

ORDINANCE NO. 3715-C.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MODESTO AMENDING ORDINANCE NO. 3345-C.S ENTITLED "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MODESTO AUTHORIZING THE LEVY OF SPECIAL TAXES WITHIN CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2)" AS AMENDED BY ORDINANCE NO. 3392-C.S.

WHEREAS, this Council has, pursuant to its Resolution No. 2004-127, "A Resolution of the City Council of the City of Modesto of Intention to Establish City of Modesto Community Facilities District No. 2004-1 (Village One #2) and Authorize the Levy of Special Taxes Therein," (the "Resolution of Intention") adopted on March 2, 2004, conducted proceedings for the formation of the City's Community Facilities District No. 2004-1 (Village One #2) (the "District") pursuant to Chapter 2.5 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act"); and

WHEREAS, this Council formed the District on April 6, 2004 by adoption of its Resolution No. 2004-199, "A Resolution of the City Council of the City of Modesto of Formation, Establishing City of Modesto Community Facilities District No. 2004-1 (Village One #2), Authorizing the Levy of the Special Taxes within the District, Preliminarily Establishing an Appropriations Limit for the District, and Calling an Election for the Purpose of Submitting the Levy of the Special Taxes and the Establishment of the Appropriations Limit to the Qualified Electors of the District" (the "Resolution of Formation"); and

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Effective: February 13, 2020

WHEREAS, as a part of the proceedings this Council did, on April 27, 2004, adopt its Ordinance No. 3345-C.S. authorizing the levy of special taxes, as more particularly set forth in Exhibit A thereto, within the District; and

WHEREAS, this Council has, following formation of the District, ordered annexations thereto; and

WHEREAS, this Council has, by its Resolution No. 2004-683, adopted on December 14, 2004, created a Tax Zone #2 within the District and ordered an increase in one component of the special taxes related to Tax Zone #2, and also ordered updates to information in the special taxes to reflect the annexations to the District; and

WHEREAS, in connection with the annexations, this Council has, by its Ordinance No. 3392-C.S., amended its Ordinance No. 3345-C.S. to incorporate the annexations and Tax Zone #2 by approving an Updated Rate and Method of Apportionment of Special Taxes Adding Tax Zone #2 (the "Rate and Method"); and

WHEREAS, Ordinance No. 3345-C.S. authorized the levy of a One-Time Facilities Special Tax in the amount of the Maximum One-Time Facilities Special Tax prior to a building permit being issued; and

WHEREAS, since the date of adoption of Ordinance No. 3345-C.S., the Maximum One-Time Facilities Special Tax has increased 97% from 2006 to 2019; and

WHEREAS, the Resolution of Intention, Resolution of Formation and the Act each authorize the levy of special taxes at the rate and manner specified in the Resolution of Formation, except that the special taxes may be levied at a lower rate; and

WHEREAS, this Council now finds it necessary and desirable to levy the One-Time Facilities Special Tax at a rate lower than the Maximum One-Time Facilities Special Tax in order to encourage development within the District; and

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

SECTION 1. Ordinance No. 3345-C.S., adopted by this Council on April 27, 2004, as amended by Ordinance No. 3392-C.S., adopted by this Council on July 12, 2005, is hereby amended as follows:

A. The One-Time Facilities Special Tax is authorized and levied in the District, including areas heretofore or hereafter annexed thereto, at the rate of 2006 levels and staff will have the administrative ability to update the fees annually if needed by the greater of: (i) the percentage increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available; or (ii) four percent (4.0%). Each annual adjustment of the One-Time Facilities Special Tax shall become effective on the subsequent July 1 which rate is lower than the Maximum One-Time Facilities Special Tax specified in the Rate and Method, in accordance with the method of apportionment set forth in the Rate and Method, including any subsequent update or revision thereto.

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.

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The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2019, by Councilmember Grewal, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

APPROVED: 
TED BRANDVOLD, Mayor

ATTEST:

BY: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
for: ADAM U. LINDGREN, City Attorney

ORDINANCE NO. 3715-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 January, 2020, Councilmember Kenoyer moved its final adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Grewal, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

APPROVED: 

MAYOR TED BRANDVOLD

ATTEST: 

STEPHANIE LOPEZ, City Clerk

Effective Date: February 13, 2020

ORDINANCE NO. 3715-C.S.
Effective: February 13, 2020

ORDINANCE NO. 3716-C.S.

ORDINANCE REPEALING AND REPLACING CHAPTER 2 “VEHICLE AND TRAFFIC REGULATIONS” OF TITLE 3 “PUBLIC SAFETY” OF THE MODESTO MUNICIPAL CODE

WHEREAS, the City has conducted an extensive study examining its current parking regulations; and

WHEREAS, the City through its study created a Parking Engineering Realignment Program (Program), and

WHEREAS, the purpose of the Program is to improve the management, enforcement, and availability of public parking within the City, and

WHEREAS, in order to further community preservation, protection of the health, safety and welfare of its citizens, property values, and aesthetic qualities, these regulations are intended to provide a just equitable and practical method for regulating and enforcing street parking restrictions and prohibitions for certain vehicles with the City.

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

TITLE 3 – PUBLIC SAFETY

Chapter 2 – VEHICLES AND TRAFFIC REGULATIONS

Article 1. - Definitions

3-2.101 - Definitions of Words and Phrases.

(a) The words and phrases used in this chapter shall have the meanings respectively ascribed to them in this article.

(b) Whenever any words or phrases used in this chapter are not defined herein, but are now or hereafter defined in the Vehicle Code of the State of California, such definitions are incorporated herein and shall be deemed to apply to such words and phrases used herein as though set forth herein in full.

3-2.102 - Bus Loading Zone.

The space adjacent to a curb reserved for the exclusive use of vehicles operated by a public carrier during the loading or unloading of passengers.

**ORDINANCE NO. 3716-C.S.
EFFECTIVE DATE: March 12, 2020**

3-2.103 - Council.

The Council of the City of Modesto.

3-2.104 - Curb.

The lateral boundary of the roadway whether such curb be marked by curbing construction, or not so marked. The word "curb" as herein used shall not include the line dividing the roadway of a street from parking strips in the center of a street, nor from tracks or rights-of-way of public utility companies.

3-2.105 – Director of Public Works.

"Director of Public Works " means the Director of Public Works or designee of the City of Modesto.

3-2.106 - Freight Loading Zone.

A space adjacent to a curb reserved for the exclusive use of commercial vehicles during the loading or unloading of materials.

3-2.106.1 – Commercial Vehicles.

A commercial vehicle is defined as any vehicle with more than three wheels that is greater than 22 feet in length that clearly displays the business name and that is used for transporting freight, merchandise or material.

3-2.107 - Holidays.

For the purpose of this chapter only, holidays shall be as specified in Section 6700 of the California Government Code, as the same now exists or may hereafter be amended.

3-2.107.1 - Interstate Truck Route.

A street upon which a vehicle or combination of vehicles authorized by Vehicle Code Section 35401.5 may operate.

3-2.108 - Loading Zone.

The space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

3-2.109 - Official Time Standard.

Whenever certain hours are named herein, they shall mean standard time or daylight saving time as may be in current use in the City.

3-2.110 - Parking Space

A parking space is a space which is duly designated on-street or off-street for the parking of a single vehicle that is marked by lines painted or otherwise durably marked on the pavement, curb or on the surface of a lot, garage or public street.

3-2.110.1 - Parking Meter.

A mechanical device or machine installed or placed within or upon a surface lot, curb or sidewalk area, placed immediately adjacent to or within the established a parking space or parking zone, for the purpose of controlling the period of time occupancy of such parking meter space by any vehicle is permitted.

3-2.110.2 – Parking Payment Device

Any device used to accept payment for parking, such as parking meters, pay station kiosks, mobile devices, or other methods approved by the Public Works Director.

“Pay-by-space/pay-and-display machine” or “pay station” means any mechanical/electronic device or mechanism not inconsistent with this title placed or erected for the control or regulation of multiple parking meter spaces by the authority of this title.

3 2.110.3 – Parking Signage

Signage that aids in the management and control of the parking and loading of vehicles on City streets or other right-of-ways and that designates that parking or loading on a specific block face, or portion thereof, requires time limits and/or requires payment for such use either at a parking payment device or via mobile device or other approved method or device approved by the Public Works Director.

3-2.111 - Parkway.

That portion of public land between the sidewalk and the street or roadway.

3-2.112 - Passenger Loading Zone.

The space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passenger.

3-2.113 - Pick Up.

To take aboard a load or cargo of the type or kind that said vehicle is designed to haul.

3-2.114 - Police Officer.

“Police Officer” every sworn officer of the Police Department of the City, or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

2.114.1 – Parking Enforcement Officer

“Parking Enforcement Officer” means an authorized official of the city who directs traffic and enforces parking and vehicle code regulations related to the stopping standing and parking of vehicles pursuant to the provisions of this Code and the California Vehicle Code.

3-2.114.2 – Parking Penalty

“Parking Penalty” Shall mean any fine authorized by law and this Code, including authorized assessments, late penalty, administrative and collection fees.

3-2.115 – Public Parking Facility.

Any building, structure, lot, space or area within the City now or hereafter used for off-street parking of vehicles by members of the public, and owned or operated for such use by the City.

3-2.116 - Truck Route.

A street, avenue or thoroughfare over and upon which vehicles designed or used for the transportation of commodities or materials may be driven and operated regardless of weight and size of said vehicles; provided said vehicles do not exceed the size and weight of vehicles permitted by state law to be driven upon or over highways and streets within the State of California.

3-2.117 – Parking

“Parking,” “park” or “standing” means to stop, or allow to stand, any vehicle, whether occupied or not, otherwise than (1) in obedience to official traffic control device, (2) by direction of traffic control personnel, or (3) temporarily for the purpose of, and while actually engaged in, loading and unloading of merchandise or passengers.

A. A vehicle shall be deemed to have been parked or left standing when such vehicle has not been moved more than 1 block under its own power from its original stopped, parked or standing position. A block is defined as a segment of a street adjacent to an intersection or between an intersection and the final point of the street. Vehicles may not return to park within the same block within a 24-hour period.

3-2.118 – Construction Zone

“Construction zone” means any area on a street which is designated for the exclusive use of construction activities, including parking.

3-2.120 – Taxicab and transportation network company (TNC) Zone “Taxicab or TNC zone” means the spaces adjacent to a curb reserved exclusively for the legal parking of taxicabs and transportation network companies while awaiting hire. All such zones shall be indicated by painting the curb yellow on white with a legend “Taxicab ” or “App Ride/TNC Zone “ thereon and a sign posted indicating the same.

3-2.119 – Taxicabs and transportation network company (TNC) vehicles.

A. Transportation network companies (TNC) provide application dispatch services (technology that allows consumer to directly request dispatch of for-hire drivers for trips via the internet using mobile interfaces such as smartphone applications), to connect drivers with passengers for transportation services.

B. No owner or driver of any taxicab or TNC vehicle shall park or stand the same upon any public highway or the street for a period of time longer than is necessary to discharge or receive passengers then occupying or then waiting for such taxicab or TNC vehicle. The city traffic engineer is authorized to install signage within commercial loading zone spaces permitting the active loading and unloading of passengers from taxicab and TNC vehicles during non-commercial loading hours. When appropriate signs are in place indicating such, the space may not be utilized for the stopping or standing of other vehicles.

2.120 - Vehicle Code.

Vehicle Code means the Vehicle Code of the State of California.

Article 2. - Enforcement and Obedience to Parking and Traffic Regulations

3-2.201 - Authority of Police, and Fire Department Officials, and Director of Public Works.

- (a) It shall be the duty of the officers of the Police Department or such officers as are assigned by the Chief of Police to enforce all street traffic laws of the City and all of the State vehicle laws applicable to street traffic in the City.
- (b) Members of the Police Department or such officers as are assigned by the Chief of Police are hereby authorized to direct all traffic by voice, hand or other signal in conformance with traffic laws, provided that in the event of a fire or other emergency, or

to expedite traffic or to safeguard pedestrians, officers of the Police Department may direct traffic as conditions may require, notwithstanding the provisions of the traffic laws.

- (c) Members of the Fire Department, when at the scene of a fire or when in the course of their duties they are protecting the personnel or equipment of the Fire Department, may direct or assist the police in directing traffic.
- (d) The Chief of Police or his or her designee may temporarily close a portion of any street when the closing is necessary for the safety and protection of persons who are using that street or to safeguard the property and persons or citizens.
- (e) The Director of Public Works may authorize and assign persons to enforce parking laws and regulations to the maximum extent permitted by law.
- (f) If the Director of Public Works determines that traffic congestion may result from public or private events or activities, the Director or their designee may place signs restricting or prohibiting the operation, parking or standing of vehicles on streets and alleys in the interest of protection the public's safety.

3-2.202 – Parking Penalty Provisions.

A. Intent. It is the intent of the Modesto City Council to exercise its full authority granted by California Vehicle Code Section 40203.5(a), to establish a schedule of parking penalties for parking violations which may include, late fees, collection fees and other related charges in addition to all state mandated fees. A violation of any provision of this chapter shall have a civil penalty under the provisions of this title and shall be required to pay the established penalty provided on the schedule of parking penalties for parking laws and regulations. Any surcharges or assessments to parking penalties that are mandated by state law shall be added to the civil penalty imposed for the violation. Additionally, when a hold on a vehicle registration renewal is imposed due to delinquency of the violation, the penalty shall increase by the amount imposed by the California Department of Motor Vehicles.

B. Procedure for Establishment. Subject to any limitations imposed by state law, the City Council shall, by resolution, establish parking penalties, late payment penalties, administrative fees, and collection fees. The City Manager is authorized to amend the schedule of parking penalties to incorporate any changes to State-mandated surcharges, fees or fines related to the provisions of the California Vehicle Code for violations that can be issued on a notice of parking violation.

3-2.203 - Persons other than Officials Shall Not Direct Traffic.

Except for City employees performing a duty within the scope of their employment which necessitates the direction of traffic, no person other than an officer of the Police Department or a person deputized by the Chief of Police, or a person authorized to do so by a police officer in an emergency, or a person authorized by law, shall direct or attempt to direct traffic by voice, hand or other signal, except that persons may operate when and as herein provided any mechanical pushbutton signal erected by order of the Director of Public Works .

3-2.204 - Exemptions to Certain Vehicles.

A. The provisions of this chapter regulating the operation, parking or standing of vehicles shall not apply to any vehicle of the police or fire department, any public ambulance or any public utility vehicle when any vehicle mentioned in this section is operated in a manner specified in the Vehicle Code in response to an emergency call.

B. The exemptions shall not, however, protect the driver of any such vehicle from the consequences of their willful disregard of the safety of others.

C. The provisions of this chapter regulating the parking or standing of vehicles shall not apply to any vehicle owned or operated by the City when said vehicle is being used in the line of duty or for any vehicle owned by the United States Postal Service while in use for the collection, transportation or delivery of United States mail.

3-2.205 - Report of Damage to Certain Property.

- (a) The driver of a vehicle involved in any accident resulting in damage to any property publicly owned or owned by a public utility, including but not limited to any fire hydrant, telephone pole, electric light or power pole, or resulting in damage to any tree, traffic-control device or other property of a like nature located in or along any street, shall within twenty-four (24) hours after such accident make a written report of such accident to the Police Department of the City.
- (b) Every such report shall state the time when and the place where the accident took place, the name and address of the person owning and of the person driving or in charge of such vehicle, the license number of every such vehicle, and shall briefly describe the property damaged in such accident.
- (c) A driver involved in an accident shall not be subject to the requirements or penalties of this section if and during the time such driver is physically incapable of making a report, but in such event said driver shall make a report as required in subsection (a) of this section within twenty-four (24) hours after regaining ability to make such report.

Article 3. - Traffic-Control Devices

3-2.301 - Authority to Install Traffic-Control Devices.

- (a) The Director of Public Works shall have the power and duty to place and maintain or cause to be placed and maintained official traffic-control devices when and as required under the traffic laws of the City to make effective the provisions of said laws.
- (b) Whenever the Vehicle Code of the State of California requires for the effectiveness of any provisions thereof that traffic-control devices be installed to give notice to the public of the application of such law, the Director of Public Works is hereby authorized to install or cause to be installed the necessary devices subject to any limitations or restrictions set forth in the law applicable thereto.
- (c) The Director of Public Works may also place and maintain or cause to be placed and maintained such additional traffic control devices as he/she may deem necessary to regulate traffic or to guide or warn traffic, but he/she shall make such determination only upon the basis of traffic engineering principles and traffic investigations and in accordance with such standards, limitations and rules as may be set forth in the traffic laws of the City, or as may be determined by ordinance or resolution of the Council.

3-2.302 - When Traffic-Control Devices Required for Enforcement Purposes.

No provision of the Vehicle Code of the State of California or of this chapter for which signs are required shall be enforced against an alleged violator unless appropriate signs are in place and sufficiently legible to be seen by an ordinarily observant person, giving notice of such provisions of the traffic laws.

3-2.303 - Obedience to Traffic-Control Devices.

The driver of any vehicle shall obey the instruction of any official traffic-control device applicable thereto placed in accordance with the traffic laws of the City unless otherwise directed by a police officer subject to the exceptions granted the driver of an authorized emergency vehicle when responding to emergency calls.

3-2.304 - Installation of Traffic Signals.

- (a) The Director of Public Works shall install official traffic signals at those intersections and other places where traffic conditions are such as to require that the flow of traffic be alternately interrupted and released in order to prevent or relieve traffic congestion or to protect life or property from exceptional hazard.
- (b) The Director of Public Works shall ascertain and determine the locations where such signals are deemed by him/her to be necessary for the preservation of the public safety by resort to field observations, traffic counts and other traffic information as may be pertinent.

3-2.305 - Lane Markings.

The Director of Public Works is hereby authorized to mark or caused to be marked center lines and lane lines upon the surface of the roadway to indicate the course to be traveled by vehicles and may place signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the highway.

3-2.306 - Distinctive Roadway Markings.

The Director of Public Works is authorized to place and maintain or cause to be placed and maintained distinctive roadway markings as described in the Vehicle Code of the State of California on those streets or parts of streets where the volume of traffic or the vertical or other curvature of the roadway renders it hazardous to drive on the left side of such markings or signs and markings. Such marking or signs and markings shall have the same effect as similar markings placed by the State Department of Public Works pursuant to provisions of the Vehicle Code of the State of California.

3-2.307 - Authority to Remove or Discontinue Traffic Control Devices.

The Director of Public Works is hereby authorized to remove or discontinue the operation of any traffic control device not specifically required by state law or this chapter, if he/she determines in any particular case that the conditions which warranted or required the installation no longer exist or obtain.

3-2.308 - Traffic Control Devices. Hours of Operation.

The Director of Public Works shall determine the hours and days during which any traffic control device shall be in operation or in effect, except in those cases where such hours or days are specified in or pursuant to the provisions of this chapter, or by ordinance or resolution of the Council.

Article 4. - Turning Movements

3-2.401 - Authority to Place and Obedience to Turning Markers, Intersections. Multiple Lanes.

The Director of Public Works is authorized to place or cause to be placed markers, buttons or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections. The Director of Public Works is authorized to allocate and indicate more than one (1) lane of traffic from which drivers of vehicles may make right- or left-hand turns, and the course to be traveled as so indicated may conform to or be other than as prescribed by law.

3-2.402 - Authority to Place Restricted Turn Signs.

The Director of Public Works is hereby authorized to determine those intersections at which drivers of vehicles shall not make a right turn, left turn or U-turn, and shall place proper signs at such intersections, when such signs are required by the Vehicle Code. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or they may be removed when such turns are permitted.

3-2.403 - Obedience to No-Turn Signs.

Whenever authorized signs are erected indicating that no right turn, left turn or U-turn is permitted, no driver of a vehicle shall disobey the directions of any such sign.

3-2.404 - Authority to Prohibit Turns Against Traffic Stop Signal.

The Director of Public Works is hereby authorized to determine those intersections at which drivers of vehicles shall not make right or left turns against a red or stop signal and shall erect proper signs giving notice of such prohibition. No driver of a vehicle shall disobey the directions of any such sign.

Article 5. - One-Way Streets and Alleys

3-2.501 - One-Way Streets and Alleys.

The Council shall determine and designate one (1) way streets or alleys or portions thereof, by resolution, which designation shall become effective when appropriate signs are in place giving notice of said designations to the public. Whenever any resolution of this City designates any one (1) way street or alley, the Director of Public Works shall cause to be placed and maintained signs giving notice thereof and no such regulations shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

3-2.502 - Traffic Control through Certain Alleys.

Whenever any resolution of this City designates an alley as a one (1) way alley it shall be unlawful to drive any vehicle through said alley except in the direction authorized, or to stop or park any vehicle in said alley except on the side thereof designated by the Director of Public Works and as near the property line as is practicable. The Director of Public Works shall cause signs to be erected on one (1) way alleys indicating the side or portion thereof upon which loading or unloading is authorized.

Article 6. - Special Stops Required

3-2.601 - Stop Signs.

The Director of Public Works is authorized to erect and maintain stop signs at those locations where he/she deem such controls to be necessary in order to protect the public safety. When signs are erected giving notice thereof, drivers of vehicles shall stop at the entrance or entrances to such intersections.

Article 7. - Yield-Right-of-Way Signs

3-2.701 - Yield-Right-of-Way Signs.

Pursuant to the authority contained in Section 21356 of the Vehicle Code of the State of California, the Director of Public Works is authorized to erect or cause to be erected yield-right-of-way signs at one (1) or more approaches to an intersection of streets and highways in the City which are not through streets.

Article 8. - Miscellaneous

3-2.801 - Clinging to Motor Vehicles.

No person shall attach himself with his hands, or catch on, or hold on to with his hands, or by any other means, to any moving vehicle or train for the purpose of receiving motive power therefrom.

3-2.802 - Vehicles shall not be Driven on the Sidewalk.

Except as provided in Sections 3-2.206 and 3-2.803.1 of this chapter, the driver of a vehicle other than a bicycle shall not drive within any sidewalk area or any parkway except at a permanent or temporary driveway.

3-2.802.1 - Operation of Electric Carts by Disabled Persons, Persons Fifty (50) Years of Age or Older, by Employees of the United States Postal Service, State and Local Government Agencies, or Utility Companies.

Notwithstanding the provisions of Section 3-2.803 of this chapter, an electric cart may be operated upon a public sidewalk by a physically disabled person, by a person fifty (50) years of age or older, or, while in the course of their employment, by employees of the United States Postal Service, State and local government agencies, or utility companies. However, any disabled person or person fifty (50) years of age or older who owns or leases an electric cart must first apply to the Police Chief for a permit and an identification sticker to so operate the cart, and such person is required to affix such identification sticker to the cart in order to operate it on the sidewalk. The permit and sticker shall become invalid if the person ceases to operate, own, or lease the cart.

3-2.803 - New Pavement.

No person shall walk, ride or drive any animal or any vehicle over or across any newly made pavement or freshly painted marking in any street when a barrier or sign is in place warning persons not to walk or drive over or across such pavement or marking, or when a sign is in place stating that the street or any portion thereof is closed.

3-2.804 - Driving Over Fire Hose.

No vehicle shall be driven over any unprotected hose of the Fire Department when laid down on any street or private driveway to be used at any fire or alarm of fire without the consent of the Fire Chief or the assistant in command.

3-2.805 - Bicycle Riding Restricted.

No person shall propel a bicycle within any sidewalk area in any business district as defined by Section 235 of the Vehicle Code of the State of California.

3-2.806 - Use of Coasters, Roller Skates and Similar Devices Restricted.

It shall be unlawful for any person upon roller skates or riding on or by means of a skateboard, coaster or similar device to go upon any roadway in the City or in any City-owned parking lot or City-owned parking structure or in the City of Modesto Transportation Center or in the City of Modesto Amtrak Station or upon the sidewalk in any business district as defined by Section 235 of the Vehicle Code of the State of California or any property of the Modesto City School District, Sylvan Unified School District or Empire Union School District. Provided, however, the Council may, by resolution, grant approval for the use of roadways, City-owned parking lots, City-owned parking structures, and sidewalks for organized skating events of community-wide interest and importance, and that the Director of Public Works, or such persons as may be designated by the Director, may grant approval for use of City park parking lots for organized skating events of community-wide interest and importance. In granting such approval, the Council and the Director or the Director's designee may impose such conditions, restrictions and requirements as they deem necessary or desirable in order to protect the public interest and promote the general welfare.

3-2.807 - Railway Gates.

No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or being opened or closed.

3-2.808 - Speed of Trains.

It shall be unlawful for any person in charge of, having control of, or directing the movement of any railway train, railway locomotive, railway car or cars, or similar vehicles which move on rails, to cause or permit any such train, locomotive, car or cars, or similar vehicle which moves on rails, to be operated, moving or propelled along any of the streets or across any of the street crossings of the City at a speed greater than forty-five (45) miles per hour.

3-2.809 - Removal of Enforcement Markings.

No person shall remove nonpermanent markings placed on the tire of a vehicle by an employee of the city who is authorized to enforce parking regulations in the performance of his or her official duties.

3-2.810 - Obstructing Intersections and Crosswalks.

It shall be unlawful for the operator of any vehicle to park within an intersection or to obstruct a marked crosswalk.

3-2.811 - Blocking Roadway Prohibited.

Trucks or other vehicles permitted to park at an angle to curbs, sidewalk areas or building lines shall be so positioned that they do not block or impede the normal flow of traffic.

3-2.812 - Leaving Unattended Vehicle.

(a) Removing Ignition Key. No person driving or in charge of a motor vehicle shall permit it to stand unattended in any public place, or on any public parking lot, without first stopping the engine, locking the ignition and removing the ignition key from the vehicle.

- (b) Whenever any police officer or authorized employee shall find a motor vehicle standing unattended with the ignition key in the vehicle, in violation of this section, such employee is authorized to remove such key from such vehicle and to deliver such key to the Police Department-, located at 60010th Street, Modesto, California.
- (c) Presumption. The registered owner of a vehicle found in violation of this section shall be held prima facie responsible for any such violation.
- (d) Violations. Any violation of the provisions of this section shall not mitigate the offense of stealing such motor vehicle nor shall such violation be used to effect a recovery in any civil action for theft of such motor vehicle, or the insurance thereon, or have any other bearing in any civil action.

3-2.813 - Approval of State Department of Public Works.

- (a) Any provision of this chapter which regulates traffic or delegates the regulation of traffic upon state highways in any way for which the approval of the Department of Public Works is required by state law, shall cease to be operative six (6) months after receipt by the Council of written notice of withdrawal of approval of the Department of Public Works.
- (b) Whenever this chapter delegates authority to a City officer, or authorizes action by the Council to regulate traffic upon a state highway in any way which by state law requires the prior approval of the Department of Public Works, no such officer shall exercise such authority nor shall such action by the Council be effective with respect to any state highway without the prior approval in writing of the Department of Public Works when and to the extent required by Division 9 and Division 11 of the Vehicle Code.

Article 9. - Pedestrians

3-2.901 - Crosswalks.

The Director of Public Works is hereby authorized to establish, designate and shall cause to be maintained crosswalks at intersections and other places by appropriate devices, marks or lines upon the surface of the roadway.

3-2.902 - Jaywalking Prohibited.

No pedestrian shall cross a roadway other than by a crosswalk in any business district as defined by Section 235 of the Vehicle Code of the State of California.

3-2.903 - Crossing at Right Angles.

No pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb except in a marked crosswalk.

Article 10. - Stopping, Standing and Parking

3-2.1001 - Application of Regulations.

- (a) The provision of this article prohibiting the stopping, standing or parking of a vehicle shall apply at all times or at those times herein specified, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic-control device.
- (b) The provisions of this article imposing a time limit on standing or parking shall not relieve any person from the duty to observe other and more restrictive provisions of the

Vehicle Code of the State of California or this Code prohibiting or limiting the standing or parking of vehicles in specified places or at specified times.

3-2.1002 - Use of Streets for Storage of Vehicles Prohibited.

- (a) The Council finds that the use of streets for storage of vehicles, including a recreational vehicle, travel trailer, mobile home, boat trailer, bus, semi, house car, utility trailer and camper whether attached to another vehicle or separate, in order to avoid removal as a stored vehicle presents risk to the public health, safety and general welfare.
- (b) In the event a vehicle is parked or left standing upon a street, alley or public parking facility in excess of a consecutive period of seventy-two (72) hours, any member of the Police Department or a Parking Enforcement Officer, may remove said vehicle in the manner and subject to the requirements of the Vehicle Code Section 22651.

3-2.1003 - Parking for Certain Purposes Prohibited.

- (a) Repealed.
- (b) No person shall park a vehicle upon any roadway located in a commercial or industrial zone for the principal purpose of washing, greasing or repairing such vehicle except for repairs necessitated by an emergency.

3-2.1004 - Standing for Loading Only in Alleys.

No person shall stop, stand or park a vehicle in any alley for any purpose other than for the loading or unloading of passengers or materials. The loading or unloading of passengers shall not consume more than three (3) minutes, and the loading or unloading of materials shall not consume more than twenty (20) minutes without impeding traffic circulation and emergency access through alleys. This section shall not apply to an alley where parking is prohibited.

3-2.1005 - Parallel and Angle Parking.

- (a) No person shall park a vehicle on the left-hand side of a two (2) way street facing against the flow of traffic.
- (b) Subject to other and more restrictive limitations, a vehicle stopped or parked upon a roadway shall be stopped or parked with the right-hand wheels of the vehicle parallel to, and within eighteen (18) inches of, the right-hand curb or the right-hand edge of the class IV bikeway, except that a motorcycle shall be parked with at least one wheel or fender touching the right-hand curb or edge. If no curbs, barriers, or class IV bikeways bound a two-way roadway, right-hand parallel parking is required unless otherwise indicated.
- (c) The Council is hereby authorized by resolution to determine the streets upon which and the hours during which angle parking shall be permitted either exclusively or in conjunction with parallel parking, which regulations shall become effective when appropriate signs or marking are in place giving public notice thereof. On those streets upon which angle parking exclusively is authorized, such fact shall be indicated by the painting of white lines upon the surface of the roadway indicating angle parking. On such streets, vehicles shall be parked at the angle to the curb of the roadway with at least one (1) front wheel within eighteen (18) inches of the curb. On those streets upon which combination parallel and angle parking is authorized, such fact shall be indicated by the posting of signs

giving public notice thereof. On such streets, vehicles shall be parked as indicated by such signs.

3-2.1006 - Parking of Commercial Vehicles and Buses Prohibited in Residential Districts.

No person shall park or leave standing any commercial vehicle, as defined in the Vehicle Code of the State of California,, upon any street within any residential district of the City, if such vehicle has a manufacturer's gross vehicle weight rating of ten thousand (10,000) pounds or more, for any purpose other than making pickups or deliveries of persons, goods, wares and merchandise from or to any building or structure, located on such street or for any purpose other than delivering materials to be used in the actual and bona fide repair, alteration, remodeling or construction of any building or structure upon such street for which a building permit has previously been obtained. A residential district of the City is any area of the City which is classified as residential under the provisions of the zoning regulations of this Code.

3-2.1007 - Stopping or Parking Prohibited. Signs Required.

The Director of Public Works may appropriately sign or mark or cause to be signed or marked any place where said Director determines that it is necessary in order to eliminate dangerous traffic hazards, and when so signed or marked, no person shall stop, stand or park a vehicle in any of said places.

3-2.1008 - Emergency s-Temporary No Parking Signs.

- (a) If the Director of Public Works determines that an emergency traffic congestion is likely to result from the holding of public or private assemblages, gatherings or functions, or for other reasons, the Director of Public Works shall have the power and authority to order temporary signs to be erected or posted indicating that the operation, parking or standing of vehicles is prohibited on such streets and alleys as he/she shall direct during the time such temporary signs are in place. Such signs shall be erected or posted and inspected 24 hours in advance and remain in place only during the existence of such emergency, and said Director or designee shall verify that such signs are removed promptly thereafter.
- (b) When signs authorized by the provisions of this section are in place giving notice thereof, no person shall operate, park or stand any vehicle contrary to the directions and provisions of such signs.

3-2.1009 - Parking Upon Traffic Counters Prohibited.

No vehicle shall be parked on or over any mechanical traffic counter or road tube used for the purpose of taking a traffic count when signs have been erected giving notice thereof.

3-2.1010 - Driving or Parking on Parks, Playgrounds and City Property.

- (a) No person shall drive or park any motor vehicle upon any public park, playground or other City property except on streets, alleys, thoroughfares or parking lots and areas provided for such purposes.
- (b) No person shall stop, stand or park a motor vehicle upon any public park, playground or other City property outside of the designated parking area(s).
- (c) No person shall park a vehicle on that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

3-2.1011 - Parking on Private Property Without Consent Prohibited. (a) No person shall park a vehicle on private property without the direct or implied consent of the owner or person in lawful possession of such property.

(b) When public parking is prohibited or restricted on private property, the owner or person in lawful possession or their agent shall display in plain view at all entrances to the property, a sign not less than seventeen by twenty-two inches in size, with lettering not less than one inch in height, prohibiting or restricting public parking, indicating that violators' vehicles may be removed at the vehicle owner's expense and that violators may be cited. The sign shall display the telephone number of the local law enforcement agency, the name and telephone number of the towing company and reference Vehicle Code Section 22658 ("CVC 22658").

(c) If an authorized sign is displayed in plain view at each entrance to the property and the owner or person in lawful possession of private property desires enforcement in addition to the issuance of a citation upon the request of the owner or person in lawful possession, the owner or person in lawful possession may request enforcement by the city as stated in the authorized sign. Any owner or person in lawful possession of private property located within the downtown business district that requests enforcement pursuant to this section must have a valid letter of authorization on file with the city.

3-2.1012 - Removal of Vehicles Parked on Private Property.

Any regularly employed and salaried officer of the Police Department of the City or a regularly employed and salaried Parking Enforcement Officer or the owner of any private property, or the person entitled to the possession thereof for the time being, or the authorized agent of either may remove or cause to be removed any vehicle that has been parked or left standing on any private property in violation of Section 3-2.1011 of this article.

3-2.1013 - Liability for Wrongful Removal of Vehicle.

If a vehicle removed from such private property was rightfully there, the person or persons who complained of the presence of such vehicle and/or the person or persons (other than employees of the City) who caused such vehicle to be removed shall be liable for any and all charges for towage and for caring for and keeping safe such vehicle.

3-2.1014 - Removal of Vehicle to Place of Safety.

Any person referred to in Section 3-2.1012 of this article who removes any vehicle from any private property in the City is hereby authorized to remove said vehicle to the nearest garage or other place of safety, or to a garage designated or maintained by the City.

3-2.1015 - Notice to Owner of Removed Vehicle.

Any person referred to in Section 3-2.1012 of this article who removes a vehicle from private property shall give notice to the owner of the vehicle as provided in Article 1, Chapter 10, and Division 11 of the Vehicle Code of the State of California.

3-2.1016 - Garage Keeper's Lien.

The keeper of any garage in which any vehicle is stored in accordance with the provisions of this article shall have a lien thereon for his compensation for towage and for caring for and keeping safe such vehicle, and may satisfy such lien upon compliance with

and under the conditions stated in Article 1, Chapter 10, Division 11 of the Vehicle Code of the State of California.

3-2.1017 - Parking in Fire Lane.

No person shall park or leave standing any vehicle in a fire safety lane on private or public property when such lane has been required by the City of Modesto and has been designated by appropriate signs or markings.

Article 11. - Stopping for Loading or Unloading Only

3-2.1101 - Curb Markings to Indicate No Stopping and Parking Regulations.

- (a) The Director or Public Works is hereby authorized, subject to the provisions and limitations of this chapter, to place and when required herein shall cause to be placed, the following curb markings to indicate parking or standing regulations, and said curb markings shall have the meanings as herein set forth:
- (1) Red shall mean no stopping, standing or parking at any time except as permitted by the Vehicle Code of the State of California and except that a bus may stop in a red zone marked or signed as a bus zone.
 - (2) Yellow shall mean no stopping, standing or parking at any such times of any day as are designated, for any purpose other than the loading or unloading of passengers or materials, provided that the loading or unloading of passengers shall not consume more than three (3) minutes nor the loading or unloading of materials more than twenty (20) minutes.
 - (3) White shall mean no stopping, standing or parking for any purpose other than loading or unloading of passengers or for the purpose of depositing mail in an adjacent mailbox which shall not exceed three (3) minutes and such restrictions shall apply at such times as are designated.
 - (4) Green shall mean no standing or parking for longer than twenty-four (24) minutes and such restrictions shall apply at all times unless otherwise specifically designated.
 - (5) Blue shall mean no stopping, standing or parking at any time, except that vehicles which display a disabled person's license plate or placard, or a disabled veteran's license plate or placard, as provided by the Vehicle Code of the State of California may stop, stand or park in the spaces so designated.
- (b) When the Director of Public Works r, as authorized under this chapter, has caused curb markings to be placed, no person shall stop, stand or park a vehicle adjacent to any such legible curb markings in violation of any of the provisions of this section.

3-2.1102 - Unauthorized Painting of Curbs.

No person other than the Director of Public Works shall be authorized to cause to be painted any curb surface unless granted permission to do so by the City.

3-2.1103 - Authority to Establish Zones.

The Director of Public Works is hereby authorized to determine and establish zones and time limits for the loading and unloading of motor vehicles in designated streets, or portions thereof, in the City, which regulations shall become effective with curb markings or when appropriate signs are placed giving notice of said regulations to the public. The zones

authorized by this section shall include any or all of the following: loading zone, bus loading zone, freight loading zone and passenger loading zone.

3-2.1104 - Standing for Loading or Unloading Only.

When authorized signs or markings as prescribed by Section 3-2.1101 of this article are utilized giving notice thereof, no person shall stop, stand or park any vehicle in a loading zone for a purpose or for a period of time longer than three (3) minutes for loading or unloading passengers and twenty (20) minutes for loading and unloading materials, unless otherwise indicated by posted signs.

3-2.1105 - Stopping, Standing or Parking of Vehicles in Roadway.

No person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the main-traveled portion of the street when it is practicable to stop, park or so leave such vehicle off such part or portion of said street but in every event an unobstructed width of the street opposite a standing vehicle shall be left for the free passage of other vehicles. This section shall not apply upon a street where the roadway is bounded by adjacent curbs.

This section shall not apply to the driver of any vehicle which is disabled in such manner and such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle on the main-traveled portion of a street.

Article 12. - Stopping, Standing or Parking Restricted or Prohibited on Certain Streets

3-2.1201 - Restriction or Prohibition of Parking.

Any other provisions of this chapter to the contrary notwithstanding, the Director of Public Works may authorize, restrict or prohibit the parking of motor vehicles in designated streets, or portions thereof, in the City if the general welfare and safety of the citizens so require it, which regulations shall become effective when appropriate signs or markings are in place giving notice of said regulations to the public.

3-2.1202 - Parking Time Limited.

When authorized signs are in place giving notice thereof, no person shall stop, stand or park any vehicle upon any street during the days and hours indicated on such signs for a period of time longer than so designated by said sign. Each period of over parking for more than the period stated on the time limit sign shall constitute a separate offense.

3-2.1203 - Parking Prohibited during Certain Times on Certain Streets.

When authorized signs are placed in each block giving notice of parking being prohibited, no person shall stop, stand or parked a vehicle between the hours of any day upon any paved street or part of a paved street as designated by said sign.

3-2.1204 - Parking Space Markings.

The Director of Public Works is authorized to install and maintain parking space markings to indicate parking spaces adjacent to curbsings where authorized parking is permitted.

When such parking space markings are placed in the street subject to other and more restrictive limitations, no vehicles shall be stopped, left standing or parked other than within a single space.

3-2.1205 - Vision Obstruction Parking Prohibited.

When authorized signs are in place giving notice thereof, no person shall park a vehicle which is six (6) feet or more in height (including any load thereon) on any street in the City within one hundred (100) feet of an intersection as that term is defined by the California Vehicle Code.

3-2.1206 - No Commercial or Passenger Vehicle Stopping, Parking, or Standing on Roadways.

No person shall stop, park, or let stand a commercial or passenger vehicle in the center-turn lane or in the middle of any public road or on any public street located within the city limits.

Article 13. - Truck Routes

3-2.1301 - Truck Routes.

- (a) Use of Truck Routes. It shall be unlawful for the operator of any moving van, dump truck, tank truck, used or designed for the purpose of transporting petroleum products, or any vehicle designed or used for the transportation of commodities or materials, which vehicle exceeds a maximum gross weight of six thousand (6,000) pounds, to operate or park said vehicle upon any street other than upon and over a truck route for any purpose other than to make a pickup or delivery, or to service or secure repairs to said vehicle. In traveling to or from the point of delivery, pickup, service to or repair of said vehicle, the operator of said vehicle shall drive as far as possible upon and over a truck route.
- (b) Towing. It shall be unlawful for the operator of any vehicle to tow or pull or push any other vehicle on any street of the City other than upon a truck route for any distance greater than is absolutely necessary.
- (c) Exemptions. Nothing herein shall be construed to prevent the driving and operating of fire apparatus upon any streets of the City nor shall this chapter, by its terms, prevent equipment owned by the City from being operated upon any of the streets of the City. Neither shall this chapter by its terms be construed to apply to the moving of houses, buildings, or structures upon and over the streets of the City. The provisions of this section shall not apply to:
 - (1) Passenger buses under the jurisdiction of the Public Utilities Commission; or
 - (2) Any vehicle owned by a public utility while necessarily in use in the construction, installation or repair of any public utility.
- (d) Designation by Council. The Council is authorized to determine and designate truck routes by resolution, which designation shall become effective when appropriate signs are in place giving notice of said designations to the public.

3-2.1302 - Interstate Truck Routes.

- (a) Use of Interstate Truck Routes. It shall be unlawful for the operator of any vehicle or combination of vehicles authorized to operate in the State of California by Vehicle Code Section 35401.5 to operate said vehicle or combination of vehicles upon any street other than on an interstate truck route.
- (b) Designation of Interstate Truck Routes. The Council is authorized to designate interstate truck routes by resolution, which designation shall become effective when appropriate signs are in place giving notice of said designation to the public.

- (c) Procedure for Designation of Interstate Truck Routes. The procedure for obtaining designation of interstate truck routes shall be as follows:
- (1) Application by individuals, firms or corporations for designation of routes to interstate truck terminals shall be made to the Director of Public Works. The application shall include the name and address of the applicant, the location of the terminal, the preferred route and alternates if appropriate, evidence that terminal parking and entries are adequate, and other considerations noted by the applicant that need to be resolved. The application shall be accompanied by a nonrefundable application fee to be established from time to time by resolution.
 - (2) The Director of Public Works shall cause an investigation to be made of the proposed route to include traffic safety considerations, adequacy of street surfaces and geometrics, approval or disapproval of the California Department of Transportation, an estimate of the cost of establishing the route, and other considerations as appropriate.
 - (3) If the Director of Public Works determines, upon completion of the investigation, that the proposed route is acceptable, he/she shall recommend to the Council that the route be adopted. If the Council denies the application, its action shall be final.
 - (4) If the Council adopts the route, the applicant shall have thirty (30) days in which to deposit the estimated cost for establishing the route with the Finance Director.
 - (5) If a route is adopted, within thirty (30) days after completion of the route the City shall make an accounting and any overpayment will be returned to the applicant. If the deposit was insufficient to cover cost for establishing the route, the applicant shall pay the additional cost within thirty (30) days after being billed therefore.
 - (6) If the Director of Public Works determines, upon completion of the investigation, that the route is not acceptable, he/she shall notify the applicant that the application is denied, noting the reasons for the denial.
 - (7) If the Director of Public Works denies an application, the applicant may appeal the denial to the Council in accordance with the provisions of Chapter 4 of Title 1 of this Code.
 - (8) If the Council grants the appeal, the establishment of the route shall be in accordance with the procedures specified in subsections (c) (4) and (5) of this section.
 - (9) Termination of Interstate Truck Routes. The Council may, in its sole discretion, terminate interstate truck route designations or designate alternate routes.

Article 14. - Special Speed Zones

3-2.1401 - Change in Speed Limits Set by State Law.

Pursuant to authority contained in the California Vehicle Code Sections 22357 and 22358, it is hereby determined upon the basis of an engineering and traffic survey that the prima facie speed limits hereinafter set forth would facilitate the orderly movement of vehicular traffic and would be reasonable and safe, except when passing school grounds, and it is hereby determined that a speed limit greater than those hereinafter set forth would be

more than is reasonable or safe. It is hereby declared that the prima facie speed limits hereinafter set forth are established according to law.

NAME OF STREET OR PORTION AFFECTED	DECLARED PRIMA FACIE SPEED LIMIT
ALICE STREET, between Sycamore Avenue and McHenry Avenue	25 miles per hour
BLUE GUM AVENUE, between Carpenter Road and Culpepper Avenue	25 miles per hour
BOWEN AVENUE, between Tully Road and McHenry Avenue	25 miles per hour
BRIGGSMORE AVENUE, between Sisk Road and Prescott Road	30 miles per hour
CARPENTER ROAD, between Blue Gum Avenue and Orangeburg Avenue	30 miles per hour
CARPENTER ROAD, between the Tuolumne River and Robertson Road	35 miles per hour
CENTER STREET, between Rosedale Avenue and Calaveras Avenue	25 miles per hour
CONANT AVENUE, between Sisk Road and Rumble Road	25 miles per hour
CONANT AVENUE, between Standiford Avenue and Veneman Avenue	25 miles per hour
CROWS LANDING, between 7th Street and Blankenburg Avenue	35 miles per hour
CROWS LANDING, between School Avenue and Imperial Avenue	35 miles per hour
CROWS LANDING, between Imperial Avenue and Whitmore	45 miles per hour
DEL VALE AVENUE, between Del Vista Avenue and Glenwood Drive	25 miles per hour
EICHER AVENUE, between Conant Avenue and Goldie Avenue	25 miles per hour
EMERALD AVENUE, between Maze Boulevard and Kansas Avenue	25 miles per hour
ENCINA AVENUE, between Santa Barbara Avenue and Conejo Avenue	25 miles per hour

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ENSLLEN AVENUE, between Granger Avenue and Orangeburg Avenue	25 miles per hour
FAIRMONT AVENUE, between Virginia Avenue and McHenry Avenue	25 miles per hour
FAIRMONT AVENUE, between Sunrise Avenue and Coffee Road	25 miles per hour
GRAPE AVENUE, between Pearl Street and Evergreen Avenue	25 miles per hour
GRISWOLD AVENUE, between Virginia Avenue and McHenry Avenue	25 miles per hour
HADDON AVENUE, between La Loma Avenue and Conejo Avenue	25 miles per hour
JEFFERSON STREET, between Paradise Road and 8th Street	25 miles per hour
K STREET, between Washington Street and 9th Street	25 miles per hour
KEARNEY AVENUE, between Glenwood Drive and Coldwell Drive	25 miles per hour
KELLER STREET, between Sylvan Avenue and Rumble Road	25 miles per hour
LEGION PARK ROAD, between Santa Cruz Avenue and Tioga Drive	25 miles per hour
LEVELAND LANE, between College Avenue and TSRR tracks	25 miles per hour
LINCOLN OAK DRIVE, between Merle Avenue and Floyd Avenue	25 miles per hour
LUCERN AVENUE, between Johnson Street and Coffee Road	25 miles per hour
MADISON STREET, between Paradise Avenue and Laurel Avenue	25 miles per hour
MORTON BOULEVARD, between 9th Street and Downey Avenue	25 miles per hour
NEECE DRIVE, between Rouse Avenue and Sunset Avenue	25 miles per hour
NORTH MARTIN LUTHER KING DRIVE, between Maze Boulevard and Laurel Avenue	25 miles per hour

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PEARL STREET, between Carver Road and Dougfir Drive	25 miles per hour
PRINCETON AVENUE, between Tully Road and College Avenue	25 miles per hour
RIVER ROAD, between Herndon Avenue and 1,200 feet west of Herndon Avenue	35 miles per hour
ROBLE AVENUE, between Santa Ana Avenue and Rosina Avenue	25 miles per hour
SHARON WAY, between Budd Street and Prescott Road	25 miles per hour
SHERWOOD AVENUE, between Orangeburg Avenue and Briggsmore Avenue	25 miles per hour
SNYDER AVENUE, between Blue Bird Drive and Dale Road	25 miles per hour
STODDARD AVENUE, between McHenry Avenue and Virginia Avenue	25 miles per hour
SURREY AVENUE, between Oakdale Road and Eastridge Drive	25 miles per hour
TIOGA DRIVE, between Conejo Avenue and Legion Park Drive	25 miles per hour
VENEMAN AVENUE NORTH, between Snyder Avenue and Regency Park Drive	25 miles per hour
WESTERN WAY, between Sutter Avenue and Roselawn Avenue	25 miles per hour
WINMOORE WAY, between Crows Landing Road and Jim Way	25 miles per hour
WRIGHT STREET, between Sycamore Avenue and McHenry Avenue	25 miles per hour
WYLIE DRIVE, between Rose Avenue and Oakdale Road	25 miles per hour
7TH STREET, between Sierra Drive and B Street	25 miles per hour
9TH STREET, between 400 feet north of Tully Road and P Street	35 miles per hour
9TH STREET, on the Tuolumne River Bridge	40 miles per hour

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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.

NAME OF STREET OR PORTION AFFECTED	DECLARED PRIMA FACIE SPEED LIMIT	DATE SURVEYED
BRIGGSMORE AVENUE, between Coffee Road and Oakdale Road	50 miles per hour	August 7, 2018
BRIGGSMORE AVENUE, between McHenry Avenue and Coffee Road	45 miles per hour	August 7, 2018
BRIGGSMORE AVENUE, between Oakdale Road and Claus Road *ES10	50 miles per hour	December 22, 2011
BRIGGSMORE AVENUE, between Prescott Road and Tully Road *ES10	45 miles per hour	February 3, 2015
BRIGGSMORE AVENUE, between Tully Road and McHenry Avenue	45 miles per hour	August 7, 2018
BRIGHTON AVENUE, between Coffee Road and Locke Road *ES10	30 miles per hour	May 8, 2013
CALIFORNIA AVENUE, between Carpenter Road and Martin Luther King Drive *ES10	30 miles per hour	January 17, 2013
CELESTE DRIVE, between Coffee Road and Oakdale Road *ES10	30 miles per hour	May 8, 2013
CLARATINA AVENUE, between Coffee Road and Oakdale Road	55 miles per hour	August 6, 2018
COFFEE ROAD, between Claratina Avenue and Sylvan Avenue	40 miles per hour	August 6, 2018
COLLEGE AVENUE, between Bowen Avenue and Princeton Avenue *ES10	35 miles per hour	September 29, 2015
COLLEGE AVENUE, between Princeton Avenue and Needham Avenue *ES10	25 miles per hour	September 29, 2015
CROWS LANDING ROAD, between 7th Street and Hatch Road *ES10	35 miles per hour	May 8, 2013
EL VISTA AVENUE, between Scenic Drive and Yosemite Boulevard	35 miles per hour	August 8, 2018

FINE AVENUE, between Hillglen Avenue and Merle Avenue *ES10	30 miles per hour	May 8, 2013
FLOYD AVENUE, between Roselle Avenue and Claus Road	40 miles per hour	August 6, 2018
G STREET, between 9th Street and 17th Street	25 miles per hour	August 7, 2018
JEFFERSON STREET, between Maze Boulevard and Paradise Road *ES10	25 miles per hour	March 25, 2015
KANSAS AVENUE, between Morse Road and Rosemore Avenue *ES10	40 miles per hour	March 30, 2015
KODIAK DRIVE, between La Force Drive and Roselle Avenue *ES10	30 miles per hour	May 8, 2013
MCCLURE ROAD, between Dry Creek Drive and Yosemite Ave *ES10	30 miles per hour	January 13, 2013
MILLBROOK AVENUE, between Sylvan Avenue and Floyd Avenue *ES10	25 miles per hour	January 10, 2013
OAKDALE ROAD, between Floyd Ave and Briggsmore Avenue *ES10	40 miles per hour	February 3, 2015
ORANGEBURG AVENUE, between Briggsmore Avenue and Martin Avenue	35 miles per hour	September 7, 2018
PRESCOTT ROAD, between Snyder Avenue and Standiford Avenue	35 miles per hour	September 28, 2018
PRESCOTT ROAD, between Standiford Avenue and Rumble Road	35 miles per hour	September 28, 2018
PRESCOTT ROAD, between Rumble Road and Briggsmore Avenue *ES10	35 miles per hour	May 17, 2007
RIVERSIDE DRIVE, between Edgebrook Drive and Yosemite Boulevard *ES10	30 miles per hour	February 3, 2015
ROSE AVENUE, between Floyd Avenue and Briggsmore Avenue	30 miles per hour	September 28, 2018
ROSE AVENUE, between Briggsmore Avenue and Scenic Drive	30 miles per hour	September 28, 2018
ROSELLE AVENUE, between Sylvan Avenue and Floyd Avenue *ES10	40 miles per hour	April 21, 2015
ROSELLE AVENUE, between Floyd Ave and Briggsmore Avenue *ES10	40 miles per hour	February 3, 2015
ROSEMORE AVENUE, between Blue Gum Avenue and Kansas Avenue	30 miles per hour	September 28, 2018

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RUMBLE ROAD, between Sisk Road and Conant Avenue	30 miles per hour	August 7, 2018
RUMBLE ROAD, between McHenry Avenue and Coffee Road *ES10	30 miles per hour	April 21, 2015
SCENIC DRIVE, between Coffee Road and Oakdale Road	40 miles per hour	August 7, 2018
SCENIC DRIVE, between Lakewood Avenue and Lillian Drive	40 miles per hour	August 6, 2018
SCENIC DRIVE, between Lillian Drive and Claus Road	40 miles per hour	August 6, 2018
SNYDER AVENUE, between Dale Road and Prescott Road *ES10	30 miles per hour	March 25, 2015
SNYDER AVENUE, between Prescott Road and Tully Road *ES10	30 miles per hour	April 21, 2015
SYLVAN AVENUE, between Oakdale Road and Roselle Avenue	45 miles per hour	August 6, 2018
SYLVAN AVENUE, between Roselle Avenue and Claus Road *ES10	45 miles per hour	January 8, 2015
TULLY ROAD, between Bangs Avenue and Standiford Avenue	45 miles per hour	August 6, 2018
TULLY ROAD, between Standiford Avenue and Briggsmore Avenue	35 miles per hour	August 6, 2018
TULLY ROAD, between Briggsmore Avenue and Coldwell Avenue	35 miles per hour	August 6, 2018
UNION AVENUE, between Tully Road and McHenry Avenue	30 miles per hour	August 7, 2018
VENEMAN AVENUE, between Dale Road and Regency Park Drive	30 miles per hour	August 7, 2018
WOODLAND AVENUE, between Carpenter Road and 9th Street *ES10	30 miles per hour	March 25, 2015
WOODROW AVENUE, between Tully Road and McHenry Ave *ES10	30 miles per hour	March 25, 2015
6TH STREET, between M Street and Sierra Drive *ES10	30 miles per hour	February 26, 2015
7TH STREET BRIDGE, between B Street and River Road	25 miles per hour	August 7, 2018

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*EXTEND SURVEY (ES) 5, 7, 10 years per State of California Department of Transportation, Traffic Operations Policy Directive 09-04.

3-2.1402 - Regulation of Speed by Traffic Signals.

The Director of Public Works is authorized to regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the speeds otherwise applicable within the district or at intersections, and may erect appropriate signs giving notice thereof.

Article 15. - Parking Meters

3-2.1501 - Establishment of Parking Meter Zones.

The Council from time to time may establish and designate parking meter zones as parking conditions require. The time limitations for legal parking in parking meter zones shall be those established by the Director of Public Works based on engineering surveys, and the time limitations shall be indicated by appropriate signs posted in such zones.

The locations and boundaries of the various zones are as shown on that certain map being marked and designated a "Parking Meter Zoning Map, City of Modesto," attached hereto. Said map and all notations, references and other information shown thereon are hereby made a part of this chapter.

Where uncertainty exists as to the boundary of any zone, the following rules shall apply:

- (a) Wherever the zone boundary is indicated as being approximately upon the center line of a street, alley or block, or along or adjacent to a property line, then, unless otherwise definitely indicated on the map, the center line of such street, alley or block, or such property line, shall be construed to be the boundary of such zone.
- (b) Where the zone lines are shown adjacent to the street property line, the zone boundary shall be construed to be the street property line.
- (c) Where such zone boundary lines cannot be determined by the above rules, their location may be found by the use of the scale appearing upon the map.
- (d) Where the application of the above rules does not clarify the zone boundary location, the Council shall interpret the map.

Said Parking Meter Zoning Map may, for convenience, be divided into individual section maps for the purpose of more readily identifying the territory included within each parking meter zone. Said Parking Meter Zoning Map is hereby adopted and approved as the official Parking Meter Zoning Map of the City of Modesto.

Changes in the boundaries of the parking meter zones shall be made by ordinance adopting an amended Parking Meter Zoning Map, or section or unit of said Parking Meter Zoning Map, which said amended map or section or unit, when so adopted, shall be published in the manner prescribed by law and become a part of this chapter.

3-2.1502 - Installation of Meters.

The Public Works Director shall install parking meters in the parking meter zones established by the Council in such numbers and at such places as in his/her judgment may be necessary for the regulation, control, and inspection of the parking of vehicles therein.

3-2.1503 - Method of Parking.

The Public Works Director shall cause lines or markings to be painted or placed upon the pavement adjacent to each parking meter designating the parking space for which said meter is to be used, and each vehicle parked adjacent or next to any parking meter shall park within the lines or markings so established. It shall be unlawful for any person to back into a parking space when signs are erected giving notice thereof.

3-2.1504 - Time Limits and Rates of Fees.

- (a) It shall be unlawful for any person to permit any vehicle registered in his/her name or operated or controlled by him/her to be parked in any parking space in the parking meter zone for more than the time indicated by proper signs placed on the parking meter or zone indicating the maximum parking time allowed in such parking space. Each period of overparking for more than the period stated on the parking meter or time limit sign shall constitute a separate offense.
- (b) It shall be unlawful for any person to permit any vehicle registered in his/her name or operated or controlled by him/her to be parked in any parking space controlled by a parking meter at any time during which the meter is displaying a signal indicating that the space is illegally in use, except during the time necessary to set the meter to show legal parking. Each period of overparking while the meter is displaying said signal for more than the period stated on the parking meter or time limit sign constitutes a separate offense.
- (c) The time limits for the parking of vehicles in parking meter zones shall be established by the Public Works Director based upon engineering surveys. The rate of fees for such parking shall be one cent (\$0.01) per twelve (12) minutes or fraction thereof.

3-2.1505 - Coins Usable in Meters.

A sign or legend shall be placed on each parking meter, or in each zone in adequate numbers, to enable parkers to readily determine the days and hours when the requirement to deposit coins therein shall apply, the value of the coins to be deposited, and a limited period of time for which parking is lawfully permitted in the parking meter zone in which such meter is located.

3-2.1506 - Depositing Coins.

When any vehicle shall be parked in any space alongside of or next to which a parking meter is located in accordance with the provisions of this article, the operator of said vehicle upon so parking shall, and it shall be unlawful to fail to deposit immediately, a coin of the appropriate denomination indicated on the legend posted in the zone or on the parking meter.

3-2.1507 - Use of Substitute Coins Unlawful.

It shall be unlawful for any person to deposit or cause to be deposited in any parking meter any slug, device or substitute for any coin required for the normal operation thereof.

3-2.1508 - Tampering With or Impairing Meter Unlawful.

It shall be unlawful for any person to deface, injure, tamper with, open or willfully break, destroy, or impair the usefulness of any parking meter installed pursuant to this article.

3-2.1509 - Enforcement.

Every Parking Enforcement Officer and Police Officer shall be authorized to take the number of any space or meter at which any vehicle is parked in violation of this Code, as provided in this article, the State vehicle license plate number of such vehicle, the time and date of such violation, the Modesto Municipal Code section(s) and/or Vehicle Code section(s) that have been violated, the make of such vehicle, the last four digits of the vehicle identification number if that number is visible through the windshield, and issue in writing or electronically printed, and attach to such vehicle a citation for illegal parking in the same form and subject to the same procedure provided for by laws of the State of California applicable to the traffic violations within the City.

Any operator or owner of a vehicle to whom a citation has been issued may, within twenty- one (21) calendar days from the date of the issuance of said citation, mail by first class mail, postage prepaid, to the address designated on the back of the citation, the proper fine amount as shown on the face of the citation, which fine schedule shall have been adopted or amended from time to time by Resolution of the City Council. The failure of such owner or operator to make such payment within said twenty-one (21) calendar days from the date of citation issuance shall render such owner or operator subject to additional penalties provided for in this Code for violation of the provisions of this article.

3-2.1510 - Exemption of City Vehicles.

Vehicles owned or operated by the City shall be exempted from the provisions of this article when said vehicles are being used in line of duty.

3-2.1510.1 - Exemption of Other Vehicles.

The City Manager may exempt from the provisions of this article vehicles which are being used or operated for or on behalf of the City.

3-2.1511 - Parking of Commercial Trucks in Metered Zones.

Commercial trucks may park only in parking zone PM-1. When so parked to load or unload merchandise they are exempt from depositing coins for a period of not to exceed fifteen (15) minutes.

3-2.1512 - Rule of Evidence.

The parking or standing of any motor vehicle in a parking space at which space the parking meter displays the sign or signal indicating the illegal parking shall constitute a prima facie presumption that the vehicle has been parked or allowed to stand in said space for a period longer than permitted by this chapter.

Article 16. - Establishment of Regulations and Use of Public Off-Street Parking Facilities

3-2.1601 - Establishment.

The City Council may from time to time establish and designate municipal off-street parking facilities in the City by resolution of the Council. There shall be four (4) types of facilities:

- (a) Parking meter lots;
- (b) Parking attendant lots;
- (c) Parking ticket lots;
- (d) Free parking lots.

3-2.1602 - Time of Operation.

The hours and days upon which the operation of off-street parking facilities shall be effective shall be established from time to time by resolution of the Council, which regulations shall be effective when so designated by appropriate markings or signs posted on said facilities.

3-2.1603 - Rates of Fees.

The rates for use of off-street parking facilities shall be established from time to time by resolution of the Council, which regulations shall be effective when so designated by appropriate markings or signs posted on said facilities.

3-2.1604 - Validation.

Tickets for vehicles parked on parking attendant lots during the time that attendant parking is in effect may be validated by means of validation stamps affixed to such tickets. Such stamps shall be sold in advance. Each validation stamp affixed to the parking ticket shall be good for parking for one (1) hour or fraction thereof without additional charge. The price for purchase of validation stamps for use on parking attendant lots shall be established from time to time by resolution of the Council.

3-2.1605 - Obedience to Signs Posted.

(a) It shall be unlawful for any person to cause, allow, permit or suffer any vehicle registered in his name, or operated or controlled by him, to be parked in any off-street parking facility without paying the rate for the use of said lot as established from time to time by resolution of the Council and designated by appropriate markings or signs posted on said lot.

(b) When authorized signs have been placed giving notice thereof, no person shall stop, stand or park any vehicle for a period of time longer than specified on such signs in any off-street parking facility open for public use.

(c) When authorized signs have been placed giving notice thereof, no person shall, stand or park any vehicle in a parking space that is reserved for a specific use on any parking facility open to the public.

3-2.1606 - Operational Procedure for Municipal Off-Street Parking Meter Lots.

The provisions and procedures specified in Article 15 of Chapter 2 of Title 3 of this Code shall govern the operation and use of municipal off-street parking meter parking lots.

3-2.1607 - Reserved Parking on Off-Street Parking Lots.

The Director of Public Works is hereby authorized to reserve and identify, by appropriate markings or signs which indicate the specified use, types of vehicles, location and time limits, such parking spaces as are necessary for any use on any off-street parking facility owned or operated by the City of Modesto, including designation of spaces to be used only by disabled persons and disabled veterans and use by any unauthorized vehicle shall be unlawful.

3-2.1608 - Parking in Designated Spaces.

Where lines or other markings are used to designate parking spaces on an off-street parking facility subject to other more restrictive limitations, no vehicle shall be stopped, left standing or parked on such facility other than within a single marked space.

Article 17. - Temporary Use of Sidewalks, Streets and On-Street and Off-Street Parking Spaces

3-2.1701 - Permits: Authority and Fees.

The Director of Public Works or authorized designee, is hereby authorized to grant permits for the temporary use of the following public facilities:

- (a) Temporary closing of City streets;
- (b) Temporary use of City sidewalk areas; and
- (c) Temporary use of on-street parking and/or off-street spaces

Before granting a permit for the temporary use of closing a City street as provided in subsection (a) of this section, the Director of Public Works shall obtain the recommendation of the Traffic Engineer.

Every person who seeks to obtain the above-described permit shall pay to the Finance Department an application fee in an amount as established from time to time by resolution of the City Council to cover the costs of processing the permit application.

3-2.1702 - Applications to Council.

Applications made to the Council for the temporary use of on-street or off-street parking spaces, use of sidewalk areas, or the temporary closing of City streets shall be referred by the City Clerk to the Director of Public Works for handling.

3-2.1703 - Conditions for Issuance of Permits.

The Director of Public Works or authorized designee shall issue a permit therefor pursuant to the provisions of this article if he finds from a consideration of the application and such other information as he may otherwise obtain or have knowledge of that:

- (a) The granting of the request will not substantially interrupt the safe, orderly movement of vehicular traffic on the public streets or pedestrian traffic on the sidewalk areas.
- (b) The granting of the request will not unduly interfere with the furnishing of proper fire and police protection.
- (c) The granting of the permit is not reasonably likely to cause injury to persons or property.
- (d) If the request is for parking spaces or sidewalk area, that the use of said parking spaces or sidewalk area requested is not related to a profit-making activity or enterprise.
- (e) If he finds that the granting of the permit is in the public interest.

This section shall not prohibit the Chief of Police from allowing the use of parking spaces by contractors for the parking of their vehicles, or the elimination of parking, if either is necessary for building repairs or construction.

The Director of Public Works shall have the authority to place such reasonable conditions or restrictions on the permit as he may deem necessary to protect the public

interest, including a requirement in the permit that the permittee furnish the City with public liability and property damage insurance, if he finds such to be in the public interest.

3-2.1704 - Exception.

In the event the Director of Public Works is of the opinion that action on the request should more appropriately be taken by the Council, he shall refer the matter to the City Clerk for placement on the Council agenda for the next regular Council meeting.

3-2.1705 - Permits: Provisions.

Any permit granted pursuant to this article shall contain the following provisions, which, by acceptance of the permit, the permittee faithfully agrees to perform:

- (a) The permittee, its successors and assigns, during the term of the permit, shall indemnify and save the City harmless of and from all damages, costs and charges of any kind or character arising out of or relating thereto, or in any way connected with the exercise of the rights granted by the permit.
- (b) The permittee, its successors and assigns, shall comply with all laws of the City.
- (c) The permittee, its successors and assigns, at its own cost and expense, shall defend any and all law suits, if any, arising out of or in any way connected with the exercise of the rights granted by the permit.

The permittee shall be required to sign a copy of the permit, which shall be maintained on file with the Finance Department; and no right shall be conferred by any permit authorized under this article until said written consent is executed by the permittee.

Article 18. - Regulation of Cruising

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.

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 one hundred (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 one hundred (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.

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.

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.

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.

3-2.1806 - Penalty for Violations.

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

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.

ARTICLE 19. - RESIDENTIAL PARKING PERMIT ZONES^[1]

Footnotes:

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3-2.1900 - Legislative Purpose.

The residential parking requirements established in this chapter are intended to regulate and manage traffic and parking circulation in response to the adverse effects caused in certain areas and neighborhoods of Modesto by motor vehicle congestion, particularly the long-term parking of non-residence by limiting on- street parking availability in a manner that facilitates the ability of residents with residential parking permits to park in close proximity to their residence and promotes sufficient parking availability in a particular area when and where needed. A system of residential parking will serve to promote the safety, health and welfare of all the residents of Modesto by reducing a number of strains on residents of the City. For the reasons set forth in this chapter and pursuant to the authority of Vehicle Code Section 22507, a system of residential parking is enacted for the City.

3-2.1901 - Procedure for Designating Residential Parking Permit Zone.

Upon the receipt and verification of the petition prescribed by the City containing the valid signatures and phone numbers of at least sixty-seven (67) percent of the residents and/or owners of real property in a specific residential area proposed for designation, the City Engineer shall direct surveys or studies necessary to determine whether a residential area is suitable as a residential parking permit zone. Council shall conduct a public hearing to consider whether that residential area should be designated as a residential parking permit zone. Upon a finding by Council that the area proposed for designation has unique residential parking problems, due to the nature, location, frequency or duration of activities or events causing such problems, that outweigh the needs of the general public for access to the area and its facilities, the Council may by resolution establish a residential parking permit zone for said residential area in accordance with the provisions of this article. Such resolution shall state the findings of necessity for the zone designation, the boundaries of the residential parking permit zone, the applicable time limitations, the day or days of restriction, and such other conditions as Council deems necessary and in the public interest. Persons occupying residences on streets within a residential parking permit zone shall be exempt from the general restrictions of parking. Such exemptions shall be evidenced by issuance of a valid parking permit displayed in the manner indicated at the time of issuance.

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

3-2.1902 - Definitions of Words and Phrases.

The words and phrases used in this article shall have the meanings respectively ascribed to them in this section.

- (a) "Vehicle" means an automobile, truck, motorcycle, or other motor-driven form of transportation, not in excess of ten thousand (10,000) pounds gross weight.
- (b) "Owner" means a natural person over the age of sixteen (16) years who has at least a one-quarter ownership interest in a parcel of real property within a residential permit parking zone designated pursuant to this article.
- (c) "Resident" means a person over the age of sixteen (16) years who lives in a residential permit parking zone as his or her permanent place of residence, either as a tenant or as owner.

- (d) "Residential area" means a contiguous area, containing public streets or highways or parts thereof, in which residents dwell and which have been zoned by the City of Modesto as R-1, R-2, or R-3.
- (e) "Resident parking permit" means any permit issued to a resident of a legal dwelling unit located in a residential parking permit area, who owns a motor vehicle, registered to an address within the zone, for the purpose of parking in a residential permit parking area pursuant to this article.
- (f) "Guest parking permit" means a person who is a guest visiting residents in a dwelling unit located in a residential permit parking area and is displaying a Guest Parking Permit pursuant to this article.
- (g) "Business owner" shall mean the owner of a business located adjacent to a street or portion of street within a residential permit zone and such owner's agent.
- (h) "Residential permit parking zone" means a residential area as designated in this article in which a motor vehicle issued a valid permit pursuant to this chapter shall be exempt from the parking restrictions herein established.
- (i) "Annexation" means adding additional block-face to an existing residential permit parking area.
- (j) "Block-face" means one side of a city block between two intersections.
- (k) Whenever any words or phrases used in this article are not defined in this section, but are now or hereafter defined in the Vehicle Code of the State of California, such definitions are incorporated herein and shall be deemed to apply to such words and phrases used in this article as though set forth in full.

3-2.1903 - Posting of Residential Permit Parking Zone.

Upon the adoption of a resolution by the Council designating a residential permit parking zone and appropriate parking time restrictions, the City Manager shall order appropriate traffic control devices, including but not necessarily limited to signs to be erected in such areas indicating prominently thereon the parking limitations, periods of the day for its application, and the fact that vehicles issued and displaying a valid permit in the manner indicated at the time of issuance shall be exempt.

3-2.1904 - Violations.

- (a) It is unlawful and a violation of this section, unless expressly provided to the contrary herein, for any person to stand or park a vehicle on a street within a residential permit parking zone when posted by signs giving notice thereof and erected pursuant to this article, without a valid resident parking permit for that zone properly displayed in the manner indicated at the time of issuance. The fine for each such violation is the amount established by resolution.
- (b) It is unlawful and a violation of this section for a person falsely to represent himself or herself as eligible for a resident parking permit or a guest permit or to furnish false information in an application for any such permits.
- (c) It is unlawful and a violation of this section for any person to use or display, or permit the use or display of, a resident parking permit or a guest permit pertaining thereto on a

vehicle other than that vehicle for which such permit was issued and duly authorized and its purpose. The fine for such violation is the amount established by resolution.

- (d) It is unlawful and a violation of this section for any person to sell, transfer, or convey, or to offer to sell, transfer, or convey, any parking permit issued pursuant to this article, whether for money or other consideration or without money or consideration. Any such violation shall subject the violator(s) by revocation of the residential permit(s) and possible denial of a permit(s) at the next renewal cycle for that permit area.
- (e) It is unlawful and a violation of this section for any person to alter, copy, produce or otherwise create a facsimile or counterfeit parking permit in order to evade parking regulations applicable in a residential area. Any such violation is subject to a civil penalty as specified in the resolution adopted by the City Council pursuant to this section.

3-2.1905 - Exemptions.

- (a) Any vehicle on which is properly displayed in the manner indicated at the time of issuance a valid resident parking permit, a business, or guest permit, pertaining thereto, as provided for herein, may be parked on a street within the residential permit parking zone without limitation of the day or time restrictions established by the Council under Section 3-2.1900. Such parking permit shall not guarantee or reserve the holder thereof an on-street parking space on a street in such residential permit parking zone or exempt the vehicle from any other applicable restrictions, ordinances, or State and local laws.
- (b) Any clearly marked commercial vehicles with commercial license plates parked for the purpose of commercial or residential maintenance or while making a pickup or delivery of goods, wares or merchandise from or to any building or structure located within a residential permit parking zone.
- (c) Any authorized emergency vehicle as defined in California Vehicle Code Section 165 during conduct of official business if such vehicles are identified as such by an official seal or logo.
- (d) Any vehicle where the operator or the passenger being transported by said vehicle displays a valid disabled placard or said vehicle has been issued disabled license plates meeting the requirements of Vehicle Code Section 22511.5.

3-2.1906 - Issuance and Duration of Permits.

Residential parking permits shall be issued to vehicles registered to residents at a residential address within the zone, but the actual number of permits will be based on the City's survey findings. The resident will be required to complete an application listing each motor vehicle. The resident will be required to prove ownership or control of each of the vehicles for which an annual permit is issued. Each permit issued by the City shall be valid for a maximum of one (1) year. The requirements governing the manner in which persons qualify for vehicle parking permits shall be established by the City Manager designee and includes current California Department of Motor Vehicle registration and proof of current residency, both of which shall reflect the address of the residents that is located within the permit zone. Residents may also purchase guest permits when approved by resolution in accordance with the policy set by City Council.

3-2.1907 - Display of Permits.

- (a) All parking permits shall be properly displayed in the manner indicated at the time of issuance by the program designee when parked in the residential parking permit zone for which it was issued.
- (b) Each vehicle issued a parking permit shall be parked in a manner that conforms to all other parking and vehicle regulations and laws established by this Code and by the California Vehicle Code.
- (c) A valid parking permit issued under this chapter shall not guarantee or reserve to the holder on-street parking space on any street or portion of street within the permit parking area for which the permit was issued.

3-2.1908 - Fees.

The Council may establish, by resolution, fees for the issuance of residential parking permits, business and guest permits, failure to properly display parking permit dismissal fee in lieu of the fine, and a fee for the replacement of lost, damaged, or destroyed permits. There shall be no refund for or setoff of any unused portion of any permit.

3-2.1909 - Termination of Permits.

Permits shall terminate upon any of the following events:

- (a) The transfer or sale of the vehicle for which a permit has been issued.
- (b) The relocation of the permittee from his or her residence within a residential parking area to another residence, whether within or outside said zone.
- (c) Upon expiration of the time period for which a permit has been issued.

3-2.1910 - Regulations.

Administration of residential permit parking zones, including but not limited to the issuance of permits, collection of fees or fines, physical changes to traffic control devices, or changes to days or hours of restrictions shall be administered in accordance with regulations promulgated from time to time by the City Manager designee.

3-2.1911 - Disestablishment Procedure for Rescinding or Modifying Residential Parking Permit Zone.

Upon the filing with the City Clerk of a verified petition containing the valid signatures of at least fifty-one (51) percent of the residents and/or owners of real property in a specific residential area or upon the written request of the chief executive officer of a major employer, agency, or institution adjacent to the residential permit parking zone, Council shall conduct a public hearing to consider whether that area should totally or partially cease to be designated as a residential parking permit zone. Upon a finding by Council that a majority of the owners and/or residents no longer wish to participate in the permit parking zone or desire revision of its conditions or that a major employer or institution adjacent to a permit parking zone suffers significant detrimental impacts resulting from the permit parking zone which outweigh residents' interests, Council may by resolution terminate, modify or disestablish the permit parking zone. Such resolution shall state the effective date of termination of the permit parking zone or of partial termination or of the revised conditions. Not more than one (1) reconsideration or disestablishment hearing per zone shall be held annually unless five (5) members of the Council vote to reconsider a particular matter at a lesser interval.

3-2.1912 - Termination.

Nothing in this section is intended to limit the City's ability at any time to recommend on its own initiative for public hearing and approval by the Council to modify or to terminate one (1) or more of the residential parking permit zones then in existence.

Article 20. - Oversized Vehicle and Trailer Parking

3-2.2001 - Findings

The City Council finds as follows:

- (a) Parking recreational vehicles and trailers on residential streets interferes with the normal flow of vehicle traffic, parking affects the safety of drivers using such streets, and creates visual obstacles for motorists and pedestrians.
- (b) Current parking regulations are inadequate to address the problem of parking oversized vehicles and trailers on residential streets.
- (c) Persons owning oversized vehicles and trailers should have the opportunity to have limited use of residential streets for short periods of time.
- (d) It is in the public interest to adopt parking regulations that will help alleviate safety and parking concerns regarding oversized vehicles or trailers while also allowing oversized vehicle or trailer owners to use residential streets for a limited time and basis.

3-2.2002 - Purpose.

This chapter is adopted pursuant to the city's police powers and California Vehicle Code Section 22507.5, and any successor statute or regulation, in order to regulate parking of oversized vehicles or trailers within the city's jurisdiction. The regulations enacted by this chapter are intended to protect public health and safety by, among other things, ensuring that vehicles parked or stopped in and along city streets, or other public rights-of-way, do not hinder, obstruct, or otherwise endanger drivers engaged in the ordinary flow of traffic.

3-2.2003 - Definitions.

Unless the contrary is stated or clearly appears from the context, the following definitions will govern the construction of the words and phrases used in this chapter

- (a) "Out-of-town visitor" means any person who does not reside in the city and who is temporarily visiting a resident of the city.
- (b) "Oversized vehicle" means any vehicle which exceeds twenty (20) feet in length; or exceeds seven (7) feet in width; or exceeds seven (7) feet in height, exclusive of such projecting lights or devices as are expressly allowed pursuant to the California Vehicle Code as it now exists or hereafter may be amended. Oversized vehicle does not include pickup trucks, which are less than twenty-five (25) feet in length and eighty-two (82) inches in height.
- (c) "Residential areas" means those residential areas of the city as defined by local zoning ordinance.
- (d) "Trailer" means a trailer, semi-trailer, camp trailer, unmounted camper, or trailer coach as defined in the California Vehicle Code.

3-2.2004 - Application of Regulations.

- (a) The prohibitions in this chapter will apply at all times, or at those times specified, except when it is necessary to stop a vehicle to avoid conflict with other traffic or to comply with the directions of a police officer or official traffic control device.
- (b) The time limitations on standing or parking in this chapter will not relieve any person from the duty to observe other and more restrictive provisions of the California Vehicle Code or this code prohibiting or limiting the standing or parking of vehicles in specified places or at specified times.

3-2.2005 - Appeals.

Every person who is issued a notice of parking violation pursuant to this chapter may request review of that notice under California Vehicle Code Sections 40215 et seq.

3-2.2006 - Oversized Vehicles—Parking Prohibited—Exceptions.

- (a) Except as otherwise provided in this section, it is unlawful for any person to park or leave standing any oversized vehicle or trailer on any street in a residential area Monday through Fridays, inclusive, holidays excepted.
- (b) Exceptions. This section does not apply:
 - (1) To any person loading, unloading, or cleaning an oversized vehicle or trailer as long as said oversized vehicle or trailer is parked on the public street for no more than seventy-two (72) hours;
 - (2) To any person making temporary or emergency repairs to an oversized vehicle or trailer not to exceed twenty-four (24) consecutive hours;
 - (3) To any person picking up or delivering goods, wares, and merchandise, including, without limitation, building materials to be used in "the actual repair", alteration, remodeling or construction of any building or structure located in the residential zones for which a building permit has previously been obtained;
 - (4) To any person holding a valid oversized vehicle parking permit issued pursuant to this chapter;
 - (5) To any person holding a valid oversized vehicle handicap permit issued pursuant to this chapter;
 - (6) To any public emergency vehicle; or
 - (7) To any person parking their vehicle or trailer on a street within a space already designated for times parking.

3-2-2007 - Trailers—Parking Prohibited—Exceptions.

- (a) Daytime Parking Prohibited. Except as otherwise provided in this section, it is unlawful for any person to park or leave standing any trailer that is attached to a vehicle capable of moving the trailer in a lawful manner on any street in a residential area Monday through Fridays, inclusive, holidays excepted.
- (b) Unhitched Trailers Prohibited. Except as otherwise provided in this section, it is unlawful for any person to park or leave a trailer standing on any street or alley in a residential area unless it is attached to a vehicle capable of moving the trailer in a lawful manner upon the street.

- (c) The provisions of this section do not apply to:
 - (1) Trailers owned by a public utility or a licensed contractor while actually in use during the construction, installation, or repair of any public utility.
 - (2) Persons loading or unloading a trailer when making temporary or emergency repairs to a trailer.

3-2.2008 - Oversized Vehicle Parking Permits.

- (a) Purpose. The purpose of authorizing the issuance of oversized vehicle parking permits is to give owners of oversized vehicles an opportunity, for a limited time, to park the oversized vehicles on a street/highway adjacent to their residence for the purpose of loading or unloading such oversized vehicles, and to allow an out-of-town visitor to park on a street/highway adjacent to the residence which the out-of-town visitor is visiting for a limited time period, notwithstanding the provisions of this chapter. The purpose of authorizing the issuance of oversized vehicle handicap permits is to allow a handicapped person, whether or not such person has a handicapped license plate, to park a designated oversized vehicle on a street/highway in a residential area.
- (b) Persons holding a valid permit issued pursuant to this chapter may park an oversized vehicle on a street in a residential area.
- (c) The Police Chief or designee, is authorized to issue oversized vehicle parking permits and oversized vehicle handicap permits pursuant to this chapter.
- (d) There will be no fee charged for issuance of an oversized vehicle parking permit.

3-2.2009 - Oversized Vehicle Parking Permits—Application.

Every person desiring an oversized vehicle parking or handicap permit will file an application with the Police Chief or designee, containing the following:

- (a) The name, address and phone number of the registered owner and applicant of designated oversized vehicle;
- (b) The license number, make and model of designated oversized vehicle;
- (c) The dates for which the permit is requested;
- (d) The dates and duration of any and all oversized vehicle permits issued to the applicant within the immediately preceding ninety (90) day period;
- (e) Additional information the Police Chief, or designee, may reasonably require; and
- (f) The signature of the applicant under penalty of perjury.

3-2.2010 - Issuance.

- (a) The Police Chief will issue a permit if:
 - (1) The application was completed in accordance with this chapter;
 - (2) He determines that the health, safety and general welfare of the neighborhood will not be adversely affected thereby; and
 - (3) The application is signed by the applicant under penalty of perjury.
- (b) Use of any permit issued pursuant to this chapter will conform to the general permit conditions of this chapter

3-2.2011 - Duration.

- (a) Oversized Vehicle Parking Permit. An oversized vehicle parking permit will be valid for a period not to exceed five (5) consecutive calendar days. Upon expiration of an oversized vehicle parking permit issued under this section, the applicant may apply for and be granted additional oversized vehicle parking permits if the applicant still qualifies under the conditions set forth herein. In no event will oversized vehicle parking permits be issued to an applicant for a total period in excess of ten (10) days within any consecutive ninety-day (90) period.
- (b) Oversized Vehicle Handicap Permits. Oversized vehicle handicap permits will be valid for a period of two (2) years, and may be renewed, if the applicant continues to meet the qualifications therefor.

3-2.2012 - Permit Denial.

A permit must be denied if the Police Chief finds that:

- (a) The applicant is not a bona fide city resident;
- (b) The proposed location is not on a street adjacent to the applicant's residence;
- (c) The out-of-town visitor is not the applicant's guest;
- (d) Information submitted by the applicant is materially false; or
- (e) If the application is for an Oversized Vehicle Handicap Permit
 - (1) The applicant is not entitled to receive a handicap placard or license plate under the California Vehicle Code; or
 - (2) The Oversized vehicle is not the applicant's primary mode of transportation.

3-2.2013 - Form.

Permits issued pursuant to this chapter will be in a form prescribed by the Police Chief and will include the license plate number of the oversized vehicle to which it relates, and the date of issuance and the day of expiration.

3-2.2014 - Display.

(a) All permits are required to be placed at the lower driver's side of the windshield of the oversized vehicle or vehicle that is attached to the trailer to which it relates so that it is clearly visible from the exterior of the oversized vehicle.

(b) Each vehicle issued a permit shall be parked in a manner that conforms to all other parking and vehicle regulations and laws established by this Code and the Vehicle Code.

SECTION 3. SEVERABILITY

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. This City Council declares that it would have

adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the Ordinance be enforced.

SECTION 4. CALIFORNIA ENVIRONMENTAL QUALITY ACT (“CEQA”)

The City Council hereby finds that the adoption of this Ordinance is exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3) of the State CEQA Guidelines. Specifically, this Ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment because it does not authorize the construction of any new structures or other physical changes to the environment.

SECTION 5. EFFECTIVE DATE

This Ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 6. PUBLICATION

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 February, 2020, by Councilmember Ridenour, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki,
Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

APPROVED: 

TED BRANDVOLD, Mayor

ATTEST:

By: 

STÉPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 

JOSE M. SANCHEZ, Acting City Attorney

ORDINANCE NO. 3716-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 February, 2020, Councilmember Kenoyer moved its final adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: 
MAYOR TED BRANDVOLD

ATTEST: 
STEPHANIE LOPEZ, City Clerk

Effective Date: March 12, 2020

ORDINANCE NO. 3716-C.S.
EFFECTIVE DATE: March 12, 2020

ORDINANCE NO. 3717-C.S.

AN ORDINANCE AMENDING SECTION 30-3-9 OF THE ZONING MAP TO REZONE FROM GENERAL COMMERCIAL ZONE, C-2, TO PLANNED DEVELOPMENT ZONE, P-D(608), PROPERTY LOCATED AT 722 KANSAS AVENUE AND REPEALING ORDINANCE NO. 3713-C.S.

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

SECTION 1. ZONING CHANGE. Section 30-3-9 of the Zoning Map is hereby amended to reclassify the following described property from General Commercial Zone, C-2, to Planned Development Zone, P-D(608):

C-2 to P-D(608)

All that portion of the Southeast Quarter of Section 30, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Parcel One:

All that portion of Lots 4 and 5 of Maze Ranch Subdivision, in the County of Stanislaus, State of California, according to the Official Map thereof filed in the Office of the Recorder of Stanislaus County, California, on March 19, 1909, Volume 4 of Maps, Page 18, described as follows:

Commencing at the Northeast corner of said Lot 5, thence West along the North line thereof, 66.2473 feet, more or less, to the Northwest corner of the property conveyed to Vesta B. Smith, a Single Man, by Deed recorded March 30, 1948 as Instrument No. 7022; thence South along the West line of said Smith Property, 10.86 feet to a point on the South line of Parcel No. 1 of the property conveyed to Vesta B. Smith, Et Ux, to the State of California by Deed dated September 22, 1958 and recorded October 2, 1958, Volume 1506 of Official Records, Page 62, Instrument No. 24671; thence continuing South along the said West line of the Smith Property, 125 feet to the True Point of Beginning of this Description; thence East parallel with the South line of Parcel No. 1 of the State of California property above referred to, 150 feet; thence North parallel with the said West line of the Smith parcel 125 feet to a point on the South line of Parcel No. 1 of the said State of California property; thence East along the last said South line 115 feet, more or less, to a point on the East line of the

ORDINANCE NO. 3717-C.S.
Effective Date: July 2, 2020

West 2-1/4 acres of North Half of Lot 4 above referred to; thence South along the last said East line, 232 feet, more or less, to a point on the North line of the parcel of land described as Parcel No. 2 in the Deed from Vesta B. Smith, Et Ux, to the State of California, above referred to; thence along the last said North line, the following two Courses and Distances: South 83 Degrees 55' 51" West 194.03 feet and North 89 Degrees 47' 00" West 116.63 feet to a point on the West line of the property conveyed to Vesta B. Smith first above mentioned; thence North along the last said West line 123 feet, more or less, to the True Point of Beginning.

Parcel Two:

A portion of the North Half of Lot 4 of Maze Ranch Subdivision, in the County of Stanislaus, State of California, according to the Official Map thereof, filed in the Office of the Recorder of Stanislaus County, California, on March 19, 1909, Volume 4 of Maps, Page 18, described as follows: Commencing at the Northeast corner of said Lot 4; thence along the North line of said Lot, North 89 Degrees 47' 00" West 242.93 feet; thence South 0° 35' 00" East 10.84 feet to the True Point of Beginning; thence

- (1) South 89° 47' 15" East, 92.01 feet; thence
- (2) South 34° 50' 54" East, 212.03 feet; thence
- (3) South 39° 17' 14" West, 50.47 feet; thence
- (4) South 83° 55' 51" West, 179.85 feet; thence
- (5) North 0° 35' West 232.45 feet to the True Point of Beginning.

Excepting any and all rights of ingress to or egress from the above described Parcel over and across Courses No. (2), (3) and (4) herein above described, as excepted and reserved in the Deed from the State of California recorded October 14, 1965, Volume 2062 of Official Records, Page 101, Instrument No. 40303.

Also including the southerly one-half of Kansas Avenue and the westerly one-half of the right-of-way of California State Highway 99, all being immediately adjacent to the above-described property.

Containing 2.66 acres, more or less.

APN 029-015-021

ORDINANCE NO. 3717-C.S.
Effective Date: July 2, 2020

SECTION 2. USES. The following uses shall be permitted in said P-D(608) Zone if the plan for construction conforms in principle to the approved plan:

1. Permanent supportive housing units, and;
2. General Commercial uses as permitted in the C-2 Zone.

SECTION 3. ZONING MAP. Section Map 30-3-9 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: REPELLING. Ordinance No. 3713-C.S. is hereby repealed.

SECTION 5. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 6. PUBLICATION. 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.

ORDINANCE NO. 3717-C.S.
Effective Date: July 2, 2020

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of May, 2020, by Councilmember Kenoyer, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and ordered printed and published by the following vote:

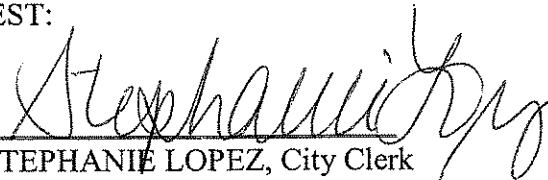
AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: 
TED BRANDVOLD, Mayor

ATTEST:

By: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
JOSE M. SANCHEZ, City Attorney

APPROVED AS TO DESCRIPTION:

By: 
Community & Economic Development
Department, Planning Division

ORDINANCE NO. 3717-C.S.
Effective Date: July 2, 2020

ORDINANCE NO. 3717-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 June, 2020, Councilmember Kenoyer moved its final adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: 

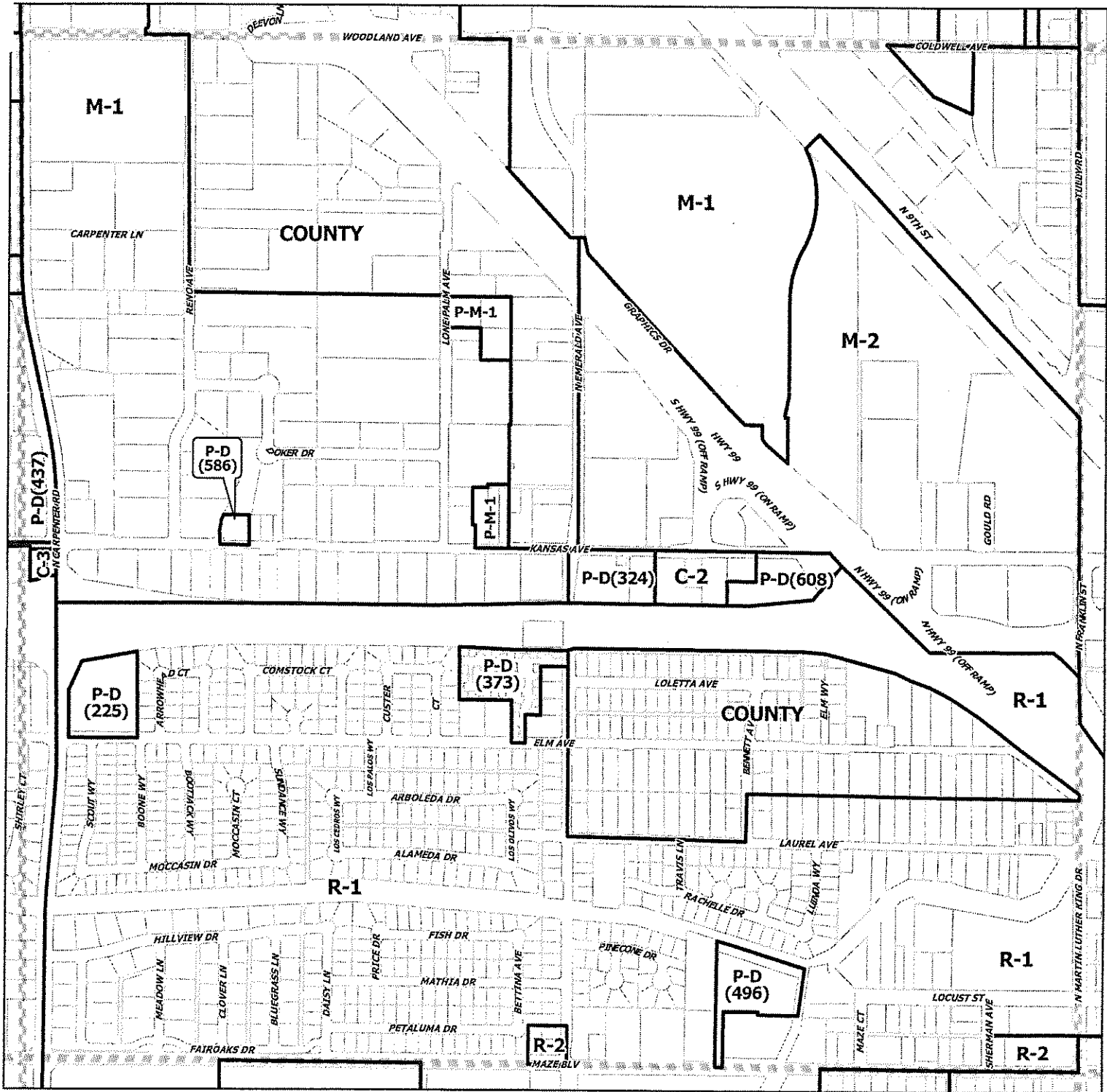
MAYOR, TED BRANDVOLD

ATTEST: 

STEPHANIE LOPEZ, City Clerk

Effective Date: July 2, 2020

ORDINANCE NO. 3717-C.S.
Effective Date: July 2, 2020



ZONING MAP OF THE CITY OF MODESTO

30-3-9



1 inch = 700 Feet
Ord. 3717-C.S.

ORDINANCE NO. 3718-C.S.

AN ORDINANCE TO APPROVE AN AMENDMENT TO SECTION 9-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL (R-1) ZONE, TO PLANNED DEVELOPMENT ZONE, P-D(609) PROPERTY LOCATED AT 3313 COFFEE ROAD

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

SECTION 1. ZONING CHANGE. Section 9-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(609):

R-1 to P-D(609)

ALL THAT PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 3 SOUTH, RANGE 9 EAST, MOUNT DIABLO BASE AND MERIDIAN, PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE QUARTER CORNER COMMON TO SECTIONS 9 AND 10, ABOVE TOWNSHIP AND RANGE; THENCE SOUTH 0° 50' 30" EAST ALONG THE SECTION LINE 979.00 FEET; THENCE NORTH 89° 24' WEST, 20.00 FEET TO A POINT ON THE WEST LINE OF A 40 FOOT COUNTY ROAD AND THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING NORTH 89° 24' WEST, 278.00 FEET THE EAST LINE OF LAND CONVEYED TO LESLIE H. HIGH AND WIFE, BY DEED RECORDED JANUARY 8, 1948, AS INSTRUMENT NO. 382; THENCE SOUTH 0° 50' 30" EAST ALONG THE EAST LINE OF SAID HIGH LAND 158.00; THENCE SOUTH 89° 24' EAST, 278.00 FEET TO THE WEST LINE OF SAID 40 FOOT COUNTY ROAD; THENCE NORTH 0° 50' 30" WEST ALONG THE WEST LINE OF SAID COUNTY ROAD 158.00 FEET TO THE TRUE POINT OF BEGINNING

Also including the west one-half of Coffee Road, being immediately adjacent to this description.

Totaling .92 acres, more or less.

APN: 013-082-064-000

SECTION 2. USES. The following uses shall be permitted in said P-D(609)

Zone if the plan for construction conforms in principle to the approved plan:

ORDINANCE NO. 3718-C.S.
EFFECTIVE DATE: October 8, 2020

1. Residential uses as allowed in the Medium-High Density Residential (R-3) Zone.
2. Office uses as allowed in the Professional Office (P-O) Zone except medical office uses.
3. Commercial uses as allowed in the Neighborhood Commercial (C-1) Zone except restaurants with dining/seating area or other C-1 uses that require parking greater than 1 space per 300 square feet of building area.

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

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

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

ORDINANCE NO. 3718-C.S.
EFFECTIVE DATE: October 8, 2020

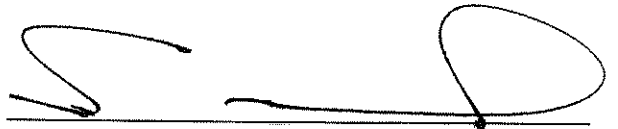
The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of September, 2020, by Councilmember Ridenour, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

APPROVED: _____



TED BRANDVOLD, Mayor

ATTEST:

By: _____



STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

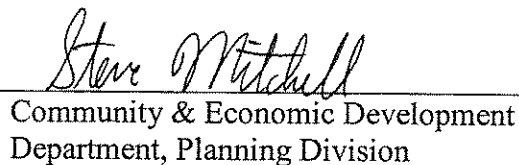
By: _____



JOSE M. SANCHEZ, City Attorney

APPROVED AS TO DESCRIPTION:

By: _____



Community & Economic Development
Department, Planning Division

ORDINANCE NO. 3718-C.S.
EFFECTIVE DATE: October 8, 2020

ORDINANCE NO. 3718-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 September 8, 2020, Councilmember Kenoyer moved its final adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki,
Mayor Brandvold

NOES: Councilmembers: None

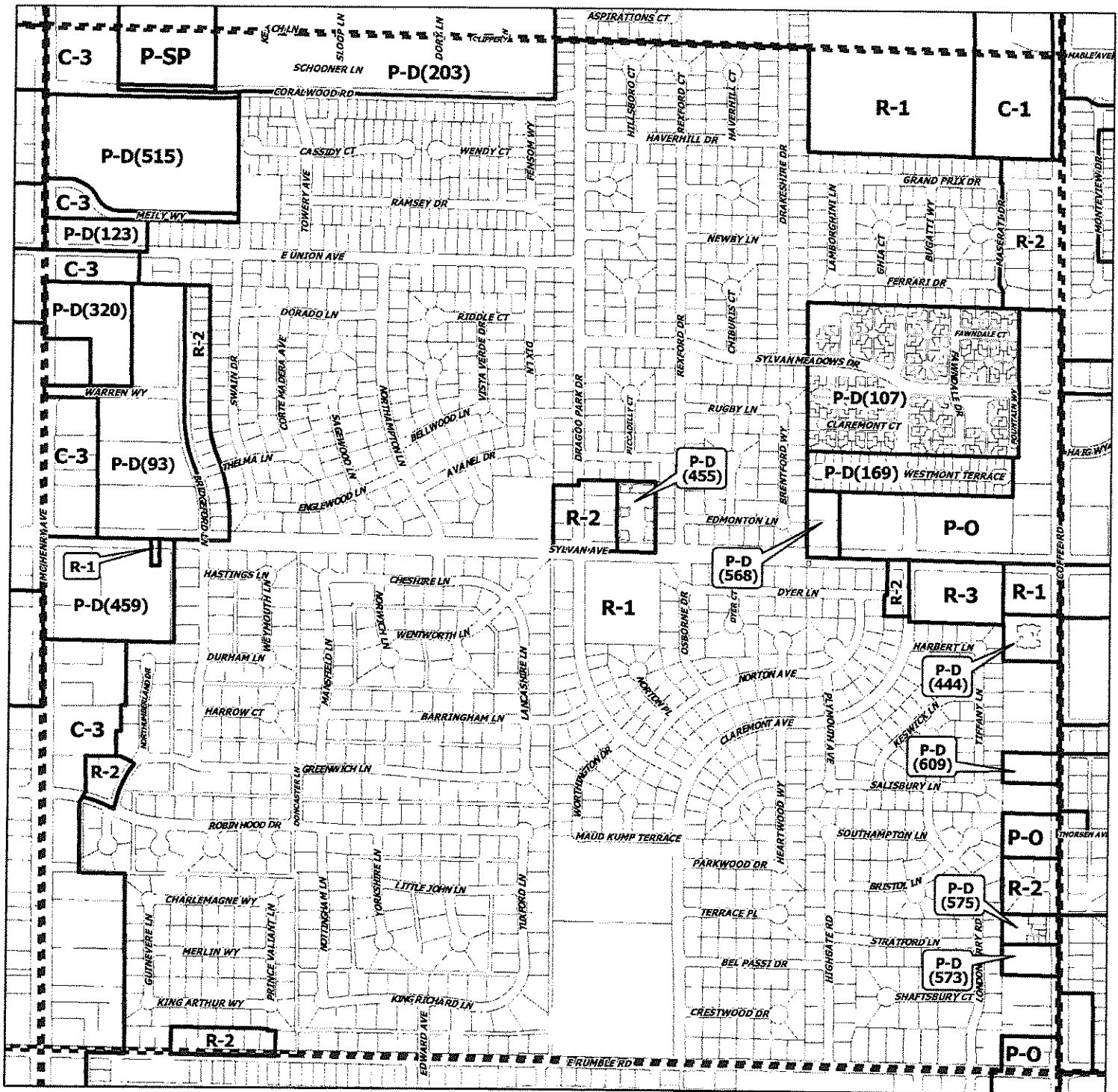
ABSENT: Councilmembers: Grewal

APPROVED: 
MAYOR, TED BRANDVOLD

ATTEST: 
STEPHANIE LOPEZ, City Clerk

Effective Date: October 8, 2020

ORDINANCE NO. 3718-C.S.
EFFECTIVE DATE: October 8, 2020



1 inch = 700 feet

Ord. 3718-C.S.

ZONING MAP OF THE CITY OF MODESTO

9-3-9

ORDINANCE NO. 3719-C.S.

AN ORDINANCE AMENDING SECTION 13-3-8 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(346) AS AN ADDITION TO THE EXISTING P-D(346) ZONE, PROPERTY LOCATED AT 2600 WEST RUMBLE ROAD, WEST OF CONANT AVENUE (JEFF SALES CONSTRUCTION)

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

SECTION 1. ZONING CHANGE. Section 13-3-8 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(346) as an addition to the existing Planned Development Zone P-D(346):

R-1 to P-D(346)

All that portion of the Northwest Quarter of Section 13, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the northeast corner of Parcel "C" of that Parcel Map for C.J. Rumble and Sons, Inc. filed in the Office of the Recorder of Stanislaus County, State of California on the 25th day of April, 1975 in Volume 21 of Parcel Maps at Page 16; thence North 89° 15' 12" East a distance of 199.40 feet to a point along the south right-of-way line of West Rumble Road and the True Point of Beginning of this description; thence South 0° 0' 0" West a distance of 319.9 feet; thence North 89° 15' 12" East a distance of 198 feet; thence North 0° 0' 0" East a distance of 239 feet; thence South 90° 0' 0" West a distance of 62 feet; thence North 0° 0' 0" West a distance of 81 feet; thence North 90° 0' 0" West a distance of 132 feet to the True Point of Beginning.

Including also the southerly half of 50-foot wide West Rumble Road and the northerly half of the 20-foot wide public alley south of the property, all being immediately adjacent to the above-described property.

APN: 005-037-011 and portion of APN 005-037-012

ORDINANCE NO. 3719-C.S.
EFFECTIVE DATE: October 8, 2020

SECTION 2. USES. The following uses shall be permitted in said P-D(346)

Zone if the plan for construction conforms in principle to the approved plan:

1. Convalescent Hospital;
2. Office and storage buildings;
3. Senior Independent Living Apartments

SECTION 3. ZONING MAP. Section Map 13-3-8 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.

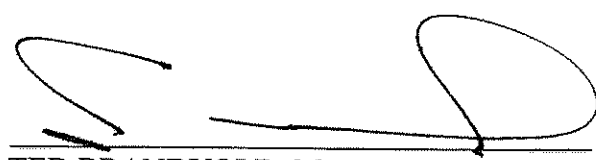
SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

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.

ORDINANCE NO. 3719-C.S.
EFFECTIVE DATE: October 8, 2020

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of September, 2020, by Councilmember Kenoyer, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
NOES: Councilmembers: None
ABSENT: Councilmembers: Zoslocki


APPROVED: 
TED BRANDVOLD, Mayor

ATTEST:

By: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
JOSE M. SANCHEZ, City Attorney

APPROVED AS TO DESCRIPTION:

By: 
Community & Economic Development
Department, Planning Division

ORDINANCE NO. 3719-C.S.
EFFECTIVE DATE: October 8, 2020

ORDINANCE NO. 3719-C.S.

FINAL ADOPTION CLAUSE

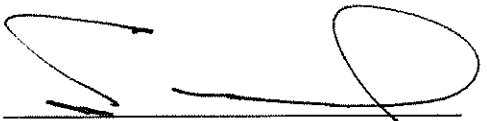
The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 8th day of September, 2020, Councilmember Kenoyer moved its final adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour,
Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

APPROVED: _____



MAYOR, TED BRANDVOLD

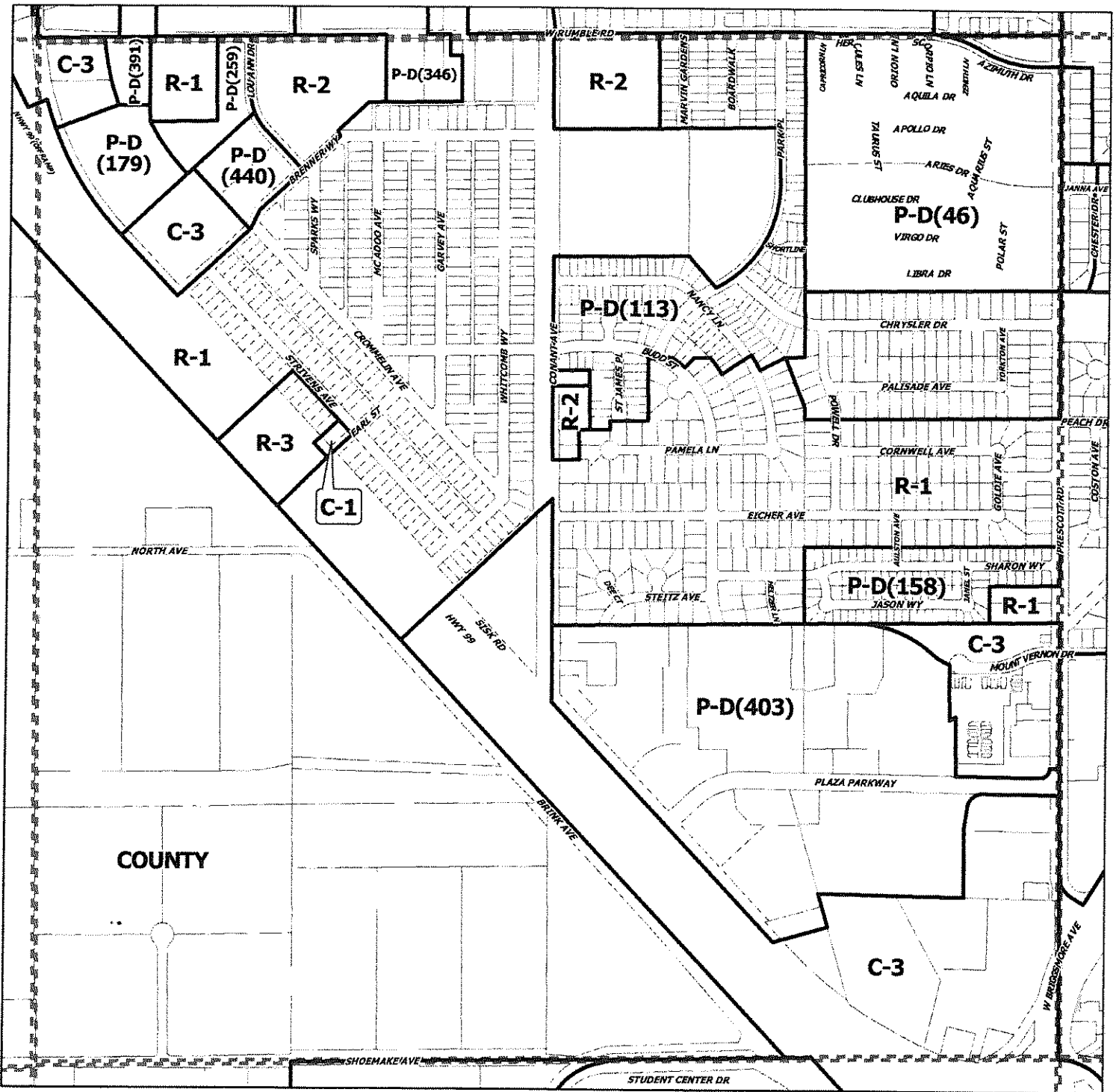
ATTEST: _____

STEPHANIE LOPEZ, City Clerk



Effective Date: October 8, 2020

ORDINANCE NO. 3719-C.S.
EFFECTIVE DATE: October 8, 2020



ZONING MAP OF THE CITY OF MODESTO

13-3-8



1 inch = 700 feet
Ord. 3719-C.S.

ORDINANCE NO. 3720-C.S.

**ORDINANCE AMENDING MODESTO MUNICIPAL CODE SECTIONS
10-3.702, 10-3.704, 10-3.707 AND ADDING SECTION 10-3.713
REGARDING REGULATION OF CANNABIS DELIVERIES,
CONSUMPTION OF CANNABIS ON COMMERCIAL CANNABIS
PREMISES AND BACKGROUND CHECKS OF EMPLOYEES AND
OPERATORS**

WHEREAS, on November 8, 2016, California voters approved Proposition 64, also known as the Adult Use of Marijuana Act ("AUMA"), legalizing recreational use of cannabis for adults 21 years of age and older; and

WHEREAS, the California Legislature passed Senate Bill 94 in June 2017, which was signed by the Governor and went into effect immediately, and which repealed the Medical Cannabis Regulation and Safety Act ("MCRSA"), and merged certain portions of that law with AUMA to create a more comprehensive regulatory structure for both medical and recreational cannabis; and

WHEREAS, the comprehensive regulatory system created by Senate Bill 94, intended to regulate all commercial cannabis uses, is called the Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA"); and

WHEREAS, the California Bureau of Cannabis Control has promulgated and adopted regulations ("BCC Regulations"), which among other things, permit the delivery of commercial cannabis by a State licensed commercial cannabis retailer to a physical address in any jurisdiction of the State; and

WHEREAS, State law does not prevent a city from using its constitutional authority to enact nuisance, health and safety, and land use regulations regarding cannabis cultivation, dispensaries or other commercial cannabis uses, including commercial cannabis deliveries; and

WHEREAS, the City Council desires to amend Title 10 of the Modesto Municipal Code to comply with BCC Regulations pertaining to licensed commercial cannabis deliveries, and mitigate the potential negative impacts of commercial cannabis deliveries within the City; and

WHEREAS, the City Council further desires to reaffirm its prohibition of commercial cannabis consumption on the premises of licensed commercial cannabis dispensaries within the City; and

WHEREAS, the Planning Commission held a duly noticed public hearing on this Ordinance on **August 17, 2020** Following the public hearing, the Planning Commission recommended that the City Council adopt the Ordinance; and

WHEREAS, the City Council held a duly noticed public hearing on this Ordinance on **September 8, 2020**. At that public hearing, Council considered all evidence presented, both written and oral.

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

SECTION 1. Amendment to Article 7 of Chapter 3 of Title 10. Section 10-3.702 of the Modesto Municipal Code, entitled "Definitions" is hereby amended to read as follows:

10-3.702 - Definitions.

- (a) "Cannabis" means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, or any other strain or varietal of the genus *Cannabis* that may exist or be discovered, or developed, that has psychoactive or medical properties, whether growing or not, including but not limited to the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" also means marijuana

as defined by California Health and Safety Code section 11018 and Business and Professions Code section 26000(f), as both may be amended from time to time. Any reference to cannabis or cannabis products shall include medical and nonmedical cannabis and medical and nonmedical cannabis products unless otherwise specified. Cannabis or cannabis products does not mean industrial hemp as defined by Health and Safety Code section 11018.5, or the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product. Cannabis does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

- (b) "Cannabis cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis, including nurseries.
- (c) "Cannabis cultivation area" means the total aggregate area(s) of cannabis cultivation on a single premise as measured around the outermost perimeter of each separate and discrete area of cannabis cultivation at the drip-line of the canopy expected at maturity and includes, but is not limited to, the space between plants within the cultivation area, the exterior dimensions of garden beds, garden plots, hoop houses, greenhouses, and each room or area where cannabis plants are grown, as determined by the review authority.
- (d) "Cannabis cultivation - indoor" means the cultivation of cannabis using exclusively artificial lighting.
- (e) "Cannabis cultivation - mixed-light" means the cultivation of cannabis using any combination of natural and supplemental artificial lighting. Greenhouses, hoop houses, hothouses and similar structures, or light deprivation systems are included in this category.
- (f) "Cannabis cultivation - outdoor" means the cultivation of cannabis using no artificial lighting conducted in the ground or in containers outdoors with no covering. Outdoor cultivation does not include greenhouses, hoop houses, hot houses or similar structures.
- (g) "Cannabis cultivation site" means the premise(s), leased area(s), property, location or facility where cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or a location where all or any combination of those activities.
- (h) "Cannabis dispensary" or "dispensary" means a facility, whether fixed or mobile, operated in accordance with state and local laws and regulations, where cannabis and/or cannabis products are offered for retail sale, including an establishment that delivers cannabis and/or cannabis, products as part of a retail sale.
- (i) "Cannabis distribution facility" means the location or a facility where a person conducts the business of procuring cannabis from licensed cultivators or manufacturers for sale to licensed dispensaries or delivery operations, and the inspection, quality assurance, batch testing by a Type 8 licensee, storage, labeling, packaging and other processes, prior to transport to licensed dispensaries or delivery operations. This facility requires a Type 11 license pursuant to the Medicinal and Adult-Use Cannabis Regulation and Safety Act ("MAUCRSA") or a state cannabis license type subsequently established.

- (j) "Cannabis license" means a state license issued pursuant to MAUCRSA.
- (k) "Cannabis licensee" means a person issued a state license under MAUCRSA to engage in commercial cannabis uses or activity.
- (l) "Cannabis manufacturer" means a person that produces, prepares, propagates, or compounds manufactured cannabis or cannabis products, either directly or indirectly or by extraction methods, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or re-labels its container, that holds a valid state Type 6 or 7 license, or a state cannabis license type subsequently established, and that holds a valid local license or permit.
- (m) "Cannabis manufacturing" means a facility, whether fixed or mobile, that produces, prepares, propagates, or compounds manufactured cannabis or cannabis products, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and is owned and operated by a licensee for these activities.
- (n) "Cannabis nursery" means a licensee that produces only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of cannabis.
- (o) "Cannabis products" means cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients.
- (p) "Cannabis testing service" or "cannabis testing laboratory" means a laboratory, facility, or entity that offers or performs tests of cannabis or cannabis products, including the equipment provided by such laboratory, facility, or entity.
- (q) "Child care center" shall have the same meaning as "day care center" in Health and Safety Code section 1596.76, as may be amended from time to time: means any child day care facility other than a family day care home, and includes infant centers, preschools, extended day care facilities, and school age child care centers.
- (r) "Commercial Cannabis Permit" or "Cannabis Permit," shall mean a permit issued by the City pursuant to this article for the operation of a commercial cannabis business within the City.
- (s) "Commercial cannabis uses" means any commercial cannabis activity licensed pursuant to the Medicinal and Adult-Use Cannabis Regulation and Safety Act ("MAUCRSA"), including but not limited to, cultivation, possession, distribution, laboratory testing, labeling, retail, delivery, sale or manufacturing of cannabis or cannabis products. "Commercial cannabis uses" also means any cannabis activity licensed pursuant to additional state laws regulating such businesses. Commercial cannabis uses shall not include legal medical cannabis or cannabis activities carried out exclusively for one's personal use that does not involve commercial activity or sales.
- (t) "City Manager" means the City Manager or his or her designee.

- (u) "Dispensary" means any commercial cannabis facility, whether fixed or mobile, engaged in the retail sale of cannabis or cannabis products to customers under a state cannabis license Type 10, 9, or 12, or a state cannabis license type subsequently established.
- (v) "Distributor" means any commercial cannabis operation that distributes cannabis or cannabis products under a valid state Type 11, or a state cannabis license type subsequently established.
- (w) "Electronic age verification device" means a device capable of quickly and reliably confirming the age of the cardholder of a government issued identification card using computer processes.
- (x) "Manufacture" means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product.
- (y) "Manufactured cannabis" means raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, an edible product, or a topical product.
- (z) "Medical cannabis" or "medicinal cannabis" means cannabis that is intended to be used for medical cannabis purposes in accordance with the Compassionate Use Act ("CUA", Health and Safety Code section 11362.7 et seq.), the Medical Marijuana Program Act ("MMPA," Health and Safety Code section 11362.7 et seq.) and the Medical Cannabis Regulation and Safety Act ("MCRSA," Business and Professions Code section 19300 et seq.) and the Medicinal and Adult-Use Cannabis Regulation and Safety Act ("MAUCRSA").
- (aa) "Microbusiness" means a commercial cannabis facility operating under a state Type 12 license, or a state cannabis license type subsequently established, and meeting the definition of microbusiness Business and Professions Code section 26070(a)(3)(A), as may be amended from time to time, which cultivates less than ten thousand (10,000) square feet of cannabis and acts as a licensed distributor, Level 1 manufacturer, and retailer.
- (bb) "Person" means an individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, tribe, or any other group or combination acting as a unit and includes the plural as well as the singular number.
- (cc) "Premise(s)" means a legal parcel, or a leasehold interest in land, or a leased or owned space in a building where the commercial cannabis use or activity is or will be conducted.
- (dd) "Primary caregiver" shall have the same meaning as set forth in Health and Safety Code section 11362.7, as the same may be amended from time to time.
- (ee) "Public place" means any publicly owned property or property on which a public entity has a right-of-way or easement. Public place also means any private property that is readily accessible to the public without a challenge or barrier, including but not limited to front yards, driveways, and private businesses.
- (ff) "Qualifying patient" or "qualified patient" shall have the same meaning as set forth in Health and Safety Code section 11362.7, as the same may be amended from time to time.

- (gg) "Operator" means the natural person or designated officer responsible for the operation of any commercial cannabis use.
- (hh) "Review authority" means the individual or official City body (the City Manager, Director, Council, Commission, or Board) and others as identified in the Modesto Municipal Code as having the responsibility and authority to review and approve or deny land use permit applications.
- (ii) "Sale," "sell," and "to sell" shall have the same meaning as set forth in Business and Professions Code section 26001(aa), as the same may be amended from time to time: any transaction whereby, for any consideration, title to cannabis is transferred from one (1) person to another, and includes the delivery of cannabis or cannabis products pursuant to an order placed for the purchase of the same and soliciting or receiving an order for the same, but does not include the return of cannabis or cannabis products by a licensee to the licensee from whom such cannabis or cannabis product was purchased.
- (jj) "School" means any public or private school providing instruction to students in kindergarten or any grades 1 through 12.
- (kk) "Volatile solvent" means volatile organic compounds, including but not limited to: (1) explosive gases, such as Butane, Propane, Xylene, Styrene, Gasoline, Kerosene, O₂ or H₂; and (2) dangerous poisons, toxins, or carcinogens, such as Methanol, Methylene Chloride, Acetone, Benzene, Toluene, and Tri-chloro-ethylene as determined by the Fire Marshall.
- (ll) "Youth center" shall have the same meaning as in Section 11353.1 of the Health and Safety Code, as may be amended from time to time: any public or private facility that is primarily used to host recreational or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades, or similar amusement park facilities.

SECTION 2. Amendment to Article 7 of Chapter 3 of Title 10. Section 10-3.704(a) is hereby amended to read as follows:

- (a) All commercial cannabis uses, except with respect to Commercial Cannabis Delivery Permits, which shall be governed by Section 10-3.713, must obtain a City business license, a City Commercial Cannabis Permit, and a state license prior to commencing commercial operations. Additional permits or entitlements may be required depending on construction or improvements necessary to a building or site.

SECTION 3. Amendment to Article 7 of Chapter 3 of Title 10. Section 10-3.704(e)(1)(2) is hereby amended to read as follows:

- (e) Operator/Permit/Employee Holder Qualifications. All Cannabis permit holders and cannabis business operators must meet the following minimum qualifications. The City reserves the right to require additional qualifications through the Cannabis Permit application procedure.
 - (1) Commercial Cannabis Permit holders, business operators, and employees must be twenty-one (21) years of age or older.

- (2) Commercial Cannabis Permit holders, business operators, and employees shall be subject to background checks by the California Department of Justice, Federal Bureau of Investigations, and local law enforcement.

SECTION 4. Amendment to Article 7 of Chapter 3 of Title 10. Section 10-3.704

(f)(1) is hereby amended to read as follows:

- (1) Commercial Cannabis Permits shall require City Council approval or the approval of a Cannabis Permit Review Committee made up of three City Council members appointed by a majority of the entire Council, except with respect to Commercial Cannabis Delivery Permits, which shall be governed by Section 10-3.713. Permit applicants must meet all operator and application requirements to be considered for permit issuance by the City Council or Cannabis Permit Review Committee.

SECTION 5. Amendment to Article 7 of Chapter 3 of Title 10. Section 10-3.707(k) is hereby added to Chapter 3 of Title 10 of the Modesto Municipal Code to read as follows:

(k) No cannabis or cannabis products shall be consumed on the premises of any commercial cannabis business.

SECTION 6. Addition to Article 7 of Chapter 3 of Title 10. Section 10-3.713 entitled "Regulation of Cannabis Deliveries," is hereby added to Chapter 3 of Title 10 of the Modesto Municipal Code to read as follows:

10-3.713. Regulation of Cannabis Deliveries.

The City Manager shall have responsibility for administering Cannabis Delivery Permits in the City of Modesto. All cannabis delivery services, and the retail businesses that control them, shall as an express condition of any delivery permit issued by the City of Modesto remain in compliance with all applicable state regulations contained in Sections 5415 through 5421 of Title 16, Division 42 of the California Code of Regulations.

(a) Operating Requirements for Retail Businesses Operating Delivery Services Within the City Limits. Prior to commencing operations, any licensed commercial cannabis retail operation conducting deliveries within the City of Modesto shall comply with the following requirements:

- (1) Obtain from the City Manager a permit authorizing the delivery of cannabis and cannabis products within the City limits. A copy of this permit shall be retained by all drivers.
- (2) Provide the City Manager, with evidence of a valid state license for a commercial cannabis retail business on whose authorization the delivery service is performing the delivery function.

- (3) Provide the City Manager the year, make, model, license plate number, and Vehicle Identification Number (VIN) for any and all vehicles that will be used to deliver cannabis or cannabis goods.
- (4) Provide the City Manager proof of ownership or a valid lease for all vehicles that will be used to deliver cannabis or cannabis goods.
- (5) Provide the City Manager proof of insurance coverage for all vehicles that will be used to deliver cannabis or cannabis goods.
- (6) Provide the City Manager with evidence of the completion of criminal background checks for all delivery drivers, as required by Section 10-3.710.
- (7) Provide the City Manager with written notice of any changes in the composition of its delivery vehicle fleet within thirty (30) calendar days.

(b) Identity and Age Verification of Customers. Commercial cannabis retail operations and their delivery employee drivers are required to verify the identity and age of each customer via necessary documentation. In the case of medical customers, drivers must verify that the customer is not under the age of eighteen (18) years, and that the potential customer has a valid doctor's recommendation. Doctor recommendations are not to be obtained or provided at the retail location. In the case of recreational or adult use customer, drivers must verify that the customer is not under the age of 21.

(c) Permissible Delivery Locations and Times. Cannabis delivery businesses permitted to engage in delivery of cannabis and cannabis products within the City of Modesto are subject to the following requirements:

- (1) A licensed cannabis business shall not deliver cannabis goods to an address located on publicly owned land or any address on land or in a building leased by a public agency.
- (2) Cannabis deliveries shall be limited to the hours of 8 a.m. to 8 p.m. unless otherwise specified in writing by the City Manager.

(d) Delivery Facilitated by kiosk or other technology platform. Any delivery by kiosk, i-Pad, tablet, smartphone, fixed location or technology platform, whether manned or unmanned, other than a retail location permitted by the city, that facilitates, directs, or assists the retail sale or delivery of cannabis or cannabis products is prohibited and shall be in violation of this Chapter.

(e) Delivery Vehicles: Compliance with State Regulations. All delivery vehicles delivering cannabis and cannabis products to locations within the City of Modesto shall comply at all times with the signage and security requirements contained in Title 16, Division 42, Section 5417 of

the California Code of Regulations.

(f) Revocation and Suspension of Delivery Permits. Once issued, any commercial cannabis delivery permit may be revoked by the City Manager for failure to comply with any of the provisions of this Article, or for any of the reasons enumerated in Section 10-3.705.

(g) Promulgation of Regulations, Standards, and other Legal Duties.

(1) In addition to any regulations adopted by the City Council, the City Manager or his/her designee is authorized to establish any additional rules, regulations and standards governing the issuance, denial or renewal of commercial cannabis delivery permits, the ongoing operation of commercial cannabis delivery services and the City's oversight, or concerning any other subject determined to be necessary to carry out the purposes of this Chapter.

(2) Regulations shall be published on the City's website.

(4) Regulations promulgated by the City Manager shall become effective upon date of publication. Commercial cannabis delivery services and the retail businesses that control them shall be required to comply with all state and local laws and regulations, including but not limited to any rules, regulations or standards adopted by the City Manager or his/her designee.

SECTION 7. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable. This City Council declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the Ordinance be enforced.

SECTION 8. California Environmental Quality Act (CEQA). This ordinance is exempt from California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15061(b)(3). Specifically, this Ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment because it does not authorize the construction of any new structures or other physical changes to the environment.

SECTION 9. Effective Date. This Ordinance shall go into effect and be in full force and operation from and after thirty (30) days following its final passage and adoption.

SECTION 10. Publication. At least two (2) days prior to its final adoption, copies of this Ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in *The Modesto Bee*, the official newspaper of the City of Modesto, setting forth the title of this Ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing Ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 2020, by Councilmember Madrigal, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Kenoyer, Madrigal, Ridenour, Zoslocki,
Mayor Brandvold

NOES: Councilmembers: None

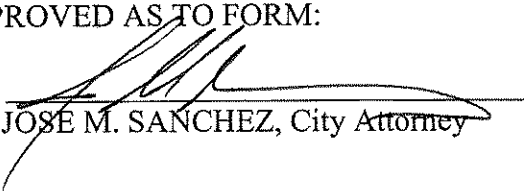
ABSENT: Councilmembers: Ah You, Grewal

APPROVED: 
TED BRANDVOLD, Mayor

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

ORDINANCE NO. 3720-C.S.

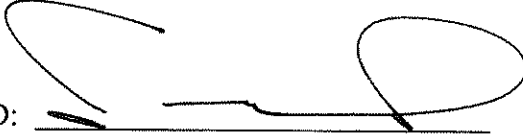
FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 22nd day of September, 2020, Councilmember Kenoyer moved its final adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Kenoyer, Madrigal, Ridenour, Zoslocki,
Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You, Grewal

APPROVED: 
MAYOR, TED BRANDVOLD

ATTEST: 
STEPHANIE LOPEZ, City Clerk

Effective Date: October 22, 2020

ORDINANCE NO. 3721-C.S.

**ORDINANCE AMENDING TITLE 8, CHAPTER 2, ARTICLE 6 OF THE
MODESTO MUNICIPAL CODE RELATED TO TRANSIENT
OCCUPANCY TAX AND THE ISSUANCE AND GUIDELINES RELATED
TO THE NEWLY CREATED TRANSIENT OCCUPANCY TAX PERMIT**

WHEREAS, the current Modesto Municipal Code (8-2.606) provides direction for operators as it pertains to the registration for operation of a hotel as it relates to the Transient Occupancy Tax (TOT) code, and

WHEREAS, under the current code, the City requires operators of hotels to obtain a Transient Occupancy Registration Certificate but it does not provide any guidelines for which the registration could be denied or revoked, and

WHEREAS, this omission in the current code, has contributed to a number of delinquent payments of TOT from operators as there are no repercussions for businesses that do not make payments in a timely manner, and

WHEREAS, the proposed amendment to the Municipal Code will allow the City to have a mechanism in which to enforce compliance and/or penalize operators of hotels that do not adhere to the guidelines.

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

SECTION 1. AMENDMENTS:

Title 8, "Finance, Revenue and Taxation," Chapter 2, "Taxation," Article 6, "Transient Occupancy Tax" of the City's Municipal Code is hereby amended the following sections to read as follows:

8-2.606 - Registration—Issuance of permit.

(a) Every person desiring to engage in or conduct business as operator of any hotel renting occupancy to transients shall register said hotel with the Tax Administrator and obtain from the Tax Administrator a "Transient Occupancy Registration Permit" to be at all times posted in a conspicuous place on the premises. The transient occupancy registration permit must be in effect at all times while the hotel is in operation.

(b) Every application for such a permit shall be made upon a form prescribed by the Tax Administrator and shall set forth the name under which the operator transacts or intends to transact business, the location of his or her place of business and such other information as the Tax Administrator may require. The application shall be signed by the owner if a natural person, by a member or partner, if an association or partnership, by an executive officer or some person specifically authorized by the corporation to sign the application in the case of a corporation.

(c) The City shall issue a Transient Occupancy Registration Permit to an operator of a hotel or transfer an existing Transient Occupancy Registration Permit from the prior operator of a hotel to the proposed operator of the hotel unless any of the following are found to exist:

1. The application is found to contain any false or misleading information.
2. The proposed operator has had a Transient Occupancy Registration Permit revoked by the City within the past three (3) years.
3. The hotel does not comply with the City's zoning ordinance. Issuance of the Transient Occupancy Registration Permit shall be in addition to and not in place of any and all required land use approvals. Issuance of the Transient Occupancy Registration Permit shall not be evidence that all land use approvals have been obtained and shall not stop the City to require that all necessary permits be obtained prior to any future or continued operation of the hotel.
4. The hotel has an outstanding financial obligation owing to the City including but not limited to any delinquent transient occupancy tax, business license tax, or any penalties associated with either of the above. No Transient Occupancy Registration Permit shall be transferred until all outstanding financial obligations have been satisfied.

(d) Said permit shall, among other things, state the following:

1. The name of the operator;
2. The address of the hotel;
3. The address of the operator, if different from the address of the hotel;
4. The date upon which the permit was issued;
5. The following notice: "This Transient Occupancy Registration Permit signifies that the person named on the face hereof has fulfilled the requirements of the Uniform Transient Occupancy tax by registering with the Tax Administrator for the purpose of collecting from transients the Transient Occupancy Tax and remitting said tax to the Tax Administrator. This permit does

not authorize any person to conduct any unlawful business or to conduct any lawful business in an unlawful manner, nor to operate a hotel without strictly complying with all local applicable laws, including but not limited to those requiring a permit from any board, commission, department or office of this City."

8-2.609 - Failure to Collect or Report Tax.

Determination of Tax by Tax Administrator. If any operator shall fail or refuse to collect said tax and to make, within the time provided in this article, any report and remittance of said tax or any portion thereof required by this article, the Tax Administrator shall proceed in such manner as the Tax Administrator may deem best to obtain facts and information on which to base his/her estimate of the tax due. As soon as the Tax Administrator shall procure such facts and information as the Tax Administrator is able to obtain upon which to base the assessment of any tax imposed by this article and payable by any operator who has failed or refused to collect the same and to make such report and remittance, the Tax Administrator shall proceed to determine and assess against such operator the tax and penalties provided for by this article. In case such determination is made, the Tax Administrator shall also have the right to revoke or suspend the Transient Occupancy Registration Permit as set forth herein. The Tax Administrator shall give a notice of the amount so assessed, and, if applicable, notice of intent to suspend or revoke the permit, by serving it personally or by depositing it in the United States mail, postage prepaid, addressed to the operator at his/her last known place of address. Such operator may within thirty (30) days after the serving or mailing of such notice make application in writing to the Tax Administrator for a hearing on the amount assessed and, if applicable, the permit suspension or revocation. If application by the operator for a hearing is not made within the time prescribed, the tax and penalties, and permit suspension or revocation, if any, as determined by the Tax Administrator shall become final and conclusive and any assessed amounts shall immediately be due and payable. If such application is made, the Tax Administrator shall give not less than fifteen (15) days written notice in the manner prescribed herein to the operator to show cause at a time and place fixed in said notice why said amount specified therein should not be fixed for such tax and penalties, and if applicable, why such permit should not be suspended or revoked. At such hearing, the operator may appear and offer evidence why such specified tax and penalties should not be so fixed or why such permit should not be suspended or revoked. After such hearing the Tax Administrator shall determine the proper tax to be remitted and whether the permit should be revoked or suspended, if applicable, and shall thereafter give written notice to the person in the manner prescribed herein of such determination. The amount determined to be due shall be payable after thirty (30) days unless an appeal is taken as provided in Section 8-2.610. Any suspension or revocation of the Transient Occupancy Registration Permit shall also become effective after thirty (30) days of such written notice unless an appeal is taken as provided in Section 8-2.610.

8-2.610 - Appeal.

Any operator aggrieved by any decision of the Tax Administrator with respect to the amount of such tax and penalties, or permit suspension or revocation, if any, may appeal

the decision in accordance with the procedure established by Chapter 4 of Title 1 of this Code.

8-2.611 - Records.

It shall be the duty of every operator liable for the collection and payment to the City of any tax imposed by this article to keep and preserve, for a period of three (3) years, all records as may be necessary to determine the amount of such tax as he/she may have been liable for the collection of and payment to the City, which records the Tax Administrator and authorized employees or agents shall have the right to inspect with the operator's consent, or by use of a subpoena, administrative subpoena, search or inspection warrant.

8-2.614 - Violations.

- (a) Any operator or transient who fails or refuses to register as required herein, or fails or refuses to furnish any return required to be made, or fails or refuses to furnish a supplemental return or other data required by the Tax Administrator, or renders a false or fraudulent return or claim or makes any false or fraudulent report or claim with intent to defeat or evade the determination of any amount due required by this article shall be subject to one or both of the civil penalties provided in Section 8-2.608, as deemed appropriate by the Tax Administrator.
- (b) Recording of a Certificate of Lien. If any amount required to be paid to the City under this article is not paid when due, the Tax Administrator may record in the office of the Stanislaus County Recorder a certificate which specifies the amount of tax and penalties due, the name and address of the operator liable for the same, a statement that the Tax Administrator has complied with all provisions of this article in the determination of the amount required to be paid and a legal description of the real property owned by the operator. From the time of the recording of the certificate, the amount required to be paid together with penalties constitutes a lien upon all real property in the county owned by the operator or thereafter acquired before the lien expires. The lien has the force, effect and priority of a tax lien.
- (c) Warrant for Collection of Tax. At any time within three (3) years after the recording of a certificate of lien under subsection (b), the Tax Administrator may issue a warrant directed to any sheriff or marshal for the enforcement of the lien and the collection of any tax and penalties required to be paid to the City under this article. The warrant shall have the same effect as a writ of execution, and be executed in the same manner and with the same effect as a levy and sale pursuant to a writ of execution. The Tax Administrator may pay or advance to the sheriff or marshal such fees, commissions, and expenses for services as are provided by law for similar services pursuant to a writ of execution.
- (d) Seizure and Sale. In lieu of issuing a warrant under subsection (c), at any time within the three (3) years after an assessment was issued or a certificate of lien was recorded, the Tax Administrator may collect the delinquent amount by seizing or causing to be seized any property, real or personal, of the operator and sell any

noncash or nonnegotiable property or a sufficient part of it at public auction to pay the amount of tax due together with any penalties and any costs incurred on account of the seizure and sale. Any seizure made to collect taxes due shall only be of property of the operator and not exempt from execution under the provisions of the Code of Civil Procedure.

8-2.616 - Security for Collection of Tax.

- (a) The Tax Administrator, whenever the Tax Administrator deems it necessary to insure compliance with this article, may require any person subject thereto to deposit with the Tax Administrator such security in the form of cash, bond, or other security as the Tax Administrator may determine. The amount of the security shall be fixed by the Tax Administrator but shall not be greater than twice the person's estimated average liability for the period for which he/she files returns, determined in such manner as the Tax Administrator deems proper, or ten thousand dollars (\$10,000.00), whichever amount is the lesser. The amount of the security may be increased or decreased by the Tax Administrator subject to the limitations herein provided.
- (b) If any operator liable for any amount under this article sells out or quits his/her business or a substantial portion thereof, his/her successors or assigns shall notify the Tax Administrator of the date of sale at least thirty (30) days before the date of sale or, if the decision to sell was made less than thirty (30) days prior to the actual sale, then immediately. The successor operator shall withhold sufficient of the purchase price to cover any transient occupancy tax which is due against any portion of the business unless the former operator produces a receipt from the Tax Administrator showing that he/she has been paid or a certificate stating that no amount is due. If the successors or assigns of a business fail to withhold the tax from the purchase price as required, they shall be personally liable for the payment of the amount required to be withheld by them to the extent of the purchase price, valued in money. Said tax shall be a lien against the purchase price for any portion of the business. The successors or assigns may request in writing a certificate of no tax due. Within thirty (30) days after receiving a written request from the successors or assigns for a certificate, the Tax Administrator shall either issue the certificate or mail notice to them at the address given in the request of the amount that must be paid as a condition of issuing the certificate. Failure of the Tax Administrator to mail the notice will release the successors and assigns from any further obligation to withhold the purchase price as above provided. The time within which the obligation of the successors and assigns may be enforced shall start to run at the time the operator sells out his/her business or at the time that the determination against the operator becomes final, whichever event occurs later.

SECTION 3. SEVERABILITY

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or

application, and to this end the provisions of this Ordinance are severable. This City Council declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the Ordinance be enforced.

SECTION 4. CALIFORNIA ENVIRONMENTAL QUALITY ACT (“CEQA”)

The City Council hereby finds that the adoption of this Ordinance is exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3) of the State CEQA Guidelines. Specifically, this Ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment because it does not authorize the construction of any new structures or other physical changes to the environment.

SECTION 5. EFFECTIVE DATE

This Ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 6. PUBLICATION

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

The foregoing Ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 2020, by Councilmember Ridenour, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

APPROVED:


TED BRANDVOLD, Mayor

ATTEST:

By: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
JOSE M. SANCHEZ, City Attorney

ORDINANCE NO. 3721-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the ~~22nd~~ day of ~~October~~, 2020, Councilmember Kenoyer moved its final adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

APPROVED: 

MAYOR TED BRANDVOLD

ATTEST: 

STEPHANIE LOPEZ, City Clerk

Effective Date: October 22, 2020

ORDINANCE NO. 3721-C.S.
EFFECTIVE DATE: October 22, 2020

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 22nd day of September, 2020, Councilmember Kenoyer moved its final adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki,
Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

APPROVED: 
MAYOR TED BRANDVOLD

ATTEST: 
STEPHANIE LOPEZ, City Clerk

Effective Date: October 22, 2020

ORDINANCE NO. 3722-C.S.

AN ORDINANCE AMENDING TITLE 10 OF MODESTO
MUNICIPAL CODE TO AMEND SECTIONS 10-3.101, 10-3.217,
10-4.102, 10-4.107, 10-4.108, 10-4.112, 10-4.114, AND 10-4.115
AND ADD SECTION 10-4.116 REGARDING ACCESSORY
DWELLING UNITS

WHEREAS, the State of California determined that in the last decade housing production did not keep pace with demand resulting in the lack of housing and in particular lack of affordable housing; and

WHEREAS, in 2019 changes to state law made it easier to develop accessory dwelling units that will contribute to the affordable housing supply; and

WHEREAS, this code amendment will bring the City of Modesto's Zoning Regulations consistent with state law regarding accessory dwelling units; and

WHEREAS, a public hearing was held by the Planning Commission on June 1, 2020, in the Chambers, 1010 Tenth Street, Modesto, California, in accordance with Executive Order N-29-20, at which hearing evidence both oral and documentary was received and considered; and

WHEREAS, the public hearing was continued to July 6 to allow staff time to address comments received; and

WHEREAS, an incorrect redline version of the proposed code amendment was provided with the staff report for the July 6, 2020, meeting; and

WHEREAS, the public hearing was continued to July 20, 2020, to insure the Planning Commission and the public were provided the correct attachments to the staff report; and

WHEREAS, a public hearing was held by the Planning Commission on July 20, 2020, in the Chambers, 1010 Tenth Street, Modesto, California, in accordance with Executive Order N-

29-20, at which hearing evidence both oral and documentary was received and considered; and

WHEREAS, the proposed code amendment that addresses regulations for accessory dwelling units is exempt from CEQA pursuant to CEQA Guidelines Section 15303 of the State CEQA Guidelines that exempts construction of small structures; and

WHEREAS, after a public hearing held on July 20, 2020, it was found and determined by the Planning Commission that the requested code amendment will not be detrimental to the public health, safety or welfare because providing more housing and especially affordable housing will benefit the community, the requested code amendment will result in an orderly planned use of land because the provision of development standards will help preserve privacy and light and air in residential areas and because it is in accordance with the community's objectives as set forth in the General Plan and any applicable specific plan(s) because the proposed code amendment will reduce standards for the development of accessory dwelling units and will help provide more affordable housing consistent with the goals of the Housing Element, and

WHEREAS, by Resolution No. 2020-06, adopted on July 20, 2020, the Planning Commission recommended to the Council that the proposed amendments to Sections 10-3.101, 10-3.217, 10-4.102, 10-4.107, 10-4.108, 10-4.112, 10-4.114, and 10-4.115, and the addition of Section 10-4.116 of the Modesto Municipal Code, be approved, and

WHEREAS, this Code amendment was set for a public hearing on September 22, 2020, before the City Council, at which date and time said duly noticed public hearing of the Council was held for the purpose of receiving public comment on the proposed amendments to Sections 10-3.101, 10-3.217, 10-4.102, 10-4.107, 10-4.108, 10-4.112, 10-4.114, and 10-4.115, and the

addition of Section 10-4.116 of the Modesto Municipal Code, and

WHEREAS, evidence, both written and oral, was duly presented and considered by the City Council at the aforesaid public hearing; and

WHEREAS, all legal prerequisites to the adoption of this Ordinance have occurred.

WHEREAS, after a public hearing held on September 22, 2020, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, this Council finds and determines as follows:

1. The requested change will not be detrimental to the public health, safety or welfare because providing more housing and especially affordable housing will benefit the community.
2. The requested change will result in an orderly planned use of land because the provision of development standards will help preserve privacy and light and air in residential areas.
3. The requested change is in accordance with the community's objectives as set forth in the General Plan and any applicable specific plan(s) because the proposed code amendment will reduce standards for the development of accessory dwelling units and will help provide more affordable housing consistent with the goals of the Housing Element.

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

SECTION 1. AMENDMENT OF CODE. Title 10 of the Modesto Municipal Code, Chapter 3, "Land Use Regulations," Article 1, "Permitted and Conditional Land Uses," Sections 10-3.101 and 10-3.217 are hereby amended to read as follows:

10-3.101 - Land Use Table.

The following Land Use Table identifies those uses that are permitted, conditional, and not permitted for each listed zoning district.

- (a) The land use symbols shown on Table 3.1-1 have the following meaning:
 - (1) "P" indicates that the use is permitted
 - (2) "C" indicates that the use is conditional (A conditional use permit is required)

- (3) "-" indicates that the use is not permitted
- (4) The zoning district symbols and corresponding zoning district names are as follows:

R-1	Low Density Residential
R-2	Medium Density Residential
R-3	Medium-High Density Residential
P-O	Professional Office
C-1	Neighborhood Commercial
C-2	General Commercial
C-3	Highway Commercial
C-M	Commercial-Industrial
M-1	Light Industrial
M-2	Heavy Industrial

See Chapter 4, Land Use Regulations, for the definition and purpose and intent of the zoning districts.

- (b) Refer to the Chapter 9, Administration, to determine the required application and process for permitted and conditional uses.
- (c) Refer to the notes column for additional information.

Land Use	Zoning Districts											Notes
	R-1	R-2	R-3	P-O	C-1	C-2	C-3	C-M	M-1	M-2		
AGRICULTURAL												
Community Gardens	P	P	P	P	P	P	P	P	P	P	P	See Section 10-2.114
Fruit and nut trees, vines, row crops, horticulture stock	P	P	P	P	P	P	P	P	P	P	P	
RESIDENTIAL												
Accessory Uses												
Animals and Fowl	P	P	P	-	-	-	-	-	-	-	-	See Section 10-3.202
Garage Sales	P	P	P	-	-	-	-	-	-	-	-	See Section 10-3.206
Home Business	P	P	P	-	-	-	-	-	-	-	-	See Section 10-3.207
Personal Cannabis Cultivation	P	P	P	P	P	P	P	P	P	P	P	See Section 10-3.601 et seq.
Dwellings												
Accessory Buildings	P	P	P	P	P	P	P	P	P	P	P	See Section 10-4.114
Accessory Dwelling Unit, Junior Accessory Dwelling Unit	P	P	P	-	-	-	-	-	-	-	-	See Section 10-4.115
Single Family Dwelling	P	P	P	-	-	-	-	-	-	-	-	In R-1, 1 unit per lot. For corner lots, see Section 10-3.217
Manufactured Homes	P	P	P	-	-	-	-	-	-	-	-	See Section 10-3.209
Multiple Family	-	P	P	C	C	C	C	-	-	-	-	See Sections 10-9.1002 b 3, 10-9.1002 b 5, and 10-4.115. ADUs and JADUs are allowed in conjunction with multiple family development on commercial properties for which a CUP has been issued in accordance with Section 10-4.115.
Mobile Home Parks	-	-	-	-	-	-	-	-	-	-	-	See Section 10-7.103 b 2
Other Residential Uses within Dwellings												
Lodging and Boarding (3 or fewer persons, 1 dwelling)	P	P	P	-	-	-	-	-	-	-	-	See Section 10-3.208
Lodging and Boarding (4 or more persons, 1 dwelling)	C	C	P	-	-	-	-	-	-	-	-	See Section 10-3.208
Lodging and Boarding (3 or fewer persons, 2 dwellings on a lot)	-	P	P	C	C	C	C	-	-	-	-	See Section 10-3.208
Lodging and Boarding (4 or more persons, 2 dwellings on a lot)	-	C	P	C	C	C	C	-	-	-	-	See Section 10-3.208
CIVIC/INSTITUTIONAL												
Educational Facilities												
School - Private (including charter schools)	C	C	C	C	P	P	P	C	C	C		
School - Public (including charter schools)	C	C	C	C	P	P	P	C	C	C		
School - Vocational	-	-	-	C	P	P	P	P	P	P		
Healthcare Facilities												
Hospital	-	-	-	-	-	P	P	P	P	P		
Substance Abuse Clinic/Facility	-	-	-	P	P	P	P	P	P	P		
Veterinary Hospital (large animals)	-	-	-	-	-	-	-	P	P	P	See Section 10-2.1100	

Veterinary Hospital (small animals)	-	-	-	P	P	P	P	P	P	P	P	See Section 10-2.1101
Land Use	Zoning Districts										Notes	
	R-1	R-2	R-3	P-O	C-1	C-2	C-3	C-M	M-1	M-2		
Non-Profit Organization												
No Retail (office, classroom, meeting hall)	C	C	C	C	P	P	P	P	P	P	P	
Retail	-	-	-	-	P	P	P	P	P	P	P	
Public Facilities												
Library	-	-	-	-	P	P	P	P	P	P	P	
Museum	-	-	-	-	P	P	P	P	P	P	P	
Public Buildings and Grounds (i.e. corporation yard)	C	C	C	C	C	C	C	P	P	P	P	
Public Facilities, Minor (wells, pumps)	P	P	P	P	P	P	P	P	P	P	P	
Public Parks	P	P	P	P	P	P	P	P	P	P	P	
Storm Drainage Facilities	P	P	P	P	P	P	P	P	P	P	P	
Quasi-Public Facilities												
Cemetery	-	-	-	-	-	-	-	-	-	-	-	See Section 10-7.103 b 3
Church (place of worship)	C	C	C	C	P	P	P	P	P	P	P	
Utilities												
Solar Energy Systems (accessory use)	P	P	P	P	P	P	P	P	P	P	P	See Section 10-2.187
Solar Energy Farm	-	-	-	-	-	-	-	-	P	P	P	See Section 10-2.186
Utility Company Buildings, Facilities, and Grounds	C	C	C	C	C	C	C	P	P	P	P	
Utilities and Railroads												See Section 10-3.221
COMMERCIAL												
Communication												
Broadcasting Studio (radio or television)	-	-	-	-	-	P	P	P	P	P	P	
Radio or Television Transmitter	-	-	-	-	C	C	C	P	P	P	P	
Wireless Telecommunication Facilities												See Chapter 3, Article 4
Entertainment												
Adult Entertainment Business	-	-	-	-	-	-	-	-	P	P	P	See Chapter 3, Article 3
Carnival (entertainment permit required)	-	-	-	-	-	P	P	P	P	P	P	See Title 4, Chapter 1, Article 4
Circus (entertainment permit required)	-	-	-	-	-	P	P	P	P	P	P	See Title 4, Chapter 1, Article 4
Entertainment Establishment (entertainment permit required)	-	-	-	-	-	P	P	P	P	P	P	See Title 4, Chapter 1, Article 4
Theater, Motion Picture (indoor)	-	-	-	-	-	P	P	P	P	P	P	
Commercial Cannabis Uses												See Chapter 3, Article 7
Commercial Marijuana Activity	-	-	-	-	-	-	-	-	-	-	-	See Section 10-3.210
Lodging												
Motel, Hotel	-	-	-	-	P	P	P	P	P	P	P	
Bed and Breakfast (2 rooms for lodging, owner resides on site)	P	P	P	-	-	-	-	-	-	-	-	
Office												
General	-	-	-	P	P	P	P	P	P	P	P	See Section 10-2.159

Land Use	Zoning Districts										Notes	
	R-1	R-2	R-3	P-O	C-1	C-2	C-3	C-M	M-1	M-2		
Medical	-	-	-	P	P	P	P	P	P	P	P	See Section 10-2.160
Outdoor Sales and Activities												
Auction Yard	-	-	-	-	-	-	-	-	P	P		
Commercial												
Certified Farmers' Market	-	-	-	-	P	P	P	P	P	P	P	See Section 10-3.212 a
Food and Drink Stands	-	-	-	-	P	P	P	P	P	P	P	See Section 10-3.212 b
Fund Raisers (nonprofit organizations)	P	P	P	P	P	P	P	P	P	P	P	See Section 10-3.212 c
Outdoor Dining Areas	-	-	-	-	P	P	P	P	P	P	P	See Section 10-3.212 d
Outdoor Display, major	-	-	-	-	-	P	P	P	P	P	P	See Section 10-3.212 e (2)
Outdoor Display, minor	-	-	-	-	P	P	P	P	P	P	P	See Section 10-3.212 e (1)
Outdoor Sales (products customarily sold indoor)	-	-	-	-	P	P	P	P	P	P	P	See Section 10-3.212 f
Promotions	P	P	P	P	P	P	P	P	P	P	P	See Section 10-3.212 g
Seasonal Sales (fire works, pumpkins, Christmas trees)	P	P	P	P	P	P	P	P	P	P	P	See Section 10-3.212 h
Vehicle Food Vendors	-	-	-	-	-	-	-	-	P	P	P	See Section 10-3.212 i
Flea Market - Indoor	-	-	-	-	-	P	P	P	P	P	P	
Flea Market - Outdoor	-	-	-	-	-	-	-	-	P	P	P	
Industrial	-	-	-	-	-	-	-	P	P	P	P	See Section 10-3.213
Recreational												
Campground, Recreation Vehicle Overnight Park	-	-	-	-	-	-	C	P	P	P	P	
Health Club	-	-	-	-	P	P	P	P	P	P	P	
Private Club, Lodge, Social Club, Cultural Center	-	-	-	-	P	P	P	P	P	P	P	
Recreation Facility - Indoor	-	-	-	-	C	P	P	P	P	P	P	See Section 10-2.165
Recreation Facility - Outdoor	-	-	-	-	-	C	C	P	P	P	P	See Section 10-2.166
Recycling (Collection)												
Recycling Facility, Large (more than 500 SF area)	-	-	-	-	-	C	C	P	P	P	P	
Recycling Facility, Small (500 SF max area)	-	-	-	-	P	P	P	P	P	P	P	See Section 10-3.215 b
Unattended Containers no more than 50 SF area (in residential zones w/ school, church, or government use)	P	P	P	-	-	-	-	-	-	-	-	See Section 10-3.215 a
Unattended Containers/Reverse Vending Machine no more than 50 SF area (w/ permitted or conditional use)	-	-	-	P	P	P	P	P	P	P	P	
Restaurants												
Banquet Hall	-	-	-	-	-	C/P	C/P	C/P	C/P	C/P	C/P	See Section 10-3.203
Bar, Cocktail Lounge, Tavern	-	-	-	-	-	C/P	C/P	C/P	C/P	C/P	C/P	See Section 10-3.203
Restaurants (w/ alcohol)	-	-	-	-	C/P	C/P	C/P	C/P	C/P	C/P	C/P	See Section 10-3.203
Restaurants (w/o alcohol)	-	-	-	-	P	P	P	P	P	P	P	
Retail												
General Retail	-	-	-	-	-	P	P	P	P	P	P	See Section 10-2.174

Land Use	Zoning Districts										Notes
	R-1	R-2	R-3	P-O	C-1	C-2	C-3	C-M	M-1	M-2	
Neighborhood Retail	-	-	-	-	P	P	P	P	P	P	See Section 10-2.175
Services											
General Services											
Ambulance Service	-	-	-	-	-	P	P	P	P	P	
Armored Car Service	-	-	-	-	-	P	P	P	P	P	
Business Services	-	-	-	-	P	P	P	P	P	P	See Section 10-2.178
Car Wash	-	-	-	-	-	C/P	C/P	C/P	C/P	C/P	See Section 10-3.222
Equipment Rental (indoors)	-	-	-	-	-	P	P	P	P	P	
Exterminating Service	-	-	-	-	-	P	P	P	P	P	
Fortune Telling	-	-	-	-	-	P	P	P	P	P	
Funeral Home (includes cremation)	-	-	-	-	-	C	C	P	P	P	
Janitor Service	-	-	-	-	-	P	P	P	P	P	
Kennel	-	-	-	-	-	C	C	P	P	P	
Laboratory (research and testing)	-	-	-	-	-	P	P	P	P	P	
Package Delivery Service	-	-	-	-	-	-	C	P	P	P	
Personal Services	-	-	-	-	P	P	P	P	P	P	See Section 10-2.179
Security Company	-	-	-	-	-	P	P	P	P	P	
Self Storage	-	-	-	-	-	-	C	P	P	P	
Sign Painting Shop	-	-	-	-	-	P	P	P	P	P	
Stone Monument	-	-	-	-	C	C	C	P	P	P	
Taxicab Service	-	-	-	-	-	P	P	P	P	P	
Taxidermist Shop	-	-	-	-	-	P	P	P	P	P	
Towing Services (no impound yard)	-	-	-	-	-	P	P	P	P	P	
Trade Services	-	-	-	-	-	P	P	P	P	P	See Section 10-2.182
Repair Services											
Major Repair	-	-	-	-	-	P	P	P	P	P	See Section 10-2.180
Minor Repair	-	-	-	-	P	P	P	P	P	P	See Section 10-2.181
Social Assistance Services											
Assisted Living Facility	C	C	P	P	P	P	P	-	-	-	
Adult Day Care (3 or fewer clients, 1 unit per lot)	P	P	P	-	-	-	-	-	-	-	Residential dwelling. Clients plus family members
Adult Day Care (4 or more clients, 1 unit per lot)	C	C	C	-	-	-	-	-	-	-	
Adult Day Care (3 or fewer clients, 2 units per lot)	C	C	C	-	-	-	-	-	-	-	
Adult Day Care	C	C	C	C	P	P	P	P	P	P	Commercial facility
Day Care Home - Small Family (6 or fewer children)	P	P	P	-	-	-	-	-	-	-	See Section 10-3.204 a 1
Day Care Home - Large Family (7-14 children)	P	P	P	-	-	-	-	-	-	-	See Section 10-3.204 a 2
Child Day Care Home (15 or more children)	C	C	C	-	-	-	-	-	-	-	See Section 10-3.204 a 3

Land Use	Zoning Districts										Notes
	R-1	R-2	R-3	P-O	C-1	C-2	C-3	C-M	M-1	M-2	
Child Day Care Center	C	C	C	C	P	P	P	P	P	P	See Section 10-3.204 b
Convalescent and Other Care Facility	C	C	C	C	P	P	P	P	P	P	Commercial facility
Emergency Shelter	-	-	-	-	C	C	C	C	C	C	See Section 10-3.205
Homeless Shelter	-	-	-	-	C	C	C	C	C	C	
Residential Care Facility (6 or fewer persons)	P	P	P	-	-	-	-	-	-	-	
Residential Care Facility (7 or more persons)	C	C	C	-	-	-	-	-	-	-	
Residential Care Facility (2 or more care facilities)	C	C	C	-	-	-	-	-	-	-	See Section 10-3.216
Residential Service Facility (not State licensed)	C	C	C	-	-	-	-	-	-	-	
Supportive Housing	P	P	P	-	-	-	-	-	-	-	See Section 10-2.192
Supportive Housing (7 or more persons if it operates as residential care facility or residential service facility)	C	C	C	-	-	-	-	-	-	-	See Section 10-2.192
Transitional Housing	P	P	P	-	-	-	-	-	-	-	See Section 10-2.194
Vehicle Related											
Heavy Vehicles	-	-	-	-	-	-	-	-	-	-	See Section 10-2.198
Farm Equipment Sales, Rental, Repair, & Service	-	-	-	-	-	-	C	P	P	P	
Truck & Trailer Sales, Rental, Repair, & Service	-	-	-	-	-	-	C	P	P	P	
Light Vehicles	-	-	-	-	-	-	-	-	-	-	See Section 10-2.199
Minor Maintenance (minor tune up, smog check)	-	-	-	-	C/P	C/P	C/P	C/P	C/P	C/P	See Section 10-3.222
Parts Store	-	-	-	-	P	P	P	P	P	P	
Rental and Sales	-	-	-	-	-	P	P	P	P	P	
Repair and Service, Major	-	-	-	-	-	-	-	C/P	C/P	C/P	See Sections 10-2.199 a and 10-3.222
Repair and Service, Minor	-	-	-	-	-	C/P	C/P	C/P	C/P	C/P	See Sections 10-2.199 b and 10-3.222
Service Station	-	-	-	-	P	P	P	P	P	P	
Stereo Installation	-	-	-	-	-	C/P	C/P	C/P	C/P	C/P	See Section 10-3.222
INDUSTRIAL											
Manufacturing											
Heavy	-	-	-	-	-	-	-	-	-	P	See Section 10-2.150
Light	-	-	-	-	-	-	-	-	P	P	See Section 10-2.151
Other Manufacturing Involving:											
Chemical Products (Hazardous)	-	-	-	-	-	-	-	-	-	C	
Explosives	-	-	-	-	-	-	-	-	-	C	
Natural Gas and Gas Products	-	-	-	-	-	-	-	-	-	C	
Paper, Pulp, and Wood (no burning operation)	-	-	-	-	-	-	-	-	-	C	
Other Industrial											
Animal Slaughter Facility	-	-	-	-	-	-	-	-	-	C	
Brewery	-	-	-	-	-	-	-	-	P	P	

Land Use	Zoning Districts										Notes
	R-1	R-2	R-3	P-O	C-1	C-2	C-3	C-M	M-1	M-2	
Microbrewery	-	-	-	-	-	C/P	C/P	C/P	C/P	C/P	See Section 10-3.203
Bulk Fuel Storage (Class II flammable liquids for the power needs of food processing plants)	-	-	-	-	-	-	-	-	P	P	
Cabinet Shop	-	-	-	-	-	-	-	P	P	P	
Contracting Business (with equipment and materials yard)	-	-	-	-	-	-	-	P	P	P	
Distributing, Freighting or Trucking Yard	-	-	-	-	-	-	-	-	P	P	
Equipment Rental Yard	-	-	-	-	-	-	-	P	P	P	
Laundry and Dry Cleaning Plant	-	-	-	-	-	-	-	P	P	P	
Machine Shop	-	-	-	-	-	-	-	P	P	P	
Power Plant	-	-	-	-	-	-	-	-	C	P	
Rock Crushing	-	-	-	-	-	-	-	-	-	C	
Sand, Gravel, Brick, and Building Block Yard (no concrete mixing, manufacture or rock crushing)	-	-	-	-	-	-	-	-	P	P	
Sheet Metal Shop	-	-	-	-	-	-	-	P	P	P	
Tire Rebuilding, Recapping, Retreading	-	-	-	-	-	-	-	P	P	P	
Transit and Transportation Equipment Storage Yard	-	-	-	-	-	-	-	-	P	P	
Vehicle Impound Yard	-	-	-	-	-	-	-	P	P	P	
Warehousing	-	-	-	-	-	-	-	P	P	P	
Waste Disposal or Transfer Station	-	-	-	-	-	-	-	-	-	C	
Welding Shop	-	-	-	-	-	-	-	P	P	P	
Wholesale Business	-	-	-	-	-	-	-	P	P	P	
Winery	-	-	-	-	-	-	-	-	-	P	
Recycling Facilities											
Recycling, Junk Handling, Processing and Storage, Heavy	-	-	-	-	-	-	-	-	-	C	
Recycling Processing Facility, Light	-	-	-	-	-	-	-	-	P	P	
Vehicle Salvage, Wrecking	-	-	-	-	-	-	-	-	-	C	
Miscellaneous											
Accessory Uses and Buildings											
Customarily incidental to permitted & conditional uses	P	P	P	P	P	P	P	P	P	P	See Section 10-3.201 a
Incidental Manufacturing, Processing, Packaging, Storage, or Wholesale Sales	-	-	-	-	P	P	P	P			See Section 10-3.201 b
Parking											
Parking Area in residential zone for adjacent nonresidential use in nonresidential zone	C	C	C	-	-	-	-	-	-	-	
Parking Area in P-O zone for adjacent commercial use in commercial zone	-	-	-	P	-	-	-	-	-	-	
Parking Lot or Garage	-	-	-	-	P	P	P	P	P	P	

Land Use	Zoning Districts										Notes	
	R-1	R-2	R-3	P-O	C-1	C-2	C-3	C-M	M-1	M-2		
Recreational Vehicles	P	P	P	P	P	P	P	P	P	P	P	See Section 10-3.214
Trucks and Truck Trailers in residential zones	-	-	-									See Section 10-3.220
Temporary Buildings												
Construction Buildings	P	P	P	P	P	P	P	P	P	P	P	See Section 10-3.218
Mobile Living Quarters	P	P	P	-	-	-	-	-	-	-	-	See Section 10-3.211
Sales Offices and Model Homes	P	P	P	P	P	P	P	P	P	P	P	See Section 10-3.219
Legend												
P - Permitted Use - Not Permitted C -Conditional Use Note: A blank box means the land use is not applicable and/or refer to notes.												

10-3.217 Corner Lots in the R-1 Zone.

- (a) Two (2) single-family dwellings or a duplex on any corner lot are allowed, provided that the driveway serving the off-street parking for each unit shall take access from different streets. If the lot has access to an alley, one (1) or both driveways may access to the alley.

SECTION 2. AMENDMENT OF CODE. Title 10 of the Modesto Municipal Code, Chapter 4, "Development Standards," Article 1, "Residential Zones (R-1, R-2, R-3)," Sections 10-4.102, 10-4.107, 10-4.108, 10-4.112, 10-4.114, 10-4.115 Table 4.1-1 "Permitted and Conditional Land Uses," Table 4.1-2 "Accessory Buildings Development Standards," and Table 4.1-3, "Accessory Dwelling Unit (ADU) Development Standards," is hereby amended to read as follows:

10-4.102 - Development Standards.

The development standards for the residential zones are found in Table 4.1-1. The specific residential development standards provided after the table apply to all residential zones unless otherwise specified.

Table 4.1-1 Residential Development Standards

Development Standards	Zoning Districts Notes				
	R-1	R-2	R-3	Notes	
LOT REQUIREMENTS					
Area (minimum in sf ft)					
Interior Lot	5,000	6,000	6,000	See Section 10-4.103	
Corner Lot	5,500	6,500	6,500		
Density					
Minimum	-	-	-	See Section 10-4.104	
Maximum	-	-	-		
Width (minimum in feet)					
Interior Lot	50	60	60	See Section 10-4.105 a	
Corner Lot	60	60	60	See Section 10-4.105 b	
Flag Lot	20	20	20	See Section 10-4.105 c	
Coverage (maximum in %)					
Interior Lot	50	55	60	See Section 10-2.141. For accessory dwelling units, see Section 10-4.115.	
Corner Lot	55	60	65		
SETBACK REQUIREMENTS					
Front and Street-Side (corner lot) (minimum in feet)					
Buildings (except garage, carport, parking space)	15	15	15	See Section 10-4.106	
Garage, Carport, Parking Space (Side facing/front facing)	15/20	15/20	15/20		
Side, (interior) (minimum in feet)					
Buildings, Main - One Story Portion	5	5	5	See Section 10-4.107 b	
- Two Story Portion	Adjacent to R-1 ⁽¹⁾	10	15	15	See Sections 10-4.107 a and 10-4.110 for 2 nd story dwellings
	Not Adjacent to R-1 ⁽¹⁾	10	10	10	
- Three Story Portion	Adjacent to R-1 ⁽¹⁾	-	-	20	
	Not Adjacent to R-1 ⁽¹⁾	-	-	10	
Accessory Building, Garage, Carport, Parking Space - One Story	5	5	5	See Section 10-4.114	
- Two Stories		5	5		
Accessory Dwelling Unit				See Section 10-4.115	
Rear (minimum in feet)					
Buildings, Main - One Story Portion	10	10	10	See Section 10-4.108 (a)	
- Two Story Portion	15	15	15		
- Three Story Portion	Adjacent to R-1 ⁽¹⁾	-	-	20	
	Not Adjacent to R-1	-	-	15	
Accessory Building, Garage, Carport, Parking Space - One Story	5	5	5	See Section 10-4.108 (b) and 10-4.114	
- Two Stories	5	5	5		
HEIGHT REQUIREMENTS					
Structure (maximum height in stories/feet, whichever is less)	2/30	2/30	3/42	See Sections 10-4.109 & 10-4.110	
OTHER REQUIREMENTS					
Parking				See Chapter 5	
Signs				See Chapter 6	
Fencing				See Section 10-4.406	
Street Frontage				See Section 10-4.111	
Lots with Existing Units				See Section 10-4.112	
Design				See Section 10-4.113	
⁽¹⁾ Adjacent to R-1 zone includes property zoned R-1 in the City including P-D zones (with R-1 density) and property zoned A-2, R-A, and R-1 in the County.					

10-4.107 Side Setback

- (a) In the R-1 zone, a minimum ten (10) foot setback shall be required for two-story portions of a new dwelling or second-story additions to an existing dwelling where located adjacent to an existing single-story dwelling, and subject to development plan review pursuant to Section 10- 4.110. The ten (10) foot setback does not apply where the subject lot and adjacent lot were created by a final map within the past ten years. The required ten (10) foot setback may be reduced to a minimum of five (5) feet if it can be demonstrated that the additional setback is infeasible due to physical constraints and that the reduced setback is consistent with the Neighborhood Compatibility Guidelines as determined by the Director.
- (b) Use of a side yard by an adjacent property owner is permitted only in subdivisions where a permanent side yard use easement is granted from one parcel to the adjacent parcel creating a de facto zero lot line subdivision. An example of a de facto zero lot line subdivision is Walnut Tree Estates, located at Walnut Tree Drive and Merle Avenue, the final map for which was filed on May 20, 1981, in Volume 29 of Maps, Page 90, Stanislaus County Records, the special provisions for permanent use of the side yard which were specified in Ordinance No.2286-C.S. approved on September 4, 1984.
- (c) For accessory dwelling units, see Section 10-4.115.

10-4.108 Rear Setback.

- (a) The minimum rear setback shall be fifteen (15) feet for any building that backs up to a Major Collector, Arterial Street or Expressway.
- (b) The minimum rear setback shall be five (5) feet for any garage, carport, or parking space with access off an alley. The garage or carport may be detached or attached.

The minimum rear setback for patios covers opened on three sides shall be five (5) feet, except where the lot backs up to a Major Collector, Arterial Street or Expressway, where the setback shall be ten (10) feet.
- (c) For accessory dwelling units, see Section 10-4.115.

10-4.112 Lots with Existing Units.

If a dwelling(s) is added to a lot with an existing dwelling(s), the existing dwelling(s) shall comply with the Building and Maintenance code prior to occupancy of the additional dwelling(s). The main unit is exempt from this requirement if the added dwelling(s) is an accessory dwelling unit or junior accessory dwelling unit.

10-4.114 Accessory Buildings.

The following regulations provided in Table 4.1-2 apply to accessory buildings in the R-1 Zone or any residential zone where the lot contains only an existing single-family dwelling (SFD).

Table 4.1-2 Accessory Buildings Development Standards

Development Standards		Zoning Districts		Notes
		R-1 or Residential Zone with SFD		
FLOOR AREA REQUIREMENTS				
Accessory Building	Lot Size (in sq. ft)	Maximum Floor Area (in sq. ft)		Combined total if multiple buildings. Must comply with lot coverage. Lots 40,000 square feet or more may ask for an exception per Section 10-9.502.
	Less than 5,000	400	or 50% of main building,	
	5,000 to less than 10,000	600	whichever is less	
	10,000 to less than 20,000	800		
	20,000 or greater	1,000		
SETBACK REQUIREMENTS				
		120 sq. ft or less	Greater than 120 sq. ft	
Front (minimum in feet)		25	25	
Street Side (minimum in feet)		15	15	
Side and Rear (minimum in feet)	Existing	0	0	Existing setbacks allowed
	New	0	4	
Distance From Main House		0	5	For existing accessory building that has less than a 5-foot side and/or rear setback
HEIGHT REQUIREMENTS				
Accessory Building (maximum height in stories/feet)		1/16		Higher for garages and carports if deemed appropriate by Director

10-4.115 Accessory Dwelling Units.

The following regulations provided below and in Table 4.1-3 apply to accessory dwelling units in any zone that allows residential uses. These regulations may be applicable to corner lots in addition to the regulations for an allowed duplex provided in Section 10-3.217. One main dwelling unit and one accessory dwelling unit and one junior accessory dwelling unit may be allowed on any lot in a residential or mixed use zone where there is only one existing single family dwelling on the lot.

An accessory dwelling unit shall be sized as shown on Table 4.1-3. It may be attached to or detached from the main dwelling unit.

- (a) A junior accessory dwelling unit shall be no larger than 500 square feet and is contained within a single family residence or its attached garage. It may include separate sanitation facilities, or may share sanitation facilities with the existing

structure. A junior accessory dwelling unit shall have a separate entrance from the main structure, an efficiency kitchen with appliances, a countertop, and cabinets. An expansion beyond the existing structure of no more than 150 square feet shall be limited to accommodating ingress and egress. Prior to final inspection of any such unit, owner shall record a notice of conditions specifying that owner shall occupy one (1) of the units at all times.

- (b) Maintaining a single-family dwelling appearance is encouraged through means such as:
 - (1) For attached ADUs, putting the second unit entrance to the side or rear of the main building so it is not readily visible from the same street as the first unit's entrance.
 - (2) Employing construction materials and architectural styles which blend the units so they appear as a single residence if attached or a single residence and accessory building if detached.
- (c) On lots occupied by multifamily dwelling(s) up to 25 percent more units, with a minimum of one unit, greater than the number of existing dwelling units as of January 1, 2020, may be added in the portions of existing multifamily structures not used as living space, including in areas such as storage rooms, boiler rooms, passageways, attics, and garages. Any of these units may be a junior accessory dwelling unit.
- (d) No more than two accessory dwellings in a new building detached from the existing buildings may be added to a lot that has an existing multifamily dwelling.
- (e) Accessory dwelling units and junior accessory dwelling units may only be rented in increments of 30 days or more.
- (f) Notwithstanding Section 10-4.110 (a), second story accessory dwellings that meet the following criteria are exempt from second-story development plan review. Where adjacent development is residential and there is a rear yard, windows that provide unobstructed views of a significant portion of the rear yard shall have either no windows or windows having a bottom sill at least 5 feet 8 inches from the finished floor of the second story. This does not apply to a window required by the Building Code to be usable for accessible emergency access.
- (g) The City Council may designate, from time to time, by resolution, areas within which accessory dwelling units will not be permitted due to infrastructure constraints relating to water and sanitary sewer.

Table 4.1-3 Accessory Dwelling Unit (ADU) Development Standards

Development Standards		Maximum Square Footage	Notes	
RESIDENTIAL ZONE WITH SINGLE FAMILY DWELLING				
Attached or Detached ADU – One bedroom		850	If the accessory unit is attached to the main unit, square footage is limited to no more than 50% of the main unit. If the accessory dwelling unit is 800 sf or less, lot coverage as shown on Table 4.1-1 does not apply.	
Attached or Detached ADU – More than one bedroom		1000		
Junior ADU in Single Family Dwelling		500	See Section 10-4.115 (a)	
MULTIPLE FAMILY LOTS				
ADU with Multiple Family Dwelling(s)			See Section 10-4.115 (c) and (d)	
SETBACK REQUIREMENTS				
Front (minimum in feet)		25		
Street Side (minimum in feet)		15		
Side and Rear (minimum in feet)				
Main Dwelling	Conversion within dwelling		Existing setbacks	
	Expansion	Above garage	5	See Section 10-4.110, second-story review
		1 st Story	4 -	See Table 4.1-1 for setbacks
Detached Building (Garage, Accessory Building)	Existing	Conversion	0	Existing setbacks allowed
		Expansion 1 st Story	4	No increase of nonconformity
		Expansion 2 nd Story	5	See Section 10-4.110, second-story review
	New		4/5	1 story / 2 story
HEIGHT REQUIREMENTS				
ADU (maximum height in stories/feet)		1/16 2/25	If 1 story maximum height is 16 feet. If 2 stories maximum height is 25 feet.	

SECTION 3. ADDITION OF CODE. Title 10 of the Modesto Municipal Code, Chapter 4, “Development Standards,” Article 1, “Residential Zones (R-1, R-1, R-3),” Section 10-4.116 is hereby added to read as follows:

10-4.116 Parking, Accessory Dwelling Units.

- (a) No more than one off-street parking space shall be required for an accessory dwelling unit. Parking may be tandem or in an existing driveway. An uncovered parking space for an accessory dwelling unit may be within the required setback.
- (b) No parking is required for an accessory dwelling unit or a junior accessory dwelling unit if

- (1) The unit is within 0.5 miles walking distance of a transit stop.
 - (2) The accessory dwelling unit is within an architecturally and historically significant district.
 - (3) The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.
 - (4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
 - (5) When there is a car share vehicle located within one block of the accessory dwelling unit.
- (c) When a garage, carport, or other covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or is converted to an accessory dwelling unit, the lost off-street parking is not required to be replaced.

SECTION 4. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA). This ordinance is exempt from CEQA pursuant to CEQA Guidelines Section 15303 of the State CEQA Guidelines that exempts construction of small structures.

SECTION 5. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 6. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 2020, by Councilmember Ridenour, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

APPROVED: 

TED BRANDVOLD, Mayor

ATTEST:

By: 

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 

JOSE M. SANCHEZ, City Attorney

APPROVED AS TO DESCRIPTION:

By: 

Community & Economic Development
Department, Planning Division

ORDINANCE NO. 3722-C.C.

FINAL ADOPTION CLAUSE

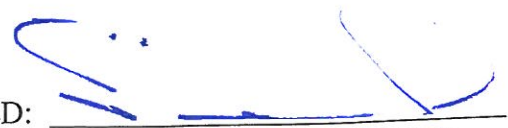
The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 6th of October, 2020, Councilmember Kenoyer moved its final adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

APPROVED: 
MAYOR, TED BRANDVOLD

Effective Date: November 5, 2020

ORDINANCE NO. 3723-C.S.

AN ORDINANCE AMENDING THE PRECISE PLAN FOR AREA NO. 20 SUBAREA C IN THE VILLAGE ONE SPECIFIC PLAN TO ALLOW SMALL-LOT SINGLE-FAMILY RESIDENTIAL DEVELOPMENTS AT A MINIMUM DENSITY OF 10 UNITS PER NET ACRE WITHIN THE SENIOR HOUSING LAND USE DESIGNATION, PROPERTY LOCATED ON CHANDON DRIVE NORTH OF MONTORRA DRIVE

WHEREAS, the City Council, on October 16, 1990, adopted the Village One Specific Plan, pursuant to California Government Code Section 65450 et. seq., to implement the Modesto Urban Area General Plan in this area, and

WHEREAS, the Village One Specific Plan is divided into 35 precise plan areas, and a precise plan is required prior to development in each area, and

WHEREAS, a Precise Plan for Area No. 20 Subarea C was approved by the City Council by Ordinance No. 3155-C.S. on September 7, 1999, and

WHEREAS, an application has been filed by NRB Investments, LLC for an Amendment to Precise Plan of Area No. 20 Subarea C to allow small-lot single family residential developments at a minimum density of 10 units per net acre within the Senior Housing Land Use designation, to facilitate the development of a 5.36-acre vacant infill property with a small-lot single-family residential subdivision of 46 lots, property located on Chandon Drive north of Montorra Drive, and

WHEREAS, a public hearing was held by the Planning Commission on September 14, 2020, in Chambers, Tenth Street Place, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

ORDINANCE NO. 3723-C.S.
Effective Date: December 4, 2020

WEHERAS, after considering public comments, the Planning Commission, by Resolution No. 2020-10, recommended to the City Council approval of amendments to Precise Plan Area No. 20 Subarea C, and

WHEREAS, said matter was set for a public hearing of the City Council of the City of Modesto to be held on October 27, 2020 at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, and

WHEREAS, a duly noticed public hearing to consider said recommendations of the Planning Commission was held at the time and time above mentioned, and

WHEREAS, the Council declared that said amendments to the Precise Plan for Area No. 20 Subarea C of the Village One Specific Plan is required by public necessity convenience, and general welfare for the following reasons:

1. The proposed amendment to Precise Plan No. 20 Subarea C is consistent with the Village One Specific Plan and the General Plan, because the amendment to clarify that the Senior Housing land use designation allow for small-lot single-family residential developments at a minimum density of 10 units per net acre and multi-family residential uses would facilitate the development of a small-lot single-family residential development of a net 11.3 dwellings per acre on a vacant infill parcel of 5.36 acres. The General Plan designates the proposed development site as Residential (R), which allows for a mixture of uses, including single-family residential uses.
2. The proposed amendment to Precise Plan No. 20 Subarea C is consistent with the Housing Element of the General Plan because the site was considered by the Housing Element as a site of potential residential development of 21 dwelling units, and the proposed development would provide for 46 single-family lots in a small-lot subdivision, resulting in no net loss towards the City's Regional Housing Needs Allocation (RHNA).
3. The proposed amendment facilitates the development of housing because the property, with the designation of Senior Housing of a higher density than typical single-family residential uses, has remained vacant with no development since adoption of the Village One Specific Plan on October 16, 1990.

ORDINANCE NO. 3723-C.S.
Effective Date: December 4, 2020

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

SECTION 1. APPROVAL OF AMENDMENT TO THE PRECISE PLAN.

That the City Council has reviewed and considered the amendments to the Precise Plan for Area No. 20 Subarea C of the Village One Specific Plan to allow small-lot single family residential developments at a minimum density of 10 units per net acre within the Senior Housing Land Use designation, to facilitate the development of a 5.36-acre vacant infill property with a small-lot single-family residential subdivision of 46 lots, property located on Chandon Drive north of Montorra Drive, as recommended by the Planning Commission, and the Council does hereby approve said amendments to the Precise Plan for Area No. 20 Subarea C of the Village One Specific Plan. A copy of the amendments are attached hereto and incorporated by this reference.

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

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

ORDINANCE NO. 3723-C.S.
Effective Date: December 4, 2020

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 2020, by Councilmember Kenoyer, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki,
Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

APPROVED: 
TED BRANDVOLD, Mayor

ATTEST:

By: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
JOSE M. SANCHEZ, City Attorney

ORDINANCE NO. 3723-C.S.
Effective Date: December 4, 2020

ORDINANCE NO. 3273-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 November, 2020, Councilmember Ah You moved its final adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

APPROVED: 
MAYOR, TED BRANDVOLD

ATTEST: 
STEPHANIE LOPEZ, City Clerk

Effective Date: December 4, 2020

ORDINANCE NO. 3723-C.S.
Effective Date: December 4, 2020

ORDINANCE NO. 3724-C.S.

ORDINANCE REPEALING AND REPLACING ARTICLE 12 OF CHAPTER 1 OF TITLE 4 OF THE MODESTO MUNICIPAL CODE RELATED TO SIDEWALK FOOD VENDORS AND ESTABLISHING A SIDEWALK VENDOR PERMIT PROGRAM

WHEREAS, on September 17, 2018, Governor Jerry Brown signed Senate Bill 946 (Lara) into law, which limits the City's ability to regulate sidewalk vending except in accordance with Senate Bill 946 (SB 946), and

WHEREAS, after its approval, City staff established an internal committee team to review the City's existing sidewalk vending regulations, to determine what changes needed to be made to comply with this new law, and

WHEREAS, unregulated sidewalk vending can create significant potential safety hazards such as: inhibiting the ability of disabled individuals and other pedestrians to follow a safe path of travel on sidewalks; inhibiting with police, firefighters, and other emergency response personnel; and creating obstacles that contribute to congestion for pedestrians, vehicles and bicycles, and

WHEREAS, the ordinance ensures that the City is able to protect the public health, safety, and welfare by establishing reasonable regulations, which are intended to protect the use of the public right-of-way, use and enjoyment of the natural resources and recreational opportunities of the City's parks, ensure any food sales comply with City and County requirements, and establishes a sidewalk vending program to permit and regulate sidewalk vendors compliance with SB 946.

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

SECTION 1. REPEALMENT:

Ordinance No. 3724-C.S.
Effective Date: December 10, 2020

Title 4, "Public Welfare, Safety and Health," Chapter 1, "Regulations of Amusements and Amusement Devices," Article 12, "Sidewalk Food Vendors," of the City's Municipal Code is hereby repealed and replaced to read as follows:

Article 12. - Sidewalk Vendors

4-1.1201 – Purpose

Regulation of the sale of food and merchandise on public sidewalks will benefit the City by promoting entrepreneurship, while ensuring the protection of the public health, safety, and welfare. The requirements set forth by this Chapter are necessary to ensure the free and safe flow of vehicular and pedestrian traffic in the public right-of-way, that vending does not adversely impact the public welfare, and that food vendors adhere to County public health requirements.

4-1.1202 - Definitions.

For the purposes of this article the following words and phrases are defined as follows:

- (a) "Certified farmers' market" shall be defined as provided for in California Administrative Code Title 3, Section 1392.2(a), or as amended thereof.
- (b) "Code Enforcement Officer" shall mean any officer or other designated authority charged with the administration and enforcement of this Code, or duly authorized representative.
- (c) "Controlled Substance" shall mean any drug which is classified as a controlled substance as defined by the California Health and Safety Code.
- (d) "Designated Location" shall mean a specific location on a public sidewalk which has been allocated a permit by the City of Modesto for exclusive use in a vending cart operation.
- (e) "Enforcement agency" shall be defined any Department or Division of the City of Modesto having jurisdiction tasked with the enforcement of all sections of this Ordinance including those provided for in Section 113773 of the Health and Safety Code.
- (f) "Food" shall mean any type of edible substance or beverage.
- (g) "Merchandise" shall mean any tangible item or good that is not food.
- (h) "Peace officer" shall mean a civil officer appointed to preserve law and order, such as a sheriff or police officer.
- (i) "Permit" shall mean a permit issued by the City of Modesto authorizing the use of a designated location for use by a vending cart operator.

- (j) "Person or persons" shall mean one or more natural persons, individuals, groups, businesses, business trusts, companies, corporations, joint ventures, joint stock companies, partnership, entities, associations, clubs or organizations composed of two or more individuals (or the manager, lessee, agent, servant, officer or employee of any of them), whether engaged in business, nonprofit or any other activity.
- (k) "Public officer" shall mean one who holds public office; an official or employee of the government.
- (l) "Public streets" shall mean the portion of any county, state or public road or highway within the City of Modesto, which is utilized for motor vehicle or bicycle traffic, including any improved shoulder adjacent to traffic lanes.
- (m) "Sidewalk" shall mean any surface in the public right-of-way intended for use by pedestrians, including walkways and pathways.
- (n) "Sidewalk vendor" shall mean a person who sells food or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance, or from one's person, upon a public sidewalk or other pedestrian path, including all Roaming sidewalk vendors and Stationary sidewalk vendors
- (o) "Stationary sidewalk vendor" shall mean a sidewalk vendor who vends from a fixed location.
- (p) "Roaming sidewalk vendor" or "Itinerant vendor" shall mean a sidewalk vendor who moves from place to place, and stops only long enough to complete a transaction.

4-1.1203 – Sidewalk Vending Permit Required.

Every person who sells food or merchandise from sidewalks within the City shall be required to obtain a Sidewalk Vending Permit issued by the City's Neighborhood Preservation Unit. A Sidewalk Vending Permit issued pursuant to this Chapter is nontransferable, and shall expire automatically at the end of each calendar year and would require review renewal to continue as stated in section 4-1.1210.

4-1.1204 – Application for Permit.

The application for a Sidewalk Vending Permit shall include, but not be limited to:

- (a) The name, address and telephone number of the applicant.
- (b) Copy of a government issued photo identification.
- (c) Copy of a valid City Business License pursuant to City of Modesto Municipal Code Title 6.
- (d) Copy of the State of California seller's permit number issued by the California Department of Tax and Fee Administration.

- (e) If vending food, proof of all required approvals and permit from Stanislaus County Department of Environmental Resources.
- (f) If the sidewalk vendor is selling food, a description of the type of food to be sold, including whether such foods are prepared on site, whether such foods will require a heating element inside or on the sidewalk vending cart for food preparation, and the type of heating element, if any;
- (g) For stationary sidewalk vendors, the location at which they are requesting to operate at and their proposed times and days of operations, the physical dimensions of their intended equipment displays, shade cover, table and chairs, carts, kiosk or other items. Provide a photo of the location where they are applying to vend, and a sketch of how they intend to setup their displays, shade covers, tables and chairs, carts or kiosks at the proposed location.
- (h) Agreement by the applicant to indemnify and hold harmless the City, its officers and employees from any and all damages or injury to persons or property proximately caused by the act or neglect of the applicant, or by hazardous or negligent conditions maintained at the applicant's sales location.
- (i) Any such further information that the City deems reasonably necessary.
- (j) Each vending permit application and annual renewal shall be accompanied by a non-refundable permit fee as established by resolution of the City Council. If the City issues a permittee a vending permit, as a condition of such permit issuance, permittee further must acknowledge that the use of any sidewalk is at the sidewalk vendor's own risk, the City does not take any steps to ensure any sidewalk is safe or conducive to the vending activities, and the sidewalk vendor uses sidewalk at his or her own risk.

Exceptions.

A Sidewalk Vending Permit shall not be required for events conducted in accordance with a special event permit issued by the City; however, a business license to operate within the City is required in the absence of a special event permit.

4-1.1205 – Annual Permit Fee.

In addition to fees required to be paid by this Chapter, an annual permit fee established by resolution of the City Council shall be imposed for each Sidewalk Vendor Permit issued by the City for the purposes of covering the costs of additional City services provided to administer this permitting program. The annual permit fee payment is due along with the initial sidewalk vending application and any subsequent renewals.

4-1.1206 - Deposit.

Each person desiring to secure a permit shall pay a deposit which shall be in addition to any license deposit required for a business license. This cash deposit is a guarantee that all public property use fees shall be paid. The amount of the

deposit shall be set by resolutions adopted by the City Council from time to time.

This deposit shall be treated in the same manner and subject to the same conditions and forfeitures as the business license deposit referred to in Section 6-1.124 of this Code or any subsequent revisions.

4-1.1207 - Public Property Use Fee.

Each stationary sidewalk vendor permittee shall pay a public property use fee as set by resolutions adopted by the City Council from time to time. Public property use fees are due and payable on the first day of January, the first day of April, the first day of July, and the first day of October for vending cart operation sales conducted during the preceding three-month period. The amount paid shall be based upon the adjusted gross income figure as stated on the quarterly business gross receipts tax statement (mill tax) provided to the City.

4-1.1208 - Insurance.

Each sidewalk vendor permittee shall provide the City's Risk Manager with evidence of insurance coverage in the amount and form as approved by the City's Risk Manager. Such amounts shall be set forth from time to time by resolution of the City Council.

4-1.1209 - Operational Requirements.

- (a) Size of the sidewalk vending cart should not exceed 5'x7' for fixed carts, as long as, the width of vending cart shall not prohibit mobility or right of way in accordance with the Americans with Disabilities Act (ADA) and the vending cart shall not encroach on private property.
- (b) No person shall install, use, or maintain any vending cart, kiosk, or other instrument used for sidewalk vending, that projects onto, into, or over any sidewalk or parkway when such installation, use or maintenance endangers the safety of persons or property, or when such site or location is used for public utility purposes, public transportation purposes or other governmental use, or when such cart, kiosk other instrument associated with sidewalk vending, unreasonably interferes with or impedes the flow of pedestrian or vehicular traffic, the ingress into or the egress from any residence or place of business, or the use of poles, posts, driveways, traffic signs or signals, hydrants, mailboxes, or other objects permitted at or near said locations.
- (c) No vending cart, kiosk, or other instrument used for sidewalk vending, shall be placed in a manner that the clear space for the passage of pedestrians upon the sidewalk is reduced to a width of less than five feet.
- (d) No sidewalk vendor shall obstruct or cause to be obstructed the passage of any sidewalk, street, avenue, alley or any other public place, by causing

people to congregate at or near the place where goods, wares, food, or merchandise of any kind is being sold or offered for sale.

- (e) No cords, hoses, extension cords, pipes, or other objects may lie on or across any portion of the City sidewalk.
- (f) Unless otherwise specified by this Chapter, sidewalk vendors in areas that are not zoned residential by this code may operate from 8:00 a.m. until 10:00 p.m.
- (g) Stationary sidewalk vendors are prohibited from operating within areas zoned exclusively residential by this code. Only Roaming sidewalk vendors may operate in areas zoned exclusively residential by this code, and may only vend during the hours between 8:00 a.m. and 5:00 p.m.
- (h) Sidewalk vendors operating adjacent to a City park may only operate during posted park operational hours. No vending is allowed when a park is closed.
- (i) Unless otherwise specified by this Chapter, stationary sidewalk vendors in a Park shall only be permitted for a location that:
 - (1.) Is on a paved surface of at least twelve (12) feet in width; and provides at least a seven (7) foot width path of clearance for pedestrian travel and recreational activities;
 - (2.) Is at least twenty five (25) feet away from any entrance or exit to the park;
 - (3) Will not interfere with the public's use and enjoyment of the natural resources of the park; and
 - (4) Will not interfere with recreational opportunities within a park.
- (j) Sidewalk vendors shall ensure that they maintain at least a five (5) foot width path of clearance for pedestrian travel. The five (5) foot width path of clearance must be free of any obstacles that would impede or reduce the required width of clearance.
- (k) Sidewalk vendors shall be equipped with trash receptacles large enough to ensure proper disposal of trash generated by the vending operations. Vendors may not dispose of such trash in City Street or park trash cans intended for use by the general public.
- (l) Sidewalk vendors shall pick up all refuse generated by his or her sidewalk vending operations within a 10-foot radius of the vendor's cart before such cart is moved.
- (m) Sidewalk vendors shall not discharge any trash or liquid (e.g. water, grease, oil, etc.) onto or into city streets, storm drains, catch basins, sewer facilities or public trash cans.
- (n) Sidewalk vendors shall not leave their sidewalk vending operation unattended.
- (o) Sidewalk vendors must comply with the City's noise ordinance, which may be amended from time to time.

- (p) Sidewalk vending activities shall comply with the Americans with Disabilities Act, as it may be amended from time to time.
- (q) All required permits, including the Sidewalk Vending Permit, County Environmental Health inspection sticker, and the business license shall be displayed conspicuously at all times on the vending cart, kiosk, or other instrument used for sidewalk vending, or the sidewalk vendor's person.
- (r) Sidewalk vendors shall obtain and maintain insurance coverage in the amounts as required by the City's Risk Manager for the duration of the permit.
- (s) Sidewalk vendors shall not sell unsanitary or unsafe, dangerous, or harmful food, beverage, or merchandise. Unsafe and dangerous merchandise includes, but is not limited to, archery equipment, knives, sling shots, or any objects that appear to be weapons including toys.
- (t) Sidewalk vendors shall not sell alcohol, marijuana, adult-oriented material, tobacco products, products that contain nicotine or any product used to smoke/vape nicotine or marijuana.
- (u) Sidewalk vendors using equipment that produces an open flame shall first obtain a permit from the Fire Prevention Division prior to use.
- (v) Sidewalk vendors shall not use charcoal or wood burning elements.
- (w) Sidewalk vendors shall not use an electrical outlet or power source that is owned by any public entity or another person other than the sidewalk vendor.
- (x) Sidewalk vendors shall not use any type of portable generators including but not limited to emergency, inverter, recreational or processional generators.
- (y) Sidewalk vendors shall not vend to or otherwise conduct transactions with persons in moving vehicles or vehicles illegally parked or illegally stopped.
- (z) Sidewalk vendors shall not approach person to sell food or merchandise and shall not interfere in any way with anyone engaged in an activity to sell food or merchandise.
- (aa) Nothing in these rules authorizes vending of personal services including, but not limited to, boot camps, massage services, yoga, dog training, animal rides, petting zoos, or sports/fitness classes.
- (bb) Advertising shall be limited to those advertisements attached to the vendor's kiosk. No A-frame signs, banners or other detached advertising allowed.
- (cc) Vendors are to show state issued identification upon request to any police officer, peace officer, public officer or code enforcement officer for the purpose of enforcing any portion of this ordinance.

4-1.1210 - Restricted Vending Location.

Sidewalk vending in the following locations is not permitted:

- (a) In or within one thousand (1,000) feet of an area designated for a temporary use permit issued by the City for temporary use of, or encroachment on, the sidewalk or other public area, including, but not limited to, an encroachment permit, special event permit, or temporary event permit, for purposes including, but not limited to, filming, parades, events, or outdoor concerts. A prohibition of sidewalk vending pursuant to this subsection shall only be effective for the limited duration of the temporary special permit.
- (b) In or within 500 feet of the immediate vicinity of a permitted certified farmers' market or a permitted swap meet during the limited operating hours of that certified farmers' market or swap meet.
- (c) In or within five hundred (500) feet of a downtown transportation center.
- (d) In or within five hundred (500) feet of any school site, camp, youth activity center or senior center.
- (e) In or within, five hundred (500) feet of any City of Modesto Parks' building, recreation center, bathroom, structure, or playground. Or in or within any park deeded to the City of Modesto with restriction on commercial activity, including but limited to
- (f) In or within five hundred (500) feet of John Thurman Field
- (g) In or within five hundred (500) feet of the Mary Grogan Soccer Complex
- (h) In or within five hundred (500) feet of any golf course
- (i) In or within five hundred (500) feet of the Modesto Centre Plaza
- (j) In or within five hundred (500) feet of the Gallo Center for the Arts
- (k) Within five hundred (500) feet of a freeway or highway entrance or exit.
- (l) On or within any area immediately adjacent to a public street curb that has been designated by the City as a yellow, white, blue, or red zone.
- (m) On or within any dirt path, trail, or landscape area containing lawn, mulch, or ornamental plantings.
- (n) On or within any parking stalls or designated parking areas
- (o) On or within any City maintenance or storage yards
- (p) Within three hundred (300) feet of a like-kind permanent establishment, during that establishment's operating hours.
- (q) Within one hundred (100) feet of any other vendor operating.
- (r) Within fifty (50) feet of any designated "no parking" zone
- (s) Within twenty-five (25) feet of any fountain, statue, monument, or art installation
- (t) Within twenty-five (25) feet of an automated teller machine (ATM).
- (u) Within (25) feet of any intersection or alley entrance not controlled by a traffic signal.

- (v) Within fifteen (15) feet of any driveway or entrance to a parking lot or shopping center, or in a manner that impedes or blocks ingress and egress access to a parking lot or shopping center.
- (w) Within fifteen (15) feet of any bus stop, bus bench, bus shelter, street corner, or marked pedestrian crosswalk.
- (x) Within any portion of a tree well or planting strip.
- (y) No vending conveyance, stand, or pushcart shall touch, lean against, or be affixed to any lamp post, parking meter, picnic table, fire hydrant, tree plant, bench, or trash can.

4-1.1211 - Inspection of Documents.

A current, legible copy of all permits, licenses, certificates, or other documents required for licensing or permitting of the vending cart shall be maintained in the vending cart, while in operation, for inspection by any person representing any office having permit approving authority, including but not limited to, police officer, peace officer, public officer or code enforcement officer.

4-1.1212 - Renewal of Permit.

A permit that is not revoked may be renewed annually for stationary and roaming sidewalk vendors. Renewal applications will be available after November 1st of each year and must be completed by December 15 of the same year, accompanied by a payment of the annual permit fee. Stationary sidewalk vendors may be renewed annually for up to four (4) consecutive years beyond the initial application year. Any designated stationary location for which a completed application and payment has not been received by December 15 shall be made available for selection by any interested individual after January 1 of the following year.

The applicant must pay all previous administrative fines, completed all community service or completed any other alternative disposition associated in any way with a previous violation of this Division.

An application to renew a license issued pursuant to this Chapter may be denied upon the grounds set forth in Section 4-1.1211

If a revocation hearing has been scheduled to consider, or is presently considering, any permit, the renewal process of that permit shall not commence nor continue until such hearing is concluded. Because it is no longer a valid instrument, a revoked permit cannot be renewed.

4-1.1213 - Grounds for Permit and Revocation.

An application for a Sidewalk Vending Permit may be denied for the following reason:

- (a) The applicant does not possess all required state and local permits or licenses required for the proposed vending activity.
- (b) The applicant has knowingly made a false, misleading, or fraudulent statement of material fact in the permit application.
- (c) The proposed stationary vending location does not allow for maintaining an unobstructed pedestrian access route, as specified in Section 4-1.1208.
- (d) The applicant has had a prior permit/license revoked pursuant to this Chapter within the preceding 24 months.
- (e) The applicant has received three (3) or more administrative citations for violations of this Chapter within the preceding 24 months.
- (f) For public safety purposes, if the applicant is required to register under the provisions of California Penal Code Section 290 (or equivalent section any other State.)

Sidewalk Vending Permit may be revoked for the following reasons:

- (a) Repeated failure of the applicant to comply with the regulations set forth in this Division
- (b) Violations of other local, state, or federal laws while operating as a sidewalk vendor including through the use of any vending equipment for the commission of such violations that demonstrate endangerment of public health or safety.
- (c) Failure of the applicant to promptly notify the City Manager or designee of any material changes to the facts provided in a vending permit application subsequent to the issuance of a vending permit.
- (d) The selling and/or unlawfully distribution of a controlled substance within any distance of their designated location. The Neighborhood Preservation Unit or designee may revoke without a hearing any permit for a designated location if any permittee or operator is convicted of such sale or distribution. Prima facie evidence of violation shall be the court record. A permittee shall be notified in writing if the permit is revoked.

4-1.1214 – Violations.

Vending without a valid Sidewalk Vendor Permit shall be punishable by the following administrative fines:

First Violation	\$250.00
Second Violation within 12 months of First Violation	\$500.00
Third Violation and each successive violation thereafter within 12 months of First Violation	\$1,000

All other violations of this Chapter shall be punishable by the following administrative fines:

First Violation	\$100.00
Second Violation within 12 months of First Violation	\$200.00
Third Violation and each successive violation thereafter within 12 months of First Violation	\$500.00
Upon the Fourth Violation, or any violation thereafter within 12 months of First Violation	City shall have the option to revoke the Sidewalk Vendor Permit.

Violation Ability to Pay Determinations

When assessing an administrative fine under this Chapter, the City shall take into consideration a person's ability to pay the fine. Any fine issued under this Chapter will be accompanied by a notice of and instruction regarding a person's right to request an ability-to-pay determination. A person may request an ability-to-pay determination at adjudication or while the judgment remains unpaid, including when a case is delinquent or has been referred to a collection program.

If a person is receiving public benefits under California Government Code Section 68632(a), or has a monthly income which is 125 percent or less than the current poverty guidelines updated periodically in the Federal Register by the United States Department of Health and Human Services, the person's administrative fine is limited to twenty (20) percent of the amount assessed. The City may also take the following actions:

- (a) Allow the person to complete community service in lieu of paying the total administrative fine; or
- (b) Waive the administrative fine; or
- (c) Offer an alternative disposition.

4-1.1215 - Impounding of Vending Equipment

- (a) In addition to the administrative fines taken pursuant to 4-1.1212 above, any enforcement official may, upon an individual's fourth or greater violation of this division, impound *vending equipment* and any perishable or non-perishable *goods* therein.

- (b) Any owner of impounded *vending equipment* or any perishable or nonperishable *goods* may, within 20 days, request an administrative hearing before a hearing office appointed by the City.
- (c) By 5:00 p.m. on the next business day following impoundment, a violator will be contacted regarding the details given in the impoundment citation. The equipment will then be released to the owner provided that proper proof of ownership is presented, and the City receives payment in full of all administrative costs incurred as a result of the violation. Any unclaimed items will be considered abandoned and forfeited to the City after 90 days following impoundment.

4-1.1216- Revocation Process and Appeal of Revocation to City Council.

- (a) Revocation of a vending permit shall be served in writing no less than 30 calendar days before revocation to the address listed on the initial application or to any subsequent address provided to the City by the permittee
- (b) A permittee may appeal such decision to the Council by filing with the City Clerk a written notice of appeal within 20 calendar days after receipt of the notice of denial or revocation. The City Manager or designee shall review and render a decision on the appeal within 90 calendar days. The decision made by the City Manager or designee shall be final.
- (c) In the event a vending permit is revoked, an application to reestablish any vending permit pursuant to this division shall not be accepted for a minimum period of 24 months from the date the prior vending permit was revoked.

4-1.1217 - Severability.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this article or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this article or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one (1) or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective.

SECTION 2. SEVERABILITY

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance

which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. This City Council declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the Ordinance be enforced.

SECTION 3. CALIFORNIA ENVIRONMENTAL QUALITY ACT (“CEQA”)

The City Council hereby finds that the adoption of this Ordinance is exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3) of the State CEQA Guidelines. Specifically, this Ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment because it does not authorize the construction of any new structures or other physical changes to the environment.

SECTION 4. EFFECTIVE DATE

This Ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION

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

The foregoing Ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of November, 2020, by Councilmember Madrigal, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:


TED BRANDVOLD, Mayor

ATTEST:

By: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
JOSE M. SANCHEZ, City Attorney

ORDINANCE NO. 3274-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 10th day of November, 2020, Councilmember Kenoyer moved its final adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: 

MAYOR TED BRANDVOLD

ATTEST: 

STEPHANIE LOPEZ, City Clerk

Effective Date: December 10, 2020

ORDINANCE NO. 3725-C.S.

ORDINANCE TO AMEND PLANNED DEVELOPMENT ZONE, P-D(577), PROPERTY LOCATED NORTHWEST OF THE INTERSECTION OF S. MARTIN LUTHER KING DRIVE AND VINE STREET.

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

SECTION 1. AMENDMENT OF ORDINANCE 3432-C.S. Section 2 of

Ordinance 3432-C.S. is hereby amended to read as follows:

USES. The following uses shall be permitted in said P-D(577) Zone if the plan for construction conforms in principle to the approved plan:

1. Detached one-bedroom affordable dwelling units
2. Attached one-bedroom affordable dwelling units
3. Two single-family detached dwellings, and an office in the easterly dwelling.

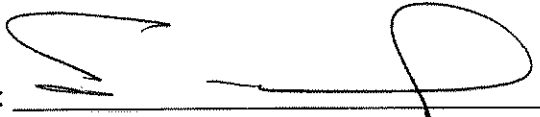
SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

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.

ORDINANCE 3725-C.S.
EFFECTIVE DATE: December 31, 2020

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 2020, by Councilmember Madrigal, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED: 
TED BRANDVOLD, Mayor

ATTEST:


By: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
JOSE M. SANCHEZ, City Attorney

APPROVED AS TO DESCRIPTION:

By: 
Community & Economic Development
Department, Planning Division

ORDINANCE 3725-C.S.
EFFECTIVE DATE: December 31, 2020

ORDINANCE NO. 3725-C.S.

FINAL ADOPTION CLAUSE

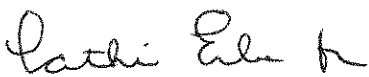
The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 1st day of December, 2020, Councilmember Kenoyer moved its final adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: 
MAYOR, TED BRANDVOLD

ATTEST: 
STEPHANIE LOPEZ, City Clerk

Effective Date: December 31, 2020

ORDINANCE 3725-C.S.
EFFECTIVE DATE: December 31, 2020