORNER OF OAKDALE ROAD AND EAST ORANGEBURG AVENUE (UNION SAFE DEPOSIT BANK).

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

SECTION 1. ZONING CHANGE. Section 22-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Professional Office Zone, P-0, to Planned Development Zone, P-D(477):

P-0 to P-D

All that certain real property situate in a portion of the Northeast quarter of Section 22, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

Commencing at the Northeast corner of Section 22, a point lying on the centerline of 100.00 foot wide Oakdale Road; thence South 0°45'00" East along said centerline a distance of 1006.90 feet to the point of intersection of said centerline and the prolongation of the North line of Parcel "C" as shown on that certain map recorded in Volume 34 of parcel maps, at page 27, Stanislaus County Records, on June 23, 1983; thence leaving said centerline South 89°52'15" West along said prolongation a distance of 50.0 feet, to the Northeast corner of said Parcel "C", said corner being the point of beginning for this description; thence South 0°45'00" East along the East line of said Parcel "C" a distance of 266.44 feet to a tangent curve concave to the Northwest having a radius of 15.00 feet; thence Southwesterly 23.73 feet along said curve, through an angle of 90°39'35" to a tangent line; thence South 89°54'35" West along the South line of said Parcel "C" a distance of 215.28 feet; thence leaving said South line North 0°05'25" West, a distance of 281.44 feet to a point on the North line of said Parcel "C"; thence North 89°52'15" East, a distance of 227.21 feet along the North line of said Parcel "C" to the point of beginning.

Including also all the Western 50.0 feet of Oakdale Road and the Northern 35.0 feet of East Orangeburg Avenue and all immediately adjacent to the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(477) 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. Bank, financial institutions, and business/professional office space.
2. Off-street parking as shown on the approved development plan.

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

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

SECTION 5. PUBLICATION. 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 September, 1990, 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, Lang, Muratore, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

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. 2729-C.S.

FINAL ADOPTION CLAUS

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 September, 1990, 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, Lang, Muratore, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Absent

APPROVED: Carol Whiteside
MAYOR CAROL G. WHITESIDE

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: October 25, 1990

Revised 10/2/90

ORDINANCE NO. 2730 -C.S.

AN ORDINANCE AMENDING SECTIONS 6-1.201, 6-1.202, 6-1.203, 6-1.204, 6-1.205, 6-1.206, 6-1.207, 6-1.207.1, 6-1.208, 6-1.209, 6-1.215, 6-1.217, 6-1.221, 6-1.222, 6-1.224, 6-1.226, AND 6-1.227 OF CHAPTER 1 OF ARTICLE 2 OF TITLE VI OF THE MODESTO MUNICIPAL CODE RELATING TO FEES.

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

SECTION 1. AMENDMENT OF CODE. Sections 6-1.201, 6-1.202, 6-1.203, 6-1.204, 6-1.205, 6-1.206, 6-1.207, 6-1.207.1, 6-1.208, 6-1.209, 6-1.215, 6-1.217, 6-1.221, 6-1.222, 6-1.224, 6-1.226, and 6-1.227 of Chapter 1 of Article 2 of Title VI of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 6-1.201. RETAIL MERCHANTS AND MISCELLANEOUS BUSINESSES.

Every person conducting, carrying on or managing a retail business from a fixed place of business within the City shall pay an annual registration tax of Fifty and no/100ths (\$50.00) Dollars, and in addition thereto shall pay a business license tax equal to one (1) mill on each dollar of gross receipts resulting from the operation of said business, payable quarterly.

In the event that any such retail business is specifically licensed by any other section of this chapter, said business shall be subject to the provisions of this section, in addition to said specific license, to the extent that the activities or proceeds resulting from the conduct of said business are not licensed by said specific license.

The business license tax imposed by this section shall be computed by excluding the proceeds or receipts received or derived from such retail businesses as are otherwise specifically licensed and taxed by any other section or sections of this chapter.

SEC. 6-1.202. PROFESSIONS AND SERVICES.

Every person conducting, carrying on or managing any of the following named professions, occupations, services or trades from a fixed place of business within the City, which business is not otherwise specifically licensed by Sections 6-1.205 and 6-1.215 of this chapter, shall pay an annual registration tax of Fifty and no/100ths (\$50.00) Dollars and in addition thereto shall pay a business license tax equal to two (2) mills on each dollar of the

gross receipts resulting from the operation of said business,
payable quarterly:

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| Accountant | Janitorial Service |
| Advertising Agency | Juke Box Rental |
| Alterations, Dressmaking, Tailoring | Locksmith |
| Appraiser | Laundries |
| Architect | Laboratories or Technicians |
| Armored Car Service | Landscape Architects |
| Arts or Craft Teacher | Lapidary |
| Auto Camp and Motel | Linen Service |
| Attorney | Museum |
| Auctioneer | Music Teachers |
| Barber Shop | Messenger Service |
| Beauty Shop | Optician |
| Business Service | Optometrists |
| Car Wash | Osteopaths |
| Chiropractor | Photographers |
| Chiropodist | Physical Therapists |
| Child Nurseries | Physicians |
| Check Cashing Service | Places of Amusement |
| Check Room | Photostat and Blue Printing |
| Credit Agency | Parking Lots and Auto Storage |
| Cleaners | Reducing Salon |
| Collection Agency | Rooming House |
| Commission Brokers | Real Estate Agent |
| Dance Schools or Studios | Rest Home |
| Dentist | Radio and TV Broadcasting Station |
| Delivery Service | Stock Exchange |
| Diaper Service | Stocks and Bonds |
| Electrologist | Surgeon |
| Employment Agency | Surveyor |
| Engineer | Theatres |
| Equipment Rental | Transfer and Storage |
| Finance and Loan | Travel Bureau |
| Funeral Parlor | Ticket Agency |
| Gardner | Turkish Bath Establishment |
| Gymnasium | Tree Trimmer |
| House Movers | Trailer Court |
| Hauling for Hire | All Other Professions and Semiprofessions |
| Hotel | All Other Service Occupations |
| Interior Decorator | |

SEC. 6-1.203. BROKERS, MANUFACTURERS, PROCESSORS, PUBLIC UTILITIES, AND WHOLESALERS.

Every person carrying on, conducting or managing a brokerage, other than commission broker manufacturing, processing, public utilities, or wholesale business from a fixed place of business within the City shall pay an annual business license tax of One Hundred and no/100ths (\$100.00) Dollars; provided, however, that any such person may elect at the time of applying for a license to pay a registration and business license tax for such business computed in accordance with the provisions of Section 6-1.201 of this chapter.

SEC. 6-1.204. CONTRACTORS.

Every person conducting, carrying or engaging in business as a contractor from a fixed place of business in the City shall pay an annual business license tax of Fifty and no/100ths (\$50.00) Dollars, and in addition thereto shall pay a business license tax equal to one (1) mill on each dollar of gross receipts resulting from the operation of said business, payable quarterly.

For the purpose of this chapter a contractor is defined as any person, who contracts for a project with another person who is licensed by the State of California as a contractor or architect or registered civil engineer acting solely in his professional capacity, who in any capacity other than an employee of another with wages as the sole compensation, undertakes to or offers to undertake to or submits a bid to, or does himself or by or through others construct, alter, repair, add to, subtract from, improve, move, wreck or demolish any building, highway, road, railroad, excavation, or other structure, project, development, or improvement, or do any part thereof, including the erection of scaffolding, or other structures or works in connection therewith.

SEC. 6-1.205. MINIMUM LICENSE BASED ON GROSS RECEIPTS.

Every person carrying on, conducting or managing a business from a fixed place of business within the City, which business is not otherwise specifically licensed under the provisions of Sections 6-1.208 through 6-1.225 of this chapter, shall pay an annual business license tax of Thirty-five and no/100ths (\$35.00) Dollars for any year during which the annual gross receipts resulting from the operation of said business do not exceed the sum of Two Thousand and no/100ths (\$2,000.00) Dollars. Every person licensed under this section shall file a declaration of gross receipts quarterly on forms prescribed by the City.

SEC. 6-1.206. OUTSIDE CONTRACTORS.

Every person not having a fixed place of business within the City who engages in business as a contractor within the City shall pay an annual business license tax of Seventy-five and no/100ths (\$75.00) Dollars, and in addition thereto shall pay a business license tax equal to two (2) mills on each dollar of gross receipts resulting from the business done within the City, payable quarterly; provided, however, that for any license year during which the annual gross receipts resulting from the operation of said business within the City do not exceed Two Thousand and no/100ths (\$2,000.00) Dollars, the total amount of the business license tax shall be Twenty and no/100ths (\$20.00) Dollars. Every person licensed under this section shall file a declaration of gross receipts quarterly on forms prescribed by the City.

SEC. 6-1.207. OTHER OUTSIDE BUSINESSES.

Every person not having a fixed place of business in the City who engages in business within the City, which business is not specifically licensed by any other section of this chapter shall pay an annual license tax of Seventy-five and no 100/th (\$75.00) Dollars, and in addition thereto shall pay a business license tax equal to two (2) mills on each dollar of gross receipts resulting from the business done within the City, payable quarterly; provided, however, that for any license year during which the annual gross receipts resulting from the operation of said business within the City do not exceed Two Thousand and no/100ths (\$2,000.00) Dollars, the total amount of the business license tax shall be Twenty and no/100ths (\$20.00) Dollars. Every person licensed under this section shall file a declaration of gross receipts quarterly on forms prescribed by the City.

SEC. 6-1.207.1. AGENTS, TRAVELING SALESMEN AND MANUFACTURERS' REPRESENTATIVES.

Every person who engages in or solicits business in the City as an agent, traveling salesman or representative of a brokerage, processing, manufacturing or wholesale firm not having a fixed place of business within the City shall pay an annual business license tax of Fifty-five and no/100ths (\$55.00) Dollars.

SEC. 6-1.208. ADVERTISING--DISTRIBUTION OF PRINTED MATTER.

Every person conducting, carrying on or managing the business of advertising, by means of distributing dodgers, handbills, circulars, printed advertisements, cards, tickets, or advertising samples of merchandise, shall pay a license tax in the sum of One Hundred and no/100ths (\$100.00) Dollars per year or fraction thereof, payable in advance.

For the purpose of this section, the words "conducting," "carrying on," or "managing the business" are defined to be and are construed to mean the doing of any act or series of acts of distributing or advertising by means or in a manner in this section specified.

Provided, however, that nothing herein contained shall be construed to permit the carrying on of business hereinabove defined in violation of any other provisions of this Code.

Provided further that nothing herein shall require any person to pay a license tax for the right to distribute cards, pamphlets or other advertising matter distributed in the business district of the City, where and if said cards, pamphlets or other advertising matter are handed by the distributor thereof directly to the recipient of the same.

SEC. 6-1.209. ADVERTISING--OUTDOOR.

Every person not having a fixed place of business in the City, carrying on or engaged in the business or occupation of providing outdoor advertising for others by which they hold, maintain, rent or lease signs, electric signs, billboards, bulletin boards, fences or structures, or space upon any signs, electric signs, billboards, bulletin boards, fences or structures, shall pay a license tax in the sum of Fifty-five and no/100ths (\$55.00) Dollars per quarter if paid quarterly, or One Hundred Fifty and no/100ths (\$150.00) Dollars per year if paid annually.

For the purpose of this section "outdoor advertising" shall be construed to include the placing upon any sign, billboard, bulletin board, fence or structure of any poster, bill, printing, handbill, card, banner, sign, poster, advertising or notice of any kind.

SEC. 6-1.215. HOME OCCUPATIONS.

Every person conducting, carrying on or managing any business in a home pursuant to a valid, existing home occupation permit issued in accordance with the provisions of Section 10-2.505 of this Code shall pay an annual license tax in the sum of Thirty-five and no/100ths (\$35.00) Dollars.

SEC. 6-1.217. FIREWORKS.

Every person conducting, carrying on or managing the business of selling fireworks at retail, except where such business is conducted in connection with another regularly established place of business for which a license has been issued shall pay an annual business license tax of Thirty-five and no/100ths (\$35.00) Dollars in advance for each location.

SEC. 6-1.221. POOL HALL AND/OR BILLIARD ROOM.

Every person conducting, carrying on or managing a pool hall or billiard room shall pay a license tax in the sum of Eleven and no/100ths (\$11.00) Dollars per quarter.

SEC. 6-1.222. PAWNSHOP.

Every person conducting, carrying on or managing a pawnshop or acting as pawnbroker, shall pay a license tax in the sum of Sixteen and no/100ths (\$16.00) Dollars per quarter.

SEC. 6-1.224. TAXICABS.

Every person who operates, conducts, or carries on the business of operating taxicabs for hire on the streets of the City, shall pay a registration tax in the amount of One Hundred and no/100ths (\$100.00) Dollars for the first car, to be paid upon registration of said car, and a registration tax of Five and no/100ths (\$5.00) Dollars for each additional car so registered thereafter, except replacement cars, and a license tax in the sum of Twenty-six and no/100ths (\$26.00) Dollars for each car per quarter.

SEC. 6-1.226. SELLING FOOD AND DRINK FOR HUMAN CONSUMPTION: USE OF VEHICLES.

Every person not having a fixed place of business in the City of Modesto, selling items of food and drink for human consumption by use of a vehicle for such sales where not to regular customers or along established routes, shall pay a semiannual license tax of Twenty-seven and no/100ths (\$27.00) Dollars for each vehicle.

SEC. 6-1.227. LIMITED AMBULANCES.

Every person who operates, conducts or carries on the business of operating limited ambulances for hire on the streets of the City, shall pay a license tax in the sum of Twenty-six and no/100ths (\$26.00) Dollars for each vehicle per quarter.

SECTION 2. EFFECTIVE DATE. Pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall take effect upon adoption.

SECTION 3. OPERATIVE DATE. This ordinance shall become operative on and after November 1, 1990.

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

Ord. No. 2730-C.S.

FINAL ADOPTION CLAUS

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 October, 19 90, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: Muratore

ABSENT: Councilmembers: Lang

APPROVED: _____
MAYOR CAROL G. WHITESIDE

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: November 1, 1990

Revised 10/2/90

ORDINANCE NO. 2731 -C.S.

AN ORDINANCE AMENDING SECTIONS 8-2.210, 8-2.802, 8-2.904, 8-2.905, 8-2.906, AND 8-2.907 OF CHAPTER 2 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE, AND ADDING SECTION 8-2.907.1 THERETO RELATING TO REVENUE ENHANCEMENTS.

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

SECTION 1. AMENDMENT OF CODE. Sections 8-2.210, 8-2.802, 8-2.904, 8-2.905, 8-2.906, and 8-2.907 of Chapter 2 of Title VIII of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 8-2.210. AMOUNT OF TAX.

Every person conducting, managing, or carrying on any show, performance, display or exhibition, to which a ticket is sold or an admission fee is charged, and whether for amusement or education, shall collect a tax of a sum of money equal to five (5%) percent of each ticket sold or admission fee charged.

SEC. 8-2.802. TAX IMPOSED.

There is hereby imposed on each deed, instrument or writing by which any lands, tenements, or other realty sold within the City of Modesto shall be granted, assigned, transferred, or otherwise conveyed to, or vested in, the purchaser or purchasers, or any other person or persons, by his or their direction when the consideration of value of the interest or property conveyed (exclusive of the value of any lien or encumbrances remaining thereon at the time of sale) exceeds one hundred dollars (\$100.00), a tax at the rate of ten cents (\$0.10) for each one hundred dollars (\$100.00) or fractional part thereof.

SEC. 8-2.904. TELEPHONE USERS TAX.

(a) There is hereby imposed a tax upon every person in the City, other than a telephone corporation, using intrastate, interstate, and international telephone communication services in the City. The tax imposed by this section shall be at the rate of six (6%) percent of all charges made for such services, and shall be paid by the person paying for such services. The maximum annual telephone users tax payable by any service user for an individual service shall be One Thousand Five Hundred and no/100ths (\$1,500.00) Dollars for each twelve (12) month period commencing January 1 and ending December 31 of the same calendar year.

- (b) As used in this section the word "charges" shall not include charges for services paid for by inserting coins in coin-operated telephones except that where such coin-operated telephone service is furnished for a guaranteed amount, the amounts paid under such guarantee plus any fixed monthly or other periodic charge shall be included in the base for computing the amount of tax due; nor shall the term "telephone communication services" include land mobile services or maritime mobile services as defined in Section 2.1 of Title 47 of the Code of Federal Regulations as said Section exists on January 1, 1970.
- (c) The tax imposed by this section shall be collected from the service user by the person providing the telephone communication services. The amount of tax collected each month shall be remitted to the Finance Director on or before the last day of the following month.
- (d) Notwithstanding the provisions of subsection (a), the tax imposed under this section shall not be imposed upon any person for using telephone communications services to the extent that the amounts paid for such services are exempt from or not subject to the tax imposed by Section 4251 of Title 26 of the United States Code as said Section exists on January 1, 1971.

SEC. 8-2.905. ELECTRICITY USER TAX.

- (a) There is hereby imposed a tax upon every person in the City, other than an electrical corporation using electrical energy in the City. The tax imposed by this section shall be at the rate of six (6%) percent of all charges made for such energy, including minimum charges for service, and shall be paid by the person paying for such energy. The maximum annual electricity users tax payable by any service user for an individual service shall be One Thousand Five Hundred and no/100ths (\$1,500.00) Dollars for each twelve (12) month period commencing January 1 and ending December 31 of the same calendar year.
- (b) As used in this section, the term "using electrical energy" shall not be construed to mean the storage of such energy by a person in a battery owned or possessed by him or use in an automobile or other machinery or device apart from the premises upon which the energy was received, provided, however, that the term shall include the receiving of such energy for the purpose of using it in the charging of batteries; nor shall the term be construed to mean receiving of such energy by an electrical corporation or a governmental agency at a point within the City for resale to service users.

- (c) The tax imposed by this section shall be collected from the service user by the person supplying such electrical energy. The amount of tax collected in each month shall be remitted to the Finance Director on or before the last day of the following month.

SEC. 8-2.906. GAS USER TAX.

- (a) There is hereby imposed a tax upon every person in the City, other than a gas corporation, using gas in the City which is delivered through mains or pipes. The tax imposed by this section shall be at the rate of six (6%) percent of all charges made for such gas, including minimum charges for service, and shall be paid by the person paying for such gas. The maximum annual gas users tax payable by any such service user for an individual service shall be One Thousand Five Hundred and no/100ths (\$1,500.00) Dollars for each twelve (12) month period commencing January 1 and ending December 31 of the same calendar year.
- (b) As used in this section, the term "using gas" shall not be construed to mean the receiving of such gas by a gas corporation or governmental agency at a point within the City for resale to service users.
- (c) The tax imposed by this section shall be collected from the service user by the person selling the gas. The amount collected in each month shall be remitted to the Finance Director on or before the last day of the following month.

SEC. 8-2.907. WATER USER TAX.

- (a) There is hereby imposed a tax upon every person in the City, other than a water corporation, using water in the City which is delivered through mains or pipes. The tax imposed by this section shall be at the rate of six (6%) percent of all charges made for such water and shall be paid by the person paying for such water. The maximum annual water user tax payable by any such service user for an individual service shall be One Thousand Five Hundred and no/100ths (\$1,500.00) Dollars for each twelve (12) month period commencing January 1 and ending December 31 of the same calendar year. The word "charges", as used in this section shall include charges for (1) metered quantities of water, (2) service or minimum charges, and (3) fire protection services.
- (b) As used in this section, the term "using water" shall not be construed to mean the receiving of such water by a water corporation or governmental agency at a point within the city for resale to service users.

- (c) The tax imposed by this section shall be collected from the service user by the person selling the water. The amount collected in each month shall be remitted to the Finance Director on or before the last day of the following month.

SECTION 2. AMENDMENT OF CODE. Section 8-2.907.1 is hereby added to Chapter 2 of Title VIII of the Modesto Municipal Code to read as follows:

SEC. 8-2.907.1. CABLE TELEVISION USER TAX.

- (a) There is hereby imposed a tax upon every person in the City, other than a cable television corporation, using cable television in the City. The tax imposed by this section shall be at the rate of three (3%) percent of all charges made for such services, and shall be paid by the person paying for such services. The maximum annual cable television users tax payable by any service user for an individual service shall be One Thousand Five Hundred and no/100ths (\$1,500.00) Dollars for each twelve (12) month period commencing January 1 and ending December 31 of the same calendar year.
- (b) The tax imposed by this section shall be collected from the service user by the person supplying such cable television service. The amount of tax collected in each month shall be remitted to the Finance Director on or before the last day of the following month.

SECTION 3. EFFECTIVE DATE. Pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall take effect upon adoption.

SECTION 4. OPERATIVE DATE. This ordinance shall become operative on and after November 1, 1990.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of September, 1990, 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, Patterson, Mayor Whiteside

NOES: Councilmembers: Lang, Muratore

ABSENT: Councilmembers: None

APPROVED:

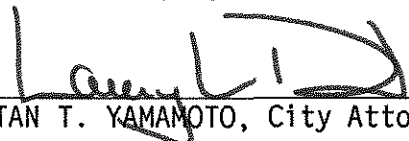

CAROL G. WHITESIDE, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

Ord. No. 2731-C.S.

FINAL ADOPTION CLAUS

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 October, 1990, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: Muratore

ABSENT: Councilmembers: Lang

APPROVED: 

MAYOR CAROL G. WHITESIDE

ATTEST: 

NORRINE COYLE, City Clerk

EFFECTIVE DATE: November 1, 1990

ORDINANCE NO. 2732 -C.S.

AN ORDINANCE AMENDING SECTION MAP 21-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (TIMOTHY S. FISHER/ARCHITECTURE PLUS)

WHEREAS, a verified application for an amendment to Section 21-3-9 of the Zoning Map was filed by Timothy S. Fisher/Architecture Plus, Inc. on June 25, 1990, to reclassify from Low Density Residential Zone, R-1, to Professional Office Zone, P-0, property located at 303 East Orangeburg Avenue, and

WHEREAS, after public hearing held on August 20, 1990, 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. 90-69, adopted on August 20, 1990, the Planning Commission recommended to the Council that the application of Timothy S. Fisher/Architecture Plus, Inc. to amend Section 21-3-9 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 September 18, 1990, 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 P-O zoning conforms to the Revised East McHenry Zoning and Development Policy.
2. The proposed P-O zoning constitutes a reasonable use of the land, being compatible with remaining residential and institutional land uses.
3. Development under the proposed P-O zoning will include participation in traffic flow enhancement established for this portion of East Orangeburg Avenue.

SECTION 2. ZONING CHANGE. Section 21-3-9 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-O:

R-1 to P-O

All that certain real property situate in a portion of the Northwest quarter of Section 21, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

Commencing at the Southwest corner of the Southeast quarter of the Northeast quarter of the Northwest quarter of said section 21, said point being on the centerline of 80.0 foot wide East Orangeburg Avenue; Thence westerly a distance 660 feet to a point on said centerline, said point being the Southwest corner of Lot 11 of Coolidge Colony as shown on the map filed November 15, 1910 in Vol. 5 of Maps, page 17, Stanislaus County Records, said point being the point of beginning of this description; thence Northerly along the West line of said Lot 11, a distance of 330 feet; thence easterly along a line parallel to the South line of said Lot 11, a distance of 66 feet; thence Southerly along a line parallel to the West line of said Lot 11, a distance of 330 feet to a point on the South line of said Lot 11; thence Westerly along the South line of said Lot 11 a distance of 66 feet to the point of beginning of this description. Including all of the Northerly 25 feet of the Southerly one-half of the 80.0 foot wide East Orangeburg Avenue immediately adjacent to the above described.

SECTION 3. ZONING MAP. Section 21-3-9 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 25th day of September, 1990, 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

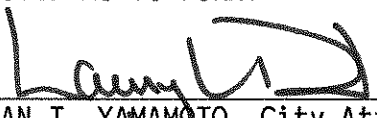
APPROVED: 
CAROL G. WHITESIDE, Mayor

ATTEST:


By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By 
Department of Planning and Community
Development

Ord. No. 2732-C.S.

FINAL ADOPTION CLAUS

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 October, 1990, 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, Dobbs, Irizarry, Muratore, Patterson, Mayor Whiteside |
| NOES: | Councilmembers: | None |
| ABSENT: | Councilmembers: | Lang |

APPROVED: *Carol G. Whiteside*
MAYOR CAROL G. WHITESIDE

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: November 1, 1990

12

ORDINANCE NO. 2733 -C.S.

AN ORDINANCE AMENDING SECTION 1-2.01 OF CHAPTER 2 OF TITLE I OF THE MODESTO MUNICIPAL CODE RELATING TO PUNISHMENT FOR MUNICIPAL CODE VIOLATIONS.

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

SECTION 1. AMENDMENT OF CODE. Section 1-2.01 of Chapter 2 of Title I of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 1-2.01. VIOLATIONS. MISDEMEANOR OR INFRACTION.

It shall be unlawful for any person to violate, or to fail to comply with, any provisions of this Code or of any code adopted by reference by this code. Notwithstanding any other provision of this code, any person violating or failing to comply with any such provision shall be guilty of a misdemeanor, except that when the City Attorney shall elect to charge such violation as an infraction, it shall be an infraction. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Code is committed, continued or permitted by such person and shall be punishable accordingly. Any person convicted of a misdemeanor under the provisions of this Code shall be punishable by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment in the County Jail of the County of Stanislaus for a period not more than one (1) year, or by both such fine and imprisonment. Any person convicted of an infraction shall be punishable by a fine not exceeding five hundred dollars (\$500.00) for each offense.

In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this Code is deemed a public nuisance and may be, by this City, summarily abated; and each day such condition continues shall be regarded as a new and separate offense.

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 25th day of September, 1990, 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. 2733-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 October, 1990, 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, Dobbs, Irizarry, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

APPROVED: Carol Whiteside
MAYOR CAROL G. WHITESIDE

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: November 1, 1990

Check

ORDINANCE NO. 2734 -C.S.

AN ORDINANCE AMENDING SECTION 11-1.14 OF CHAPTER 1 OF TITLE XI OF THE MODESTO MUNICIPAL CODE RELATING TO MONTHLY UTILITY BILLING.

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

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

SEC. 11-1.14 RULES AND REGULATIONS.

In addition to all other provisions and requirements of this chapter, the following additional rules and regulations for the use of water are hereby established. 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 punishable as an infraction.

(a) Consumers shall not waste water. The City may refuse service or discontinue service to any premises where water is being wasted. The City shall have the right to notify the occupant, in writing, of such waste and to discontinue service to the consumer. The City also reserves the right to install, or require the installation of a water meter or other water conservation device, at the consumer's expense. If the City installs a meter or other conservation device, the charge for installation shall be paid before service is reestablished. Water waste includes, but is not limited to, the following:

- (1) Watering lawns or gardens such that excess water leaves property being watered.
- (2) Washing cars, without the use of a quick-acting positive shut-off nozzle on the hose. Furthermore, there shall be no washing of building exteriors, mobile home exteriors, recreational vehicle exteriors, sidewalks, patios, driveways, gutters or other exterior surfaces, unless permitted by the Public Works and Transportation Director and done with the use of a quick acting positive shut-off nozzle on the hose.
- (3) Having leaky faucets or plumbing fixtures on premises for any period of time within which such break or leak should reasonably have been discovered and corrected. It shall be presumed that a period of twenty-four (24) hours after

the water user discovers such break, leak, or malfunction, or receives notice from the City, whichever occurs first, is a reasonable time within which to correct such condition or to make arrangements for correction.

(4) Outdoor water use in violation of the following schedule:

(aa) No outdoor water use will be allowed between the hours of 9:00 a.m. and 7:00 p.m. beginning August 7, 1990 through October 15, 1990; thereafter, no outdoor water use will be allowed between the hours of 12:00 p.m. and 7:00 p.m.

(ab) Dwellings or establishments with odd-numbered street addresses shall water only on Mondays, Wednesdays, and Fridays subject to the time restrictions set forth above.

(ac) Dwellings or establishments with even-numbered street addresses shall water only on Tuesdays, Thursdays, and Saturdays subject to the time restrictions set forth above.

(ad) Anyone may water on Sundays subject to the time restrictions set forth above.

(5) Eating establishments are encouraged to serve water only at the customer's request.

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

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

SECTION 3. PUBLICATION. 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 16th day of October, 1990, 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, 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. 2734-C.S.

FINAL ADOPTION CLAUS

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 6th day of November, 19 90, 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: December 6, 1990

U.S. to

ORDINANCE NO. 2735 -C.S.

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 1939-C.S. ENTITLED "AN ORDINANCE AMENDING SECTION MAP 14-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (ROBERT ERICKSON)"

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

SECTION 1. AMENDMENT OF ORDINANCE NO. 1939-C.S. Section 2 of

Ordinance No. 1939-C.S. is hereby amended to read as follows:

"SECTION 2. USES. The following uses shall be permitted in said P-D(262) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, as required by Section 10-2.1709(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:

Business and professional office uses as allowed in the P-O, Professional Office Zone, in addition to the skating rink and batting cage.

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 16th day of October, 1990, 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, 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. 2735-C.S.

FINAL ADOPTION CLAUS

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 6th day of November, 1990, 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: December 6, 1990

ORDINANCE NO. 2736 -C.S.

AN ORDINANCE AMENDING SECTION 8-2.802 OF CHAPTER 2 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE RELATING TO REVENUE ENHANCEMENTS.

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

SECTION 1. AMENDMENT OF CODE. Section 8-2.802 of Chapter 2 of Title VIII of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 8-2.802. TAX IMPOSED.

There is hereby imposed on each deed, instrument or writing by which any lands, tenements, or other realty sold within the City of Modesto shall be granted, assigned, transferred, or otherwise conveyed to, or vested in, the purchaser or purchasers, or any other person or persons, by his or their direction when the consideration of value of the interest or property conveyed (exclusive of the value of any lien or encumbrances remaining thereon at the time of sale) exceeds one hundred dollars (\$100.00), a tax at the rate of twenty-seven and one-half cents (\$0.275) for each five hundred dollars (\$500.00) or fractional part thereof.

SECTION 2. EFFECTIVE DATE. Pursuant to Section 722(f) of the Charter of the City of Modesto, this ordinance shall take effect upon adoption.

SECTION 3. PUBLICATION. 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 adoption and the places where this ordinance is posted.

The foregoing ordinance was introduced at a special meeting of the Council of the City of Modesto held on the 5th day of November, 1990, 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, Muratore, Patterson, Acting Mayor Bird

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang, Mayor Whiteside

APPROVED: *Charles V. Bird*
CHARLES V. BIRD, Acting Mayor

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

ORDINANCE NO. 2737-C.S.

AN ORDINANCE AMENDING SECTION MAP 23-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (DONALD T. KAN)

WHEREAS, a verified application for an amendment to Section 23-3-9 of the Zoning Map was filed by Donald T. Kan on August 6, 1990, to reclassify from Low Density Residential Zone, R-1, and Medium Density Residential Zone, R-2, to Professional Office Zone, P-0, property located on the north side of Scenic Drive, east of Oakdale Road, and

WHEREAS, after public hearing held on October 1, 1990, 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. 90-82, adopted on October 1, 1990, the Planning Commission recommended to the Council that the application of Donald T. Kan to amend Section 23-3-9 of the Zoning Map to reclassify the hereinafter described property from Low Density Residential Zone, R-1, and Medium Density Residential Zone, R-2, 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 November 13, 1990, 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 P-0 zoning conforms to the locational criteria of the General Plan and the P-0 Zone itself being located on a major street adjacent to an area of activity.
2. The subject property under P-0 zoning would provide a desirable land use transition between institutional housing on the north and east and the commercial area at the major street intersection to the west.
3. Development under P-0 zoning will be subject to development plan scrutiny by the BZA to provide compatibility and traffic flow enhancements.

SECTION 2. ZONING CHANGE. Section 23-3-9 of the Zoning Map is

hereby amended to reclassify the following described property from Low Density Residential Zone, R-1, and Medium Density Residential Zone, R-2, to Professional Office Zone, P-0:

R-1 to P-0

All that portion of the southwest quarter of the southwest quarter of Section 23, Township 3 south, Range 9 east, Mount Diablo Base and Meridian, more particularly described as follows: Beginning at the southeast corner of the 1.195 acre parcel of land shown on the record of survey recorded in book 8 of surveys at page 47, Stanislaus County Records, said point being on the northerly line of Scenic Drive, 25 feet wide, and on the east line of that parcel of land conveyed to Gerald H. Graham and Wife by deed recorded on August 29, 1932 in Volume 479 of Official Records at page 29, Stanislaus County Records, as Instrument No. 8367; thence easterly, along the northerly line of Scenic Drive, through a curve concave to the southwest having a radius of 979.93 feet, and an arc length of 165'+, thence, parallel with the east line of said Graham parcel of land, north 0°11'42" east, 242.47 feet; thence, north 85°00'22" west, 78.90 feet, thence southerly 229 feet, parallel with the east line of said Graham parcel of land, to the southwest corner of the parcel being described, thence westerly, along the northerly line of Scenic Drive, through a curve concave to the southwest having a radius of 979.93 feet and an arc length of 81.94 feet to the point of beginning. Containing 0.42 acres more or less. Including also the northerly one-half of the original 50 foot Scenic Drive immediately adjacent to the above described property.

R-2 to P-0

All that portion of the southwest quarter of the southwest quarter of Section 23, Township 3 south, Range 9 east, Mount Diablo Base and Meridian, more particularly described as follows: Beginning at the southeast corner of the 1.195 acre parcel of land shown on the record of survey recorded in book 8 of surveys at page 47, Stanislaus County Records, said point being on the northerly line of Scenic Drive, 25 feet wide, and on the east line of that parcel of land conveyed to Gerald H. Graham and Wife by deed recorded on August 29, 1932 in Volume 479 of Official Records at page 29, Stanislaus County Records, as Instrument No. 8367; thence easterly, along the northerly line of Scenic Drive, through a curve concave to the southwest having a radius of 979.93 feet, and an arc length of 165'+, thence, parallel with the east line of said Graham parcel of land, north 0°11'42" east, 15.79 feet, thence easterly, through a curve concave to the southwest having a radius of 949.93 feet, and an arc length of 118.45 feet, thence, northerly, north 0°53'50" west, 267.37 feet, thence westerly, south 89°28'24" west, 109.60 feet, thence southerly 226.68 feet, parallel with the east line of said Graham parcel of land, thence, south 0°11'42" west, 15.79 feet, thence westerly, through a curve concave to the southwest having a radius of 949.93 feet, and an arc length of 165+ feet to the point of beginning. Containing 0.64 acres more or less. Including also the northerly one-half of the original 50 foot Scenic Drive immediately adjacent to the above described property.

R-2 to P-0

All that portion of the southwest quarter of the southwest quarter of Section 23, Township 3 south, Range 9 east, Mount Diablo Base and Meridian, more particularly described as follows: Beginning at the southeast corner of the 1.195 acre parcel of land shown on the record of survey recorded in Book 8 of surveys at page 47, Stanislaus County Records, said point being on the northerly line of Scenic Drive, 25 feet wide, and on the east line of that parcel of land conveyed to Gerald H. Graham and Wife by deed recorded on August 29, 1932 in Volume 479 of Official Records at page 29, Stanislaus County Records, as Instrument No. 8367; thence easterly, along the northerly line of Scenic Drive, through a curve concave to the southwest having a radius of 979.93 feet, a central angle of 4°47'26", and an arc length of 81.94 feet; thence, parallel with the east line of said 1.195 acre parcel and east line of said Graham parcel of land, north 0°11'42" East, 229 feet; thence, north 85°00'22" west, 82.2 feet, thence southerly 221.06 feet along the east line of the said Graham parcel of land, to the point of beginning. Containing 0.43 acres more or less. Including also the northerly one-half of the original 50 foot Scenic Drive immediately adjacent to the above described property.

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

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

SECTION 5. PUBLICATION. 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 13th day of November, 1990, 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, 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 P. Daniels
Department of Planning and Community
Development

Ord. No. 2737-C.S.

FINAL ADOPTION CLAUS

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 20th day of November, 1990, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

APPROVED: Carol Whiteside
MAYOR CAROL G. WHITESIDE

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: December 20, 1990

Clark

ORDINANCE NO. 2738-C.S.

AN ORDINANCE AMENDING SECTION MAP SECTION 12-3-8 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(479), PROPERTY LOCATED ON THE WEST SIDE OF CONANT AVENUE SOUTH OF HETCH-HETCHY RIGHT-OF-WAY (STANISLAUS COUNTY HOUSING AUTHORITY).

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

SECTION 1. ZONING CHANGE. Section 12-3-8 of the Zoning Map is hereby amended to reclassify the following described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(479):

R-1 to P-D

Being a portion of Parcel 3 as shown in Volume 22 of Parcel Maps at Page 28, Stanislaus County Records, lying in Section 12, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, more particularly described as follows:

BEGINNING at the northwesterly corner of said Parcel 3, said point being on the southerly line of the Hetch Hetchy Right-of-Way; thence North 70°17'22" East along the northerly line of said Parcel 3 and the southerly line of said Hetch Hetchy Right-of-Way a distance of 814.02 feet, more or less, to the centerline of Conant Avenue; thence South 0°15'05" East along the centerline of said Conant Avenue a distance of 406.04 feet; thence South 89°21'21" West a distance of 767.55 feet, more or less, to the westerly line of said Parcel 3; thence North 00°14'46" West along the west line of said Parcel 3 a distance of 140.13 feet to the northwesterly corner of said Parcel 3 the POINT OF BEGINNING.

SECTION 2. USES. The following uses shall be permitted in said P-D(479) 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 development.
2. Off-street parking as shown on the approved plan.

SECTION 3. ZONING MAP. Section Map 12-3-8 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. 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 13th day of November, 1990, 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, 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 Priddy
Department of Planning and
Community Development

Ord. No. 2738-C.S.

FINAL ADOPTION CLAUS

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 20th day of November, 1990, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, 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: December 20, 1990

*Check
file
copy*

ORDINANCE NO. 2739 -C.S.

AN ORDINANCE AMENDING SECTION MAP 31-3-9 OF THE ZONING MAP TO REZONE FROM MEDIUM HIGH DENSITY RESIDENTIAL ZONE, R-3, AND GENERAL COMMERCIAL ZONE, C-2, TO PLANNED DEVELOPMENT ZONE, P-D(478), PROPERTY LOCATED ON THE NORTHWEST SIDE OF PARADISE ROAD AND WEST OF NORTH MARTIN LUTHER KING DRIVE (METROPOLITAN REAL ESTATE GROUP AND THRIFTY CORPORATION).

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 Medium High Density Residential Zone, R-3, and General Commercial Zone, C-2, to Planned Development Zone, P-D(478):

R-3 to P-D

All that certain real property situate in a portion of Lot 3 of the "Re-Survey of Brichman's Addition to the City of Modesto", according to the Official Map thereof, filed for record in Volume 2 of Maps, Page 1, Stanislaus County Records, located in 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:

BEGINNING at the northeast corner of said Lot 3; thence South 0°25'50" East along the east line of said Lot 3 a distance of 466.13 feet to the southeast corner of said Lot 3; thence North 89°48'40" West along the south line of said Lot 3 a distance of 262.80 feet to a point 204.00 feet east of the southwest corner of said Lot 3; thence North 0°25'50" West 147.42 feet; thence North 42°25'50" West 93.34 feet; thence North 0°25'50" West parallel with and 138.00 feet east of the west line of said Lot 3, a distance of 105.25 feet; thence North 44°34'10" East 131.95 feet; thence North 0°25'50" West 54.00 feet to the north line of said Lot 3; thence South 89°46'40" East along said north line of Lot 3, being also the south line of a 60.00 foot wide Briggs Avenue, a distance of 235.50 feet to the point of beginning. Including also all of the south one-half of 60.00 foot wide Briggs Avenue located immediately adjacent to the above described project.

C-2 to P-D

Being all of Parcels "A" and "B" as shown on map filed for record in Book 30 of Parcel Maps, Page 172, Stanislaus County Records, located in 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, more particularly described as follows:

BEGINNING at the northwest corner of said Parcel "B"; thence South 0°25'50" East along the west lines of said Parcels "B" and "A" a distance of 665.67 feet to the most southerly corner of said Parcel "A"; thence North 50°07'00" East along the southeasterly lines of said Parcels "A" and "B" a distance of 597.29 feet; thence Northeasterly 13.24 feet along a tangent curve, concave to the northwest, having a radius of 15.00 feet and a central angle of 50°34'05"; thence North 0°27'05" West along the east line of said Parcel "B" a distance of 269.22 feet to the northeast corner of said Parcel "B"; thence North 89°46'40" West along the north line of said Parcel "B" a distance of 466.60 feet to the point of beginning. Including also all of the north one-half of 83.00 foot wide Paradise Road, the west one-half of 60.00 foot wide North Martin Luther King Drive, and the south one-half of 60.00 wide Briggs Avenue, all immediately adjacent to the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(478) 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-2 Zone.

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 20th day of November, 1990, 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: Bird, Irizarry, Lang, Muratore, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

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 Altaban D. Iniguez
Department of Planning and
Community Development

check

Ord. No. 2739-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 December, 19 90, 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, Dobs, 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: January 10, 1991

ORDINANCE NO. 2740 -C.S.

AN ORDINANCE AMENDING SECTION MAP 31-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO PREZONING CERTAIN PROPERTY LOCATED THEREON. (METROPOLITAN REAL ESTATE GROUP AND THRIFTY CORPORATION)

WHEREAS, a verified application for an amendment to Section 31-3-9 of the Zoning Map was filed by Metropolitan Real Estate Group and Thrifty Corporation on August 30, 1990, to prezone to Highway Commercial Zone, C-3, property located on the northwest side of Paradise Road and north of Chicago Avenue hereinafter described, and

WHEREAS, after a public hearing held on October 1, 1990, 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. 90-85, adopted on October 1, 1990, the Planning Commission recommended to the Council that the application of Metropolitan Real Estate Group and Thrifty Corporation to amend Section 31-3-9 of the Zoning Map to prezone the hereinafter described property to Highway Commercial Zone, C-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 November 20, 1990, 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 reasons:

1. That the prezone to C-3 is consistent with the Modesto Urban Area General Plan which would provide for a commercial development in the vicinity of Paradise Road and Tuolumne Boulevard.
2. That the Mitigated Negative Declaration dated August 29, 1990, as recommended by the Modesto Environmental Committee be certified.

SECTION 2. ZONING CHANGE. Section 31-3-9 of the Zoning Map is hereby amended to prezone the following described property to Highway Commercial Zone, C-3:

Being a portion of Lots 1 and 2 of the Ellen Tract according to the Official Map thereof, filed in Volume 11 of Maps, Page 60, Stanislaus County Records, located in the Southeast Quarter of Section 31, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the County of Stanislaus, State of California, described as follows:

COMMENCING at the Southwest corner of said Lot 2; thence South 89°53'30" West 22.00 feet to the centerline of Ellen Avenue and the POINT OF BEGINNING of this description; thence North 0°08' East along said centerline of Ellen Avenue a distance of 61.14 feet; thence North 50°07' East parallel with and 123.00 feet measured at right angles, northwest of the centerline of Paradise Road, a distance of 386.52 feet to the east line of said Ellen Avenue, being a point on a non-tangent curve from which a radial line bears South 39°29'53" West to the center; thence Southeasterly 29.46 feet along said non-tangent curve, concave to the southwest, having a radius of 161.00 feet and a central angle of 10°29'09"; thence South 40°00'58" East along a tangent line a distance of 93.70 feet to said centerline of Paradise Road; thence South 50°07' West 431.08 feet along said centerline of Paradise Road to the easterly extension of the south line of Chicago Avenue; thence South 89°53'30" West along said easterly extension of the south line of Chicago Avenue a distance of 47.24 feet to the southerly extension of said centerline of Ellen Avenue; thence North 0°08' East along said southerly extension of the centerline of Ellen Avenue a distance of 60.00 feet to the point of beginning. Containing: 1.21 Acres

SECTION 3. ZONING MAP. Section 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 20th day of November, 1990, 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: Bird, Irizarry, Lang, Muratore, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

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 Drutke
Department of Planning and Community
Development

clerk

Ord. No. 2740-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 December, 19 90, 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: January 10, 1991

2741

ORDINANCE NO. 2741 -C.S.

AN ORDINANCE AMENDING SECTION MAP 31-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (METROPOLITAN REAL ESTATE GROUP AND THRIFTY CORPORATION)

WHEREAS, a verified application for an amendment to Section 31-3-9 of the Zoning Map was filed by Metropolitan Real Estate Group and Thrifty Corporation on August 30, 1990, to reclassify from Medium High Density Residential Zone, R-3, to Low Density Residential Zone, R-1, property located on the south side of Briggs Avenue and west of North Martin Luther King Drive, and

WHEREAS, after public hearing held on October 1, 1990, 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. 90-85, adopted on October 1, 1990, the Planning Commission recommended to the Council that the application of Metropolitan Real Estate Group and Thrifty Corporation to amend Section 31-3-9 of the Zoning Map to reclassify the hereinafter described property from Medium High Density Residential Zone, R-3, to Low Density Residential Zone, R-1, be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing held on November 20, 1990, 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 rezone from R-3 to R-1 is consistent with the Modesto Urban Area General Plan which provides for single-family developments located in the interior portion of neighborhoods.
2. That the Mitigated Negative Declaration dated August 29, 1990, as recommended by the Modesto Environmental Committee be certified.

SECTION 2. ZONING CHANGE. Section 31-3-9 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:

R-3 to R-1

All that certain real property situate in a portion of Lot 3 of the "Re-Survey of Brichman's Addition to the City of Modesto" according to the Official Map thereof, filed for record in Volume 2 of Maps, Page 1, Stanislaus County Records, located in 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:

BEGINNING at the northwest corner of said Lot 3; thence South 0°25'50" East along the west line of said Lot 3, a distance of 466.40 feet to the southwest corner of said Lot 3; thence South 89°48'40" East along the south line of said Lot 3 a distance of 204.00 feet; thence North 0°25'50" West 147.42 feet; thence North 45°25'50" West 93.34 feet; thence North 0°25'50" West parallel with and 138.00 feet east of said west line of Lot 3, a distance of 105.25 feet; thence North 44°34'10" East 131.95 feet; thence North 0°25'50" West 54.00 feet to the north line of said Lot 3; thence North 89°46'40" West along said north line of Lot 3, being also the south line of a 60.00 foot wide Briggs Avenue a distance of 231.30 feet to the point of beginning. Including also all of the south one-half of 60.00 foot wide Briggs Avenue located immediately adjacent to the above described property.

SECTION 3. ZONING MAP. Section 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 20th day of November, 1990, 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: Bird, Irizarry, Lang, Muratore, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

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. Invidia
Department of Planning and Community
Development

Ord. No. 2741-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 December, 19⁹⁰, 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 Whiteside
MAYOR CAROL G. WHITESIDE

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: January 10, 1991

ORDINANCE NO. 2742 -C.S.

AN ORDINANCE AMENDING SECTION MAP 31-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO PREZONING CERTAIN PROPERTY LOCATED THEREON. (METROPOLITAN REAL ESTATE GROUP AND THRIFTY CORPORATION)

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 prezone the following described property to Planned Development Zone, P-PD(478):

Being all of Lot 7 of the "Ellen Tract" according to the official map thereof, filed for record in Volume 11 of Maps, Page 60, Stanislaus County Records, and a portion of Lot 4 of the "Re-Survey of Brichman's Addition to the City of Modesto" according to the official map thereof filed for record in Volume 2 of Maps, Page 1, Stanislaus County Records, located in the Southeast Quarter of Section 31, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the County of Stanislaus, State of California, described as follows:

BEGINNING at the northwest corner of said Lot 7; thence South 0°01'00" East along the west line of said Lot 7 a distance of 120.58 feet to a point on a non-tangent curve from which a radial line bears South 0°01'00" East to the center; thence Southeasterly 140.50 feet along said non-tangent curve being also the southerly line of said Lot 7, concave to the southwest, having a radius of 161.00 feet and a central angle of 50°00'02"; thence South 40°00'58" East 45.74 feet; thence Easterly 23.53 feet along a tangent curve, concave to the north, having a radius of 15.00 feet and a central angle of 89°52'02"; thence North 50°07'00" East along the north line of Paradise Road as shown on said map of the "Re-Survey of Brichman's Addition to the City of Modesto", a distance of 23.86 feet; thence North 0°44'00" West along the east line of said Lot 4 a distance of 199.72 feet to the northeast corner of said Lot 4; thence South 89°59'00" West along the north line of said Lot 4 a distance of 189.65 feet to the point of beginning. Including also all of the north one-half of 83.00 foot wide Paradise Road located immediately adjacent to the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-PD(478) 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-2 Zone.

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 20th day of November, 1990, 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: Bird, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

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 Althman Shields
Department of Planning and
Community Development

Ord. No. 2742-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 December, 1990, 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 Whiteside
MAYOR CAROL G. WHITESIDE

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: January 10, 1991

Clark

ORDINANCE NO. 2743 -C.S.

AN ORDINANCE AMENDING SECTION MAP 31-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO PREZONING CERTAIN PROPERTY LOCATED THEREON. (METROPOLITAN REAL ESTATE GROUP AND THRIFTY CORPORATION)

WHEREAS, a verified application for an amendment to Section 31-3-9 of the Zoning Map was filed by Metropolitan Real Estate Group and Thrifty Corporation on August 30, 1990, to prezone to Medium High Density Residential Zone, R-3, property located north and west of Ellen Avenue hereinafter described, and

WHEREAS, after a public hearing held on October 1, 1990, it was found and determined by the Planning Commission that prezoning of the property as requested is required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 90-85, adopted on October 1, 1990, the Planning Commission recommended to the Council that the application of Metropolitan Real Estate Group and Thrifty Corporation to amend Section 31-3-9 of the Zoning Map to prezone the hereinafter described property 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 November 20, 1990, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, this Council finds and determines that the requested prezoning 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 prezone to R-3 is consistent with the Modesto Urban Area General Plan which provides for R-3 development adjacent to commercial centers.
2. That the Mitigated Negative Declaration dated August 29, 1990, as recommended by the Modesto Environmental Committee be certified.

SECTION 2. ZONING CHANGE. Section 31-3-9 of the Zoning Map is hereby amended to prezone the following described property to Medium High Density Residential Zone, R-3:

Being Lots 3, 4, 5 and 6 of the Ellen Tract according to the Official Map thereof, filed in Volume 11 of Maps, Page 60, Stanislaus County Records, located in the Southeast Quarter of Section 31, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the County of Stanislaus, State of California, described as follows:

BEGINNING at the northeast corner of said Lot 6; thence South 0°01'00" East along the east line of said Lot 6 a distance of 142.58 feet to a point on a normal curve, from which a radial line bears South 0°01'00" East to the center, also being the centerline of Ellen Avenue; thence along said centerline of Ellen Avenue the following four (4) courses: 1. Southwesterly 102.74 feet along said normal curve, concave to the southeast, having a radius of 139.00 feet and a central angle of 42°21'; 2. South 47°38' West along a tangent line a distance of 67.00 feet; 3. Southwesterly 129.33 feet along a tangent curve concave to the southeast, having a radius of 156.00 feet and a central angle of 47°30"; and 4. South 0°08' West along a tangent line a distance of 187.40 feet to the south line of Chicago Avenue; thence South 89°53'30" West along said south line of Chicago Avenue a distance of 76.09 feet; thence North 0°44' West along the west line of said Ellen Tract a distance of 526.24 feet to the Northwest corner thereof; thence North 89°59' East along the north line of said Ellen Tract a distance of 277.20 feet to the point of beginning. Containing: 1.85 Acres

SECTION 3. ZONING MAP. Section 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 20th day of November, 1990, 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: Bird, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs


APPROVED: 
CAROL G. WHITESIDE, Mayor

ATTEST:

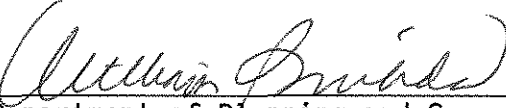
By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By 
Department of Planning and Community
Development

Ord. No. 2743-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 December, 1990, 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: January 10, 1991

Clark

ORDINANCE NO. 2744 -C.S.

AN ORDINANCE AMENDING SECTION MAP SECTION 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. ZONING CHANGE. Section 28-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Medium High Density Residential Zone, R-3, to Planned Development Zone, P-D(480):

R-3 to P-D

All that certain real property situate in a portion of the Southwest Quarter of Section 28, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lots 25, 26, 27, 28, 29, 30, 31 and 32, in block 128 of the City of Modesto, according to the Official Map thereof, filed in the Office of the Recorder of Stanislaus County, California, on April 18, 1903, in Volume 1 of Maps, at Page 82.

Including also all of the Northeast one half of 80.00 foot wide 16th Street, Southeast one half of 80.00 foot wide G Street and the Southwest one half of the adjacent 20.00 foot wide alley and all immediately adjacent to the above described property.

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. Office building to be occupied by P-0 zone uses.
2. Off-street parking as shown on the approved plan.

SECTION 3. ZONING MAP. Section Map 28-3-9 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 20th day of November, 1990, 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: Bird, Irizarry, Lang, Muratore, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

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 Prichard
Department of Planning and
Community Development

Ord. No. 2744-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 December, 1990, 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: January 10, 1991

ORDINANCE NO. 2745-C.S.

AN ORDINANCE GRANTING TO GILTON SOLID WASTE MANAGEMENT, INC., A CALIFORNIA CORPORATION, A LICENSE FOR THE COLLECTION OF GARBAGE IN THE CITY OF MODESTO, INCLUDING THE COLLECTION OF RECYCLABLE MATERIALS, AND REPEALING ORDINANCE NOS. 2118-C.S. AND 2621-C.S.

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

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

SECTION 2. A license to collect garbage, industrial garbage, and salvageable waste, including recyclable materials, in the City of Modesto is hereby granted to Gilton Solid Waste Management, Inc., a California Corporation, subject to the following terms and conditions:

- a. This license shall be for a term of eight (8) calendar years commencing on January 1, 1991. During every third calendar year of the term of this license, including both the initial term and any extensions thereof, the Licensee may apply to the City to extend the term of this license to eight (8) calendar years commencing on January 1 of the following calendar year. Applications for extensions of this license shall be submitted and considered in accordance with the provisions of Chapter 5 of Title V of the Modesto Municipal Code. In addition to the information required by Chapter 5 of Title V of the Modesto Municipal Code, such an application shall also include a financial analysis, in a form acceptable to the City's Finance Director, and prepared by an independent Certified Public Accountant. The initial term of this license, or any extensions thereof, may be terminated under the provisions of this ordinance or the provisions of Chapter 5 of Title V of the Modesto Municipal Code. Nothing herein shall be deemed or construed to impair or affect in any way the right of the City to acquire the equipment and assume the operations of the Licensee at any time during the initial term of this license or any extensions thereof by purchase of the Licensee's equipment at a fair and just market value, which shall not include any amount for the license itself or for any of the rights or privileges granted by this license.

- b. This license shall be an exclusive license to collect garbage and a nonexclusive license to collect industrial garbage, salvageable waste, and recyclable materials within the areas delineated and marked as Areas A and B on that certain map entitled "Garbage Areas" dated July 11, 1972, on file in the office of the City Clerk, and to which reference is hereby made.
- c. In accepting this license, Licensee thereby agrees to serve the areas covered by the license for the terms herein specified in compliance with the provisions of this ordinance and the provisions of Chapter 5 of Title V of the Modesto Municipal Code.
- d. This license shall automatically extend to any portion of the Licensee's service area, as shown on the map referred to in paragraph (b) above, which is hereafter annexed to the City, except that City may permit any person or firm licensed by the County of Stanislaus and then serving such area or portions thereof to continue to serve such area or portions thereof for such period of time, not to exceed five (5) years from the date of annexation, as the City deems proper. The Licensee, when required to serve new portions of the City, shall promptly extend its routes and services and, when necessary, shall hire additional personnel and obtain additional equipment.
- e. Rates and charges to be charged by the Licensee for the collection of garbage shall be established by the Council by resolution. Service charges and costs of operation of the Licensee will be reviewed annually by the City and, if deemed necessary by the City Council, rate adjustments shall be made to become effective on or after January 1 of each year.

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

- f. The Licensee shall bill and collect all garbage service charges, provided, however, that the City may require that all or some of said garbage service charges shall be billed and collected by the City, and may require the Licensee to pay to the City fees, to be determined by the City, for such billing and collection service.
- g. The City reserves the right to revise the provisions of Chapter 5 of Title V of the Modesto Municipal Code, from time to time, as required in order to protect the public health, safety and welfare of the City.

- h. The Licensee shall comply with all existing and future State and Federal laws, and all ordinances and regulations which may in any manner affect the Licensee's operations under the terms and conditions of this license.
- i. The Public Works and Transportation Director of the City of Modesto shall administer and supervise the Licensee's operations under the terms of this license and in accordance with the provisions of Chapter 5 of Title V of the Municipal Code.

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

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

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

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

- l. The Licensee shall provide the City annually, not later than ninety (90) days after the end of the fiscal year ending June 30th, with five (5) copies of an annual balance sheet and profit and loss statement. The annual financial statement shall include a separate description of costs and revenues resulting from salvage and recycling operations hereunder and shall encompass cumulative data from the monthly statistical reports required by Section 2 subparagraph y.(4), below. Licensee may include the operating costs of the curbside recycling license when calculating profits of Licensee's entire waste collection license hereunder. Financial statements submitted by the Licensee to the City shall be regarded by the City as confidential financial records of the Licensee, and shall not be released as a public record for inspection by any party other than authorized City officers unless the City is so ordered by a court of competent jurisdiction.

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

- m. The Licensee shall collect and remove from any and all premises, not later than twenty-four (24) hours after notice, demand or request, any and all garbage and recyclables which Licensee shall have failed to collect and remove at the regularly scheduled time. The customer's failure to place garbage and recyclables for collection at the regularly scheduled time and place shall not be deemed a missed collection.
- n. The Licensee shall collect garbage and recyclables at least once each calendar week, Mondays through Fridays, for residential collections, and on Mondays through Saturdays for commercial and industrial collections. For purposes of such collection, the Licensee shall divide the City into collection routes. Such collection routes shall be each wholly within the City limits, and shall be approved by the Public Works and Transportation Director. Upon approval of the proposed routes by the Public Works and Transportation Director, the Licensee shall prepare route books as soon as possible which shall indicate the address of each service, number of containers, frequency of collection, and such other pertinent information as the Public Works and Transportation Director may require. The Licensee shall keep route books up to date at all times. The Licensee shall give reasonable notice to the general public as to the days and times for collection on each route. No changes in collection schedules shall be made without the approval of the Public Works and Transportation Director and reasonable notice thereof to the customers concerned by the Licensee.

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

- o. The Licensee shall make garbage collection service available on request to all schools, public agencies, institutions, and other nonresidential premises at the same rates established for business locations. In special cases where unusual quantities of materials, special types of materials, or special methods of handling and/or disposing are required, the Public Works and Transportation Director may permit independent arrangements between Licensee and the special customer.
- p. The Licensee shall furnish, to all residential customers, a standard sixty (60) gallon or ninety (90) gallon automated collection container for the containerization of household garbage and garden refuse. The Licensee shall be responsible for the general repair and upkeep of all the standard automated collection containers furnished to the residential customers. Containers shall be kept in serviceable condition at all times.

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

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

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

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

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

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

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

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

- t. All garbage collection vehicles shall be well maintained, properly identified, painted, clean and in satisfactory mechanical condition. The Licensee shall institute a complete and comprehensive system of preventive maintenance on all vehicles and shall keep them lubricated and in good repair. Records in a form approved by the Public Works and Transportation Director to provide data on operating, maintenance and repair costs shall be kept on each piece of equipment.
- u. For purposes of this paragraph the following definitions apply:
 - (1) "Interruption of service" means:
 - (a) Any time period during which garbage collection services by the Licensee are interrupted by a labor dispute and scheduled collections are discontinued or substantially reduced; or
 - (b) Any time period after notice by the City of the termination of the license by reason of a breach or default by the Licensee and until other suitable equipment can reasonably be purchased or otherwise acquired by the City for such purpose.
 - (2) "Equipment" means any and all vehicles and equipment used by the Licensee for the purpose of performing the services provided for in the license at any time within the ninety (90) days immediately prior to the commencement of the interruption of service.
 - (3) "Payment for use" has the following meaning:
 - (a) In the case of equipment subject to a contract, "payment for use" shall mean any installment payment coming due under a contract for such equipment while the City is possessing and using such equipment pursuant to this paragraph during an interruption of service. Payment for use shall not be deemed to include any payment coming due under such contract either prior to, or after the expiration of, such period. Payment for use shall be made by the City, from time to time, directly to the person or company to whom the payment is owed under the contract, and the making of such payment or payments shall constitute full compensation to all persons for the City's temporary use of such equipment.
 - (b) In the case of equipment not subject to a contract, "payment for use" shall mean the reasonable rental

value of such equipment for such period of time during which the City possesses and uses such equipment pursuant to this paragraph during an interruption of service. Such payment shall, at termination of service interruption, be applied against any sums then owed to the City by the Licensee, or, if none, shall be paid by the City to the Licensee.

- (4) "Contract" means any conditional sales contract, mortgage, encumbrance, lease, rental agreement, or other agreement which provides for retention of title to said equipment or grants a security interest therein, that may exist at the commencement of the interruption of service.
- (5) "Notice" means written notification actually received by the person to be notified or mailed to him or her by registered or certified mail at the most recent address furnished by him or her to the City Clerk of the City of Modesto. As to the holder of a contract, the City shall be required to give notice only if the holder's identity is known to the City and the holder has furnished his or her address to said City Clerk.

In the event of an interruption of service, the City shall be entitled to have the temporary possession of all or any portion of the equipment of Licensee on the condition that the City shall, from time to time, make the payment for use as provided in Section 2 subparagraph u.(3), above. Upon taking such temporary possession, City shall forthwith give notice thereof to the Licensee and to the holder at that time, if any, of the contract on such equipment. Such temporary use shall not be deemed a breach of the terms of any contract regarding said equipment, but it shall otherwise be subject to the terms of such contract which are not in conflict herewith, except that the City shall not be required to make any payment other than the payment for use prescribed in Section 2 subparagraph u.(3), above. The City's payment for use prescribed in Section 2 subparagraph u.(3) shall be deemed to be compensation only for the temporary use of such equipment and the City shall not thereby acquire any ownership interest in such equipment.

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

such equipment shall cease, and possession of such equipment may be retaken by the Licensee or by the holder of any contract thereon.

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

All equipment used by the Licensee for the purpose of performing the services provided for in this license shall be solely owned by the Licensee except that the Licensee may, with the prior approval of the City Manager, enter into contracts as defined in Section 2 subparagraph u.(4), above, with respect to such equipment. All such contracts shall provide for temporary possession by the City as set forth herein and shall provide that such temporary possession shall not be deemed a breach of such contract.

- v. All vehicles and equipment used by the Licensee for the collection and hauling of garbage shall be solely owned by Licensee, except that the Licensee may, with the prior approval of the City Manager, enter into conditional sales contracts, mortgages, encumbrances, leases, rental agreements, and other appropriate agreements for the purpose of purchasing, leasing or renting vehicles and equipment to be used in providing the services provided for in this license. All such documents shall provide for temporary possession by the City as set forth in Section 2 subparagraph u.(5) above and shall provide that such temporary possession shall not be deemed a breach of the agreement.

- w. Garbage collected by the Licensee shall be disposed of at the Fink Road sanitary landfill or at the resource recovery facility depending on the makeup of the waste. The City reserves the right to designate other sanitary landfill areas for disposal and other methods of disposal. Disposal of garbage at the sanitary landfill will be in compliance with regulations in effect for the same as they now exist or may hereafter be amended. Industrial garbage collected by the Licensee may be disposed of at such other locations as are approved by the Health Officer.

- x. Pursuant to Licensee's nonexclusive license to collect salvageable waste and recyclable materials, Licensee shall, at its sole cost and expense, furnish all labor and equipment required to perform curbside collection pursuant to this Ordinance and to bear all costs and charges in connection with the sale of recyclable and salvageable materials. Besides collection of sorted recyclable materials, salvaging or scavenging by the Licensee's employees is prohibited on collection routes; however, salvaging activities are encouraged at properly zoned and otherwise suitable locations.

- y. For the purposes of this Ordinance, recyclable materials means newspapers, glass containers, tin cans, aluminum cans, used motor oil, PET plastic, and such other materials as may be mutually agreed upon in writing by Licensee and the Public Works and Transportation Director, which are collected by Licensee pursuant to this Ordinance. Licensee shall perform recycling services in the City of Modesto as follows:
 - (1) Licensee shall collect and remove all recyclable materials that have been segregated, donated, and placed on scheduled service days at the curb of the public street fronting on all single-family residences and from designated locations near multi-family dwellings located within the service areas as established in Section 2 subparagraphs b., c., and d., above. Licensee shall have the sole right to any and all funds and proceeds from the sale of salvaged and recycled materials. Such funds and proceeds shall be accounted for as part of Licensee's gross revenues.
 - (2) Licensees recycling rights and duties hereunder shall commence upon the effective date of this Ordinance and shall thereafter coincide with the license term and extension provisions contained in Section 2 subparagraph a. of this Ordinance.
 - (3) Licensee shall collect recyclable materials sorted and placed at the curbside for collection once each week, regardless of weather conditions. Collection shall be scheduled as for regular garbage collection service in Section 2.n, above. Licensee may collect recyclable materials between 6:00 a.m. and 6:00 p.m. Licensee shall service missed collections as provided in Section 2 subparagraph m., above.
 - (4) Licensee shall file with the City written monthly statistical reports, not later than the tenth of each month to report statistics for the previous month. Reports shall be directed to the Recycling Program

Coordinator of the City of Modesto, Suite 16, 1012 I Street, Modesto, California 95354. The following statistics shall be included in the monthly reports:

- (a) Daily record of volumes collected for aluminum cans, tin cans, PET plastic, glass, newspaper, and used motor oil.
 - (b) Daily record of the number of set-outs, stops, or pick ups.
 - (c) Monthly totals for each of the above.
 - (d) A copy of the Recycling Miss Log of the missed pick ups reported to Licensee during the preceding month.
 - (e) A summary of the preceding month's sale of recyclables, identifying purchaser, purchase price, costs involved, and quantity sold.
 - (f) Information regarding any problems, changes in routes, drivers, and/or equipment.
 - (g) Suggestions for the expansion or improvement of the recycling program.
- (5) Licensee shall provide reasonable public access to Licensee's facility where recyclable materials, including items not picked up at curbside, may be dropped off and where waste oil may be deposited.
- (6) Licensee shall not deposit, in any landfill or waste-to-energy facility, wherever located, any substantial quantity of easily separable recyclable materials without City's prior written consent.
- z. The Licensee shall file with the City Clerk and maintain during the term of this license a corporate surety bond or other form of security satisfactory to the City Attorney in the sum of One Hundred Thousand and no/100ths (\$100,000.00) Dollars. Said bond or security shall be conditioned upon the faithful performances of the terms and conditions of this license and the provisions of Chapter 5 of Title V of the Modesto Municipal Code.
- aa. Licensee agrees, in connection with the performance of all operations under or pursuant to this license, to be an Equal Opportunity Employer and to refrain from discrimination against any employee or applicant for employment because of race, creed, color, national origin, sex, age, or handicap.

- (1) Licensee agrees that it will undertake an affirmative action program to ensure that no person shall on the grounds of race, creed, color, national origin, sex, age, or handicap be excluded from participating in any employment activities or opportunities. Licensee shall fully document these efforts and shall submit to City on or before January 31 of each year a report detailing the affirmative actions Licensee has taken during the prior calendar year. Licensee shall ensure that seniority practices, job classifications, work assignments, and other personnel practices, including employment reduction actions, do not have a discriminatory effect by continually monitoring all personnel and employment-related activities to ensure that the equal employment opportunity actions required by this License are being carried out.
 - (2) Licensee agrees to ensure and maintain a working environment free of harassment, intimidation, and coercion at all job locations and in all facilities where Licensee's employees are assigned to work. Licensee shall specifically ensure that all foremen and forewomen, superintendents, and other on-site supervisory personnel are aware of and carry out the Licensee's obligation to maintain such a working environment with specific attention to minority and women at such work locations or in such facilities.
 - (3) In the event of breach of any of the above nondiscrimination, equal opportunity, and affirmative action covenants, the Council of the City of Modesto shall have the right to revoke this license in accordance with the provisions of Section 5-5.31 of the Modesto Municipal Code.
- ab. Licensee and City shall cooperate, on such terms as shall be agreed upon, to support, develop, publicize, expand, and promote the concept and benefits of recycling by any reasonable and effective methods. Licensee shall reimburse City for its expenses and mailing costs whenever City determines that it is in the best interest of the curbside recycling program to distribute information and promotional materials to Licensee's customers."

SECTION 2. SUPERSEDES AND REPEALS. This ordinance supersedes and repeals Ordinance Nos. 2118-C.S., and 2621-C.S.

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; provided, however, that the license hereby granted shall not become effective unless and until Licensee files with the City Clerk written acceptance thereof and an agreement to be bound by and comply with all of the requirements thereof, in a form satisfactory to the City Attorney, and delivers to the City Clerk the bond and insurance policies required to be furnished, pursuant to the provisions of this ordinance and of Chapter 5 of Title V of the Modesto Municipal Code.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of November, 1990, 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 order printed and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

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. 2745-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 December, 1990, 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: January 10, 1991

Clerk

ORDINANCE NO. 2746 -C.S.

AN ORDINANCE AMENDING SECTIONS 10-2.504, 10-2.508, 10-2.603, 10-2.606, 10-2.703, 10-2.2109, AND 10-2.2110 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO PLANNING AND ZONING.

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

SECTION 1. AMENDMENT OF CODE. Sections 10-2.504, 10-2.508, 10-2.603, 10-2.606, 10-2.703, 10-2.2109, and 10-2.2110 of Chapter 2 of Title X of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 10-2.504. 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 where there are two (2) dwelling units on a lot.
- (g) Adult day care for four (4) or more persons in addition to members of the family if there is only one (1) dwelling unit on a lot.
- (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. Only one (1) conditional use permit for child day care is permitted per lot.
- (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. Lodging or boarding shall not be permitted where there are two (2) dwellings on a lot.

(k) A parking area for an immediately adjacent nonresidential use in a nonresidential zone.

(l) Parochial and private schools.

SEC. 10-2.508. HEIGHT.

(a) 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.

(b) 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:

(1) The relationship of second-story windows, doors, exterior stairways, exterior balconies, sundecks, etc. with the privacy of the neighbors.

(2) The relationship of building mass with the neighbors' views and use and enjoyment of their yards.

(3) The relationship of building mass with the neighbors' accessories such as solar collectors and satellite antennas.

(c) Exceptions to Subsection (b): The term "adjacent residential lot" as used in this subsection (c) means each lot zoned or used residentially, even if separated by an alley, that abuts the side or rear lot line of the subject lot, including those which touch only at a corner. A parcel may be excepted from Subsection (b) provided that the building permit is issued on the subject lot within five (5) years of the recordation of the final subdivision map creating the subject lot, and providing that each adjacent residential lot meets at least one of the following criteria:

(1) The adjacent residential lot was created by a final subdivision map recorded within the past five (5) years.

(2) The adjacent residential lot is greater than one (1) acre in size and contains no dwelling units within forty (40) feet of any lot line abutting the subject lot.

SEC. 10-2.603. PLOT PLAN USES.

The following uses are permitted upon securing a plot plan approval:

- (a) Any development consisting of two (2) or more residential buildings per lot or five (5) or more dwelling units shall be subject to plot plan approval by the Commission.
- (b) A dish-type satellite antenna as noted under plot plan uses in the R-1 zone, subject to plot plan approval by the Board.
- (c) Any development of residential uses taking vehicular access to a collector or major street. Plot plan review shall occur at time of consideration of approval of a tentative subdivision or parcel map. The plot plan review is to encourage the combining of driveways among parcels and designing parking spaces and driveways so that vehicles can enter the street in a forward manner, and shall be subject to approval by the Commission.

Plot plan approval shall not be required for a single structure on a lot of 9,000-square feet or less for R-2 lots existing prior to imposition of plot plan review when such lot is not in common ownership with an adjoining vacant lot.

- (d) A two-story portion of a residential building located less than forty (40) feet from and adjacent to property zoned R-1 in the City or A-2, R-A or R-1 in the County shall be subject to plot plan approval by the Commission.
- (e) Unattended containers placed for the donation of recyclable paper or beverage containers, not exceeding fifty (50) square feet per installation, in conjunction with and on the same site as a church, school, or governmental use.

SEC. 10-2.606. HEIGHT.

- (a) 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.
- (b) On property containing four (4) units or less, 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:
 - (1) The relationship of second-story windows, doors, exterior stairways, exterior balconies, sundecks, etc. with the privacy of the neighbors.
 - (2) The relationship of building mass with the neighbors' views and use and enjoyment of their yards.

- (3) The relationship of building mass with the neighbors' accessories such as solar collectors and satellite antennas.
- (c) Exceptions to Subsection (b): The term "adjacent residential lot" as used in this subsection (c) means each lot zoned or used residentially, even if separated by an alley, that abuts the side or rear lot line of the subject lot, including those which touch only at a corner. A parcel may be excepted from Subsection (b) provided that the building permit is issued on the subject lot within five (5) years of the recordation of the final subdivision map creating the subject lot, and providing that each adjacent residential lot meets at least one of the following criteria:
 - (1) The adjacent residential lot was created by a final subdivision map recorded within the past five (5) years.
 - (2) The adjacent residential lot is greater than one (1) acre in size and contains no dwelling units within forty (40) feet of any lot line abutting the subject lot.

SEC. 10-2.703. PLOT PLAN USES.

The following uses are permitted upon securing plot plan approval:

- (a) Any development consisting of two (2) or more residential buildings per lot or five (5) or more dwelling units shall be subject to plot plan approval by the Commission.
- (b) A dish-type satellite antenna as noted under plot plan uses in the R-1 zone, subject to plot plan approval by the Board.
- (c) Any development of residential uses taking vehicular access to a collector or major street. Plot plan review shall occur at time of consideration of approval of a tentative subdivision or parcel map. The plot plan review is to encourage the combining of driveways among parcels and designing parking spaces and driveways so that vehicles can enter the street in a forward manner, and shall be subject to approval by the Commission.

Plot plan approval shall not be required for a single structure on a lot of 6,000-square feet for R-3 lots existing prior to imposition of plot plan review when such lot is not in common ownership with an adjoining vacant lot.

- (d) A two-story portion of a residential building located less than forty (40) feet from and adjacent to property zoned R-1 in the City or A-2, R-A or R-1 in the County shall be subject to plot plan approval by the Commission.
- (e) Unattended containers placed for the donation of recyclable paper or beverage containers, not exceeding fifty (50) square

feet per installation, in conjunction with and on the same site as a church, school, or governmental use.

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) When the boundaries of any recorded subdivision, or any part thereof abut a major street or expressway, one (1) subdivision directional sign shall be permitted, which sign may be located on any vacant lot or parcel which is owned by the subdivision owner.
 - (ab) When the boundaries of any recorded subdivision or any part thereof do not abut a major street or expressway but include or abut a collector street which directly connects to a major street or expressway, two (2) subdivision directional signs are permitted, which signs may be located as follows:
 - (i) One (1) such sign may be located on property not owned by the subdivision owner.
 - (ii) One (1) or both signs may be located only on property owned by the subdivision owner.
 - (ac) When the boundaries of any recorded subdivision or any part thereof, do not abut a major street or expressway and do not include or abut a collector street which directly connects to a major street or expressway, three (3) subdivision directional signs are permitted, which signs may be located as follows:
 - (i) One (1) such sign may be located on property not owned by the subdivision owner.
 - (ii) Any other or all signs may be located only on property owned by the subdivision owner.

- (ad) 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.
- (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.

SEC. 10-2.2110. SPECIFIC REQUIREMENTS FOR TYPE, AREA AND HEIGHT OF SIGNS IN THE C-1, C-2, C-3, C-M, M-1, M-2, B-P AND P-D ZONES.

It shall be unlawful for any person to erect, construct or maintain on any lot or parcel any sign of a type or having an area and/or height in violation of the following specific requirements:

- (a) In the C-1, C-2, C-M, M-1 and M-2 zones, the following signs are permitted except as otherwise stated:
 - (1) Only one (1) of the following signs for each use or occupancy:

- (aa) Freestanding identification sign not exceeding seventy-two (72) square feet in area and twenty (20) feet in height; or
 - (ab) Projecting identification sign not exceeding seventy-two (72) square feet in area and thirty-five (35) feet in height; if any portion projects into or overhangs a public street or alley right-of-way, said sign shall not exceed forty-eight (48) square feet in area; or
 - (ac) Marquee identification sign at right angles to a street, not exceeding forty-eight (48) square feet in area and thirty-five (35) feet in height. A second such marquee identification sign is permitted if the two (2) signs are single-faced, are parallel, and are on opposite ends of a marquee.
 - (ad) Exception: Any sign existing on March 1, 1977, in the C or M zones on a pylon which extends above a ridgeline shall be allowed to remain in addition to one (1) of the above signs as a nonconforming sign subject to abatement according to the schedule set forth in Section 10-2.2107.
- (2) One (1) freestanding identification sign for a shopping center, as herein defined, for each street upon which the shopping center fronts, subject to the following provisions:
- (aa) Each shopping center sign shall not exceed seventy-two (72) square feet in area and twenty (20) feet in height.
 - (ab) The identification on each shopping center sign shall be limited to the shopping center name with a reader board or a listing of uses within the center optional. The lettering for the reader board or the listing of such uses shall be of a size not greater than the lettering of the shopping center name.
 - (ac) Any freestanding or projecting identification sign or signs erected at said shopping center on or after July 1, 1972, whether identifying said shopping center or any use or occupancy therein, shall be removed prior to obtaining a building permit for the erection of a shopping center sign.
 - (ad) After erection of a shopping center sign at a shopping center, even in those cases where the shopping center sign installation preceded this Code provision, no additional freestanding or projecting identification sign shall be erected at such shopping center for any use or occupancy therein.

- (ae) A shopping center, eligible for a freestanding identification sign, is usually characterized by a cluster of retail uses:
 - (i) At one (1) location held out to the public as a distinct shopping area and having a minimum of five (5) retail uses on the same or adjacent sites.
 - (ii) On one (1) or more parcels not normally traversed by any public streets.
 - (iii) With membership in a merchants association comprising the cluster.
 - (iv) That employ a common advertising program for such a center.
- (3) For a freestanding tourist-oriented hotel, motel, restaurant or service station located on property within two hundred (200) feet of the Freeway 99 right-of-way, one (1) freestanding identification sign, not exceeding one hundred fifty (150) square feet in area and thirty-five (35) feet in height may be approved subject to the securing of a conditional use permit from the Board in accordance with Article 25 of Chapter 2 of Title X of this Code.
 - (aa) Said use permit shall be dependent upon the following two (2) findings being shown:
 - (i) That the use or occupancy is a freestanding use. For the purposes of this section, a freestanding use is defined as a use or occupancy that does not attract customers by its proximity to another business or businesses and is not part of a shopping center or any group of businesses that jointly attract customers through their proximity to each other or through common advertising.
 - (ii) That the use or occupancy cannot be adequately identified by other signs permitted in the C-1 zone.
 - (ab) The Board may grant permission for said sign to be higher than thirty-five (35) feet if the applicant can show that a bridge over Freeway 99 or ramps thereto obstruct visibility of said sign to the northbound or southbound lanes of Freeway 99. Applicant shall also present plans illustrating the means by which the minimum height necessary to clear said visual obstruction was determined.

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

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

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

(i) For the principal frontage of the building as designated by the applicant:

| <u>Building Frontage</u> | <u>Maximum Total Area for All Canopy, Marquee, and Wall Identification Signs</u> |
|--------------------------|--|
| First 50 feet | 4 square feet per lineal foot of building frontage plus |
| Next 50 feet | 2 square feet per lineal foot of building frontage plus |
| Over 100 feet | 1 square foot per lineal foot of building frontage |

(ii) For each other frontage of the building:

| <u>Building Frontage</u> | <u>Maximum Total Area for All Canopy, Marquee, and Wall Identification Signs</u> |
|--------------------------|--|
| First 50 feet | 4 square feet per lineal foot of building frontage plus |
| Next 50 feet | 2 square feet per lineal foot of building frontage plus |
| Over 100 feet | 0.5 square foot per lineal foot of building frontage |

(ac) That said signs shall not exceed thirty-five (35) feet in height nor project above a ridgeline, except that wall signs above thirty-five (35) feet in height may be approved subject to the securing of a conditional use permit from the Board in accordance with Article 25 of Chapter 2 of Title X of this Code. Said use permit will be dependent upon the following two (2) findings being shown:

(i) The building must exceed four (4) stories, or forty-eight (48) feet in height.

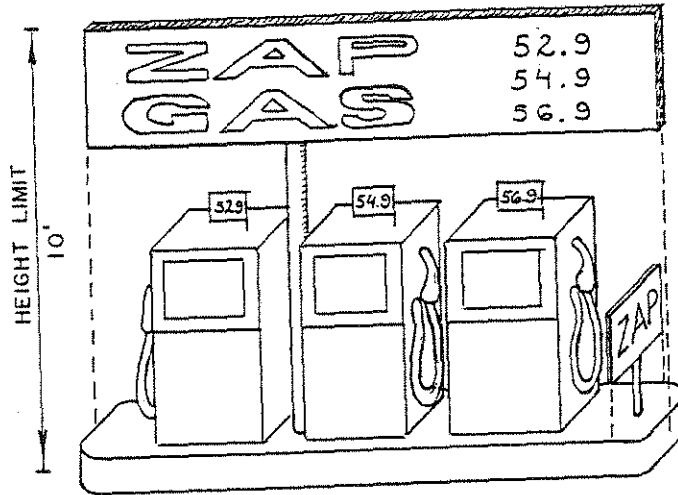
(ii) The applicant must show why wall signs at a thirty-five (35) foot height limit cannot properly identify and architecturally meet the design of the building. All options to reach a satisfactory solution must have been explored.

- (ad) That signs hung from a canopy shall be not less than eight (8) feet above a private sidewalk or fourteen and one-half (14.5) feet above ground level in areas open to vehicular traffic.
- (5) Directional signs located wholly on private property on the premises to which they pertain as follows:
 - (aa) One (1) exterior directional sign per use per street frontage of the site, not exceeding twelve (12) square feet in area and six (6) feet in height, and provided business identification shall not exceed one-half (0.5) of the area on a given sign face.
 - (ab) Any number of interior directional signs, each not exceeding six (6) square feet in area and six (6) feet in height.
 - (ac) Two (2) maximum interior directional signs for a drive-in restaurant or other eating place with drive-through facilities, each sign not to exceed thirty (30) square feet in area and eight (8) feet in height.
- (6) One (1) for sale or rent sign, not exceeding sixty-four (64) square feet in area and ten (10) feet in height.
- (7) One (1) construction sign, not exceeding sixty-four (64) square feet in area and ten (10) feet in height, provided such sign is removed not later than thirty (30) days after construction is completed.
- (8) One (1) sign hung from a marquee per street frontage for a given use, not exceeding six (6) square feet in area on any one side or twelve (12) square feet maximum total area. Said sign shall be not less than eight (8) feet above a public sidewalk and may be mounted at an angle to the leading edge of a marquee.
- (9) Political signs may be erected, maintained, and displayed as follows:
 - (aa) Each such sign shall not exceed sixty-four (64) square feet in area.
 - (ab) The overall height of each such sign shall not exceed ten (10) feet.
 - (ac) The combined area of all such signs shall not exceed one hundred fifty (150) square feet.
 - (ad) Such signs shall be erected no more than one-hundred twenty (120) days prior to the date of election, and

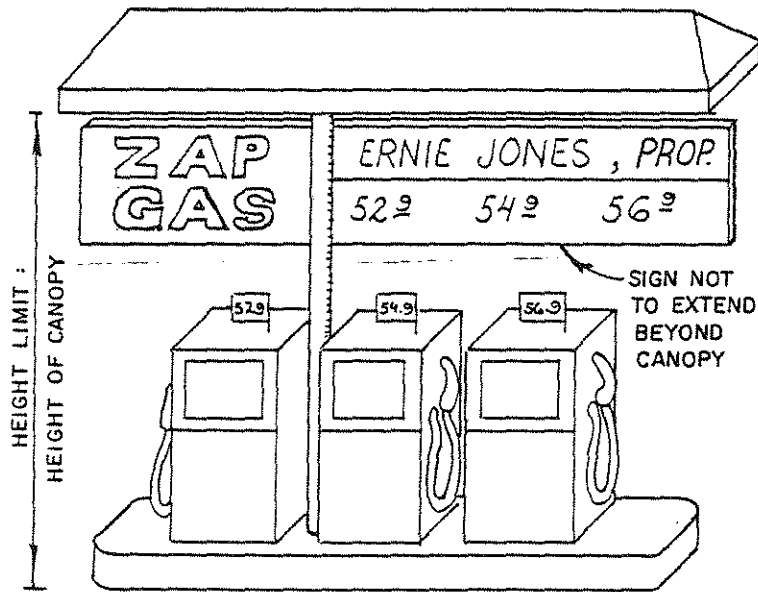
shall be removed within ten (10) days after an election.

- (10) Temporary signs are not permitted.
- (11) Outdoor advertising signs are not permitted except as otherwise provided in this article.
- (12) Window signs are permitted.
- (13) One (1) freestanding identification sign, not exceeding seventy-two (72) square feet in area and twenty (20) feet in height, which shall be permitted to identify a use without any structures, such as a parking lot. For pumpkin and Christmas tree sale lots, one (1) freestanding identification sign shall be permitted, not exceeding thirty-two (32) square feet in area and twelve (12) feet in height.
- (14) Signs on service station pump islands, canopy uprights, and nonmovable structures on the pump islands, which shall be permitted if the combined area of said signs and all other wall and canopy signs do not exceed the total sign area permitted in subsection (4) above for the building on the site and do not project beyond the canopy roof or raised pump island. Said signs shall not exceed ten (10) feet in height if there is no canopy. For self-service service stations with small attendant booths less than ten (10) feet on any side, a maximum total wall and canopy sign area of one hundred sixty (160) square feet is permitted.

SIGN NOT TO EXTEND
BEYOND PUMP ISLAND



SERVICE STATION WITHOUT A CANOPY



SERVICE STATION WITH A CANOPY

- (15) Freestanding motor fuel price signs are permitted, as hereinafter specified, for businesses dispensing motor fuel to the public. The message on said signs shall be limited to specifying the prices and grades of motor fuel, self-service or full service, and brand name of the motor fuel, as required by the California Business and Professions Code. Motor fuel price signs shall be permitted as follows:

- (aa) One (1) motor fuel price sign per street frontage of the site.
 - (ab) Maximum area shall be twenty-five (25) square feet for the self-service portion of the sign and six (6) square feet for a discount for cash portion of the sign; twenty-five (25) square feet for the full-service portion of the sign and six (6) square feet for a discount for cash portion of the sign; all can be combined as one (1) sign.
 - (ac) Maximum height of sign shall be fourteen (14) feet.
- (16) One (1) corporate flag per use or occupancy, not exceeding twenty-four (24) square feet in area; dimensions relative to each other shall not exceed a ratio of 2:1. Such flags shall be flown only from a flagstaff or flagpole.
- (17) Banners for grand openings and banners for outdoor display or sale of goods may be erected and displayed as follows:
- (aa) One banner per street frontage.
 - (ab) Each banner shall not exceed seventy-two (72) square feet in area.
 - (ac) Each 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 freestanding structure, the sign shall not exceed twenty (20) feet in height.
 - (ad) Banners for a grand opening shall be permitted for no more than fourteen (14) days at a newly opened business, after obtaining a permit from the Director. Banners are not permitted for grand openings of businesses not located on the premises.
 - (ae) Banners for outdoor display or sale of goods shall be permitted only in conjunction with the three (3) permitted outdoor display, sales and promotions, after obtaining a permit from the Director.
- (18) Decorative banners for Regional and Community shopping centers as defined by the Land Use Element of the General Plan, and non-residential P-D zones with pedestrian orientation are permitted subject to the securing of a Conditional Use Permit from the Board in accordance with Article 25 of Chapter 2 of Title X of this Code.
- (aa) Each banner shall not exceed thirty-six (36) square feet in area.

- (ab) Each banner shall comply with a minimum vertical clearance as defined by Modesto Municipal Code Section 10-2.2108(d).
 - (ac) Design review guidelines shall be adopted by the Board. Copy, color and materials used for each banner shall be subject to design review by the Board.
 - (ad) Products sold or individual businesses shall not be identified.
 - (ae) Each banner shall be erected and displayed on private property.
 - (af) Each banner shall be anchored as approved by the Board.
 - (ag) Each banner and its mounting shall be properly maintained. Bleached and tattered banners shall be prohibited.
- (b) In the C-3 zone, the following signs are permitted:
- (1) Any signs allowed in the C-1 zone are permitted in the C-3 zone for uses permitted in Section 10-2.1205 excepting that freestanding, marquee, and projecting identification signs as allowed in Section 10-2.2110(a)(1) and freestanding shopping center identification signs as allowed in Section 10-2.2110(a)(2) are not permitted in the C-3 zone.
 - (2) Any signs allowed in the R-3 zone are permitted in the C-3 zone for uses permitted in Section 10-2.1204.
 - (3) For a freestanding tourist-oriented hotel, motel, restaurant, or service station located on property within two hundred (200) feet of the Freeway 99 right-of-way, one (1) freestanding identification sign not exceeding one hundred fifty (150) square feet in area and thirty-five (35) feet in height may be approved subject to the securing of a conditional use permit from the Board in accordance with Article 25 of Chapter 2 of Title X of this Code.
 - (aa) Said use permit shall be dependent upon the following two (2) findings being shown.
 - (i) That the use or occupancy is a freestanding use. For the purposes of this section, a freestanding use is defined as a use or occupancy that does not attract customers by its proximity to another business or businesses and is not part of a shopping center or any

group of businesses that jointly attract customers through their proximity to each other or through common advertising.

- (ii) That the use or occupancy cannot be adequately identified by other signs permitted in the C-3 zone.
- (ab) The Board may grant permission for said sign to be higher than thirty-five (35) feet if the applicant can show that an overcrossing of Freeway 99 or ramps thereto obstruct visibility of said sign to the northbound or southbound lanes of Freeway 99. Applicant shall also present plans illustrating the means by which the minimum height necessary to clear said visual obstruction was determined.
- (4) For any other freestanding use or occupancy, one (1) freestanding identification sign not to exceed seventy-two (72) square feet in area and twenty (20) feet in height may be approved subject to the securing of a conditional use permit from the Board in accordance with Article 25 of Chapter 2 of Title X of this Code. Said use permit will be dependent upon the following two (2) findings being shown:
 - (aa) That the use or occupancy is a freestanding use. For the purposes of this section, a freestanding use is defined as a use or occupancy that does not attract customers by its proximity to another business or businesses and is not part of a shopping center or any group of businesses that jointly attract customers through their proximity to each other or through common advertising.
 - (ab) That the use or occupancy cannot be adequately identified by other signs permitted in the C-3 zone.
- (c) In the B-P zone, the following signs are permitted:
 - (1) Any signs allowed in the C-1 zone are permitted in the B-P zone for uses permitted in Section 10-2.1602 excepting that freestanding, marquee, and projecting identification signs as allowed in Section 10-2.2110(a)(1) and freestanding shopping center identification signs as allowed in Section 10-2.2110(a)(2) are not permitted in the B-P zone.
 - (2) For each parcel, one freestanding identification sign not exceeding seventy-two (72) square feet in area and six (6) feet in height.

(3) One freestanding identification sign for a business park, as herein defined, for each street on which the business park fronts may be approved subject to the approval of a plot plan by the Board of Zoning Adjustment and subject to the following provisions:

(aa) Each business park sign shall not exceed seventy-two (72) square feet in area and six (6) feet in height.

(ab) The identification on each business park sign shall be limited to the business park name, and logo.

(ac) A business park, eligible for a freestanding identification sign, is characterized by a cluster of business park uses:

(i) In a contiguous area that can be traversed by public streets, of at least fifty (50) acres held out to the public as a single development.

(ii) Represented by a single association or organization.

(d) For P-D zones the following signs are permitted:

Sign limitations shall be made a condition of each P-D zone and approval shall be based on the provisions of the zoning classification most closely approximating the uses proposed in the P-D zone.

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

SECTION 3. PUBLICATION. 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 November, 1990, 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, 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. 2746-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 December, 19 90, 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 Whiteside
MAYOR CAROL G. WHITESIDE

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: January 10, 1991

BUS BENCH FRANCHISE ORDINANCE

ORDINANCE NO. 2747 -C.S.

AN ORDINANCE GRANTING AN EXCLUSIVE FIVE-YEAR BUS BENCH FRANCHISE TO COMPUTER PATHWAYS, INC., FOR THE RIGHT, PRIVILEGE AND PERMISSION TO PLACE, CONSTRUCT AND MAINTAIN BENCHES BEARING PRINTED MATTER OR SIGNS THEREON AT DESIGNATED LOCATIONS ALONG THE STREETS IN THE CITY OF MODESTO.

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

SECTION 1. DEFINITIONS.

(a) Grantee: Shall mean COMPUTER PATHWAYS, INC., a California corporation, hereinafter called Grantee.

(b) Bench: A seat located upon public property along the public way for the accommodation of persons awaiting public transportation.

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

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

SECTION 2. BENCHES PROHIBITED. No person shall install or maintain any bench bearing printed matter or a sign along any street in the CITY except in accordance with the provisions of this franchise.

SECTION 3. FRANCHISE GRANTED. The City of Modesto hereby grants to Grantee for a term commencing thirty (30) days from the date of its final passage and adoption, and ending on December 31, 1995, the exclusive franchise for the right, privilege and permission to place, construct and maintain benches bearing printed matter or signs at designated locations along the streets in the City of Modesto.

SECTION 4. PAYMENT. For the privilege herein granted, Grantee shall pay to the City of Modesto Fifteen and No/100ths Dollars (\$15.00) per quarter per bench installed and in place where the bench bears printed matter or a sign other than bus schedules. Payment shall not be required for benches which do not bear printed matter or a sign other than bus schedules or for benches which bear only a sign indicating that the bench is available to be rented for the placement of printed matter or a sign. No later than the tenth day of the month following the close of each quarterly period, Grantee shall submit a report to the Director of Finance stating the total number of benches in place on the last day of the preceding month and providing the following information for each bench: (a) bench number, (b) bench location by address and nearest cross street, (c) name of business on abutting property, and (d) whether the bench bears printed matter or signs other than bus schedules. The fee shall be paid according to the number of benches in place on the last day of the quarterly period which bear printed matter or signs other than bus schedules and shall be paid on or before the tenth day of the month following the close of the quarterly period. These payments shall be in lieu of payment to the CITY of a percentage of gross receipts or other license fees under the provisions of Chapter I of Title VI of the Modesto Municipal Code.

Grantee payment to CITY shall be for a minimum of one-hundred-thirty-two (132) benches which bear printed matter or a sign, even if fewer benches bearing printed matter or signs are in place. Grantee's payment to CITY for a minimum of one-hundred-thirty-two (132) benches bearing printed matter or signs shall not provide Grantee relief from the requirement to maintain in place a minimum of one-hundred-fifty (150) benches during the term of this agreement at the locations required in Section 9.

With respect to the payment for the quarterly period beginning January 1, 1991, and ending March 31, 1991, only, the payment due City shall

be computed according to the following formula:

The number of calendar days in existence beginning with the effective date of the franchise and ending March 31, 1991, divided by the number of calendar days in existence during the quarterly period commencing January 1, 1991, and ending March 31, 1991, multiplied by Fifteen and No/100ths Dollars (\$15.00) multiplied by one hundred thirty-two (132). Said formula may be expressed as follows:

$$\frac{\text{NDE}}{\text{NDQ}} \times \$15.00 \times 132$$

Wherein:

NDE shall be the number of calendar days in existence beginning with the effective date of the franchise and ending March 31, 1991; NDQ shall be the number of calendar days in existence during the quarterly period commencing January 1, 1991, and ending March 31, 1991.

SECTION 5. PLACEMENT OF BENCHES. No benches shall be placed or installed under the provisions of this franchise until the insurance policy and performance bond required by Sections 18 and 19, respectively, of this franchise shall be filed with the City Clerk.

SECTION 6. BENCH INSTALLATION SCHEDULE/MINIMUM NUMBER OF BENCHES. Grantee shall begin placement of benches in accordance with the provisions of this franchise no earlier than the effective date of this ordinance and shall have in place fifteen (15) days after the effective date of this ordinance a minimum of fifty (50) benches. A minimum of one hundred (100) benches shall be in place within thirty (30) days after the effective date of this ordinance. A minimum of one hundred fifty (150) benches shall be in place within sixty (60) days after the effective date of this ordinance. Thereafter, Grantee shall maintain a minimum of one hundred fifty (150) benches in place during the term of this franchise, whether or not printed

matter or signs are placed thereon.

SECTION 7. GENERAL CONDITIONS. This franchise is granted upon and subject to each and all of the conditions set forth in the following sections.

SECTION 8. BENCH RESTRICTIONS. No printed matter or sign shall be displayed upon any bench except upon the front surface of the backrest. No printed matter or sign on any bench shall display the words, "Stop," "Look," "Drive-in," "Danger" or any other word, phrase, symbol or character that might interfere with, mislead or distract traffic. Two bus schedules shall be placed on every bus bench by Grantee. The bus schedules shall be appropriate for the route(s) served by the bench on which the schedules are placed. Each bus schedule shall be on a minimum of eight inches by four inches (8" x 4") and the two required bus schedules shall be placed on one or both upper corners of the front of the bench backrest. Said bus schedules will be provided by CITY. No printed matter other than bus schedules shall be placed on any benches erected and maintained adjacent to property zoned by the CITY as R-1, R-2 or as P-D where the land use resembles an R-1 or R-2 Zone. The City Manager or his designee's determination of which P-D zoned properties resemble R-1 or R-2 zones shall be conclusive.

SECTION 9. APPROVAL OF LOCATION. Benches shall be placed, maintained, relocated, and removed as required by the City Manager or his designee. The benches contemplated are designed for the convenience of those using the buses in the CITY and shall be placed only upon such streets as are traversed by public transit buses in the CITY. The benches may not be installed at any place except public carrier stops except with the express approval of the City Manager or his designee. One bench shall be placed at each location listed in Exhibit A before any bench is placed at any other location or additional benches are placed at the locations listed in Exhibit A. Up to twelve (12) locations on this list may be changed each calendar year

by CITY. No bench shall be installed or maintained:

(a) Without the express written approval of the proposed location of the bench by the City Manager or his designee;

(b) In any alley;

(c) At any location where the distance from the face of the curb to the property line is less than six feet (6'); provided that whenever, in the opinion of the City Manager or his designee, observance of this requirement would result in inconvenience or hardship, this requirement may be waived by the City Manager or his designee; or

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

(e) At any location when the owner or the person in lawful possession or control of the property abutting upon the public street at the place where the bench is located, requests in writing to the City Manager or his designee that the bench not be placed or maintained at such location; provided that whenever in the opinion of the City Manager or his designee, observance of this requirement would result in inconvenience or hardship, this requirement may be waived by the City Manager.

(f) Within 1,000 feet of the nearest bench or bus stop location along the same bus route; provided that whenever in the opinion of the City Manager or his designee, observance of this requirement would result in inconvenience or hardship, this requirement may be waived by the City Manager.

SECTION 10. RATIO OF BENCHES BETWEEN COMMERCIAL AND RESIDENTIAL AREAS. For each seven (7) benches installed in areas where benches bearing printed matter or signs other than bus schedules are allowed, at least one

bench shall be installed in areas where benches bearing printed matter or signs other than bus schedules are not allowed. The specific location of these latter benches shall be specified by the City Manager or his designee.

SECTION 11. MAINTENANCE OF BENCHES. All benches must be cleaned regularly and when needed, and must be maintained in good repair in a safe and sightly condition. Benches shall be inspected, cleaned, and graffiti removed a minimum of at least once each week. The City Manager's or his designee's determination as to the state of repair and condition shall be conclusive. Grantee shall inspect each bench periodically to assure full compliance with the provisions of this section.

SECTION 12. CLEANING AROUND BENCHES. Grantee shall, at least once each week and more often if needed, remove trash and other debris from within five (5) feet of each bench. The City Manager or his designee may specify up to twelve (12) bench locations to be cleaned on a daily basis. Said twelve (12) specific locations may change weekly. The City Manager or his designee's decision as to the need for trash and debris removal shall be conclusive. Grantee shall inspect each bench location periodically to ensure full compliance with the provisions of this section.

SECTION 13. PENALTY FOR IMPROPER MAINTENANCE AND CLEANING. For each bench which has not been maintained, cleaned, or had graffiti removed as required in SECTION 11, or which has not had the area around it cleaned as required in SECTION 12, will subject Grantee to a penalty of Twenty and no/100ths Dollars (\$20.00). A maximum of One Thousand and no 100ths Dollars (\$1,000.00) in penalties under this section may be assessed by the CITY during any one calendar month. Penalties are due and payable to the CITY within fifteen (15) days of mailing of an invoice by CITY in the U.S. Mail. The invoice shall specify the bench numbers and locations which do not meet the requirements of SECTIONS 11 or 12.

SECTION 14. TRASH RECEPTACLE. Grantee may attach a trash receptacle to each bench. Said receptacle, the method of attaching it to the bench, and Grantee's method of emptying and cleaning said receptacle must receive the written approval of the City Manager or his designee before attachment to any bench. Attachment of a trash receptacle to a bench does not relieve Grantee of the requirements of SECTIONS 11 and 12 or the penalties under SECTION 13.

SECTION 15. REMOVAL OF BENCHES. No bench after being installed on the streets or sidewalks of the CITY shall be removed by the Grantee during the term of this franchise except with the consent of the City Manager or his designee. The City Manager or his designee may, for a cause considered by him reasonable, order the Grantee to remove any bench. When the City Manager or his designee orders the bench removed, the Grantee shall remove it within thirty (30) days at its own expense. If the Grantee shall fail to do so, the City Manager or his designee may order the removal of the bench, and destroy or sell it at his discretion, and may, in addition, bill the Grantee for the removal or destruction in a sum not in excess of Twenty-five and no/100ths Dollars (\$25.00) per bench.

SECTION 16. LOCATION OF BENCHES. All benches shall be placed adjacent to the back edge of the sidewalk parallel to the curb line; provided that whenever, in the opinion of the City Manager or his designee, observance of this requirement would result in inconvenience or hardship, this requirement may be varied by the City Manager or his designee. No bench shall be placed so as to injuriously obstruct passage on the sidewalk or street. No bench shall be placed within fifteen feet (15') of any fire hydrant. The clearance between the bench and the nearest obstruction on the sidewalk shall be no less than forty-two inches (42"). No bench shall be more than forty-two inches (42") high, more than twenty-eight inches (28") wide, less than six feet (6') long, nor more than seven feet (7') long. No more than two benches

may be placed at any one bus stop unless approved by the City Manager or his designee. Where two or more benches are placed together the benches must be identical in appearance except for the printed matter on the benches.

SECTION 17. EMERGENCY SITUATIONS. Grantee shall be present at the site of an emergency situation within one-half hour of verbal notification that such an emergency exists. An emergency is defined as damage to or unauthorized movement to a new location of a bench which presents a serious hazard to the public. If the City Manager or his designee determine that an emergency situation exists, their determination shall be conclusive. Failure of Grantee to respond within the prescribed time limit shall result in a penalty of up to Fifty and no/100ths Dollars (\$50.00) for each failure to respond. Payment of penalty shall be made as prescribed by SECTION 13. CITY may, at its discretion, move the bench to a safe location pending arrival of Grantee.

SECTION 18. INDEMNITY AND INSURANCE. The Grantee shall indemnify and hold harmless the City of Modesto, its officers, agents and employees, from and against any and all liabilities, claims, demands, actions, losses, damages and costs, including costs of defense thereof, caused by, arising from or in any manner connected directly or indirectly with the rights, privileges and permissions granted by this franchise including but not limited to the placement, construction or maintenance of benches on streets and sidewalks in the City of Modesto. Upon demand Grantee shall, at its own expense, defend the City of Modesto, its officers, agents and employees, against all such liabilities, claims, demands, actions, losses, damages and costs. The Grantee shall, at all times during the existence of this franchise, maintain in full force and effect at its own cost and expense a comprehensive general liability insurance policy with minimum limits of public liability protection of One

Hundred Thousand and no/100ths (\$100,000.00) Dollars per single occurrence for bodily injury, sickness and disease, including death resulting therefrom (hereinafter called "bodily injury"), and Three Hundred Thousand and no/100ths Dollars (\$300,000.00) in the aggregate per occurrence for "bodily injury"; and One Hundred Thousand and no/100ths Dollars (\$100,000.00) for property damage. Grantee may maintain in lieu, thereof, a Combined Single Limits insurance policy with limits of Three Hundred Thousand and no/100ths Dollars (\$300,000.00) per occurrence for both bodily injury and property damage.

The liability policy and a Certificate of Insurance which is to be furnished to the CITY shall declare that contractual liability coverage is in full force and effect and that the policy is extended to cover any liability assumed by the Grantee under the terms of this franchise, and shall also contain a cancellation clause declaring that the insurance coverage may not be cancelled nor coverage or the limits of liability be reduced until thirty (30) days after receipt by the City Clerk of the City of Modesto of a written notice of such intended cancellation or reduction in the coverage or limits of liability.

SECTION 19. PERFORMANCE BOND. The Grantee shall post a performance bond, in the sum equal to six months commission to the CITY, guaranteeing its performance of the conditions of this franchise and stating that the said sum shall be forfeited to the CITY as liquidated damages in the event that Grantee shall fail to perform the conditions of its franchise. Said bond shall be furnished by a surety company authorized to do business in the State of California and shall be approved by the City Attorney. (Cash, certified cashiers check, or other such surety acceptable to the City Attorney, may be substituted for a bond.)

SECTION 20. DEFAULT. In the event that either party shall fail or neglect to do or perform each and all of the terms and conditions of this

franchise on his or its part to be performed, the aggrieved party may give the party in default thirty (30) days' written notice to correct the conditions in default, and if the party in default refuses or neglects to make such corrections within the thirty (30) day period, the aggrieved party may terminate this franchise. Should Grantee herein default, Grantee agrees to give CITY full title to all benches and leave all benches in the positions approved per Section 9 herein, or if the CITY so requests, Grantee shall remove all benches within thirty (30) days of the termination of this franchise.

SECTION 21. INSPECTION OF BOOKS. The CITY shall have the right at all reasonable times to examine all books, papers, and records of the Grantee for the purpose of verifying the statements or reports required and for any other purpose whatsoever connected with this franchise.

SECTION 22. DEFACING BENCHES PROHIBITED. No person shall tamper with or deface any bench placed under the franchise granted by this ordinance.

SECTION 23. PENALTY FOR VIOLATION OF SECTION 22. It shall be unlawful for any person to violate the provisions of SECTION 22 of this franchise, or to cause, permit or suffer the same to be done; and any person who does shall be deemed guilty of a misdemeanor, and upon conviction of any such violation, such person shall be punished by a fine of not more than One Thousand and no/100ths Dollars (\$1,000.00) or by imprisonment for not more than one year or by both such fine and imprisonment.

SECTION 24. TRANSFER OR ASSIGNMENT. This franchise may not be sold, transferred, assigned or otherwise disposed of, in whole or in part, without the prior written consent of the City Council. The Council may grant or deny any such request and may impose such conditions as it may deem to be in the public interest. Any attempted disposition made without such consent shall be void.

SECTION 25. REPEALS. Ordinance No. 2377-C.S. is hereby repealed effective January 1, 1991.

SECTION 26. EFFECTIVE DATE. This ordinance shall become effective January 1, 1991 or thirty (30) days from and after its final passage and adoption, whichever is later, provided that Grantee, prior to said effective date, shall have filed with the City Clerk written acceptance thereof and an agreement to be bound by and comply with all of the requirements thereof, and delivers to the City Clerk the surety and insurance policies required to be furnished pursuant to the provisions of Sections 18 and 19 thereof.

SECTION 27. 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.

SECTION 28. FRANCHISE EXTENSION. The franchise may be extended for two-year periods upon the mutual agreement of the parties hereto. However, no more than two consecutive extensions shall be granted. Any extension of this franchise which may be granted by the CITY shall commence upon the first day of the calendar year following the termination date of the then current franchise period. Grantee must notify the CITY in writing by December 31, 1994 if it desires to extend the franchise for the first two-year extension period. Grantee must notify the CITY in writing by December 31, 1996 if it desires to extend the franchise for the second two-year extension period. If requests for extensions are received by the dates specified herein, the CITY will consider each request separately and will notify Grantee by April 1, 1995, as to whether or not the requested extension for the first two (2) year period

is approved and by April 1, 1997 as to whether or not the second two (2) year extension is approved.

As a condition precedent to authorization of any two-year extension of this franchise, the parties hereto shall enter into and complete negotiations with respect to any adjustment in the per bench rate of payments set forth in Section 4. Payment., herein. Any agreed upon adjustment in the per bench rate of payments shall be in effect only for the extension period granted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 1990, 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, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: Dobbs, Irizarry, Patterson

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

ACCEPTANCE OF FRANCHISE

COMPUTER PATHWAYS, Inc., a California corporation, does hereby agree with and accept all of the terms and conditions set forth in Ordinance No. 2747-C.S., introduced by the Council of the City of Modesto on December 11, ^{/1990,} granting a five-year bus bench franchise.

Dated: _____.

COMPUTER PATHWAYS, INC.,
a California corporation

By _____

Title: _____

APPROVED AS TO FORM:

By _____

Title: _____

By _____
STAN T. YAMAMOTO, City Attorney

(SEAL)

(The signatures of the persons authorized to sign for Computer Pathways, Inc., must be notarized.)

CERTIFICATE OF CLERK

I hereby certify that the foregoing ACCEPTANCE OF FRANCHISE was received by me at the hour of _____ o'clock p.m. on the _____ day of _____, 1990.

NORRINE COYLE, City Clerk

EXHIBIT A

Required Bus Bench Locations

Listed below are the required bus bench locations for Modesto's bus routes. Locations are listed by route. The column titled "Heading" refers to the direction of travel of the bus route to identify the side of the street upon which the bench would be located. The following abbreviations are used in the column titled "Heading."

| | |
|-----------------|----------------------|
| NB = Northbound | NEB = Northeastbound |
| SB = Southbound | NWB = Northwestbound |
| EB = Eastbound | SEB = Southeastbound |
| WB = Westbound | SWB = Southwestbound |

In the column titled "Cross Street" a reference of "Near side" means before the intersection of that cross street has been crossed by a bus travelling in the direction shown under "Heading" and "Far side" means after the intersection of that cross street has been crossed by a bus travelling in the direction shown under "Heading." Printed matter or signs are allowed at specific locations as indicated.

ROUTE 1

| <u>Street Location</u> | <u>Heading</u> | <u>Cross Street</u> | <u>Printed Matter or Signs Allowed</u> | <u>Notes</u> |
|------------------------|----------------|-------------------------|--|--------------|
| I Street | SEB | Far side 4th Street | Yes | |
| Sutter Avenue | SB | Far side Chicago Avenue | No | |

ROUTE 2

| <u>Street Location</u> | <u>Heading</u> | <u>Cross Street</u> | <u>Printed Matter or Signs Allowed</u> | <u>Notes</u> |
|------------------------|----------------|---------------------------|--|--------------|
| 11th Street | NWB | Far side K Street | Yes | |
| College Avenue | NB | Far side Needham Street | Yes | |
| College Avenue | NB | Near side Stoddard Avenue | Yes | |
| College Avenue | NB | Far side Coldwell Avenue | No | |
| W. Orangeburg | EB | Bronson Avenue | No | |
| Florida Avenue | NB | Far side Claradell Avenue | Yes | |
| Florida Avenue | NB | Near side Granger Avenue | Yes | |

ROUTE 2, continued

| <u>Street Location</u> | <u>Heading</u> | <u>Cross Street</u> | <u>Printed Matter or Signs Allowed</u> | <u>Notes</u> |
|------------------------|----------------|--------------------------|--|--------------|
| Granger Avenue | EB | Near side McHenry Avenue | Yes | |
| Scenic Drive | WB | Far side Melrose Street | Yes | |
| I Street | SWB | Far side 14th Street | Yes | |
| I Street | SWB | Near side 12th Street | Yes | |

ROUTE 3

No Benches.

ROUTE 4

| <u>Street Location</u> | <u>Heading</u> | <u>Cross Street</u> | <u>Printed Matter or Signs Allowed</u> | <u>Notes</u> |
|------------------------|----------------|------------------------|--|-----------------------------------|
| G Street | NEB | Near side 12th Street | Yes | |
| La Loma | EB | Far side Santa Barbara | No | |
| Miller | EB | Far side La Loma | No | |
| Riverside Dr. | NB | Near side San Ignacio | Yes | |
| Scenic Dr. | WB | Far side Rose Avenue | No | |
| Scenic Dr. | WB | Bodem Street | No | across from County Hospital |

ROUTE 5

| <u>Street Location</u> | <u>Heading</u> | <u>Cross Street</u> | <u>Printed Matter or Signs Allowed</u> | <u>Notes</u> |
|------------------------|----------------|-------------------------|--|--------------------|
| Granger Ave. | WB | Timothy Avenue | Yes | near side of alley |
| Tully Road | NB | Far side Bowen Avenue | No | |
| Tully Road | NB | Far side W. Rumble Road | No | |
| Norwegian Ave. | WB | Far side Coffee Road | Yes | |

ROUTE 6

| <u>Street Location</u> | <u>Heading</u> | <u>Cross Street</u> | <u>Printed Matter or Signs Allowed</u> | <u>Notes</u> |
|------------------------|----------------|----------------------------------|--|----------------------------|
| 9th Street | NWB | Far side I Street 100' northwest | Yes | |
| J Street | NEB | Near side 12th Street | Yes | |
| J Street | NEB | Near side 13th Street | Yes | |
| J Street | NEB | Near side 14th Street | Yes | |
| 14th Street | SEB | Near side I Street | Yes | |
| 19th Street | NWB | Far side H Street | Yes | |
| McHenry Avenue | NB | Near side Jones Street | Yes | |
| McHenry Avenue | NB | Far side Almond Avenue | Yes | |
| McHenry Avenue | NB | Far side E. Morris Avenue | Yes | |
| McHenry Avenue | NB | Far side Frances Avenue | Yes | |
| McHenry Avenue | NB | Near side E. Fairmont Ave. | Yes | |
| McHenry Avenue | NB | Far side E. Roseburg Ave. | Yes | |
| McHenry Avenue | NB | Far side Coolidge Avenue | Yes | |
| McHenry Avenue | NB | Far side Tokay Avenue | Yes | across street from shelter |
| McHenry Avenue | NB | Near side Mark Randy Place | Yes | |
| McHenry Avenue | NB | Near side Sheila Court | Yes | |

ROUTE 6, continued

| <u>Street Location</u> | <u>Heading</u> | <u>Cross Street</u> | <u>Printed Matter or Signs Allowed</u> | <u>Notes</u> |
|------------------------|----------------|-----------------------------|--|--------------------------|
| McHenry Avenue | NB | Far side Floyd Avenue | Yes | |
| McHenry Avenue | NB | Far side Rumble Road | Yes | |
| McHenry Avenue | NB | Far side Robin Hood Drive | Yes | |
| McHenry Avenue | NB | Near side Standiford Avenue | Yes | |
| McHenry Avenue | NB | Far side Sylvan Avenue | Yes | |
| McHenry Avenue | NB | Far side Warren Way | Yes | |
| McHenry Avenue | NB | Far side Meily Way | Yes | |
| McHenry Avenue | SB | Coralwood Road | Yes | at cinemas |
| McHenry Avenue | SB | Far side Union Avenue | Yes | |
| McHenry Avenue | SB | Far side Standiford Avenue | Yes | |
| McHenry Avenue | SB | Far side Woodrow Avenue | Yes | across from alley |
| McHenry Avenue | SB | Near side W. Rumble Road | Yes | |
| McHenry Avenue | SB | Far side Leveland Lane | Yes | |
| McHenry Avenue | SB | Near side Bowen Avenue | Yes | across from Sheila Court |
| McHenry Avenue | SB | Near side Coolidge Avenue | Yes | |
| McHenry Avenue | SB | Far side W. Roseburg Avenue | Yes | |
| McHenry Avenue | SB | Near side Griswold Avenue | Yes | |
| McHenry Avenue | SB | Near side Achor Court | Yes | before canal |
| McHenry Avenue | SB | Far side Stoddard Avenue | Yes | |
| McHenry Avenue | SB | Near side Needham | Yes | |
| J Street | SWB | Near side 11 Street | Yes | |

ROUTE 7

| <u>Street Location</u> | <u>Heading</u> | <u>Cross Street</u> | <u>Printed Matter or Signs Allowed</u> | <u>Notes</u> |
|------------------------|----------------|----------------------------|--|-----------------------------|
| 12th Street | NWB | Near side M Street | Yes | |
| Coldwell Ave. | WB | Tully Road | No | at MJC |
| Kearney Ave. | NB | Far side Leonard Avenue | Yes | across from Post Office |
| Sisk Road | NB | Far side Brenner Way | Yes | in front of Toys R Us |
| Sisk Road | NB | Rumble Road | Yes | in front of OSH |
| Sisk Road | NB | Standiford Avenue | Yes | in front of Garcia JoJo's |
| Sisk Road | NB | Vintage Fair Drive | Yes | before turning into Mall |
| Dale Road | SB | Veneman Avenue | Yes | |
| Dale Road | SB | Braden Avenue | Yes | |
| Standiford | EB | Dale Road | Yes | Lucky-Longs shopping center |
| Conant Avenue | SB | Far side Standiford Avenue | Yes | |
| Mt. Vernon Dr. | EB | Near side Prescott Road | Yes | |

ROUTE 8

| <u>Street Location</u> | <u>Heading</u> | <u>Cross Street</u> | <u>Printed Matter or Signs Allowed</u> | <u>Notes</u> |
|------------------------|----------------|--------------------------|--|--------------|
| Kansas Avenue | WB | Far side N. Emerald Ave. | Yes | |
| Carpenter Rd. | SB | Far side Woodland Ave. | Yes | |
| Carpenter Rd. | SB | Far side Torrid | Yes | |
| Emerald Ave. | SB | Far side Kansas Avenue | Yes | |

ROUTE 9

| <u>Street Location</u> | <u>Heading</u> | <u>Cross Street</u> | <u>Printed Matter or Signs Allowed</u> | <u>Notes</u> |
|------------------------|----------------|-------------------------|--|--------------|
| W. Rumble Rd. | WB | Far side McHenry Avenue | Yes | |
| Tully Road | NB | Far side Woodrow Avenue | Yes | |
| Standiford | EB | Far side Tully Road | Yes | |
| Sylvan | EB | Far side McHenry Avenue | Yes | |
| Sylvan | EB | Far side Coffee Road | Yes | |
| Oakdale Road | SB | Far side Floyd Avenue | Yes | |
| Floyd Avenue | WB | Far side Coffee Road | Yes | |

ROUTE 10

| <u>Street Location</u> | <u>Heading</u> | <u>Cross Street</u> | <u>Printed Matter or Signs Allowed</u> | <u>Notes</u> |
|------------------------|----------------|--------------------------------|--|---------------------------|
| I Street | NEB | Far side 11th Street | Yes | |
| I Street | NEB | Far side 14th Street | No | McHenry Museum |
| I Street | NEB | Near side 16th Street | Yes | |
| Scenic Drive | EB | Near side Melrose Street | Yes | |
| Coffee Road | NB | At Downey High | No | across from Fairmont Ave. |
| Coffee Road | NB | Far side E. Orangeburg Ave. | Yes | |
| Coffee Road | NB | Far side Celeste Drive | Yes | |
| Coffee Road | NB | Far side Floyd Avenue | Yes | |
| Coffee Road | NB | Far side Rumble Road | Yes | |
| Coffee Road | NB | Far side Sylvan Avenue | Yes | |
| Mable Avenue | EB | Near side Homewood Village Dr. | No | |
| Oakdale Road | SB | Far side Lancey Drive | Yes | |
| H Street | SWB | Near side 17th Street | Yes | |
| H Street | SWB | Near side 15th Street | Yes | |

ROUTE 11

| <u>Street Location</u> | <u>Heading</u> | <u>Cross Street</u> | <u>Printed Matter or Signs Allowed</u> | <u>Notes</u> |
|------------------------|----------------|-------------------------|--|--------------|
| Roselawn Ave. | SB | Near side Rouse Avenue | No | |
| Carpenter Road | NB | Far side Chicago Avenue | No | midblock |

ROUTE 12

| <u>Street Location</u> | <u>Heading</u> | <u>Cross Street</u> | <u>Printed Matter or Signs Allowed</u> | <u>Notes</u> |
|------------------------|----------------|----------------------------|--|-----------------------------|
| E. Orangeburg | EB | Near side Claus Road | No | |
| E. Orangeburg | WB | Near side Oakdale Road | Yes | across from shelter |
| E. Orangeburg | WB | Far side Oakdale Road | Yes | |
| E. Orangeburg | WB | Far side Coffee Road | Yes | |
| W. Orangeburg | WB | Far side McHenry Avenue | Yes | |
| W. Orangeburg | WB | Near side College Avenue | Yes | |
| W. Orangeburg | WB | Near side Evergreen Avenue | Yes | |
| Sisk Road | NB | Far side Briggsmore Ave. | Yes | in front of Holiday Inn |
| Sisk Road | NB | Near side Plaza Parkway | Yes | in front of Black Angus |
| Sisk Road | SB | Far side Standiford Avenue | Yes | across from bench |
| Sisk Road | SB | Far side Rumble Road | Yes | in front of Chuck E. Cheese |
| W. Orangeburg | SB | Far side Evergreen Avenue | Yes | in front of Tree Frog |
| W. Orangeburg | EB | Far side McHenry Avenue | Yes | |
| E. Orangeburg | EB | Near side Allen Drive | Yes | |
| E. Orangeburg | EB | Near side Sonoma Avenue | No | |

ROUTE 14

| <u>Street Location</u> | <u>Heading</u> | <u>Cross Street</u> | <u>Printed Matter or Signs Allowed</u> | <u>Notes</u> |
|------------------------|----------------|--------------------------|--|--------------|
| Yosemite Blvd. | EB | Far side Santa Rita Ave. | Yes | |
| Santa Cruz Ave. | SB | Far side Yosemite Blvd. | Yes | |
| Yosemite Blvd. | WB | Near side Capistrano | Yes | |
| Yosemite Blvd. | WB | Near side San Juan Drive | Yes | |
| Empire Avenue | SB | Far side Yosemite Blvd. | Yes | |
| Yosemite Blvd. | WB | Near side Santa Ana | Yes | |
| 14th Street | NWB | Far side D Street | Yes | |

ROUTE 15

| <u>Street Location</u> | <u>Heading</u> | <u>Cross Street</u> | <u>Printed Matter or Signs Allowed</u> | <u>Notes</u> |
|------------------------|----------------|-----------------------|--|--------------------------|
| Crows Landing | NB | Far side Winmoore Way | Yes | New Deal shopping center |

ROUTE 16

| <u>Street Location</u> | <u>Heading</u> | <u>Cross Street</u> | <u>Printed Matter or Signs Allowed</u> | <u>Notes</u> |
|------------------------|----------------|---------------------------|--|----------------------|
| Surrey Ave. | EB | Far side Oakdale Road | Yes | |
| Oakdale Road | NB | St. Pauls Way | Yes | |
| Oakdale Road | NB | Far side Briggsmore Ave. | Yes | |
| Oakdale Road | NB | Far side Merle Avenue | No | |
| Floyd Avenue | WB | Far side Oakdale Road | Yes | |
| Coffee Road | SB | Far side Sylvan Avenue | Yes | |
| Coffee Road | SB | Far side Rumble Road | Yes | |
| Coffee Road | SB | Near side Norwegian Ave. | Yes | |
| Coffee Road | SB | Near side Briggsmore Ave. | Yes | across from hospital |

ROUTE 16, continued

| <u>Street Location</u> | <u>Heading</u> | <u>Cross Street</u> | <u>Printed Matter or Signs Allowed</u> | <u>Notes</u> |
|------------------------|----------------|------------------------------|--|--------------|
| Coffee Road | SB | Across from E. Coolidge Ave. | Yes | |
| Coffee Road | SB | Far side E. Orangeburg Ave. | Yes | |
| Coffee Road | SB | Far side E. Fairmont Avenue | Yes | |
| Coffee Road | SB | Near side Scenic Drive | Yes | |

ROUTE 17

| <u>Street Location</u> | <u>Heading</u> | <u>Cross Street</u> | <u>Printed Matter or Signs Allowed</u> | <u>Notes</u> |
|------------------------|----------------|--------------------------|--|--------------|
| 9th Street | NB | Near side Campus Way | Yes | |
| Tully Road | NB | Far side W. Roseburg | Yes | |
| Tully Road | NB | Far side Standiford Ave. | Yes | |
| Standiford | WB | Far side Carver Road | Yes | |
| Standiford | WB | Near side San Clemente | Yes | |
| Standiford | WB | Far side Prescott Road | Yes | |
| Standiford | EB | Near side Prescott Road | Yes | |
| Standiford | EB | Far side Shawnee Drive | Yes | |
| Standiford | EB | Near side Carver Road | Yes | |
| Standiford | EB | Far side Chancellor Ave. | Yes | |
| Tully Road | SB | Far side Standiford Ave. | Yes | |
| Tully Road | SB | Far side Bowen Avenue | Yes | |
| Tully Road | SB | Far side Briggsmore Ave. | Yes | |
| Tully Road | SB | Far side Roseburg Ave. | Yes | |
| College Ave. | SB | Near side Needham | Yes | |

Total Required Benches - 150

Total Commercial Type (Printed Matter or Sign Allowed) - 132

Total Residential Type (No Printed Matter or Sign Other Than Bus Schedules Allowed) - 18

Ratio - 7 Commercial Types to 1 Residential Type

Ord. No. 2747-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 December, 1990, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: Dobbs, Irizarry, Patterson

ABSENT: Councilmembers: None

APPROVED: Carol G. Whiteside
MAYOR CAROL G. WHITESIDE

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: January 17, 1991

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ORDINANCE NO. 2748 -C.S.

AN ORDINANCE AMENDING SECTION 10-2.507 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO PLANNING AND ZONING.

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

SECTION 1. AMENDMENT OF CODE. Section 10-2.507 of Chapter 2 of Title X of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 10-2.507. ANIMALS AND FOWL.

(a) The keeping of the following animals and fowl is a permitted use:

- (1) A maximum of two (2) dogs, five (5) months or older, per dwelling unit.
- (2) A maximum of three (3) cats, three (3) months or older, per dwelling unit.
- (3) A maximum of twelve (12) other domestic fowl (hens only), rabbits, hares, or other domestic animals customarily considered to be household pets per dwelling unit.
- (4) A maximum of two (2) pygmy goats, three (3) months or older, per dwelling unit.

(b) The following animals and fowl are permitted upon securing a conditional use permit from the Board:

- (1) A maximum of fifty (50) racing homer pigeons maintained in pens or lofts on a lot which contains at least one (1) dwelling unit.
- (2) A maximum of two (2) exotic pets.
- (3) Additional numbers of the animals and fowl permitted in (a)(3) above.

(c) 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.

(d) 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.

(e) All animals and fowl shall be kept in conformance with all other laws, ordinances and regulations governing them, including licensing regulations.

(f) Failure to comply with the provisions of this Section shall be unlawful and punishable as an infraction.

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 18th day of December, 1990, 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: 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. 2748-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 December, 19 90, 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 Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

APPROVED: Carol G. Whiteside
MAYOR CAROL G. WHITESIDE

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: January 25, 1990