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ORDINANCE NO. 1101 -N.S.

SPECIAL
NOT IN CODE

AN ORDINANCE APPROVING THE ANNEXATION OF CERTAIN TERRITORY KNOWN AS THE "FREMONT ADDITION" TO THE CITY OF MODESTO.

WHEREAS, certain proceedings have been instituted under the Annexation Act of 1913 and other laws pertaining to annexation for the purpose of submitting to the qualified electors residing in certain territory hereinafter described, and generally designated as the "Fremont Addition", the question whether or not said territory shall be annexed to, incorporated in, and made a part of said City of Modesto, and whether or not the property in said territory shall, after such annexation, be subjected to taxation equally with the property within the City of Modesto to pay the bonded indebtedness of the City of Modesto for the acquisition, construction or completion of municipal improvements outstanding or authorized at the date of said election, and

WHEREAS, the City Council finds that each and every and all of the requirements of law pertaining to said annexation proceedings and the election in said territory have been fully complied with,

THE COUNCIL OF THE CITY OF MODESTO DOES ORDAIN AS FOLLOWS:

SECTION 1. That the annexation of the following described territory lying and being in the County of Stanislaus, State of California, and contiguous to the City of Modesto, and particularly described as follows, to-wit:

All that certain real property situate in the County of Stanislaus, State of California, being a portion of the Southwest quarter of Section 17 and a portion of the Northwest quarter of the Northwest quarter of Section 20, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, particularly described as follows:

Beginning at a point on the corporate limits of the City of Modesto, said point being on the center line of Orangeburg Avenue and 20 feet east of the section line common to Sections 19 and 20; thence Northerly along a line 20 feet at right angles East of and parallel to said section line common to Sections 19 and 20, on the

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1 the property east side of Tully Avenue to its intersection with the
2 North line of the Modesto Irrigation District Lateral
3 No. 3 and the South line of Briggsmore Avenue as shown
4 on the Map of the Woodman Tract as filed in Volume 16
5 of Maps at Page 6, Stanislaus County Records; thence
6 easterly along said North line of Modesto Irrigation
7 District Lateral No. 3 to its intersection with the
8 West line of Lot 16 of the Fresno Tract as shown on the
9 Map filed in Volume 1 of Maps at Page 76, Stanislaus
10 County Records; thence Northerly along said West line
11 of Lot 16 to the North line of the 40 foot road known
12 as Briggsmore Avenue; thence Easterly along the North
13 line of Briggsmore Avenue to its intersection with the
14 West line of Lot 12 of the Fresno Tract; thence Southerly
15 along the West line of Lot 12 and the West line of
16 Lot 11 of said Fresno Tract, the west line of Lot 11
17 also being the West line of the Cloverfield Tract as
18 filed in Volume 17 of Maps at Page 33, Stanislaus County
19 Records, to a point on the South line of a 40 foot road
20 known as Granger Avenue and the existing corporate limits
21 of the City of Modesto, said point being on the North
22 line of Roosevelt Center, as filed in Volume 17 of Maps,
23 at Page 12, Stanislaus County Records; thence Westerly
24 along said City limits to the center line of College
25 Avenue and the west line of said Roosevelt Center; thence
26 southerly along the City limits on said center line of
27 College Avenue to the center line of Orangeburg Avenue;
28 thence continuing on the City limits westerly along said
29 center line of Orangeburg Avenue to the point of begin-
30 ning.

31 be, and the same is hereby approved.

32 SECTION 2. That the said territory hereinabove described
be, and the same is hereby annexed to, incorporated in, and made a
part of the said City of Modesto, to be effective upon the filing
with the Secretary of State of the State of California of a copy
of the record of the canvass of the returns of said election in
such new territory and a certified copy of this ordinance.

SECTION 3. The Clerk of the City of Modesto is hereby
authorized and directed to make and certify, under the seal of
the City of Modesto, and transmit to the Secretary of State of
the State of California, a copy of the record of the canvass of
the returns of said election in such new territory, and a copy of
this Ordinance, giving the date of its passage in accordance with
the statutes providing therefor.

SECTION 4. That the said territory hereinabove described
shall, after such annexation, be subjected to taxation equally with

1 the property within the City of Modesto to pay the bonded indebt-
2 edness of the City of Modesto for the acquisition, construction
3 or completion of municipal improvements outstanding or authorized
4 at the date of the election held to determine whether or not said
5 property shall be annexed to the City.

6 SECTION 5. Pursuant to Section 722 of the Charter of
7 the City of Modesto, this Ordinance shall take effect and be in
8 full force and operation as of the date hereof.

9 SECTION 6. This Ordinance shall be published in full
10 in The Modesto Tribune, the official newspaper of the City of
11 Modesto.

12 The foregoing Ordinance was introduced at a regular
13 meeting of the Council of the City of Modesto held on the 9th
14 day of December, 1953, by Councilman M. Adams,
15 who moved its adoption and passage to print, which motion being
16 duly seconded by Councilman R. Adams, was upon roll call
17 carried and the Ordinance ordered printed and published as above
18 by the following vote:

19 AYES: Councilmen: M. Adams, R. Adams, Annan, Merrill and Mayor
20 Marks

20 NOES: Councilmen: None

21 ABSENT: Councilmen: Mellis and Arata

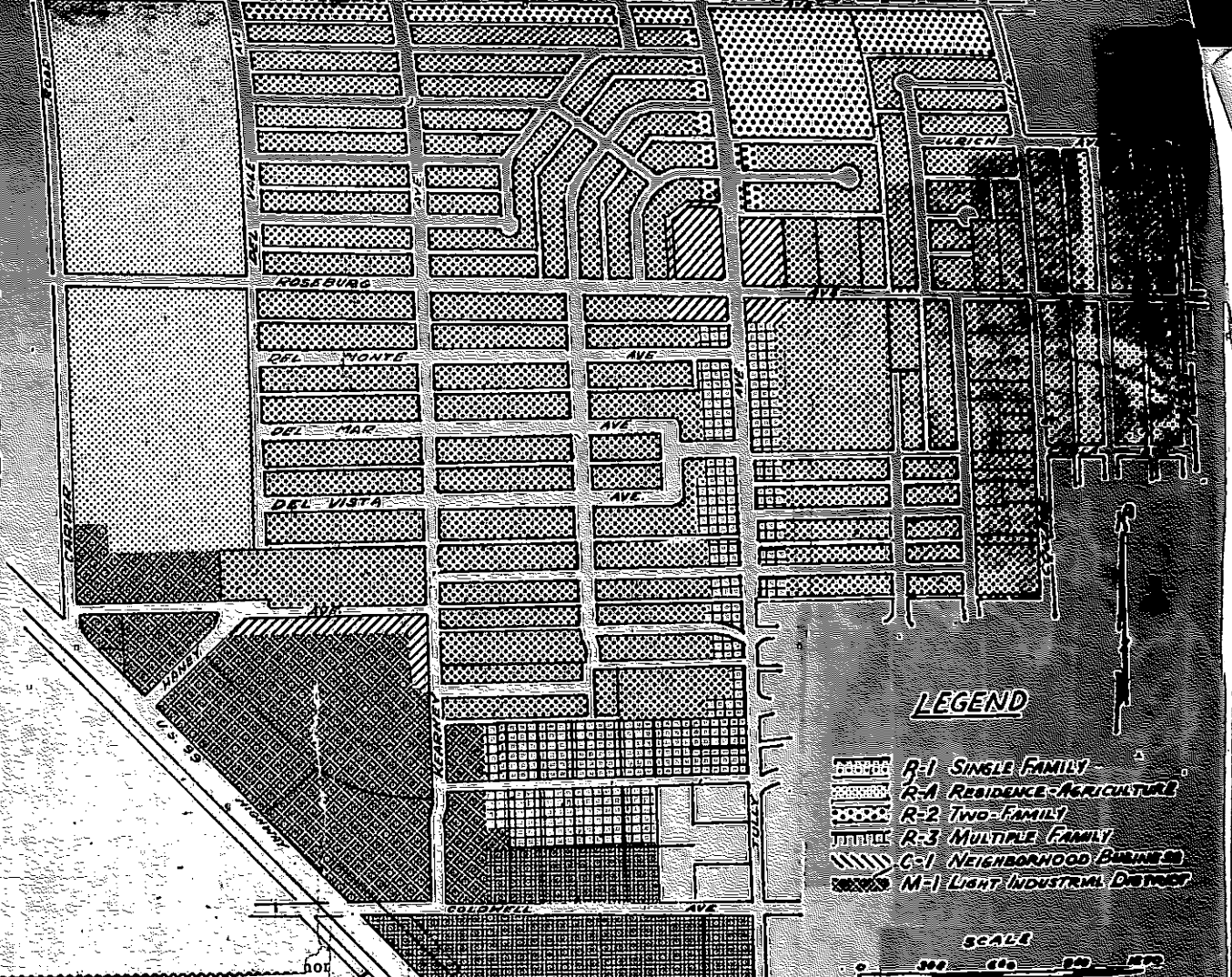
22 APPROVED: 
HARRY MARKS, Mayor

23 ATTEST: 
24 REX E. GAILFUS, City Clerk

1 AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE
2 NO. 700-N.S., AS AMENDED, BY ADDING USE DISTRICT
3 MAP NO. 9 THERETO FOR THE PURPOSE OF
4 ZONING THAT CERTAIN TERRITORY IN THE CITY OF
5 MODESTO KNOWN AS THE "NORTHWEST ADDITION".

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

7 SECTION 1. Use District Map No. 9 is hereby added to
8 Section 2 of Ordinance No. 700-N.S. of the City of Modesto, as amended,
9 to appear as follows:
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or denominations; that at
printed and published in t
State, at regular intervals
publication of the notice
type not smaller than non
black face type not small
general terms the purpor
given; that the.....Ordin

of which the annexed is a true printed copy, was published and printed
in said newspaper for one week the issue of which is dated.....Jan. 8th. 1954

Sig. *Lily D. Tingle*

Subscribed and sworn to before me this.....day of..... 195.....

Sig.....
Notary Public in and for Stanislaus County, California.

My commission expires

ORDINANCE NO. 1122-NIS
AN ORDINANCE AMENDING SECTION 12 OF ORDINANCE NO. 709-NIS, AS AMENDED, BY ADDING USE DISTRICT MAPING THERETO FOR THE PURPOSE OF ZONING THAT CERTAIN TERRITORY IN THE CITY OF MODESTO KNOWN AS THE "NORTH WEST ADDITION".

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

SECTION 1. Use District Map No. 1122-NIS hereby added to Section 12 of Ordinance No. 709-NIS of the City of Modesto, California, as amended to appear as follows:

SECTION 2. This ordinance shall take effect and be in full force from and after fifteen (15) days after its final passage and adoption.

SECTION 3. This ordinance shall be published in full at least (2) days prior to its publication in the Modesto Tribune newspaper of the City of Modesto.

The foregoing order of the City of Modesto was adopted at a regular meeting of the City of Modesto held on January 14, 1954, by the following roll call:

AYES: Councilmen: Annen, Arata, Malin, M...
NOES: Councilmen: M...
ABSENT: Councilmen: M...
APPROVED: MAYOR
ATTEST: REX E. GALLI

1 SECTION 2. This ordinance shall go into effect and be in full
2 force and operation from and after fifteen (15) days after its final passage
3 and adoption.

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

7 The foregoing ordinance was introduced at a regular meeting of the
8 Council of the City of Modesto held on the 6 day of ~~December~~^{January, 1954}, 1953, by
9 Councilman Arata, who moved its introduction and passage to
10 print, which motion being duly seconded by Councilman Merrill,
11 was upon roll call carried and ordered printed and published by the following
12 vote:

13 AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis,
Merrill
14 NOES: Councilmen: Mayor Marks
15 ABSENT: Councilmen: None

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18 APPROVED: 
HARRY MARKS, Mayor

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20 ATTEST: 
REX E. GAILFUS, City Clerk
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FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 13th day of January, 1954, Councilman R. Adams moved its final adoption, which motion being duly seconded by Councilman Arata, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill

NOES: Councilmen: Mayor Marks

ABSENT: Councilmen: None

APPROVED.


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE:

Jan. 29, 1954

ORDINANCE NO. 1103 -N.S.

AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY FROM C. BOYCE ASHFORD AND FRANCES E. ASHFORD FOR USE BY THE CITY OF MODESTO.

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

SECTION 1. That the City of Modesto execute an agreement with C. Boyce Ashford and Frances E. Ashford, husband and wife, under which the said C. Boyce Ashford and Frances E. Ashford agree to sell to the City of Modesto, and the City of Modesto agrees to buy from C. Boyce Ashford and Frances E. Ashford, certain real property for use for municipal purposes.

SECTION 2. That said agreement shall be in the following form.

This Agreement, made and entered into in the City of Modesto, County of Stanislaus, State of California, this ___ day of January, 1954, by and between the CITY OF MODESTO, a municipal corporation of the State of California, first party, hereinafter called CITY, and C. BOYCE ASHFORD and FRANCES E. ASHFORD, husband and wife, individuals, second parties hereinafter called SELLERS,

W I T N E S S E T H:

WHEREAS, SELLERS own that certain parcel of real property hereinafter described, and

WHEREAS, City desires to purchase said real property for use for municipal purposes,

NOW, THEREFORE, it is mutually agreed as follows:

1. For and in consideration of the covenants, promises and agreements hereinafter stated, SELLERS hereby agree to sell, and CITY hereby agrees to buy upon the terms and conditions contained herein all that certain real property situated in the County of Stanislaus, State of California, more particularly described as follows:

Commencing at the interior quarter corner of Section 17, Township 3 South, Range 9 East, Mount Diablo Base

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1 & Meridian, said point being the Northeast corner
2 of Lot 12, Fresno Tract, recorded in Volume 1 of
3 Maps, at page 76, Stanislaus County Records; thence
4 North 88° 53' West along the North line of Lot 12 a
5 distance of 667.05 feet; thence North 0° 47' 30"
6 West 20.00 feet to the true point of beginning of
7 this description; thence North 0° 47' 30" West
8 378.00 feet; thence North 88° 53' West 611.54 feet;
9 thence South 0° 46' 30" East 378.00 feet; thence
10 South 88° 53' East 611.64 feet to the true point
11 of beginning, containing 5.307 Acres.

12 2. The purchase price for said property shall be the
13 sum of Thirteen Thousand Two Hundred Sixty-Seven and 50/100ths
14 (\$13,267.50) Dollars, payable as follows: Nine Thousand and
15 no/100ths (\$9,000.00) Dollars payable upon the execution of this
16 agreement and the balance payable on or before May 1, 1954. Title
17 to said property shall not pass to CITY until the entire purchase
18 price has been paid.

19 3. SELLERS agree forthwith to dedicate to the public
20 a strip of land twenty (20') feet in width along the south side
21 of the property for the widening of Bowen Avenue. SELLERS also
22 agree forthwith to dedicate to the public a strip of land forty
23 (40') feet in width across the west end of the property for the
24 extension of College Avenue.

25 4. CITY agrees to improve the east forty (40') feet of
26 College Avenue abutting said property within a reasonable period
27 of time.

28 5. CITY agrees to provide an easement of twenty (20')
29 feet in width across the east end of the property for underground
30 utilities.

31 6. SELLERS shall have the right to farm said property
32 for the growing season of 1954 up to and including the harvesting
33 period, but no later than December 1, 1954. CITY shall have the
34 right to take full possession of one-half (1/2) of said property
35 after completion of the 1954 growing season, but no later than
36 December 1, 1954. If CITY desires to take possession of the

1 remaining one-half (1/2) of said property after the 1954 growing
2 season; it shall have the right to do so by notifying SELLERS
3 prior to December 1, 1954 of such intention, and upon payment to
4 SELLERS of the sum of One Hundred and no/100ths (\$100.00) Dollars.
5 Subject to the right of City to exercise its right to possession
6 of the remaining one-half (1/2) of said property as above speci-
7 fied, SELLERS may farm the remaining one-half (1/2) of said
8 property during the 1955 growing season by giving the CITY notice
9 of such desire no later than November 1, 1954. In any event CITY
10 shall have the right to possession of all of said property no
11 later than December 1, 1955.

12 7. SELLERS reserve the right to remove irrigation out-
13 let gates located within said property upon completion of the
14 respective growing seasons mentioned in Paragraph 6 hereof.
15 Removal of such gates shall include removal of concrete boxes in
16 which they are installed.

17 8. SELLERS hereby agree to furnish CITY with a Policy
18 of Title Insurance, showing good and sufficient title to said
19 property in SELLERS.

20 9. SELLERS agree, prior to the close of escrow, to
21 execute a good and sufficient Grant Deed conveying to CITY the
22 above described premises free and clear of all liens, encumbrances,
23 reservations and restrictions of any kind or nature, excepting the
24 matters of Record approved by CITY.

25 10. City shall pay the usual buyer's fees, and SELLERS
26 shall pay the usual seller's fees, including the cost of the
27 Policy of Title Insurance. All taxes shall be pro-rated as of
28 the close of escrow.

29 11. The escrow covering this transaction shall be
30 closed on or before May 1, 1954 unless the time therefor be
31 extended by mutual consent of the parties hereto. The escrow
32 shall be placed with the Modesto Title Company.

1 SECTION 4. Effective Date. This ordinance shall go
2 into effect and be in full force and operation from and after
3 fifteen (15) days after its final passage and adoption.

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

8 The foregoing ordinance was introduced at a regular
9 meeting of the Council of the City of Modesto held on the 13th
10 day of January, 1954, by Councilman Mellis, who moved
11 its introduction and passage to print, which motion being duly
12 seconded by Councilman R. Adams, was upon roll call carried
13 and ordered printed and published by the following vote:

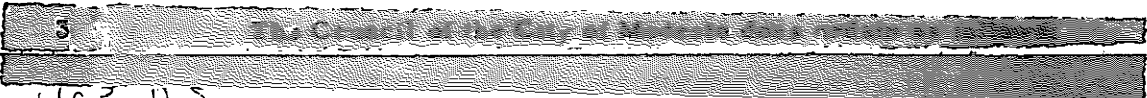
14 AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill
and Mayor Marks

15 NOES: Councilmen: None

16 ABSENT: Councilmen: None

17 APPROVED: 
18 HARRY MARKS, Mayor

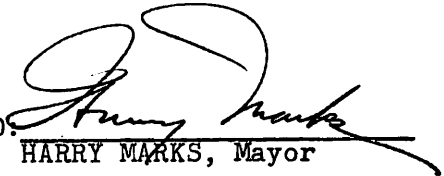
19 ATTEST: 
20 REX E. GAILFUS, City Clerk




FINAL ADOPTION CLAUSE

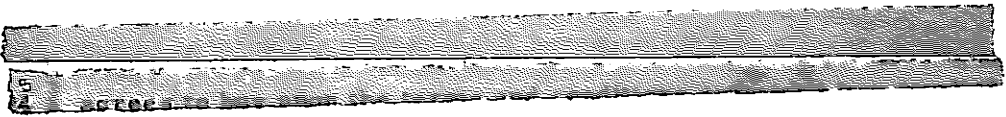
The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 20 day of January, 1954, Councilman M. Adams moved its final adoption, which motion being duly seconded by Councilman Arata, was upon roll call carried and the ordinance finally adopted by the following vote:

- AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks
- NOES: Councilmen: None
- ABSENT: Councilmen: Merrill

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE:



Repealed
by Ord. 1125-NS

ORDINANCE NO. 1104 -N.S.

AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY TO DALTON P. ELLIS BY THE CITY OF MODESTO.

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

SECTION 1. That the City of Modesto execute an agreement with Dalton P. Ellis, an individual, under which the City of Modesto agrees to sell to Dalton P. Ellis and Dalton P. Ellis agrees to buy from the City of Modesto certain real property for use for municipal purposes.

SECTION 2. That said agreement shall be in the following form:

This Agreement, made and entered into in the City of Modesto, County of Stanislaus, State of California, this ____ day of January, 1954, by and between the CITY OF MODESTO, a municipal corporation of the State of California, first party, hereinafter called CITY, and DALTON P. ELLIS, an individual, second party, hereinafter called BUYER,

WITNESSETH:

WHEREAS, CITY owns that certain parcel of real property hereinafter described, and

WHEREAS, CITY desires to sell and BUYER agrees to purchase said real property, and

WHEREAS, said real property is no longer needed for municipal purposes,

NOW, THEREFORE, it is mutually agreed as follows:

1. For and in consideration of the covenants, promises and agreements hereinafter stated, CITY hereby agrees to sell and BUYER hereby agrees to buy upon the terms and conditions contained herein all that certain real property situated in the County of Stanislaus, State of California, more particularly described as follows:

All that certain real property situated in the County of Stanislaus, State of California, being a portion of Section 17, Township 3 South, Range 9 East, M.D.B.&M., and indicated as a park in Block 6715, College Village #2, and more particularly described as follows:

Beginning at the Northwest corner of the park in Block 6715 as shown on the map of College Village #2 as recorded in Volume 17 of Maps at Page 58, Stanislaus County Records; thence along the North line of said park North 89° 27' East 341.88'; thence South 45° 39' 30" East 14.18'; thence along

1 the East line of said park South $0^{\circ} 48'$ East, 319.98'; thence
2 along the South line of the park, said line also being the North
3 line of Dartmouth Avenue, South $89^{\circ} 27'$ West, 322.60'; thence
4 on a tangent curve to the right having a radius of 40', central
5 angle of $107^{\circ} 02' 30''$, tangent of 54.10', and a length of 74.73';
6 thence on a tangent curve to the left having a radius of 193.18',
7 central angle of $17^{\circ} 17'$, tangent of 29.36', and a length of
8 58.27'; thence along the West line of the park said West line
9 also being the East line of Wildwood Drive, North $0^{\circ} 47' 30''$
10 West 220.83' to the point of beginning containing 2.67 acres.

6 2. The purchase price for said property shall be the sum of Two
7 Thousand Five Hundred and no/100ths (\$2,500.00) Dollars per acre, or a
8 total sum of Six Thousand Six Hundred Seventy-Five and no/100ths (\$6,675.00)
9 Dollars, payable as follows: One Thousand Six Hundred Seventy-Five and
10 no/100ths (\$1,675.00) payable upon the execution of this agreement and the
11 balance of Five Thousand and no/100ths (\$5,000.00) Dollars payable on or
12 before April 15, 1954. Title to said property shall not pass to BUYER until
13 the entire purchase price has been paid.

14 3. CITY shall not be required to furnish BUYER with a Policy of
15 Title Insurance covering said property.

16 4. CITY agrees, prior to the close of escrow, to execute a good and
17 sufficient Grant Deed conveying the above described premises to BUYER.

18 5. CITY shall pay the usual SELLER'S fees, and BUYER shall pay
19 the usual BUYER'S fees. All taxes, if any, shall be pro-rated as of the close
20 of escrow.

21 6. The escrow covering this transaction shall be closed on or
22 before April 15, 1954, unless the time therefor be extended by mutual con-
23 sent of the parties hereto. The escrow shall be placed with the Stanislaus
24 Abstract and Escrow Company.

25 7. BUYER agrees to dedicate a sixty (60') foot right-of-way to the
26 public running from the proposed Chenery Drive westward approximately
27 Easterly
28 one hundred (100') feet to the/boundary of the proposed Caroland Manor Sub-
29 division for a public street. CITY agrees to improve said right-of-way as a
30 public street at its own cost, or in lieu thereof, to pay BUYER the cost of
31 improving said street when, in CITY'S judgment, a street is required.

32 IN WITNESS WHEREOF, the City of Modesto, a municipal corporation,

1 first party, has caused this Agreement to be executed in duplicate by its
2 City Manager and attested by its City Clerk under authority of a resolution
3 of the City Council so authorizing, and the second party has caused this
4 Agreement to be executed in duplicate the day and year first above mentioned.

5 APPROVED AS TO FORM: CITY OF MODESTO, a municipal
6 corporation, first party

7 By _____ By _____
8 ALLEN GRIMES, City Attorney ROSS MILLER, City Manager

9 ATTEST: _____
10 DALTON P. ELLIS, second party

11 By _____
12 REX E. GAILFUS, City Clerk

13 SECTION 3. That the City Manager be, and he is hereby authorized
14 and directed to execute the above mentioned agreement on behalf of said City;
15 that the Mayor be, and he is hereby authorized and directed to execute a Deed
16 to said property to Buyer on behalf of the City of Modesto.

17 SECTION 4. This ordinance shall go into effect and be in full force
18 and operation from and after fifteen (15) days after its final passage and
19 adoption.

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

23 The foregoing ordinance was introduced at a regular meeting of the
24 Council of the City of Modesto held on the 13th day of January, 1954, by
25 Councilman Merrill, who moved its introduction and passage to
26 print, which motion being duly seconded by Councilman Arata,
27 was upon roll call carried and ordered printed and published by the following
28 vote:

29 AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill
30 and Mayor Marks

31 NOES: Councilmen: None

32 ABSENT: Councilmen: None

APPROVED: 
HARRY MARKS, Mayor


ATTEST: 
REX E. GAILFUS, City Clerk

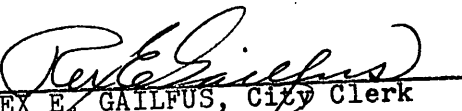
Or. 1104-N.S.

FINAL ADOPTION CLAUSE

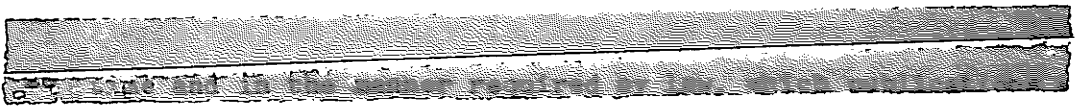
The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 20 day of January, 1954 Councilman Annan moved its final adoption, which motion being duly seconded by Councilman Arata, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: Merrill

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE:



SPECIAL
NOTE IN CODE

ORDINANCE NO. 1105 -N.S.

AN ORDINANCE ANNEXING UNINHABITED TERRITORY
KNOWN AS THE WEST DOWNEY ADDITION TO THE
CITY OF MODESTO.

3 WHEREAS, a petition was filed with the City Clerk by
4 Charles T. Chadwick, Martin Wilkinson, Charlie Carabajal and
5 Marian Carabajal, on October 14, 1953, to annex to the City of
6 Modesto under the provisions of Annexation of Uninhabited Terri-
7 tory Act of 1939, as amended, certain uninhabited territory,
8 hereinafter described and designated as the West Downey Addition,
9 situate in the County of Stanislaus, State of California, and
10 contiguous to the City of Modesto, and

11 WHEREAS, the City Council by resolution adopted on the
12 9th day of December, 1953, set said petition for hearing at the
13 hour of 4:30 o'clock p.m. on the 20th day of January, 1954, in
14 the Council Chambers of the City Hall of the City of Modesto, and

15 WHEREAS, at said time and place no objectors appeared
16 to oppose said petition, and

17 WHEREAS, it appears to the City Council and the City
18 Council so finds that a copy of the resolution giving notice of
19 the proposed annexation and fixing the time and place for hearing
20 objections to the proposed annexation was published in newspapers
21 of general circulation, to-wit: The Modesto Tribune, a newspaper
22 published in the City of Modesto, on December 18, 1953, and
23 December 25, 1953; and in the Turlock Daily Journal, a newspaper
24 published outside the City of Modesto, but in the County of
25 Stanislaus, on December 19, 1953, and December 26, 1953, for the
26 time and in the manner required by law, which publications were
27 completed at least twenty (20) days prior to the date set for
28 hearing; that written notice of the proposed annexation has been
29 mailed by the City Clerk of the City of Modesto to each person to
30 whom land within the territory proposed to be annexed was assessed
31 on the last equalized assessment roll available on the date the
32 proceedings were initiated, at the address as shown thereon, or as

1 known to said Clerk, and to any person who has filed his name
2 and address and the designation of the lands in which he has any
3 interest, either legal or equitable, with said Clerk, which
4 notices were mailed not less than twenty (20) days before the
5 date set for public hearing, and that all the requirements of
6 the Annexation of Uninhabited Territory Act of 1939, as amended,
7 have been complied with,

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

10 SECTION 1. That the petition of Charles T. Chadwick,
11 Martin Wilkinson, Charlie Carabajal and Marian Carabajal be, and
12 the same is hereby granted and the territory described in the said
13 petition is hereby annexed to and made a part of the City of
14 Modesto.

15 SECTION 2. That the area or territory so annexed,
16 designated as the West Downey Addition, is located in the County
17 of Stanislaus, State of California, is contiguous to the City of
18 Modesto, is uninhabited territory within the meaning of the
19 Annexation of Uninhabited Territory Act of 1939, as amended, and
20 is more particularly described as follows:

21 Portion of East half of the Southeast quarter of
22 Section 21, Township 3 South, Range 9 East, Mount
23 Diablo Base and Meridian, also described as a
24 portion of Lots 5 and 10 of Rice Colony, as shown
25 in Volume 1 of Maps at Page 54, Stanislaus County
Records, which includes the Wilkinson Tract, as
shown in Volume 17 of Maps at Page 64, Stanislaus
County Records, more particularly described as
follows:

26 Beginning at a point on the existing City Limits
27 where the easterly extension of the south line of
28 Fairmont Avenue intersects the centerline of Coffee
29 Road, said point being on the east line of Section
30 21; thence southerly along the existing City Limits,
31 said Limits being the centerline of Coffee Road,
32 S. 0° 27' E., 639.84 feet; thence leaving the exist-
ing City Limits, N. 89° 40' W., 659.48 feet along
the south line of said Wilkinson Tract; thence N.
0° 27' 30" W., 640.04 feet along the west line of
Lot 5, Rice Colony, and its northerly extension,
to the south line of Fairmont Avenue; thence along
the south line of Fairmont Avenue, and the easterly
extension thereof, S. 89° 40' E., 659.52 feet, to the
point of beginning.

1 SECTION 3. Said territory shall be subject to municipal
2 taxes to pay any indebtedness or liability of the City of Modesto
3 authorized or existing at the time of the adoption of this ordi-
4 nance.

5 SECTION 4. Pursuant to Section 722 of the Charter of
6 the City of Modesto, this ordinance shall become effective immed-
7 iately upon its adoption.

8 SECTION 5. This ordinance shall be published in full
9 at least once in The Modesto Tribune, the official newspaper of
10 the City of Modesto.

11 The foregoing ordinance was introduced and adopted at a
12 regular meeting of the Council of the City of Modesto held on the
13 20th day of January, 1954, by Councilman Annan, who
14 moved its introduction and adoption and passage to print, which
15 motion being duly seconded by Councilman Arata, was
16 upon roll call carried by the following vote:

17 AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and
18 Mayor Marks

18 NOES: Councilmen: None

19 ABSENT: Councilmen: Merrill

20
21 APPROVED: 

HARRY MARKS, Mayor

22 ATTEST: 
23 REX E. GAILFUS, City Clerk

AN ORDINANCE ANNEXING UNINHABITED TERRITORY
 KNOWN AS THE ASHFORD ADDITION TO THE CITY OF
 MODESTO.

WHEREAS, a petition was filed with the City Clerk by C. Boyce Ashford and Frances Ashford on November 9, 1953 to annex to the City of Modesto under the provisions of Annexation of Uninhabited Territory Act of 1939, as amended, certain uninhabited territory, hereinafter described and designated as the Ashford Addition, situate in the County of Stanislaus, State of California, and contiguous to the City of Modesto, and

WHEREAS, the City Council by resolution adopted on the 16th day of December, 1953 set said petition for hearing at the hour of 8:00 o'clock p. m. on the 27th day of January, 1954, in the Council Chambers of the City Hall of the City of Modesto, and

WHEREAS, at said time and place no objectors appeared to oppose said petition, and

WHEREAS, it appears to the City Council and the City Council so finds that a copy of the resolution giving notice of the proposed annexation and fixing the time and place for hearing objections to the proposed annexation was published in newspapers of general circulation, to-wit: The Modesto Tribune, a newspaper published in the City of Modesto, on December 25, 1953 and January 1, 1954; and in the Turlock Daily Journal, a newspaper published outside the City of Modesto, but in the County of Stanislaus, on December 26, 1953 and January 2, 1954, for the time and in the manner required by law, which publications were completed at least twenty (20) days prior to the date set for hearing; that written notice of the proposed annexation has been mailed by the City Clerk of the City of Modesto to each person to whom land within the territory proposed to be annexed was assessed on the last equalized assessment roll available on the date the proceedings were initiated, at the address as shown thereon, or as known to said Clerk, and to any person who has filed his name and address and the designation of the lands in which he has any interest, either legal or equitable, with said Clerk, which notices were mailed not less than twenty (20) days before the date set for public hearing, and that all the requirements of the Annexation of Uninhabited

1 Territory Act of 1939, as amended, have been complied with,

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

4 SECTION 1. That the petition of C. Boyce Ashford and Frances
5 Ashford be, and the same is hereby granted and the territory described in
6 the said petition is hereby annexed to and made a part of the City of Modesto.

7 SECTION 2. That the area or territory so annexed, designated
8 as the Ashford Addition, is located in the County of Stanislaus, State of
9 California, is contiguous to the City of Modesto, is uninhabited territory
10 within the meaning of the Annexation of Uninhabited Territory Act of 1939,
11 as amended, and is more particularly described as follows:

12 The Southeast Quarter of the Northwest Quarter of Section
13 17, Township 3 South, Range 9 East, Mount Diablo Base
and Meridian.

14 SECTION 3. Said territory shall be subject to municipal taxes to
15 pay any indebtedness or liability of the City of Modesto authorized or exist-
16 ing at the time of the adoption of this ordinance.

17 SECTION 4. The area hereinabove described shall become a part
18 of the Modesto City School District of Stanislaus County upon annexation to
19 the City of Modesto.

20 SECTION 5. Pursuant to Section 722 of the Charter of the City of
21 Modesto, this ordinance shall become effective immediately upon its adoption.

22 SECTION 6. This ordinance shall be published in full at least once
23 in the Modesto Tribune, the official newspaper of the City of Modesto.

24 The foregoing ordinance was introduced and adopted at a regular
25 meeting of the Council of the City of Modesto held on the 27th day of January,
26 1954, by Councilman Arata, who moved its adoption and
27 passage to print, which motion being duly seconded by Councilman R. Adams
28 was upon roll call carried and the ordinance ordered printed and published
29 as above by the following vote:

30 AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and
Mayor Marks

31 NOES: Councilmen: None
32 ABSENT: Councilmen: Merrill

ATTEST: Rex E. Gailfus
REX E. GAILFUS, City Clerk

APPROVED: Harry Marks
HARRY MARKS, Mayor

1 AN ORDINANCE AMENDING ORDINANCE NO. 1100-N.S.
2 OF THE CITY OF MODESTO ENTITLED, "AN ORDINANCE
3 PROVIDING FOR THE PROTECTION OF THE PUBLIC
4 HEALTH AND SAFETY, AND THE EXAMINATION, REGIS-
5 TRATION, LICENSING OF PERSONS ENGAGED IN THE
6 BUSINESS OF PLUMBING, OR LABORING AT THE TRADE
7 OF PLUMBING: REQUIRING A PERMIT FOR THE INSTAL-
8 LATION OR ALTERATION OF PLUMBING AND DRAINAGE
9 SYSTEMS: CREATING AN ADMINISTRATIVE OFFICE AND
A BOARD OF PLUMBER EXAMINERS, AND PRESCRIBING
THEIR DUTIES: DEFINING CERTAIN TERMS: ESTABLISHING
MINIMUM REGULATIONS FOR THE INSTALLATION, ALTER-
ATION OR REPAIR OF PLUMBING AND DRAINAGE SYSTEMS
AND THE INSPECTION THEREOF: PROVIDING PENALTIES
FOR ITS VIOLATION AND REPEALING CONFLICTING ORDI-
NANCES IN THE CITY OF MODESTO", BY ADDING SECTION
13.1 THERETO ENTITLED "VENT TERMINATION".

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

12 SECTION 1. Ordinance No. 1100-N.S. of the City of
13 Modesto entitled, "AN ORDINANCE PROVIDING FOR THE PROTECTION OF
14 THE PUBLIC HEALTH AND SAFETY, AND THE EXAMINATION, REGISTRATION,
15 LICENSING OF PERSONS ENGAGED IN THE BUSINESS OF PLUMBING, OR
16 LABORING AT THE TRADE OF PLUMBING: REQUIRING A PERMIT FOR THE
17 INSTALLATION OR ALTERATION OF PLUMBING AND DRAINAGE SYSTEMS:
18 CREATING AN ADMINISTRATIVE OFFICE AND A BOARD OF PLUMBER EXAMINERS,
19 AND PRESCRIBING THEIR DUTIES: DEFINING CERTAIN TERMS: ESTABLISHING
20 MINIMUM REGULATIONS FOR THE INSTALLATION, ALTERATION OR REPAIR OF
21 PLUMBING AND DRAINAGE SYSTEMS AND THE INSPECTION THEREOF: PROVID-
22 ING PENALTIES FOR ITS VIOLATION AND REPEALING CONFLICTING ORDINANCES
23 IN THE CITY OF MODESTO" is hereby amended by adding Section 13.1
24 to said Ordinance to read as follows:

25 Section 13.1. Vent Termination. That Section 506 be
26 amended to read as follows:

- 27 (a) Each vent pipe or stack shall extend through its
28 flashing and shall terminate vertically not less
29 than six (6") inches above the roof or fire wall,
30 not less than one (1') foot from any vertical sur-
31 face.
- 32 (b) (1) Every vent shall terminate not less than ten
(10') feet from, or at least three (3') feet
above any window, door, opening, air intake,
or vent shaft.

1 (2) Every vent pipe (except in one and two family
2 residence districts and/or street and alley
3 frontage) shall terminate in every direction
4 not less than ten (10') feet from any building
5 or lot line.

6 (c) Vent pipes shall be extended separately or combined,
7 of full required size, not less than six (6") inches
8 above the roof or fire wall. Flagpoling of vents is
9 prohibited except where the roof is used for pur-
10 poses other than weather protection. In such cases
11 the vent shall extend not less than seven (7') feet
12 above the roof and be securely stayed.

13 (d) Vent pipes for outdoor installations shall extend at
14 least ten (10') feet above the surrounding ground
15 and shall be securely supported.

16 (e) Joints at the roof, around vent pipes, shall be
17 made watertight by the use of approved flashings
18 or flashing material.

19 (f) Each vent terminal shall be made watertight with
20 roof by proper flashing.

21 SECTION 2. This ordinance shall go into effect and be
22 in full force and operation from and after fifteen (15) days after
23 its final passage and adoption.

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

27 The foregoing ordinance was introduced at a regular
28 meeting of the Council of the City of Modesto held on the 3rd
29 day of February, 1954, by Councilman R. Adams, who moved
30 its introduction and passage to print, which motion being duly
31 seconded by Councilman M. Adams, was upon roll call
32 carried and ordered printed and published by the following vote:

33 AYES: Councilmen: M. Adams, R. Adams, Arata, Mellis and Mayor Marks

34 NOES: Councilmen: None

35 ABSENT: Councilmen: Annan and Merrill

36 APPROVED:


HARRY MARKS, Mayor

37 ATTEST:


REX E. GAILFUS, City Clerk

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and 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 February, 1954, Councilman M. Adams moved its final adoption, which motion being duly seconded by Councilman Arata, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks


NOES: Councilmen: None

ABSENT: Councilmen: Merrill

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE:

February 25, 1954

AN ORDINANCE ANNEXING UNINHABITED TERRITORY
KNOWN AS THE McHENRY VILLAGE ADDITION TO THE
CITY OF MODESTO.

1
2
3 WHEREAS, a petition was filed with the City Clerk by
4 Lawrence Robinson and Sons and McHenry Village, Inc. on December 11,
5 1953, to annex to the City of Modesto under the provisions of
6 Annexation of Uninhabited Territory Act of 1939, as amended,
7 certain uninhabited territory, hereinafter described and desig-
8 nated as the McHenry Village Addition, situate in the County of
9 Stanislaus, State of California, and contiguous to the City of
10 Modesto, and

11 WHEREAS, the City Council by resolution adopted on the
12 6th day of January, 1954, set said petition for hearing at the
13 hour of 4:15 o'clock p.m. on the 17th day of February, 1954, in
14 the Council Chambers of the City Hall of the City of Modesto, and

15 WHEREAS, at said time and place no objectors appeared
16 to oppose said petition, and

17 WHEREAS, it appears to the City Council and the City
18 Council so finds that a copy of the resolution giving notice of
19 the proposed annexation and fixing the time and place for hearing
20 objections to the proposed annexation was published in newspapers
21 of general circulation, to-wit: The Modesto Tribune, a newspaper
22 published in the City of Modesto, on January 15, 1954, and
23 January 22, 1954; and in the Turlock Daily Journal, a newspaper
24 published outside the City of Modesto, but in the County of
25 Stanislaus, on January 15, 1954 and January 22, 1954, for the
26 time and in the manner required by law, which publications were
27 completed at least twenty (20) days prior to the date set for
28 hearing; that written notice of the proposed annexation has been
29 mailed by the City Clerk of the City of Modesto to each person to
30 whom land within the territory proposed to be annexed was assessed
31 on the last equalized assessment roll available on the date the
32 proceedings were initiated, at the address as shown thereon, or

Repealed by
Ord 1117-11-5

REPEALED BY
MUNICIPAL CODE

REPEALED BY
MUNICIPAL CODE

1 as known to said Clerk, and to any person who has filed his name
2 and address and the designation of the lands in which he has any
3 interest, either legal or equitable, with said Clerk, which notices
4 were mailed not less than twenty (20) days before the date set for
5 public hearing, and that all the requirements of the Annexation of
6 Uninhabited Territory Act of 1939, as amended, have been complied
7 with,

8 NOW, THEREFORE, the Council of the City of Modesto does
9 ordain as follows;

10 SECTION 1. That the petition of Lawrence Robinson and
11 Sons and McHenry Village, Inc. be, and the same is hereby granted
12 and the territory described in the said petition is hereby annexed
13 to and made a part of the City of Modesto.

14 SECTION 2. That the area or territory so annexed,
15 designated as the McHenry Village Addition, is located in the
16 County of Stanislaus, State of California, is contiguous to the
17 City of Modesto, is uninhabited territory within the meaning of
18 the Annexation of Uninhabited Territory Act of 1939, as amended,
19 and is more particularly described as follows:

20 All the portions of Sections 16, 17, 20, and 21,
21 Township 3 South, Range 9 East, Mount Diablo Base
and Meridian, described as follows:

22 Beginning at the intersection of the south line of
23 the Modesto Irrigation District Lateral No. 3 and
24 the west line of the 50-ft. street known as McHenry
25 Avenue, said point being a corner of the existing
26 City Limits; thence easterly along the south right
27 of way line of the Modesto Irrigation District
28 Lateral No. 3 North 89° 36' East 587.24 feet; thence
29 continuing along said right of way line along a
30 curve to the right having a radius of 183.48 feet,
31 central angle of 19° 50' a distance of 63.51 feet;
32 thence continuing along said right of way line
South 70° 34' East 802.60 feet; thence South
0° 51' 30" East 637.37 feet; thence North 89° 39'
West 150.00 feet; thence South 0° 51' 30" East
along the quarter, quarter section line of said
Section 16 a distance of 130.00 feet to the North
line of the 40-ft. road known as Granger Avenue;
thence North 89° 39' West along the North line of
Granger Avenue 663.12 feet; thence North 0° 48'
West 112.00 feet; thence North 89° 39' West 360.50
feet; thence South 0° 48' East 112.00 feet; thence

1 North 89° 39' West along the North line of Granger
2 Avenue 49.50 feet; thence Southerly parallel to
3 McHenry Avenue 200 feet; thence Easterly parallel
4 to Granger Avenue 456.44 feet to a point on the
5 East line of Lot 5, Coolidge Colony, recorded in
6 Volume 5 of Maps at Page 17, Stanislaus County
7 Records; thence Southerly along the East line of
8 Lot 5 a distance of 150.00 feet to the Southeast
9 corner of Lot 5; thence Westerly along the South
10 line of Lot 5 a distance of 132.00 feet; thence
11 Southerly parallel to McHenry Avenue 310.00 feet
12 to the North line of the 40-ft. road known as
13 Coolidge Avenue; thence Westerly along said North
14 line 213.6 feet; thence northerly parallel to
15 McHenry Avenue 160.00 feet; thence Westerly
16 parallel to Granger Avenue 340.4 feet to the
17 West line of McHenry Avenue, a point on the
18 present City Limits; thence Northerly along the
19 present City Limits to the point of beginning.

20 SECTION 3. Pursuant to Section 722 of the Charter of
21 the City of Modesto, this ordinance shall become effective
22 immediately upon its adoption.

23 SECTION 4. This ordinance shall be published in full
24 at least once in The Modesto Tribune, the official newspaper of
25 the City of Modesto.

26 The foregoing ordinance was introduced and adopted at a
27 regular meeting of the Council of the City of Modesto held on the
28 17th day of February, 1954, by Councilman Arata, who
29 moved its adoption and passage to print, which motion being duly
30 seconded by Councilman R. Adams, was upon roll call
31 carried and ordered printed and published by the following vote:

32 AYES: Councilmen: M. Adams, R. Adams, Mannan, Arata, Mellis and
Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: Merrill

APPROVED: 

HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

SPECIAL
NOT IN CODE

ORDINANCE NO. 1109 -N.S.

AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE BRIGGSMORE ADDITION TO THE CITY OF MODESTO.

3 WHEREAS, a petition was filed with the City Clerk by
4 Coddling Homes on December 11, 1953, to annex to the City of
5 Modesto under the provisions of Annexation of Uninhabited Territory
6 Act of 1939, as amended, certain uninhabited territory, hereinafter
7 described and designated as the Briggsmore Addition, situate in the
8 County of Stanislaus, State of California, and contiguous to the
9 City of Modesto, and

10 WHEREAS, the City Council by resolution adopted on the
11 6th day of January, 1954, set said petition for hearing at the
12 hour of 4:30 o'clock p.m. on the 17th day of February, 1954, in
13 the Council Chambers of the City Hall of the City of Modesto, and

14 WHEREAS, at said time and place no objectors appeared
15 to oppose said petition, and

16 WHEREAS, it appears to the City Council and the City
17 Council so finds that a copy of the resolution giving notice of
18 the proposed annexation and fixing the time and place for hearing
19 objections to the proposed annexation was published in newspapers
20 of general circulation, to-wit: The Modesto Tribune, a newspaper
21 published in the City of Modesto, on January 15, 1954, and
22 January 22, 1954; and in the Turlock Daily Journal, a newspaper
23 published outside the City of Modesto, but in the County of
24 Stanislaus, on January 15, 1954 and January 22, 1954, for the time
25 and in the manner required by law, which publications were completed
26 at least twenty (20) days prior to the date set for hearing; that
27 written notice of the proposed annexation has been mailed by the
28 City Clerk of the City of Modesto to each person to whom land
29 within the territory proposed to be annexed was assessed on the
30 last equalized assessment roll available on the date the proceedings
31 were initiated, at the address as shown thereon, or as known to said
32 Clerk, and to any person who has filed his name and address and the

1 designation of the lands in which he has any interest, either
2 legal or equitable, with said Clerk, which notices were mailed
3 not less than twenty (20) days before the date set for public
4 hearing, and that all the requirements of the Annexation of
5 Uninhabited Territory Act of 1939, as amended, have been complied
6 with,

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

9 SECTION 1. That the petition of Coddling Homes be, and
10 the same is hereby granted and the territory described in the said
11 petition is hereby annexed to and made a part of the City of
12 Modesto.

13 SECTION 2. That the area or territory so annexed,
14 designated as the Briggsmore Addition, is located in the County of
15 Stanislaus, State of California, is contiguous to the City of
16 Modesto, is uninhabited territory within the meaning of the
17 Annexation of Uninhabited Territory Act of 1939, as amended, and
18 is more particularly described as follows:

19 A Portion of Briggsmore Tract, and a Portion of
20 Lot 6, Fresno Tract. Commencing at the inter-
21 section of the south line of the Modesto Irrigation
22 District Lateral No. 3 and the west line of the
23 50-foot street known as McHenry Avenue, said point
24 being a corner of the existing City Limits; thence
25 westerly along the south line of the Modesto Irriga-
26 tion District Lateral No. 3 to its intersection
27 with the southerly extension of the easterly line
28 of the Briggsmore Tract, recorded in Volume 17 of
29 Maps at Page 43, Stanislaus County Records; said
30 intersection is the point of beginning of this
31 description; thence northerly along said southerly
32 extension and the east line of the Briggsmore
Tract, said east line also being the east line of
Lot 5 of the Fresno Tract, recorded in Volume 1 of
Maps at Page 76, Stanislaus County Records, to a
point which is 30 feet southerly from the north-
east corner of Lot 5, Fresno Tract; thence westerly
along the south line of Bowen Avenue as shown on
Map of Briggsmore Tract to the west line of Briggs-
more Tract; thence southerly along the west line
of Briggsmore Tract and its southerly extension to
the south line of Modesto Irrigation District
Lateral No. 3; thence easterly along said south
line of Modesto Irrigation District Lateral No. 3
to the point of beginning.

1 SECTION 3. Said territory shall be subject to municipal
2 taxes to pay any indebtedness or liability of the City of Modesto
3 authorized or existing at the time of the adoption of this ordi-
4 nance.

5 SECTION 4. The area hereinabove described shall become
6 a part of the Modesto City School District of Stanislaus County
7 upon annexation to the City of Modesto.

8 SECTION 5. Pursuant to Section 722 of the Charter of
9 the City of Modesto, this ordinance shall become effective immed-
10 iately upon its adoption.

11 SECTION 6. This ordinance shall be published in full
12 at least once in The Modesto Tribune, the official newspaper of
13 the City of Modesto.

14 The foregoing ordinance was introduced and adopted at a
15 regular meeting of the Council of the City of Modesto held on the
16 17th day of February, 1954, by Councilman Mellis, who
17 moved its adoption and passage to print, which motion being duly
18 seconded by Councilman M. Adams, was upon roll call
19 carried and ordered printed and published by the following vote:

20 AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and
Mayor Marks

21 NOES: Councilmen: None

22 ABSENT: Councilmen: Merrill

23 APPROVED: 
HARRY MARKS, Mayor

24 ATTEST: 
25 REX E. GAILFUS, City Clerk

SPECIAL
NOT IN CODE

AN ORDINANCE APPROPRIATING ADDITIONAL REVENUE FOR USE DURING THE 1953-1954 FISCAL YEAR.

3 WHEREAS, it is now anticipated that the following additional
4 revenues, not heretofore appropriated, will be received during the 1953-54
5 fiscal year from the sources and amounts indicated:

<u>Source</u>	<u>Estimated Amount</u>
7 Fire District Taxes	\$13,102.00
8 Automobile In Lieu Tax	36,950.00
9 Special Gas Tax - Maintenance Allocation	<u>6,400.00</u>
10 Total Additional Revenues	\$56,452.00

11 and,

12 WHEREAS, it is now anticipated that there will be a reduction in
13 revenue estimates for the 1953-54 fiscal year, previously appropriated, from
14 the sources and amounts indicated:

<u>Less Reduction in Appropriated Revenue Estimates</u>	
16 Sales and Use Tax	\$24,000.00
17 Water Sales	<u>12,000.00</u>
18 Balance available for appropriation	\$20,452.00

19 and

20 WHEREAS, it is now anticipated that additional revenues, not
21 heretofore appropriated, will accrue during the 1953-54 fiscal year in the
22 Special Gas Tax Improvement Fund from the State Gas Tax Apportionment
23 in the sum of \$16,000.00,

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

26 SECTION 1. The sum of Twenty Thousand Four Hundred
27 Fifty-Two and no/100 (\$20,452.00) Dollars, not heretofore appropriated, is
28 hereby appropriated for the following uses:

29
30
31
32

1	<u>Department</u>	<u>Classification</u>	<u>Additional Appropriation</u>
2	City Manager	Salaries & Wages	\$840.00
		Conference & Travel	100.00
3	City Attorney	Services, Professional & Other	1,000.00
4	City Clerk	Office Supplies	300.00
5	Finance	Salaries & Wages, extra help	200.00
6		Photocopy equipment	340.00
7	Personnel	Salaries & Wages, extra help	880.00
		Conference and Travel	150.00
8		Advertising	50.00
		Salaries, Professional & Other	250.00
9		Office Supplies	140.00
		5-Drawer Legal File, with Lock	142.00
10	Planning (FMC)	Salaries & Wages, Extra help	2,652.00
11		Operating Expense	360.00
12	Police	Salaries & Wages	7,390.00
13	Public Works Eng.	Services, Professional & Other	2,950.00
14	Public Works, Parks	Gardening & Horticultural Supplies	900.00
		Spray Machine	850.00
15	Misc. Unclassified	Miscellaneous Expenses	1,300.00
16	Contingency Reserve		<u>658.00</u>
17		Total Additions to 1953-54 Budget	\$20,452.00

18 SECTION 2. The sum of Sixteen Thousand and no/100ths
19 (\$16,000.00) Dollars, not heretofore appropriated, is hereby appropriated
20 for the following purposes:

21 Capital Project

22 Streets of Major Importance - Unallocated \$9,600.00

23 Maintenance Project

24 Maintenance Allocation - (40% of total) 6,400.00

25 Total Additional Appropriations \$16,000.00

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

28 SECTION 4. This ordinance shall be published once in full in
29 the Modesto Tribune, the official newspaper of the City of Modesto.

30 The foregoing ordinance was introduced at a regular meeting of
31 the Council of the City of Modesto held on the 17th day of February, 1954
32

1 by Councilman R. Adams, who moved its adoption and passage to
2 print, which motion being duly seconded by Councilman Mellis,
3 was upon roll call carried and the ordinance adopted by the following vote:


4 AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and
Mayor Marks

5 NOES: Councilmen: None

6 ABSENT: Councilmen: Merrill

7
8 APPROVED: 

HARRY MARKS, Mayor

9 ATTEST: 

10 REX E. GAILFUS, City Clerk

ORDINANCE NO. 1111 -N.S.

AN ORDINANCE REGULATING CERTAIN KINDS OF ADVERTISING UPON THE STREETS AND PUBLIC PLACES OF THE CITY OF MODESTO, DECLARING THE VIOLATION OF THIS ORDINANCE TO BE A MISDEMEANOR AND PRESCRIBING PENALTIES FOR THE VIOLATION OF THE PROVISIONS THEREOF.

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

SECTION 1. PERMIT REQUIRED. It shall be unlawful for any person, firm or corporation to operate or to park, or cause to be operated or parked, any vehicle on any street or public place in the City for the sole purpose of commercial advertising without first obtaining a permit so to do from the Council of the City of Modesto; provided, however, that in the case of undertakings sponsored by charitable, benevolent, religious, or bona fide incorporated non-profit organizations, the City Manager shall be authorized to issue temporary permits for the use of vehicles for such purposes where no charge to the sponsor is made for the use of the vehicle. In granting any such permits, the City Manager may impose such limitations and restrictions as may be conducive to the public welfare.

SECTION 2. APPLICATION FOR PERMIT. Any person desiring a permit to operate or park a vehicle on any street or public place in the City for the sole purpose of commercial advertising shall file an application therefor with the City Manager, in writing, on a form to be furnished by the City for that purpose. Such form shall specify the following:

- (a) The name and residence of the applicant;
- (b) The date or dates, length of time, and the hours during which the activity is to be conducted;
- (c) The location of the property in front of which, or the route over which, the vehicle is to be operated or parked;
- (d) The nature and character of the activity to be conducted;
- (e) The name of the person who will be responsible for supervising the conduct of the activity;

(f) Such additional information as the City Manager may require.

SECTION 3. GRANTING OF PERMIT. The City Manager shall grant or deny the permit if it pertains to an undertaking sponsored by a charitable, benevolent, religious or bona fide incorporated non-profit organization. If the application does not relate to such activities, the City Manager shall cause the matter to be placed on the agenda for consideration by the Council at its next regular meeting.

SECTION 4. CRITERIA. In determining whether or not it shall grant or deny the application, the City Council shall be guided by the following criteria:

(a) Is the activity in the interest of the general welfare?

(b) Does the activity unreasonably jeopardize the public health and safety?

(c) Will the activity create an unreasonable traffic hazard?

(d) Will the activity tend to create annoyance, discomfort, or inconvenience to the general public by reason of its nature and character?

(e) Do the advantages accruing from the granting of the permit outweigh the disadvantages resulting from its issuance?

SECTION 5. APPEALS. Any person excepting to the granting, denial, suspension or revocation of a permit applied for or held by him pursuant to the provisions of this ordinance, or to any action taken by any official of the City of Modesto concerning such permit, may appeal in writing to the Council by filing with the City Clerk a written notice of such appeal, setting forth the specific grounds thereof. Such notice must be filed within fourteen (14) days after notice of such action appealed from, but in no event later than thirty (30) days after date of such action. The City Clerk shall forthwith set said matter for hearing before the City Council and cause notice thereof to be given to the applicant not less than five (5) days prior to such hearing. At such hearing the appellant shall show cause, on the grounds specified

in the Notice of Appeal, why the action excepted to should not be approved. The Council may continue such hearing from time to time, and its findings on the appeal shall be final and conclusive in the matter.

SECTION 6. PENALTY. It shall be unlawful for any person to violate any of the provisions of this ordinance, or any permit issued pursuant thereto, or to cause, permit or suffer the same to be done; and any person violating any of the provisions of this ordinance or any permit issued thereunder shall be deemed guilty of a misdemeanor and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this ordinance or such permit is committed, continued or permitted and upon conviction of any such violation, such person shall be punishable by a fine of not more than One Thousand (\$1000.00) Dollars or by imprisonment for not more than one (1) year or by both such fine and imprisonment.

SECTION 7. VALIDITY. If any section, sub-section, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not effect the validity of the remaining portions of this ordinance. The Council of the City of Modesto hereby declares that it would have passed this ordinance and each section, sub-section sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared unconstitutional.

SECTION 8. REPEAL. Ordinance No. 584-N.S. and all ordinances amendatory thereof are hereby repealed.

SECTION 9. This ordinance shall go into effect and be in full force and operation from and after fifteen (15) days after its final passage and adoption.

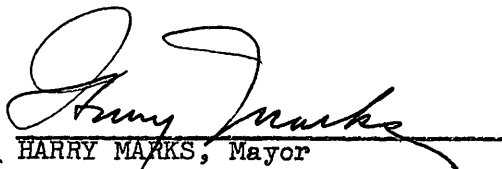
SECTION 10. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in the Modesto Tribune, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at the regular meeting of the Council of the City of Modesto held on the 10 day of March 1954, by Councilman R. Adams, who moved its introduction and

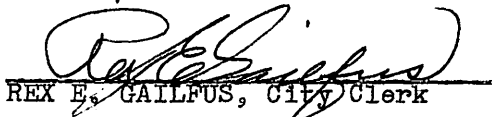
passage to print, which motion being duly seconded by Councilman
Mellis, was upon roll call carried and ordered printed and pub-
lished by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill
and Mayor Marks
NOES: Councilmen: None
Absent: Councilmen: None

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and 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 17 day of March, 1954, Councilman R. Adams moved its final adoption, which motion being duly seconded by Councilman M. Adams, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill,
and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: April 1, 1954

CODE SEC;
NO. 5-7.01-5-7.07

ORDINANCE NO. 1112-N.S.

AN ORDINANCE PROHIBITING SQUATTER CAMPS IN THE CITY OF MODESTO, ESTABLISHING A PROCEDURE FOR THEIR ABATEMENT, AND PRESCRIBING PENALTIES FOR VIOLATION OF ANY OF THE PROVISIONS OF THIS ORDINANCE.

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

SECTION 1. DEFINITIONS. Unless otherwise expressly stated, whenever used in this ordinance, the following terms shall be defined as follows:

(a) "Health Officer" shall mean the Health Officer of the City of Modesto and his duly authorized representatives and deputies.

(b) "Squatter camp" is an area or parcel of land upon which any person or persons has settled or located, or which he or they occupies, without having a bona fide claim or color of title thereto, or without the express consent of the owner or person legally in charge thereof or the agent of the same, and which is occupied or inhabited in violation of Ordinance No. 1062-N.S. of the City of Modesto (Building Code), or the State Housing Act of the State of California (Sections 15000 through 17902, as amended, of the Health and Safety Code of the State of California). It includes any tent camp space, house court and every other kind of camp, tent, shelter, or structure, or collection of tents, shelters, or structures of any kind established, constructed, maintained, or operated thereon.

(c) "Squatter" is one who settles or locates on land enclosed or unenclosed with no bona fide claim or color of title or without the expressed consent of the owner or person legally in charge of the land.

SECTION 2. UNLAWFUL OCCUPANCY. No person shall settle or locate on or occupy any land without a bona fide claim or color of title thereto, or without the express consent of the owner or person legally in charge of said land, or erect or construct any tent, shelter

or structure of any kind thereon.

SECTION 3. ENFORCEMENT. It shall be the duty of both the owner and the person legally in charge of the land upon which any squatter camp is located to see that all of the provisions of this ordinance are complied with.

SECTION 4. NUISANCE. Every squatter camp as defined in Sub-section (b) of Section 1 of this ordinance is hereby declared to be a public nuisance. Such nuisance may be abated in the manner provided by law for the abatement of public nuisances.

SECTION 5. PROCEDURE FOR ABATEMENT OF NUISANCE. The Health Officer of the City of Modesto is hereby authorized to abate such nuisance under the following alternative and supplemental procedure:

(a) The Health Officer may serve notice upon the owner or person in charge of the property upon which said squatter camp is located. Such notice shall be in writing and must be signed by the Health Officer, must be served upon the owner or the person in charge of the property upon which said squatter camp is located according to the provisions of Section 1162 of the Code of Civil Procedure of California. Such notice shall require that said squatter camp be completely abandoned, abated, closed and vacated and demolished within three (3) days from the date of service of notice upon the owner or operator or person in charge thereof. Failure or refusal on the part of any such owner or operator or person in charge of such squatter camp to abate, vacate and close it in compliance with such written notice shall constitute a violation of this ordinance.

(b) Upon such failure or refusal on the part of the owner or person in charge of the land upon which the squatter camp is located, the Health Officer may enter the said property and post notices notifying all persons that said squatter camp is condemned as a public nuisance and that all persons shall immediately vacate the premises upon which such squatter camp space is located. Any person who shall thereafter enter in or upon or make any use of such squatter camp shall be guilty of a violation of this ordinance.

(c) In case the Health Officer is unable to ascertain

or find the owner of the land upon which any such squatter camp is located, or where no person is in charge of the same, or where the owner of the land refuses to act, as an alternative procedure, the Health Officer may notify all squatters within such squatter camp that the same has been condemned and to remove therefrom immediately. In addition to such oral notification, the Health Officer shall post a written notice at a conspicuous place, or places, within said squatter camp, notifying all squatters to forthwith and immediately remove therefrom and vacate said squatter camp. Failure or refusal of any person to comply with such notice shall be a violation of this ordinance.

SECTION 6. ENFORCEMENTS. For the purpose of securing enforcement of this ordinance, the Health Officer and any of his duly authorized representatives or any law enforcement officer shall have the right to enter upon any public or private property, including any building or habitation, in the City of Modesto, to inspect all accommodations and installations thereon or therein which may be covered by the provisions of this ordinance.

SECTION 7. BURDEN OF PROOF. In any prosecution, and in any action to abate or enjoin any nuisance or other acts under this ordinance, the burden of proving bona fide claim to land, color of title to land, or permission from the owner or person in charge of land, shall rest upon the person occupying the land, squatter camp or space involved.

SECTION 8. PENALTY. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding One Thousand (\$1000.00) Dollars or by imprisonment in the County Jail of the County of Stanislaus for not more than one (1) year, or by both such fine and imprisonment.

SECTION 9. This ordinance shall go into effect and be in full force and operation from and after fifteen (15) days after its final passage and adoption.

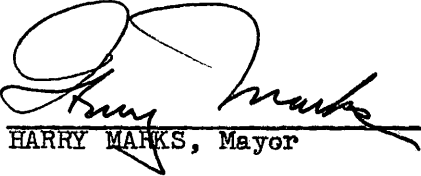
SECTION 10. This ordinance shall be published in full at

least once at least three (3) days prior to its final adoption in the Modesto Tribune, the official newspaper of the City of Modesto.

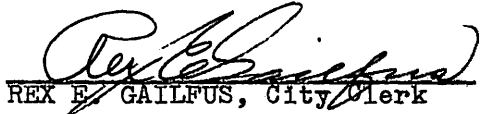
The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 10 day of March, 1954, by Councilman Arata, who moved its introduction and passage to print, which motion being duly seconded by Councilman R. Adams, was upon roll call carried and ordered printed and published by the following vote.

AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill
and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

FINAL ADOPTION CLAUSE

1112 - N.S.

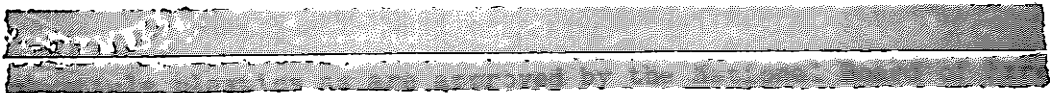
The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 17 day of March, 1954, Councilman Arata moved its final adoption, which motion being duly seconded by Councilman Annan, was upon roll call carried and the ordinance finally adopted by the following vote:

- AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
- NOES: Councilmen: None
- ABSENT: Councilmen: None

APPROVED: *Harry Marks*
HARRY MARKS, Mayor

ATTEST: *Rex E. Gailfus*
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: April 1, 1954



CODE SEC.

NO. 9-6.01 - 9-6.34

ORDINANCE NO. 1113 -N.S.

AN ORDINANCE REGULATING SIGNS, BILLBOARDS, MARQUEES, CANOPIES, AWNINGS AND STREET CLOCKS IN THE CITY OF MODESTO; PROVIDING FOR THE ISSUANCE OF PERMITS AND FIXING THE FEES THEREFOR; PRESCRIBING PENALTIES AND REMEDIES FOR THE VIOLATION THEREOF, AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

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

SECTION 1. SHORT TITLE. This ordinance shall hereafter be known and cited as the "Sign Regulations".

SECTION 2. DEFINITIONS. As used in this ordinance unless the context otherwise indicates:

(a) The term "sign" shall mean and include every sign, billboard, ground sign, wall sign, painted wall sign, roof sign, fin sign, illuminated sign, projecting sign, pole sign, temporary sign, marquee, awning, canopy, and street clock, and shall include any announcement, declaration, demonstration, display illustration or insignia used to advertise or promote the interests of any person when the same is placed out of doors in view of the general public.

(b) "Illuminated sign" shall mean any sign which has characters, letters, figures, designs or outline illuminated by electric lights or luminous tubes as a part of the sign proper.

(c) "Facing" or "surface" shall mean the surface of the sign upon, against, or through which the message is displayed or illustrated on the sign.

(d) "Incombustible material" shall mean any material which will not ignite at or below a temperature of 1200° Fahrenheit and will not continue to burn or glow at that temperature, and such combustible plastics as are approved by the National Board of Fire Underwriters.

(e) "Other advertising structure" as used in this ordinance shall mean any marquee, canopy, awning or street clock as further defined herein.

(f) "Person" shall mean and include any person, firm, partnership, association, corporation, company or organization of any kind.

(c) "Structural trim" shall mean the molding, battens, cappings, nailing strips, laticing, and platforms which are attached to the sign structure.

(h) "Erect" shall mean to build, construct, attach, hang, place, suspend, or affix, and shall only include the original painting of wall signs.

(i) "Windows" shall mean any light opening in a building wall the top edge of which does not exceed nine (9') feet in height above ground or sidewalk level and those located above the second floor level. In the event any first floor display windows are more or less than the above height limitations, then the top of said display window opening shall be considered as the top of the first floor light opening.

(j) An "Open-air business" shall mean any business, or any separate functional division thereof, the major portion of the patrons of which drive upon the premises in motor vehicles, provided at least fifty (50%) per cent of the gross receipts of said business, or any separate functional division thereof, are derived from sales of tangible personal property or services to such patrons which are consummated on the premises in the open air and other than inside an enclosed building located thereon.

(k) The singular number includes the plural, and the plural, the singular.

SECTION 3. PERMITS REQUIRED. Except as otherwise provided in this ordinance, it shall be unlawful for any person to erect, alter or relocate within the City of Modesto any sign or other advertising structure as defined in this ordinance, without first obtaining an erection permit from the Chief Building Official and making payment of the fee required by Section 7 hereof. All illuminated signs shall, in addition, be subject to the provisions of the Electrical Code, and the permit fees required thereunder.

SECTION 4. APPLICATION FOR ERECTION PERMIT. Application for erection permits shall be made upon blanks provided by the Chief Building Official, and shall contain or have attached thereto the following information:

(a) Name, address and telephone number of the applicant;

(b) Location of building, structure, or lot to which or upon which the sign or other advertising structure is to be attached or erected;

(c) Name of the person, firm, corporation or association erecting structure;

(d) Statement that consent of the owner or his authorized agent for erection and maintenance has been secured;

(e) Such other information as the Chief Building Official may require.

SECTION 5. ILLUMINATED SIGNS: APPROVAL BY CHIEF BUILDING OFFICIAL. The application for a permit for erection of a sign or other advertising structure in which electrical wiring and connections are to be used shall be submitted to the Chief Building Official. If the same complies with the Electrical Code of the City of Modesto, the Chief Building Official shall approve said permit. He shall disapprove the application if non-compliance with said code is found.

SECTION 6. PERMIT ISSUED IF APPLICATION IN ORDER. It shall be the duty of the Chief Building Official, upon the filing of an application for an erection permit, to investigate same, and if it shall appear that the proposed structure is in compliance with all the requirements of this ordinance and all other laws and ordinances of the City of Modesto, he shall then issue the erection permit. If the work authorized under an erection permit has not been completed within six (6) months after date of issuance, the said permit shall become null and void.

Whenever any sign, as defined by this ordinance, falls entirely within the definitions of one or more type signs, it shall be subject to the provisions of the most restrictive category.

SECTION 7. PERMIT FEES. Each application for a sign or other advertising structure for which a permit is required by this ordinance shall be accompanied by a sign permit fee as set forth below:

(a) Painted Wall Signs

One (\$.01) cent per square foot of advertising area, provided that the minimum fee shall be One and no/100ths (\$1.00) Dollar and the maximum fee

shall be Two and no/100ths (\$.200) Dollars.

(b) Signs on Awnings, Canopies and Marquees:

One and no/100ths (\$.100) Dollar per sign.

(c) Street Clocks:

Five and no/100ths (\$.500) Dollars per clock.

(d) All Other Signs and Advertising Structures:

Two and one-half (\$.025) cents per square foot of advertising area, provided that the minimum fee shall be One and no/100ths (\$.100) Dollar and the maximum fee shall be Five and no/100ths (\$.500) Dollars.

For the purposes of this section, the advertising surface of only one side of double faced signs shall be used in determining the advertising area.

The required fees shall be double the above amounts for any sign erected prior to the securing of a permit when a permit is required.

SECTION 8. UNSAFE AND UNLAWFUL SIGNS. If the Chief Building Official shall find that any sign or other advertising structure regulated herein is unsafe or insecure, or is a menace to the public, or has been constructed or erected or is being maintained in violation of the provisions of this ordinance, he shall give written notice to the permittee thereof. If the permittee fails to remove or alter the structure so as to comply with the standards herein set forth within ten (10) days after such notice, such sign or other advertising structure may be removed or altered to comply by the Chief Building Official at the expense of the permittee or owner of the property upon which it is located. No permit shall be issued thereafter to any permittee or owner who has not paid the costs so assessed. The Chief Building Official may cause any sign or other advertising structure which is an immediate peril to persons or property to be removed summarily and without notice.

SECTION 9. MAINTENANCE OF SIGNS. The owner of any sign as defined and regulated by this ordinance, including supporting structures, shall keep the same in a presentable condition at all times. All painted signs, and all supporting structures of any sign, shall be repainted whenever such action is necessary to keep them in good condition.

SECTION 10. WIND PRESSURE AND DEAD LOAD REQUIREMENTS. Any sign or advertising structure, any part of which is sixty (60') feet or more above the ground, shall be designed and constructed to withstand a wind pressure of thirty (30#) pounds per square foot. Signs erected under sixty (60') feet shall be constructed and erected to withstand a wind pressure of twenty (20#) pounds per square foot. All signs and other advertising structures shall be constructed to support dead loads as required in the Building Code or other laws of the City of Modesto.

SECTION 11. REMOVAL OF CERTAIN SIGNS. Any sign now or hereafter existing which no longer advertises a bona fide business conducted, or a product available for purchase by the public, shall be taken down and removed by the owner, agent, or person having the beneficial use of the building or structure upon which such sign may be found within ten (10) days after written notification from the Chief Building Official, and upon failure to comply with such notice within the time specified in such order, the Chief Building Official is hereby authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the building or structure to which such sign is attached, or, if the sign is not attached to a building, by the owner of said sign.

SECTION 12. EXEMPTIONS.

(a) The provisions and regulations of this ordinance shall not apply to the following signs, provided, however, said signs shall be subject to the provisions of Section 8:

(1) Real estate signs not exceeding eight (8) square feet in area which advertise the sale, rental or lease of the premises upon which said signs are located;

(2) Professional name plates not exceeding one (1) square foot in area;

(3) Bulletin boards not over ten (10) square feet in area for public, charitable or religious institutions when the same are located on the premises of said institutions;

(4) Signs denoting the architect, engineer or contractor when placed upon work under construction, and not exceeding

ten (10) square feet in area;

(5) Professional occupation signs denoting only the name and profession of an occupant in a commercial building, public institutional building or dwelling house, and not exceeding four (4) square feet in area for each occupant therein;

(6) Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials;

(7) Traffic or other municipal signs, legal notices, railroad crossing signs, danger, and such temporary, emergency or non-advertising signs as may be approved by the City Council;

(b) Substantial and permanent signs which do not exceed ten (10) square feet in area shall not be subject to application or fee, but shall be subject to the remaining provisions and regulations of this ordinance.

(c) When used back of the building set-back line or private property devoted solely to an open-air business, as defined in Section 2 hereof, temporary signs as defined in Section 28 hereof shall not be subject to application or fee, but shall be subject to the remaining provisions and regulations of this ordinance.

SECTION 13. INDEMNIFICATION REQUIREMENTS. The permittee shall be required to agree to indemnify and save harmless the City of Modesto from all claims for injuries to persons or damage to property by reason of accidents resulting from the existence of any sign or other advertising structure owned, erected or maintained by the permittee; or resulting from the negligence or wilful acts of the permittee, its agents, employees, or workmen, in the construction, maintenance, repair or removal of any sign or other advertising structure erected by virtue of a permit issued hereunder.

SECTION 14. OBSTRUCTIONS TO DOORS, WINDOWS OR FIRE ESCAPES. No signs shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign of any kind shall be attached to a stand pipe, vent pipe, gutter drain, or fire escape, or to prevent sufficient access to any building for fire fighting or fire prevention purposes.

SECTION 15. SIGNS NOT TO CONSTITUTE VEHICULAR TRAFFIC HAZARD.

No sign or other advertising structure as regulated by this ordinance shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision of operators of motor vehicles, or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device; or which makes use of the words "STOP", "DANGER" or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.

SECTION 16. EXTERIOR OF SIGNS. On all signs or other advertising structures which are constructed over or adjacent to a public street or sidewalk, or within five (5') feet thereof, no nails, tacks or wires shall be permitted to protrude therefrom. Electrical reflectors and devices may extend over the top and in front of the advertising structures.

SECTION 17. GOOSE NECK REFLECTORS. Goose neck reflectors and lights shall be permitted on ground signs, roof signs, pole signs, and wall signs, provided, however, the reflectors shall concentrate the illumination upon the area of the sign so as to minimize glare upon the street or adjacent property.

SECTION 18. OBSCENE MATTER PROHIBITED. It shall be unlawful for any person to display upon any sign or other advertising structure any obscene, indecent or immoral matter.

SECTION 19. UNLAWFUL SIGNS. It shall be unlawful for any person, except a public officer or employee in the performance of a public duty or a private person giving a legal notice, to paste, paint, print, nail, tack or otherwise fasten any card, banner, handbill, sign, poster, or advertisement or notice of any kind, or of any size, or cause the same to be done on any curb, lamp-post, pole, hydrant, fence, bridge, or tree upon any public street or public property, or upon any other property not owned or controlled under lease by said person, within the City of Modesto, except as may be required by the ordinances of the City of Modesto, or the laws of the State of California, or of the United States. Any outdoor advertising display prohibited by this section may be taken down, moved or destroyed by any person.

or revocation of a permit applied for or held by him pursuant to the provisions of this ordinance, or to any action taken by any official of the City of Modesto concerning such permit, may appeal in writing to the City Council by filing with the City Clerk a written notice of such appeal, setting forth the specific grounds thereof. Such notice must be filed within fourteen (14) days after the mailing of written notice of such action appealed from, but in no event later than thirty (30) days after date of such action. The City Clerk shall forthwith set said matter for hearing before the City Council and cause notice thereof to be given to the applicant not less than five (5) days prior to such hearing. At such hearing the appellant shall show cause, on the grounds specified in the Notice of Appeal, why the action excepted to should not be approved. The Council may continue such hearing from time to time, and its findings on the appeal shall be final and conclusive in the matter.

SECTION 21. GROUND SIGNS.

(a) Definition. Ground signs as regulated by this ordinance shall include any sign supported wholly or in part by up-rights or braces placed upon the ground other than pole signs or fin signs as defined by this ordinance.

(b) Construction.

(1) Materials Required. All ground signs for which a permit is required under this ordinance shall have a surface or facing constructed of materials required by the Building Code of the City of Modesto for any structure to be erected on the property on which the sign is to be located; provided, however, that combustible structural trim may be used thereon.

(2) Letters, etc., To Be Secured. All letters, figures, characters or representations in cut-out or irregular form, maintained in conjunction with, attached to, or superimposed upon any sign shall be safely and securely built or attached to the sign structure and shall comply with all requirements in Section 16.

(c) Location.

(1) Height Limitation. It shall be unlawful to erect any ground sign whose total height is greater than twenty ^{five} (20') feet above the level of the street upon which the sign faces, or above

the adjoining ground level, if such ground level is above the street level; provided, however, that in order to prevent undue hardship, the City Council may authorize the erection of a ground sign which will exceed said height limitation provided it finds that said sign shall not endanger the public health, safety, or welfare.

(2) Set-back Line. No ground sign shall be nearer the street than the building line established by law.

(d) Erection.

(1) Bracing, Anchorage and Supports. All ground signs shall be securely built, constructed and erected upon posts and standards sunk at least three and one-half ($3\frac{1}{2}$ ') feet below the natural surface of the ground.

"A Frame" type structures shall be supported and braced by timbers or metal rods in the rear thereof, extending from the top thereof to a point at least a distance equal to one-half ($\frac{1}{2}$) the height, measured along the ground from the posts or standard upon which same is erected.

"Single Wooden Post" type structures shall be erected upon 4 x 12 posts, sunk at least five (5') feet below the natural ground surface, when the area of the advertising surface of the sign is in excess of one hundred fifty (150) square feet.

"Tower Frame" type or "Box Frame" structures shall be supported by timbers or metal rods extending at least four and one-half ($4\frac{1}{2}$ ') feet in the rear thereof, extending from the top thereof to the ground at the same distance from the posts or standards upon which the structure is erected and shall be properly cross-braced.

(2) Supports, etc., To Be Creosoted. All posts, anchors and bracing of wood shall be treated to protect them from moisture by creosoting or other approved methods when they rest upon or enter into the ground.

(e) Premises To Be Kept Free of Weeds, etc. All ground signs and the premises surrounding the same shall be maintained by the owner thereof in a clean, sanitary, and inoffensive condition, and free and clear of all obnoxious substances, rubbish and weeds.

SECTION 22. WALL SIGNS.

(a) Definition. Wall signs as regulated by this ordinance shall include all flat signs of solid face construction which are placed against a building or other structure and attached to the exterior front, rear, or side wall of any building, or other structure.

(b) Construction.

(1) Materials Required. All wall signs for which a permit is required under this ordinance, shall have a surface or facing constructed of materials required by the Building Code of the City of Modesto for any structure to be erected on the property on which the sign is to be located; provided, however, that combustible structural trim may be used thereon.

(c) Location.

(1) Limitation on Placement and Area. No wall sign shall cover wholly or partially any wall opening, nor project beyond the ends or top of the wall to which it is attached, and any one wall sign shall not exceed an area of five hundred (500) square feet. An additional ten (10%) per cent of the total sign area may be allowed for cut-outs. Not more than fifty (50%) per cent of the wall area of any one side of a building or other structure shall be used for advertising purposes, including painted wall signs.

(2) Projection Above Sidewalk and Set-back Line. No wall sign shall be permitted to extend more than ten (10") inches beyond the building line, and the lower edge of any such sign shall not be attached to a wall at a height of less than ten (10') feet above the sidewalk or ground.

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

(d) Erection.

(1) Supports and Attachment. Wall signs shall be safely and securely attached to the building walls. If they are erected on concrete or masonry building walls, they shall be attached to the building wall by means of metal anchors, bolts or expansion screws embedded in said wall; provided, however, that such signs may rest in

or be bolted to metal brackets or saddles sufficient to carry the weight, each of which shall be securely fixed to the wall as herein provided. In no case shall any wall sign be secured with wire or strips of wood; nails may be used only to attach such signs to wood surfaces.

SECTION 23. PAINTED WALL SIGNS.

(a) Definition. Painted wall signs as regulated by this ordinance shall include each sign as defined in Section 2 (a) hereof which is painted on the wall, side or roof of any building or any other structure.

(b) Maintenance. Maintenance requirements on painted wall signs shall be as provided in Section 9.

SECTION 24. ROOF SIGNS.

(a) Definition. Roof sign, as regulated by this ordinance, shall mean any sign erected, constructed and maintained wholly upon or over the roof of any building with the principal support on the roof structure.

(b) Construction.

(1) Materials Required. Every roof sign, including the upright supports and braces thereof, shall be constructed entirely of materials required by the Building Code of the City of Modesto for any structure to be erected on the property on which the sign is to be located; provided, however, that combustible structural trim may be used thereon.

(c) Location.

(1) Height and Area Limitations. The extreme height of any part of the sign above the lowest point of the roof directly beneath any part of the sign and the areas of same shall not exceed the dimensions stated in the following table:

<u>Types of Building</u> (Uniform Building Code)	<u>Height in Feet</u>	<u>Total Area</u>
1	40	600 square feet
2	40	600 square feet
3	30	600 square feet
4	20	300 square feet
5	20	300 square feet

All heights indicated above shall be subject to any height limitations which are or may be imposed by any governmental authority due to the proximity of the sign to the municipal airport of the City of Modesto.

(2) Set-back from Roof Edge. Except for signs erected on property devoted to an open-air business, no roof sign with an area over fifty (50) square feet shall be erected or maintained with the face thereof nearer than three (3') feet to the inside face of the fire wall toward which the sign faces.

(3) Space between Sign and Roof. Except for signs erected on property devoted to an open-air business, all roof signs shall have a space at least five (5') feet in height between the base of the sign and the roof level, and have at least five (5') feet clearance between the vertical supports thereof; or at least fifty (50%) per cent of the space so defined shall remain clear of any obstruction.

(4) Prohibited Obstructions. No roof sign shall be placed on the roof of any building or structure in such manner as to prevent free passage from one part of said roof to any other part thereof or interfere with openings in said roof and shall comply with Section 14 hereof.

(d) Erection.

(1) Bracing, Anchorage and Supports. Every roof sign shall be thoroughly secured to the building by iron or other metal anchors, bolts, supports, rods, or braces. They shall be supported on and attached to the building by a suitable metal frame, which shall be positively anchored to the main structural members of the building. Sills, stringers, ornamental trim and foot walks may be of combustible material.

SECTION 25. PROJECTING SIGNS.

(a) Definitions.

(1) Projecting sign as regulated by this ordinance shall include any sign which is attached to a building or other structure and extends beyond the line of the said building or structure to which it is attached, other than a fin sign as defined by this ordinance.

(2) Horizontal projecting sign means any sign which is greater in width than in height, or equal in both.

(3) Vertical projecting sign means any sign which is greater in height than in width.

(b) Construction.

(1) Every projecting sign, including the frames, braces and supports thereof, shall be approved by the Chief Building Official as in compliance with the Building Code and the Electrical Code of the City of Modesto for any structure to be erected on the property on which the sign is to be located.

(2) Illumination. When reflectors are used, they shall concentrate the illumination upon the area of the sign and prevent glare upon the street or adjacent property; and no floodlight or spotlight shall be permitted on projecting signs.

(3) Limitation of Glass. The lettering or advertising designs to be illuminated may be composed of glass or other transparent or semi-transparent incombustible materials, including such combustible plastics as are approved by the National Board of Fire Underwriters. Any one section of glass having an area exceeding one (1) square foot, forming a part of any sign, shall be of safety glass or wired glass.

(4) Movable Parts to Be Secured. Any movable part of a projecting sign such as the cover of a service opening shall be securely fastened by chains, hinges, screws or bolts.

(5) Area Limitations. Except by special permission of the City Council, the total area of any projecting sign shall be limited as follows:

a. Horizontal projecting signs: fifty (50) square feet each side.

b. Vertical projecting signs: one hundred fifty (150) square feet each side.

(6) Thickness Limitation. The distance measured between the principal faces of any projecting sign shall not exceed eighteen (18") inches.

(c) Location.

(1) Projection over Public Property. Every projecting sign shall be placed at least ten (10') feet above the public sidewalk over which it is erected, and a distance not greater than two (2') feet from the face of the wall to which it is attached, measuring from the point of the sign nearest thereto, nor shall any sign or part thereof extend nearer the curb face than two (2') feet. Every projecting sign erected over public driveways, alleys, and thoroughfares shall be placed not less than fifteen (15') feet above the level of same.

(2) Obstructions and Traffic Hazards. Every projecting sign shall be erected in full compliance with Sections 14 and 15 of this ordinance.

(d) Erection.

(1) Bracing, Anchorage and Supports. All projecting signs shall be safely and securely attached to the building wall, and shall comply with Section 10 hereof.

(2) Anchorage with Strips of Wood and/or Nails Prohibited. No projecting sign shall be secured with strips of wood or nails. Wire shall be of a tensile strength of not less than one hundred thousand (100,000#) pounds per square inch and shall be galvanized.

SECTION 26. POLE SIGNS.

(a) Definition. Pole sign as regulated by this ordinance shall mean a sign with a solid or nearly solid advertising surface supported wholly in the ground by a pole or poles, which are not part of a building, arising from a single ground surface area not to exceed eight (8') feet in diameter.

(b) Construction.

(1) Every pole sign, including the pole or poles, and supports thereof, shall comply with the Building and Electrical Codes of the City of Modesto.

(2) Illumination. No floodlight or spotlight shall be permitted on pole signs for their own illumination, unless

said signs are installed back of the property line and said illumination does not constitute a traffic hazard.

(3) Movable Parts To Be Secured. Any movable part of a pole sign, such as the cover of a service opening, shall be securely fastened by screws or bolts.

(4) Area Limitation. The advertising surface of the extending portion of any pole sign extending beyond the property line shall not exceed an area as follows:

a. Horizontal pole signs: fifty (50) square feet each side.

b. Vertical pole signs: one hundred fifty (150) square feet each side.

(5) Height Limitation. No pole sign shall have its highest point extended more than thirty-five (35') feet above the ground level; provided, however, that the City Council may authorize the erection of a pole sign in excess of said height limitation provided it finds that said sign shall not endanger the public health, safety or welfare.

(c) Location.

(1) Projection over Public Property. Every pole sign shall be placed at least ten (10') feet above the public sidewalk over which it is erected. No pole sign or part thereof shall extend nearer the curb face than two (2') feet.

(2) Obstructions and Traffic Hazards. Every pole sign shall be erected in full compliance with Sections 14 and 15 of this ordinance.

(d) Erection.

(1) Supporting pole or poles shall be installed in the ground on private property and shall withstand wind loads as specified in Section 10 of this ordinance.

SECTION 27. FIN SIGNS.

(a) Definition. Fin sign, as regulated by this ordinance, shall mean any sign which projects over any public or private sidewalk, driveway, alley or thoroughfare, and which is supported wholly by poles placed in the ground or partly by such a pole and partly by a building or structure.

(b) Construction.

(1) Materials Required. All fin signs, including supports, shall be designed and constructed of materials required by the Building Code of the City of Modesto for any structure to be erected on

the property on which the sign is to be located.

(2) Letters, Etc., To Be Secured. All letters, figures, characters or representations in cut-out or irregular form, maintained in conjunction with, attached to, or superimposed upon any sign shall be safely and securely built or attached to the sign structure and shall comply with all requirements in Section 16.

(3) Illumination. When reflectors are used, they shall concentrate the illumination upon the area of the sign and prevent glare upon the street or adjacent property.

(4) Movable Parts To Be Secured. Any movable part of a projecting sign such as the cover of a service opening shall be securely fastened by chains, hinges, screws or bolts.

(5) Area Limitations. Except by special permission of the City Council, the area of that portion of a fin sign that projects beyond the property line shall not exceed fifty (50) square feet on each side.

(6) Thickness Limitation. The distance measured between the principal faces of any fin sign shall not exceed eighteen (18") inches.

(c) Location.

(1) No fin sign over a public sidewalk may have its lowest point less than ten (10') feet above the surface of such sidewalk and no part thereof may extend nearer the curb face than two (2') feet. No fin sign over other public driveways, alleys or thoroughfares may have its lowest point less than fifteen (15') feet above the surface of such other driveway, alley, or thoroughfare.

(2) Height Limitation. No fin sign shall have its highest point more than twenty-five (25') feet above the ground level; provided, however, that the City Council may authorize the erection of such sign in excess of said height limitation if it finds that said sign will not endanger the public health, safety or welfare.

(d) Erection.

(1) All supports of fin signs shall be placed in or upon private property and shall be securely built, constructed and erected to conform with the requirements of Section 10.

SECTION 28. TEMPORARY SIGNS.

(a) Definition. Temporary signs as regulated by this ordinance shall include any sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wall board or other light materials, with or without frames, intended to be displayed for a short period of time only.

(b) Construction.

(1) Materials and Area Limitations. No temporary sign of combustible material shall exceed five (5') feet in one of its dimensions or one hundred (100) square feet in area, and provided such signs in excess of sixty (60) square feet shall be made of rigid materials, that is, of wall board or other light materials with frames.

(2) Weight Limitation. Every temporary sign weighing in excess of fifty (50#) pounds must be approved by the Chief Building Official as conforming to the safety requirements of the Building Code of the City of Modesto.

(c) Location.

(1) Projection from Wall and over Public Property. Except in the case of pennants strung from a building to its marquee, no temporary sign shall extend over or into a street, alley, sidewalk, or other public thoroughfare a distance greater than four (4") inches from the wall upon which it is erected, and shall not be placed or project over any wall opening.

(2) Obstruction to Doors, Windows and Fire Escapes. No temporary sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No temporary sign of any kind shall be attached to any stand pipe, vent pipe, gutter drain, or fire escape.

(d) Erection.

(1) Anchorage and Support. Every temporary sign shall be attached to the wall with wire or steel cables, and no strings, ropes or wood slats for anchorage or support purposes shall be permitted.

(e) Duration of Permits. Permits for temporary signs shall authorize the erection of said signs and their maintenance for a period not exceeding thirty (30) days.

(f) Advertising Permitted. The advertisement contained on any temporary sign shall pertain only to the business, industry or pursuit conducted on or within the premises on which such sign is erected or maintained or any product sold or service rendered therein. This provision shall not apply to signs of a civic, political or religious nature.

SECTION 29. MARQUEES.

(a) Definition. Marquee as regulated by this ordinance shall be a permanent roofed structure attached to and supported wholly by the building and projecting over public property.

(b) Signs Attached to Marquees. Signs attached to, or hung from a marquee, shall be completely within the borderline of the marquee outer edge, and shall in no instance be lower than seven and one-half ($7\frac{1}{2}$ ') feet above the sidewalk or public thoroughfare. No sign or advertising material shall exceed five (5') feet in height without the approval of the Chief Building Official.

SECTION 30. AWNINGS AND CANOPIES.

(a) Definition.

(1) Awning. An awning as regulated by this ordinance shall include any structure made of cloth or metal with a metal frame attached to a building and projecting over a public thoroughfare, whether or not the same is so erected as to permit its being raised to a position flat against the building when not in use.

(2) Canopy. A canopy as regulated by this ordinance shall include any structure, other than an awning, made of cloth or metal with metal frames attached to a building, projecting over a thoroughfare, and carried by a frame supported by the ground or sidewalk.

(b) Advertising. No advertising shall be placed on any awning or canopy, except that the name of the owner and the business, industry or pursuit conducted within the premises or any product sold or service rendered therein may be painted or otherwise

permanently placed thereon.

(c) Permits. Permits for signs on awnings and canopies shall be required as provided in Section 3.

SECTION 31. STREET CLOCKS.

(a) Definition. Street clock as regulated by this ordinance shall mean any timepiece erected upon the exterior of any building or structure for the convenience of the public and placed and maintained by some person for the purpose of advertising their place of business.

(b) Construction.

(1) All street clocks as herein defined shall be constructed of incombustible materials, including the frames, braces and supports thereof.

(2) Regulation of Size of Dial. The dial of such clocks shall be not less than thirty (30") inches nor more than sixty (60") inches in diameter.

(3) Requirements on Glass. Any glass forming a part of a clock or the sign thereon shall be safety glass at least one-quarter ($\frac{1}{4}$) inch thick and in case any single piece or pane of glass has an area exceeding three (3) square feet, it shall be constructed of wired glass, securely held in place.

(4) Service openings. Service openings on street clocks shall be securely fastened by metal hinges, chains, screws or bolts.

(c) Location.

(1) Clocks Erected on Walls. Clocks supported on the corner of any building or structure at the intersection of two streets, shall not be less than fifteen (15') feet or more than twenty (20') feet above the sidewalk, and shall not project from the face or wall of the building or structure, in any direction, more than three-quarters ($\frac{3}{4}$) of the sidewalk width.

(d) Erection.

(1) Requirements. All street clocks shall comply with the requirements set forth in Section 22 regulating wall

signs, or Section 25 regulating projecting signs, in all respects concerning erection, whichever applies.

(e) Erection of Street Clocks on Sidewalk Prohibited. The erection of a street clock upon a standard upon the sidewalk is prohibited.

(f) Limitation on Permits, General. No person shall be permitted to erect more than one street clock as herein defined for any place of business at any one location.

(g) Advertising Permitted. Only the name of the place of business erecting and maintaining such clock, or its slogan, shall be permitted as advertising matter on said clock.

(h) Must Keep Accurate Time. Such clock shall keep accurate time, and if this condition is not complied with, the clock shall be promptly repaired or removed by its owner.

SECTION 32. NONCONFORMING EXISTING SIGNS. Every sign or other advertising structure lawfully in existence on the adoption of this ordinance shall not be remodeled, altered or moved unless it be made to comply with the provisions of this ordinance. The provisions of this section shall not exempt the owner of any nonconforming signs from the requirements of Section 13 pertaining to indemnification requirements.

SECTION 33. REVOCATION OF PERMITS. The Chief Building Official is hereby authorized and empowered to revoke any permit issued by him upon failure of the holder thereof to comply with any provision of this ordinance.

SECTION 34. PENALTIES. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding One Thousand and no/100ths (\$1000.00) Dollars or by imprisonment in the County Jail not exceeding six (6) months, or by both such fine and imprisonment. Each day such violation is committed, or permitted to continue, shall constitute a separate offense and shall be punishable as such hereunder.

Where work for which a permit is required is started or proceeded with prior to obtaining said permit, the fees above stated shall

be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the provisions of this ordinance or from any other penalties prescribed herein.

SECTION 35. SEPARABILITY. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

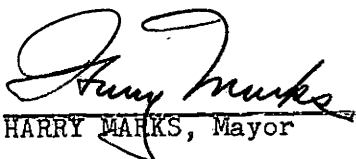
SECTION 36. REPEALS. Ordinances Nos. 528-N.S., 870-N.S., 1066-N.S. and all of the provisions of Ordinance No. 302-N.S. with the exception of Sections 3,4, and 5 thereof, are hereby repealed; Sections 3,4, and 5 of Ordinance No. 302-N.S. are hereby repealed, effective June 1, 1954.

SECTION 37. This ordinance shall go into effect and be in full force and operation from and after fifteen (15) days after its final passage and adoption.

SECTION 38. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Tribune, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 10 day of March, 1954, by Councilman Annan, who moved its introduction and passage to print, which motion being duly seconded by Councilman Merrill, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: **M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks**
NOES: Councilmen: **None**
ABSENT: Councilmen: **None**

APPROVED: 
HARRY MARKS, Mayor

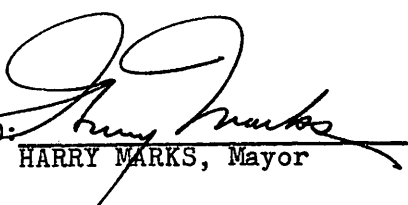
ATTEST: 
REX E. GAILFUS, City Clerk

FINAL ADOPTION CLAUSE

113 N.S.

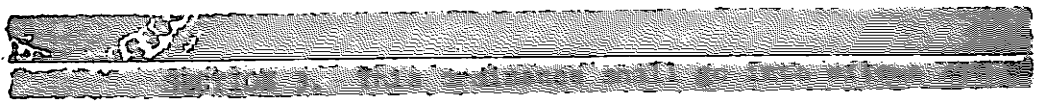
The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 17 day of March, 1954, Councilman Merrill moved its final adoption, which motion being duly seconded by Councilman M. Adams, was upon roll call carried and the ordinance finally adopted by the following vote:

- AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
- NOES: Councilmen: None
- ABSENT: Councilmen: None

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: April 1, 1954



CODE SEC.
NO. 6-1.224
6-1.225

ORDINANCE NO. 1114 -N.S.

AN ORDINANCE AMENDING ORDINANCE NO. 487-N.S. OF THE CITY OF MODESTO ENTITLED, "AN ORDINANCE PROVIDING FOR LICENSING AND REGULATING THE CARRYING ON OF CERTAIN PROFESSIONS, TRADES, CALLINGS AND OCCUPATIONS IN THE CITY OF MODESTO, PROVIDING THE METHOD OF COLLECTING SUCH LICENSES, AND REPEALING CERTAIN ORDINANCES", AS AMENDED, BY ADDING SECTION 119.1 THERETO AND BY AMENDING SECTION 120 THEREOF.

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

SECTION 1. Ordinance No. 487-N.S. of the City of Modesto, entitled, "An Ordinance Providing for Licensing and Regulating the Carrying on of Certain Professions, Trades, Callings and Occupations in the City of Modesto, Providing the Method of Collecting Such Licenses, and Repealing Certain Ordinances", as amended, is hereby amended by adding Section 119.1 thereto to read as follows:

SECTION 119.1 Every person, firm, corporation or association conducting, carrying on or engaged in the business or occupation of bill posting, outdoor advertising sign painting, or outdoor advertising, or maintaining billboards in the City of Modesto shall pay a license fee in the sum of Thirty-five (\$35.00) Dollars per quarter, if paid quarterly, or One Hundred Twenty-Five (\$125.00) Dollars per year, if paid annually.

For the purpose of this section, the words, "outdoor advertising" are defined to be advertising on any billboard, bulletin board, fence or structure, or the placing thereon of any poster, bill, printing, mailing or tacking or otherwise fastening of any handbill, card, banner, sign, poster, advertising or notice of any kind upon any billboard, property or place.

SECTION 2. Section 120 of said Ordinance No. 487-N.S. of the City of Modesto is hereby amended to read as follows:

SECTION 120. For every person conducting, carrying on or managing the business of writing, placing, designing or soliciting advertisements for others, not included in Sections 117, 118, 119 or 119.1 hereof, the sum of Ten (\$10.00) Dollars per year.

SECTION 3. This ordinance shall go into effect and be in full force and effect from and after June 1, 1954.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 10 day of March, 1954, by Councilman Mellis, who moved its introduction and passage to print, which motion being duly seconded by Councilman Arata, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill
and Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

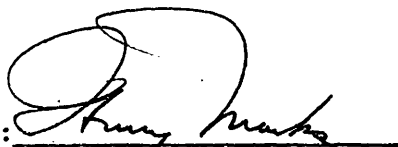
~~FINAL ADOPTION CLAUSE~~

1114-N.S.

The foregoing ordinance, having been printed and 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 17 day of March, 1954, Councilman Arata moved its final adoption, which motion being duly seconded by Councilman Annan, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill
and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: April 1, 1954

AN ORDINANCE AMENDING ORDINANCE NO. 1100-N.S. OF THE CITY OF MODESTO ENTITLED, " AN ORDINANCE PROVIDING FOR THE PROTECTION OF THE PUBLIC HEALTH AND SAFETY, AND THE EXAMINATION, REGISTRATION, LICENSING OF PERSONS ENGAGED IN THE BUSINESS OF PLUMBING, OR LABORING AT THE TRADE OF PLUMBING: REQUIRING A PERMIT FOR THE INSTALLATION OR ALTERATION OF PLUMBING AND DRAINAGE SYSTEMS: CREATING AN ADMINISTRATIVE OFFICE AND A BOARD OF PLUMBER EXAMINERS, AND PRESCRIBING THEIR DUTIES: DEFINING CERTAIN TERMS: ESTABLISHING MINIMUM REGULATIONS FOR THE INSTALLATION, ALTERATION OR REPAIR OF PLUMBING AND DRAINAGE SYSTEMS AND THE INSPECTION THEREOF: PROVIDING PENALTIES FOR ITS VIOLATION AND REPEALING CONFLICTING ORDINANCES IN THE CITY OF MODESTO", AS AMENDED, BY AMENDING SECTION 9 AND SECTION 18 THEREOF AND BY ADDING SECTION 16.1 THERETO ENTITLED "USE OF JOINTS".

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

SECTION 1. Section 9 of Ordinance No. 1100-N.S. of the City of Modesto, entitled "AN ORDINANCE PROVIDING FOR THE PROTECTION OF THE PUBLIC HEALTH AND SAFETY, AND THE EXAMINATION, REGISTRATION, LICENSING OF PERSONS ENGAGED IN THE BUSINESS OF PLUMBING, OR LABORING AT THE TRADE OF PLUMBING: REQUIRING A PERMIT FOR THE INSTALLATION OR ALTERATION OF PLUMBING AND DRAINAGE SYSTEMS: CREATING AN ADMINISTRATIVE OFFICE AND A BOARD OF PLUMBER EXAMINERS, AND PRESCRIBING THEIR DUTIES: DEFINING CERTAIN TERMS: ESTABLISHING MINIMUM REGULATIONS FOR THE INSTALLATION, ALTERATION OR REPAIR OF PLUMBING AND DRAINAGE SYSTEMS AND THE INSPECTION THEREOF: PROVIDING PENALTIES FOR ITS VIOLATION AND REPEALING CONFLICTING ORDINANCES IN THE CITY OF MODESTO", as amended, is hereby amended to read as follows:

Section 9. Cost of Permit. That Section 1.13 be amended to read as follows:

The City Clerk shall assist the Chief Building Official as follows: All fees hereinafter set forth in this ordinance shall be collected by the City Clerk. The Chief Building Official shall not perform any duty for which a fee is required, unless an application in writing has first been made at the office of the City Clerk and a fee collected by said Clerk and a receipt issued therefor. Said City Clerk shall make all receipts in triplicate, the original receipt shall be given to the applicant, one copy shall be transmitted to the Chief Building Official, and one copy shall be retained by the City Clerk. Every applicant for a permit to

1 install, add to, alter, relocate or replace a
 2 plumbing or drainage system, or part thereof,
 3 shall state in writing on the application form
 4 provided for that purpose, the character of the
 5 work proposed to be done and the amount and
 6 kind in connection therewith, together with
 7 such information pertinent thereto as the Chief
 8 Building Official may require. Such applicant
 9 shall pay to the City Clerk for each permit is-
 10 sued and at the time of issuance, a fee in ac-
 11 cordance with the following schedule, and at a
 12 rate provided for in each classification shown
 13 therein. Any person who shall commence any
 14 plumbing work for which a permit is required
 15 by this code without first having obtained a
 16 permit therefor shall, if subsequently permitted
 17 to obtain a permit, pay double the permit fee
 18 fixed by this section for such work, provided,
 19 however, that this provision shall not apply to
 20 emergency work when it shall be proved to the
 21 satisfaction of the Chief Building Official
 22 that such work was urgently necessary and that
 23 it was not practical to obtain a permit there-
 24 for before the commencement of work. In all
 25 such cases a permit must be obtained as soon
 26 as it is practical to do so, and if there be
 27 an unreasonable delay in obtaining such permit
 28 a double fee as herein provided shall be charged.

15 SCHEDULE OF FEES

16	For each plumbing fixture - - - - -	\$1.00
17	For each house drain - - - - -	1.00
18	For each house sewer (other than fee zones)	2.50
19	For each leader to sewer on street - - -	.50
20	For each water distribution system - - -	.75
21	For each cooler (type) evaporator or-re- refrigerator - - - - -	1.00
22	For lawn sprinkler systems for each section control valve - - - - -	.75
23	For each swimming pool:	
24	Public - - - - -	20.00
25	Private - - - - -	10.00
26	For each water treating or water using equipment - - - - -	1.00
27	Minimum fee for any permit - - - - -	1.00
28	Gas piping permits at \$.25 per outlet (minimum fee) - - - - -	1.00
29	Gas furnaces of any nature whatsoever - - -	1.00
30	Other gas appliances, such as ranges, water heaters, space heaters, con- version burners, miscellaneous - - - -	.50

31 SECTION 2. Section 18 of said Ordinance No. 1100-H.S. of
 32 the City of Modesto is hereby amended to read as follows:

Section 18. House Sewer Materials. That Section
 1103 be amended to read as follows:

(a) The house sewer beginning five (5') feet from
 any building or structure shall be of cast iron

1 pipe, first quality vitrified clay sewer pipe,
2 cement asbestos pipe, or plain end vitrified
3 clay pipe with an approved mechanical compression
4 coupling.

(b) Jointing methods and materials shall be as
5 prescribed in Chapter 8 of this code.

6 SECTION 3. Section 16.1 is hereby added to said Ordinance
7 No. 1100-N.S. of the City of Modesto to read as follows:

8 Section 16.1. USE OF JOINTS. That Section 803
9 be amended to read as follows:

10 (a) Clay sewer pipe. Joints in vitrified clay
11 pipe shall be made as provided in subsection
12 (f) of Section 802. Where a house sewer connects
13 to a public sewer, a sewer "y" saddle approved
14 by the Chief Building Official shall be used
15 and the joint encased with concrete or bituminous
16 joint material in a manner approved by the
17 Chief Building Official.

18 (b) Cast-iron pipe. Joints in cast-iron pipe
19 shall be either calked or screwed, as provided
20 in subsections (a) and (b) of Section 802.

21 (c) Screw pipe to cast-iron. Joints between
22 wrought-iron, steel brass, or copper pipe, and
23 cast-iron pipe shall be either calked or threaded
24 joints made as provided in subsections (a) and
25 (b) of Section 802 or shall be made with approved
26 adapter fittings.

27 (d) Lead to cast-iron, wrought-iron or steel.
28 Joints between lead and cast-iron, wrought-iron,
29 or steel pipe shall be made by means of wiped
30 joints to a calking ferrule, soldering nipple,
31 or bushing as provided in subsection (c) of
32 Section 802.

(e) Copper water tube. Joints in copper tubing
shall be made either by the appropriate use of
approved brass water fittings, properly sweated
or soldered together or by means of approved
compression fittings as provided in subsection
(d) and (e) of Section 802.

SECTION 4. This ordinance shall go into effect and be in
full force and operation from and after fifteen (15) days after
its final passage and adoption.

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


The foregoing ordinance was introduced at a regular meet-

1 ing of the Council of the City of Modesto held on the 10 day
2 of March, 1954, by Councilman M. Adams, who moved its
3 adoption and passage to print, which motion being duly seconded
4 by Councilman R. Adams, was upon roll call carried and
5 ordered printed and published by the following vote:

6 AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis,
Merrill and Mayor Marks

7 NOES: Councilmen: None

8 ABSENT: Councilmen: None

9 APPROVED: 
HARRY MARKS, Mayor

10
11 ATTEST: 
12 REX E. GAILFUS, City Clerk

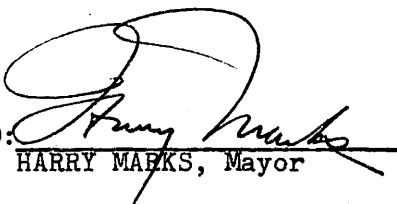
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FINAL ADOPTION CLAUSE

1115-N.S.

The foregoing ordinance, having been printed and 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 17 day of March, 1954, Councilman M. Adams moved its final adoption, which motion being duly seconded by Councilman R. Adams, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill
and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: April 1, 1954

*Amended
by Ord 120-N.S.*

ORDINANCE NO. 1116 -N.S.

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AN ORDINANCE AMENDING THAT PORTION OF SECTION 2 ENTITLED, "ZONING OF NEWLY ANNEXED TERRITORY", OF ORDINANCE NO. 700-N.S. OF THE CITY OF MODESTO ENTITLED, "AN ORDINANCE OF THE CITY OF MODESTO, STATE OF CALIFORNIA, ADOPTING A LAND USE PLAN, BEING A DISTRICTING PLAN, AS A PART OF THE MASTER PLAN OF SAID CITY; SPECIFYING THE PURPOSES AND THE EFFECTS OF THE ADOPTION OF SAID PLAN WHEREBY VARIOUS DISTRICTS ARE ESTABLISHED IN SAID CITY; SPECIFYING THE USES OF LAND AND OF BUILDINGS PERMITTED IN SAID DISTRICTS; ESTABLISHING CERTAIN HEIGHT LIMITS OF BUILDINGS WITHIN SAID DISTRICTS; REQUIRING CERTAIN YARDS AND OTHER OPEN SPACES WITHIN SAID DISTRICTS; PRESCRIBING REGULATIONS FOR THE ERECTION, CONSTRUCTION, LOCATION, ALTERATION AND MAINTENANCE OF BUILDINGS, STRUCTURES AND OTHER IMPROVEMENTS IN SAID DISTRICTS; SPECIFYING THE PROCEDURE FOR THE ADMINISTRATION OF SAID PLAN; SPECIFYING THE PROCEDURE FOR THE AMENDMENT HEREOF, AND PRESCRIBING THE PENALTY FOR VIOLATION OF ANY OF THE PROVISIONS OF THIS ORDINANCE", AS AMENDED BY ORDINANCE NO. 927-N.S.

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

SECTION 1. INTERIM ZONING OF NEWLY ANNEXED TERRITORY.

That portion of Section 2 entitled, "Zoning of Newly Annexed Territory", of Ordinance No. 700-N.S. of the City of Modesto entitled, "An Ordinance of the City of Modesto, State of California, Adopting a Land Use Plan, Being a Districting Plan, as a Part of the Master Plan of Said City; Specifying the Purposes and the Effects of the Adoption of Said Plan Whereby Various Districts Are Established in Said City; Specifying the Uses of Land and of Buildings Permitted in Said Districts; Establishing Certain Height Limits of Buildings within Said Districts; Requiring Certain Yards and Other Open Spaces within Said Districts; Prescribing Regulations for the Erection, Construction, Location, Alteration and Maintenance of Buildings, Structures and Other Improvements in Said Districts; Specifying the Procedure for the Administration of Said Plan; Specifying the Procedure for the Amendment Hereof, and Prescribing the Penalty for the Violation of Any of the Provisions of This Ordinance", as amended by Ordinance No. 927-N.S., is hereby amended to read as follows:

Section 2. . . . Interim Zoning of Newly Annexed Territory.

(a) Any territory heretofore or hereafter annexed to the City of Modesto which has not been precisely zoned by the City in the manner set forth in Section 19 of this ordinance, shall be deemed to be classified in the same land use district or

1 districts prescribed by the County of Stanislaus for such
2 territory and in existence at the time of its annexation to
3 the City. If any zoning district prescribed by the County
4 of Stanislaus for such territory does not correspond with
5 any district prescribed by this ordinance, such territory
6 shall be deemed to be classified in that district prescribed
7 by this ordinance, which most nearly meets the criteria
8 and regulations of the district prescribed by the County of
9 Stanislaus for such territory.

10 (b) Except as provided in subsection (c) hereof, if any territory
11 referred to in subsection (a) hereof shall not have been pre-
12 cisely zoned by the County of Stanislaus prior to its annexa-
13 tion to the City of Modesto, the territory shall be deemed to
14 be classified as R-1 (Single-family residence).

15 (c) That territory annexed to the City of Modesto designated as
16 the Crows Landing Industrial District Addition shall be
17 deemed to be classified as M-1 (Industrial).

18 (d) Any land use or districting effected by the provisions of sub-
19 sections (a), (b) and (c) hereof is hereby declared to be of an
20 interim nature, and it shall remain in effect only until the
21 property affected shall have been properly classified or zoned
22 in the manner set forth in Section 19 of this ordinance.

23 SECTION 2. REPEALS. Ordinance No. 1036-N.S. and all ordinances
24 and parts of ordinances inconsistent herewith are hereby expressly repealed.

25 SECTION 3. DECLARATION OF EMERGENCY. The Council of the
26 City of Modesto hereby finds and declares that the foregoing ordinance is nec-
27 essary as an emergency measure for preserving the public peace, health and
28 safety for the following reasons:

29 (1) Provisions of the existing ordinances pertaining to the annexa-
30 tion of newly annexed territory contain a formula for determining the district
31 classification which is oppressive, unreasonable, illogical, unrealistic, legally
32 questionable and leads to absurd and ridiculous results when generally applied;

(2) It is impossible to apply said formula to some parcels of
newly annexed territory;

(3) The existing provisions of ordinances relating to the annexa-
tion of newly annexed territory make no provision relating to certain annexed
territory;

(4) The lack of clarity in the provisions of the existing ordinances
relating to the annexation of newly annexed territory have created public
unrest, dissatisfaction and resentment toward constituted governmental
authority;

1 (5) The provisions of the existing ordinances relating to the
2 annexation of newly annexed areas fail to afford due process to the owners of
3 property within such areas and do not preserve the public health, safety and
4 general welfare and fail to provide the economic and social advantages
5 resulting from an orderly planned use of land resources;

6 (6) Unless the foregoing ordinance is adopted without delay,
7 the lack of proper regulations for the zoning of newly annexed territory will
8 jeopardize the public health, safety and general welfare of the citizens of the
9 City of Modesto.

10 SECTION 4. EFFECTIVE DATE. Pursuant to Section 722 of the
11 Charter of the City of Modesto, this ordinance shall take effect and be in full
12 force and operation as of the date hereof.

13 SECTION 5. PUBLICATION. This ordinance shall be published in
14 full in The Modesto Tribune, the official newspaper of the City of Modesto.

15 The foregoing ordinance was introduced and adopted at a regular
16 meeting of the Council of the City of Modesto held on the 10 day of March,
17 1954, by ~~Councilman~~ Mayor Marks, who moved its adoption and
18 passage to print, which motion being duly seconded by Councilman Annan,
19 was upon roll call carried and ordered printed and published by the following
20 vote:

21 AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Merrill and
22 Mayor Marks

23 NOES: Councilmen: Mellis

24 ABSENT: Councilmen: None

25 APPROVED: 
HARRY MARKS, Mayor

26
27 ATTEST: 
REX E. GAILFUS, City Clerk

REPEALED BY
MUNICIPAL CODE

1 AN ORDINANCE REPEALING ORDINANCE NO. 1108-N.S.
2 OF THE CITY OF MODESTO ENTITLED "AN ORDINANCE
3 ANNEXING UNINHABITED TERRITORY KNOWN AS THE
4 McHENRY VILLAGE ADDITION TO THE CITY OF MODESTO".

5 WHEREAS, Ordinance No. 1108-N.S., of the City of
6 Modesto, entitled, "An Ordinance Annexing Uninhabited Territory
7 Known as the McHenry Village Addition to the City of Modesto"
8 was adopted on February 17, 1954, and

9 WHEREAS, prior to the transmitting of said ordinance
10 to the Office of the Secretary of State of the State of California,
11 an error was detected in the description of the proposed territory
12 to be annexed, and

13 WHEREAS, it is the opinion of the City Attorney that
14 the legal validity of the annexation proceedings is questionable
15 by reason of the error contained in the description of the terri-
16 tory proposed to be annexed by reason of the fact that there was
17 included within the territory described in the petition for the
18 annexation of said Addition, property assessed to a person who
19 was not given written notice as required by Section 35311 of the
20 Government Code of the State of California, and

21 WHEREAS, a certified copy of the Ordinance annexing
22 the territory has not been filed with the Secretary of State as
23 required by the Government Code, Section 35317, and

24 WHEREAS, Section 35318 of the Government Code of the
25 State of California provides that an annexation is not complete
26 until the ordinance annexing the proposed territory is filed with
27 the Secretary of State, and

28 WHEREAS, the persons desiring to annex said territory
29 to the City of Modesto desire to recommence proceedings for the
30 annexation of said territory,

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

SECTION 1. Ordinance No. 1108-N.S. entitled, "An

1 Ordinance Annexing Uninhabited Territory Known as the McHenry
2 Village Addition to the City of Modesto" and all proceedings
3 taken prior to the adoption of said ordinance for the purpose of
4 annexing said McHenry Village Addition are hereby expressly
5 repealed and rescinded.

6 SECTION 2. Pursuant to Section 722 of the Charter of
7 the City of Modesto, this ordinance shall become effective
8 immediately upon its adoption.

9 SECTION 3. This ordinance shall be published in full
10 at least once in The Modesto Tribune, the official newspaper of
11 the City of Modesto.

12 The foregoing ordinance was introduced and adopted at a
13 regular meeting of the Council of the City of Modesto held on the
14 10th day of March, 1954, by Councilman Annan, who
15 moved its adoption and passage to print, which motion being duly
16 seconded by Councilman Arata, was upon roll call
17 carried and ordered printed and published by the following vote:

18 AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis,
Merrill and Mayor Marks

19 NOES: Councilmen: None

20 ABSENT: Councilmen: None

21
22 APPROVED: 
HARRY MARKS, Mayor

23
24 ATTEST: 
REX E. GAILFUS, City Clerk

*Amended
Ord 1127-115*

ORDINANCE NO. 1118 -N.S.

CODE SEC.
NO. 4-7.1001
4-7.1005

AN ORDINANCE REGULATING THE LOCATION, INSTALLATION, ALTERATION, REPAIR AND MAINTENANCE OF TELEVISION ANTENNAS; PROVIDING FOR INSPECTIONS; AND PROVIDING A PENALTY FOR THE VIOLATION OF THIS ORDINANCE.

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

SECTION 1. DEFINITIONS. The following definitions shall apply in the interpretation and enforcement of this ordinance:

(a) "Antenna": The outdoor portion of the receiving equipment used for receiving or radiating television waves;

(b) "Mast": That portion of the outside antenna system to which the antenna is attached, and the support or extension required to elevate the antenna to a height deemed necessary for adequate operation, excluding towers;

(c) "Height": The overall vertical length of the antenna system above the ground, or, if such system be located on a building, then above that part of the level of such building upon which the system rests;

(d) "Person": Includes any person, firm, partnership, association, corporation, company or organization of any kind.

SECTION 2. TECHNICAL REQUIREMENTS. It shall be unlawful for any person hereafter to install, repair or maintain, either as owner or as agent, servant or employee of the owner, or as an independent contractor for the owner, or otherwise, any outside television antenna, or to make any additions to, or substitutions for, said antenna, except in accordance with the following rules and regulations:

(a) Materials. Height. Every mast and antenna hereafter erected shall be of non-combustible and corrosive-resistant material, except that in the case of ground support, a wooden pole may be used when adequately treated with a wood preservative. No mast or antenna hereafter erected shall exceed the maximum height of forty-five (45') feet above a roof support and sixty-five (65') feet above a ground support; provided, however, that in areas where reception is affected by obstructions or ground elevation special permission may

be granted by the Chief Building Official upon request to exceed the above specified height limitations.

(b) Mounting. Every mast and antenna installed on a roof shall be mounted on its own platform or plate covering one (1) or more rafters of the roof. Whenever a plate is used, it shall be of wood at least two (2") inches thick, six (6") inches wide, and eighteen (18") inches long, or of metal one-eighth ($\frac{1}{8}$ ") inch thick, six (6") inches wide and twelve (12") inches long;

(c) Method of Erection. Masts shall be erected by means of the telescope method, and the base of the mast shall be at least one and three-quarters ($1\frac{3}{4}$ ") inches in diameter, and at least three-quarters ($\frac{3}{4}$ ") inches in diameter at the top of the mast, except that no rotor shall be mounted on any mast, the top dimension of which is less than one (1") inch in diameter. Each mast shall be securely fastened to the building structure by not less than three (3) guy wires as equally separated as is practically possible and guyed at every ten (10') feet in height. Guy wires shall be at least twenty (20) gauge, six-strand galvanized cable. The distance that the guy wire shall be fastened from the base of the television mast shall be the ratio of one-third ($\frac{1}{3}$) of its height; e. g., a forty-five foot mast shall be guyed at least fifteen (15') feet away from mast;

(d) Wind Load Requirements. Notwithstanding any other provisions of this ordinance, antennas shall be designed and installed to withstand a wind pressure of twenty-five (25#) pounds per square foot;

(e) Anchor Screws. Anchor screws or lead expansion shields must be used in masonry at anchor points of masts and guy wire supports;

(f) Eye Bolts. All eye bolts shall be galvanized and a minimum of one-quarter ($\frac{1}{4}$ ") inch in diameter set one and one-half ($1\frac{1}{2}$ ") inches into wood;

(g) Public Ways. In no case shall an antenna be installed nearer to the street, sidewalk or any primary power line

than the height of the antenna plus ten (10') feet unless approved by the Chief Building Official, and no wires, cables or guy wires shall cross or extend over any part of any street or sidewalk;

(h) Safety Wire. Whenever it is necessary to install antennas near primary power lines (2200 volts or over), or where damage would be caused by its falling, a separate safety wire shall be attached to the top of the mast, and secured to a separate eye bolt in a direction away from the hazard;

(i) Fire Protection. No antenna shall be installed in such a manner as to prevent access to any building for fire fighting or fire prevention purposes;

(j) Grounding. Each mast and tower shall be grounded at its lowest point with wires at least No. 8 copper, or with other conductors of equivalent carrying capacity. Ground shall be a cold water pipe, if available, or if not, by an approved ground rod driven a minimum of six (6') feet into the ground and fastened with an approved ground connector. Grounding means shall be by approved grounding fittings;

SECTION 3. RIGHTS, DUTIES AND POWERS OF CHIEF BUILDING OFFICIAL. (a) The Chief Building Official, or his authorized assistants, shall be authorized to inspect any television antenna hereafter erected to ascertain if the work has been done in a workmanlike manner and in compliance with this ordinance.

(b) Nothing contained in this ordinance shall be construed to prevent the City, through a duly authorized Inspector, from inspecting any antenna system in use in the City, heretofore or hereafter installed, in order to ascertain whether or not the same is reasonably safe to life or property. In case any condition is found which might result in danger to life or property, the Chief Building Official is authorized to give written notice to the owner or operator of such antenna at his last known address, specifying the dangerous condition, indicating the corrective action that must be taken to make the same safe, and requiring the same to be corrected within five

(5) days after such notice, or, in the case of serious safety hazards, within such shorter time as the Chief Building Official may specify, not less than forty-eight (48) hours after such notice. If such conditions are not corrected within such time, the maintenance thereafter of any such defective installation by the owner or use thereof shall be unlawful.

SECTION 4. CODES SUPPLEMENTAL. The provisions of this ordinance shall also be deemed as supplemental to the Electrical and Building Codes of the City of Modesto and any other pertinent laws or ordinances of the City, and all work shall conform to these requirements except as otherwise herein provided.

SECTION 5. EXISTING ANTENNAS. Every television antenna erected prior to the effective date of this ordinance may be maintained and operated in its present location, unless said antenna is so constructed and maintained so as to be unsafe and dangerous as determined by the Chief Building Official in accordance with the provisions of Section 3 of this ordinance. Alterations, additions or substitutions for existing antennas, however, shall be made in accordance with the provisions of this ordinance.

SECTION 6. PENALTY. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding One Thousand (\$1000.00) Dollars or by imprisonment in the County Jail of the County of Stanislaus for not more than one (1) year, or by both such fine and imprisonment.

SECTION 7. This ordinance shall go into effect and be in full force and operation from and after fifteen (15) days after its

final passage and adoption.

SECTION 8. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in the Modesto Tribune, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of March, 1954, by Councilman Annan, who moved its introduction and passage to print, which motion being duly seconded by Councilman Arata, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill
and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GALLEUS, City Clerk

Ordinance No. 1118-N.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 7th day of April, 1954, Councilman M. Adams moved its final adoption, which motion being duly seconded by Councilman Annan, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: April 22, 1954

ORDINANCE NO. 1119 -N. S.

AN ORDINANCE REGULATING THE COLLECTION OF GARDEN REFUSE IN THE CITY OF MODESTO.

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

SECTION 1. DECLARATION OF PURPOSE. This ordinance is enacted as an exercise of the general police power of the City to promote the maintenance of the public health and safety by systemizing the collection of garden refuse in the City of Modesto.

SECTION 2. DEFINITION. The words, "garden refuse", as used in this ordinance, shall mean and include leaves, weeds, grass cuttings, vines, shrubbery, brush, limb trimmings and similar materials. No ashes, soil, rocks, cement, building materials, paper, garbage or similar materials will be collected by the City.

SECTION 3. PLACEMENT FOR COLLECTION. The following regulations shall govern the placement of garden refuse for collection by the City:

(a) Place. Persons desiring to have garden refuse collected by the City shall place it in the abutting alley, if one exists. Where alleys do not exist, garden refuse shall be placed in the abutting street for collection.

(b) Location. Garden refuse placed in streets shall be placed in a compact manner and shall not extend into the street more than four (4') feet, nor shall the closest edge of the pile be placed less than one (1') foot from the face of the curb, or in case no curb exists, from the low point of the gutter, so as to permit drainage. Garden refuse placed in alleys shall be placed in a compact manner and shall not extend into the alley more than three (3') feet.

(c) Piling. Garden refuse shall be placed in a single compact pile, and only in front of, in the rear of, or on the side of, as the case may be, the property where it was accumulated.

(d) Quantity. Not more than two (2) cubic yards of garden refuse shall be placed in the street or alley for any one collection.

(e) Size. All tree limbs, cuttings or shrubbery put out for collection shall not exceed eight (8') feet in length or six (6") inches in diameter, and no single piece shall weigh more than fifty (50#) pounds.

(f) Containers. / All small refuse, (grass, grass clippings,
when practicable

leaves, twigs, etc.) shall be placed in containers of not more than twenty (20) gallons capacity; provided, however, that between October 1 and December 31 of each year, leaves need not be placed in containers. Containers used for small refuse shall be removed from the street or alley on the same day they are emptied.

(g) Time. Garden refuse shall be put out for collection not later than 7 o'clock a. m. on collection day, and shall not be placed in the street more than one (1) day prior to the day of collection.

It shall be unlawful for any person to place garden refuse for collection in violation of the above regulations.

SECTION 3. FREQUENCY OF COLLECTION. It is the objective of this ordinance that garden refuse be collected weekly in all areas of the City to the maximum extent possible within the limitations of the personnel and equipment available.

SECTION 4. DUMPING PROHIBITED. It shall be unlawful for any person to pile or dump any garden refuse in any vacant lot or vacant property unless such person or persons owns or leases said lot or property or has written permission from the owner to deposit said refuse material in said lot or property. The dumping or depositing of garden refuse on park strips and storm drain inlets is prohibited.

SECTION 5. ADMINISTRATION OF COLLECTION SERVICE. The Director of Public Works shall be responsible for the operation of the City garden refuse collection service. He shall have charge and supervision of collection and removal, and shall prescribe and establish routes and days for the collection and removal of garden refuse from the various parts of the City, and may change the same from time to time. When such routes or days of collection are established or changed, he shall give notice thereof to the public in such a manner as he deems best. He shall have the power to implement this ordinance by issuing such additional rules, regulations and instructions in writing as he deems necessary to carry out the purpose and intent of this ordinance.

SECTION 6. RIGHT TO REFUSE COLLECTION. No collection will be made by the City of any garden refuse which is placed for collection in violation of the provisions of this ordinance, or any rules or regulations issued pursuant thereto.

SECTION 7. COLLECTION BY OTHERS. Nothing contained in this

ordinance shall prohibit the collection of garden refuse by private persons, corporations or associations who are licensed to do so; provided, however, that garden refuse shall not be placed in the street except for collection by the City.

SECTION 8. PENALTY. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding One Thousand and no/100ths (\$1,000.00) Dollars, or by imprisonment in the County Jail of the County of Stanislaus for not more than one (1) year, or by both such fine and imprisonment.

SECTION 9. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after fifteen (15) days after its final passage and adoption.

SECTION 10. PUBLICATION. This ordinance shall be published at least once at least three (3) days prior to its final adoption in the Modesto Tribune, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 21th day of March, 1954, by Councilman Mellis, who moved its introduction and passage to print, which motion being duly seconded by Councilman M. Adams, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GALLFUS, City Clerk

Ord. 1119-N.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 7th day of April, 1954, Councilman R. Adams moved its final adoption, which motion being duly seconded by Councilman M. Adams, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks

NOES: Councilmen: Merrill

ABSENT: Councilmen: None

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: April 22, 1954

1 AN ORDINANCE AMENDING SECTION 1 OF
 2 ORDINANCE NO. 1116-N.S. OF THE CITY OF
 3 MODESTO ENTITLED, "AN ORDINANCE AMEND-
 4 ING THAT PORTION OF SECTION 2 ENTITLED,
 5 'ZONING OF NEWLY ANNEXED TERRITORY', OF
 6 ORDINANCE NO. 700-N.S. OF THE CITY OF
 7 MODESTO ENTITLED, 'AN ORDINANCE OF THE
 8 CITY OF MODESTO, STATE OF CALIFORNIA,
 9 ADOPTING A LAND USE PLAN, BEING A DIS-
 10 TRICTING PLAN, AS A PART OF THE MASTER
 11 PLAN OF SAID CITY: SPECIFYING THE PURPOSES
 12 AND THE EFFECTS OF THE ADOPTION OF SAID
 13 PLAN WHEREBY VARIOUS DISTRICTS ARE ESTAB-
 14 LISHED IN SAID CITY: SPECIFYING THE USES OF
 15 LAND AND OF BUILDINGS PERMITTED IN SAID
 16 DISTRICTS: ESTABLISHING CERTAIN HEIGHT
 17 LIMITS OF BUILDINGS WITHIN SAID DISTRICTS:
 18 REQUIRING CERTAIN YARDS AND OTHER OPEN
 19 SPACES WITHIN SAID DISTRICTS: PRESCRIBING
 20 REGULATIONS FOR THE ERECTION, CONSTRUCTION,
 21 LOCATION, ALTERATION AND MAINTENANCE OF
 22 BUILDINGS, STRUCTURES AND OTHER IMPROVE-
 23 MENTS IN SAID DISTRICTS: SPECIFYING THE PRO-
 24 CEDURE FOR THE ADMINISTRATION OF SAID PLAN:
 25 SPECIFYING THE PROCEDURE FOR THE AMEND-
 26 MENT HEREOF, AND PRESCRIBING THE PENALTY
 27 FOR VIOLATION OF ANY OF THE PROVISIONS OF
 28 THIS ORDINANCE', AS AMENDED BY ORDINANCE
 29 NO. 927-N.S.", BY AMENDING SECTION 1 THEREOF.

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

17 SECTION 1. INTERIM ZONING OF NEWLY ANNEXED
 18 TERRITORY. Section 1 of Ordinance No. 1116-N.S. of the City of Modesto
 19 entitled, "An Ordinance Amending That Portion of Section 2 Entitled, 'Zoning
 20 of Newly Annexed Territory', of Ordinance No. 700-N.S. of the City of
 21 Modesto Entitled, 'An Ordinance of the City of Modesto, State of California,
 22 Adopting a Land Use Plan, Being a Districting Plan, as a Part of the Master
 23 Plan of Said City: Specifying the Purposes and the Effects of the Adoption of
 24 Said Plan Whereby Various Districts Are Established in Said City: Specifying
 25 the Uses of Land and of Buildings Permitted in Said Districts: Establishing
 26 Certain Height Limits of Buildings within Said Districts: Requiring Certain
 27 Yards and Other Open Spaces within Said Districts: Prescribing Regulations
 28 for the Erection, Construction, Location, Alteration and Maintenance of
 29 Buildings, Structures and other Improvements in Said Districts: Specifying
 30 the Procedure for the Administration of Said Plan: Specifying the Procedure
 31 for the Amendment Hereof, and Prescribing the Penalty for Violation of any
 32 of the Provisions of this Ordinance', as Amended by Ordinance No. 927-N.S.'

1 is hereby amended to read as follows:

2 **SECTION 1. INTERIM ZONING OF NEWLY ANNEXED**
3 **TERRITORY.** That portion of Section 2 entitled, "Zoning
4 of Newly Annexed Territory", of Ordinance No. 700-N.S.
5 of the City of Modesto entitled, "An Ordinance of the City
6 of Modesto, State of California, Adopting a Land Use Plan,
7 Being a Districting Plan, as a Part of the Master Plan of
8 Said City; Specifying the Purposes and the Effects of the
9 Adoption of Said Plan Whereby Various Districts Are
10 Established in Said City; Specifying the Uses of Land and
11 of Buildings Permitted in Said Districts; Establishing
12 Certain Height Limits of Buildings within Said Districts;
13 Requiring Certain Yards and Other Open Spaces within
14 Said Districts; Prescribing Regulations for the Erection,
15 Construction, Location, Alteration and Maintenance of
16 Buildings, Structures and Other Improvements in Said
17 Districts; Specifying the Procedure for the Administration
18 of Said Plan; Specifying the Procedure for the Amendment
19 Hereof, and Prescribing the Penalty for the Violation of
20 Any of the Provisions of This Ordinance", as amended by
21 Ordinance No. 927-N.S., is hereby amended to read as
22 follows:

23 Section 2. . . . Interim Zoning of Newly Annexed Territory.

24 (a) Except as provided in sub-section (d) hereof, any
25 territory heretofore or hereafter annexed to the City of
26 Modesto which has not been precisely zoned by the City
27 in the manner set forth in Section 19 of this ordinance,
28 shall be deemed to be classified in the same land use
29 district or districts prescribed by the County of Stanis-
30 laus for such territory and in existence at the time of its
31 annexation to the City. If any zoning district prescribed
32 by the County of Stanislaus for such territory does not
correspond with any district prescribed by this ordinance,
such territory shall be deemed to be classified in that
district prescribed by this ordinance, which most nearly
meets the criteria and regulations of the district prescribed
by the County of Stanislaus for such territory.

(b) Except as provided in subsection (c) hereof, if any
territory referred to in subsection (a) hereof shall not
have been precisely zoned by the County of Stanislaus
prior to its annexation to the City of Modesto, the terri-
tory shall be deemed to be classified as R-1 (Single-
family residence).

(c) That territory annexed to the City of Modesto designated
as the Crows Landing Industrial District Addition shall be
deemed to be classified as M-1 (Industrial).

(d) That portion of the territory annexed to the City of
Modesto designated as the Granger Addition, more
particularly described as follows:

The Westerly portion of Block 6059 shown on that certain
map entitled, "Subdivision of Lot 8 of Mensinger Colony"
filed for record in the office of the Stanislaus County
Recorder on September 4, 1951 in Volume 17 of Maps
at page 25 described as follows:

Commencing at the intersection of the west line of

1 McHenry Avenue with the North line of Orangeburg
2 Avenue as said avenues are shown on the above
3 described map; thence North 88° 44' 30" West along
4 the northerly line of Orangeburg Avenue a distance of
5 300.00 feet to the point of beginning of this descrip-
6 tion; thence continuing along the North line of Orangeburg
7 Avenue North 88° 44' 30" West a distance of 300.03
8 feet to a point on the East line of Florida Avenue;
9 thence North 0° 50' West a distance of 265.17 feet
10 along the East line of Florida Avenue to a point on
11 the South line of Claradell Avenue; thence South 88°
12 45' 30" East along the South line of Claradell Avenue
13 to a distance of 300.26 feet; thence South 0° 50' East
14 to a distance of 265.244 feet to the point of beginning,

15 shall be deemed to be classified as R-A (Residence-
16 Agricultural).

17 (e) Any land use or districting effected by the provi-
18 sions of sub-sections (a), (b), (c) and (d) hereof is
19 hereby declared to be of an interim nature, and it
20 shall remain in effect only until the property affected
21 shall have been properly classified or zoned in the
22 manner set forth in Section 19 of this ordinance.

23 SECTION 2. EFFECTIVE DATE. This ordinance shall go
24 into effect and be in full force and operation from and after fifteen (15) days
25 after its final passage and adoption.

26 SECTION 3. PUBLICATION. This ordinance shall be pub-
27 lished in full at least once at least three (3) days prior to its final adoption in
28 The Modesto Tribune, the official newspaper of the City of Modesto.

29 The foregoing ordinance was introduced at a regular meeting
30 of the Council of the City of Modesto held on the 7th day of April, 1954, by
31 Councilman Arata, who moved its introduction and passage
32 to print, which motion being duly seconded by Councilman R. Adams
was upon roll call carried and ordered printed and published by the following
vote:

33 AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and
34 Merrill

35 NOES: Councilmen: Mayor Marks

36 ABSENT: Councilmen: None

37 APPROVED: 
38 HARRY MARKS, Mayor

39 ATTEST: 
40 REX E. GAILFUS, City Clerk

Ordinance No. 1120-N.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and 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 14 day of April, 1954, Councilman R. Adams moved its final adoption, which motion being duly seconded by Councilman Mellis, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill and Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: Annan

ATTEST: REX E. GAILFUS, City Clerk

APPROVED: HARRY MARKS, Mayor

EFFECTIVE DATE: April 29, 1954

AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY BELONGING TO THE CITY OF MODESTO TO CODDING HOMES AND APPROVING THE EXECUTION OF AN AGREEMENT WITH CODDING HOMES FOR THE LEASE OF AN AIRPORT BUILDING TO BE CONSTRUCTED THEREON.

WHEREAS, the City of Modesto owns certain real property in the County of Stanislaus, State of California, known as the Modesto Municipal Airport, and

WHEREAS, the City desires to have a building constructed on a portion of said property to be used for shop purposes, and

WHEREAS, Coddling Homes is willing to construct a building on the hereinafter described property, being a portion of the Modesto Municipal Airport, and construct a building thereon, and lease the same to the City of Modesto, and

WHEREAS, the financial arrangements for the construction of said building necessitate that the title of the property upon which the building is to be built be conveyed to Coddling Homes with reversionary rights to the City, and

WHEREAS, it is in the public interest and general welfare that a shop building be constructed on said airport building,

NOW, THEREFORE, be it ordained by the Council of the City of Modesto as follows:

SECTION 1. Acceptance of Bid. That the bid by Coddling Homes for the construction and lease of said building be, and it is hereby accepted.

SECTION 2. Conveyance of Airport Property. That the following described real property belonging to the City of Modesto be conveyed to Coddling Homes concurrently upon the execution of the agreement between the City of Modesto and Coddling Homes referred to in Section 3 of this ordinance:

A portion of the City of Modesto Airport situated in the northwest quarter of the southeast quarter of Section 34, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, more particularly described as follows:

Commencing at the concrete monument marking the intersection of the center lines of Conejo Avenue and Tuolumne (Monterey) Avenue as shown on the map of Legion Park Tract, recorded in Volume 14, page

10 of Maps, Stanislaus County Records, said monument being on the north-south quarter section line of Section 34; thence North 0° 42' 20" West along said quarter section line 373.84 feet; thence North 89° 17' 40" East 108.69 feet to the point of beginning of this description; thence North 89° 17' 40" East 100 feet; thence North 0° 42' 20" West 100 feet; thence South 89° 17' 40" West 100 feet; thence South 0° 42' 20" East 100 feet to the point of beginning of this description, containing 0.23 acre.

7 SECTION 3. Approval of Agreement for Construction and
8 Lease of Airport Building. That the City of Modesto execute an
9 agreement with Coddling Homes under which the City of Modesto
10 agrees to lease from Coddling Homes airport building to be built
11 by Coddling Homes on the hereinafter described real property.

12 SECTION 4. Form of Agreement. That said agreement
13 shall be in the following form:

AGREEMENT

This Agreement, made and entered into in duplicate in the City of Modesto, County of Stanislaus, State of California, this day of April, 1954, by and between CODDING HOMES, a California corporation

first party, hereinafter sometimes called LESSOR, and the CITY OF MODESTO, a municipal corporation of the State of California, second party, hereinafter called CITY, Lessee,

W I T N E S S E T H:

FIRST: TERM OF LEASE AND DESCRIPTION OF PROPERTY.

LESSOR, for and in consideration of the rents herein reserved and agreed to be paid by CITY, and in further consideration of the covenants and agreements herein contained on the part of CITY to be kept, performed and fulfilled, has demised and leased and does hereby demise and lease to CITY, upon and subject to all the covenants, terms and conditions hereunder to be kept and performed by CITY, that certain real property in the County of Stanislaus, State of California, more particularly described in Exhibit "A", attached hereto, and by this reference made a part hereof as though set forth in full herein, for the term of twenty (20) years, commencing upon the first day of the month succeeding the date CITY takes possession of the building to be erected by LESSOR on the demised premises. It is understood and agreed that CITY hereunder, prior to the execution hereof, has sold and deeded to LESSOR a site for the construction of an airport building the premises hereinabove described. LESSOR hereby declares that it has obtained a policy of title insurance pertaining to the site conveyed to it by the CITY and has accepted title to the said site subject to the encumbrances, respectively, shown on such policy of title insurance.

SECOND: CONSTRUCTION OF BUILDING.

LESSOR hereby agrees to construct on such site an airport building in accordance with the "Plans and Specifications for Airport Building", dated March 17, 1954, which plans and specifications are on file in the office of the Director of Public Works of the City of Modesto and by this reference are made a part hereof as though set forth in full herein.

LESSOR shall furnish all material, labor and supervision to complete the construction of such building according to said plans and specifications and all construction and work therein specified shall be in accordance with the provisions of the ordinances and laws of the City of Modesto and other governmental authority applicable thereto. In the event of conflict between any of such specifications and any of such ordinances or laws, LESSOR shall be governed by and comply with such ordinances or laws insofar as they conflict with such specifications and shall not otherwise deviate from said specifications.

During construction the City Engineer, or his duly appointed representatives, shall have complete access to all parts of the site, building and equipment. LESSOR shall have some responsible person in charge at all times who will be available to confer with such engineer. Notice shall be given to such engineer at least twenty-four (24) hours in advance of all concrete pours, and fabrication or erection, so that an inspector may be placed on the work by such engineer.

LESSOR shall commence construction within ten (10) calendar days after the execution of this agreement.

Within seventy (70) calendar days after the execution of this agreement, LESSOR shall have completed the construction of said building ready for occupancy and shall deliver possession

after receipt of such report, and such extensions shall be of same to CITY. The time for commencing or completing said work shall be extended for such reasonable time as the same shall be delayed by reason of strikes, inability to obtain labor or materials, acts of God or the elements, legal process, or other cause (other than financial) beyond the control and without the fault of LESSOR, but such extensions shall not exceed one (1) year.

The City Council may grant further extensions of time for commencement or completion if such is necessary in its judgment.

LESSOR agrees to procure and file with the CITY an insurance policy or policies issued by a company on a form acceptable to the City Council for the joint protection of LESSOR and CITY against public liability and property damage in the following minimum amounts, to-wit:

For injury to or death of one person ----\$100,000.00

Subject to the above limit for each person, for death or injury to

two or more persons in any one

accident ----- 300,000.00

For damage to property of others for each

accident ----- 50,000.00

Such policy or policies shall be maintained in full force and effect until the taking of possession of said building as provided for in this paragraph.

The City Engineer, upon notice from LESSOR or completion of the building, shall make a final inspection thereof and shall certify his findings in a written report to the City Council within ten (10) days after receipt of said notice. If such report certifies that such building fully conforms to the Plans and Specifications therefor, hereinabove referred to, the City Council shall accept such building within ten (10) days

after receipt of such report and such acceptance shall constitute the taking of possession of the building and the commencement of the twenty-year (20-year) term of this agreement. If said building fails to comply therewith, LESSOR shall at its own expense make whatever changes or additions may be needed so that it shall so conform. Upon completion thereof notification shall again be given to the engineer as above provided until such building shall have been made to conform with such Plans and Specifications and such engineer shall have certified thereto to the City Council.

Title to said site and building so constructed or caused to be constructed by LESSOR shall vest in and remain in LESSOR or LESSOR'S assigns, subject to the provisions of paragraphs "TWELFTH" and "THIRTEENTH" of this agreement by which CITY has the right to acquire title to the same as provided therein. LESSOR shall have the right of access to and possession of such site and building until such time as CITY has accepted possession of the building, to the fullest extent required in order to enable LESSOR or its contractors to construct thereon the said building as specified in said Plans and Specifications and during such other times during the term of this agreement as said building may be in LESSOR'S possession.

THIRD: INDEMNITY BOND.

Concurrently with the execution of this agreement, LESSOR has furnished CITY with an indemnity bond executed in favor of the City of Modesto in the amount of _____

Thirteen Thousand Six Hundred and no/100ths

(\$13,600.00) Dollars guaranteeing the faithful performance of paragraph "SECOND" of this agreement pertaining to the construction of the proposed building on the demised premises in accordance with the Plans and Specifications referred to in said paragraph. By its execution of this agreement, CITY

signifies its approval and acceptance of such bond. Such bond shall be released by CITY within sixty (60) days following the taking of possession of the building by CITY.

FOURTH: RENTAL.

CITY hereby agrees to pay to LESSOR as rental for said demised premises the uniform annual rental of ten (10%) per cent of the price quoted in proposal of option to purchase and indicated in paragraph "THIRD" of this Agreement.

The rental hereunder shall start to accrue upon the first day of the month succeeding the day CITY takes possession of the building to be erected by LESSOR. The first payment of rental shall be for the period from the date the rental starts to accrue until the first June 30th thereafter, prorated and computed at the annual rental rate hereinabove provided and shall be payable in advance. The rentals hereunder shall accrue annually for a period of twenty (20) years after the same commence to accrue unless CITY shall have purchased the said site and building during the course of this agreement under the options provided for herein in which case any advance rent paid shall be prorated as of the date of purchase. Other than the first payment of rental for which provision has heretofore been made in this paragraph, rentals shall be paid annually on the first day of each July in advance, and shall entitle the CITY to the full use and possession of the said site and building for the period covered by such rental.

Rental payments shall be made to LESSOR or his assigns at such address as may be designated in writing from time to time, and shall be paid in lawful money of the United States.

FIFTH: DESTRUCTION OF DEMISED BUILDING.

If said building is destroyed by fire or other accidents or by the elements, or is partially destroyed so as to render such

such building wholly unfit for occupancy and is not restored by LESSOR within a period of six (6) months thereafter, then this agreement shall terminate and CITY shall at once surrender the said premises and all interest therein to LESSOR, save and except an option to purchase said premises hereinafter mentioned in this paragraph, and shall not be liable for any payments of rental under this agreement accruing from and after the date of such destruction or damage.

In case said premises are damaged by causes herein mentioned and LESSOR elects to restore the same within such period of not exceeding six (6) months, LESSOR, upon notice of such election to CITY, may re-enter and re-possess such portions of said premises as may be required to make the necessary restoration, in which event a proper allowance upon the rent of said premises shall be made in proportion to the time consumed in making such restoration; but it is expressly understood and agreed that CITY shall in no case be entitled to compensation or damages on account of any inconvenience or annoyance in making said repairs, or on account of such damage or destruction or on account of damage or destruction caused thereby to other improvements which may have been constructed or installed by CITY or to furniture, furnishings, or equipment of CITY, or its assigns, on any portion of said premises, and that no allowance or deduction from the rent herein provided for shall be made for any partial destruction of said premises which do not prevent CITY, or its assigns, from carrying on its operations substantially as usual.

If pursuant to the foregoing provisions CITY is deprived of possession of said premises, or any portion thereof, for which an allowance shall be made upon the rent of said premises, then the term of this agreement shall be extended beyond the date provided herein for its termination for a period of time

corresponding to the amount of such adjustment and in consideration of such extension, CITY shall pay LESSOR rental therefor in the amount of said adjustment.

In the event this agreement shall cease prior to the end of the term hereof pursuant to the foregoing provisions of this paragraph, CITY shall have, and LESSOR does hereby give, grant and convey to CITY, the exclusive option for a period of sixty (60) days to purchase from LESSOR the said site for the sum of One and no/100ths (\$1.00) Dollar.

SIXTH: THE RIGHT OF CITY TO CONSTRUCT IMPROVEMENTS:

It is understood and agreed that CITY shall be and is hereby authorized at any time during the period of this agreement to construct and install, at its own expense, additional structures, buildings, equipment and appurtenances on the demised premises. CITY hereunder shall retain title to any such additional structures, buildings, equipment and appurtenances constructed or installed by CITY, and LESSOR shall have no right, title or interest therein.

SEVENTH: OPERATION, MAINTENANCE AND REPAIRS.

LESSOR agrees to maintain during the term of this agreement the roof and exterior walls of any of the improvements which may be constructed or installed by LESSOR upon the demised premises at its own expense, reasonable wear and tear excepted. LESSOR shall be under no obligation or duty whatsoever, as far as this agreement is concerned, to operate, maintain, repair or replace any of the improvements which may be constructed or installed upon the demised premises, save and except as hereinabove provided in this paragraph.

EIGHTH: INSURANCE.

LESSOR agrees to procure and file with the CITY an insurance policy covering the building to be constructed on the demised premises issued by a company on a form acceptable to the City Council for the joint protection of LESSOR and CITY against fire and extended coverage in the minimum amount of Ten Thousand and no/100ths (\$10,000.00) Dollars. Such policy shall be maintained in full force and effect throughout the term of this agreement.

NINTH: TAXES.

LESSOR hereunder agrees to pay on or before delinquency any and all property taxes upon the demised property and upon the building to be constructed thereon in accordance with paragraph "SECOND" hereof.

TENTH: ASSIGNMENTS.

In the event CITY exercises any option to purchase, it shall, upon such purchase and payment of the purchase price, cease to be liable for rentals or obligations thereafter accruing under this agreement.

Upon written application by LESSOR, the City Council of CITY shall promptly approve on behalf of CITY the assignment by LESSOR of this agreement or of LESSOR'S interest herein and of any transfer in trust as security or of any hypothecation of LESSOR'S interest herein, and such application and approval may be made simultaneously with the execution of the agreement by LESSOR, provided, however, that the assignment by LESSOR of this agreement or of LESSOR'S interest herein or of any transfer in trust as security or of any hypothecation of LESSOR'S interest herein shall be subordinate to and subject to any and all rights

and interest of CITY provided by this agreement. It is further agreed that this agreement shall be recorded in the Office of the Recorder of Stanislaus County, State of California, prior to the assignment by LESSOR of this agreement or of LESSOR'S interest herein and of any transfer in trust or security or any hypothecation of LESSOR'S interest herein. LESSOR, notwithstanding any assignment of its interest, as provided herein, shall at all times remain bound to perform all covenants, conditions and agreement of LESSOR hereunder.

It is further agreed that any interest of LESSOR in this agreement which may be assigned or transferred by operation of law, or by reason of the fact that LESSOR may be adjudged insolvent or makes an assignment for the benefit of his creditors, or which may be attached or levied upon, shall be subordinate and subject to the rights of CITY provided by this agreement.

ELEVENTH: SUBLEASE.

It is understood and agreed that CITY shall be and is hereby authorized at any time during the period of this agreement to sublease the building and premises. CITY, notwithstanding any sublease of said building or premises, shall at all times remain bound to perform all covenants, conditions and agreements of CITY hereunder.

TWELFTH: OPTION TO PURCHASE.

LESSOR does hereby give, grant and convey to CITY rights and exclusive options to purchase from LESSOR, at the times and for the terms and in the manner hereinafter stated, the said site and buildings to be constructed upon the demised premises by LESSOR.

The first option shall be an option to purchase on June 30, 1955, and the purchase price shall be the sum of required to be made by the provisions hereof, and CITY shall have

Thirteen Thousand Six Hundred and no/100ths (\$13,600.00) Dollars.

On the last day of each successive month thereafter during the term of this agreement CITY shall have the exclusive right and option to purchase said site and building to be constructed upon the demised premises by LESSOR for the purchase price, as defined in this paragraph, less a cumulative allowance for depreciation at the rate of five (5%) per cent per annum, prorated and computed from the date CITY commences paying rent under paragraph "FOURTH" hereof to the date of purchase. No credit on the purchase of such site and building shall be given to CITY for any rental payments paid by CITY to LESSOR hereunder.

In the event that CITY shall desire to avail itself of any one of the options hereinabove provided for the purchase of said demised premises, it shall notify LESSOR in writing of its intention to do so at least thirty (30) days prior thereto and shall pay LESSOR the full amount of the purchase price, less depreciation allowance, hereinabove specified for such date. LESSOR hereby agrees that upon receipt of such purchase price, upon notice as aforesaid, to grant and convey to CITY title to the demised premises, free and clear of all liens and encumbrances, excepting only those incurred, permitted or suffered by CITY.

THIRTEENTH: ACQUISITION OF DEMISED PREMISES BY CITY

In the event that CITY has not exercised any of the options to purchase said demised premises prior to the expiration of the term of this agreement as provided for in paragraph "SEVENTH", LESSOR further agrees, at the expiration of the term of this agreement, to grant and convey to CITY title to the demised premises, including the building to be constructed thereon, free and clear of all liens and encumbrances, excepting only those incurred, permitted or suffered by CITY, provided CITY has paid all rentals required to be made by the provisions hereof, and CITY shall have

performed its other obligations under this agreement.

FOURTEENTH: INDEMNITY.

CITY agrees to indemnify and hold harmless LESSOR from any and all claims for injury or damage to person or property which claims may arise out of the operation and/or maintenance or dangerous or defective condition of the demised premises from and after the date upon which CITY takes possession of the building.

FIFTEENTH: NOTICES.

Whenever it shall be necessary for either party to serve notice upon the other regarding this agreement, such notice may be served personally upon the party for whom it is intended or such notice may be served by mailing the same, postage prepaid, addressed to City of Modesto, Attention City Council, City Hall, Modesto, California, or to LESSOR at Montgomery Village, Santa Rosa, California. The mailing address of either party may be changed from time to time as may hereafter be designated in writing by either of the parties, and any such notice shall be deemed to be complete twenty-four (24) hours after the same has been deposited in any United States post office or mail box in the County of Stanislaus or County of Sonoma properly addressed and stamped.

SIXTEENTH: NOTICE OF NONRESPONSIBILITY.

LESSOR shall have the right to enter said premises at any reasonable time for the purpose of inspecting the same, and LESSOR shall also have the right to post and keep posted in a conspicuous place upon the premises notices of nonresponsibility during the period of time in which any repairs, alterations, improvements or additions may be made by CITY.

SEVENTEENTH: DEFAULT.

Should CITY default at any time in the payment of any installment of rent or of any other charges when the same become due or should CITY default in the performance of any covenant or agreement or condition hereunder after ninety (90) days' written notice of such default by LESSOR to CITY, and if LESSOR should hereafter file suit for the payment of said delinquent rent or for the performance of any such covenant or agreement or condition, CITY agrees that it will, in connection with such litigation, pay court costs of LESSOR and such reasonable attorneys' fees for LESSOR as may be fixed by the Court.

EIGHTEENTH: WAIVERS.

No acquiescence, failure or neglect of either LESSOR or CITY to insist on strict performance of any or all of the terms hereof shall be considered or constitute a waiver of any term or condition of this agreement, or any performances required thereunder, or of any remedy, damages or other right arising out of such refusal, neglect or inability to perform at any time.

NINETEENTH: MISCELLANEOUS.

Each and all of the terms and agreements herein contained shall be binding upon and inure to the benefit of the successors in interest of LESSOR and CITY respectively. It is hereby covenanted and agreed that time is of the essence of this agreement except where otherwise expressly provided for.

If any section, paragraph, sentence, clause, phrase, or portion of this agreement is invalid or shall be held to be invalid, such invalidity shall not affect the validity of the balance.

IN WITNESS WHEREOF, the City of Modesto, a municipal corporation, second party, has caused this agreement to be

executed in duplicate by its City Manager and attested by its City Clerk, under authority of Ordinance No. _____ N.S., adopted by the City Council on _____, 1954, and the first party has caused this agreement to be executed the day and year first above mentioned.

First party, Lessor

CITY OF MODESTO, a municipal corporation, second party, Lessee.

By ROSS MILLER, City Manager

APPROVED AS TO FORM:

By Allen Grimes
ALLEN GRIMES, City Attorney

ATTEST:

By Rex E. Gailfus
REX E. GAILFUS, City Clerk

DESCRIPTION
OF PROPERTY TO BE TRANSFERRED
FOR ERECTION OF AIRPORT BUILDING

A portion of the City of Modesto Airport situated in the northwest quarter of the southeast quarter of Section 34, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, more particularly described as follows:

Commencing at the concrete monument marking the intersection of the center lines of Conjeo Avenue and Tuolumne (Monterey) Avenue as shown on the map of Legion Park Tract, recorded in Volume 14 page 10 of Maps, Stanislaus County Records, said monument being on the northsouth quarter section line of Section 34; thence North $0^{\circ} 42' 20''$ West along said quarter section line 373.84 feet; thence North $89^{\circ} 17' 40''$ East 108.69 feet to the point of beginning of this description; thence North $89^{\circ} 17' 40''$ East 100 feet; thence North $0^{\circ} 42' 20''$ West 100 feet; thence South $89^{\circ} 17' 40''$ West 100 feet; thence South $0^{\circ} 42' 20''$ East 100 feet to the point of beginning of this description, containing 0.23 acre.

As access to the above described property the City of Modesto gives permission to use the existing roads and driveway areas on the property of the City of Modesto for purposes of ingress and egress.

1 SECTION 5. Execution of Documents. That the Mayor be,
2 and he is hereby authorized to execute a deed to the aforesaid
3 property to Coddling Homes on behalf of the City of Modesto, and
4 that the City Manager be, and he is hereby authorized to execute
5 the above mentioned agreement on behalf of said City.

6 SECTION 6. Recordation of Agreement. That the City
7 Clerk be and he is hereby authorized and directed to cause the
8 above mentioned deed and agreement to be recorded in the office
9 of the Recorder of Stanislaus County immediately following the
10 execution of said document, said recordation to be in the order
11 named.

12 SECTION 7. Effective Date. This ordinance shall go
13 into effect and be in full force and operation from and after
14 fifteen (15) days after its final passage and adoption.

15 SECTION 8. Publication. This ordinance shall be
16 published in full at least once at least three (3) days prior to
17 its final adoption in The Modesto Tribune, the official newspaper
18 of the City of Modesto.

19 The foregoing ordinance was introduced at a regular
20 meeting of the Council of the City of Modesto held on the 21st day
21 of April, 1954, by Councilman Mellis, who
22 moved its introduction and passage to print, which motion being
23 duly seconded by Councilman R. Adams, was upon roll
24 call carried and ordered printed and published by the following
25 vote:

26
27 AYES: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill and
Mayor Marks

28 NOES: Councilmen: None

29 ABSENT: Councilmen: Annan

30 APPROVED: 
HARRY MARKS, Mayor

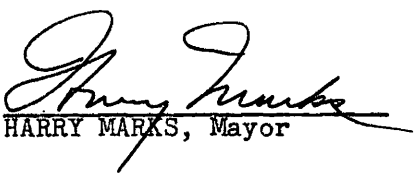
31 ATTEST: 
32 REX E. GALLFUS, City Clerk

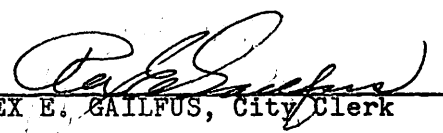
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FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and 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 28 day of April, 1954, Councilman R. Adams moved its final adoption, which motion being duly seconded by Councilman Merrill, was upon roll call carried and the ordinance finally adopted by the following vote:

- AYES: Councilmen: R. Adams, Annan, Arata, Mellis, Merrill, Mayor Marks
- NOES: Councilmen: None
- ABSENT: Councilmen: M. Adams

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: May 13, 1954

SPECIAL
NOT IN CODE

AN ORDINANCE PROVIDING FOR THE SUB-LEASE OF CERTAIN PROPERTY TO SAM JONES AND AUTHORIZING THE EXECUTION OF A SUB-LEASE AGREEMENT IN CONNECTION THEREWITH.

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

SECTION 1. The City of Modesto hereby sub-leases to SAM JONES for a term of three (3) years at an annual rental of One Thousand Three Hundred Sixty and no/100ths (\$1360.00) DOLLARS, the following described property situate in the County of Stanislaus, State of California and more particularly described as follows:

A portion of the City of Modesto Airport situated in the northwest quarter of the southeast quarter of Section 34, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, more particularly described as follows:

Commencing at the concrete monument marking the intersection of the center lines of Conejo Avenue and Tuolumne (Monterey) Avenue as shown on the map of Legion Park Tract, recorded in Volume 14, page 10 of Maps, Stanislaus County Records, said monument being on the North-South quarter section line of Section 34; thence North 0° 42' 20" West along said quarter section line, 373.84 feet; thence North 89° 17' 40" East 108.69 feet to the point of beginning of this description; thence North 89° 17' 40" East 100 feet; thence North 0° 42' 20" West 100 feet; thence South 89° 17' 40" West 100 feet; thence South 0° 42' 20" East 100 feet to the point of beginning of this description, containing 0.23 acre;

in accordance with the terms and conditions as set forth in that certain agreement covering the sub-lease of said property, a copy of which is on file in the office of the City Clerk in the City of Modesto. The terms and conditions of said lease are hereby accepted and approved.

SECTION 2. The City Manager and the City Clerk of the City of Modesto be, and they are hereby authorized and empowered to sign said agreement on behalf of the City upon this ordinance becoming effective.

SECTION 3. This ordinance shall go into effect and be

1 in full force and operation from and after fifteen (15) days after
2 its final passage and adoption.

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

7 The foregoing ordinance was introduced at the regular
8 meeting of the Council of the City of Modesto held on the 21st
9 day of April, 1954, by Councilman Arata, who moved
10 its introduction and passage to print, which motion being duly
11 seconded by Councilman Merrill, was upon roll call
12 carried and ordered printed and published by the following vote:

13 AYES: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill and
Mayor Marks
14 NOES: Councilmen: None
15 ABSENT: Councilmen: Annan

16
17 APPROVED:


HARRY MARKS, Mayor

18
19 ATTEST:


REX B. GAILFUS, City Clerk

1122
576
Ord. 1122-N.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and 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 28 day of April, 1954, Councilman Arata moved its final adoption, which motion being duly seconded by Councilman Annan, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: R. Adams, Annan, Arata, Mellis, Merrill, Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: M. Adams

EFFECTIVE DATE: May 13, 1954

APPROVED: 

HARRY MARKS, Mayor

ATTEST: 

REX E. GAILFUS, City Clerk

1 AN ORDINANCE AMENDING ORDINANCE NO. 700-N.S. OF THE
 2 CITY OF MODESTO ENTITLED, "AN ORDINANCE OF THE CITY
 3 OF MODESTO, STATE OF CALIFORNIA, ADOPTING A LAND USE
 4 PLAN, BEING A DISTRICTING PLAN, AS A PART OF THE
 5 MASTER PLAN OF SAID CITY; SPECIFYING THE PURPOSES
 6 AND THE EFFECTS OF THE ADOPTION OF SAID PLAN WHEREBY
 7 VARIOUS DISTRICTS ARE ESTABLISHED IN SAID CITY;
 8 SPECIFYING THE USES OF LAND AND OF BUILDINGS PER-
 9 MMITTED IN SAID DISTRICTS; ESTABLISHING CERTAIN
 10 HEIGHT LIMITS OF BUILDINGS WITHIN SAID DISTRICTS;
 11 REQUIRING CERTAIN YARDS AND OTHER OPEN SPACES WITH-
 12 IN SAID DISTRICTS; PRESCRIBING REGULATIONS FOR THE
 13 ERECTION, CONSTRUCTION, LOCATION, ALTERATION AND
 14 MAINTENANCE OF BUILDINGS, STRUCTURES AND OTHER IM-
 15 PROVEMENTS IN SAID DISTRICTS; SPECIFYING THE PRO-
 16 CEDURE FOR THE ADMINISTRATION OF SAID PLAN; SPECI-
 17 FYING THE PROCEDURE FOR THE AMENDMENT HEREOF, AND
 18 PRESCRIBING THE PENALTY FOR VIOLATION OF ANY OF THE
 19 PROVISIONS OF THIS ORDINANCE", AS AMENDED, BY AMEND-
 20 ING SUBSECTIONS (a) AND (b) OF SECTION 19 THEREOF.

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

22 SECTION 1. Subsections (a) and (b) of Section 19 of Ordinance No. 700-N.S. of the City of Modesto entitled, "AN ORDINANCE OF THE CITY OF MODESTO, STATE OF CALIFORNIA, ADOPTING A LAND USE PLAN, BEING A DISTRICTING PLAN, AS A PART OF THE MASTER PLAN OF SAID CITY; SPECIFYING THE PURPOSES AND THE EFFECTS OF THE ADOPTION OF SAID PLAN WHEREBY VARIOUS DISTRICTS ARE ESTABLISHED IN SAID CITY; SPECIFYING THE USES OF LAND AND OF BUILDINGS PERMITTED IN SAID DISTRICTS; ESTABLISHING CERTAIN HEIGHT LIMITS OF BUILDINGS WITHIN SAID DISTRICTS; REQUIRING CERTAIN YARDS AND OTHER OPEN SPACES WITHIN SAID DISTRICTS; PRESCRIBING REGULATIONS FOR THE ERECTION, CONSTRUCTION, LOCATION, ALTERATION AND MAINTENANCE OF BUILDINGS, STRUCTURES AND OTHER IMPROVEMENTS IN SAID DISTRICTS; SPECIFYING THE PROCEDURE FOR THE ADMINISTRATION OF SAID PLAN; SPECIFYING THE PROCEDURE FOR THE AMENDMENT HEREOF, AND PRESCRIBING THE PENALTY FOR VIOLATION OF ANY OF THE PROVISIONS OF THIS ORDINANCE", as amended, are hereby amended to read as follows:

23 Section 19. (a) In the event said petition
 24 is filed with the Secretary of the Planning
 25 Commission at least two weeks in advance of
 26 the regular Planning Commission meeting, the
 27 Secretary may cause notice of the time and
 28 place of a public hearing to be held by the
 29 Planning Commission to be published at least
 30 ten (10) days before such hearing. In addition,
 31
 32

1 the Secretary shall mail or post such notices
2 as directed by the Planning Commission.

3 Unless the Planning Commission directs other-
4 wise by its Rules and Regulations, the Secre-
5 tary shall include a brief statement when
6 mailing notices, of the uses which would be
7 permitted in event the petition request was
8 approved.

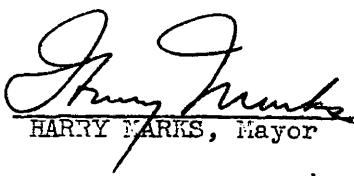
9 (b) In the event the Secretary has not
10 caused notice of such a public hearing to be
11 published, the Planning Commission shall at
12 its next meeting fix the time and place for
13 such a public hearing which notice shall be
14 published once at least ten (10) days prior
15 to such hearing.

16 SECTION 2. This ordinance shall go into effect and be in
17 full force and operation from and after fifteen (15) days after
18 its final passage and adoption.

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

22 The foregoing ordinance was introduced at a regular meet-
23 ing of the Council of the City of Modesto held on the 21st day of
24 April, 1954, by Councilman Merrill, who
25 moved its introduction and passage to print, which motion being
26 duly seconded by Councilman R. Adams, was upon roll
27 call carried and ordered printed and published by the following
28 vote:

29 AYES: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill and
30 Mayor Marks
31 NOES: Councilmen: None
32 ABSENT: Councilmen: Annan

33 APPROVED: 
HARRY MARKS, Mayor

34 ATTEST: 
REX E. GALLFUS, City Clerk

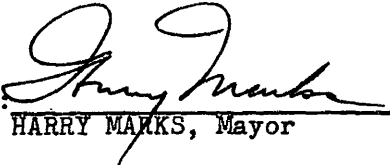
1123
0201
Ord. 1123-N.S. FINAL ADOPTION CLAUSE


The foregoing ordinance, having been printed and 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 28 day of April, 1954, Councilman Annan moved its final adoption, which motion being duly seconded by Councilman R. Adams, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: R. Adams, Mellis, Annan, Arata, Merrill, Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: M. Adams

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE:

May 13, 1954

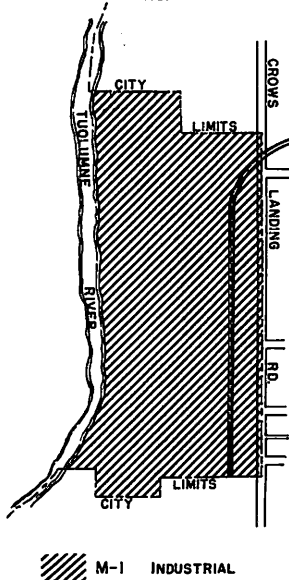
ORDINANCE NO. 1124 -N.S.

1 AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE
2 NO. 700-N.S., AS AMENDED, BY ADDING USE DISTRICT
3 MAP NO. 10 THERETO FOR THE PURPOSE OF ZONING
4 THAT CERTAIN TERRITORY IN THE CITY OF MODESTO
5 KNOWN AS THE "CROWS LANDING ROAD INDUSTRIAL
6 DISTRICT".

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

7 SECTION 1. Use District Map No. 10 is hereby added to Section 2
8 of Ordinance No. 700-N.S. of the City of Modesto, as amended, to appear as
9 follows:
10
11
12

13 LAND USE DISTRICT MAP
14 No. 10



1 SECTION 2. This ordinance shall go into effect and be in full force
2 and operation from and after fifteen (15) days after its final passage and
3 adoption.

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

7 The foregoing ordinance was introduced at a regular meeting of the
8 Council of the City of Modesto held on the 21st day of April, 1954, by
9 Councilman Mellis, who moved its introduction and passage to
10 print, which motion being duly seconded by Councilman Arata,
11 was upon roll call carried and ordered printed and published by the following
12 vote:

13 AYES: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill and
Mayor Marks
14 NOES: Councilmen: None
15 ABSENT: Councilmen: Annan

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17 APPROVED: 
HARRY MARKS, Mayor

18 ATTEST: 
19 REX E. GAILFUS, City Clerk

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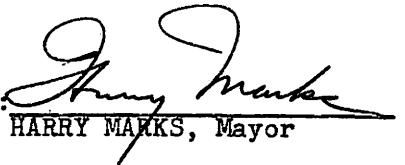
1124
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ord. 1124-N.S.

FINAL ADOPTION CLAUSE


The foregoing ordinance, having been printed and 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 28 day of April, 1954, Councilman Merrill moved its final adoption, which motion being duly seconded by Councilman Arata, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: R. Adams, Annan, Arata, Mellis, Merrill, Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: M. Adams

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: May 13, 1954

REPEALED BY
MUNICIPAL CODE

AN ORDINANCE REPEALING ORDINANCE NO. 1104-N. S. OF THE CITY OF MODESTO ENTITLED, "AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY TO DALTON P. ELLIS BY THE CITY OF MODESTO".

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

SECTION 1. Ordinance No. 1104-N. S. of the City of Modesto entitled, "An Ordinance Authorizing the Sale of Certain Real Property to Dalton P. Ellis by the City of Modesto" is hereby expressly repealed.

SECTION 2. This ordinance shall go into effect and be in full force and operation from and after fifteen (15) days after its final passage and adoption.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of April, 1954, by Councilman M. Adams, who moved its introduction and passage to print, which motion being duly seconded by Councilman Arata, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill and Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: Annan

APPROVED: Harry Marks
HARRY MARKS, Mayor

ATTEST: REX E. GAILFUS
REX E. GAILFUS, City Clerk

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754
Ord. 1125-N.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and 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 28 day of April, 1954, Councilman Merrill Annan moved its final adoption, which motion being duly seconded by Councilman Annan, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: R. Adams, Annan, Arata, Mellis, Merrill, Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: M. Adams

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: May 13, 1954

SPECIAL
NIGHT IN CODE

AN ORDINANCE ANNEXING UNINHABITED TERRITORY
KNOWN AS THE McHENRY VILLAGE ADDITION TO THE
CITY OF MODESTO.

3 Whereas, a petition was filed with the City Clerk by
4 McHenry Village, Inc. and Lawrence Robinson and Sons on March 9,
5 1954, to annex to the City of Modesto under the provisions of
6 Annexation of Uninhabited Territory Act of 1939, as amended,
7 certain uninhabited territory, hereinafter described and desig-
8 nated as the McHenry Village Addition, situate in the County of
9 Stanislaus, State of California, and contiguous to the City of
10 Modesto, and

11 WHEREAS, the City Council by resolution adopted on the
12 24th day of March, 1954, set said petition for hearing at the
13 hour of 8:00 o'clock p.m. on the 28th day of April, 1954, in the
14 Council Chambers of the City Hall of the City of Modesto, and

15 WHEREAS, at said time and place no objectors appeared
16 to oppose said petition, and

17 WHEREAS, it appears to the City Council and the City
18 Council so finds that a copy of the resolution giving notice of
19 the proposed annexation and fixing the time and place for hearing
20 objections to the proposed annexation was published in newspapers
21 of general circulation, to-wit; The Modesto Tribune, a newspaper
22 published in the City of Modesto, on March 26, 1954 and April 1,
23 1954; and in the Turlock Daily Journal, a newspaper published
24 outside the City of Modesto, but in the County of Stanislaus, on
25 March 27, 1954 and April 3, 1954, for the time and in the manner
26 required by law, which publications were completed at least
27 twenty (20) days prior to the date set for hearing; that written
28 notice of the proposed annexation has been mailed by the City
29 Clerk of the City of Modesto to each person to whom land within
30 the territory proposed to be annexed was assessed on the last
31 equalized assessment roll available on the date the proceedings

1 were initiated, at the address as shown thereon, or as known to
2 said Clerk, and to any person who has filed his name and address
3 and the designation of the lands in which he has any interest,
4 either legal or equitable, with said Clerk, which notices were
5 mailed not less than twenty (20) days before the date set for
6 public hearing, and that all the requirements of the Annexation
7 of Uninhabited Territory Act of 1939, as amended, have been
8 complied with,

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

11 SECTION 1. That the petition of McHenry Village, Inc.
12 and Lawrence Robinson and Sons be, and the same is hereby granted
13 and the territory described in the said petition is hereby
14 annexed to and made a part of the City of Modesto.

15 SECTION 2. That the area or territory so annexed,
16 designated as the McHenry Village Addition, is located in the
17 County of Stanislaus, State of California, is contiguous to the
18 City of Modesto, is uninhabited territory within the meaning of
19 the Annexation of Uninhabited Territory Act of 1939, as amended,
20 and is more particularly described as follows:

21 All the portions of Sections 16, 17, 20, and 21,
22 Township 3 South, Range 9 East, Mount Diablo
Base and Meridian, described as follows:

23 Beginning at the intersection of the south line
24 of the Modesto Irrigation District Lateral No. 3
25 and the west line of the 50-ft. street known as
26 McHenry Avenue, said point being a corner of the
27 existing City Limits; thence easterly along the
28 south right of way line of the Modesto Irrigation
29 District Lateral No. 3, North 89° 36' East,
30 587.24 feet; thence continuing along said right
31 of way line along a curve to the right having a
32 radius of 183.48 feet, central angle of 19° 50',
a distance of 63.51 feet; thence continuing along
said right of way line, South 70° 34' East 903.49
feet, to the Westerly line of Camellia Gardens
Tract as recorded in Volume 17 of Maps at Page 5,
Stanislaus County Records; thence along said
Westerly line South 0° 51' 30" East, 631.73 feet;
thence North 89° 39' West, 150.00 feet; thence
along the quarter, quarter section line of said

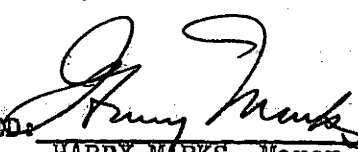
1 Section 16, South 0° 51' 30" East, 130 feet,
2 to the North line of the 40-ft. road known as
3 Granger Avenue; thence along the North line of
4 Granger Avenue, North 89° 39' West, 663.12 feet;
5 thence North 0° 48' West, 112.00 feet; thence
6 North 89° 39' West, 410.50 feet; thence South
7 0° 48' East, 112.00 feet; thence along the North
8 line of Granger Avenue, North 89° 39' West, 49.50
9 feet; thence Southerly parallel to McHenry Avenue
10 200.00 feet; thence Easterly parallel to Granger
11 Avenue 460.00 feet, to a point on the East line of
12 Lot 5, Coolidge Colony, recorded in Volume 5 of
13 Maps at Page 17, Stanislaus County Records; thence
14 Southerly along the East line of Lot 5, a distance
15 of 150.00 feet, to the Southeast corner of Lot 5,
16 thence Westerly along the South line of Lot 5, a
17 distance of 132.00 feet; thence Southerly parallel
18 to McHenry Avenue, 310.00 feet to the North line
19 of the 40-ft. road known as Coolidge Avenue; thence
20 Westerly along said North line, 213.6 feet; thence
21 Northerly parallel to McHenry Avenue, 160.00 feet;
22 thence Westerly parallel to Granger Avenue, 340.40
23 feet to the West line of McHenry Avenue, a point on
24 the present City Limits; thence Northerly along the
25 West line of McHenry Avenue and the present City
26 Limits 1559.80 feet, to the point of beginning.

27 SECTION 3. Pursuant to Section 722 of the Charter of
28 the City of Modesto, this ordinance shall become effective
29 immediately upon its adoption.

30 SECTION 4. This ordinance shall be published in full
31 at least once in The Modesto Tribune, the official newspaper of
32 the City of Modesto.

The foregoing ordinance was introduced and adopted at
a regular meeting of the Council of the City of Modesto held on
the 28th day of April, 1954 by Councilman Arata, who
moved its adoption and passage to print, which motion being duly
seconded by Councilman Annan, was upon roll call
carried and ordered printed and published by the following vote:

AYES: Councilmen: R. Adams, Annan, Arata, Mellis, Merrill
Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: M. Adams

APPROVED: 

HARRY MARKS, Mayor

ATTEST: 

REX E. GALIPUS, City Clerk

1 AN ORDINANCE OF THE CITY OF MODESTO AMENDING
2 ORDINANCE NO. 1118-N.S. ENTITLED "AN ORDINANCE
3 REGULATING THE LOCATION, INSTALLATION, ALTERA-
4 TION, REPAIR AND MAINTENANCE OF TELEVISION
5 ANTENNAS; PROVIDING FOR INSPECTIONS; AND PRO-
6 VIDING A PENALTY FOR THE VIOLATION OF THIS
7 ORDINANCE" BY AMENDING SECTION 2 (c) THEREOF.

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

10 SECTION 1. TECHNICAL REQUIREMENTS. Section 2 (c) of
11 Ordinance No. 1118-N.S. of the City of Modesto, entitled, "An
12 Ordinance Regulating the Location, Installation, Alteration,
13 Repair and Maintenance of Television Antennas; Providing for
14 Inspections; and Providing a Penalty for the Violation of this
15 Ordinance," is hereby amended to read as follows:

16 SECTION 2. TECHNICAL REQUIREMENTS.

17 (c) Method of Erection. Masts shall be
18 erected by means of the telescope method, and
19 the base of the mast shall be at least one
20 and three-quarters (1 3/4") inches in diameter,
21 and at least three-quarters (3/4") inches in
22 diameter at the top of the mast, except that
23 no rotor shall be mounted on any mast, the top
24 dimension of which is less than one (1") inch
25 in diameter. Masts shall be made of tubing
26 material of a minimum thickness of 16 gauge.
27 Each mast shall be securely fastened to the
28 building structure by not less than three (3)
29 guy wires as equally separated as is practically
30 possible and guyed at every ten (10') feet in
31 height. Guy wires shall be at least twenty (20)
32 gauge, six-strand galvanized cable. The distance
that the guy wire shall be fastened from the base
of the television mast shall be the ratio of one-
third (1/3) of its height; e.g., a forty-five
foot mast shall be guyed at least fifteen (15')
feet away from mast;

SECTION 2. EFFECTIVE DATE. This ordinance shall go
into effect and be in full force and operation from and after
fifteen (15) days after its final passage and adoption.

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

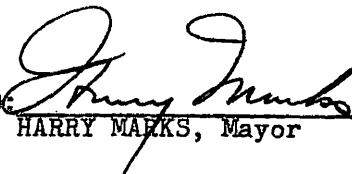
The foregoing ordinance was introduced at a regular


Ord. 1127-N.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 5th day of May, 1954 Councilman M. Adams moved its final adoption, which motion being duly seconded by Councilman R. Adams, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: **May 20, 1954**

ORDINANCE NO. 1128 -N.S.

1 AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE
2 NO. 1084-N.S. OF THE CITY OF MODESTO ENTITLED
3 "AN ORDINANCE PROVIDING THE TIME, PLACE AND
4 PROCEDURE FOR CONDUCTING MEETINGS OF THE CITY
5 COUNCIL OF THE CITY OF MODESTO".

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

8 SECTION 1. Section 1 of Ordinance No. 1084-N.S. of
9 the City of Modesto entitled, "An Ordinance Providing the Time,
10 Place and Procedure for Conducting Meetings of the City Council
11 of the City of Modesto" is hereby amended to read as follows:

12 SECTION 1. REGULAR MEETINGS. (a) Time.
13 Regular meetings of the City Council shall
14 be held on the first, second, third and
15 fourth Wednesday of each month. The meetings
16 held on the first and third Wednesday shall
17 commence at the hour of 4 o'clock P.M., and
18 the meetings held on the second and fourth
19 Wednesday shall commence at the hour of 7:30
20 o'clock P.M. Meetings of the Council for
21 the purpose of canvassing election returns
22 not held on a regular Council meeting date
23 shall commence at the hour of 4 o'clock P.M.

24 (b) Place. All meetings of the Council shall be
25 convened in the Council Chamber. The assembly
26 room in the basement of the McHenry Library
27 Building, Fourteenth and "I" Streets, Modesto,
28 California, is hereby designated as the Council
29 Chamber. If, by reason of fire, flood, earth-
30 quake or other emergency, it shall be unsafe to
31 meet in the place designated, the meetings may
32 be held for the duration of the emergency at
such place as is designated by the Presiding
Officer of the Council.

(c) Public. All meetings of the Council shall be
open to the public.

SECTION 2. EFFECTIVE DATE. This ordinance shall go
into effect and be in full force and operation from and after
fifteen (15) days after its final passage and adoption.

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

The foregoing ordinance was introduced at a regular

1 meeting of the Council of the City of Modesto held on the 12th
2 day of May, 1954, by Councilman Annan,
3 who moved its introduction and passage to print, which motion
4 being duly seconded by Councilman R. Adams, was upon
5 roll call carried and ordered printed and published by the
6 following vote:

7 AYES: Councilmen: M. Adams, R. Adams, Mellis, Annan, Arata
Mayor Pro Tempore Merrill

8 NOES: Councilmen: None

9 ABSENT: Councilmen: Mayor Marks

10 APPROVED:


HARRY MARKS, Mayor

11 ATTEST: 
12 REX E. GAILFUS, City Clerk

Ord. 1128-N.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and 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 19 day of May, 1954, Councilman R. Adams moved its final adoption, which motion being duly seconded by Councilman Mellis, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: Merrill

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE:

June 3, 1954

1 AN ORDINANCE AMENDING ORDINANCE NO. 487-N.S. OF THE
2 CITY OF MODESTO ENTITLED, "AN ORDINANCE PROVIDING
3 FOR LICENSING AND REGULATING THE CARRYING ON OF CER-
4 TAIN PROFESSIONS, TRADES, CALLINGS AND OCCUPATIONS
5 IN THE CITY OF MODESTO, PROVIDING THE METHOD OF COL-
6 LLECTING SUCH LICENSES, AND REPEALING CERTAIN ORDIN-
7 ANCES" AS AMENDED, BY AMENDING SECTION 8 THEREOF
8 AND BY ADDING SECTION 10 THERETO, AND REPEALING
9 ORDINANCE NOS. 508-N.S., 532-N.S. and 540-N.S.

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

8 SECTION 1. Section 8 of Ordinance No. 487-N.S. of
9 the City of Modesto entitled, "An Ordinance Providing for
10 Licensing and Regulating the Carrying on of Certain Professions,
11 Trades, Callings and Occupations in the City of Modesto, Pro-
12 viding the Method of Collecting Such Licenses, and Repealing
13 Certain Ordinances", as amended, is hereby amended to read as
14 follows:

15 Section 8. Delinquent Payments. Penalties. The
16 Collector shall, at the close of business on the
17 last day of the month in which license fees herein
18 specified are payable, add to all license fees
19 remaining unpaid, after deducting therefrom all credits
20 said licensee is entitled to by virtue of Section 10
21 of this ordinance, a penalty of ten (10) per cent of
22 such delinquent license fees, plus interest at the
23 rate of one-half (1/2) of one (1) per cent per month
24 or fraction thereof until paid. No license shall be
25 issued to such delinquent licensee until both the license
26 and the penalties and interest shall have been paid.

27 The Collector shall deposit daily with the City
28 Treasurer all monies collected by him for license
29 fees including penalties and interest.

30 SECTION 2. Section 10 entitled, "Waiver and Refund of
31 Penalty Charges", is hereby added to said Ordinance No. 487-N.S.
32 to read as follows:

33 Section 10. Waiver and Refund of Penalty Charges.

34 (a) The City Council, by resolution, may waive any
35 penalty charges heretofore or hereafter applicable to
36 any delinquent license fee payment due the City as a
37 result of a deficiency determination by the Collector
38 if the Council determines that the failure of taxpayer
39 to pay all taxes due on time was not intentional or
40 by reason of carelessness.

41 (b) The City Council, by resolution, may refund any
42 penalty charges imposed as a result of a deficiency
43 determination by the Collector on any license fee
44 payment heretofore paid under written protest to the

1 City if the Council finds that the failure of
2 taxpayer to pay all taxes due on time was not
intentional or by reason of carelessness.

3 (c) Every request for a waiver or claim for a
4 refund of payment of any penalty charges imposed
5 pursuant to a deficiency determination shall be
6 filed by taxpayer in writing with the Collector and
7 shall state the specific grounds upon which the request
8 or claim is founded.

9 (d) Every request for a waiver of payment of any
10 penalty charges imposed pursuant to a deficiency
11 determination shall be filed by taxpayer in writing
12 with the Collector within thirty (30) days from the
13 date of the mailing of written notice to taxpayer
14 of a deficiency determination. Failure of taxpayer
15 to request a waiver within the time prescribed
16 constitutes a waiver of any such demand against the
17 City.


18 SECTION 3. ORDINANCES REPEALED. Ordinance Nos.
19 508-N.S., 532-N.S. and 540-N.S. are hereby expressly repealed.

20 SECTION 4. EFFECTIVE DATE. This ordinance shall go
21 into effect and be in full force and operation from and after
22 fifteen (15) days after its final passage and adoption.

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

27 The foregoing ordinance was introduced at a regular
28 meeting of the Council of the City of Modesto held on the 26th
29 day of May, 1954, by Councilman Mellis, who
30 moved its introduction and passage to print, which motion being
31 duly seconded by Councilman R. Adams, was upon roll call
32 carried and ordered printed and published by the following vote:

33 AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis,
Merrill and Mayor Marks
34 NOES: Councilmen: None
35 ABSENT: Councilmen: None

36 APPROVED: 

HARRY MARKS, Mayor

37 ATTEST: 

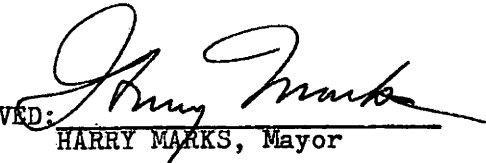
REV. E. GAILFUS, City Clerk

Ord. 1129-N.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and 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, 1954, Councilman R. Adams moved its final adoption, which motion being duly seconded by Councilman Mellis, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE:
June 24, 1954

NO. 5-6.201

5-6.206

5-6.207

5-6.208

5-6.211

5-6.213

AN ORDINANCE AMENDING ORDINANCE NO. 1092-N. S. OF THE CITY OF MODESTO ENTITLED, "AN ORDINANCE REGULATING THE DISCHARGE OF SANITARY SEWAGE AND INDUSTRIAL WASTES INTO THE INDUSTRIAL WASTE SYSTEM AND/OR SANITARY SEWAGE SYSTEM OF THE CITY OF MODESTO: PRESCRIBING RULES, REGULATIONS AND SCHEDULE OF CHARGES FOR THE RECEIVING AND TREATMENT AND DISPOSAL OF SANITARY SEWAGE AND INDUSTRIAL WASTES: PROVIDING FOR MEANS OF COLLECTION OF SUCH CHARGES AND FOR ENFORCEMENT MEASURES IN CASE OF NON-PAYMENT OF SAID CHARGES OR FOR CERTAIN VIOLATIONS: PROVIDING FOR EFFECTIVE DATE OF THIS ORDINANCE AND OF CHARGES HEREUNDER: AND REPEALING CERTAIN ORDINANCES OR SECTIONS THEREOF", BY AMENDING SECTIONS 1, 6, 7, 8, 11, AND 16 THEREOF.

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

SECTION 1. Section 1, entitled "Definitions" of Ordinance No. 1092-N. S. of the City of Modesto entitled, "An Ordinance Regulating the Discharge of Sanitary Sewage and Industrial Wastes into the Industrial Waste System and/or Sanitary Sewage System of the City of Modesto: Prescribing Rules, Regulations and Schedule of Charges for the Receiving and Treatment and Disposal of Sanitary Sewage and Industrial Wastes: Providing for Means of Collection of Such Charges and for Enforcement Measures in Case of Non-Payment of said Charges or for Certain Violations: Providing for Effective Date of This Ordinance and of Charges Hereunder: and Repealing Certain Ordinances or Sections Thereof" is hereby amended to read as follows:

- Section 1. Definitions. (a) Industrial Waste: Liquid and/or solids contained within a liquid, other than sanitary sewage, and discharged into either the industrial waste system or sanitary sewage system.
- (b) Industrial Waste Plant: The treatment plant or plants owned or to be owned by the City of Modesto which may be designed and used for the treatment and disposal of "industrial waste".
- (c) Industrial Waste System: The industrial waste plant and all appurtenant pipe lines and/or laterals which discharge into said industrial waste plant.
- (d) Sanitary Sewage: Waste discharging into the City sewage system and which contains human or animal excreta.
- (e) Sanitary Sewer Plant: The plant owned by the City of Modesto and designed for the treatment and disposal of sanitary sewage.
- (f) Sanitary Sewage System: The sanitary sewer plant and all appurtenant pipe lines and laterals discharging into said plant.
- (g) Sewage: Industrial waste or sanitary sewage, or both.
- (h) Sewer Service: The services and facilities for the treatment and disposal of industrial wastes and sanitary sewage.
- (i) Sewer System: The facilities for the collection, treatment and disposal of industrial wastes and sanitary sewage.

- (j) Person: Any person, firm, company, corporation, partnership, association, any public corporation, political subdivision, city (excepting, however, the City of Modesto), county, district, the State of California, or the United States of America, or any department or agency of any thereof.
- (k) Director: The Director of Public Works of the City of Modesto or such other person as may be designated by the Director of Public Works to perform the services or make the determinations permitted or required under this ordinance to be made by the Director of Public Works of the City.
- (l) Premise: Any lot, piece or parcel of land, any building or other structure or any part of any building or structure used or useful for human habitation or gathering or carrying on any business or occupation.
- (m) User: Any person responsible for payment of sewer service fees for premises served as provided in this ordinance.
- (n) Residential User: Any user whose premises is used solely for residential purposes as defined in Section 1 of Ordinance No. 1070-N. S.
- (o) Industrial User: Any user engaged in the business of processing or manufacturing agricultural products, animals, poultry, goods, wares or other products or materials, who processes or manufactures the same for the purpose of sale, resale or redelivery in processed or manufactured form.
- (1) Industrial User, Class A: Any industrial user producing sewage which has a 5 day Biochemical Oxygen Demand (B. O. D.) not exceeding 20 parts per million (p. p. m.) by weight.
- (2) Industrial User, Class B: Any industrial user producing sewage which has a 5 day B. O. D. exceeding 20 p. p. m. by weight but not exceeding 300 p. p. m. by weight.
- (3) Industrial User, Class C: Any industrial user producing sewage which has a 5 day B. O. D. exceeding 300 p. p. m. by weight but not exceeding 1, 000 p. p. m. by weight.
- (4) Industrial User, Class D: Any industrial user producing sewage which has a 5 day B. O. D. exceeding 1, 000 p. p. m. by weight.
- (5) Seasonal Industrial User: Any industrial user producing ninety (90%) per cent of its annual industrial waste volume between the first of May and the 31st of October of any calendar year.
- (p) Commercial User: Any user not defined as a residential or industrial user.
- (q) Outside User: Any person responsible for payment of sewer service fees for premises served outside the City limits.
- (r) The singular shall include the plural unless the context indicates otherwise.

SECTION 2. Section 6, entitled, "Sewer Service Charges. Rate Schedules"

of said Ordinance No. 1092-N. S. is hereby amended to read as follows:

Section 6. Sewer Service Charges. Rate Schedules. All users of the sewer system shall pay to the City of Modesto, as rental for the use of such facilities, a sewer service charge in accordance with the following schedules:

- (a) Residential User, Inside City: Charges for residential users, inside City, shall be as established by sub-sections (a) and (b) of Section 2 of Ordinance No. 1070-N.S.
- (b) Residential User, Outside City: Charges for residential users, outside City, shall be Three and no/100ths (\$3.00) Dollars per month, per dwelling unit, payable bi-monthly.
- (c) Commercial User, Inside City: Charges for all commercial users, inside City, shall be fifty (50%) per cent of the bi-monthly water bill, provided that all water used on the premises is from City facilities. If any or all water used by any commercial user is from other than City facilities, user shall install metering facilities approved by the Director at the user's expense and the sewer service charge shall be an amount equal to fifty (50%) per cent of the charge which would be made, were such water from City facilities.
- (d) Commercial User, Outside City: Charges for commercial users, outside City, shall be the charges for commercial users, inside City, multiplied by three (3).
- (e) Industrial User, Class A: Charges for industrial users, Class A, inside City, shall be as follows, based on either sewage discharged or water used:

<u>Cubic Feet</u>	<u>Rate of Charge</u>
3,000 CF or less	\$5.00 per month
Next 12,000 CF	.040 per 100 CF
Next 185,000 CF	.030 per 100 CF
Next 400,000 CF	.0250 per 100 CF
All Over 600,000 CF	.0225 per 100 CF

- (f) Industrial User, Class B: Charges for industrial users, Class B, inside City, shall be as follows:

(1) If water used is the basis selected:

<u>Cubic Feet of Water Used</u>	<u>Rate of Charge</u>
3,000 CF or less	\$5.00 per month
Next 12,000 CF	.050 per 100 CF
Next 185,000 CF	.040 per 100 CF
Next 400,000 CF	.035 per 100 CF
All Over 600,000 CF	.030 per 100 CF

(2) If sewage discharged is the basis selected:

<u>Cubic Feet of Sewage Discharged</u>	<u>Rate of Charge</u>
2,400 CF or less	\$5.00 per month
Next 3,600 CF	.050 per 80 CF
Next 148,000 CF	.040 per 80 CF
Next 320,000 CF	.035 per 80 CF
All Over 480,000 CF	.030 per 80 CF

- (g) Industrial User, Class C: Charges for industrial users, Class C, inside City, shall be one hundred twenty (120%) per cent of the charges listed above for Industrial User, Class B.
- (h) Industrial User, Class D: Charges for industrial users, Class D, inside City, shall be one hundred forty (140%) per cent of the charges listed above for Industrial User, Class B.
- (i) Industrial User, Interim Rate: During the period from June 1, 1954 to March 1, 1955, any industrial user, inside City, may

elect to pay charges according to the following schedule of rates, in lieu of the charges established by sub-sections (e), (f), (g) and (h) above:

SCHEDULE OF RATES

<u>Type of Product</u>	<u>Minimum Charge per Month</u>	<u>Per 100 CF of Water Used</u>	<u>Per Raw or Green Ton</u>
Canned Food Products	\$5.00		\$.16
Frozen Food Products	5.00		.50
Milk Products	5.00		.15
Poultry Products	5.00		.26
All other Food Products	5.00		.40
Laundries (0.10 per 100 lbs. dry or)	5.00	\$.05	
Clear Water	5.00	.0225	
All Others	5.00	.06	.40

(j) Seasonal Industrial User: Charges for seasonal industrial users, during any whole month in which wastes from such users pass through either the industrial waste plant or the sanitary sewer plant for more than fifteen (15) days shall be one hundred fifty (150%) per cent of the applicable charges as established for the several classes of industrial users by sub-sections (e), (f), (g), (h) and (i) above. Such charges shall be paid in the manner described in Section 8 of this ordinance.

(l) Industrial User, Outside City: Charges to industrial users, outside City, shall be as established by the City Council by agreement or resolution.

(m) No charge shall be made for service to schools or churches.

(n) Anything to the contrary herein stated notwithstanding, the City Council shall have the power to establish by agreement or resolution the rates to be charged for providing sewer services to governmental agencies at rates different than those heretofore set forth and on a basis that is fair and equitable to all parties concerned.

SECTION 3. Section 7 entitled, "Rules and Regulations" of said Ordinance

No. 1092-N.S. is hereby amended to read as follows:

(a) No person shall discharge, or allow the discharge of, or dump sanitary sewage or industrial sewage or other waste matter into the sewer system of the City except in compliance with the terms of, and upon the payment of the charges provided in this ordinance.

(b) Each industrial user may select as his basis of payment either the basis specified in sub-sections (e), (f), (g), (h), (j) and (k) or that specified in sub-sections (i), (j) and (k) of Section 6 hereof, until March 1, 1955. After said date sub-section (i) shall be null and void, and only the basis specified in sub-sections (e), (f), (g), (h), (j) and (k) shall be in force.

(c) Any industrial user who elects or is required to pay charges under the schedules contained in sub-sections (e), (f), (g) and (h) of Section 6 may select as his basis for payment either cubic feet of water used or cubic feet of sewage discharged, in accordance with the schedules set forth above, and shall install and maintain the required meter if an approved meter is not already installed. The City, at its discretion, may waive the requirement of meters

if, in the opinion of the Director, a satisfactory method of measurement has been determined.

- (d) The values of B.O.D. to be used in determining the class of an industrial user shall be the averages of four (4) grab samples taken at reasonable intervals during the billing period, except that industrial users whose wastes are found to fall continually within the limits of one class will only be checked upon the request of the industrial user or at the discretion of the Director. The class of user as determined by such samples shall apply for the entire billing period during which the samples are taken.

SECTION 4. Section 8 entitled, "Payment of Charges" of said Ordinance No. 1092-N.S. is hereby amended to read as follows:

Section 8. Payment of Charges. On premises serviced with City water, the charge for sewer services shall be added to the charge for water services, and shall become due and payable on the same basis as is provided in Ordinance No. 1069-N.S. regulating the payment of water service charges. If a premise with sewer service is not connected with the municipal water system, a separate bill shall be rendered for sewer service only. The time and manner of billing for services on premises not served with City water shall be as determined by the Director of Finance. Notwithstanding the foregoing, the Director of Finance shall have the power to authorize or require payment to be made on a monthly basis if he is of the opinion that such a procedure is in the best interests of the City.

Notwithstanding ^{anything to the contrary in this section,} ~~the foregoing,~~ a seasonal industrial user shall pay monthly during any month in which the industrial wastes from such user passes through either the industrial waste plant or the sanitary sewer plant for more than fifteen (15) days at least sixty-six and two-thirds ($66\frac{2}{3}\%$) per cent of the ~~rate~~ ^{charge} established by sub-section (j) of Section 6 of this ordinance. The remaining portion of the total charge, if any, shall be paid in six equal monthly installments during the six months following October 31 of the same year.

In order to facilitate the payment of charges made in accordance with the rate schedule contained in sub-section (i) of Section 6 of this ordinance, industrial users selecting this schedule as a basis for sewer service charges shall, not later than the tenth of each month, submit to the Director of Finance a statement showing tonnage, gallonage, and/or other units being used as a basis for charges, which was processed, treated, used or discharged during the preceding month, showing the approved rate for each such item and the total amount of the service charge. Accompanying this statement shall be a check or cash in the amount calculated.

If, on checking the statement, an error is found, or if on later investigation the amount of the tonnage, gallonage, and/or other unit being used as a basis for charges, it is found that an error exists, the person making the statement shall pay such additional sum, or the City shall make such refund, as may be found to be necessary to properly adjust the payment.

Any authorized agent of the City of Modesto shall have the right to go upon the premises, or any part thereof, of the person holding a valid permit for the discharging of industrial waste in the City sewer system for the purpose of protecting the rights of the City of Modesto and to obtain any information deemed necessary to protect such rights. This right shall include the right to examine the books of the person holding the permit in order to correctly check the tonnage, gallonage or other unit being used as a basis of charge.

SECTION 5. Section 11 entitled, "Effective Date of Sewer Service Charges" of said Ordinance No. 1092-N.S. is hereby amended to read as follows:

Section 11. Effective Date of Sewer Service Charges.
The sewer service charges imposed by this ordinance shall apply retroactively, commencing on and after June 1, 1954.

SECTION 6. Section 16 entitled, "Termination Date" of said Ordinance No. 1092-N.S. is hereby amended to read as follows:

Section 16. Termination of Interim Industrial User Rate Schedule.
The interim industrial user rate schedule specified in sub-section (i) of Section 6 of this ordinance shall terminate as of March 1, 1955, except insofar as the same relates or applies to the collection of charges for industrial sewer services becoming due thereunder up to and including February 28, 1955, for which purposes it shall remain in effect.

SECTION 7. Effective Date. This ordinance shall go into effect and be in full force and operation from and after fifteen (15) days after its final passage and adoption.

SECTION 8. Publication. This ordinance shall be published in full at least once at least (3) days prior to its final adoption in The Modesto Tribune, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of June, 1954, by Councilman Annan, who moved its introduction and passage to print, which motion being duly seconded by Councilman M. Adams, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill
and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

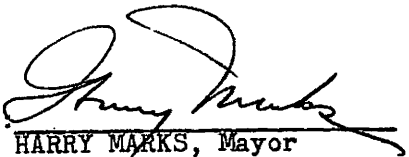
APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

Final adoption clause of Ord. 1130-N.S.
FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 9th day of June, 1954, Councilman Annan moved its final adoption, which motion being duly seconded by Councilman Arata, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: **M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks**
NOES: Councilmen: **None**
ABSENT: Councilmen: **None**

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE:

June 24, 1954

CODE SEC,
NO. 2-3.301
2-3.303

ORDINANCE NO. 1131 -N.S.

AN ORDINANCE CREATING A PARKS AND RECREATION DEPARTMENT, PROVIDING FOR ITS ORGANIZATION AND DIRECTION, AND ESTABLISHING THE OFFICE OF DIRECTOR OF PARKS AND RECREATION.

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

SECTION 1. CREATION AND FUNCTIONS OF DEPARTMENT. A

Parks and Recreation Department is hereby created. The principal functions of the Parks and Recreation Department shall include the planning and operation of a broad program of public recreation for all age groups, designed to encourage and maintain interest and participation by individuals and, by organizations, both public and private; the planning, development, maintenance and improvement of park and recreation areas and facilities; the planting and maintenance of all street trees in accordance with a general plan for street trees; and such other functions as may be assigned by the City Manager or prescribed by action of the Council.

SECTION 2. ORGANIZATION AND DIRECTION OF DEPARTMENT.

There shall be a Director of Parks and Recreation who shall be appointed by the City Manager and subject to his general administrative direction. The Director of Parks and Recreation, subject to the approval of the City Manager shall organize and maintain such divisions in the Department as in his judgment the operations may require, and shall be responsible for the direction and control of all functions assigned to the Department.

SECTION 3. ACTING DIRECTOR. In the case of absence or disability of the Director of Parks and Recreation, a member of the Department designated by the City Manager shall perform the duties and exercise the powers of the Director of Parks and Recreation.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after fifteen (15) days after its final passage and adoption.

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

The foregoing ordinance was introduced at a regular meeting of the

1 Council of the City of Modesto held on the 9th day of June, 1954, by
2 Councilman Annan, who moved its introduction and passage to
3 print, which motion being duly seconded by Councilman Arata,
4 was upon roll call carried and ordered printed and published by the following
5 vote:

6 AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis,
Merrill, and Mayor Marks
7 NOES: Councilmen: None
8 ABSENT: Councilmen: None

9
10 APPROVED: 
HARRY MARKS, Mayor

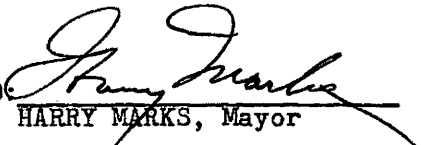
11
12 ATTEST: 
REX E. GAILFUS, City Clerk

Ordinance No. 1131-N. S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular ^{adjourned} meeting of the Council of the City of Modesto held on the 17th day of June, 1954, Councilman M. Adams moved its final adoption, which motion being duly seconded by Councilman Arata, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: Merrill

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE:

July 2, 1954

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SPECIAL
NOT IN CODE

AN ORDINANCE APPROPRIATING FUNDS FOR PAY-
MENT OF THE USUAL CURRENT EXPENSES OF THE
CITY OF MODESTO.

WHEREAS, the fiscal year of the City of Modesto will end on
June 30, 1954, and

WHEREAS, there will be an interim period between June 30, 1954
and the adoption of the budget for the fiscal year beginning July 1, 1954 and
terminating June 30, 1955, and

WHEREAS, the City Council desires to make an appropriation for
the usual current expenses of the City to cover expenditures for the interim
period above referred to,

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

SECTION 1. That the sum of \$250,000.00, or such portion
thereof as may be necessary, is hereby appropriated for the payment of the
customary and usual current expenses of the City of Modesto for the period
commencing July 1, 1954, and continuing until the adoption of the budget for
the fiscal year 1954-55.

SECTION 2. That this ordinance is an appropriation ordinance
and shall go into effect and be in full force and operation as of July 1, 1954,
but shall be superseded upon the adoption of the budget for the 1954-55 fiscal
year.

SECTION 3. That this ordinance shall be published in full at least
once in The Modesto Tribune, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of
the Council of the City of Modesto held on the 23rd day of June, 1954, by
Councilman Annan, who moved its adoption, which motion being
duly seconded by Councilman Arata, was upon roll call
carried and the ordinance adopted by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill
and Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

SPECIAL
NOT IN CODE

AN ORDINANCE APPROPRIATING ADDITIONAL REVENUES FOR USE DURING THE 1953-54 FISCAL YEAR.

WHEREAS, the sum of \$4,268.00, not heretofore appropriated, has been received during the 1953-54 fiscal year from park fees and placed in the Park and Recreation Facilities Fund, and

WHEREAS, it is anticipated that the additional sum of \$10,500.00, not heretofore appropriated, will be received during the 1953-54 fiscal year from parking meter fees (City Meter Fund),

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

SECTION 1. The sum of Four Thousand Two Hundred Sixty-Eight and no/100ths (\$4,268.00) Dollars in the Park and Recreation Facilities Fund, not heretofore appropriated, is hereby appropriated and transferred to the General Fund to reimburse the General Fund for expenditures made therefrom during the current fiscal year for park and recreation facilities.

SECTION 2. The sum of Ten Thousand Five Hundred and no/100ths (\$10,500.00) Dollars, not heretofore appropriated, is hereby appropriated and allocated to the General Fund as follows:

Miscellaneous Unclassified - Parking Authority Allocation,	\$5,250.00	
Reserves	- General Reserves	5,250.00
	Total	\$10,500.00

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

SECTION 4. This ordinance shall be published in full at least once in The Modesto Tribune, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto, held on the 23rd day of June, 1954, by Councilman Arata, who moved its adoption, which motion being duly seconded by Councilman Merrill, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

SPECIAL
NOT IN CODE

SPECIAL
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AN ORDINANCE OF THE CITY OF MODESTO ESTABLISH-
ING A PERSONNEL SYSTEM AND REPEALING ORDINANCE
NO. 1031-N.S.

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

SECTION 1. ADOPTION OF PERSONNEL SYSTEM. In order to establish an equitable and uniform procedure for dealing with personnel matters; to attract to municipal service the best and most competent persons available; to assure the appointments and promotions of employees will be based on merit and fitness which shall be determined insofar as practicable by competitive tests for all positions in the Classified Service; and to provide a reasonable degree of security for qualified employees, the following personnel system is hereby adopted.

SECTION 2. PERSONNEL COMMISSION. The Personnel Commission of the City of Modesto is hereby established to consist of five (5) members who shall be appointed in accordance with and for the terms prescribed by Section 1102 of the Charter of the City of Modesto. The Commission shall function in all respects in accordance with the applicable provisions of Article XI of said Charter relating to appointive boards and commissions. The Commission shall normally hold at least one (1) regular meeting each month.

SECTION 3. DUTIES OF THE PERSONNEL COMMISSION. The Personnel Commission shall have the power and be required to:

(a) Act in an advisory capacity to the Council and the City Manager on personnel administration.

(b) Recommend to the Council after a public hearing thereon the adoption, amendment, or repeal of personnel rules and regulations.

(c) Hear appeals of any person in the Classified Service relative to any suspension, demotion, dismissal, disciplinary action, or alleged violation of this ordinance or the personnel rules and regulations and to certify its findings and recommendations as provided in this ordinance.

(d) Hold hearings and make any investigation which it may consider desirable concerning the administration of personnel in the municipal

1 service and report its findings to the Council and the City Manager. In the
2 course of such investigation or hearing it may examine witnesses under oath
3 and compel their attendance or production of evidence by subpoenas issued in
4 the name of the City and attested by the City Clerk. It shall be the duty of
5 the Chief of Police to cause all such subpoenas to be served and refusal of a
6 person to attend or to testify in answer to such a subpoena shall subject the
7 person to prosecution in the same manner set forth by law for failure to
8 appear before the Council in response to a subpoena issued by the Council.
9 Each member of the Personnel Commission shall have the power to admin-
10 ister oaths to witnesses.

11 (e) Perform such other duties with reference to personnel
12 administration as the Council may require by ordinance or resolution.

13 SECTION 4. DIRECTOR OF PERSONNEL. There is hereby created
14 the position of Director of Personnel. The City Manager shall be ex-officio Director of
15 Personnel. The City Manager may delegate any of the powers and duties
16 conferred upon him as Director of Personnel under this ordinance to any
17 other officer or employee of the City appointed by the City Manager, or he
18 may recommend to the City Council that any or all of such powers and duties
19 be performed under contract as provided in Section 19 of this ordinance. The
20 Director of Personnel or his designated representative shall:

21 (a) Attend all meetings of the Personnel Commission.

22 (b) Administer all the provisions of this ordinance and of the
23 personnel rules not specifically reserved to the Council or the Personnel
24 Commission.

25 (c) Prepare and recommend the adoption, amendment, or
26 repeal of personnel rules and regulations. The City Attorney shall approve
27 the legality of such rules and regulations and revisions and amendments
28 thereto prior to their submission to the Council.

29 (d) Prepare and recommend a position classification plan,
30 including class specifications, and revisions of the plan.

31 (e) Prepare and recommend a plan of compensation, and
32 revisions thereof, covering all classes for which the City Manager is the

1 appointing authority.

2 (f) Publish or post notices of tests for positions in the Classified
3 Service; receive applications therefor; conduct and grade tests; certify to
4 the person having the power of appointment a list of all persons eligible for
5 appointment to the appropriate position in the Classified Service.

6 SECTION 5. CLASSIFIED AND UNCLASSIFIED SERVICE. Except
7 for the provisions of Section 14 hereof, the provisions of this ordinance and
8 the rules adopted pursuant thereto shall apply to all officers, positions and
9 employments of the City, both in the Classified and Unclassified Service,
10 unless such provisions clearly do not apply.

11 SECTION 6. ADOPTION OF RULES. The City Council shall adopt,
12 by resolution, personnel rules governing the following phases of the personnel
13 system:

14 (a) Preparation, installation, revision and maintenance of a
15 position classification plan covering all appointive positions in the City service.

16 (b) Preparation, revision, and administration of a plan of com-
17 pensation directly correlated with the position classification plan, providing a
18 rate or a range of pay for each class.

19 (c) Public announcement of all tests and the acceptance of appli-
20 cations for employment.

21 (d) Preparation and conduct of tests and the establishment and
22 use of resulting employment lists containing names of persons eligible for
23 appointment.

24 (e) Certification and appointment of persons from employment
25 lists and making of provisional, temporary, part-time, and emergency
26 appointments.

27 (f) Evaluation of employees during the probationary period.

28 (g) Transfer, promotion, demotion and reinstatement of
29 employees in the Classified Service.

30 (h) Separation of employees from the City service through lay-
31 off, suspension and dismissal.

32 (i) Standardization of hours of work, attendance and leave.

1 regulations, working conditions, and the development of employee training,
2 morale, and welfare.

3 (j) Suitable provision for orderly and equitable presentations to
4 the City Manager, the Personnel Commission, and to the City Council by
5 employees relating to general conditions of employment.

6 (k) Content, maintenance, and use of personnel records and
7 forms.

8 **SECTION 7. APPOINTMENTS.** Appointments to vacant positions
9 shall be made in accordance with the Charter, this ordinance, and the per-
10 sonnel rules. Appointments and promotions in the Classified Service shall be
11 based on merit and fitness to be ascertained so far as practicable by competi-
12 tive tests, which may be written, oral, practical demonstration, or a combina-
13 tion thereof, or any other form which will test fairly the qualifications of the
14 applicants.

15 When an appointment is to be made to a vacancy in the Classified
16 Service, the person having the power of appointment shall request, and the
17 Director of Personnel shall transmit, the names of all persons on the appro-
18 priate employment or promotional list. Any person whose name appears on
19 such list may be appointed to such vacancy.

20 In the absence of appropriate employment lists, a provisional appoint-
21 ment may be made by the appointing authority of a person meeting the employ-
22 ment standards for the class. An employment list shall be established within
23 six (6) months for any regular position filled by provisional appointment. The
24 City Manager, with the approval of the City Council, may extend the period for
25 any provisional appointment.

26 During the period of suspension of an employee or pending final
27 action on proceedings to review suspension, demotion, or dismissal of an
28 employee, such vacancy may be filled only by a temporary or provisional
29 appointment.

30 **SECTION 8: PROBATIONARY PERIOD.** All appointments
31 to the Classified Service, including promotional appointments, shall be for a
32 probationary period of six (6) months, except that as to any class of position

1 the rules may provide for an extension of the period for not more than an
2 additional six (6) months. During the probationary period, the employee may
3 be rejected at any time without right of appeal or hearing.

4 **Article 10.** An employee rejected during the probationary period from a position
5 to which he has been promoted shall be reinstated to the position from which
6 he was promoted, unless he is dismissed from the City service as provided in
7 this ordinance and the rules.

8 **Article 11.** An employee in the Classified Service promoted or transferred to a
9 position not included in the Classified Service shall be reinstated to the posi-
10 tion from which he was promoted or transferred if, within six (6) months
11 after such promotion or transfer, action is taken to reject or dismiss him,
12 unless he is discharged in the manner provided in this ordinance and the
13 personnel rules for positions in the Classified Service.

14 **SECTION 9. APPOINTMENTS SUBJECT TO ORDINANCE.** The
15 Council, City Manager, and any other officer in whom is vested the power to
16 appoint, make transfers, promotions, demotions, reinstatements, lay-offs,
17 and to suspend or dismiss employees, shall retain such power, subject to the
18 provisions of the Charter and of this ordinance and the personnel rules.

19 **SECTION 10. SUSPENSION.** Any person holding a position of
20 employment in the City service shall be subject to disciplinary suspension
21 without pay by the appointing power, but such suspensions shall not exceed a
22 total of thirty (30) calendar days in any fiscal year. A department head not
23 having power of appointment may make disciplinary suspensions in accord-
24 ance with the rules.

25 **SECTION 11. NOTICE OF SUSPENSION, DEMOTION, OR DIS-**
26 **MISSAL.** Any employee who is suspended, demoted, or dismissed shall be
27 furnished with a written notice of such action. Upon his written request, the
28 employee shall be provided with a written statement of the reasons for such
29 action.

30 **SECTION 12. RIGHT TO HEARING.** Any regular employee in the
31 Classified Service shall have the right to request in writing a hearing before
32 the Personnel Commission relative to any suspension, demotion, or dismissal

1 and/or alleged violation of this ordinance or the personnel rules, except in
2 instances where the right of appeal is denied by this ordinance. Such a
3 request must be filed with the Director of Personnel within thirty (30) days
4 following the mailing of written notice to said employee of such suspension,
5 demotion, or dismissal or the occurrence of said alleged violation. Within
6 twenty (20) days after receipt by the Director of Personnel of a written
7 request for a hearing before the Personnel Commission, the Commission
8 shall hold a hearing. The hearing may be informally conducted and the rules
9 of evidence need not apply.

10 Within ten (10) days after concluding the hearing, the Personnel
11 Commission shall certify its findings and recommendations to the City
12 Manager, or to any other official from whose action the appeal was taken,
13 and to the employee affected. The City Manager, or other official from
14 whose action the appeal was taken, shall review the findings and recommenda-
15 tions of the Personnel Commission and may then affirm, revoke, or modify
16 the action taken, as in his judgment seems warranted in the public interest,
17 and the action taken shall be final.

18 **SECTION 13. REDUCTION IN FORCE.** Whenever, in the City's
19 interest, it becomes necessary for reasons of economy or because the need
20 for a position no longer exists, the City Manager may, in the classes for
21 which he is the appointing authority, lay off, demote, or transfer an
22 employee holding such a position without filing written charges, and the
23 employee affected shall not have the right of appeal.

24 **SECTION 14. POLITICAL ACTIVITIES PROHIBITED.** No person
25 holding any position in the Classified Service or on an eligible list shall:

26 (a) Seek or accept nomination, election, or appointment as an
27 officer of a political club or organization.

28 (b) Serve as a member of a committee of such club or organiza-
29 tion.

30 (c) Take an active part in any municipal or county political
31 campaign or contribute thereto in behalf of any candidates.

32 (d) Seek signatures to any petition seeking to advance the

1 candidacy of any person for any municipal or county office or signatures to
2 any other petition provided for by any law, except as provided in Section 15 (e)
3 hereof.

4 (e) Act as a worker at the polls or distribute badges, pamphlets,
5 dodgers, or handbills of any kind favoring or opposing any candidate for
6 election or nomination to a municipal or county office.

7 **SECTION 15. ACTIVITIES NOT PROHIBITED.** This ordinance
8 does not prevent any officer, employee or person on an eligible list from:

9 (a) Becoming or continuing to be a member of a political club or
10 organization.

11 (b) Attendance at a political meeting.

12 (c) Enjoying entire freedom from all interference in casting his
13 vote.

14 (d) Seeking or accepting election or appointment to public office
15 while on leave of absence.

16 (e) Seeking signatures to any initiative or referendum petition
17 directly affecting his rates of pay, hours of work, retirement, civil service,
18 or other working conditions.

19 (f) Distributing badges, pamphlets, dodgers, or handbills or
20 other participation in any campaign in connection with such petition, if the
21 activity is not carried on during hours of work, or when he is dressed in the
22 uniform required in any department of the City government.

23 (g) Any other political activities not prohibited by Section 14 of
24 this ordinance.

25 **SECTION 16. SOLICITATION OF CONTRIBUTIONS.** No officer or
26 employee of the City, and no candidate for any City office, shall, directly or
27 indirectly, solicit any assessment, subscription, or contribution, whether
28 voluntary or involuntary, for any municipal political purpose whatever, from
29 anyone on the eligible lists or holding any position in the Classified Service.

30 **SECTION 17. DISCRIMINATION.** Except as otherwise provided by
31 the general laws of this state heretofore or hereafter enacted, no person in
32 the Classified Service, or seeking admission thereto, shall be employed,

1 promoted, demoted, or discharged, or in any way favored or discriminated
2 against because of political opinion or affiliations or because of race or
3 religious belief.

4 SECTION 18. VIOLATION. The violation of any provision of
5 Sections 14, 15, 16 or 17 is ground for discharge of any officer or employee.

6 SECTION 19. RIGHT TO CONTRACT FOR SPECIAL SERVICE.

7 The City Manager shall consider and make recommendations to the City
8 Council regarding the extent to which the City should contract for the per-
9 formance of technical services in connection with the establishment or
10 operation of the personnel system. The Council may contract with any
11 qualified person or agency for the performance of all or any of the following
12 responsibilities and duties imposed by this ordinance:

13 (a) The preparation of personnel rules and subsequent revisions
14 and amendments thereof.

15 (b) The preparation of a position classification plan, and sub-
16 sequent revisions and amendments thereof.

17 (c) The preparation of a plan of compensation, and subsequent
18 revisions and amendments thereof.

19 (d) The preparation, conduct, and grading of competitive tests
20 and the certification of employment lists.

21 (e) Special and technical services of advisory or informational
22 character on matters relating to personnel administration.

23 SECTION 20. APPROPRIATION OF FUNDS. The Council shall
24 appropriate such funds as are necessary to carry out the provisions of this
25 ordinance.

26 SECTION 21. REPEALS. Ordinance No. 1031-N.S. of the City of
27 Modesto is hereby repealed. The members of the Personnel Commission
28 holding office when this ordinance takes effect shall continue to hold office as
29 members of the Personnel Commission created by this ordinance until their
30 respective terms of office shall expire and their successors shall be
31 appointed and qualified.

32 SECTION 22. PENALTY FOR VIOLATION. Any person, firm, or

1 corporation violating any of the provisions of this ordinance or the personnel
2 rules and regulations shall be deemed guilty of a misdemeanor and upon a
3 conviction thereof shall be punishable by a fine of not more than One Thousand
4 and no/100ths (\$1,000.00) Dollars or by imprisonment for a period of not
5 more than one (1) year in the County Jail, or by both such fine and imprison-
6 ment.

7 SECTION 23. SEVERABILITY. If any section, subsection, sub-
8 division, sentence, clause, or phrase of this ordinance is for any reason held
9 to be unconstitutional, such decision shall not affect the validity of the remain-
10 ing portions of this ordinance. The Council hereby declares that it would have
11 passed this ordinance and each section, subsection, subdivision, sentence,
12 clause, and phrase thereof, irrespective of the fact that any one or more
13 sections, subsections, subdivision, sentences, clauses, or phrases be
14 declared unconstitutional.

15 SECTION 24. EFFECTIVE DATE. This ordinance shall go into
16 effect and be in full force and operation from and after fifteen (15) days after
17 its final passage and adoption.

18 SECTION 25. PUBLICATION. This ordinance shall be published in
19 full at least once at least three (3) days prior to its final adoption in The
20 Modesto Tribune, the official newspaper of the City of Modesto.

21 The foregoing ordinance was introduced at a regular meeting of the
22 Council of the City of Modesto held on the 7th day of July, 1954, by Council-
23 man M. Adams, who moved its introduction and passage to print, which
24 motion being duly seconded by Councilman Arata, was upon roll
25 call carried and ordered printed and published by the following vote:

26 AYES: Councilmen: M. Adams, R. Adams, Arata, Mellis and
Mayor Marks

27 NOES: Councilmen: None

28 ABSENT: Councilmen: Annan and Merrill

29 APPROVED: 

HARRY MARKS, Mayor

30 ATTEST: 

RESE. GAILFUS, City Clerk

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Ordinance No. 1134-N. S. FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 21st day of July, 1954, Councilman R. Adams moved its final adoption, which motion being duly seconded by Councilman Mellis, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Annan, Mellis, Merrill and Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: Arata

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: August 5, 1954

ORDINANCE NO. 1135 -N.S.

1 AN ORDINANCE ADOPTING THE BUDGET FOR THE CITY
2 OF MODESTO FOR THE FISCAL YEAR ENDING JUNE 30, 1955,
3 AND PROVIDING FOR CERTAIN TRANSFERS OF FUNDS.

4 WHEREAS, pursuant to the Charter of the City of Modesto
5 a proposed budget for the 1954-55 fiscal year has been submitted
6 to the City Council by the City Manager, and the City Council has
7 made such revisions as it has deemed advisable, and

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

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

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

16 SECTION 1. That the "City of Modesto Preliminary
17 Budget, 1954-55" presented by the City Manager to the City Council
18 at its meeting held on June 9, 1954, including all revisions
19 heretofore made by the City Council, a copy of which budget as
20 revised is on file in the office of the City Clerk, is hereby
21 adopted as the budget for the City of Modesto for the fiscal year
22 ending June 30, 1955, and the several amounts stated therein as
23 proposed expenditures are hereby appropriated for the various
24 objects therein described.

25 SECTION 2. That the City Council is authorized by
26 resolution to transfer funds from one department to another
27 department and to transfer and expend funds from the general
28 reserve for specific purposes.

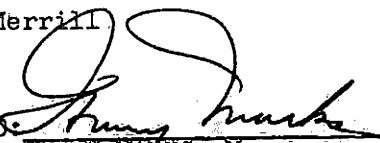
29 SECTION 3. That the City Manager is authorized to
30 transfer funds within departmental budgets between the following
31 classifications, to-wit: Salaries, operating expenses, and capital
32 outlay; and to transfer and expend funds from the Contingency
Fund for specific purposes.

1 SECTION 4. Pursuant to Section 722 of the Charter of
2 the City of Modesto, this ordinance shall take effect upon
3 adoption.

4 SECTION 5. This ordinance shall be published in full
5 at least once in The Modesto Tribune, the official newspaper
6 of the City of Modesto.

7 The foregoing ordinance was introduced at a regular
8 meeting of the Council of the City of Modesto held on the 14th
9 day of July, 1954, by Councilman Arata, who moved
10 its adoption, which motion being duly seconded by Councilman M. Adams
11 was upon roll call carried by the following vote:

- 12 AYES: Councilmen: M. Adams, Annan, Arata, Mellis and
Mayor Marks
13 NOES: Councilmen: None
14 ABSENT: Councilmen: R. Adams and Merrill

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16 APPROVED: 
HARRY MARKS, Mayor

17 ATTEST: 
18 REX E. GAILFUS, City Clerk

NO.
8-2.101 1
8-2.102 2
8-2.129 3

AN ORDINANCE AMENDING SECTIONS 1, 2 AND 28 OF ORDINANCE NO. 1088-N.S. OF THE CITY OF MODESTO ENTITLED, "AN ORDINANCE ESTABLISHING AND LEVYING A SALES AND USE TAX ON RETAIL SALES OF TANGIBLE PERSONAL PROPERTY WITHIN THE CITY OF MODESTO, PROVIDING FOR PERMITS TO RETAILERS, PROVIDING FOR THE COLLECTION AND PAYMENT OF SUCH TAXES, AND PRESCRIBING PENALTIES FOR VIOLATIONS OF THE PROVISIONS HEREOF".

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

SECTION 1. Section 1 of Ordinance No. 1088-N.S. of the City of Modesto entitled, "An Ordinance Establishing and Levying a Sales and Use Tax on Retail Sales of Tangible Personal Property within the City of Modesto, Providing for Permits to Retailers, Providing for the Collection and Payment of such Taxes, and Prescribing Penalties for Violations of the Provisions Hereof" is hereby amended to read as follows:

Section 1. Sales Tax. For the privilege of selling tangible personal property at retail a tax is hereby imposed upon all retailers at the rate of one-half of one per cent (1/2%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in the City of Modesto on or after October 1, 1953, and to and including September 30, 1954, and at the rate of one per cent (1%) thereafter; provided, however, that the rate of tax applied to gross receipts resulting from sales of tangible personal property at prices, including Modesto City sales or use taxes, agreed upon in contract executed in good faith prior to October 1, 1954, shall be that rate in effect when the contract was executed.

SECTION 2. Section 2 of said Ordinance No. 1088-N.S. is hereby amended to read as follows:

Section 2. Use Tax. For the privilege of using or consuming in the City of Modesto tangible personal property (including spirituous, malt or vinous liquors) purchased from any retailer or retailer's agent, a tax is hereby imposed upon every person using or consuming such tangible personal property in the City of Modesto at the rate of one-half of one per cent (1/2%) of the sales price of the property purchased on and after October 1, 1953, and to and including September 30, 1954, and at the rate of one per cent (1%) thereafter; provided, however, that where the sales price of tangible personal property purchased for use or other consumption in the City of Modesto pursuant to a contract of sale actually executed in good faith prior to October 1, 1954, includes Modesto City sales and use tax, the rate of tax applied shall be the rate in effect when the contract was executed.

is hereby amended to read as follows:

Section 28. Disposition of Proceeds. All moneys collected under and pursuant to the provisions of this Ordinance with respect to sales or purchases made prior to October 1, 1954, shall be deposited and paid into the General Fund of the City of Modesto. Thereafter, all moneys collected pursuant to the provisions of this Ordinance shall be deposited as follows: (a) One-half (1/2) of said moneys shall be deposited and paid into the General Fund of the City of Modesto; and (b) one-half (1/2) of said moneys shall be deposited and paid into the Special Capital Outlay Fund of the City of Modesto and shall be expended solely for capital improvements, - outlays.

SECTION 4. This ordinance shall take effect and be in full force and operation from and after fifteen (15) days after its final passage and adoption.

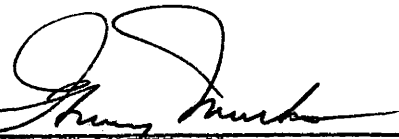
SECTION 5. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Tribune, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of July, 1954, by Councilman Mayor Marks, who moved its introduction and passage to print, which motion being duly seconded by Councilman Annan, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: Merrill

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

FILE NO. 1136-N

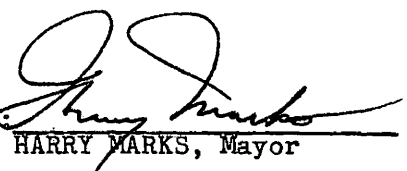
ORDINANCE NO. 1136-N


1 AN ORDINANCE APPROVING THE ASSAULT AND
 2 BATTERY ACT, PASSED BY THE BOARD OF SUPERVISORS
 3 OF THE COUNTY OF MADERA, CALIFORNIA, AND
 4 AUTHORIZING THE CITY OF MODESTO TO ENTER INTO AN
 5 AGREEMENT WITH THE COUNTY OF MADERA TO PROVIDE
 6 THE SERVICES OF THE COUNTY OF MADERA POLICE DEPARTMENT
 7 TO THE CITY OF MODESTO FOR A PERIOD OF SIXTY MONTHS,
 8 BEGINNING ON THE FIRST DAY OF JANUARY, 1954, AND
 9 ENDING ON THE THIRTY-FIRST DAY OF DECEMBER, 1964,
 10 AND AUTHORIZING THE CITY OF MODESTO TO ENTER INTO AN
 11 AGREEMENT WITH THE COUNTY OF MADERA TO PROVIDE
 12 THE SERVICES OF THE COUNTY OF MADERA POLICE DEPARTMENT FOR A PERIOD OF SIXTY MONTHS, BY THE

Ordinance No. 1136-N. S. FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 21st day of July, 1954, ~~Councilman~~ Mayor Marks moved its final adoption, which motion being duly seconded by Councilman Annan, was upon roll call carried and the ordinance finally adopted by the following vote:

- AYES: Councilmen: M. Adams, R. Adams, Annan, Mellis, Merrill and Mayor Marks
- NOES: Councilmen: None
- ABSENT: Councilmen: Arata

APPROVED: 
 HARRY MARKS, Mayor

ATTEST: 
 REX E. GAILFUS, City Clerk

EFFECTIVE DATE: of Ordinance August 5, 1954
 EFFECTIVE DATE of Increase of Tax October 1, 1954

FILE NO. Ordinance

ORDINANCE NO. 1137 -N.S.

SPECIAL
NOT IN CODE

1 AN ORDINANCE APPROVING THE ASSIGNMENT OF A
2 CERTAIN SUB-LEASE AGREEMENT RELATING TO CER-
3 TAIN AIRPORT PROPERTY FROM SAM JONES TO NATHAN
4 J. PROVINCE AND AUTHORIZING THE EXECUTION OF
5 WRITTEN CONSENT IN CONNECTION THEREWITH.

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

6 SECTION 1. The assignment to NATHAN J. PROVINCE, an indivi-
7 dual, of that certain sub-lease agreement authorized by Ordinance No.
8 1122-N.S., which was made and entered into on the 13th day of May, 1954, by
9 and between the CITY OF MODESTO and SAM JONES is approved, subject to
10 all the terms, conditions and obligations thereof, and subject to the further
11 condition that the City of Modesto shall have the right to cancel and terminate
12 said sub-lease agreement at any time after said Nathan J. Province has been
13 in possession of the demised premises for a period of six (6) months by there-
14 after giving him sixty (60) days prior written notice thereof and refunding to
15 him that portion of the prepaid rent for the last six (6) months of the original
16 term of said sub-lease agreement which remains unused.

17 SECTION 2. The City Manager and the City Clerk of the City of
18 Modesto are hereby authorized and empowered to execute written consent on
19 behalf of the City to the assignment of the aforementioned sub-lease agreement
20 on the terms and conditions contained in this ordinance.

21 SECTION 3. This ordinance shall go into effect and be in full force
22 and operation from and after fifteen (15) days after its final passage and adoption.

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

26 The foregoing ordinance was introduced at a regular meeting of the
27 Council of the City of Modesto held on the 4th day of August, 1954, by
28 Councilman M. Adams, who moved its introduction and passage to
29 print, which motion being duly seconded by Councilman R. Adams, was
30 upon roll call carried and ordered printed and published by the following vote:

31 AYES: Councilmen: M. Adams, R. Adams, Arata, Bellis, Merrill,
Mayor Marks
32 NOES: Councilmen: None

ABSENT: Councilmen: Annan

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
ANNE M. COLLINS, Assistant City Clerk

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and 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 August, 1954, Councilman Annan moved its final adoption, which motion being duly seconded by Councilman Arata, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Annan, Arata and Mayor Pro Tempore Merrill
NOES: Councilmen: None
ABSENT: Councilmen: Mellis and Mayor Marks

APPROVED: *Lyndall O. Merrill*
LYNDALL O. MERRILL, Mayor
Pro Tempore

ATTEST: *Anne M. Collins*
ANNE M. COLLINS,
Acting City Clerk

EFFECTIVE DATE: August 26, 1954

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1 AN ORDINANCE FIXING THE RATE OF TAXATION IN AND
2 FOR THE CITY OF MODESTO FOR THE FISCAL YEAR
3 1954-1955

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

SPECIAL
NOT SIN CODE

5 SECTION 1. DEFINITION: TAX CODE AREA. A geographical area
6 within the City of Modesto as established by the State Board of Equalization
7 for the purpose of taxation and as shown on the tax code area maps on file
8 in the Office of the Assessor of Stanislaus County, State of California.

9 SECTION 2. TAX RATE. There is hereby levied upon the assessed
10 valuation of the property in the following described tax code areas situated
11 in the City of Modesto, State of California, for the fiscal year beginning
12 July 1, 1954 and ending June 30, 1955, the rates of taxation hereinafter
13 specified, said rates being upon each One Hundred and no/100ths (\$100.00)
14 Dollars of the valuation according to the equalized assessment roll, to-wit:

15 (a) Tax Code Areas Nos. 2-1, 2-6, 2-7 and 2-8:

16	FOR THE GENERAL FUND	\$1.44
17	FOR THE BOND REDEMPTION AND INTEREST FUND	
18	(1) Municipal Improvement Bonds of 1920	\$.04
19	(2) Municipal Improvement Bonds of 1947	\$.17
20	BEING A TOTAL OF	\$.21
21	For the redemption of bonds and the payments of interest thereon that shall accrue during said fiscal year;	
22	FOR THE LIBRARY FUND	\$.13
23	THE AGGREGATE OF SAID SUMS TO-WIT	\$1.78

24 (b) Tax Code Area No. 2-2:

25	FOR THE GENERAL FUND	\$1.44
26	FOR THE BOND REDEMPTION AND INTEREST FUND	
27	(1) Municipal Improvement Bonds of 1947	\$.17
28	For the redemption of bonds and the payment of interest thereon that shall accrue during said fiscal year;	
29	FOR THE LIBRARY FUND	\$.13
30	THE AGGREGATE OF SAID SUMS TO-WIT	\$1.74

1 (c) Tax Code Areas Nos. 2-3, 2-4, 2-5:

2 FOR THE GENERAL FUND \$1.44
3 FOR THE LIBRARY FUND \$.13
4 THE AGGREGATE OF SAID SUMS TO-WIT \$1.57

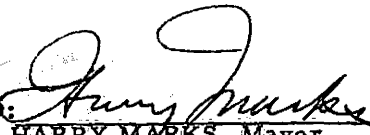
5 SECTION 3. EFFECTIVE DATE. Pursuant to Section 722 of the
6 Charter of the City of Modesto, this ordinance shall take effect and be in
7 full force and operation upon adoption.

8 SECTION 4. PUBLICATION. This ordinance shall be published in full
9 at least once in The Modesto Tribune, the official newspaper of the City of
10 Modesto.

11 The foregoing ordinance was introduced at a regular meeting of the
12 Council of the City of Modesto held on the 25th day of August, 1954, by
13 Councilman Arata, who moved its adoption, which motion
14 being duly seconded by Councilman R. Adams, was upon roll
15 call carried by the following vote:

16 AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, and
Mayor Marks
17 NOES: Councilmen: None
18 ABSENT: Councilmen: Merrill

19 APPROVED:


HARRY MARKS, Mayor

20 ATTEST:


21 REX E. GAILFUS, City Clerk

FILE NO. Ord

ORDINANCE NO. 1139-N.S.

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AN ORDINANCE APPROVING THE LEASE OF CERTAIN AIRPORT PROPERTY TO THE UNITED STATES OF AMERICA AND AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT IN CONNECTION THEREWITH.

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

SECTION 1. The City of Modesto hereby approves the lease to the United States of America for a term commencing on July 1, 1954 and ending on June 30, 1955, subject to annual renewal thereafter for a term not to exceed twenty (20) years, of the following described property situated in the County of Stanislaus, State of California, said parcel being more particularly described as follows:

FOR A POINT OF REFERENCE commence at an iron pipe marking the northeast corner of Lot 24, Block 2142, Map of Legion Park Tract, filed January 4, 1941 in Map Volume 14, page 10 Office of the Recorder, Stanislaus County, thence along the easterly prolongation of the northerly line of Block 2142.

(1) North 89° 45' East, 60 feet to a point in the westerly boundary of the aforesaid Modesto Municipal Airport; thence

(11) South 0° 42' 20" East, along said westerly boundary 309.15 feet to a point therein, the actual POINT OF BEGINNING of the parcel of land about to be described, from said point of beginning thence

(1) - North 89° 17' 40" East, 200 feet to a point; thence

(2) South 0° 42' 20" East, 250 feet to a point; thence

(3) South 89° 17' 40" West, 200 feet to a point in the aforesaid westerly boundary of the Modesto Municipal Airport; thence

(4) North 0° 42' 20" West, along said westerly boundary, 250 feet to the point of beginning,

Containing 1.148 acres, more or less,

in accordance with the terms and conditions as set forth in that certain lease agreement covering said property, a copy of which is on file in the office of the City Clerk of the City of Modesto.

SECTION 2. The City Manager and the City Clerk of the City of Modesto are hereby authorized and empowered to execute

Rescinded by Ord 1275
SPECIAL
NOT IN CODE

NOT IN CODE

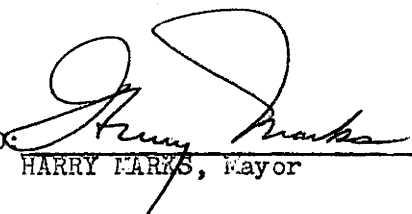
1 said agreement on behalf of the City upon this ordinance
2 becoming effective.

3 SECTION 3. This ordinance shall take effect and be
4 in full force and operation from and after fifteen (15) days
5 after its final passage and adoption.

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

10 The foregoing ordinance was introduced at a regular
11 meeting of the Council of the City of Modesto held on the 25th
12 day of August, 1954, by Councilman Mellis, who moved its
13 introduction and passage to print, which motion being duly
14 seconded by Councilman R. Adams, was upon roll call carried
15 and ordered printed and published by the following vote:

16 AYES: Councilmen: M. Adams, R. Adams, Arata, Mellis, and
17 Mayor Marks
18 NOES: Councilmen: Annan
19 ABSENT: Councilmen: Merrill

20 APPROVED: 
HARRY MARKS, Mayor

21 ATTEST: 
REX E. GAILFUS, City Clerk

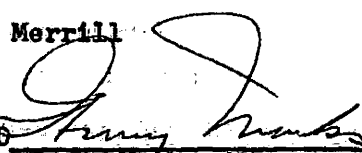
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FINAL ADOPTION CLAUSE

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The foregoing ordinance, having been printed and 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 September, 1954, Councilman R. Adams moved its final adoption, which motion being duly seconded by Councilman Arata, was upon roll call carried and the ordinance finally adopted by the following vote:

Ayes: Councilmen: R. Adams, Annan, Arata, and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: M. Adams, Mellis and Merrill

APPROVED 
Harry Marks, Mayor

Attest:

Rex E. Gailfus, City Clerk

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AN ORDINANCE AMENDING ORDINANCE NO. 700-N.S., AS AMENDED, BY ADOPTING A BUILDING LINES MAP RELATING TO MCHENRY AVENUE BETWEEN GRISWOLD AVENUE AND M.I.D. LATERAL NO. 3.

WHEREAS, the City Council finds that a hearing has been duly had before the Planning Commission of the City of Modesto as required by the Zoning Ordinance and that a report of the Planning Commission has been filed with the City Council recommending the adoption of official building lines on the West side of McHenry Avenue between Griswold Avenue and M.I.D. Lateral No. 3, and

WHEREAS, a public hearing has been held on said matter by the City Council as provided by law, and

WHEREAS, the City Council finds and determines that the adoption of the proposed building lines map for the West side of McHenry Avenue between Griswold Avenue and M.I.D. Lateral No. 3 would promote the public health, safety and welfare,

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

SECTION 1. The zoning ordinance of the City of Modesto, being Ordinance No. 700-N.S., is hereby amended as follows:

That certain proposed building lines map relating to McHenry Avenue between Griswold Avenue and M.I.D. Lateral No. 3, which is now and has been on file in the office of the City Clerk during the period of public hearings on the establishment of building lines on said street, is hereby adopted and the lines shown on said map are established as building lines and said map is made a part of the city zoning ordinance, being Ordinance No. 700-N.S., and no building or any part thereof (except as provided for in the Modesto Building Code for projections into street areas) may be constructed nearer the street than the established building line.)

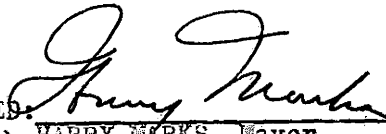
SECTION 2. This ordinance shall go into effect and be in full force and operation from and after fifteen (15) days after its final passage and adoption.

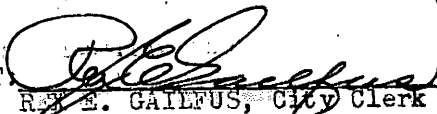
SECTION 3. This ordinance shall be published in full

1 at least once at least three (3) days prior to its final adoption
2 in The Modesto Tribune, the official newspaper of the City of
3 Modesto.

4 The foregoing ordinance was introduced at a regular
5 meeting of the Council of the City of Modesto held on the 8 day
6 of September, 1954, by Councilman Annan, who moved its
7 introduction and passage to print, which motion being duly
8 seconded by Councilman Arata, was upon roll call carried
9 and ordered printed and published by the following vote:

10 AYES: Councilmen: R. Adams, Annan, Arata, Mellis, Merrill,
11 and Mayor Marks
12 NOES: Councilmen: None
13 ABSENT: Councilmen: M. Adams

14 APPROVED: 
HARRY MARKS, Mayor

15 ATTEST: 
16 R. E. GAILFUS, City Clerk

Ord.1140-N.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 15th day of September, 1954, Councilman Mellis moved its final adoption, which motion being duly seconded by Councilman R. Adams, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE:

October 1, 1954

Ordinance 1140 N.S.
Exhibit A – Map

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

1 AN ORDINANCE PROVIDING FOR THE SALE OF SURPLUS,
2 USELESS AND UNCLAIMED PERSONAL PROPERTY.

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

5 SECTION 1. The City Manager is hereby authorized
6 and directed to sell the following described personal property
7 of the City of Modesto, which said personal property has been
8 found to be surplus and of no use to the city, to-wit:

9 72 Water Meters
10 1 Gas Heater
11 3 Fire Hydrants
12 1 Diesel Oil Tank 10' x 17'
13 1 3/4 Yd. Bucket
14 1 Seaman Mixer
15 1 Mixer
16 1 Grader
17 1 Mower
18 1 Automatic Compensator
19 2 Induction Motors, 3 ph.
20 2 Distribution Transformers
21 1 Motor Generator
22 Assorted Fire Alarm Equipment
23 1 Concrete Mixer
24 Assorted Electrical Equipment
25 28 Arc Lite and Reactors
26 2 Street Light Panels
27 4 Fire Extinguishers
28 2 Electric Motors
29 1 Brake Lining Machine
30 1 Battery Charger
31 Junk Copper
32 Scrap Bronze
Scrap Steel
Scrap Cast Steel
2 Sets iron wheels w/axel and springs
1 Metal Box
1 Tar Pot
1 Scythe, motor driven
1 Gas Heater
1 Oil Heater
1 Sludge Pump
1 Compressor
1 Pick Up
1 Oil Spray Truck, 1 1/2 ton
1 Still, 1/2 g.p.h. gas operated
2 Concrete Carts
1 Pump, 1000 g.p.m.
1 Pump, 2 stage
2 Vacuum Pumps
1 Pump w/base and motor
2 Bilge Pumps
1 Billing Machine w/stand
1 Ball Safe
1 Vacuum Cleaner
1 Book Easel

- 1 5 Theatre Type chairs- 5 gang style
- 2 4 Wood benches
- 3 1 Addressograph w/attachments, hand operated
- 4 1,000 Lower plates, for addressograph
- 5 4,250 pivolok tabs frames, for addressograph
- 6 1 Typewriter, 27"
- 7 10 Chrome Bar stools
- 8 1 Ice Cream cabinet
- 9 1 Fountain Counter
- 10 1 Mimeograph, hand operated
- 11 1 Juke Box
- 12 2 Coolers
- 13 2 Desks
- 14 1 Soda Water Cooler
- 15 Approx. 12,000 lock washers, assorted sizes
- 16 1 18" Hand Mower
- 17 5 Fairway Mowers, gang style
- 18 1 Sod Cutter
- 19 5 Playground slides, various sizes
- 20 480 Iron Helmets
- 21 4 Stretchers
- 22 324 Fire Pumps

SECTION 2. The City Manager is hereby authorized and directed to sell the following described personal property now in the possession of the City Police Department, which has been unclaimed for a period of a least six months, to-wit:

- 1 1 Mattress
- 2 1 Pr. Fender Skirts
- 3 1 Fender Skirt
- 4 5 Pr. Gloves
- 5 3 Belts
- 6 2 Gladstone Bags
- 7 1 .22 Rifle
- 8 2 Air Rifles
- 9 5 Suitcases
- 10 1 Typewriter
- 11 1 Check Protector
- 12 1 Waffle Iron
- 13 1 Mexican Gourd
- 14 1 Auto Robe
- 15 Assorted toys and Sporting equipment
- 16 1 Spanish Guitar and Case
- 17 1 Portable Radio
- 18 10 Cameras
- 19 4 Shaving Kits
- 20 1 Crutch
- 21 1 Flare Pot
- 22 1 Alarm Clock
- 23 1 Electric Sprayer
- 24 1 Pint Green Paint
- 25 9 Bottles Root Beer
- 26 2 Beer Mugs
- 27 1 Shoe Shine kit
- 28 Assorted Men's Clothing
- 29 Assorted Women's Clothing
- 30 1 Set seat covers
- 31 1 Car Radio
- 32 11 Wool and Cotton Blankets

1	19	Flashlights
		Assorted Boots and shoes
2	2	Tool Boxes
	20	Pkgs. Cigarettes
3	2	Boy's jackets
	1	Roll of mesh screen
4	1	Hand axe
	47	Knives (various)
5	1	Butcher's steel
	20	Women's purses
6	20	Wallets
	10	Coin purses
7	3	Card Cases
	1	Key container
8	1	Dog Collar
	1	Wrist Band
9	1	Cartridge Belt
	1	Canvas pouch
10	1	Small Funnel
		Assorted hand tools
11	2	Gas Caps
	1	3-way Electric socket
12	1	Fog Lamp
	1	Hand mirror
13	1	Box rifle shells
	2	Safety razors
14	2	Wrist Watches
	1	Pocket Watch
15	1	String Imitation Pearls
	9	Pr. Shoe laces
16	2	Ball Point Pens
	1	Fountain Pen
17	1	Necklace
	1	Wrist Compass
18	1	Tie Clasp
	2	Pr. Sun glasses
19	2	Pr. Reading glasses
	1	Place setting (knife, fork, spoon)
20	1	Pr. Nail Clippers
	1	Vase
21	1	Gold Pouch
	1	Men's Ruby Ring
22	1	Bag Groceries
	7	Men's Hats
23	1	Pruning Saw
	3	Bundles hardwood flooring
24	2	Industrial lights
	6	Beauty Rims
25	28	Hub Caps
	2	Canvas Tarps
26	3	Tires
	3	Tires and Wheels
27	1	Roll Baling Wire
	1	Car Wheel
28	3	Quarts Soda Water
	20	Bicycles

SECTION 3. The foregoing sales shall be made at public auction in the City of Modesto. The City Manager is hereby authorized to fix the time and place for said sales. At least

1 five (5) days before the time fixed for each sale, the City
2 Clerk shall cause notice thereof to be published once in The
3 Modesto Tribune, the official newspaper of the City of Modesto.
4 Said notice shall set forth the time and place of the sale and
5 the items of property to be offered for sale.

6 The sale shall be conducted by the City Manager or by
7 such person as he may select for this purpose. All items of pro-
8 perty not sold at said auction sales shall be disposed of in such
9 manner as the City Manager deems to be in the best interest of the
10 City.

11 SECTION 4. This ordinance shall go into effect and be
12 in full force and operation from and after fifteen (15) days after
13 its final passage and adoption.

14 SECTION 5. This ordinance shall be published in full
15 at least once/three days prior to its final adoption in The
16 Modesto Tribune, the official newspaper of the City of Modesto.

17 The foregoing ordinance was introduced at a regular
18 meeting of the Council of the City of Modesto held on the 8
19 day of September, 1954, by Councilman Arata, who moved its
20 adoption and passage to print, which motion being duly seconded
21 by Councilman R. Adams, was upon roll call carried and the
22 ordinance ordered printed and published by the following vote:

23 AYES: Councilmen: R. Adams, Annan, Arata, Mellis, Merrill,
and Mayor Marks
24 NOES: Councilmen: None
25 ABSENT: Councilmen: M. Adams

26
27 APPROVED: 

HARRY MARKS, Mayor

28
29 ATTEST: 

REX E. GAILFUS, City Clerk

ORDINANCE NO. 1112 -N.S.

1 AN ORDINANCE ADOPTING A MUNICIPAL CODE FOR THE
2 CITY OF MODESTO, PRESCRIBING CERTAIN PENALTIES
3 FOR VIOLATION OF THE PROVISIONS THEREOF, AND
4 REPEALING CERTAIN ORDINANCES.

5 WHEREAS, Section 724 of the Charter of the City of
6 Modesto provides that any or all of the ordinances of the City may
7 be compiled, consolidated, revised, indexed and arranged as a
8 comprehensive ordinance code, and such code may be adopted by
9 reference,

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

12 SECTION 1. ADOPTION OF MUNICIPAL CODE. That certain
13 document, three (3) copies of which are on file in the Office of
14 the City Clerk, being marked and designated as the "Modesto
15 Municipal Code", is hereby adopted by reference. Each and all of
16 the provisions, terms and penalties of said Code on file in the
17 Office of the City Clerk are hereby referred to, adopted, incor-
18 porated herein and hereby made a part hereof as if fully set
19 forth in this ordinance.

20 SECTION 2. REPEAL OF ORDINANCES. Except as otherwise
21 provided in this ordinance and in said Municipal Code, all ordi-
22 nances of the City of Modesto in force upon the effective date of
23 this ordinance are hereby repealed.

24 SECTION 3. CERTAIN ORDINANCES TO REMAIN IN EFFECT.
25 Those certain ordinances of the City of Modesto which are listed
26 in Table 2 and Table 3 of the Appendix to said Municipal Code
27 shall not be repealed by this ordinance but shall remain in full
28 force and effect.

29 SECTION 4. EXCEPTIONS TO REPEALS. No rights, obligations,
30 duties, privileges or encumbrances arising from any ordinance
31 which is repealed by this ordinance and which said ordinance re-
32 lates to any of the following matters shall be affected by the
repealing provisions of this ordinance or of said Modesto
Municipal Code:

- 1 (a) The public debt or the public credit;
- 2 (b) The establishment, naming, width, grade, con-
- 3 struction, improvement or vacation of a public street, sidewalk,
- 4 alley or other public property or facility;
- 5 (c) The annexation of territory;
- 6 (d) Any contract to which the City is a party or
- 7 any contract inuring to the City's benefit;
- 8 (e) The acquisition or disposition of any interest
- 9 in real or personal property;
- 10 (f) A municipal election;
- 11 (g) Any appropriation or expenditure of public funds;
- 12 (h) The levy or imposition of property taxes or
- 13 fixing the tax rate;
- 14 (i) Levying of a special benefit assessment or
- 15 creating a lien or debt against the owner of any property or said
- 16 property; or
- 17 (j) The granting of any franchise, license or
- 18 right by the City, which license, grant, power or franchise is
- 19 legally in force and effect upon the effective date of this
- 20 ordinance. Every such license, grant, and power or franchise
- 21 shall expire as originally provided.

22 SECTION 5. SAVING PROVISIONS. The repealing provisions
23 of this ordinance or of said Modesto Municipal Code shall not
24 effect or impair any act done or right vested or approved or any
25 proceeding, suit or prosecution had or commenced in any cause
26 before such repeal shall take effect; but every such act done, or
27 right vested or accrued, or proceeding, suit or prosecution had
28 or commenced shall remain in full force and effect to all intents
29 and purposes as if such ordinance or part thereof so repealed had
30 remained in force. No offense committed and no liability, penalty
31 or forfeiture, either civilly or criminally incurred prior to the
32 time when any such ordinance or part thereof shall be repealed or

1 altered by said Code shall be discharged or effected by such
2 repeal or alteration; but prosecutions and suits for such offenses,
3 liabilities, penalties or forfeitures shall be instituted and
4 proceeded with in all respects as if such prior ordinance or part
5 thereof had not been repealed or altered.

6 SECTION 6. VIOLATION OF CODE. It shall be unlawful for
7 any person to violate any provision, or fail to comply with any
8 requirement of said Code. Any person violating any of the pro-
9 visions or failing to comply with any of the mandatory require-
10 ments of said Code shall be guilty of a misdemeanor. Any person
11 convicted of a misdemeanor under the provisions of said Code,
12 shall be punishable by a fine of not more than One Thousand and
13 no/100ths (\$1,000.00) Dollars, or by imprisonment in the County
14 Jail of the County of Stanislaus for a period not exceeding one
15 (1) year, or by both such fine and imprisonment. Any such person
16 shall be guilty of a separate offense for each and every day during
17 any portion of which any violation of any provision of said Code
18 is committed, continued or permitted by such person and shall be
19 punishable accordingly.

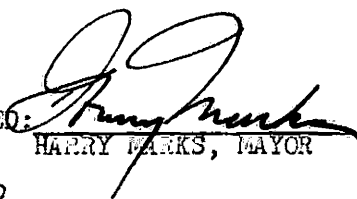
20 In addition to the penalties hereinabove provided, any
21 condition caused or permitted to exist in violation of any of the
22 provisions of said Code shall be deemed a public nuisance and may,
23 by this City, be summarily abated, and each day such condition
24 continues shall be regarded as a new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

25 SECTION 7. EFFECTIVE DATE. This ordinance shall take
26 effect and be in full force and operation from and after fifteen
27 (15) days after its final passage and adoption.

28 SECTION 8. PUBLICATION. This ordinance shall be pub-
29 lished in full at least once at least three (3) days prior to its
30 final adoption in The Modesto Tribune, the official newspaper of
31 the City of Modesto.

32 The foregoing ordinance was introduced at a regular

1 meeting of the Council of the City of Modesto held on the
2 22 day of September, 1954, by Councilman Mellis, who
3 moved its introduction and passage to print, which motion being
4 duly seconded by Councilman Arata, was upon roll call
5 carried and ordered printed and published by the following vote:
6 AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis,
7 NOES: Councilmen: None Merrill, and Mayor Marks
8 ABSENT: Councilmen: None

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10 APPROVED: 
HARRY MARKS, MAYOR

11 ATTEST: 
12 REX E. GAILFUS, City Clerk

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Ord. 1142-N.S.

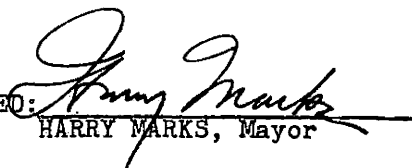
FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and 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 6 day of October, 1954, Councilman R. Adams moved its final adoption, which motion being duly seconded by Councilman Arata, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, and Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: Merrill

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: October 21, 1954

1 AN ORDINANCE PROVIDING FOR THE LEASE OF
2 CERTAIN CITY OWNED AIRPORT PROPERTY TO
3 THE DAVE WILSON NURSERY AND AUTHORIZING
4 THE EXECUTION OF A LEASE AGREEMENT IN
5 CONNECTION THEREWITH.

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

7 SECTION 1. The City of Modesto hereby leases to Dave Wilson,
8 Isabel Wilson, John Wynne and Betty Ann Wynne, individually, and doing
9 business as the Dave Wilson Nursery, the following described premises
10 located at the Modesto Municipal Airport, situate in the County of Stanislaus,
11 State of California, and particularly described as follows, to-wit:

12 Approximately seventeen (17) acres bounded on the
13 South by the Northerly taxiway; on the West by the
14 Easterly oiled runway; on the East by the property
15 leased by United Airlines; and on the North by the
16 Modesto Irrigation District easement,

17 for a term commencing on the first day of December, 1954 and ending on the
18 30th day of November, 1956, in accordance with all the terms and conditions
19 as set forth in that certain lease agreement covering the lease of said prop-
20 erty, a copy of which is on file in the Office of the City Clerk in the City of
21 Modesto. The terms and conditions of said lease agreement are hereby
22 accepted and approved.

23 SECTION 2. The City Manager and the City Clerk of the City of
24 Modesto are hereby authorized and empowered to sign and attest, respectively,
25 said lease agreement on behalf of the City upon this ordinance becoming
26 effective.

27 SECTION 3. This ordinance shall go into effect and be in full
28 force and operation from and after fifteen (15) days after its final passage and
29 adoption.

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

The foregoing ordinance was introduced at a regular meeting of
the Council of the City of Modesto held on the 22 day of September
1954 by Councilmen Arata, who moved its introduction and
passage to print, which motion being duly seconded by Councilman

1 R. Adams , was upon roll call carried and ordered printed
2 and published by the following vote:

3 AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis,
4 Merrill and Mayor Marks

4 NOES: Councilmen: None

5 ABSENT: Councilmen: None

6
7 APPROVED: 
HARRY MARKS, Mayor

8
9 ATTEST: 
10 REX E. GAILFUS, City Clerk

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Ord. 1143

FINAL ADOPTION CLAUSE

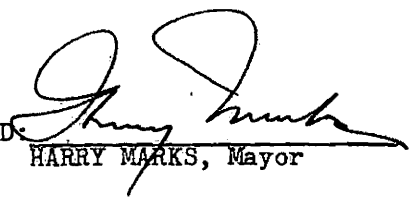
The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 6 day of October, 1954, Councilman R. Adams moved its final adoption, which motion being duly seconded by Councilman Arata, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: Merrill

ATTEST: 
REX E. GAILFUS, City Clerk

APPROVED: 
HARRY MARKS, Mayor

EFFECTIVE DATE: October 21, 1954