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AN ORDINANCE AMENDING ORDINANCE NO. 700-N.S. 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., BY ADDING SUBSECTION (1) TO SECTION 3 (1.) THEREOF.

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

SECTION 1. Subsection (1.) is hereby added to Section 3 (1.) 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., to read as follows:

"1. Parking lots in an area immediately adjacent to a Neighborhood Business District (C-1) or a Central Business District (C-2), subject to the securing of a use permit for each such use, after public hearing."

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

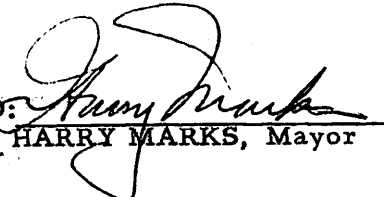
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and adoption.

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 6 day of October, 1954 by Councilman R. 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, Annan, Arata, Mellis, and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: Merrill

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REXE. GAILFUS, City Clerk

(SEAL)

Ord. 1-C.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 ^{adjourned} regular meeting of the Council of the City of Modesto held on the 21st day of October, 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 and Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: Merrill

ATTEST: 
REX E. GAILFUS, City Clerk

APPROVED: 
HARRY MARKS, Mayor

EFFECTIVE DATE: Nov. 5, 1954

AN ORDINANCE APPROPRIATING ADDITIONAL REVENUES FOR USE DURING THE 1954-55 FISCAL YEAR.

WHEREAS, the tax rate set by the City Council was greater than anticipated at the time of the adoption of the 1954-55 budget, and

WHEREAS, the actual 1954 assessed values as made known to the City by the County Assessor were greater than those used in the preparation of the budget, and

WHEREAS, it is therefore anticipated that revenues to be received during the 1954-55 fiscal year from secured taxes will amount to \$583,322.00 rather than \$550,312.00 as set forth in the "City of Modesto Final Budget 1954-55",

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

SECTION 1. The sum of Sixteen Thousand Nine Hundred Four and no/100ths (\$16,904.00) Dollars, not heretofore appropriated, is hereby appropriated to the General Reserve of the General Fund of the City of Modesto.

SECTION 2. The sum of Fourteen Thousand Seven Hundred Forty-Six and no/100ths (\$14,746.00) Dollars, not heretofore appropriated, is hereby appropriated to the Library Reserve of the City of Modesto.

SECTION 3. The sum of One Thousand Three Hundred Sixty and no/100ths (\$1,360.00) Dollars, not heretofore appropriated, is hereby appropriated to the Bond and Interest Redemption Reserve of the City of Modesto.

SECTION 4. Pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall take effect upon adoption.

SECTION 5. This ordinance shall be published once in full 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 13th day of October, 1954 by Councilman Arata, who moved its adoption and passage to print, which motion being duly seconded by Councilman Mellis, was upon roll

1 call carried and the ordinance adopted by the following vote:

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

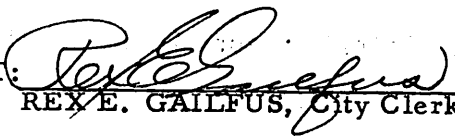
3 NOES: Councilmen: None

4 ABSENT: Councilmen: R. Adams, Annan

6 APPROVED:


HARRY MARKS, Mayor

7 ATTEST:


REX E. GAILFUS, City Clerk

9 (SEAL)

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ORDINANCE NO. 3 -C.S.

AN ORDINANCE AMENDING SECTION 6-7.101 OF ARTICLE 1 OF CHAPTER 7 OF TITLE VI OF THE MODESTO MUNICIPAL CODE REGULATING AMBULANCES.

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

SECTION 1. Section 6-7.101 of Article 1 of Chapter 7 of Title VI of the Modesto Municipal Code is hereby amended to read as follows:

SECTION 6-7.101. LIABILITY INSURANCE TO BE FILED WITH CITY CLERK. In addition to any and all requirements provided for in any other law of the City governing the operation of ambulances in the City, the following condition or requirement shall be complied with, to-wit:

All persons engaged in carrying on or operating within the City the business of operating or driving ambulances shall file with the City Clerk, a motor vehicle liability policy as that term is defined in Section 415 of the Vehicle Code of the State of California, for each vehicle for which a license is sought or held; provided, however, that in lieu of the limits of liability specified in said Act of the Legislature, the limit shall be not less than Twenty-five Thousand (\$25,000.00) Dollars, exclusive of interest and costs, on account of injury to or death of any one person and Fifty Thousand (\$50,000.00) Dollars exclusive of interest and costs, on account of any one accident resulting in injury to or death to more than one person, and Five Thousand (\$5,000.00) Dollars for damage to property of others as in said act specified; or a binder pending the issuance of any such policy, or an endorsement to an existing policy; provided, further, that in lieu of such motor vehicle liability policy such operator of an ambulance may deposit with the City Clerk a bond executed by a surety company authorized to do business in this State in the same amount and with the same conditions specified in this section for the motor vehicle liability policy; provided, further, that such motor vehicle liability policy or bond shall also contain a clause or endorsement obligating the company issuing the same to give at least ten (10) days' written notice to the City Clerk before the cancellation of such policy or bond.

Such liability policy or bond must, prior to being so filed with the Clerk, be approved by the Council, both as to form and as to sufficiency of surety.

In event the holder of a license covering the business of driving and operating an ambulance shall fail and neglect to file a bond or policy as herein required, or to renew such policy or bond before the

1 expiration or termination thereof, or in event the
2 insurance carrier or surety thereon withdraws there-
3 from or cancels the same or becomes insolvent or
4 passes into receivership or the hands of the Insur-
5 ance Commissioner or has its license to do business
6 revoked, the said license to carry on the business
7 of driving and operating an ambulance within the
8 City shall be immediately suspended upon notice to
9 that effect to the licensee, the suspension to con-
10 tinue until (not to exceed five (5) days) the licen-
11 see files another policy or bond within said period
12 of five (5) days, and if he fails or neglects to file
13 another policy or bond within said period, complying
14 with the terms of this chapter, the license shall
15 immediately upon the expiration of said five (5)
16 days be cancelled and terminated.

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

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

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

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

32 NOES: Councilmen: None

ABSENT: Councilmen: Merrill

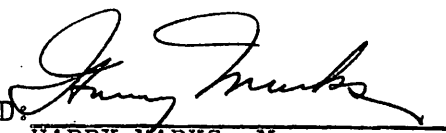
APPROVED: 
HARRY MARKS, Mayor

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 3 day of November, 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
and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE:
Nov. 18, 1954

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AN ORDINANCE APPROPRIATING ADDITIONAL REVENUES FOR USE DURING THE 1954-55 FISCAL YEAR.

WHEREAS, it is estimated that the sum of \$1,500.00 will be available from donations during the 1954-55 fiscal year for the purpose of providing furnishings for the Youth Center, which sum has not been heretofore appropriated, and

WHEREAS, it is estimated that the sum of \$53,000.00 will be available during the 1954-55 fiscal year in the Sewer Lateral Fund from payments of sewer lateral fees, which sum has not been heretofore appropriated,

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

SECTION 1. The sum of \$1,500.00, not heretofore appropriated, is hereby appropriated as follows:

<u>Fund</u>	<u>Amount</u>	<u>Purpose</u>
Youth Center Furnishing Fund	\$1,500.00	Capital Outlay

SECTION 2. The sum of \$53,000.00, not heretofore appropriated, is hereby appropriated as follows:

<u>Fund</u>	<u>Amount</u>	<u>Purpose</u>
Sewer Division, Public Works Department, General Fund	\$53,000.00	Construction of Sewer Lateral Extensions

The Director of Finance is hereby authorized to transfer said \$53,000.00 when received from the Sewer Lateral Fund to the General Fund to reimburse the General Fund for expenditures incurred for the construction of sewer laterals.

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 once in full 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 27 day of October 1954, by Councilman Annan, who moved its adoption and passage to print, which motion being duly seconded by Councilman Arata,

1 was upon roll call carried and the ordinance adopted by the following vote:
2 AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and
3 NOES: Councilmen: None Mayor Marks
4 ABSENT: Councilmen: Merrill

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6 APPROVED: 
7 HARRY MARKS, Mayor

8 ATTEST: 
9 REX E. GAILFUS, City Clerk

10 (SEAL)

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1 SECTION 4-7.1204. APPLICATION FOR PERMIT. Any person
2 desiring to operate or use a searchlight in the City shall file
3 with the Chief of Police an application therefor on forms to be
4 provided by said Chief of Police. Said application shall contain
5 the following information:

6 (a) The name and address of the person making
7 application;

8 (b) The location at which it is desired to use or
9 operate a searchlight;

10 (c) The period for which a permit is desired;

11 (d) The hours during which the searchlight is to
12 be operated; and

13 (e) The name of the person who will be in charge of
14 operating the searchlight.

15 SECTION 4-7.1205. FEES. To defray the cost to the City
16 of administering the provisions of this Article, there shall be
17 payable in advance to the Director of Finance of the City by each
18 applicant the following fees:

19 (a) Public Property. Two and 50/100ths (\$2.50)
20 Dollars for the first day and One and 50/100ths (\$1.50) Dollars
21 for each day thereafter during any portion of which it is desired
22 to operate a searchlight on public property; or

23 (b) Private Property. One and no/100ths (\$1.00)
24 Dollar for each day during any portion of which it is desired to
25 operate a searchlight on private property.

26 Such fee shall be in addition to any other licenses or
27 fees required by any other law of the City.

28 SECTION 2. Section 4-2.27 of the Modesto Municipal Code
29 is hereby repealed.

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

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

4 The foregoing ordinance was introduced at a regular
5 meeting of the Council of the City of Modesto held on the 3
6 day of November, 1954, by Councilman Mellis, who moved
7 its introduction and passage to print, which motion being duly
8 seconded by Councilman M. Adams, was upon roll call carried
9 and ordered printed and published by the following vote:

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

11 NOES: Councilmen: None

12 ABSENT: Councilmen None

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14 APPROVED 
HARRY MARKS, MAYOR

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17 ATTEST: 
REX E. GAILFUS, CITY CLERK


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Ordinance No. 5-C.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 10 day of November, 1954, Councilman Merrill 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

ATTEST: 
REX E. GAILFUS, City Clerk

APPROVED: 
HARRY MARKS, Mayor

EFFECTIVE DATE: November 25, 1954

REPEALED ORD 234CS

AN ORDINANCE AMENDING SECTIONS 1 AND 6 OF ORDINANCE NO: 345-N.S., AS AMENDED, ENTITLED, "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF MODESTO".

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

SECTION 1. Section 1 of Ordinance No. 345-N.S., as amended, entitled, "An Ordinance Regulating Traffic Upon the Public Streets of the City of Modesto" is hereby amended to read as follows:

Section 1. Definitions. (a) Whenever any words or phrases used in this ordinance are not defined herein, but are now or hereafter defined in the Vehicle Code of this state, such definitions are incorporated herein and shall be deemed to apply to such words and phrases used herein as though set forth in full herein.

(b) The following words and phrases, when used in this ordinance, if not in conflict with the Vehicle Code of this state, shall for the purpose of this ordinance have the meanings respectively ascribed to them as follows:

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

(2) Official Traffic Control Devices. All signs, signals, markings and devices not inconsistent with this ordinance placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic.

(3) Official Traffic Signals. Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and proceed and which is erected by authority of a public body or official having jurisdiction.

(4) Park. To stand or leave standing any vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading of passengers or materials.

(5) Passenger Loading Zone. The space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

(6) Bus Loading Zone. The space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers by a public utility transporting passengers for hire.

(7) Freight Loading Zone. A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of freight.

(8) Pedestrian. Any person afoot.

(9) Person. Every natural person, firm, copartnership, association or corporation.

1 and published (10) Police Officer. Every officer of the police depart-
2 ment of this city.

3 (11) Stop. When required means complete cessation of
4 movement.

5 (12) Traffic. Pedestrians, ridden or herded animals,
6 vehicles, street cars and other conveyances either singly
7 or together while using any street for purposes of travel.

8 SECTION 2. Section 6 of said Ordinance No. 345-N. S. is hereby
9 amended to read as follows:

10 Section 6. Crosswalks. The City Traffic Engineer shall
11 establish, designate and maintain crosswalks at intersections
12 and other places by appropriate devices, marks or lines upon
13 the surface of the roadway as follows:

14 Crosswalks shall be established, maintained and removed at
15 such intersections and at such other places as the City Traffic
16 Engineer determines are particularly hazardous to pedestrians
17 crossing the roadway.

18 SECTION 3. REPEALS. All ordinances and parts of ordinances
19 inconsistent herewith are hereby expressly repealed.

20 SECTION 4. URGENCY MEASURE. The Council of the City of
21 Modesto hereby finds and declares that the foregoing ordinance is necessary
22 as an emergency measure for preserving the public peace, health and safety.

23 Unless the foregoing ordinance is adopted without delay, the lack of
24 authorization on the part of the City for the establishment of crosswalks
25 between intersections will jeopardize the health and safety of the citizens of
26 the City of Modesto.

27 SECTION 5. EFFECTIVE DATE. Pursuant to Section 722 of the
28 Charter of the City of Modesto, this ordinance shall take effect and be in full
29 force and operation as of the date hereof.

30 SECTION 6. PUBLICATION. This ordinance shall be published
31 in full in The Modesto Tribune, the official newspaper of the City of Modesto.

32 The foregoing ordinance was introduced at a regular meeting of the
Council of the City of Modesto held on the 17 day of November,
1954, by Councilman Mellis, who moved its adoption
and passage to print, which motion being duly seconded by Councilman
R. Adams, was upon roll call carried and order/printed

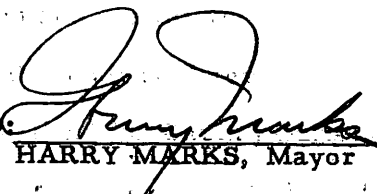
1 and published by the following vote: 11 AYES and 2 NOES

2 1 **AYES:** Councilmen: M. Adams, B. Adams, Annan, Arata, Mellis,
3 2 FOR CAPITAL Merrill and Mayor Marks.

4 3 **NOES:** Councilmen: None

5 4 **ABSENT:** Councilmen: None

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APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

(SEAL)

WHEREAS, the Council desire to appropriate the said funds for the
purpose of carrying out the plan of the Board of Public Works

NOW, THEREFORE, the Council do hereby enact the following ordinance:

SECTION 1. The sum of the Dollars (\$10,000.00) to be used for the
purpose of carrying out the plan of the Board of Public Works
shall be appropriated as follows:

Development of new and old	\$ 2,000.00
Development of parks	1,000.00
Acquisition of land for public use and other public purposes	5,000.00
Acquisition of land for the improvement of the city	1,000.00
Special capital expenditures	1,000.00
Total	\$10,000.00

SECTION 2. The Board of Public Works shall be authorized to
execute this ordinance and to make such contracts as may be necessary

SECTION 3. This ordinance shall take effect upon its passage.
The force of this ordinance shall be retroactive to the date of its
enactment. The City Clerk is hereby authorized to publish this
ordinance in the City of Los Angeles, California, on the 15th day of
1924, and to cause the same to be printed in the City Directory for
1924.

1 AN ORDINANCE APPROPRIATING ADDITIONAL REVENUES
 2 FOR CAPITAL OUTLAY PURPOSES DURING THE 1954-55
 3 FISCAL YEAR.

4 WHEREAS, the City of Modesto's sales and use tax was increased
 5 from 1/2% to 1% effective October 1, 1954, and the additional revenues
 6 resulting therefrom were allocated to the Special Fund for Capital Outlays by
 7 the provisions of Ordinance No. 1136-N.S. adopted on July 21, 1954, and

8 WHEREAS, it is anticipated that the sum of \$150,000, not hereto-
 9 fore appropriated, will be received during the 1954-55 fiscal year for capital
 10 outlay purposes, and

11 WHEREAS, the Council desires to appropriate said funds for use
 12 for capital outlay purposes during the 1954-55 fiscal year,

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

15 SECTION 1. The sum of One Hundred Fifty Thousand and no/100ths
 16 (\$150,000.00) Dollars, which is estimated to be deposited and paid into the
 17 Special Fund for Capital Outlays during the 1954-55 fiscal year, not hereto-
 18 fore appropriated, is hereby appropriated as follows:

<u>Purposes</u>	<u>Amounts</u>
Development of new city hall	\$60,000.00
Development of parks	15,000.00
Acquisition of land for park sites and other public purposes	25,000.00
Acquisition of land for development of 18 hole golf course	22,000.00
Special capital outlay reserve	<u>28,000.00</u>
Total	\$150,000.00

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

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

28 The foregoing ordinance was introduced at a regular meeting of
 29 the Council of the City of Modesto held on the 1 day of December,
 30 1954, by Councilman Merrill, who moved its adoption, which
 31 motion being duly seconded by Councilman Annan, was

1 upon roll call carried by the following vote:

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

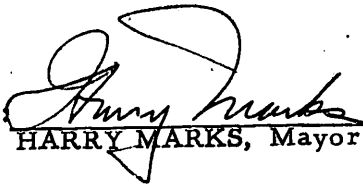
3 NOES: Councilmen: None

4 ABSENT: Councilmen: None

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APPROVED:


HARRY MARKS, Mayor

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ATTEST:


REX E. GAILFUS, City Clerk

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10 (SEAL)

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ORDINANCE NO. 8-C.S.

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AN ORDINANCE AMENDING SECTION 6-1.228 OF ARTICLE 2 OF CHAPTER 1 OF TITLE VI OF THE MODESTO MUNICIPAL CODE RELATING TO THE LICENSING OF BUSINESSES, PROFESSIONS AND TRADES.
The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT. Section 6-1.228 of Article 2 of Chapter 1 of Title VI of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 6-1.228. USE OF VEHICLES: NO FIXED PLACE OF BUSINESS: Every person not having a fixed place of business within the City, conducting, managing or carrying on a business involving the running, driving or operating of any vehicle used for the transportation; selling, collection or delivery of goods, wares, merchandise or other personal property of any kind from a vehicle, either as his or its principal business, or incidental thereto, or in connection with any other business, or of soliciting for work, labor or services to be performed upon the public street, in or from a vehicle, or to be performed on goods, wares, merchandise or other personal property to be taken for such purpose to a plant or establishment inside or outside the City, shall pay a license fee according to the type of business, as follows:

(a) Wholesalers. Those persons engaged in any such business which is solely of a wholesale nature, the sum of Twelve and 50/100ths (\$12.50) Dollars per quarter for the first vehicle, and the sum of Six and 25/100ths (\$6.25) Dollars per quarter for all other vehicles.

(b) Transportation Service. Those persons engaged solely in the business of transporting goods, wares, and merchandise which business involves no sales, solicitations or services other than transportation, the sum of Five and no/100ths (\$5.00) Dollars per quarter for the first vehicle, and the sum of Two and 50/100ths (\$2.50) Dollars per quarter for all other vehicles.

(c) Others. All others, the sum of Twenty and no/100ths (\$20.00) Dollars per quarter for the first vehicle, and the sum of Ten and no/100ths (\$10.00) Dollars per quarter for all other vehicles.

A trailer shall be deemed to be a separate vehicle for the purposes of this section.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation on and after January 1, 1955.

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 meeting of the Council of the City of Modesto held on the 8th day of December, 1954, by Councilman Merrill, 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

(SEAL)

SECTION 2. The City of Modesto...

SECTION 3. This ordinance shall be in full force and operation...

1 AN ORDINANCE RELATING TO THE ACQUISITION,
2 CONSTRUCTION, MAINTENANCE AND OPERATION
3 OF AN EIGHTEEN HOLE MUNICIPAL GOLF COURSE
4 BY THE CITY OF MODESTO.

5 WHEREAS, Horace W. Dryden and Dorothy Dryden, husband and
6 wife, have offered to dedicate certain real property adjacent to the Tuolumne
7 River to the City for the purpose of enabling City to construct a portion of
8 an eighteen hole golf course thereon, and

9 WHEREAS, the acceptance of said offer of dedication is in the
10 public interest by reason of the fact that the present public golf facilities in
11 the City are inadequate to serve the needs of the community, and

12 WHEREAS, City and donors desire to enter into an agreement
13 relating to the dedication of said property and the construction, maintenance
14 and operation of a golf course thereon,

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

17 SECTION 1. That certain agreement between Horace W. Dryden
18 and Dorothy Dryden and the City of Modesto, relating to the acquisition,
19 construction, maintenance and operation of an eighteen hole municipal golf
20 course, with attachments consisting of Holding Agreement, Exhibit "A";
21 Escrow Instructions, Exhibit "B", Grant Deed, Exhibit "C" and Lease
22 Agreement, Exhibit "D", copies of which are on file in the Office of the City
23 Clerk, is hereby approved, and the City Manager and the City Clerk be,
24 and they are hereby directed to execute said agreements on behalf of the
25 City of Modesto.

26 SECTION 2. The offer of donors to dedicate the aforementioned
27 property is hereby accepted on behalf of the City, and the City Clerk is
28 hereby directed to record each of said documents of dedication, when exe-
29 cuted, in the Office of the Recorder of the County of Stanislaus, State of
30 California.


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

Ordinance No. 9-C.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 15 day of December, 1954, Councilman Mayor Marks 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: Annan, Arata, Heckendorf, Mellis, Merrill, and Mayor
Marks
NOES: Councilmen: None
ABSENT: Councilmen: M. Adams

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: December 23, 1954

1 AN ORDINANCE AUTHORIZING THE PURCHASE OF
2 CERTAIN REAL PROPERTY FROM KENNETH H. DURAND
3 AND GLADYS S. DURAND FOR USE BY THE CITY OF
4 MODESTO FOR MUNICIPAL GOLF COURSE PURPOSES.

5 WHEREAS, the City of Modesto desires to acquire a parcel of real
6 property to be used as a site for the location of a portion of an eighteen hole
7 municipal golf course, and

8 WHEREAS, Kenneth H. Durand and Gladys S. Durand, husband and
9 wife, have offered to sell a site to the City suitable for such purposes for
10 the sum of Twenty-Two Thousand and no/100ths (\$22,000.00) Dollars,

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

13 SECTION 1. The purchase of the following described property
14 from Kenneth H. Durand and Gladys S. Durand, husband and wife, for the
15 sum of Twenty-Two Thousand and no/100ths (\$22,000.00) Dollars for use by
16 the City as a site for the location of a portion of an eighteen hole municipal
17 golf course is hereby approved:

18 All that certain real property situate in the County of
19 Stanislaus, State of California, described as follows,
20 to wit:

21 All that portion of Lot B of the DURAND TRACT, accord-
22 ing to the Official Map thereof, filed in the office of the
23 Recorder of Stanislaus County, California, on January 21,
24 1947 in Volume 16 of Maps, at page 19, and being a portion
25 of Section 5, Township 4 South, Range 9 East, Mount
26 Diablo Base and Meridian, and more particularly des-
27 cribed as follows:

28 Commencing at the Southeast corner of the Northeast
29 quarter of the Northwest quarter of said Section 5; thence
30 along the North and South quarter section line being the
31 center line of a 40 foot County Road known as Sunset Avenue
32 as shown on the Map of the said Durand Tract, South 00°
15' 00" West, 1799.44 feet to the true point of beginning
of this description; thence continuing along said quarter
section line, South 00° 15' 00" West, 1456.02 feet, to the
most Southerly corner of said Lot B; thence along the
Southeasterly line of said Lot B, North 61° 35' East,
125.40 feet; thence North 51° 40' East, 650.13 feet;
thence North 36° 15' East, 637.03 feet; thence North
22° 55' East, 514.80 feet; thence on a line at right angles
to the above mentioned quarter section line, South 89°
45' West, 1191.07 feet to said quarter section line and
the true point of beginning of this description, containing
24.902 acres, more or less.

SECTION 2. That certain agreement between Kenneth H. Durand

1 and Gladys S. Durand and the City of Modesto relating to the purchase of
2 said property, a copy of which is on file in the Office of the City Clerk, is
3 hereby approved, and the City Manager and City Clerk are hereby authorized
4 and directed to execute said agreement on behalf of the City.

5 SECTION 3. The City of Modesto hereby accepts the deed from
6 Grantors conveying the above described property to the City of Modesto and
7 does hereby authorize the City Clerk to record said deed with the Recorder
8 of Stanislaus County.

9 SECTION 4. The Director of Finance is hereby authorized and
10 directed to draw a draft in the sum of Twenty-Two Thousand and no/100ths
11 (\$22,000.00) Dollars, payable to Kenneth H. Durand and Gladys S. Durand,
12 for placement in escrow, to be delivered to the Grantors upon receipt by
13 City of a deed in proper legal form conveying said property to City in accord-
14 ance with the provisions of the abovementioned agreement.

15 SECTION 5. This ordinance shall go into effect and be in full force
16 and operation from and after fifteen (15) days after its final passage and
17 adoption.

18 SECTION 6. This ordinance shall be published in full at least once
19 at least three (3) days prior to its final adoption in The Modesto Tribune,
20 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 8 day of December, 1954, by
23 Councilman Merrill, who moved its introduction and passage to
24 print, which motion being duly seconded by Councilman R. Adams,
25 was upon roll call carried and ordered printed and published by the following
26 vote:

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

28 NOES: Councilmen: None

29 ABSENT: Councilmen: None

30 APPROVED: 
HARRY MARKS, Mayor

31 ATTEST: 
32 REX E. GALFUS, City Clerk

(SEAL)

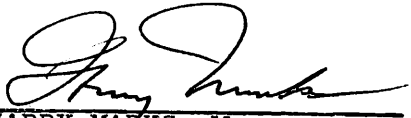
Ordinance No. 10-C.S.

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 15 day of December, 1954, Councilman Mellis 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: Annan, Arata, Heckendorf, Mellis, Merrill, and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: M. Adams

ATTEST: 
REX E. GAILFUS, City Clerk

APPROVED: 
HARRY MARKS, Mayor

EFFECTIVE DATE: December 23, 1954

ORDINANCE NO. 11 -C.S.

1 AN ORDINANCE ADDING CHAPTER 4 TO TITLE XII OF
2 THE MODESTO MUNICIPAL CODE, REGULATING THE
3 USE OF PARK AND RECREATION AREAS AND FACILITIES.

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

5 SECTION 1. Chapter 4, consisting of Section 12-4.01, is hereby
6 added to Title XII of the Modesto Municipal Code to read as follows:

7 CHAPTER 4 - REGULATIONS PERTAINING TO THE USE
8 OF PARK AND RECREATION AREAS AND
9 FACILITIES

10 SEC. 12-4.01. DOMESTIC ANIMALS IN PUBLIC PARK AND
11 RECREATION AREAS. Except as provided in Section 5-4.204 of this Code,
12 it shall be unlawful for any person to permit any dog, horse or other domestic
13 animal to enter, be or remain upon any ^{city}public park or recreation area, in-
14 cluding the streets and roads transversing said park or recreation area,
15 except in such areas as may be specifically designated and posted by the
16 Director of Parks and Recreation.

17 SECTION 2. This ordinance shall be published in full at least once
18 at least three (3) days prior to its final adoption in The Modesto Tribune, the
19 official newspaper of the City of Modesto.

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

23 The foregoing ordinance was introduced at a regular meeting of the
24 Council of the City of Modesto held on the 8 day of December,
25 1954, by Councilman Merrill, who moved its introduction and
26 passage to print, which motion being duly seconded by Councilman
27 Mellis, was upon roll call carried and ordered printed and pub-
28 lished by the following vote:

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

31 NOES: Councilmen: None

32 ABSENT: Councilmen: None

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REXE E. GALFUS, City Clerk

(SEAL)

Ordinance No. 11-C.S.

FINAL ADOPTION CLAUSE

50 copies

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 15 day of December, 1954, Councilman Mellis moved its final adoption, which motion being duly seconded by Councilman Mayor Marks, was upon roll call carried and the ordinance finally adopted by the following vote:

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

ATTEST:


REX E. GAILFUS, City Clerk

APPROVED:


HARRY MARKS, Mayor

EFFECTIVE DATE: December 23, 1954

ORDINANCE NO. 12 -C.S.

1 AN ORDINANCE APPROVING THE LEASE OF CERTAIN AIRPORT
2 PROPERTY TO THE UNITED STATES OF AMERICA AND
3 AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT IN
4 CONNECTION THEREWITH.

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

5 SECTION 1. The City of Modesto hereby approves the lease
6 to the United States of America for a term commencing on July 1,
7 1954 and ending on June 30, 1955, subject to annual renewal there-
8 after for a term not to exceed twenty (20) years, of the following
9 described property situated in the County of Stanislaus, State of
10 California, said parcel being more particularly described as follows:

11 FOR A POINT OF REFERENCE commence at an iron pipe
12 marking the northeast corner of Lot 24, Block 2142,
13 Map of Legion Park Tract, filed January 4, 1941 in
14 Map Volume 14, page 10 Office of the Recorder,
15 Stanislaus County, thence along the easterly pro-
16 longation of the northerly line of Block 2142.

17 (i) North $89^{\circ} 45'$ East, 60 feet to a point in the
18 westerly boundary of the aforesaid Modesto Municipal
19 Airport; thence

20 (ii) South $0^{\circ} 42' 20''$ East, along said westerly
21 boundary 309.15 feet to a point therein, the actual
22 POINT OF BEGINNING of the parcel of land about to
23 be described, from said point of beginning thence

24 (1) North $89^{\circ} 17' 40''$ East, 200 feet to a point;
25 thence

26 (2) South $0^{\circ} 42' 20''$ East, 250 feet to a point;
27 thence

28 (3) South $89^{\circ} 17' 40''$ West, 200 feet to a point in
29 the aforesaid westerly boundary of the Modesto
30 Municipal Airport; thence

31 (4) North $0^{\circ} 42' 20''$ West, along said westerly
32 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 said
agreement on behalf of the City upon this ordinance becoming effec-
tive.

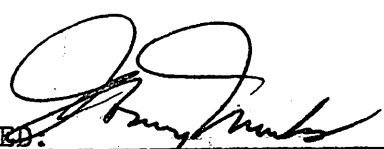
1 SECTION 3. Ordinance No. 1139-N.S. of the City of Modesto
2 is hereby repealed.

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

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

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

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

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19 APPROVED: 
HARRY MARKS, Mayor

20
21 ATTEST: 
REX E. GAILFUS, City Clerk

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Ordinance No. 12-C.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 15 day of December, 1954, Councilman Merrill 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: Annan, Arata, Heckendorf, Mellis, Merrill and Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: M. Adams

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: December 23, 1954

RE PEAL ED ORD 234CS

ORDINANCE NO. 13 -C.S.

1 AN ORDINANCE AMENDING ORDINANCE NO. 345-N.S. OF
2 THE CITY OF MODESTO ENTITLED "AN ORDINANCE REGU-
3 LATING TRAFFIC UPON THE PUBLIC STREETS OF THE
4 CITY OF MODESTO", AS AMENDED.

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

6 SECTION 1. Ordinance No. 345-N.S. of the City of Modesto
7 entitled "An Ordinance Regulating Traffic Upon the Public Streets
8 of the City of Modesto", as amended, is hereby amended to add the
9 following section:

10 SECTION 36.1. UNRESTRICTED TRAFFIC STREETS.

11 (a) Definition. The term "unrestricted street" as used
12 in this ordinance is hereby defined to mean a street, avenue or
13 thoroughfare over and upon which vehicles designed or used for the
14 transportation of commodities or materials may be driven and oper-
15 ated regardless of weight and size of said vehicles; provided said
16 vehicles do not exceed the size and weight of vehicles permitted
17 by state law to be driven upon or over highways and streets within
18 the State of California.

19 (b) Pickup: Defined. The compound word "pickup" as used
20 in this ordinance shall mean to take aboard a load or cargo of the
21 type or kind that said vehicle is designed to haul.

22 (c) Use of unrestricted streets. It shall be unlawful
23 for the operator of any moving van, dump truck, tank truck, used
24 or designed for the purpose of transporting petroleum products, or
25 any vehicle designed or used for the transporting of commodities or
26 materials, which vehicle extends more than eight (8) feet to the
27 rear of the driving compartment of said vehicle, or any vehicle
28 whose load extends more than eight (8) feet to the rear of the
29 driving compartment thereof, to operate said vehicle upon any
30 street other than unrestricted streets, avenues or thoroughfares
31 for any purpose other than to make a "pickup" or delivery, or to
32 service or secure repairs to said vehicle. In traveling to or
from the point of delivery, "pickup", service to or repair of said
vehicle, the operator of said vehicle shall drive as far as possible

1 upon and over an unrestricted street, avenue or thoroughfare.
2 (d) Towing. It shall be unlawful for the operator of
3 any vehicle to tow or pull or push any other vehicle on any street
4 of the City of Modesto other than upon unrestricted streets, ave-
5 nues or thoroughfares, for any distance greater than is absolutely
6 necessary.

7 (e) Emergency Equipment. Nothing herein shall be con-
8 strued to prevent the driving and operating of fire apparatus upon
9 any streets of the City of Modesto, nor shall this ordinance by its
10 terms prevent equipment owned by the City of Modesto from being
11 operated upon any of the streets of said City. Neither shall this
12 ordinance by its terms be construed to apply to the moving of
13 houses, buildings or structures upon and over the streets of said
14 City.

15 (f) Designation by Council. The City Council is here
16 authorized to determine and designate unrestricted traffic streets
17 by resolution, which designation shall become effective when
18 appropriate signs are in place giving notice of said designations
19 to the public.

20 SECTION 2. REPEALS. Ordinances No. 895-N.S. and 1018-
21 N.S. are hereby repealed.

22 SECTION 3. SEVERABILITY. If any section, subsection,
23 sentence, clause, phrase, or portion of this ordinance for any
24 reason be held invalid and unconstitutional by any court of compe-
25 tent jurisdiction, such portion shall be deemed a separate, distinct
26 and independent provision and such holding shall not affect the
27 validity of the remaining portions thereof.

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

31 SECTION 5. PUBLICATION. This Ordinance shall be pub-
32 lished in full at least once at least three days prior to its final

1 adoption in the Modesto Tribune, the official newspaper of the City
2 of Modesto.

3 The foregoing ordinance was introduced at a regular
4 meeting of the Council of the City of Modesto held on the 22 day
5 of December, 1954, by Councilman Adams, who moved
6 its adoption and passage to print, which motion being duly seconded
7 by Councilman Heckendorf, was upon roll call carried and ordered
8 printed and published by the following vote:

9 AYES: Councilmen: M. Adams, Arata, Heckendorf, Mellis, Merrill,
and Mayor Marks
10 NOES: Councilmen: None
11 ABSENT: Councilmen: Annan

12 APPROVED 
HARRY MARKS, Mayor

13 ATTEST: 
14 REX E. GAILFUS, City Clerk

15 (SEAL)

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Ord. No. 13-C.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 5 day of January, 1955, 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, Annan, Arata, Heckendorf, Mellis, Merrill
and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: HARRY MARKS, Mayor

ATTEST: REX E. GAILFUS, City Clerk

EFFECTIVE DATE: January 20, 1955

ORDINANCE NO. 14 -C.S.

1 AN ORDINANCE APPROVING AN AGREEMENT WITH THE
2 COUNTY OF STANISLAUS RELATING TO THE PROVISION
3 OF MUNICIPAL LIBRARY SERVICE AND AUTHORIZING
4 THE TRANSFER OF CERTAIN PERSONAL PROPERTY FROM
5 THE CITY OF MODESTO TO THE COUNTY OF STANISLAUS.

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

8 SECTION 1. That certain agreement between the City of
9 Modesto and the County of Stanislaus relating to the provision of
10 municipal library services, a copy of which is on file in the
11 office of the City Clerk of the City of Modesto, is hereby approved,
12 and the City Manager and City Clerk are hereby authorized to
13 execute said agreement on behalf of the City and do all things
14 necessary to carry out the terms of said agreement.

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

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

22 The foregoing ordinance was introduced at a regular
23 meeting of the Council of the City of Modesto held on the 5 day
24 of January, 1955, by Councilman Mellis, who moved
25 its introduction and passage to print, which motion being duly
26 seconded by Councilman Heckendorf, was upon roll call carried
27 and ordered printed and published by the following vote:

28 AYES: Councilmen: M. Adams, Annan, Arata, Heckendorf, Mellis,
29 Merrill and Mayor Marks

30 NOES: Councilmen: None

31 ABSENT: Councilmen: None

32 APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

(SEAL)

Ord. No. 14-C.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 12 day of January, 1955, Councilman Arata 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: Adams, Arata, Heckendorf, Mellis and Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: Annan and Merrill

ATTEST: 
REX E. GAILFUS, City Clerk

APPROVED: 
HARRY MARKS, Mayor

EFFECTIVE DATE: January 27, 1955

1 AN ORDINANCE AMENDING SECTIONS 5-6.208 and 11-1.10
2 OF THE MODESTO MUNICIPAL CODE RELATING TO DEPOSITS
FOR AND PAYMENT OF WATER AND SEWER SERVICES.

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

4 SECTION 1. Section 5-6.208 of the Modesto Municipal Code
5 is hereby amended to read as follows:

6 SEC. 5-6.208. PAYMENT OF CHARGES. (a) Method
7 of payment. On premises served with City water,
8 the charge for sewer service shall be added to
9 the charge for water service, and shall become
10 due and payable on the same basis as provided
11 in Section 11-1.11, Chapter 1, Title XI regulat-
12 ing the payment of water service charges. If a
13 premise with sewer service is not connected with
14 the municipal water system, a separate bill shall
15 be rendered for sewer service only. The time and
16 manner for billing for services on premises not
17 served with City water shall be determined by the
18 Director of Finance. Notwithstanding anything
19 in this section to the contrary, the Director of
20 Finance shall have the power to authorize or
21 require payment to be made on a monthly basis if
22 he is of the opinion that such a procedure is in
23 the best interests of the City.

24 (b) Advance deposits. In the case of any user
25 whose premise is not connected to the City water
26 system, the Director of Finance may require an
27 advance deposit of Ten and no/100ths (\$10.00)
28 Dollars except that if the Director of Finance
29 is of the opinion that a larger deposit is re-
30 quired in order to protect the interests of the
31 City, he may require an amount not to exceed
32 twice the amount of the normal billing period.
In the case of any user whose premises is connected
with the City water system, the Director of Fi-
nance may require that the deposit required by
Section 11-1.10 of the Code be increased by an
amount not to exceed twice the amount of the nor-
mal sewer service charge. Such an advance de-
posit may be used to apply against a delinquent
sewer service account after written notice to
the depositor of the delinquency and of the in-
tention to use the deposit to apply against the
account.

26 (c) Seasonal users. Notwithstanding anything
27 to the contrary in this section, a seasonal in-
28 dustrial user shall pay monthly during any month
29 in which the industrial wastes from such user
30 passes through either the industrial waste plant
31 or the sanitary sewer plant for more than fifteen
32 (15) days, at least sixty-six and two-thirds
(66-2/3%) per cent of the charges established by
subsection (j) of Section 5-6.206 in this article.
The remaining portion of the total charge, if
any, shall be paid in six (6) equal monthly in-
stallments during the six (6) months following
October 31 of the same year.

1 (d) Information. Any authorized agent of the
2 City shall have the right to go upon the premises,
3 or any part thereof, of the person discharging
4 sewage into the City sewer system for the pur-
5 pose of protecting the rights of the City and
6 to obtain any information deemed necessary to
7 protect such rights. This right shall include
8 the right to examine the books of the user.

9 SECTION 2. Section 11-1.10 of said Modesto Municipal
10 Code is hereby amended to read as follows:
11

12 SEC. 11-1.10. DEPOSIT FOR WATER SERVICE. An
13 advance deposit of Ten and no/100ths (\$10.00)
14 Dollars shall be required for each service, ex-
15 cept that if the Director of Finance is of the
16 opinion that a larger deposit is required in
17 order to protect the interests of the City, he
18 may require an amount not to exceed twice the
19 amount of a normal billing period. Any or all
20 of such advance deposits may be used to apply
21 against a delinquent water service account after
22 written notice to the depositor of the delin-
23 quency and of the intention to use such a de-
24 posit or any part thereof to apply against the
25 account. The advance deposit shall not be
26 required where the consumer owns real property
27 within the City.

28 Said advance deposit may be applied toward the
29 nonpayment of water and sewer service accounts
30 after the service has been discontinued. Ser-
31 vice shall not be resumed on such accounts until
32 such time as the deposit is replaced to the
satisfaction of the Director of Finance.

SECTION 3. EFFECTIVE DATE. This ordinance shall go into
effect and be in full force and operation on and after March 1,
1955.

SECTION 4. 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 meet-
ing of the Council of the City of Modesto held on the 5 day of
January, 1955, 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

1 printed and published by the following vote:

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

3 NOES: Councilmen: None

4 ABSENT: Councilmen: None

5 APPROVED: 
HARRY MARKS, Mayor

6 ATTEST: 
7 REX E. GAILFUS, City Clerk

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Ord. No. 15-C.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 12 day of January, 1955, Councilman Mellis moved its final adoption, which motion being duly seconded by Councilman Adams, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: **Adams, Arata, Heckendorf, Mellis and Mayor Marks**

NOES: Councilmen: **None**

ABSENT: Councilmen: **Annan and Merrill**

APPROVED:


HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: **January 27, 1955**

ORDINANCE NO. 16-C.S.

AN ORDINANCE AMENDING THE BUDGET TO APPROPRIATE ADDITIONAL REVENUE FOR CAPITAL OUTLAY PURPOSES DURING THE 1954-55 FISCAL YEAR

WHEREAS, the sum of \$23,867.00 has been received from the city's fire insurance carriers to reimburse it for the fire loss at the Modesto Municipal Ball Park on September 24, 1954, and

WHEREAS, the Council of the City of Modesto desires to appropriate said proceeds for use for capital outlay purposes during the 1954-55 fiscal year,

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

SECTION 1. The budget for the City of Modesto for the 1954-55 fiscal year, as adopted by Ordinance No. 1135-N.S., is hereby amended to appropriate the following additional revenue, being the proceeds of the insurance recovery for fire loss at the Modesto Municipal Ball Park, not heretofore appropriated as follows:

<u>Department</u>	<u>Purpose</u>	<u>Amount</u>
Parks and Recreation	Capital Outlay-Reconstruction of Modesto Municipal Ball Park	\$23,867.00

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

SECTION 3. This ordinance shall be published once in full 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 19th day of January, 1955 by Councilman Adams, who moved its adoption and passage to print, which motion being duly seconded by Councilman Arata, was upon roll call carried and the ordinance adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Mellis, Merrill, Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: Heckendorf

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GALLFUS, CITY CLERK

REPEALED ORD 234CS

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AN ORDINANCE AMENDING ORDINANCE NO. 345-N.S. OF THE CITY OF MODESTO ENTITLED, "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF MODESTO", AS AMENDED, BY ADDING SECTION 34.2 TO SAID ORDINANCE.

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

SECTION 1. Ordinance No. 345-N.S. of the City of Modesto, entitled, "An Ordinance Regulating Traffic upon the Public Streets of the City of Modesto", as amended, is hereby amended by adding Section 34.2 to said ordinance to read as follows:

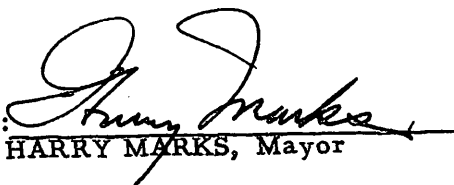
SECTION 34.2. PARKING UPON TRAFFIC COUNTERS PROHIBITED. No vehicle shall be parked on or over any traffic counter or road tube used for the purpose of taking a traffic count when signs have been erected giving notice thereof.

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 9 day of February, 1955 by Councilman Adams, 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: Adams, Annan, Heckendorf, Mellis, Merrill, and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: Arata

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

(SEAL)

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 16 day of February, 1955, Councilman Annan 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: Adams, Annan, Mellis, Merrill and
Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: Arata and Heckendorf

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: March 3, 1955

1 AN ORDINANCE AMENDING SECTION 20 (A) OF
2 ORDINANCE NO. 345-N.S. OF THE CITY OF
3 MODESTO ENTITLED, "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF MODESTO".

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

5 SECTION 1. Section 20 (A) of Ordinance No. 345-N.S. of the
6 City of Modesto, as amended, entitled, "An Ordinance Regulating Traffic
7 upon the Public Streets of the City of Modesto" is hereby amended to read as
8 follows:

9 Section 20 (A). Traffic Control through Certain Alleys.
10 It shall be unlawful to drive any vehicle through the
11 alleys between Ninth and Tenth Streets and between "L"
12 and "H" Streets, being the alleys in Blocks 55, 56, 57
13 and 58 of the City of Modesto, according to the official
map thereof, except in a southeasterly direction, or to
stop or park any vehicle in said alleys, except upon the
southwesterly or right hand side thereof and as near the
property line as practicable.

14 It shall be unlawful to drive any vehicle through the
15 alleys between Eleventh and Twelfth Streets and between
16 "I" and "J" Streets, and between "H" and "G" Streets,
17 being the alleys in Blocks 82, and 84 of the City of
18 Modesto, according to the official map thereof, except
in a southeasterly direction, or to stop or park any
vehicle in said alleys except upon the southwesterly or
right hand side thereof and as near the property line as
practicable.

19 It shall be unlawful to drive any vehicle through the alley
20 between Eleventh and Twelfth Streets, and between "J"
21 and "K" Streets, being the alley in Block 85 of the City
22 of Modesto, according to the official map thereof, except
23 in a northwesterly direction, or to stop or park any
vehicle in said alley except upon the northeasterly or
right hand side thereof and as near the property line
as practicable.

24 It shall be unlawful to drive any vehicle through the alleys
25 between Tenth and Eleventh Streets and between "K" and
26 "G" Streets, being the alleys in Blocks 67, 68, 69 and 70
27 of the City of Modesto, according to the official map
thereof, except in a northwesterly direction, or to stop
or park any vehicle in said alleys except upon the north-
easterly or right hand side thereof and as near the prop-
erty line as practicable.

28 It shall be unlawful to drive any vehicle through the alleys
29 between Twelfth and Thirteenth Streets and between "G"
30 and "K" Streets, being the alleys in Blocks 92, 93, 94 and
31 95 of the City of Modesto, according to the official map
32 thereof, except in a northwesterly direction, or to stop
or park any vehicle in said alleys except upon the north-
easterly or right hand side thereof and as near the prop-
erty line as practicable.

1 It shall be unlawful to stop or park any vehicles in any
2 of the said alleys for a longer period of time than is
necessary to load or unload such vehicle.

3 Said alleys are hereby declared to be one-way alleys,
4 and the entering of said alleys with a vehicle or driving
through the same with a vehicle, except as stated in
5 this ordinance, or parking or leaving a vehicle standing
in said alleys, except as specified in this ordinance,
6 shall be a misdemeanor.

7 The Traffic Engineer shall erect signs at the entrances of
said alleys to the effect that they are one-way alleys only and
8 indicating the direction from which alone they may be entered.

9 The Traffic Engineer shall also erect signs in one-way alleys
limiting loading and unloading to the right hand side thereof.

10 SECTION 2. EMERGENCY PROVISIONS: DECLARATION OF
11 EMERGENCY. The Council of the City of Modesto hereby finds and declares
12 that the immediate adoption of the foregoing ordinance is necessary as an
13 emergency measure for preserving the public peace, health and safety for the
14 following reasons:

15 (1) Approximately 1,000 vehicles enter J Street from the
16 alley between Eleventh and Twelfth Streets and J and K Streets each day. Each
17 day that these vehicles enter J Street from said alley is a day upon which
18 property damage and/or bodily injury can occur due to vehicles entering a
19 heavily congested traffic stream having a relatively blind location;

20 (2) Certain businesses abutting the alley have redesigned
21 their parking lots to be in harmony with the changes effected by this ordinance.
22 Each day the change is delayed they suffer serious disadvantages since the
23 alley continues to be one way in its present direction;

24 (3) Unless the foregoing ordinance is adopted without delay
25 serious personal injuries and property damage may be sustained by the citi-
26 zens of the City in using this alley.

27 SECTION 3. REPEALS. Section 1 of Ordinance No. 1029-N.S. of
28 the City of Modesto is hereby repealed.

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

32 SECTION 5. PUBLICATION. This ordinance shall be published

1 in full in The Modesto Tribune, the official newspaper of the City of Modesto
2 within fifteen (15) days after its adoption.

3 The foregoing ordinance was introduced at a regular meeting of
4 the Council of the City of Modesto, held on the 2 day of March, 1955 by
5 Councilman Arata, who moved its adoption and passage to
6 print, which motion being duly seconded by Councilman Heckendorf,
7 was upon roll call carried and ordered printed and published by the following
8 vote:

9 AYES: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis and
Mayor Pro Tempore Merrill
10 NOES: Councilmen: None
11 ABSENT: Councilmen: Mayor Marks

12
13 APPROVED: 
HARRY MARKS, Mayor

14
15 ATTEST: 
16 REX E. GAILFUS, City Clerk

17 (SEAL)

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1 AN ORDINANCE AMENDING SECTION 4-2.20 OF CHAPTER
2 OF TITLE IV OF THE MODESTO MUNICIPAL CODE
2 REGULATING NOISES.

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

4 SECTION 1. Section 4-2.20 of Chapter 2 of Title IV of
5 the Modesto Municipal Code is hereby amended to read as follows:

6 SECTION 4-2.20. NOISES, LOUD AND UNUSUAL. It
7 shall be unlawful for any person, upon any of
8 the streets, alleys, sidewalks, or other public
9 places within the City, to make or cause any
10 loud, unusual, or discordant sounds or noises
11 such as may tend to cause public annoyance or
12 menace the public comfort or welfare, whether
13 such act be done for the purpose of advertising
14 any business or enterprise, or otherwise, and
15 whether such sounds or noises consist of shouting
16 or proclaiming such business or enterprise, or
17 anything relating thereto, or be caused or created
18 by any horn, whistle, bell, or electrical or
19 mechanical device; provided, however, that the
20 provisions of this Section shall not

21 prohibit the use of sound amplifying equipment
22 in other than residential areas to publicize
23 events of community wide interest and importance,
24 and which are of a non-commercial nature, subject
25 to the following regulations:

26 (a) The only sounds permitted shall be music
27 and human speech.

28 (b) Such sound advertising shall be permitted
29 only between the hours of 9:00 a.m. and 5:00 p.m.

30 (c) Such sound advertising shall not be
31 permitted on Sundays.

32 (d) The volume of sound shall be controlled
so that it will not be audible for a distance in
excess of Two Hundred (200') feet from its
source and so that the volume of sound emitted
therefrom shall not be unreasonably loud, raucous,
jarring, disturbing, or a nuisance to persons
within the area of audibility.

All persons desiring to use sound amplifying
equipment for the foregoing purposes shall file
an application therefor with the City Clerk, who
shall cause the same to be placed upon the agenda
for consideration by the Council at its next
meeting. In the event that the Council shall
grant permission to use such equipment, such
permission may be revoked at any time by the
Chief of Police for violation of the provisions
of this Section.

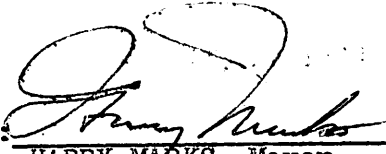
SECTION 2. EFFECTIVE DATE. This ordinance shall go into
effect and be in full force and operation from and after fifteen

1 (15) days after its final passage and adoption.

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

6 The foregoing ordinance was introduced at a regular meet-
7 ing of the Council of the City of Modesto held on the 16 day
8 of March, 1955, by Councilman Merrill, who moved
9 its introduction and passage to print, which motion being duly
10 seconded by Councilman Heckendorf, was upon roll call carried
11 and ordered printed and published by the following vote:

12 AYES: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis,
13 NOES: Councilmen: None
14 ABSENT: Councilmen: None

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16 APPROVED: 
17 HARRY MARKS, Mayor

18 ATTEST: 
19 REX E. GAILFUS, City Clerk

20 (SEAL)

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Ord. No. 19-C.S.

FINAL ADOPTION CLAUSE

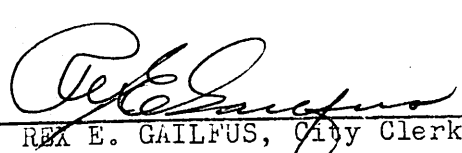
The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the ^{adjourned} regular meeting of the Council of the City of Modesto held on the 30 day of March, 1955, Councilman Merrill moved its final adoption, which motion being duly seconded by Councilman Heckendorf, was upon roll call carried and the ordinance finally adopted by the following vote:

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

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: April 14, 1955

1 AN ORDINANCE AMENDING SECTION 34 OF ORDINANCE
2 NO. 345-N. S. ENTITLED, "AN ORDINANCE REGULATING
3 TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF
4 MODESTO", AS AMENDED.

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

5 SECTION 1. Section 34 of Ordinance No. 345-N.S. entitled,
6 "An Ordinance Regulating Traffic upon the Public Streets of the City of
7 Modesto", as amended, is hereby amended to read as follows:

8 Section 34. Parking Regulations. The operator of a
9 vehicle shall not stop, stand or park such vehicle in a
10 roadway other than parallel with the curb and with the
11 two right-hand wheels of the vehicle within one (1')
12 foot of the regularly established curb line, except as
13 otherwise provided in this Section.

14 The Council is hereby authorized, by resolution, to
15 determine the streets upon which and the hours during
16 which angle parking shall be permitted, either exclu-
17 sively or in conjunction with parallel parking, except
18 that angle parking shall not be permitted upon any
19 street where such parking would diminish the width of
20 the roadway available for travel to less than twenty
21 (20') feet, nor upon any street where there is less
22 than thirty (30') feet between the curb and the nearest
23 rail of any street car track, nor upon any street which
24 is a continuation of or part of a county trunk line high-
25 way or a state highway unless a clear width of forty
26 (40') feet is left for the movement of vehicles when
27 angle parking is permitted.

28 The Council is hereby authorized to prohibit the parking
29 of vehicles, provided appropriate signs are placed and
30 maintained to give notice thereof, on one side of a street
31 in any block where angle parking is permitted on the
32 opposite side of the street in such block.

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 23 day of March,
1955 by Councilman Adams, who moved its introduction and
passage to print, which motion being duly seconded by Councilman

1 Ann upon roll call failed of adoption by the
 2 following vote:
 3 AYES: Councilmen: Adams and Annan
 4 NOES: Councilmen: Arata, Heckendorf, Mellis, Merrill and Mayor
 5 ABSENT: Councilmen: None

6 SECTION 1. Subsections (e) and (f) of Section 10.1
 7 of Article 2, Chapter 5, Title 1 of the Mexico Municipal Code is
 8 hereby amended to read as follows: HARRY MARKS, Mayor

9
 10 ATTEST: REX E. GALLIFUS, City Clerk

11

12	<u>CUBIC FEET</u>	<u>RATE OF CHARGE</u>
13	3,000 CF or less	\$5.00 per month
14	Next 12,000 CF	0.01 per 100 CF
15	Next 125,000 CF	0.02 per 100 CF
16	Next 500,000 CF	0.035 per 100 CF
17	Next 600,000 CF	0.042 per 100 CF
18	All Over 1,200,000 CF	0.05 per 100 CF

19
 20 Industrial Users, Class B: Charges for
 21 and sewer charges, Class B, Mexico City shall be
 22 as follows:

23 (1) If water used is the basis selected:

24

25	<u>CUBIC FEET OF WATER USED</u>	<u>RATE OF CHARGE</u>
26	3,000 CF or less	\$5.00 per month
27	Next 12,000 CF	0.01 per 100 CF
28	Next 125,000 CF	0.02 per 100 CF
29	Next 400,000 CF	0.035 per 100 CF
30	Next 600,000 CF	0.042 per 100 CF
31	All Over 1,200,000 CF	0.05 per 100 CF

32 (2) If sewage discharged is the basis selected:

33

34	<u>CUBIC FEET OF SEWAGE DISCHARGED</u>	<u>RATE OF CHARGE</u>
35	3,000 CF or less	\$5.00 per month
36	Next 1,000 CF	0.01 per 100 CF
37	Next 100,000 CF	0.02 per 100 CF
38	Next 100,000 CF	0.035 per 100 CF
39	Next 400,000 CF	0.042 per 100 CF
40	All Over 900,000 CF	0.05 per 100 CF

41 SECTION 2. RESPECTIVE RATE OF WATER SERVICE CHARGES

42 and sewer service charges imposed on businesses shall be
 43
 44
 45 shall apply retroactively, starting on the 1st of March

AN ORDINANCE AMENDING SUBSECTIONS (e) and (f) OF SECTION 5-6.206 OF ARTICLE 2, CHAPTER 6, TITLE V OF THE MODESTO MUNICIPAL CODE REGULATING INDUSTRIAL WASTE DISPOSAL CHARGES.

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

SECTION 1. Subsections (e) and (f) of Section 5-6.206 of Article 2, Chapter 6, Title V of the Modesto Municipal Code is hereby amended to read as follows:

(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	0.04 per 100 CF
Next 185,000 CF	0.03 per 100 CF
Next 400,000 CF	0.025 per 100 CF
Next 600,000 CF	0.0225 per 100 CF
All Over 1,200,000 CF	0.015 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	0.05 per 100 CF
Next 185,000 CF	0.04 per 100 CF
Next 400,000 CF	0.035 per 100 CF
Next 600,000 CF	0.030 per 100 CF
All Over 1,200,000 CF	0.020 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 9,600 CF	0.05 per 80 CF
Next 148,000 CF	0.04 per 80 CF
Next 320,000 CF	0.035 per 80 CF
Next 480,000 CF	0.030 per 80 CF
All Over 960,000 CF	0.020 per 80 CF

SECTION 2. EFFECTIVE DATE OF SEWER SERVICE CHARGES.

The sewer service charges imposed on industrial users by this ordinance shall apply retroactively, commencing on and after March 1, 1955.

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

adjourned

8 The foregoing ordinance was introduced at a regular/
9 meeting of the Council of the City of Modesto held on the 30 day
10 of March, 1955, by Councilman Heckendorf who moved
11 its introduction and passage to print, which motion being duly
12 seconded by Councilman Arata, was upon roll call carried
13 and ordered printed and published by the following vote:

14 AYES: Councilmen: Annan, Arata, Adams, Heckendorf, Merrill and
Mayor Marks

15 NOES: Councilmen: None

16 ABSENT: Councilmen: Mellis

17
18 APPROVED: 
19

HARRY MARKS, Mayor

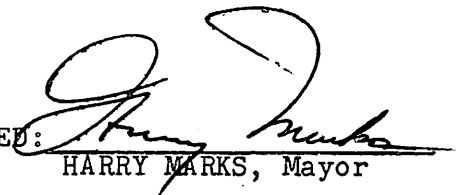
20 ATTEST: 
REX E. GAILFUS, City Clerk

Ord. No. 21-C.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 April, 1955, Councilman Annan moved its final adoption, which motion being duly seconded by Councilman Adams, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Adams, Annan, Arata, Mellis, Merrill and Mayor
Marks
NOES: Councilmen: None
ABSENT: Councilmen: Heckendorf

APPROVED: 

HARRY MARKS, Mayor

ATTEST: 

REX E. GAILFUS, City Clerk

EFFECTIVE DATE: April 21, 1955

1 AN ORDINANCE AUTHORIZING CONVEYANCE OF CERTAIN
2 REAL PROPERTY BELONGING TO THE CITY OF MODESTO
TO C. E. PIERCEALL AND ROSE PIERCEALL.

3 WHEREAS, by Resolution No. 55-140, adopted on the 30th
4 day of March, 1955, the City of Modesto accepted the conveyance of
5 certain real property from C. E. Pierceall and Rose Pierceall for
6 use for street widening purposes, and

7 WHEREAS, said deed was recorded in the Office of the
8 Recorder of Stanislaus County by Instrument No. 9794 dated April 4,
9 1955, and

10 WHEREAS, by reason of an error in the description of said
11 property in the document of conveyance, more property was conveyed
12 to the City than was intended by Grantors and the City, and

13 WHEREAS, said error of description should be rectified
14 and the true intent of the parties be consummated,

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

17 SECTION 1. CONVEYANCE OF PROPERTY. That the following
18 described real property belonging to the City of Modesto be con-
19 veyed to C. E. Pierceall and Rose Pierceall, husband and wife, as
20 Joint Tenants:

21 A portion of the Northwest quarter of Section
22 20, in Township 3 South, Range 9 East, M. D. B.
& M., described as follows:

23 Commencing at the Southwest corner of the South-
24 west quarter of the Northwest quarter of Section
25 20, in Township 3 South, Range 9 East, thence
26 North 0° 53' West along the West line of Section
27 20, being also the center line of Tully Road, a
28 distance of 20 feet; thence South 88° 47' East
29 and along the North line of a 40 foot County
30 Road (Roseburg Avenue) a distance of 226 feet
31 to the Southeast corner of premises conveyed
32 to Hannah Becker in the Deed dated November 12,
1935 and recorded November 12, 1935, Instrument
No. 14831 and the true point of beginning of
this description; thence North 0° 53' West along
the East line of Becker premises, a distance of
150 feet; thence South 88° 47' East and parallel
with the North line of 40 foot County Road
(Roseburg Avenue) a distance of 170 feet to a
point on the West line of premises conveyed to
Ruby D. Berry in the Deed dated May 26, 1941 and

1 recorded June 2, 1941, in Vol. 735 of Official
2 Records, at page 157, (Instrument No. 7196),
3 Stanislaus County Records; thence South 0° 52'
4 East and along the Berry premises, a distance
5 of 150 feet to the North line of County Road
6 (Roseburg Avenue); thence North 88° 47' West
7 along the North line of Roseburg Avenue, a
8 distance of 170 feet to the point of beginning.

9 EXCEPTING THEREFROM the south ten (10') feet.

10 SECTION 2. EXECUTION OF DEED. That the Mayor and the
11 City Clerk be, and they are hereby authorized to execute and attest
12 respectively a deed to the aforesaid property on behalf of the City
13 of Modesto to C. E. Pierceall and Rose Pierceall.

14 SECTION 3. RECORDATION OF DEED. That the City Clerk be,
15 and he is hereby authorized and directed to cause the above mentioned
16 Deed to be recorded in the Office of the Recorder of Stanislaus
17 County immediately following the execution of said document.

18 SECTION 4. EMERGENCY PROVISIONS - DECLARATION OF
19 EMERGENCY. The Council of the City of Modesto hereby finds and
20 declares that the immediate adoption of the foregoing ordinance
21 is necessary as an emergency measure for preserving the public
22 peace, health and safety for the following reasons:

23 The aforesaid C. E. Pierceall and Rose Pierceall
24 have entered into an agreement for the sale of their property which
25 is being held up through no fault of their own, due to the aforesaid
26 error in conveyancing. Unless the error is corrected immediately,
27 they will suffer serious pecuniary and economic disadvantages, to
28 the prejudice of the public peace, health and safety.

29 SECTION 5. EFFECTIVE DATE. Pursuant to Section 722 of
30 the Charter of the City of Modesto, this ordinance shall take
31 effect and be in full force and operation as of the date hereof.

32 SECTION 6. PUBLICATION. This ordinance shall be published
in full in The Modesto Tribune, the official newspaper of the City
of Modesto within fifteen (15) days after its adoption.

The foregoing ordinance was introduced at a regular

1 meeting of the Council of the City of Modesto held on the 20 day
2 of April, 1955, by Councilman Arata, who moved
3 its adoption and passage to print, which motion being duly seconded
4 by Councilman M. Adams, was upon roll call carried and the
5 ordinance adopted by the following vote:

6 AYES: Councilmen: Adams, Anderson, Arata, Hammond, Merrill
7 NOES: Councilmen: Robinson and Mayor Marks
8 ABSENT: Councilmen: None

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10 APPROVED: 
11 HARRY MARKS, Mayor

11 ATTEST: 
12 REX E. GAILFUS, City Clerk

13 (SEAL)
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ORDINANCE NO. 23 -C.S.

1 AN ORDINANCE APPROPRIATING ADDITIONAL REVENUES
2 FOR USE DURING THE 1954-55 FISCAL YEAR.

3 WHEREAS, it is estimated that the sum of \$19,556.00 will
4 be available during the 1954-55 fiscal year in the sewer lateral
5 fund from payments of sewer lateral fees, which sum has not been
6 heretofore appropriated,

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

9 SECTION 1. The sum of \$19,556.00, not heretofore appro-
10 priated, is hereby appropriated as follows:

11 Fund

12 Sewer Division, Public Works Department, General Fund

13 Amount

14 \$19,556.00

15 Purpose

16 Construction of Sewer Lateral Extensions

17 The Director of Finance is hereby authorized to transfer
18 said \$19,556.00 when received from the Sewer Lateral Fund to the
19 General Fund to reimburse the General Fund for expenditures incurred
20 for the construction of sewer laterals.

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

23 SECTION 3. This ordinance shall be published once in
24 full in The Modesto Tribune, the official newspaper of the City of
25 Modesto.

26 The foregoing ordinance was introduced at a regular
27 meeting of the Council of the City of Modesto held on the 27 day
28 of April, 1955, by Councilman Adams, who moved
29 its adoption and passage to print, which motion being duly seconded
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1 by Councilman Hammond, was upon roll call carried and the
2 ordinance adopted by the following vote:

3 AYES: Councilmen: Adams, Anderson, Hammond, Robinson, Mayor Marks

4 NOES: Councilmen: None

5 ABSENT: Councilmen: Merrill and Arata

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APPROVED:


HARRY MARKS, Mayor

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ATTEST:


REX E. GALLUS, City Clerk, acting

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10 (SEAL)

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1 AN ORDINANCE AUTHORIZING THE SALE OF
 2 CERTAIN REAL PROPERTY BELONGING TO THE
 CITY OF MODESTO.

3 WHEREAS, the Council of the City of Modesto, in a regular
 4 meeting held on the 6th day of April, 1955, adopted Resolution No. 55--143
 5 declaring its intention to sell the following described real property, belonging
 6 to the City of Modesto, situate in the City of Modesto, County of Stanislaus,
 7 State of California; to wit:

8 All that certain real property situated in the County
 9 of Stanislaus, State of California, being a portion of
 Section 17, Township 3 South, Range 9 East, M. D.
 10 B. & M., and indicated as a park in Block 6715,
 College Village No. 2, and more particularly de-
 11 scribed as follows:

12 Beginning at the Northwest corner of the park in
 Block 6715 as shown on the map of College Village
 13 No. 2 as recorded in Volume 17 of Maps at page 58,
 Stanislaus County Records; thence along the North
 14 line of said park North $89^{\circ}27'$ East $341.88'$; thence
 South $45^{\circ}39'30''$ East $14.18'$; thence along the East
 15 line of said park South $0^{\circ}48'$ East, $319.98'$; thence
 along the South line of the park, said line also being
 16 the North line of Dartmouth Avenue, South $89^{\circ}27'$
 West, $322.60'$; thence on a tangent curve to the right
 17 having a radius of $40'$, central angle of $107^{\circ}02'30''$;
 tangent of $54.10'$, and a length of $74.73'$; thence on a
 18 tangent curve to the left having a radius of $193.18'$
 central angle of $17^{\circ}17'$; tangent of $29.36'$, and a length
 19 of $58.27'$; thence along the West line of the park, said
 West line also being the East line of Wildwood Drive,
 20 North $0^{\circ}47'30''$ West $220.83'$ to the point of beginning
 containing 2.67 acres,

21 and,

22 WHEREAS, said Council directed the City Clerk to cause a copy
 23 of said resolution to be published in full at least once not less than fifteen
 24 (15) days before the date of a public meeting at which sealed proposals and
 25 oral bids to purchase said property would be received and considered, in

26 The Modesto Tribune, the official newspaper of the City of Modesto, and

27 WHEREAS, said Clerk caused said resolution to be published as
 28 directed, the Affidavit of Publication is now on file in the Clerk's office, and

29 WHEREAS, the Council finds that due and legal notice has been
 30 given in the premises pursuant to the resolution of this body, and

31 WHEREAS, this Council met at 8:00 p. m. on the 27th day of
 32 April, 1955, at its regular place of meeting, at which time sealed proposals

1 were received for the purchase of said real property, and

2 WHEREAS, this Council caused all bids received pursuant to
3 the aforesaid resolution to be opened and examined at said time and place, and

4 WHEREAS, this Council found and declared the bid of Arthur J.
5 Wylie in the sum of Six Thousand Six Hundred Fifty-Five and no/100ths
6 (\$6,655.00) Dollars to be the highest responsible written bid received, and

7 WHEREAS, upon call for oral bids, the highest oral bid was re-
8 ceived from Arthur J. Wylie in the amount of Eight Thousand Two Hundred
9 Fifty and no/100ths (\$8,250.00) Dollars, and

10 WHEREAS, upon a call for further oral bids, none were received,
11 and

12 WHEREAS, the aforesaid oral bid exceeded by at least five (5%)
13 per cent the highest of said written proposals submitted to this Council, and

14 WHEREAS, said Arthur J. Wylie deposited the sum of Eight
15 Hundred Twenty-Five and no/100ths (\$825.00) Dollars with the Clerk of this
16 Council, and

17 WHEREAS, said bid of Arthur J. Wylie conforms to all terms and
18 conditions specified in said resolution of intention of this Council to sell said
19 real property,

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

22 SECTION 1. The Council finds and hereby declares that the said
23 proposal of Arthur J. Wylie is the highest and most satisfactory proposal
24 presented to this Council to purchase the hereinabove described real property.

25 SECTION 2. The said proposal of said Arthur J. Wylie, in the
26 sum of Eight Thousand Two Hundred Fifty and no/100ths (\$8,250.00) Dollars
27 be, and the same is hereby accepted and in consideration thereof, said herein
28 before described property shall be sold and conveyed to Arthur J. Wylie, and
29 pursuant to such sale and conveyance, the Mayor of the City of Modesto be
30 and he is hereby authorized and directed to execute for and on behalf of the
31 City of Modesto a deed conveying all of its right, title and interest in and to
32 said real property hereinabove described and to deliver the same to said

1 Arthur J. Wylie, upon receipt of the sum of Eight Thousand Two Hundred
2 Fifty and no/100ths (\$8,250.00) Dollars, in payment of the purchase price of
3 said property.

4 SECTION 3. That the deposit of Eight Hundred Twenty-Five and
5 no/100ths (\$825.00) Dollars from said Arthur J. Wylie be retained by this
6 Council pursuant to the provisions of the aforementioned resolution of intention
7 of this Council to sell said real property until the aforesaid purchase price
8 shall have been paid.

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

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

15 The foregoing ordinance was introduced at a regular meeting of
16 the Council of the City of Modesto held on the 4 day of May, 1955, by
17 Councilman Arata, who moved its introduction and passage
18 to print, which motion being duly seconded by Councilman Hammond,
19 was upon roll call carried and ordered printed and published by the following
20 vote:

21 AYES: Councilmen: Adams, Anderson, Arata, Hammond, Merrill,
22 Robinson and Mayor Marks

23 NOES: Councilmen: None

24 ABSENT: Councilmen: None

25 APPROVED: 
26 HARRY MARKS, Mayor

27 ATTEST: 
28 REX E. GAILFUS, City Clerk

29 (SEAL)

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 18 day of May, 1955, Councilman 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: Adams, Anderson, Arata, Hammond, Merrill,
Robinson, and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: June 2, 1955

1 AN ORDINANCE AMENDING SECTION 16 OF ORDINANCE
2 NO. 345-N.S. OF THE CITY OF MODESTO ENTITLED,
3 "AN ORDINANCE REGULATING TRAFFIC UPON THE
4 PUBLIC STREETS OF THE CITY OF MODESTO", AS
5 AMENDED.

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

7 SECTION 1. Section 16 of Ordinance No. 345-N.S. of the City of
8 Modesto, as amended, entitled, "An Ordinance Regulating Traffic upon the
9 Public Streets of the City of Modesto" is hereby amended to read as follows:

10 Section 16. Authority to Regulate or Prohibit Turning
11 Movements. Any other provision of this ordinance to
12 the contrary notwithstanding, the City Council may de-
13 termine and designate by resolution those intersections
14 at which drivers of vehicles shall not make a right turn
15 and/or left turn. The Council may prohibit the making
16 of such turning movements during certain hours of any
17 day and permit them at other hours, or on other days,
18 or prohibit them altogether. In the event that the Coun-
19 cil shall regulate or prohibit the making of such turning
20 movements at certain intersections, it shall cause proper
21 signs to be posted at such designated intersections giving
22 public notice of such fact. Whenever authorized signs
23 are posted indicating that a right turn and/or left turn is
24 prohibited at such an intersection, no driver of a vehicle
25 shall disobey the directions of any such sign.

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

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

32 The foregoing ordinance was introduced at a regular meeting of the
Council of the City of Modesto held on the 18 day of May, 1955,
by Councilman Arata, who moved its adoption and passage to
print, which motion being duly seconded by Councilman Adams,
was upon roll call carried and ordered printed and published by the following
vote:

AYES: Councilmen: Adams, Anderson, Arata, Hammond, Merrill,
Robinson and Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

(SEAL)

REFELED ORD 234CS

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 1 day of June, 1955, Councilman ~~Adams~~ Arata moved its final adoption, which motion being duly seconded by Councilman Hammond, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Adams, Anderson, Arata, Hammond, Robinson
and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: Merrill

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: June 16, 1955

ORDINANCE NO. 26 -C.S.

1 AN ORDINANCE PROVIDING FOR THE LEASE OF CERTAIN
2 CITY OWNED AIRPORT PROPERTY TO NATHAN J. PROVINCE
3 AND AUTHORIZING THE EXECUTION OF A LEASE AGREE-
4 MENT IN CONNECTION THEREWITH.

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

6 SECTION 1. The City of Modesto hereby leases to Nathan
7 J. Province, individually and doing business under the name of
8 Pacific Aircraft Service, the following described premises located
9 at the Modesto Municipal Airport, situate in the County of Stanis-
10 laus, State of California, and particularly described as follows,
11 to wit:

12 That certain airplane hangar one hundred (100')
13 feet by one hundred fifty (150') feet in dimen-
14 sions, located in the southwest corner of the
15 northwest quarter of the southeast quarter of
16 Section 34, Township 3 South, Range 9 East,
M.D.B. & M., together with a strip of land on
the east and west end of said hangar extending
from said hangar for a distance of one hundred
(100') feet on the easterly and on the westerly
side, all of which is located, together with
said hangar, about one and one-half miles
easterly of the City of Modesto.

17 for a term commencing on the first day of July, 1955, and ending on
18 the 30th day of June, 1958, in accordance with all the terms and
19 conditions as set forth in that certain lease agreement covering
20 the lease of said property, a copy of which is on file in the Office
21 of the City Clerk in the City of Modesto. The terms and conditions
22 of said lease agreement are hereby accepted and approved.

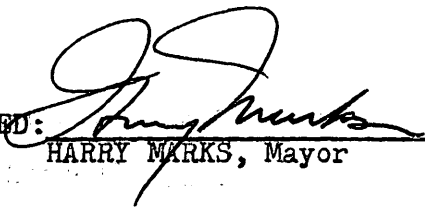
23 SECTION 2. The City Manager and the City Clerk of the
24 City of Modesto are hereby authorized and empowered to sign and
25 attest, respectively, said lease agreement on behalf of the City
26 upon this ordinance becoming effective.

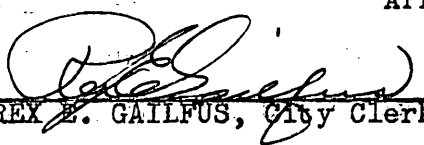
27 SECTION 3. This ordinance shall go into effect and be in
28 full force and operation from and after fifteen (15) days after its
29 final passage and adoption.

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

1 The foregoing ordinance was introduced at a regular meet-
2 ing of the Council of the City of Modesto held on the 18 day of
3 May, 1955, by Councilman Adams, who moved
4 its introduction and passage to print, which motion being duly
5 seconded by Councilman Arata, was upon roll call carried
6 and ordered printed and published by the following vote:

7 AYES: Councilmen: Adams, Anderson, Arata, Hammond, Merrill,
8 ROES: Councilmen: None
9 ABSENT: Councilmen: None

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11 APPROVED: 
12 HARRY MARKS, Mayor

13 ATTEST: 
14 REX E. GAILFUS, City Clerk

15 (SEAL)

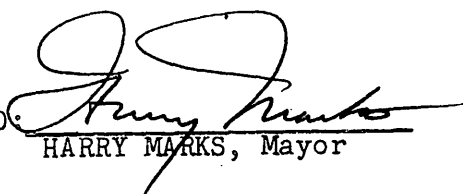
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Ord. No. 26-C.S.

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 1 day of June, 1955, Councilman Adams moved its final adoption, which motion being duly seconded by Councilman Hammond, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Adams, Anderson, Arata, Hammond, Robinson
and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: Merrill

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: June 16, 1955

REPEALED ORD 234 CS

1 AN ORDINANCE AMENDING SECTION 34 OF ORDINANCE
2 NO. 345-N.S. ENTITLED, "AN ORDINANCE REGULATING
3 TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF
4 MODESTO", AS AMENDED.

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

6 SECTION 1. Section 34 of Ordinance No. 345-N.S. entitled,
7 "An Ordinance Regulating Traffic Upon the Public Streets of the
8 City of Modesto", as amended, is hereby amended to read as follows:

9 Section 34. Parallel and Angle Parking. The
10 operator of a vehicle shall not stop, stand or
11 park such vehicle in a roadway other than parallel
12 with the curb and with the two right-hand wheels
13 of the vehicle within eighteen (18") inches of
14 the regularly established curb line, except as
15 otherwise provided in this Section.

16 The Council is hereby authorized, by resolution,
17 to determine the streets upon which and the hours
18 during which angle parking shall be permitted,
19 either exclusively or in conjunction with parallel
20 parking, which regulations shall become effective
21 when appropriate signs or markings are in place
22 giving public notice thereof.

23 On those streets upon which angle parking exclu-
24 sively is authorized, such fact shall be indicated
25 by the painting of white lines upon the surface
26 of the roadway to indicate the proper angle of
27 parking. On such streets vehicles shall be parked
28 at the angle to the curb indicated by such mark-
29 ings.

30 On those streets upon which combination parallel
31 and angle parking is authorized, such fact shall
32 be indicated by the posting of signs giving
public notice thereof. On such streets, vehicles
shall be parked as indicated by such signs.

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 1 day
of June, 1955, by Councilman Arata, who moved
its introduction and passage to print, which motion being duly

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, and

8 WHEREAS, on the 8th day of June, 1955, at the hour of 8:00
9 o'clock p.m., in the Council Chambers in the McHenry Public Library
10 in the City of Modesto, County of Stanislaus, State of California,
11 the Council of the City of Modesto did hear and pass upon all pro-
12 tests made to the proposed annexation and did determine that protests
13 had not been made by the owners of one-half of the value of the
14 territory proposed to be annexed as shown by the last equalized
15 assessment roll, nor by public and private owners of one-half of
16 the value of the territory proposed to be annexed as determined by
17 said Council, and

18 WHEREAS, said territory is contiguous to the City of Modesto
19 and is uninhabited territory in the County of Stanislaus,

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

22 SECTION 1. The territory hereinafter described is hereby
23 annexed to and made a part of the City of Modesto.

24 SECTION 2. The area so annexed, designated as the Dryden-
25 Durand Addition, is located in the County of Stanislaus, State of
26 California, is contiguous to the City of Modesto, is uninhabited
27 territory within the meaning of the Annexation of Uninhabited
28 Territory Act of 1939, as amended, and is more particularly described
29 as follows:

30 All that certain real property situate in the State
31 of California, County of Stanislaus, Section 5 and
32 8, Township 4 South, Range 9 East, Mount Diablo
Base and Meridian, and more particularly described
as follows:

1 Commencing at the Northwestern corner of Lot 3 of
2 the Rouse Colony as shown on the map filed in
3 Volume 5 of Maps, at Page 24, Stanislaus County
4 Records, said point being on the existing corporate
5 city limit and the true point of beginning of this
6 description; thence along the Northern line of said
7 Lot 3, said line being also the Southern line of
8 the California Homes Tract as filed in Volume 14
9 of Maps, at Page 21, Stanislaus County Records,
10 South 89° 56' 30" East, 658.69 feet to the center
11 line of a 40 foot county road known as Colorado
12 Avenue as shown on said map of the Rouse Colony;
13 thence along the Northern line of Lot 2 of said
14 Rouse Colony, South 89° 57' 45" East, 20.00 feet,
15 to the Eastern side of said Colorado Avenue; thence
16 South 57° 12' 25" East, 89.46 feet; thence North
17 51° 07' 05" East, 432.50 feet; thence North 35°
18 28' 35" East, 524.98 feet; thence North 52° 23' 20"
19 East, 569.45 feet; thence North 19° 47' 00" East,
20 215.98 feet; North 84° 13' 00" West, 169.00 feet;
21 thence North 14° 47' 00" East, 123.00 feet; thence
22 North 89° 45' 00" West, 123.89 feet; thence North
23 00° 15' 00" East, 264.22 feet; thence South 89°
24 45' 00" East, 325.00 feet, to the North and South
25 quarter section line of said Section 5, said line
26 being also the center line of a 40 foot road known
27 as Sunset Avenue as shown on the map of the Durand
28 Tract as filed in Volume 16 of Maps, at Page 19,
29 Stanislaus County Records; thence along said section
30 line, South 00° 15' 00" West, 26.80 feet to its
31 intersection with the extension of the Southeastern
32 line of Neece Drive as shown on said map of the
Durand Tract; thence along said Southeastern line
and extension of Neece Drive, North 30° 46' 30"
East, 220.51 feet; thence South 00° 15' 00" West,
231.12 feet; thence South 63° 02' 00" East, 72.77
feet; thence North 77° 48' 25" East, 999.22 feet,
to a point on the Eastern line of Lot B of said
Durand Tract and existing corporate City limit
line, said point being South 00° 48' 00" East,
940.81 feet from the Northeastern corner of Lot A
of said Durand Tract; thence along said existing
corporate City limit line, Southerly and Westerly
following the right bank of the Tuolumne River to
the Southwestern corner of Lot 3 of the said Rouse
Colony; thence along the Western line of said Lot
3 and existing corporate city limit, North 00° 12'
30" West, 1398.28 feet to the true point of begin-
ning of this description, containing 109.964 acres.

SECTION 3. Said territory shall be subject to municipal
property taxes to pay any indebtedness or liability of the City of
Modesto authorized or existing at the time of the adoption of this
ordinance.

SECTION 4. Pursuant to Section 722 of the Charter of the
City of Modesto, this ordinance shall become effective immediately
upon its adoption.

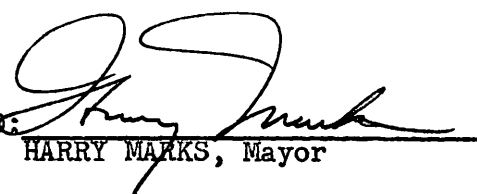
1 SECTION 5. The City Clerk is hereby authorized and
2 directed to prepare a certified copy of this ordinance under seal,
3 giving the date of its passage and transmit the same to the Secre-
4 tary of State of the State of California as required by the provi-
5 sions of Section 35316 of the Government Code of the State of
6 California.

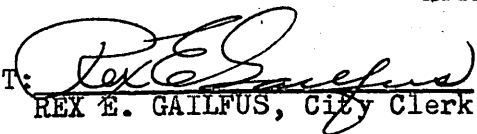
7 SECTION 6. The City Clerk is hereby authorized and
8 directed to comply with the provisions of Sections 34080 and 34081
9 of the Government Code of the State of California relating to the
10 filing of an affidavit of completion of annexation proceedings.

11 SECTION 7. This ordinance shall be published in full at
12 least once in the Modesto Tribune, the official newspaper of the
13 City of Modesto.

14 The foregoing ordinance was introduced at a regular meet-
15 ing of the Council of the City of Modesto held on the 8th day of
16 June, 1955, by Councilman Arata, who moved its
17 adoption and passage to print, which motion being duly seconded by
18 Councilman Robinson, was upon roll call carried and ordered
19 printed and published by the following vote:

20 AYES: Councilmen: Adams, Anderson, Arata, Hammond, Robinson and
21 Mayor Marks
22 NOES: Councilmen: None
23 ABSENT: Councilmen: Merrill

24 APPROVED: 
HARRY MARKS, Mayor

25 ATTEST: 
26 REX E. GAILFUS, City Clerk

27 (SEAL)

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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 15th day of June, 1955, Councilman Arata moved its final adoption, which motion being duly seconded by Councilman Anderson, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: Adams

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: June 30, 1955

1 AN ORDINANCE ANNEXING UNINHABITED TERRITORY
2 KNOWN AS THE DRYDEN-DURAND ADDITION TO THE
3 CITY OF MODESTO.

4 WHEREAS, on the 27th day of April, 1955, pursuant to the
5 provisions of the Annexation of Uninhabited Territory Act of 1939,
6 the Council of the City of Modesto, on its own motion, adopted
7 Resolution No. 55-182 giving notice of the proposed annexation of
8 certain uninhabited territory to the City of Modesto, hereinafter
9 described and designated as the Dryden-Durand Addition, situate in
10 the County of Stanislaus, State of California, and contiguous to the
11 City of Modesto, and

12 WHEREAS, said Resolution No. 55-182 set forth the inten-
13 tion of the City of Modesto to annex said territory and fixed the
14 day, hour and place when and where the Council would hear protests
15 made by any person owning real property within the territory pro-
16 posed to be annexed, the time of said hearing being not less than
17 fifteen (15) nor more than fifty (50) days from the date of passage
18 of said resolution, and

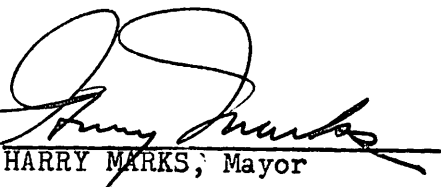
19 WHEREAS, it appears to said Council and the Council so
20 finds that a copy of the resolution giving notice of the proposed
21 annexation and fixing the time and place for hearing objections to
22 the proposed annexation was published in newspapers of general
23 circulation to wit: The Modesto Tribune, a newspaper published in
24 the City of Modesto on May 6, 1955, and May 13, 1955; and in the
25 Turlock Daily Journal, a newspaper published outside the City of
26 Modesto, but in the County of Stanislaus, on May 6, 1955, and May
27 13, 1955, for the time and in the manner required by law, which
28 publications were completed at least twenty (20) days prior to the
29 date set for hearing; that written notice of the proposed annexation
30 has been mailed by the City Clerk of the City of Modesto to each
31 person to whom land within the territory proposed to be annexed was
32 assessed on the last equalized assessment roll available on the date
the proceedings were initiated, at the address as shown thereon, or

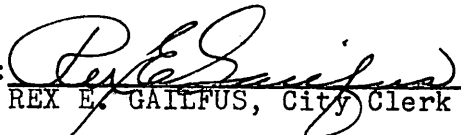
1 seconded by Councilman Adams, was upon roll call carried
2 and ordered printed and published by the following vote:

3 AYES: Councilmen: Adams, Anderson, Apata, Hammond, Robinson
and Mayor Marks

4 NOES: Councilmen: None

5 ABSENT: Councilmen: Merrill

6
7 APPROVED: 
HARRY MARKS, Mayor

8 ATTEST: 
9 REX E. GAILLFUS, City Clerk

10 (SEAL)

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AN ORDINANCE AMENDING CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE BY ADDING ARTICLES 1 THROUGH 26, BOTH INCLUSIVE, THERETO, ESTABLISHING ZONING IN THE CITY OF MODESTO AND THEREIN REGULATING THE USE OF LAND, HEIGHT OF BUILDINGS, AREA OF LOTS AND YARD SPACES: PROVIDING FOR THE ADOPTION OF MAPS SHOWING THE BOUNDARIES OF SAID ZONES: DEFINING THE TERMS USED IN THIS CHAPTER: PROVIDING FOR ITS ADJUSTMENT, AMENDMENT AND ENFORCEMENT: PRESCRIBING PENALTIES FOR VIOLATION: REPEALING CERTAIN ORDINANCES IN CONFLICT THEREWITH: AND REPEALING SECTION 10-2.01 OF SAID CODE.

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

SECTION 1. AMENDMENT OF CODE. Chapter 2 of Title X of the Modesto Municipal Code is hereby amended by adding Articles 1 through 26, both inclusive, thereto, to read as follows:

CHAPTER 2 - ZONING REGULATIONS

ARTICLE 1. DECLARATION OF PURPOSE

SEC. 10-2.101. PURPOSE OF CHAPTER. Zoning regulations for the City of Modesto are hereby adopted and established to serve the public health, safety and general welfare and to provide the economic and social advantages resulting from an orderly, planned use of land resources.

SEC. 10-2.102. NAME OF CHAPTER. This chapter shall be known as "Zoning Regulations".

ARTICLE 2. DEFINITIONS

SEC. 10-2.201. PROVISIONS NOT AFFECTED BY HEADINGS. Article and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of any section hereof.

SEC. 10-2.202. ACCESSORY. A building, part of a building or structure or use which is subordinate to, and the use of which is incidental to that of the main building, structure or use on the same lot. Where an accessory building has a wall or a portion of a wall not less than four (4) feet in length in common with a main building, such accessory building shall be considered a part of the main building.

SEC. 10-2.203. AUTOMOBILE WRECKING. The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, inoperative or wrecked vehicles or their parts.

SEC. 10-2.204. BASEMENT. That portion of a building between floor and ceiling, which is partly below and partly above grade (as defined in this section), but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling (See "Story").

SEC. 10-2.205. BLOCK. All property fronting upon one side of a street

between intersecting and intercepting streets, or between any two of the following: a street, a railroad right-of-way, a waterway, a dead end street, or a city boundary. An intercepting street shall determine only the boundary of the block on the side of the street which it intercepts.

SEC. 10-2.206. BOARDING HOUSE. A building where meals are provided for compensation to more than three (3) but not more than ten (10) boarders, other than members of the proprietor's family.

SEC. 10-2.207. BUILDING. A permanently located structure having a roof; but excluding all forms of vehicles even though immobilized. Where this Chapter requires, or where special authority granted pursuant to this Chapter requires, that a use shall be entirely enclosed within a building, this definition shall be qualified by adding "and enclosed on all sides."

SEC. 10-2.208. BUILDING HEIGHT. The vertical distance measured from the average level of the highest and lowest point of that portion of the building site covered by the building to the ceiling of the uppermost story.

SEC. 10-2.209. BUILDING LINE. A line parallel to the front lot line and at a distance therefrom equal to the required depth of the front yard, and extending across the full width of the lot.

SEC. 10-2.210. BUILDING, MAIN. The principal building on a lot or building site designed or used to accommodate the primary use to which the premises are devoted; where a permissible use involves more than one structure designed or used for the primary purpose, as in the case of group houses, each such permissible building on one lot as defined by this Chapter shall be construed as constituting a main building.

SEC. 10-2.211. BUILDING SETBACK LINE. Same as "Building Line."

SEC. 10-2.212. CAR PORT. A covered automobile parking space not completely enclosed by walls or doors. For the purposes of this Chapter, a car port shall be subject to all of the regulations prescribed in this Chapter for a private garage.

SEC. 10-2.213. CENTER LINE OF STREET. That line designated as "Center Line" in any street in the City Engineer's records.

SEC. 10-2.214. CLUB. An association of persons for some common nonprofit purpose but not including groups organized primarily to render a service which is customarily carried on as a business.

SEC. 10-2.215. COMMISSION. The Planning Commission of the City of Modesto.

SEC. 10-2.216. COURT. An unoccupied space on a lot other than a yard,

designed to be partially surrounded by group dwellings.

SEC. 10-2.217. DUMP. An area devoted to the disposal of refuse, including incineration, reduction, or dumping of ashes, garbage, combustible or noncombustible refuse, offal or dead animals.

SEC. 10-2.218. DWELLING. A building or portion of a building designed for residential purposes, including one-family, two-family and multiple dwellings, but not including hotels, motels, boarding houses and lodging houses.

SEC. 10-2.219. DWELLING, GROUP. One or more dwellings arranged along one side and one end or two (2) sides and one end of a court.

SEC. 10-2.220. DWELLING, MULTIPLE. A dwelling designed for occupancy by three (3) or more families living independently of each other, and containing three (3) or more dwelling units.

SEC. 10-2.221. DWELLING, ONE-FAMILY. A dwelling designed for occupancy by one family and containing one dwelling unit.

SEC. 10-2.222. DWELLING, TWO-FAMILY. A dwelling designed for occupancy by two (2) families living independently of each other, and containing two (2) dwelling units.

SEC. 10-2.223. DWELLING UNIT. One or more rooms in a dwelling designed for occupancy by one family for living or sleeping purposes, and having only one kitchen.

SEC. 10-2.224. EDUCATIONAL INSTITUTION. Elementary, junior high, high school, college or university or other schools giving general academic instruction in the several branches of learning and study required to be taught by the Education Code of the State of California.

SEC. 10-2.225. FAMILY. An individual, or two (2) or more persons related by blood or marriage, or a group of not more than five (5) persons, who are not related by blood or marriage, excluding servants, living together as a single housekeeping unit in a dwelling unit.

SEC. 10-2.226. FOSTER HOME. The residence of a private family in which one or more children under sixteen (16) years of age are cared for as foster children under a license of the Stanislaus County Welfare Department, and a certificate of approval of the Modesto City Health Department.

Where all children under sixteen (16) years of age in the home, including foster children, number more than six (6), an Unclassified Use Permit shall be secured from the Planning Commission as required in Article 14 of this chapter; where all such children number six (6) or fewer, no permit shall be required.

SEC. 10-2.227. (a) GARAGE, PRIVATE. An accessory building or an accessory portion of the main building, enclosed on all sides and designed or used for the shelter or storage of passenger vehicles, and located on the same lot as the dwelling to which it is accessory, provided that one truck of not more than three-quarters (3/4) ton capacity owned and operated by an occupant of said dwelling shall be permitted to be stored in said garage.

(b) GARAGE, PARKING. A building used for the parking of more than five (5) automobiles, whether free, for compensation, or as an accommodation.

SEC. 10-2.228. GARAGE, PUBLIC. A building, other than a private garage, enclosed on all sides and used for the care, repair or equipping of automobiles, or where such vehicles are kept for hire or sale or are stored.

SEC. 10-2.229. GRADE.

(a) For buildings adjoining one (1) street only, the elevation of the sidewalk at the center of that wall adjoining the street.

(b) For buildings adjoining more than one (1) street, the average of the elevations of the sidewalk at the centers of all walls adjoining streets.

(c) For buildings having no wall adjoining the street, the average level of the ground (finished surface) adjacent to the exterior walls of the building. All walls approximately parallel to and not more than five (5) feet from a street line are to be considered as adjoining a street.

SEC. 10-2.230. GUEST HOUSE OR ACCESSORY LIVING QUARTERS. Living quarters within an accessory building for the use of persons employed on the premises, or for temporary use by guests of the occupants of the premises. Such quarters shall have no kitchen facilities and shall not be rented or otherwise used as a separate dwelling.

SEC. 10-2.231. HOME OCCUPATION. Any occupation conducted entirely within a dwelling unit and carried on by persons residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the residential character thereof and in connection with which there is no display nor stock in trade or commodities sold except those which are produced on the premises, and no use of any accessory building or yard space or activity outside of the main building not normally associated with residential use. The home occupation shall not generate vehicular traffic not normally associated with residential use. The home occupation shall not involve the use of more than one room in the dwelling or the equivalent of twenty (20) per cent of the floor space of the main floor, whichever is the greater, nor shall it involve the use of power-driven equipment using motors of more than one-half (1/2) horsepower capacity. No commercial telephone directory listing, newspaper, radio, or television service shall be used to advertise such home occupation to the general public and no sign except an unlighted name plate not more than one (1) square foot in area announcing the name and home occupation shall be permitted. No home occupation shall create a nuisance by reason of noise, odor, dust, vibration, fumes, smoke, electrical interference or other causes.

SEC. 10-2.232. HOSPITAL, MENTAL. An institution licensed by State agencies under provisions of the law to offer facilities, care and treatment of persons having mental or nervous disorders.

SEC. 10-2.233. HOUSEHOLD PETS. Animals or fowl ordinarily permitted in the house, and kept for company or pleasure and not for profit, such as dogs, cats and canaries, but not including a sufficient number of dogs to constitute a kennel, as defined in this Chapter, and not to exceed three (3) cats six (6) weeks of age or older. Household pets may also include not more than twelve (12) chinchillas, twelve (12) hamsters, twelve (12) white mice or other laboratory animals, provided that not more than four (4) kinds of household pets may be kept for any dwelling unit at any one time.

SEC. 10-2.234. KENNEL. A place where three (3) or more dogs of four (4) months of age or older are kept.

SEC. 10-2.235. KITCHEN. Any room and/or other space used or intended or designed to be used for cooking or for preparation of food for one family.

SEC. 10-2.236. LODGING HOUSE. A building where lodging only is provided for compensation to more than three (3) but not more than ten (10) lodgers, other than members of the proprietor's family.

SEC. 10-2.237. LOT. Land occupied, or to be occupied, by a building or buildings, use or uses, together with such yards, lot area and frontage as is required by this Chapter.

SEC. 10-2.238. LOT AREA. The total horizontal area within the boundary lines of a lot.

SEC. 10-2.239. LOT, CORNER. A lot situated at the intersection or interception of two (2) or more streets, which streets have an angle of intersection or interception of not more than one hundred thirty-five (135) degrees.

SEC. 10-2.240. LOT DEPTH. The horizontal length of a straight line drawn from the midpoint of the front lot line and at right angles to such line connecting with a line intersecting the midpoint of the rear lot line and parallel to the front lot line. In the case of a lot having a curved front line, the front lot line, for purposes of this Section, shall be deemed to be a line tangent to the curve and parallel to a straight line connecting the points of intersection of the side lot lines of the lot with the front lot line.

SEC. 10-2.241. LOT, INTERIOR. A lot other than a corner lot or reversed corner lot.

SEC. 10-2.242. LOT, KEY. The first lot to the rear of a reversed corner lot and whether or not separated by an alley.

SEC. 10-2.243. LOT LINE, FRONT. In the case of an interior lot, a line separating the lot from the street. In the case of a corner lot the front lot line shall be the line separating the narrowest street frontage of the lot from the street.

SEC. 10-2.244. LOT LINE, REAR. A lot line which is opposite and most distant from the front lot line. For the purpose of establishing the rear lot line of a triangular or trapezoidal lot, or of a lot the rear line of which is formed by two or more lines, the following shall apply: (a) for a triangular or goreshaped lot a line ten (10) feet in length within the lot and farthest removed from the front lot line and at right angles to the lot depth line shall be used as the rear lot line; (b) in the case of a trapezoidal lot the rear line of which is not parallel to the front lot line, the rear lot line shall be deemed to be a line at right angles to the lot depth line and drawn through a point bisecting the recorded rear lot line; or (c) in the case of a pentagonal lot the rear boundary of which includes an angle formed by two lines, such angle shall be employed for determining the rear lot line in the same manner as prescribed for a triangular lot. In no case shall the application of the above be interpreted as permitting a main building to locate closer than five (5) feet to any property line.

SEC. 10-2.245. LOT, REVERSED CORNER. A corner lot, the side street line of which is substantially a continuation of the front lot line of the lot upon which the rear of said corner lot abuts.

SEC. 10-2.246. LOT WIDTH. The horizontal distance between the side lot lines measured at the building line.

SEC. 10-2.247. MILK DEALER. A commercial establishment for the manufacture or processing of dairy products but not including the production of milk on the premises.

SEC. 10-2.248. MOTEL. Any building or group of buildings containing sleeping rooms, with or without cooking facilities, designed for temporary use by automobile tourists or transients, with garage attached or parking space conveniently located to each unit, including auto courts, motels, motor lodges and tourist courts.

SEC. 10-2.249. NONCONFORMING BUILDING. A building or structure or portion thereof lawfully existing at the time this Chapter became effective, which was

designed, erected or structurally altered, for a use that does not conform to the use regulations of the zone in which it is located.

SEC. 10-2.250. NONCONFORMING USE. A use which was lawfully established and maintained but which, because of the application of this chapter to it, no longer conforms to the use regulations of the zone in which it is located.

SEC. 10-2.251. OUTDOOR ADVERTISING DISPLAY. Any card, paper, cloth, metal, glass, wooden or other display or device of any kind or character whatsoever placed for outdoor advertising purposes on the ground or on any tree, wall, rock, structure or thing whatsoever.

SEC. 10-2.252. OUTDOOR ADVERTISING STRUCTURE. A structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising display may be placed.

SEC. 10-2.253. PARKING AREA. An open area, other than a street, used for the parking of more than five (5) automobiles whether free, for compensation, or as an accommodation.

SEC. 10-2.254. PLACE. The verb, "to place" and any of its variants as applied to advertising displays and outdoor advertising structures, includes maintaining, erecting, constructing, posting, painting, printing, nailing, glueing or otherwise fastening, affixing or making visible in any manner whatsoever.

SEC. 10-2.255. (Not used)

SEC. 10-2.256. REST HOME. A home operated as a boarding home, and in which nursing, dietary and other personal services are furnished to convalescents, invalids or aged persons; but in which are kept no persons suffering from a mental sickness, mental disease, mental disorder or mental ailment or from a contagious or communicable disease, and in which are performed no surgical or other primary treatments such as are customarily provided in sanitariums or hospitals and in which no persons are kept or served who normally would be admissible to a mental hospital.

SEC. 10-2.257. SERVICE STATION. A structure or area which provides for the servicing, washing and fueling of motor vehicles, including minor repairs and the storage and sale of merchandise and supplies incidental thereto; provided, however, that the washing of automobiles shall be permitted only when no chain conveyor, blower or steam cleaning device is involved.

SEC. 10-2.258. SETBACK LINE. Same as "Building Line".

SEC. 10-2.259. SIGN. Any outdoor advertising display or outdoor advertising structure.

SEC. 10-2.259.1. SMALL ANIMAL HOSPITAL. A hospital and/or boarding kennel facility available only for small animals, such as dogs, cats, and other house hold pets, excluding any diagnosis or treatment on the premises of cattle, horses and commercial poultry, the entire facility to be completely enclosed within a building except for the parking of automobiles.

SEC. 10-2.260. STABLE, PRIVATE. A detached accessory building in which horses owned by the occupants of the premises are kept, and in which no horses are kept for hire or sale.

SEC. 10-2.261. STAND. A structure for the display and sale of products, with no space for customers within the structure itself.

SEC. 10-2.262. STATE FREEWAY. Any section of a State Highway which has been declared to be a Freeway by Resolution of the California Highway Commission pursuant to Section 100.3 of the Streets and Highways Code of the State of California.

SEC. 10-2.263. STORY. That portion of a building included between the surface of any floor and the surface of the floor next above it. If there be no floor above it, then the space between such floor and the ceiling next above it shall be considered a story. A basement shall not be considered as a story when computing the height of a building.

SEC. 10-2.264. STREET. A thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority, or a thoroughfare, not less than twenty-five (25) feet wide, which has been made public by right of use and which affords the principal means of access to abutting property.

SEC. 10-2.265. STREET LINE. The boundary line between a street and the abutting property.

SEC. 10-2.266. STREET, SIDE. A street which is adjacent to a corner lot and which extends in the general direction of the line determining the depth of the lot.

SEC. 10-2.267. STRUCTURE. Anything constructed or erected which requires location on the ground or attached to something having a location on the ground, but not including fences, or walls used as fences, less than six (6) feet in height.

SEC. 10-2.268. STRUCTURAL ALTERATIONS. Any change in the supporting members of a building such as foundation, bearing walls, columns, beams, floor or roof joists, girders or rafters, or changes in roof or exterior lines.

SEC. 10-2.269. TOWER. A structure designed primarily with a view to elevation and hence typically higher than its diameter or relatively high by its position. A tower may be isolated or appended to another structure. No space in a tower above the height limit of the zone in which it is located shall be allowed for the purpose of providing additional floor space.

SEC. 10-2.270. TRAILER, AUTOMOBILE. A vehicle with or without motor

power, used or designed to be used for human habitation.

SEC. 10-2.271. TRAILER CAMP. Any area or tract of land used or designed to accommodate one or more automobile trailers and including trailer camps as defined by law.

SEC. 10-2.272. USE. The purpose for which either land or a structure is or may be occupied or maintained.

SEC. 10-2.272.1. VETERINARY HOSPITAL. An establishment for the care and treatment of animals, including household pets, livestock and commercial poultry, all facilities to be within a complete enclosed building except for exercising runs and the parking of automobiles.

SEC. 10-2.273. YARD. An open space other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this chapter.

SEC. 10-2.274. YARD, FRONT. An area extending across the full width of the lot and lying between the front lot line and a line parallel thereto, and having a distance between such parallel lines equal to the required front yard depth as prescribed in each zone. Depth of the front yard shall be measured by a line at right angles to the front lot line, or by the radial line in the case of a curved front lot line. When a lot lies partially within a planned street indicated on a precised plan for such a street, and where such planned street is of the type that will afford legal access to such lot, the depth of the front yard shall be measured from the contiguous edge of such planned street in the manner prescribed in this definition.

SEC. 10-2.275. YARD, SIDE. An area extending from the rear line of the required front yard, or from the front lot line, where no front yard is required, to the rear lot line, and lying between the side lot line and a line parallel thereto, within the lot, and having a distance between such parallel lines equal to the right side yard width as prescribed in each zone. The width of the side yard shall be measured in the same manner as the depth of the front yard. When a lot lies partially within a planned street indicated on the prescribed plan for such a street, and where such planned street is of the type that will afford legal access to such lot, the width of the side yard shall be measured from the contiguous edge of such planned street in the manner prescribed in this definition.

SEC. 10-2.276. YARD, REAR LINE OF REQUIRED FRONT. A line parallel to the front lot line and at a distance therefrom equal to the required depth of the front yard, and extending across the full width of the lot.

ARTICLE 3. ESTABLISHMENT OF ZONES, THE BOUNDARIES THEREOF,
AND LIMITING THE USES OF LAND THEREON

SEC. 10-2.301 NAMES OF ZONES. In order to classify, regulate, restrict and segregate the uses of land and buildings, to regulate and restrict the height and bulk of buildings, and to regulate the area of yards and other open spaces about buildings, and to regulate the density of population, ten (10) classes of zones are by this Chapter established to be known as follows:

Residential-Agricultural zone	-	R - A
One-Family zone	-	R - 1
Two-Family zone	-	R - 2
Multiple-Family zone	-	R - 3
Neighborhood Commercial zone	-	C - 1
General Commercial zone	-	C - 2
Commercial-Industrial zone	-	C - M
Light Industrial zone	-	M - 1
Heavy Industrial zone	-	M - 2
Flood Plain zone	-	F

SEC. 10-2.302. DEGREE OF RESTRICTIVENESS. "More restrictive uses" as employed in this Chapter means the following:

- (a) Those uses first permitted in the R-1 zone are the most restrictive.
- (b) All other uses are less restrictive in the order they are first permitted in the zones in the sequence shown R-2, R-3, C-1, C-2, C-M, M-1 and M-2.

SEC. 10-2.303. ESTABLISHMENT OF ZONES BY MAP. The location and boundaries of the various zones are as shown on the "Zoning Map of the City of Modesto," attached hereto. Said map and all notations, references and other information shown thereon are hereby made a part of this Chapter.

SEC. 10-2.304. DIVISION OF ZONING MAP. The zoning map may, for convenience, be divided into parts and each such part may, for purposes of more readily identifying areas within such zoning map, be subdivided into units and such parts and units may be separately employed for purposes of amending the zoning map or for any official reference to the zoning map.

SEC. ~~XXX~~ 10-2.305. CHANGES IN BOUNDARIES. Changes in the boundaries of the zones shall be made by ordinance adopting an amended zoning map, or part of said map, or unit of a part of said zoning map, which said amended maps, or part or units of parts, when so adopted, shall be published in the manner prescribed

by law and become a part of this Chapter.

SEC. 10-2.306. LOCATION OF BOUNDARIES. Where uncertainty exists as to the boundary of any zone, the following rules shall apply:

(a) Wherever the zone boundary is indicated as being approximately upon the center line of a street, alley, or block, or along a property line, then, unless otherwise definitely indicated on the map, the center line of such street, alley or block or such property line, shall be construed to be the boundary of such zone.

(b) Wherever such boundary line of such zone is indicated as being approximately at the line of any river, irrigation canal or other waterway or railroad right-of-way, or public land or any section line, then in such case the center of such stream, canal or waterway, or of such railroad right-of-way or the boundary line of such public land or such section line shall be deemed to be the boundary of such zone.

(c) Where such zone boundary lines cannot be determined by the above rules, their location may be found by the use of the scale appearing upon the map.

(d) Where the application of the above rule does not clarify the zone boundary location, the Board of Zoning Adjustment shall interpret the map.

SEC. 10-2.307. LIMITATION OF LAND USE. Except as provided in this Chapter, no building shall be erected, reconstructed or structurally altered, nor shall any building or land be used for any purpose except as hereinafter specifically provided and allowed in the same zone in which such building or land is located.

SEC. 10-2.401. PERMITTED USES. In an R-A zone only the following uses are permitted as are hereinafter specifically provided and allowed, subject to the provisions of Article 18/governing off-street parking requirements.

- (a) One-family dwelling
- (b) Additional housing for hired agricultural workers on sites containing ten (10) acres or more, provided that such housing is not located within any required yard space.
- (c) Accessory buildings and structures under the following conditions:
 - (1) Private garage to accommodate not more than four (4) cars.
 - (2) Additional garage and implement shelter may be erected on lots containing ten (10) acres or more.
- (d) Stands for the display or sale of agricultural products raised on the premises.
- (e) Golf, swimming, tennis, polo, hunting and country clubs, parks, playgrounds and recreation fields, except places where amusement devices are available for hire.
- (f) Agricultural crops.
- (g) Greenhouses, fruit trees, vines and nurseries for producing trees, vines and other horticultural stock.
- (h) Storage of petroleum products for use on the premises, but not for resale.
- (i) Home occupations when authorized under a permit granted in accordance with the provisions of Section 10-2.2502. ~~as amended by~~
- (j) The following fowl and animals under the following conditions:
 - (1) Poultry (except turkeys and geese), chinchillas, hamsters, rabbits, and other small animals raised for food, scientific or fur bearing purposes, for family or commercial use; household pets subject to the provisions of Section ^{10-2.233.} ~~10-2.233~~
 - (2) Bovine animals and horses provided that on sites containing four (4) acres or less such domestic animals shall not exceed a number per acre equal to two (2) adult animals of any one kind or combination thereof.
 - (3) The keeping of all domestic animals provided for in this Article shall conform to all other provisions of law governing same. No fowl or animals (except household pets), or any pen or coop (except those used for household pets), stable or barn shall be kept or maintained within forty (40) feet of any

window or door of any residence, dwelling or other building used for human habitation, nor within forty (40) feet of any portion of a required yard space located on adjoining property if such adjoining property is devoted to a use other than agriculture.

(4) The slaughtering, dressing and marketing of any fowl or animals shall be limited to those raised on the premises.

(k) The following signs:

(1) One unlighted sign not exceeding eight (8) square feet in area pertaining only to the sale, lease or hire of only the particular building, property or premises upon which displayed.

(2) One sign not larger than three (3) feet by four (4) feet identifying and advertising products produced on the premises as permitted by this Chapter.

(3) A name plate not exceeding one (1) square foot containing name and occupation of occupant of premises.

(1) Servants quarters and guest houses may be maintained on any lot provided that such quarters and guest houses are used as an accessory building for sleeping and no cooking facilities are maintained therein.

(m) A mailing address for commercial and business license purposes may be maintained provided no stock in trade, supplies, professional equipment, apparatus or business equipment are permitted on the premises and no employees or assistants may be employed for services on the premises, except in connection with uses specifically listed as permissible in this Article.

(n) A parking area, provided:

(1) A conditional use permit has been obtained in accordance with Article 20.

(2) Development is as required by Section 10-2.1807. ~~Article 10~~

(3) The parking area is clearly incidental and accessory to a use permitted in this Section or is accessory to a commercial or industrial use which is located in a commercial or industrial zone immediately adjacent to the property to be used for a parking area.

SEC. 10-2.402. HEIGHT. No building shall exceed two (2) stories in height or thirty-five (35) feet, whichever is the lesser.

SEC. 10-2.403. FRONT YARD. Every lot shall maintain a front yard not less than fifteen (15) feet in depth or the average of existing front yards in the block where fifty (50) per cent or more of the block is developed, provided that in no case

shall the front yard be less than six (6) feet or be required to be more than fifteen (15) feet.

SEC. 10-2.404. SIDE YARDS. The minimum side yard for any dwelling shall be six (6) feet and the total width of the two required side yards shall be not less than twelve (12) feet. The minimum side yard for a private garage or other accessory building shall be six (6) feet, except that a private garage or other accessory building located at least twelve (12) feet in the rear of the main building requires no side yard provided that no portion of the building shall overhang the property line. On corner lots and reversed corner lots, the side yard which faces on a street shall be not less than fifteen (15) feet for both main and accessory buildings, or the average of existing buildings where more than fifty (50) per cent of the frontage is developed, but in no case shall the side yard be less than six (6) feet or be required to be more than fifteen (15) feet.

SEC. 10-2.405. AREA. The minimum required lot area shall be six thousand (6000) square feet for interior lots and sixty-five hundred (6500) square feet for corner and reversed corner lots.

SEC. 10-2.406. LOT AREA PER DWELLING. The lot area per dwelling unit shall be not less than the minimum required lot area.

SEC. 10-2.407. LOT WIDTH. Every interior lot shall have a width of not less than sixty (60) feet and every corner and reversed corner lot shall have a width of not less than seventy (70) feet at the required building line.

SEC. 10-2.408. PERMISSIBLE LOT COVERAGE. All buildings, including accessory buildings and structures, shall not cover more than forty (40) per cent of the area of a lot.

SEC. 10-2.409. BUILDINGS, PLACEMENT. Placement of buildings on any lot shall conform to the following:

(a) No building may occupy any portion of a required yard.

(b) All buildings used for human habitation shall not be located closer to a property line than the distance required in the side yard.

(c) The distance between any building used for human habitation and any accessory building or another building used for human habitation on any lot shall be equal to twice the required side yard.

(d) In the case of a reversed corner lot no building shall be located closer to the side yard of the abutting lot to the rear than the width of the required side yard on such lot to the rear.

(e) Any building having a door or window in a wall facing on an alley shall be located not closer than five (5) feet to such alley.

SEC. 10-2.501. PERMITTED USES. In an R-1 zone only the following uses are permitted as are hereinafter specifically provided and allowed.

(a) One-family dwelling.

(b) Accessory buildings and uses customarily incidental to the above, including private garages to accommodate not more than three (3) cars.

(c) The renting of not more than three rooms to not more than three roomers, or the providing of table board to not more than three boarders, or both, but not to exceed three in any combination thereof.

(d) Home occupations when authorized under a permit granted in accordance with the provisions of Section 10-2.2502. ~~10-2.2502~~

(e) The following fowl and animals under the following conditions:

10-2.233.

(1) Household pets, subject to the provisions of Section ~~10-2.233~~

(2) Not more than four (4) rabbits and, or hares; and domestic fowl (hens only), provided not more than twelve (12) of any one or combination of such animals and fowl may be maintained on a lot.

(3) The keeping of all domestic animals and fowl provided for in item (2) above shall conform to all other provisions of law governing same and no fowl or animal except household pets, or any pen or coop, except those used for household pets, shall be kept or maintained except under the following conditions:

(aa) Animals or fowl shall be kept or maintained only at a distance of forty (40) feet or more from the window or door of any residence or other building used for human habitation.

(ab) Animals or fowl shall be kept or maintained only on the rear one-third (1/3) of the lot.

(ac) Animals or fowl shall be maintained only at a distance from the property line not less than the required side yard.

(f) Two-family dwelling, when the lot upon which it is located has a side line that abuts property zoned for R-3, C-1, C-2, C-M, M-1 or M-2, but in no case shall the property used for such two-family dwelling consist of more than one lot or be more than seventy-five (75) feet in width, whichever is the lesser.

(g) The following signs:

(1) One (1) unlighted sign no exceeding eight (8) square feet in area pertaining only to the sale, lease or hire of only the particular building, property or premises upon which displayed.

(2) A name plate not exceeding one (1) square foot containing name and home occupation of occupant of premises.

(h) Servants quarters and guest houses may be maintained on any lot provided that such quarters and guest houses are used as an accessory to the single dwelling unit and also provided no cooking facilities are maintained therein.

(i) A parking area, provided:

(1) A conditional use permit has been obtained in accordance with Article 20. of this chapter.

(2) Development is as required by Section 10-2.1807. ~~and Article 10.~~

(3) The parking area is clearly incidental and accessory to a use permitted in this Section or is accessory to a commercial use which is located in a commercial or industrial zone immediately adjacent to the property to be used for a parking area.

(j) Accessory uses and buildings customarily incidental to the above.

SEC. 10-2.502. HEIGHT. No building shall exceed two (2) stories or thirty-five (35) feet, whichever is the lesser.

SEC. 10-2.503. FRONT YARD. Every lot shall maintain a front yard not less than fifteen (15) feet in depth or the average of existing front yards in the block where fifty (50) per cent or more of the block is developed, provided that in no case shall the front yard be less than six (6) feet or be required to be more than fifteen (15) feet in depth.

SEC. 10-2.504. SIDE YARDS. The minimum side yard for any dwelling shall be six (6) feet and the total width of the two required side yards shall be not less than twelve (12) feet. The minimum side yard for a private garage or other accessory building shall be six (6) feet, except that a private garage or other accessory building located at least twelve (12) feet in the rear of the main building requires no side yard provided that no portion of the building shall overhang the property line. On corner lots and reversed corner lots, the side yard which faces on a street shall be not less than fifteen (15) feet for both main and accessory buildings, or the average of existing buildings where more than fifty (50) per cent of the frontage is developed, but in no case shall the side yard be less than six (6) feet or be required to be more than fifteen (15) feet.

SEC. 10-2.505. AREA. The minimum required lot area shall be six thousand (6000) square feet for interior lots and sixty-five hundred (6500) square feet for corner and reversed corner lots.

SEC. 10-2.506. LOT WIDTH. Every interior lot shall have a width of not less than sixty (60) feet and every corner and reversed corner lot shall have a width, of not less than seventy (70) feet at the required building line.

SEC. 10-2.507. PERMISSIBLE LOT COVERAGE. All buildings, including accessory buildings and structures, shall not cover more than forty (40) per cent of the area of the lot.

SEC. 10-2.508. BUILDINGS, PLACEMENT. Placement of buildings on any lot shall conform to the following:

(a) No building may occupy any portion of a required yard.

(b) All buildings used for human habitation shall not be located closer to a property line than the distance required in the side yard.

(c) The distance between any building used for human habitation and any accessory building or another building used for human habitation on any lot shall be equal to twice the required side yard.

(d) In the case of a reversed corner lot no building shall be located closer to the side yard of the abutting lot to the rear than the width of the required side yard on such lot to the rear.

(e) Any building having a door or window in a wall facing on an alley shall be located not closer than five (5) feet to such alley.

SEC. 10-2.601. PERMITTED USES. In an R-2 zone only the following uses are permitted as are hereinafter specifically provided and allowed.

(a) Any use permitted in the R-1 one-family zone.

(b) Two-family dwelling.

(c) A three-family or a four-family dwelling when the side line of the lot abuts lots zoned for C-1, C-2, C-M, M-1, M-2, but in no case shall the property used for such three-family or four-family dwelling consist of more than one (1) lot or be more than seventy-five (75) feet in width, whichever is the lesser.

SEC. 10-2.602. HEIGHT. No building shall exceed two (2) stories or thirty-five (35) feet, whichever is the lesser.

SEC. 10-2.603. FRONT YARD. Every lot shall maintain a front yard not less than fifteen (15) feet in depth or the average of existing front yards in the block where fifty (50) per cent or more of the block is developed, provided that in no case shall the front yard be less than six (6) feet or be required to be more than fifteen (15) feet in depth.

SEC. 10-2.604. SIDE YARDS. The minimum side yard for any dwelling shall be six (6) feet and the total width of the two required side yards shall be not less than twelve (12) feet. The minimum side yard for a private garage or other accessory building shall be six (6) feet, except that a private garage or other accessory building located at least twelve (12) feet in the rear of the main building requires no side yard, provided that no portion of the building shall overhang the property line. On corner lots and reversed corner lots, the side yard which faces on a street shall be not less than fifteen (15) feet for both main and accessory buildings, or the average of existing buildings where more than fifty (50) per cent of the frontage is developed, but in no case shall the side yard be less than six (6) feet or be required to be more than fifteen (15) feet.

SEC. 10-2.605. AREA. The minimum required lot area shall be six thousand (6000) square feet for interior lots and sixty-five hundred (6500) square feet for corner and reversed corner lots.

SEC. 10-2.606. LOT WIDTH. Every interior lot shall have a width of not less than sixty (60) feet and every corner and reversed corner lot shall have a width of not less than seventy (70) feet at the building setback line.

SEC. 10-2.607. PERMISSIBLE LOT COVERAGE. All buildings, including accessory buildings and structures, shall not cover more than fifty (50) per cent of the area

SEC. 10-2.608. BUILDINGS, PLACEMENT. Placement of buildings on any lot shall conform to the following:

(a) No building may occupy any portion of a required yard.

(b) All buildings used for human habitation shall not be located closer to a property line than the distance required in the side yard.

(c) The distance between any building used for human habitation and any accessory building or another building used for human habitation on any lot shall be equal to twice the required side yard.

(d) In the case of a reversed corner lot no building shall be located closer to the side yard of the abutting lot to the rear than the width of the required side yard on such lot to the rear.

(e) Any building having a door or window in a wall facing on an alley shall be located not closer than five (5) feet to such alley.

SEC. 10-2.701 PERMITTED USES. In an R-3 zone only the following uses are permitted as are hereinafter specifically provided and allowed.

(a) Any use permitted in the R-2 zone.

(b) Multiple dwelling.

(c) Group dwellings.

(d) Boarding and lodging house.

(e) The following uses subject to the granting of a conditional use permit by the Board of Zoning Adjustment:

(1) Motel.

(2) Hotel.

(3) Nonprofit membership organization, except a church; private club, fraternity, sorority and lodge, excepting those the chief activity of which is a service customarily carried on as a business.

(4) Funeral service.

(f) The following signs:

(1) A name plate not exceeding two (2) square feet in area, containing the name and home occupation of the occupant of the premises.

(2) One (1) identification sign not exceeding twenty (20) square feet in area for multiple dwellings, hotels, clubs, lodges and similar permitted uses.

(3) One (1) sign, not to exceed eight (8) square feet in area giving information on availability of rentals on multiple dwellings, hotels, clubs, lodges and similar permitted uses.

(4) One (1) unlighted sign not exceeding eight (8) square feet in area pertaining only to the sale, lease or hire of only the particular building, property or premises upon which displayed.

SEC. 10-2.702. HEIGHT. No building shall exceed two (2) stories or thirty-five (35) feet, whichever is the lesser height, except that a main building may exceed such height by two (2) feet for each one (1) foot added to each side yard over and above six (6) feet for each side yard and each six (6) inches added to the front yard over and above fifteen (15) feet, provided that no building shall exceed six (6) stories or seventy (70) feet whichever is the lesser.

SEC. 10-2.703. FRONT YARD. Every lot shall maintain a front yard not less than fifteen (15) feet in depth or the average of existing front yards in the block where fifty (50) per cent or more of the block is developed, provided that in no

case shall the front yard be less than six (6) feet or be required to be more than fifteen (15) feet in depth.

SEC. 10-2.704. SIDE YARDS. The minimum side yard for any dwelling shall be six (6) feet and the total width of the two required side yards shall be not less than twelve (12) feet except that for dwellings erected higher than two (2) stories or thirty-five (35) feet, the minimum side yard on each side of the dwelling shall be increased one (1) foot for each two (2) feet such building exceeds two (2) stories or thirty-five (35) feet. The minimum side yard for a private garage or other accessory building shall be six (6) feet, except that private garages and other accessory buildings located at least twelve (12) feet in the rear of the main building require no side yard, provided no portion of the building shall overhang the property line. On corner lots and reversed corner lots, the side yard which faces on a street shall be not less than fifteen (15) feet for both main and accessory buildings, or the average of existing buildings where more than fifty (50) per cent of the frontage is developed, but in no case shall the side yard be less than six (6) feet or be required to be more than fifteen (15) feet.

SEC. 10-2.705. AREA. The minimum required lot area shall be as follows:

(a) For main buildings other than dwellings, six thousand (6000) square feet for interior lots and sixty-five hundred (6500) square feet for corner and reversed corner lots.

(b) For one-family and two-family dwellings, six thousand (6000) square feet for interior lots and sixty-five hundred (6500) square feet for corner and reversed corner lots.

(c) For multiple dwellings including group dwellings, six thousand (6000) square feet for interior lots and sixty-five hundred (6500) square feet for corner or reversed corner lots, plus the following:

(1) For each one-bedroom dwelling unit in excess of two (2) dwelling units, one thousand (1000) square feet.

(2) For each two-bedroom dwelling unit in excess of two (2) dwelling units, two thousand (2000) square feet.

(3) For each three or more bedroom dwelling unit in excess of two (2) dwelling units, three thousand (3000) square feet.

SEC. 10-2.706. Special provisions for group dwellings:

(a) Group dwellings shall be considered as one (1) building for the purpose of front, side and rear yard requirements, the entire group as a unit re-

quiring one (1) front and two (2) side yards as specified above for dwellings.

(b) Group dwellings shall be not more than two and one-half ($2\frac{1}{2}$) stories or thirty-five (35) feet in height, except that group dwellings may exceed such height by two (2) feet for each one (1) foot added to each side yard and to the width and to the length of the court over and above six (6) feet for each side yard and forty (40) feet for each dimension of the court.

(c) Each two (2) or two and one-half ($2\frac{1}{2}$) story group dwelling development shall have a minimum court of forty (40) feet in width and forty (40) feet in length, in addition to its required yards, and each one (1) story group dwelling development shall have a minimum court of thirty (30) feet in width, and thirty (30) feet in length, in addition to its required yards.

(d) In a group dwelling development, no two (2) separate dwelling structures shall be closer to each other along the sides or end of a court than fifteen (15) feet.

(e) The court shall be unoccupied by any building or other structures, except fire hydrants, utility poles, or other street improvements.

(f) The court shall have an unobstructed opening, not less than thirty (30) feet wide, onto the front yard of a lot which has a width not less than that required for a lot in the zone in which it is located.

(g) All dwelling structures of the group, except those facing a public street, shall face upon the court.

SEC. 10-2.707. LOT WIDTH. Every interior lot shall have a width of not less than sixty (60) feet and every corner and reversed corner lot shall have a width of not less than seventy (70) feet at the required building line.

SEC. 10-2.708. PERMISSIBLE LOT COVERAGE. All buildings, including accessory buildings and structures, shall not cover more than sixty (60) per cent of the area of the lot.

SEC. 10-2.709. BUILDINGS, PLACEMENT. Placement of buildings on any lot shall conform to the following:

(a) No building may occupy any portion of a required yard.

(b) All buildings used for human habitation shall not be located closer to a property line than the distance required in the side yard.

(c) The distance between any building used for human habitation and any accessory building or other building used for human habitation on any lot shall be equal to twice the required side yard.

(d) In the case of a reversed corner lot no building shall be located closer to the side yard of the abutting lot to the rear than the width of the required side yard on such lot to the rear.

(e) Any buildings used for storage of vehicles and having access from any alley, shall maintain a distance of not less than five (5) feet from such alley.

SEC. 10-2.801. PERMITTED USES. In a C-1 zone only the following uses are permitted as are hereinafter specifically provided and allowed.

(a) The following general merchandising stores:

- (1) Variety.
- (2) Dry goods, notions and general merchandise, but not including department stores.

(b) The following food stores:

- (1) Grocery.
- (2) Meat, fish, egg and poultry, provided there shall be no sales of live poultry or animals and no killing of fowl, fish or animals.

- (3) Fruit and vegetable.
- (4) Candy, nut and confectionery.
- (5) Dairy products.
- (6) Bakery; catering establishment.
- (7) Delicatessen.
- (8) Coffee, tea, spices and health foods.
- (9) Frozen food lockers, individual retail rental.

(c) The following automobile service facilities:

- (1) Service station.
- (2) Parking area.
- (3) Parking garage.

(d) The following apparel and accessory stores:

- (1) Men's and boys' clothing and furnishings.
- (2) Women's ready to wear.
- (3) Women's accessory and specialty.
- (4) Children's and infants'.
- (5) Shoe.
- (6) Family clothing.
- (7) Custom tailors.
- (8) Custom dressmaking.

(e) The following home furnishings and equipment stores:

- (1) Drapery, curtain and upholstery material.
- (2) China, glassware and metalware.
- (3) Miscellaneous home furnishings, such as pictures, frames, lamps and shades, awnings and window shades.

(4) Radio and television.

(5) Musical instruments and records.

(f) The following building materials stores:

(1) Paint, glass and wallpaper.

(2) Hardware, limited to household and garden hardware.

(g) The following eating and drinking establishments:

(1) Cafe, ice cream parlor, commercial lunch service, cafeteria, excluding the following:

(aa) dancing and entertainment, except music.

(ab) dispensing of alcoholic beverages, except beer.

(h) The following miscellaneous retail business:

(1) Drug and proprietary medicine.

(2) Liquor, for consumption off the premises.

(3) Book and stationery; office supply.

(4) Sporting goods.

(5) Jewelry.

(6) Florist; greenhouse; plant materials nursery.

(7) Cigar store and stand.

(8) Newsdealer and newsstand.

(9) Music.

(10) Camera and photographic supply.

(11) Gift, novelty and souvenir.

(12) Luggage and leather goods.

(13) Autograph and philatelist supply.

(14) Artist's supplies and art shop.

(15) Toys.

(16) Christmas tree sales.

(17) Five-and-ten-cent store.

(18) Ice dealer, provided storage of not more than five (5)

tons capacity is provided.

(19) Garden supply.

(20) Pet store.

(i) The following finance, insurance and real estate businesses:

- (1) Bank.
- (2) Credit agency.
- (3) Security and commodity broker, dealer, exchange and service.
- (4) Insurance carrier, agent, broker and service.
- (5) Realtor and real estate; abstractor; subdivider and developer.
- (6) Holding and other investment company.

(j) The following personal services:

- (1) Laundry agency; dry cleaning agency; self-service laundry; coal and fuel sales office.
- (2) Photographic studio; film processing.
- (3) Barber shop; beauty shop.
- (4) Shoe repair shop; shoe shine parlor.
- (5) Hat cleaning, hemstitching, embroidering and sewing shops.
- (6) Tailor shop, including pressing, alteration and garment repair.
- (7) Diaper service.
- (8) Funeral service, subject to the securing of a conditional use

permit.

(9) Ambulance service.

(k) The following miscellaneous business services:

- (1) Advertising agency, including agency for outdoor and miscellaneous advertising.
- (2) Consumer credit reporting agency; mercantile reporting agency; adjustment and collection agency.
- (3) Duplicating, addressing, mailing, mailing list and stenographic services; blueprinting and photostating services.
- (4) Window cleaning; disinfecting and exterminating service; janitorial service, floor waxing and office cleaning.
- (5) Accounting, auditing and bookkeeping services.

(l) The following miscellaneous repair services:

- (1) Electrical repair shop.
- (2) Watch, clock and jewelry repair.
- (3) Bicycle repair shop.
- (4) Locksmith shop; gunsmith shop.
- (5) Musical instrument repair.
- (6) Camera repair; fountain pen repair; key duplicating; lawn mower sharpening and repair; saw, knife and tool sharpening and repair.

(m) The following medical and other health services:

- (1) Offices of physicians and surgeons.
- (2) Offices of dentists and dental surgeons.
- (3) Offices of osteopathic physicians.
- (4) Offices of chiropractors.
- (5) Medical and dental laboratories.
- (6) Offices of chiropodists, nutritionists, occupational therapists

and psycho-therapists.

- (7) Medical clinics, other than animal clinics.
- (8) Nurses registry.
- (9) Optometrist; oculist.

(n) Legal services.

(o) The following educational services:

- (1) Library.
- (2) Music, art, dramatic, language and children's dancing schools.
- (3) Correspondence school.

(p) The following miscellaneous services:

- (1) Engineering and architectural service.
- (2) Office of actuaries, lecturers and writers.
- (3) Art studio.
- (4) Baby sitters' agency.
- (5) Taxi stand.
- (6) Coal and fuel sales office.
- (7) Interior decorating service.

(q) Signs pertaining only to a use conducted within the building or on the lot or to the lease or sale of the property, or to trespassing.

(r) Accessory uses and buildings customarily incidental to the above.

SEC. 10-2:802. LIMITATIONS ON PERMITTED USES IN C-1 ZONE. Every use permitted shall be subject to the following conditions and limitations:

(a) All uses shall be conducted wholly within a building except such uses as drive-in restaurants, gasoline stations, electrical transformer substations and nurseries and similar enterprises customarily conducted in the open.

(b) The above listed stores, shops and businesses shall be retail establishments only, provided that all products manufactured, processed, packaged or treated shall be sold at retail on the premises or on other lawfully existing commercial premises in the City of Modesto operated by the occupant of the premises where

produced, processed, packaged or treated, and provided further that not more than five (5) employees nor more than twenty-five (25) per cent of the floor space of the building herein permitted shall be devoted to such manufacturing, processing, packaging or treatment.

(c) Signs, subject to the provisions of Chapter 6 of Title IX of this Code.

(d) Storage shall be limited to accessory storage of commodities sold at retail on the premises.

SEC. 10-2.803. HEIGHT. No commercial structure shall exceed a height of two (2) stories or thirty-five (35) feet, whichever is the lesser.

SEC. 10-2.804. FRONT YARD. Every lot shall have a front yard not less than fifteen (15) feet in depth when property classified as C-1 comprises part of the frontage in a block on one side of a street between intersecting streets and the remainder of the frontage in the same block is classified for "R" purposes. When a front yard has been so provided, if the "R" property constituting part or all of the remaining frontage in the block is rezoned to "C", the requirement for a fifteen (15) foot front yard shall be applicable to the property so rezoned.

SEC. 10-2.805. SIDE YARDS. No lot need provide side yards, except that whenever a building is located upon a lot adjacent to a residential zone boundary, there shall be provided a side yard of not less than ten (10) feet on the side of the building adjacent to the zone boundary line, and on corner and reversed corner lots, the side yard which faces upon a street shall be not less than fifteen (15) feet when property classified as C-1 comprises part of the frontage in the block within which the side yard is located and the remainder of the frontage in the same block is classified for "R" purposes. When a fifteen (15) foot side yard facing upon a street has been so provided, if the "R" property constituting part or all of the remaining frontage in the block is rezoned to "C", the requirement for a fifteen (15) foot side yard shall be applicable to the property so rezoned.

SEC. 10-2.806. BUILDINGS, PLACEMENT. No building shall be erected closer than fifteen (15) feet to the rear lot line of any lot zoned for "C" purposes when such lot abuts upon property classified for "R" purposes and no alley intervenes.

SEC. 10-2.901. PERMITTED USES. In a C-2 zone only the following uses are permitted as are hereinafter specifically provided and allowed.

- (a) Any use permitted in the C-1 (Neighborhood Commercial Zone).
- (b) The following residential-type services:
 - (1) Hotel.
 - (2) Rooming house; boarding house.
 - (3) Motel.
 - (4) Membership hotel and lodging house.
- (c) The following building materials stores:
 - (1) Heating and plumbing equipment dealer.
 - (2) Electrical supply.
 - (3) Hardware.
 - (4) Roofing sales.
- (d) The following general merchandise stores:
 - (1) Department store.
 - (2) Mail order house.
- (e) The following automotive dealers:
 - (1) Motor vehicle dealer, new and used vehicles.
 - (2) Tire, battery and accessory dealer, not including tire

recapping and vulcanizing.

(3) Automobile trailer, airplane, motorcycle, motorboat, or automotive parts dealer.

- (f) The following apparel and accessory stores:
 - (1) Furrier and fur shop.
- (g) The following furniture, home furnishings, and equipment stores:
 - (1) Furniture; household appliance.
 - (2) Floor covering.
 - (3) Weather stripping.
- (h) The following eating and drinking places:
 - (1) Eating place.
 - (2) Drinking place.
- (i) The following miscellaneous retail businesses:
 - (1) Antique store.
 - (2) Secondhand store.

- (3) Farm and garden supply store.
- (4) Ice dealer.
- (5) Orthopedic and artificial limb store.
- (6) Stone monument business, retail sales only, excluding stone cutting and blasting, other than lettering.

(j) The following personal services:

- (1) Funeral service.
- (2) Fur repair and fur storage.
- (3) Steam bath; massage.

(k) The following miscellaneous business services:

- (1) News syndicate.
- (2) Employment agency.
- (3) Sign painting shop.
- (4) Auctioneer's establishment.
- (5) Coin operated machine rental service.
- (6) Detective and watching agency.
- (7) Armored car service.
- (8) Public address system business.
- (9) Commercial research agency and testing laboratory.
- (10) Advertising signs and structures.
- (11) Printing shop.

(l) The following automobile repair services and garages:

- (1) Automobile rental; trailer rental.
- (2) Automobile repair, excluding painting, upholstering, and body and fender work, except that which is incidental to general repair.

(m) The following miscellaneous repair services:

- (1) Upholstery and furniture repair.
- (2) Leather goods repair.

(n) The following motion picture establishments:

- (1) Motion picture distribution.
- (2) Motion picture service business.
- (3) Motion picture theater, indoor.

(o) The following amusement and recreation services, except motion pictures.

- (1) Dance hall, dance studio and school of the dance.
- (2) Theater and theatrical production, except outdoor theaters.

- (3) Bowling alley; billiard and pool parlor.
- (4) Swimming pool.
- (5) Skating rink.
- (6) Band, orchestra and entertainers.
- (7) Amusement concession.
- (8) Shooting gallery.
- (9) Coin operated amusement device parlor.
- (p) Radio or television broadcasting studio.
- (q) Vocational school.
- (r) Private museum or art gallery.
- (s) Nonprofit membership organization, except a church.
- (t) Nonprofit educational and scientific research agency.
- (u) Bus terminal.
- (v) Express office.
- (w) Hobby shop; house equipment display; hospital supply.
- (x) Insulation sales.
- (y) Travel bureau; taxidermist.
- (z) Small animal hospital, subject to securing (1) approval of City

Health Department prior to securing building permit, and (2) approval of Building Department concerning general requirements and specifications, including one hour fire ^{wall} restrictive construction throughout, and the use of acoustical plaster or its equivalent, so that the animal noises will not be heard outside the premises.

(aa) Accessory uses and buildings customarily incidental to the above.

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

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

(a) Storage shall be limited to accessory storage of commodities sold at retail on the premises.

(b) The above listed stores, shops and businesses shall be retail establishments only, provided that all products manufactured, processed, packaged or treated shall be sold at retail on the premises or on other lawfully existing commercial premises in the City operated by the occupant of the premises where such products are produced, processed, packaged or treated, and provided further that not more than five (5) employees nor more than twenty-five (25%) per cent of the floor space of the building herein permitted shall be devoted to such manufacturing, processing, packaging or treatment.

(c) All uses shall be conducted wholly within a building except such uses as drive-in restaurants, gasoline stations, electrical transformer substations and nurseries, and similar enterprises customarily conducted in the open.

SEC. 10-2.903. HEIGHT. No building or structure shall exceed six (6) stories or seventy (70) feet, whichever is the lesser.

SEC. 10-2.904. FRONT YARD. No lot in a C-2 zone need maintain a front yard except as may be required by a precised plan.

SEC. 10-2.905. SIDE YARDS. No lot in a C-2 zone need provide side yards, except as may be required by a precised plan.

SEC. 10-2.906. BUILDINGS, PLACEMENT. No building shall be erected closer than fifteen (15) feet to the rear lot line of any lot zoned for "C" purposes when such lot abuts upon property classified for "R" purposes and no alley intervenes.

SEC. 10-2.1001. PERMITTED USES. In a C-M zone only the following uses are permitted as are hereinafter specifically provided and allowed.

- (a) Any use permitted in the C-2 zone.
- (b) Assembly of electrical appliances such as
 - (1) Electronic instruments and devices.
 - (2) Radios and phonographs, including manufacture of small parts, such as coils.
- (c) Auction house or store.
- (d) Automobile sales agency and accessory service.
 - (1) Automobile assembly, body and fender works, dismantling and used parts storage when operated and maintained wholly within an entirely enclosed building.
 - (2) Automobile painting, provided all painting, sanding and baking shall be conducted wholly within an entirely enclosed building.
 - (3) Automobile and truck steam cleaning.
 - (4) Tire rebuilding, recapping and retreading.
- (e) Bakery.
- (f) Boat building (limited to those craft which may be transported over a state highway without permit).
- (g) Cabinet shop; building specialty dealer, including the sale of insulation, weather stripping, roofing, specialty doors and windows, metal awnings and similar specialty items.
- (h) Car laundry, using assembly line type process or other specialized processing service.
 - (i) Carpet cleaning plant.
 - (j) Ceramic products, manufacture of, including figurines, using only previously pulverized clay and kilns fired only by electricity or low pressure gas.
 - (k) Cleaning and dyeing plant.
 - (l) Contractor's storage yard.
 - (m) Feed and fuel yard (solid fuel only).
 - (n) Frozen food lockers.
 - (o) Glass studio, stained, etc.
 - (p) Glass edging, beveling and silvering in connection with sale of mirrors and glass for decorating purposes.
 - (q) Laboratory, experimental, motion picture, testing; laundry.
 - (r) Milk dealer; creamery and dairy products manufacture.

- (s) Parcel delivery service.
- (t) Plumbing, heating and air conditioning contractor.
- (u) Seed processing and packaging, treatment, storage and sale.
- (v) Sheet metal shop.
- (w) Tinsmith.
- (x) Upholstering shop.
- (y) Veterinary hospital.
- (z) Wholesale business, storage building and warehouse.
- (aa) Accessory uses and buildings customarily incidental to the above.

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

Every use permitted shall be subject to the following conditions and limitations:

(a) When an industrial area fronts or sides upon a street the opposite side of which is classified for "R" purposes, there shall be maintained a building line setback of ten (10%) per cent of the average depth of the lots in each block of such industrial area, provided such setback shall not be less than ten (10) feet, nor be required to exceed fifty (50) feet in depth. A minimum strip of landscaping approved by the Planning Commission shall be maintained along all frontage of the setback area. In addition thereto the following uses may be located in the setback area:

- (1) Landscaping.
- (2) Parking area.
- (3) Employee's recreational area without structures.
- (4) Driveways.
- (5) Railroad spur tracks, excluding storage of railroad motive power equipment or rolling stock.
- (6) An ornamental type fence located not closer than ten (10) feet to the front lot line.

(b) All uses shall be conducted wholly within a completely enclosed building, or within an area enclosed on all sides with a solid wall or uniformly painted fence not less than six (6) feet in height.

(c) No operation conducted on the premises shall be objectionable by reason of noise, odor, dust, mud, smoke, vibration or other similar causes.

SEC. 10-2.1003. HEIGHT. No building or structure in the C-M zone shall exceed a height of six (6) stories or seventy (70) feet, whichever is the lesser.

SEC. 10-2.1004. FRONT YARD. Every lot shall be required to have a front yard only when property classified as C-M comprises part of the frontage in a block

on one side of a street between intersecting streets and the remainder of the frontage in the same block is classified for "R" purposes, in which case the front yard in such C-M zone shall conform to the front yard required in the R-3 zone, or as may be required by a precised plan.

SEC. 10-2.1005. SIDE YARDS. No lot in a C-M zone need provide side yards except as may be required by a precised plan.

SEC. 10-2.1006. BUILDINGS, PLACEMENT. No building shall be erected closer than fifteen (15) feet to the rear lot line of any lot zoned for C-M purposes when such lot abuts upon property classified for "R" purposes and no alley intervenes.

SEC. 10-2.1101. PERMITTED USES. In an M-1 zone only the following uses are permitted as are hereinafter specifically provided and allowed.

(a) Any use permitted in the C-M zone, and the following uses, provided they are accessory to and incidental to and located upon the same piece of property as a commercial or an industrial use permitted in this zone:

- (1) School.
- (2) Church.
- (3) Hospital.
- (4) Dwelling.

(b) Armature rewinding shop.

(c) Battery rebuilding.

(d) Bottling plant.

(e) Brewery

(f) Distributing plant.

(g) Draying, freighting or trucking yard or terminal.

(h) Electric or neon sign manufacturing.

(i) Flour mill.

(j) Food products manufacturing, storage and processing of, except lard, pickles, sauerkraut, sausages or vinegar.

(k) Fruit and vegetable canning, preserving and freezing.

(l) Garment manufacture.

(m) Hatchery, and sale of baby chicks.

(n) Ice and cold storage plant.

(o) Lumber yard; building materials sales and storage, including rock, sand, gravel, brick and building blocks, but excluding concrete mixing, building block manufacture and rock crushing.

(p) Manufacture of prefabricated buildings.

(q) Mill, planing, except that burning operations shall require a conditional use permit as set forth in Article 20 of this chapter.

(r) Paint mixing, provided a boiling process is not employed, no tank farm is permitted and above-surface thinner storage is limited to two hundred (200) gallons.

(s) Pipe line booster or pumping plant in connection with water, oil, petroleum, gas, gasoline or other petroleum products.

(t) Plastics, fabrication from.

(u) Poultry and rabbit slaughter, including custom dressing.

(v) Public utility service yard or electrical receiving and/or transforming stations.

(w) Rubber, fabrication of products made from finished rubber.

(x) Seed processing, packaging, treatment, storage and sale.

(y) Shoe manufacture.

(z) Soap manufacture, cold mix only.

(aa) Storage space for transit and transportation equipment, except freight classification yards.

(ab) Stone monuments and tombstone works.

(ac) Textile manufacture.

(ad) Tile, manufacture of wall and floor tile and related small tile products.

(ae) Transfer, moving and storage of furniture and household goods.

(af) Truck repairing, overhauling and rental; taxicab central office, cab maintenance, storage and repair.

(ag) Manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, toilet soap and toiletries.

(ah) Manufacture, compounding, assembling or treatment of articles of merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, rubber, leather, paper, plastics, precious or semi-precious metals or stones, shell, straw, textiles, tobacco, wood, wool, yarn and paint.

(ai) Manufacture and maintenance of electric and neon signs, billboards, commercial advertising structures, sheet metal products, venetian blinds, window shades and awnings.

(aj) Manufacture of musical instruments, toys, novelties, rubber and metal stamps, cameras and photographic equipment, business machines, household equipment.

(ak) Accessory uses and buildings customarily incidental to the above.

SEC. 10-2.1102. LIMITATIONS ON PERMITTED USE. Every use permitted in the M-1 zone shall be subject to the following conditions and limitations:

(a) When an industrial area fronts or sides upon a street the opposite side of which is classified for "R" purposes, there shall be maintained a building line setback of ten (10%) per cent of the average depth of the lots in each block of

such industrial area, provided such setback shall not be less than ten (10) feet, nor be required to exceed fifty (50) feet in depth. A minimum strip of landscaping approved by the Planning Commission shall be maintained along all frontage of the setback area. In addition thereto the following uses may be located in the setback area.

- (1) Landscaping
- (2) Parking area
- (3) Employee's recreational area without structures.
- (4) Driveways.
- (5) Railroad spur tracks, excluding storage of railroad motive power equipment or rolling stock.
- (6) An ornamental type fence located not closer than ten (10) feet to the front lot line.

SEC. 10-2.1103. HEIGHT. No building or structure shall be erected to a height which interferes with the official flight plan of the Modesto Municipal Airport or so as to constitute a flight hazard to airplanes using said airport.

SEC. 10-2.1104. FRONT YARDS. Every lot shall be required to have a front yard only when property classified as M-1 comprises part of the frontage in a block on one side of a street between intersecting streets and the remainder of the frontage in the same block is classified for "R" purposes in which case the front yard in such M-1 zone shall conform to the front yard required in the R-3 zone.

SEC. 10-2.1105. SIDE YARDS. When used for M-1 purposes, no side yards need be provided.

SEC. 10-2.1106. BUILDINGS, PLACEMENT. No building shall be erected closer than fifteen (15) feet to the rear lot line of any lot zoned for M-1 purposes when such lot abuts upon property classified for "R" purposes and no alley intervenes.

SEC. 10-2.1201. PERMITTED USES. In an M-2 zone only the following uses are permitted as are hereinafter specifically provided and allowed in this Section and those specifically provided and allowed in Section 10-2.1203, subject to a conditional use permit.

- (a) Any use permitted in the M-1 zone.
- (b) Acetylene gas manufacture or storage.
- (c) Acid manufacture and reclaiming.
- (d) Aircraft factory.
- (e) Alcohol manufacture.
- (f) Amonia, bleaching powder or chlorine manufacture.
- (g) Asphalt manufacture and refining.
- (h) Blacksmith shop.
- (i) Boiler works.
- (j) Brick, tile, cement block or terracotta manufacture, including

heavy tile products.

- (k) Concrete products manufacture.
- (l) Cotton gin or oil mill.
- (m) Freight classification yard.
- (n) Gas, processing and manufacturing.
- (o) Iron, steel, brass or copper foundry or fabrication plant.
- (p) Lamp black manufacture.
- (q) Natural gasoline, processing and absorption plants.
- (r) Oil cloth or linoleum manufacture.
- (s) Oil extracting and dehydration facilities, or reduction.
- (t) Paint, oil, shellac, turpentine or varnish manufacture.
- (u) Paper pulp manufacture.
- (v) Petroleum, or its fluid products, wholesale storage of.
- (w) Petroleum refinery, together with all plants and facilities

incidental to the operation thereof in connection with the manufacture of all present and future by-products of oil, petroleum, gas, gasoline and other hydrocarbon substance.

(x) Petroleum; storage, processing, transportation and distribution of oil, petroleum, gas, gasoline and other hydrocarbon substances.

- (y) Plastics, manufacture of.
- (z) Potash works.

- (aa) Railroad repair shop.
- (ab) Roofing manufacture.
- (ac) Rolling mill.
- (ad) Salt works.
- (ae) Soap manufacture.
- (af) Soda and compound manufacture.
- (ag) Stone mill.
- (ah) Stove or shoe polish manufacture.
- (ai) Tar distillation or tar products manufacture.
- (aj) Wool pulling or scouring.
- (ak) Accessory uses and buildings customarily incidental to the above.

SEC. 10-2.1202. LIMITATIONS ON PERMITTED USE. Every use permitted in the M-2 zone shall be subject to the following conditions and limitations.

(a) When an industrial area fronts or sides upon a street the opposite side of which is classified for "R" purposes, there shall be maintained a building line setback of ten (10) per cent of the average depth of the lots in each block of such industrial area, provided such setback shall not be less than ten (10) feet, nor be required to exceed fifty (50) feet in depth. A minimum strip of landscaping approved by the Planning Commission shall be maintained along the frontage of the setback area. In addition thereto the following uses may be located in the setback area:

- (1) Landscaping.
- (2) Parking area.
- (3) Employee's recreational area without structures.
- (4) Driveways.
- (5) Railroad spur tracks, excluding storage of railroad motive power equipment or rolling stock.
- (6) An ornamental type fence located not closer than ten (10) feet to the front lot line.

SEC. 10-2.1203. M-2 USES REQUIRING CONDITIONAL USE PERMIT. Because of considerations of smoke, fumes, dust, odor, mud, noise, vibration or hazard, the establishment or operation of the following uses in the M-2 zone shall not be permitted unless a conditional use permit authorizing such use has been granted as set forth in Article 20 of this chapter.

- (a) Blast furnace or coke oven.
- (b) Cement, lime, gypsum or plaster of paris manufacture

- (c) Distillation of bones.
- (d) Drop forge industry.
- (e) Explosives, manufacture or storage.
- (f) Fat rendering.
- (g) Fertilizer manufacture.
- (h) Garbage, offal or dead animal reduction or dumping.
- (i) Glue, manufacture of.
- (j) Oil extraction plants, other than petroleum products.
- (k) Refuse, disposal of.
- (l) Rubber, reclaiming, or the manufacture of synthetic rubber or its constituents.

- (m) Rock crusher.
- (n) Stock yards or slaughter of animals.
- (o) Smelting of tin, copper, zinc or iron ores.
- (p) Storage or baling of rags, paper, iron or junk.
- (q) Tannery.
- (r) Winery.
- (s) Used car junk area.
- (t) Accessory uses and buildings customarily incidental to the above.

SEC. 10-2.1204. HEIGHT. No building or structure shall be erected to a height which interferes with the official flight plan of the Modesto Municipal Airport or so as to constitute a flight hazard to airplanes using said airport.

SEC. 10-2.1205. FRONT YARD. Every lot in the M-2 zone shall be required to have a front yard only when property classified as M-2 comprises part of the frontage on one side of a street between intersecting streets and the remainder of the frontage in the same block is classified for "R" purposes, in which case the front yard in such M-2 zone shall conform to the front yard required in the R-3 zone.

SEC. 10-2.1206. SIDE YARDS. No lot in an M-2 zone when used for M-2 purposes, need provide side yards.

SEC. 10-2.1207. BUILDINGS, PLACEMENT. No building shall be erected closer than fifteen (15) feet to the rear lot line of any lot zoned for M-2 purposes when such lot abuts upon property classified for "R" purposes and no alley intervenes.

SEC. 10-2.1301. PERMITTED USE. In an "F" zone wherein all areas have, after investigation, been declared by the Council as unfit for human habitation by reason of topography, elevation and other physical factors contributing to the hazard of flood and inundation, no building shall be erected, reconstructed or structurally altered nor shall any building be used for any purpose except as hereafter provided and allowed by this Article. The "F" zone is hereby declared to be a flood zone that shall be superimposed over the normal zoning existing or hereafter created.

The properties indicated by the superimposed "F" zone shall be limited only to the following uses irregardless of the basic zoning classification:

(a) Agricultural uses.

(b) Other public uses not involving buildings designed or occupied for living purposes, public assembly or both, or for the manufacture or storage of products and materials except those incidental and necessary to the permitted uses, unless such properties comply with the following additional requirements over and above those set forth in the Articles governing the basic zoning classification:

(1) Foundation walls, footings and type of construction shall be such as will prevent damage to the structure during flood conditions.

(2) The floor levels of the main floor of any dwelling in the various areas enumerated as Flood Plain zones shall not be lower than the elevation designated as being the part below which such areas are subject to flood as designated herein.

This Section does not permit the excavation or quarrying of any rock, sand, gravel or other material in any of the "F" zone areas declared as hazardous for such use, nor does it permit any operation which will, by its nature or structure or materials used in connection therewith, impede or tend to impede, retard or change the direction of the flow of water in any river, stream, wash or arroyo, or that will catch or collect debris carried by water flowing in such areas, unless such areas are so used in conformity with any rules and regulations established by the Council.

SEC. 10-2.1302. AREAS AFFECTED. Areas declared to be within the flood plain zone shall be so designated. Such areas shall be graphically defined on the zoning map.

ARTICLE 14. UNCLASSIFIED USES

SEC. 10-2.1401. PERMITTED USES. All of the following, and all matters directly related thereto are declared to be uses possessing characteristics of such unique and special form as to make impractical their being included automatically in any classes of use as set forth in the various zones herein defined, and the authority for the location and operation thereof shall be subject to review and the issuance of an unclassified use permit. The purpose of review shall be to determine that the characteristics of any such use shall not be unreasonably incompatible with type of use permitted in surrounding area and for the further purpose of stipulating such conditions as may reasonably assure that the basic purposes of this Chapter shall be served. Factors to be considered are (1) damage or nuisance from noise, smoke, odor, dust, vibration, etc.; (2) hazard from explosion, contamination or fire; (3) hazard occasioned by unusual volume or character of traffic or the congregating of a large number of people or vehicles. Unclassified Use Permits shall be processed in the manner specified in Article 21. of this chapter.

- (a) Airport and landing field.
- (b) Borrow pit to a depth of over three (3) feet.
- (c) Cemetery.
- (d) Church; wedding chapel.
- (e) Columbarium, crematory and mausoleum, provided these uses are specifically excluded from the R-A, R-1 and R-2 zones, unless inside of a cemetery.
- (f) Dump.
- (g) Educational institution, including child care (day nurseries); rest home.
- (h) Equestrian establishment.
- (i) The following uses, provided they shall be excluded from the R-A, R-1 and R-2 zones:

(1) Establishment or enterprise involving large assemblage of people or automobiles as follows:

- (aa) Amusement park.
- (ab) Circus, carnival or fairgrounds.
- (ac) Labor camp.
- (ad) Open air theater.
- (ae) Race track and rodeo.
- (af) Recreational center privately operated.
- (ag) Trailer camp.

(2) Institution for treatment of alcoholics.

(3) Hospital and sanitarium.

(4) Mental hospital.

(j) Natural mineral resources, the development of, together with the necessary buildings, apparatus or appurtenances incident thereto, provided that no review or permit shall be required for the exploration of oil, rock, sand, gravel, or clay if this or any other Chapter makes separate provisions with respect thereto.

(k) Public buildings operated by any governmental agency.

(l) Public utilities or utilities operated by mutual agencies consisting of water wells, electrical substations, gas metering stations, telephone exchanges, power boosters or conversion plants with the necessary buildings, apparatus or appurtenances incident thereto.

(m) Radio or television transmitter.

(n) Refuse, disposal of.

(o) Sewage disposal plant.

(p) Towers.

SEC. 10-2.1402. YARD REQUIREMENTS. The provisions for the required front and side yards applicable to the particular zone in which any such use is proposed to be located shall prevail, unless in the findings and conditions recited in the resolution dealing with each such matter specific exemptions are made with respect thereto.

SEC. 10-2.1403. HEIGHT AND AREA REQUIREMENTS. The provisions for height and area applicable to the particular zone in which any such use is proposed to be located shall prevail, unless in the findings and conditions recited in the resolution dealing with each such matter specific exemptions are made with respect thereto.

SEC. 10-2.1404. OFF-STREET PARKING REQUIREMENTS. The requirements for provision of off-street parking applicable to the particular use shall prevail, unless in the findings and conditions recited in the resolution dealing with each such matter specific exemptions are made with respect thereto.

SEC. 10-2.1405. USES OMITTED FROM THIS CHAPTER. Such uses as are omitted from this Chapter, being neither specifically permitted or prohibited, shall be considered unclassified uses until by amendment such uses are written into the Chapter. Until such amendment, such uses shall be permitted only after receiving an unclassified use permit as provided in Article 14 and Article 21 of this chapter.

ARTICLE 15. GENERAL PROVISIONS, CONDITIONS AND EXCEPTIONS - USE

SEC. 10-2.1501. FOREGOING REGULATIONS SUBJECT TO THIS ARTICLE. The foregoing regulations pertaining to the several zones shall be subject to the general provisions, conditions and exceptions contained in this Article.

SEC. 10-2.1502. USE OF STANDARD INDUSTRIAL CLASSIFICATION MANUAL, VOLUME II. Groups of uses permitted in the C-1 and C-2 zones have been partially developed as outlined in detail in the Standard Industrial Classification Manual, Volume II - Non-manufacturing Industries, May, 1949. Where pertinent and not in conflict with definitions in Article 2 herein, such manual shall be used to clarify or limit the character and extent of uses listed in C-1 and C-2 zones.

SEC. 10-2.1503. CLARIFICATION OF AMBIGUITY. If ambiguity arises concerning the appropriate classification of a particular use within the meaning and intent of this Chapter, or with respect to matters of height, yard requirements, area requirements or zone boundaries, as set forth herein and as they may pertain to unforeseen circumstances, including technological changes in processing of materials, it shall be the duty of the Board of Zoning Adjustment to ascertain all pertinent facts and by Resolution of Record set forth its findings and its interpretations, and thereafter such interpretation shall govern.

SEC. 10-2.1504. OUTDOOR ADVERTISING DISPLAYS OR OUTDOOR ADVERTISING STRUCTURES. Notwithstanding any other provision of this Chapter, or any other law of the city, no outdoor advertising structure or outdoor advertising display shall be placed on either side of a State or County Freeway as defined in the Streets and Highways Code of the State of California in a manner that makes the matter displayed thereon visible to persons or passengers upon any such thoroughfare, except as follows:

(a) This Section shall have no application to signs used exclusively for:

(1) The display of official notices used by any court or public body or official, or for the posting of notices by any public officer in the performance of a public duty, or by any person in giving legal notice.

(2) Directional warning or informational purposes of a public or semi-public nature, directed and maintained by an official body.

(b) A single sign is permitted which is used exclusively to advertise the ownership, sale or lease of the property upon which such sign is placed, or to advertise a business conducted, or services rendered, or goods produced or sold upon such premises, or any other lawful activity conducted upon such premises, provided:

(1) Signs shall not rotate or otherwise move, nor shall they be so designed and operated as to simulate action.

(2) Illuminated signs shall be nonflashing and shall not be so located that any green, yellow or red light thereon will materially or practically tend to create a traffic hazard.

SEC. 10-2.1505. CLASSIFICATION OF NEWLY ANNEXED TERRITORY.

(a) Except as provided in subsection (b) hereof, any property which, for any reason, is not designated on the zoning map as being classified in any of the zones established hereby, or any property in the process of annexation, or annexed to or consolidated with the City of Modesto subsequent to the effective date of this Chapter, shall be deemed to be classified as R-1 zone until the same shall have been otherwise classified in the manner set forth in Article 21 of this chapter.

(b) The legislative body, upon the recommendation of the Planning Commission, may temporarily classify the types of property defined in subsection (a) hereof into zones other than the R-1 classification by the adoption of an emergency interim ordinance in order to protect the health, safety and welfare of the City. Formal proceedings however must be instituted within a reasonable length of time subsequent to the completion of the annexation proceedings in order to properly amend the provisions of this Chapter in the manner set forth in Article 21/and repeal the emergency interim ordinance.

SEC. 10-2.1506. PUBLIC UTILITIES. The provisions of this Chapter shall not apply to poles, lines, or other structures or facilities used or usable by any irrigation district solely for the purpose of producing, transmitting and/or distributing electricity, signal or communication circuits and shall not be construed to limit or interfere with the installation, maintenance and operation of public utility pipeline and electric or telephone transmission lines or railroads when located in accordance with the applicable rules and regulations of the Public Utilities Commission of the State of California within rights of way, easements, franchises, or ownerships of such public utilities.

SEC. 10-2.1507. TEMPORARY REAL ESTATE OFFICE. One temporary real estate office, and one temporary real estate billboard not to exceed one hundred (100) square feet in area, may be located on any new subdivision in any zone, provided that such office and billboard if in any "R" zone shall be removed at the end of two (2) years from the date of the recording of the map of the subdivision upon which said office and billboard are located.

SEC. 10-2.1508. TEMPORARY CONSTRUCTION BUILDINGS. Temporary structures for the housing of tools and equipment or containing supervisory offices in connection with major construction projects may be established and maintained during the progress of such construction on such project; provided that such temporary structure may not be maintained for a period exceeding one (1) year.

SEC. 10-2.1509. RAILROAD RIGHTS-OF-WAY. Areas of railroad rights-of-way may be used solely for the purpose of accommodating tracks, signals, and other operative devices, the movement of rolling stock, and for the installation and maintenance of poles, wires, signals or communications circuits and other facilities necessary for the transmission or distribution of electricity.

ARTICLE 16. GENERAL PROVISIONS, CONDITIONS AND EXCEPTIONS
YARDS, HEIGHT AND AREA

SEC. 10-2.1601. HEIGHT OF BUILDINGS ON THROUGH LOTS. On through lots one hundred fifty (150) feet or less in depth, the height of a building on such lot shall be measured from the sidewalk level of the street on which the building fronts. On through lots of more than one hundred fifty (150) feet in depth, the height regulations and basis of height measurements for the street permitting the greater height shall apply to a depth of not more than one hundred fifty (150) feet from that street.

SEC. 10-2.1602. HEIGHT OF PENTHOUSES AND ROOF STRUCTURES. Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans, television aerials or similar equipment required to operate and maintain the building; fire or parapet walls, skylights, towers, roof signs, flagpoles, chimneys, smokestacks, wireless masts and similar structures may be erected above the height limits prescribed by this Chapter, but no penthouse or roof structure, or any other space above the height limit prescribed for the zone in which the building is located shall be allowed for the purpose of providing additional floor space, or shall interfere with the official flight plan of the Modesto Municipal Airport or constitute a flight hazard to airplanes using said airport.

SEC. 10-2.1603. YARD REGULATIONS. Except as provided in this Article, every required yard shall be open and unobstructed from the ground to the sky. No yard or open space provided around any building or buildings for the purpose of complying with the provisions of this Chapter as it pertains to any given lot shall be considered as providing a yard or open space on any adjoining property.

SEC. 10-2.1604. MODIFICATION OF SIDE YARD REQUIREMENT ON COMBINED LOTS. When the common boundary line separating two contiguous lots is covered by a building or permitted group of buildings, such lots shall constitute a single building site and the side yard as required by this Chapter shall then not apply to such common boundary line.

SEC. 10-2.1605. YARD REQUIREMENTS WHEN MORE THAN ONE MAIN BUILDING EXISTS. Where two (2) or more buildings are, as defined in this Chapter, considered main buildings, then the front yard requirement shall apply only to the building closest to the front lot line and the required side yard shall extend to the rear line of the rear most building and there shall be a distance between such main buildings equal to twice the distance of the required width of the side yard on such lot.

SEC. 10-2.1606. COMMISSION MAY ESTABLISH FORMULA FOR MODIFYING YARD REQUIREMENTS. The Planning Commission may, by resolution, adopt a formula or establish standard practices by which to determine an appropriate and practical modification of required yards in all residential zones where geometric shape and dimensions and

topography are such as to make the literal application of such required yard impractical. After the adoption of such formula or standard practices, they shall be applied as an administrative act.

SEC. 10-2.1607. YARD REQUIREMENTS FOR PROPERTY ABUTTING HALF-STREETS. A building or structure shall not be erected or maintained on a lot which abuts a highway having only a portion of its required width dedicated and where no part of such dedication would normally revert to said lot if the highway were vacated, unless the yards provided and maintained in connection with such building or structure have a width or depth of that portion of the lot needed to complete the road width, plus the width or depth of the yards required on the lot by this Chapter, if any. This Section applies to all zones and whether or not yards are required.

This Section does not require a yard of such width or depth as to reduce the buildable width of a corner lot to less than forty (40) feet.

SEC. 10-2.1608. MEASUREMENT OF FRONT YARDS. Front yard requirements shall be measured from the front property line or the indicated edge of a street for which a precised plan exists or from the edge of any building line established by law, whichever is the greatest distance from the center line of the street.

SEC. 10-2.1609. VISION CLEARANCE FOR CORNER LOTS. In all zones which require a front yard, no obstruction to view in excess of two (2) feet in height shall be placed on any corner or reversed corner lot within a triangular area formed by the street property lines and a line connecting them at points twenty-five (25) feet from the intersection of the street lines, except that street trees are permitted which are pruned at least eight (8) feet above the established grade of the curb so as not to obstruct clear view by motor vehicle drivers.

SEC. 10-2.1610. PROJECTIONS INTO YARDS AND COURTS. Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for:

(a) The ordinary projection of sills, belt courses, cornices, buttresses, ornamental features and eaves, which may project into a minimum court not more than one (1) foot and into a minimum yard not more than two (2) feet.

(b) Fire escapes, unenclosed outside stairways and uncovered porches or platforms, which may project into a minimum court or minimum yard not more than four (4) feet.

(c) The ordinary projections of chimneys and flues, which may project into a minimum court or minimum yard not more than eighteen (18) inches.

SEC. 10-2.1611. ACCESSORY BUILDINGS, PLACEMENT. No accessory building may be located closer to the nearest part of a main building than ten (10) feet. No portion of a required front or side yard may be occupied by an accessory building.

In the case of a reversed corner lot, no building shall be erected upon a lot closer than five (5) feet to the property line of any abutting lot to the rear, nor project beyond the rear line of the required front yard of the lot abutting to the rear.

SEC. 10-2.1612. WALL OR FENCE MAY BE MAINTAINED. A wall, fence or hedge not more than forty-two (42) inches in height may be located and maintained on any part of a lot except within the clear vision triangle as required in Section 10-2.1609. A fence, wall or hedge more than forty-two (42) inches in height but not more than six (6) feet in height may be located anywhere on the lot except that no fence over forty-two (42) inches in height shall be located closer than fifteen (15) feet to any street line.

Where a retaining wall protects a cut below the natural grade, and is located on the line separating lots, such retaining wall may be topped by a fence, wall or hedge of the same height that would otherwise be permitted at the location if no retaining wall existed. Where a retaining wall contains a fill, the height of the retaining wall built to retain the fill shall be considered as contributing to the permissible height of a fence, solid wall or hedge, provided that in any event, a protective open work fence or wall not more than forty-two (42) inches in height may be erected at the top of the retaining wall. An open work fence means a fence in which the component solid portions are evenly distributed and constitute not more than sixty (60) per cent of the total surface area of the face of the fence.

SEC. 10-2.1613. REQUIRED INCREASE OF SIDE YARD WHERE REAR OF DWELLINGS ABUT SIDE YARD. Where two-family dwellings or multiple-family dwellings, group houses, court apartments or row dwellings are arranged so that the rear of such dwellings abut upon the side yards, the required side yards to the rear of such dwellings shall be increased by one foot for each dwelling unit having an entrance or exit opening into or served by such yard; provided, such increase need not exceed five (5) feet in addition to the required side yard. Open, unenclosed porches not extending above the level of the ground may project into the required width of such side yard, provided such porches shall not reduce to less than three (3) feet the unobstructed pedestrian way or sidewalk at the ground level.

SEC. 10-2.1614. REQUIRED INCREASE OF SIDE YARD WHERE MULTIPLE OR ROW DWELLINGS FRONT UPON A SIDE YARD. The minimum width of the side yard upon which dwellings front shall be not less than one and one-half ($1\frac{1}{2}$) times the width of the side yard to the rear of such dwellings. Open, unenclosed porches not extending above the level of the first floor may project into the side yard upon which such dwellings front a distance of not more than twenty (20) per cent of the width of such side yard.

SEC. 10-2.1615. ONLY ONE BUILDING ON A LOT OR BUILDING SITE CONSTITUTES A MAIN BUILDING. Any building which is the only building on a lot or building site is a main building unless authorized by variance.

SEC. 10-2.1616. THROUGH LOTS MAY BE DIVIDED IN CERTAIN CASES. Through lots one hundred eighty (180) feet or more in depth may be improved as two (2) separate lots, with the dividing line midway between the street frontages, and each resulting one-half ($\frac{1}{2}$) shall be subject to the control applying to the street upon which such one-half ($\frac{1}{2}$) faces. If the division results in parcels having less than the minimum lot area required by this Chapter, then no division may be made and only the single-family dwelling may be erected on such lot. If the whole of any through lot is improved as one building site, the main building shall conform to the zone classification of the frontage upon which such main building faces and no accessory building shall be located closer to either street than the distance constituting the required front yard on such street.

SEC. 10-2.1617. LOT AREA NOT TO BE REDUCED. No lot area shall be so reduced or diminished that the lot area, yards or other open spaces shall be smaller than prescribed by this Chapter, nor shall the density of population be increased in any manner except in conformity with the regulations established by this Chapter.

SEC. 10-2.1618. SUBSTANDARD LOTS. When a lot has less than the minimum required area or width as set forth in any of the zones contained herein, or in a precised plan, and was of record on the effective date of this Chapter or is a part of a subdivision, the tentative map of which was approved by the City or County Planning Commission prior to the effective date of this Chapter, such lot shall be deemed to have complied with the minimum required lot area and width as set forth in any such zone or precised plan. The area per dwelling unit shall, however, remain as specified in each zone, except that such substandard lot shall qualify for only one (1) single-family residence. On such substandard lot the width of each side yard for a dwelling may be reduced to a width which is not less than the same percentage of the width of the lot as the required side yard would be, of the required lot width,

provided that on interior lots no side yard shall be less than three (3) feet and on corner and reversed corner lots the side yard on the side street side shall in no case be less than ten (10) feet and the other side yard shall be not less than three (3) feet.

SEC. 10-2.1619. DIVISION OF LOTS CONTAINING MORE THAN MINIMUM REQUIRED AREA. When any lot in any zone contains a greater area than the required minimum area of the zone in which it is contained, then each unit of the required minimum area contained in such lot may be utilized as a separate lot, provided that any division does not create more than four (4) lots and that each such lot thus created complies with the provisions of the Code regulating the subdivision of land, and further provided that each such lot has frontage on a dedicated public thoroughfare.

SEC. 10-2.1620. SIDE YARD MODIFICATIONS FOR CERTAIN SPECIFIED LOTS. (a) Existing Lots. Notwithstanding any other provision of this chapter to the contrary:

The minimum side yard required for any dwelling to be erected on an interior lot of any of the following kinds of lots shall be five (5) feet if such a lot is not wider than sixty-five (65) feet:

(1) A lot described in a subdivision which has been recorded in the Office of the Recorder of Stanislaus County prior to the effective date of this chapter;

(2) A lot described in a subdivision, the tentative map of which has been approved by the Planning Commission of the City of Modesto or the County of Stanislaus prior to the effective date of this chapter;

(3) A lot held of record in separate ownership from adjacent lots prior to the effective date of this chapter.

The total width of the two (2) required side yards for any of the above described lots shall be not less than ten (10) feet.

For corner lots held in separate ownership or in subdivisions as described above, the side yard on the side street side of any lot shall be not less than seven and one-half (7-1/2) feet, and the interior side yard of any such lot shall not be less than five (5) feet.

(b) Future Lots. Side yards on the side street side of all corner lots and interior side yards of all lots in every subdivision, the tentative map of which is approved subsequent to the effective date of this chapter, or on individual lots cut off subsequent to the effective date of this chapter, shall be as required in the various articles of this chapter governing the respective zones.

(c) Substandard lots. All lots⁵² in both (a) and (b) above shall be subject to the provisions of Section 10-2.1618 relating to substandard lots.

ARTICLE 17. GENERAL PROVISIONS, CONDITIONS AND EXCEPTIONS
NONCONFORMING BUILDINGS AND USES

SEC. 10-2.1701. NONCONFORMING USE LIMITS OTHER USES. While a nonconforming use exists on any lot, no new use may be established thereon even though such other use would be a conforming use.

SEC. 10-2.1702. NONCONFORMING BUILDING IN "C" OR "M" ZONES. A nonconforming building in any one of the "C" or "M" zones may be continued for the period prescribed in this Article provided no additions or enlargements are made thereto and no structural alterations are made therein, except those required by law. If any such nonconforming building is removed, every future use of the land on which the building was located shall conform to the provisions of this Chapter.

SEC. 10-2.1703. NONCONFORMING USE OF CONFORMING BUILDING. The nonconforming use of a conforming building, ^{lawfully} existing on the effective date of this Chapter, may be continued, provided such nonconforming use shall not be expanded or extended into any other portion of the conforming building nor shall any structural alterations except those required by law be made, and if such nonconforming use is discontinued for a continuous period of more than six (6) months, any future use of such building shall conform to the provisions of the zone in which it is located; and provided further, that all non-residential, nonconforming uses of a conforming building in any of the "R" zones shall be discontinued not later than five (5) years from the date the provisions of this Chapter become effective.

SEC. 10-2.1704. NONCONFORMING USE OF A NONCONFORMING BUILDING. The nonconforming use of a nonconforming building, ^{lawfully existing on the effective date of this chapter,} may be continued for the period prescribed in this Article and may be expanded or extended throughout such building provided no structural alterations except those required by law are made therein. If no structural alterations are made or required, a nonconforming use of a nonconforming building may be changed to another use of the same or more restricted classification.

SEC. 10-2.1705. CHANGE IN STATUS OF NONCONFORMING USE. If a nonconforming use is vacated it may be succeeded by a more restrictive nonconforming use provided such change is effected within six months. After such change is effected it is evidence that the less restrictive nonconforming use was ended and thereupon loses any vested right as such and the degree of nonconformity may not subsequently be increased by changing back to a less restricted use.

SEC. 10-2.1706. REQUIRED REMOVAL OF NONCONFORMING BUILDINGS.

(a) Every nonconforming building in any of the "R" zones, except residential buildings, churches and schools, which nonconforming building was designed

or intended for a use not permitted in the "R" zone in which it is located, shall be completely removed or altered to structurally conform to the uses permitted in the zone in which it is located and the use of such building shall be changed to conform with the uses permitted in the zone in which it is located within the herein specified times upon notice from the Planning Commission which time is measured from the date of construction, or from the date of the last transfer of title prior to the effective date of this chapter, whichever is the lesser. In no case where the property is improved by structures requiring a building permit shall this period of time be less than ten (10) years from date of notification by the Planning Commission. As used in this Section the designations "Type I building", "Type II building", "Type III building", "Type IV building" and "Type V building" are employed as defined in Chapter 1 of Title IX of this Code.

(1) Where property is unimproved or is occupied by structures of a type for which Chapter 1 of Title IX of this Code does not require a building permit, five (5) years after receipt of notification from the Planning Commission.

(2) Type IV or Type V buildings (light incombustible frame and wood frame) twenty (20) years.

(3) Type II or Type III buildings (heavy timber construction and ordinary masonry) thirty-five (35) years.

(4) Type I buildings (fire resistant) forty-five (45) years.

Where more than one type of building has been constructed on the property and such buildings are used as a part of the business conducted on the property, the longest period of time permitted before removal is required for any such building by the provisions of this chapter shall apply to all such buildings.

Where buildings have been constructed on the property at different times, and where the abatement period is measured by the date of construction, the date of removal shall be measured from the date of the construction of the building most recently constructed.

(b) Every nonconforming building or use in the M-1 and M-2 zones which is used for, or devoted to, any residential purpose, hospital (except emergency hospitals), hotel, institution or home for the treatment of convalescent persons, alcoholics, the wounded or mentally infirm, lodging houses, schools, trailers used for human habitation, or trailer camps; and which nonconforming building was designed or intended for a use not permitted in the "M" zone in which it is located, shall be completely removed or altered to structurally conform to the uses permitted in the zone in which it is located within the herein specified times, upon notice from the Planning Commission, which times are measured from the date of construction, or from the date of the last transfer of title prior to the effective date of this chapter, whichever is the lesser, except that in no case shall this period of time be less than ten (10) years from date of such notice.

(1) Where property is unimproved or is occupied by structures of a type for which Chapter 1 of Title IX of this Code does not require a building permit, five (5) years.

(2) In other cases ten (10) years, and for such longer time as will produce a total life of the improvement from the date of construction to the date of abatement as follows:

(aa) Type IV or Type V buildings (light incombustible frame and wood frame) twenty (20) years.

(ab) Type II or Type III buildings (heavy timber construction and ordinary masonry) twenty-five (25) years.

(ac) Type I buildings (fire resistant) thirty (30) years.

SEC. 10-2.1707. RECONSTRUCTION OF NONCONFORMING BUILDING PARTIALLY DESTROYED.

A nonconforming building destroyed to the extent of not more than fifty (50) per cent of its reasonable replacement value at the time of its destruction by fire, explosion or other casualty or Act of God, or the public enemy, may be restored and the occupancy or use of such building or part thereof which existed at the time of such partial destruction may be continued subject to all other provisions of this Article.

SEC. 10-2.1708. REQUIRED DISCONTINUANCE OF NONCONFORMING USE OF LAND. A nonconforming use of land where no building or structure thereon is employed in such use, existing at the time this Chapter takes effect, may be continued for a period of not more than five (5) years thereafter, upon notice by the Planning Commission, provided:

(a) No nonconforming use of the land shall in any way be expanded or extended either on the same or adjoining property.

(b) If the nonconforming use of land existing at the time this Chapter takes effect is thereafter discontinued for six (6) months or more, or changed, any future use of such land shall conform with the provisions of this Chapter.

SEC. 10-2.1709. REQUIRED REMOVAL OF COMMERCIAL SIGNS AND BILLBOARDS.

Commercial signs and billboards lawfully existing immediately prior to the time of the effective date of this Chapter may be maintained, although existence of such signs and billboards does not conform with the provisions of this Chapter; provided that all such nonconforming signs and billboards and their supporting members shall be completely removed by their owners not later than two (2) years from the effective date of this Chapter.

SEC. 10-2.1710. NONCONFORMANCE LIMITED TO ZONE GROUPS. Notwithstanding any other provisions of this Article, no use permitted in any one of the residential zones and lawfully existing in any one of the residential zones at the time of the effective date of this Chapter shall be considered nonconforming in the residential zone in which it is located; no use permitted in any of the commercial zones and lawfully existing in any one of the commercial zones at the time of the effective date of this Chapter shall be considered nonconforming in the commercial zone in

which it is located; and no use permitted in any of the industrial zones and lawfully existing in any one of the industrial zones at the time of the effective date of this Chapter shall be considered nonconforming in the industrial zone in which it is located. For purposes of this section, the C-M zone shall be considered a commercial zone. This section shall be applicable only to the elimination of nonconforming uses and the elimination or required structural alteration of nonconforming buildings.

ARTICLE 18. OFF-STREET PARKING REQUIREMENTS

SEC. 10-2.1801. GENERAL

(a) Every building hereafter erected shall be provided with parking space as provided in Section 10.2-1802 subject to the other provisions of this Article. Such parking space shall be made permanently available and be permanently maintained for parking purposes.

(b) Every building hereafter reconstructed, remodeled or structurally altered shall be provided with parking spaces to compensate for the additional parking demand, if any, created by such reconstruction, remodeling or structural alteration. The parking spaces required by this subsection shall be determined by subtracting the number of parking spaces required by the provisions of Section 10-2.1802 of this Chapter for the building as used prior to its reconstruction, remodeling or structural alteration from the number of spaces required by said section for the building for its proposed use after its reconstruction, remodeling or structural alteration. Such parking space shall be made permanently available and be permanently maintained for parking purposes. For buildings other than dwellings, if the number of parking spaces thus determined does not exceed the number of spaces required by the provisions of Section 10-2.1802 for the building as used prior to its reconstruction, remodeling or structural alteration by at least ten (10) per cent or by five (5) spaces, whichever is the greater, no parking space need be provided by reason of the reconstruction, remodeling or structural alteration of the building. In the event it is not possible to determine the number of parking spaces required for a particular building in the manner prescribed by this subsection, the Planning Commission shall determine an adequate number of parking spaces for such a building based on standards comparable to those contained in Section 10-2.1802 of this Chapter.

SEC. 10-2.1802. PARKING SPACES REQUIRED. Except as otherwise provided in this Article the number of off-street parking spaces required shall be as follows:

USE

PARKING SPACES REQUIRED

Motels	1 for each sleeping unit or dwelling unit.
Business or professional offices; banks	1 for each office or suite plus 1 for each 4 employees, or 1 for each 600 sq. ft. of gross floor area whichever is the greater.
Offices not providing customer service on the premises	1 for each 4 employees or 1 for each 600 sq. ft. of gross floor area whichever is the greater.
Medical or dental clinics or offices	3 for each doctor plus 1 for each 2 employees, or 1 for each 300 sq. ft. of gross floor area, whichever is the greater.
Bowling Alleys	4 for each alley.
Churches	1 for each 10 seats.
Dance Halls	1 for each 50 sq. ft. of gross floor area used for dancing.
Dwellings	1 for each dwelling unit.
Establishments for the sale and consumption on the premises of food and beverages	1 for each 4 seats.
Retail stores:	
Furniture, appliance, hardware, household equipment, service shops, clothing or shoe repair shops or personal service shops	An area equal to 50% of the gross floor area.
Motor vehicle or machinery : sales	An area equal to 50% of the gross floor area.
Retail stores except as otherwise specified	1 for each 500 sq. ft. of gross floor area.
Hospitals	1 for each staff doctor plus 1 for each 4 employees plus 1 for each 4 beds, or 1 for each 1000 sq. ft. of gross floor area whichever is the greater.
Hotels	1 for each 3 guest rooms.
Libraries	1 for each 500 sq. ft. of gross floor area.
Manufacturing plants and kindred uses	1 for each 5 employees on a maximum working shift, or 1 for each 1500 sq. ft. of gross floor area for heavy industrial uses; 1 for each 1000 sq. ft. of gross floor area for light industrial and C-M uses, whichever is the greater.
Mortuaries and funeral homes	1 for each 50 sq. ft. of assembly room used for services.
Wholesale stores	1 for each 5 employees or 1 for each 800 sq. ft. of gross floor area whichever is the greater.
Warehouse and storage buildings	1 for each 5 employees.
Rooming and lodging houses, clubs, and fraternity houses having sleeping rooms	1 for each 2 sleeping rooms.

Clubs and lodges not having sleeping rooms	Adequate number as determined by the Planning Commission.
Sanitariums, children's homes, homes for the aged, nursing homes	1 for each 4 beds.
Schools	1 for each 2 employees.
Stadia, sports arenas, auditoriums	1 for each 10 seats or 1 for each 200 sq. ft. of assembly floor area, whichever is the greater.
Theaters	1 for each 6 seats.
Transportation terminal facilities	Adequate number as determined by the Planning Commission.

SEC. 10-2.1803. PARKING REQUIREMENTS FOR USES NOT SPECIFIED.

Where the parking requirements for a use are not specifically defined herein, the parking requirements for such use shall be determined by the Planning Commission and such determination shall be based upon the requirements for the most comparable use specified herein.

SEC. 10-2.1804. IN LIEU PAYMENTS. In lieu of furnishing the parking spaces required by the provisions of this article, the requirements thereof may be satisfied by the payment to the City prior to the issuance of a building permit the sum of Seven Hundred Fifty and no/100ths (\$750.00) Dollars per parking space for each parking space required by the provisions of this chapter. Said funds shall be deposited with the City of Modesto Parking Authority in a special fund and shall be used and expended exclusively for the purpose of acquiring and developing off-street parking facilities located insofar as practicable in the general vicinity of the buildings for which the in lieu payments were made. Where payments are made in lieu of furnishing off-street parking spaces equal to fifty (50%) per cent of the gross floor area, the number of parking spaces shall be calculated on the basis that one parking space requires two hundred fifty (250) square feet.

SEC. 10-2.1805: GENERAL REQUIREMENTS. The following general requirements shall apply:

(a) **Size and Access:** Each off-street parking space shall have an area of not less than one hundred seventy (170) square feet, exclusive of drives or aisles, and a width of not less than eight and one-half (8-1/2) feet. Each such space shall be provided with adequate ingress and egress.

When the required parking space for a one or two-family structure is not to be provided in a covered garage, such space shall be not less than two hundred (200) square feet and shall be so located and/or constructed that it may later be covered by a garage structure in accordance with the provisions of this chapter.

(b) **Location:** Off-street parking facilities shall be located as herein-after specified. Where a distance is specified, such distance shall be the walking

distance measured from the nearest point of the parking facility to the nearest point of the building that such facility is required to serve.

(1) For one-, two-, or multiple-family dwellings, parking facilities shall be located on the same lot or building site as the buildings they are required to serve.

(2) For hospitals, sanitariums, rest homes, asylums, orphanages, rooming houses, lodging houses, club rooms, fraternity and sorority houses, not more than one hundred fifty (150) feet from the buildings they are required to serve.

(3) For uses other than those specified above, not over three hundred (300) feet from the buildings they are required to serve.

(c) Mixed Occupancies in a Building: In the case of mixed uses in a building or on a lot, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use except as hereinafter specified for joint use.

(d) Joint Use: The Planning Commission may, upon application by the owner or lessee of any property, authorize the joint use of parking facilities by the following uses or activities under the conditions specified herein.

(1) Up to fifty (50) per cent of the parking facilities required by this Article for a use considered to be primarily a daytime use may be provided by the parking facilities of a use considered to be primarily a nighttime use; up to fifty (50) per cent of the parking facilities required by this Article for a use considered to be primarily a nighttime use may be provided by the parking facilities of a use considered to be primarily a daytime use, provided such reciprocal parking area shall be subject to conditions set forth in paragraph (4) below.

(2) Up to one hundred (100) per cent of the parking facilities required by this Article for a church or for an auditorium incidental to a public or parochial school may be supplied by parking facilities of a use considered to be primarily a daytime use, provided such reciprocal parking area shall be subject to conditions set forth in paragraph (4) below.

(3) The following uses are typical daytime uses; banks, business offices, retail stores, personal service shops, clothing or shoe repair or service shops, manufacturing or wholesale buildings and similar uses. The following uses are typical of nighttime and/or Sunday uses; auditoriums incidental to a public or parochial school, churches, dance halls, theaters and bars.

(4) Conditions required for joint use:

(aa) The building or use for which application is being made for authority to utilize the existing off-street parking facilities provided by another building or use, shall be located within one hundred fifty (150) feet of such parking facility.

(ab) The applicant shall show that there is no substantial conflict in the principal operating hours of the buildings or uses for which the joint use of off-street parking facilities is proposed.

(ac) If the building, structure or improvement requiring parking space is in one ownership, and the required parking space provided in another ownership, partially or wholly, there shall be a recording in the office of the County Recorder of Stanislaus County, California, of a covenant by such owner or owners for the benefit of the City of Modesto in the form first approved by said City that such owner or owners will continue to maintain such parking space so long as said building, structure or improvement is maintained within said City. The covenant herein provided must stipulate that the title to and right to use the lot or lots upon which the parking space is to be provided will be subservient to the title to the premises upon which the building is to be erected and that it is warranted that said lot or lots is not and will not be made subject to any other covenant or contract for use without prior written consent.

(e) Common Facilities: Common parking facilities may be provided in lieu of the individual requirements contained herein, but such facilities shall be approved by the Planning Commission as to size, shape and relationship to business sites to be served, provided the total of such off-street parking spaces, when used together, shall not be less than the sum of the various uses computed separately. When any such common facility is to occupy a site of five thousand (5000) square feet or more, then the parking requirements as specified herein for each of two (2) or more participating buildings or uses may be reduced not more than fifteen (15) per cent upon approval of development plans by the Planning Commission in the manner prescribed for a conditional use permit as set forth in Article 20 of this chapter.

(f) Plans: The plan of the proposed parking area shall be submitted to the Building Department at the time of the application for the building permit for the building to which the parking area is accessory. The plans shall clearly indicate the proposed development, including location, size, shape, design, curb cuts, lighting, landscaping and other features and appurtenances of the proposed parking lot.

All parking areas shall be subject to the same restrictions governing accessory buildings as defined in the zone in which said parking area is located.

SEC. 10-2.1806. EXEMPTION FROM PARKING SPACE REQUIREMENTS.

(a) None of the requirements of this article for off-street parking spaces shall apply to a building in existence at the time of the effective date of this chapter except as provided in subsection (b) of Section 10-2.1801.

(b) No building as it exists at the time of the effective date of this chapter shall be deemed to be nonconforming solely by reason of the lack of off-street parking spaces, provided that any portion of the premises being used for off-street parking in connection with any such building shall not be reduced below the requirements of this article.

(c) None of the provisions of this article which require the provision of off-street parking spaces in connection with the use of property for commercial or industrial purposes shall apply to any parcel of property which is located within any parking district hereafter formed and existing under the provisions of the Parking District Act of 1951, or any other parking district act approved by the Council.

SEC. 10-2.1807. REQUIRED IMPROVEMENT AND MAINTENANCE OF PARKING AREA. Every lot used as a public or private parking area and having a capacity of five (5) or more vehicles shall be developed and maintained in the following manner:

(a) **Surface of Parking Area.** Off-street parking areas shall be paved or otherwise surfaced and maintained so as to eliminate dust or mud and shall be so graded and drained as to dispose of all surface water. In no case shall such drainage be allowed across sidewalks.

(b) **Border Barricades, Screening and Landscaping:**

(1) Every parking area that is not separated by a fence from any street or alley property line upon which it abuts, shall be provided with a suitable concrete curb or timber barrier not less than six (6) inches in height; located not less than two (2) feet from such street or alley property lines and such curb or barrier shall be securely installed and maintained; provided no such curb or barrier shall be required across any driveway or entrance to such parking area.

(2) Every parking area abutting property located in one of the "R" zones shall be separated from such property by a solid wall, view-obscuring fence or

compact evergreen hedge six (6) feet in height measured from the grade of the finished surface of such parking lot closest to the contiguous "R" zone property, provided that no fence over forty-two (42) inches in height shall be located closer than fifteen (15) feet to any street line and that in all zones which require a front yard, fences on corner lots shall meet the vision clearance requirements of Section 1609. No such wall, fence or hedge need be provided where the elevation of that portion of the parking area immediately adjacent to an "R" zone is six (6) feet or more below the elevation of such "R" zone property along the common property line.

(3) Any lights provided to illuminate any parking area, or used car sales area permitted by this Chapter shall be arranged so as to reflect the light away from any premises upon which a dwelling unit is located.

(c) Entrances and Exits: The location and design of all entrances and exits shall be subject to the approval of the City Traffic Engineer.

SEC. 10-2.1808. PARKING IN THE "R" ZONES. Every parking area located in an "R" zone shall be governed by the following provisions in addition to those required ~~by~~ by Section 10-2.1807.

(a) Such parking area shall be incidental to and accessory to a use permitted in the zone in which the property is located, or shall be incidental to and accessory to a commercial or industrial use located in a commercial or industrial zone immediately adjacent to the "R" zone in which the property is located.

(b) Such parking area shall be so located that its boundary shall be adjacent to the site of the establishment to which it is accessory, except that the parking area may be separated from such site by an alley.

(c) Such parking area shall be used solely for the parking of private passenger vehicles.

(d) No sign of any kind, other than one designating entrances, exits or conditions of use, shall be maintained on such parking lot. Any such sign shall not exceed eight (8) square feet in area.

SEC. 10-2.1809. EFFECTIVE DATE OF CERTAIN PROVISIONS OF THIS ARTICLE. That portion of the provisions of Sections 10-2.1801 through Sections 10-2.1807, both inclusive, of this article which require the provision of off-street parking spaces in connection with the use of property for commercial or industrial purposes shall not become effective until on and after one (1) year from the date of the final adoption of the provisions of this chapter.

ARTICLE 19. BOARD OF ZONING ADJUSTMENT

SEC. 10-2.1901. CREATION. There shall be a Board of Zoning Adjustment to consist of three (3) members who shall be appointed by the Council. No member of the Board shall hold any paid office or employment in the City government. One (1) member shall be appointed from the members of the City Planning Commission. The members shall be appointed for a term of four (4) years provided, however, that the original appointees shall serve staggered terms of one for two (2) years, one for three (3) years, and one for four (4) years, respectively. Members may be removed for cause by the Council upon written charges and after public hearing.

SEC. 10-2.1902. PROCEDURE. The Board shall adopt such rules and procedures as are necessary or convenient for the conduct of its business not inconsistent with the provisions of this Chapter and the Charter of the City of Modesto.

All meetings of the Board shall be open to the public and the Board shall keep minutes of its proceedings, showing the action of the Board upon each matter before it and shall keep public records of all its findings, hearings and other official actions taken by it. All determinations of the Board shall be by written resolution, which shall include the findings and reasons for each decision. All other matters shall be processed in the manner prescribed in this Chapter by the applicable Articles contained herein. Where no specific procedure is specified, the Board may establish its own procedures.

SEC. 10-2.1903. STAFF. The Planning Department shall provide staff assistance to the Board. The Planning Director shall serve as Secretary to the Board, or shall designate a member of the Planning Department staff to serve in this capacity.

SEC. 10-2.1904. POWERS AND DUTIES. The Board shall have the following powers and duties:

(a) To grant certain variances and conditional use permits in accordance with the provisions of Article 20 of this chapter.

(b) To hear and determine appeals from the decisions of the Chief Building Official or any other administrative officer of the City which involves the application of any of the provisions of this Chapter.

(c) To hear and determine appeals from the granting or denying of any other permit of any kind or nature effected by this Chapter, the master plan, or any other plan or regulation authorized and adopted pursuant to the provisions of the Planning Act of 1953 (Title 7, Chapter 1 of the Government Code).

In granting any conditional use permits or variances, the Board may impose

such conditions as it deems necessary or desirable to protect the public health, safety, or welfare, in accordance with the purpose and intent of this Chapter.

SEC. 10-2.1905. APPEALS TO THE BOARD.

(a) By Whom. Appeals to the Board of Zoning Adjustment may be taken by any person aggrieved, or by any officer, department, board or agency of the City affected by any decision of an administrative official of the City which involves the application of any of the provisions of this Chapter.

(b) Time for Filing. Such appeals shall be taken within thirty (30) days from the date of receipt of notice of the decision, as provided by rules of the Board, by filing with the officer from whom the appeal is taken, and with the Secretary of the Board of Zoning Adjustment, a notice of appeal specifying in detail the grounds therefor. The officer from whom the appeal is taken shall forthwith transmit to the Secretary of the Board all of the papers constituting the record upon which the action appealed from was taken and any supplementary report as he may deem necessary to present clearly the facts and circumstances of the case.

(c) Stay of Proceedings. An appeal stays all proceedings and actions in furtherance of the action appealed from.

(d) Hearing Date. Notice. Upon receipt of the record, the Secretary of the Board shall set the matter for hearing at the next meeting of the Board and give notice, by mail, of the time, place and purpose thereof to the applicant, and to the officer involved, and to any person or persons who might be affected by such adjustment.

(e) Hearing Date. Continuance. Upon the date set for the hearing, the Board shall hear the appeal, unless for cause the Board shall on that date continue the matter. No notice of continuance need be given if the order therefor be announced at the time for which the hearing was set.

(f) Decision. Upon the hearing of an appeal, the Board may, by resolution, affirm, change or modify the ruling, decision or determination appealed from, or in lieu thereof, make such additional determination as it shall deem proper in the premises, subject in the limitations of this Chapter. The decision of the Board shall specify wherein there was error in the interpretation of the provisions of this Chapter, or abuse of discretion on the part of the administrative official, and shall specify in its findings the specific facts relied upon in making such determination.

The decision of the Board of Zoning Adjustment in affirming or modifying an

administrative decision shall be final upon the eleventh day after it is filed in the office of the City Clerk, except when an appeal is taken thereon to the Council as hereafter provided in Section 10-2.2010 through Section 10-2.2015. ~~Section 10-2.2015~~
~~Section 10-2.2015~~

ARTICLE 20. VARIANCES AND CONDITIONAL USE PERMITS

SEC. 10-2.2001. VARIANCES. When practical difficulties, unnecessary hardships, or results inconsistent with the general purpose of this Chapter result through the strict and literal interpretation and enforcement of the provisions hereof, the Board of Zoning Adjustment shall have authority, as an administrative act, subject to the provisions of this Article, to grant, upon such conditions as it may determine, such variances from the provisions of this Chapter as may be in harmony with its general purpose and intent, so that the spirit of this Chapter shall be observed, public safety and welfare secured and substantial justice done.

SEC. 10-2.2002. PURPOSE OF VARIANCE. The sole purpose of any variance shall be to prevent discrimination, and no variance shall be granted which would have the effect of granting a special privilege not shared by other property in the same vicinity and zone.

SEC. 10-2.2003. REQUIRED SHOWING FOR VARIANCES. Before any variance may be granted by the Board of Zoning Adjustment, it shall be shown:

- (a) That there are exceptional or extraordinary circumstances or conditions applicable to the property involved.
- (b) That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone, and denied to the property in question.
- (c) That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which the property is located.
- (d) That the granting of such variance will not adversely affect the comprehensive general plan.

SEC. 10-2.2004. CONDITIONAL USE PERMITS. The Board of Zoning Adjustment may grant a conditional use permit upon application for such matters as by this Chapter are required to be reviewed and allowed only upon the granting of a conditional use permit.

SEC. 10-2.2005. PURPOSE OF CONDITIONAL USE PERMIT. The purpose of a conditional use permit shall be:

- (a) To assure that the degree of compatibility made the purpose of this Chapter shall be maintained with respect to the particular use on the particular site and in consideration of other existing and potential uses within the general area in which such use is proposed to be located.

(b) Recognize and compensate for variations and degree of technological processes and equipment as related to the factors of noise, smoke, dust, fumes, vibration, odors and hazards.

SEC. 10-2.2006. NOTICE AND HEARING ON APPLICATION FOR VARIANCE AND CONDITIONAL USE PERMITS. Upon the filing of an application for a variance or conditional use permit, the Secretary of the Board shall either (1) place the matter on the agenda for consideration by the Board at a subsequent meeting and give notice by mail of the time, place and purpose thereof to the applicant at least three (3) days before said meeting, or (2) set the matter for a public hearing at a subsequent meeting of the Board and give notice as provided in subsection (b) of Section 10-2.2206.

~~SEC. 10-2.2006. NOTICE AND HEARING ON APPLICATION FOR VARIANCE AND CONDITIONAL USE PERMITS.~~

SEC. 10-2.2007. BOARD OF ZONING ADJUSTMENT SHALL MAKE REPORT ON FINDINGS AND DECISION. No more than twenty (20) days following the public hearing on a variance or conditional use permit, nor more than twenty (20) days following the filing of an application for a variance or conditional use permit where no hearing is conducted, the Board of Zoning Adjustment shall announce its findings by formal report and said report shall recite, among other things, the facts and reasons which, in its opinion, make the granting or denial of the variance or conditional use permit necessary to carry out the provisions and general purpose of this Chapter, and shall order that the variance or conditional use permit be granted or denied, and if such report orders that the variance or conditional use permit be granted, it shall also recite such conditions and limitations as the Board may impose.

SEC. 10-2.2008. REPORT OF BOARD OF ZONING ADJUSTMENT ANNOUNCING FINDINGS AND ORDER SHALL BE NUMBERED AND KEPT AS PERMANENT RECORD. The formal report of the Board of Zoning Adjustment announcing its findings and orders after hearing on an application for a variance or conditional use permit shall be numbered consecutively in the order of their filing and shall become a permanent record in the files of the Board of Zoning Adjustment.

SEC. 10-2.2009. NOTICE OF DECISION OF THE BOARD OF ZONING ADJUSTMENT. Not later than ten (10) days following the rendering of a decision ordering that a variance or a conditional use permit be granted or denied, a copy of the report shall be mailed to the applicant and his attorney, if any, at the address shown on the application filed with the Secretary of the Board of Zoning Adjustment.

SEC. 10-2.2010. EFFECTIVE DATE OF ORDER GRANTING OR DENYING PERMIT. TIME FOR APPEAL. The resolution of the Board of Zoning Adjustment in granting or denying

a variance or conditional use permit shall become final and effective ten (10) days after the rendering of its report granting or denying the variance or conditional use permit unless within such ten (10) day period an appeal in writing is filed with the Council by any person dissatisfied with the decision of the Board of Zoning Adjustment. The filing of such appeal within such time limit shall stay the effective date of the order of the Board of Zoning Adjustment until such time as the Council has acted on the appeal as hereafter set forth in this Chapter.

SEC. 10-2.2011. TRANSMISSION OF BOARD OF ZONING ADJUSTMENT'S RECORD TO THE COUNCIL. Upon receipt of a written appeal filed with the Council as provided herein, the Secretary of the Board of Zoning Adjustment shall thereupon transmit to the Council the Board of Zoning Adjustment's complete record of the case.

SEC. 10-2.2012. COUNCIL TO HOLD PUBLIC HEARING ON APPEAL. Within not to exceed forty (40) days following the receipt of the written appeal, the Council shall conduct a duly advertised public hearing, public notice of which shall be given as provided in subsection (a) of Section 10-2.2206. ~~as provided in subsection (a) of Section 10-2.2206.~~

SEC. 10-2.2013. COUNCIL TO ANNOUNCE FINDINGS AND DECISION BY RESOLUTION. The Council shall announce its findings and decision by formal resolution not more than forty (40) days following the hearing, and said resolution shall recite, among other things, the facts and reasons which, in the opinion of the City Council, make the granting or denial of the variance or conditional use permit necessary to carry out the general purpose of this Chapter, and shall order that the variance or conditional use permit be granted or denied or modified subject to such conditions or limitations that it may impose.

SEC. 10-2.2014. DECISION OF THE COUNCIL SHALL BE FINAL. The action by the Council on such matters shall be by majority vote of the entire Council and shall be final and conclusive.

SEC. 10-2.2015. NOTICE OF DECISION OF THE COUNCIL. Not later than ten (10) days following the adoption of a resolution ordering that a variance or conditional use permit be granted or denied, a copy of such resolution shall be mailed to the applicant and opponent, and one copy shall be attached to the Board of Zoning Adjustment file of the case and said file returned to the Secretary of the Board of Zoning Adjustment for permanent filing.

ARTICLE 21. AMENDMENTS AND UNCLASSIFIED USE PERMITS

SEC. 10-2.2101. AMENDMENTS. Boundaries of the zones established by this Chapter, the classification of property uses therein or other provisions of this Chapter may be amended whenever public necessity and convenience and general welfare require.

SEC. 10-2.2102. INITIATION OF AMENDMENT. Amendments of this Chapter may be initiated by:

(a) The verified application of one or more owners of property proposed to be changed or reclassified.

(b) Resolution of Intention of the Council.

(c) Resolution of Intention of the Planning Commission.

SEC. 10-2.2103. APPLICATION FOR AMENDMENT. Whenever the owner of any land or building desires an amendment, supplement to or change of the regulations prescribed for his property, he shall file with the Planning Commission an application therefor, verified by him, requesting such amendment.

SEC. 10-2.2104. COMMISSION TO HOLD HEARING ON AMENDMENTS. Upon filing of a verified application for an amendment, or the adoption of a Resolution of Intention by the Planning Commission or the Council, the Planning Commission shall hold one public hearing thereon and notice of such hearing shall be given as provided in Article 22, ~~of this chapter~~ of this chapter.

SEC. 10-2.2105. COMMISSION TO HOLD HEARING ON UNCLASSIFIED USE PERMITS. Upon the filing of a verified application for an unclassified use permit, the Planning Commission shall hold one hearing thereon, and notice of such hearing shall be given as provided in Article 22, ~~of this chapter~~ of this chapter.

SEC. 10-2.2106. TIME FOR HEARING. The hearing for an amendment to the Zoning Regulations or map hereby established or an unclassified use permit, shall be held not later than forty (40) days following the filing of an application for such amendment or unclassified use permit, or the passage of a Resolution of Intention by the Planning Commission or the Council.

SEC. 10-2.2107. COMMISSION TO ANNOUNCE FINDINGS. The Planning Commission shall announce its findings by formal resolution not more than forty (40) days following the hearing, and said resolution shall recite, among other things, the facts and reasons which, in the opinion of the Commission, make the approval or denial of the application for the amendment or unclassified use permit necessary to carry out the general purpose of this Chapter, and shall recommend the adoption of

the amendment or unclassified use permit by the Council, or deny the application.

SEC. 10-2.2108. NOTICE OF COMMISSION'S DECISION WHEN APPROVING. When the Commission's action is to recommend the adoption of the amendment, or the approval of an unclassified use permit, the Commission shall, within ten (10) days from the date of such action, notify the Applicant by forwarding a copy of the resolution to the Applicant at the address shown upon the application, and shall forward to the Council a copy of the said resolution, together with the complete file in the case.

SEC. 10-2.2109. NOTICE OF DECISION OF COMMISSION WHEN DENYING THE APPLICATION. When the action of the Commission is to deny an application, the Commission shall, within ten (10) days from the date of such action, notify the Applicant by forwarding a copy of the resolution to the address shown upon the application.

SEC. 10-2.2110. COMMISSION ACTION SHALL BE FINAL WHEN DENYING APPLICATION. The action of the Planning Commission in denying an application for amendment or an application for an unclassified use permit shall be final and conclusive unless, within ten (10) days following the receipt of notice of the action by the Applicant an appeal in writing is filed with the Council by the Applicant.

SEC. 10-2.2111. TRANSMISSION OF COMMISSION'S RECORD TO COUNCIL. Upon receipt of a written appeal filed with the Council by the Applicant, as provided in this Article, the Clerk of the Council shall advise the Secretary of the Planning Commission who shall transmit to said Clerk of the Council the Planning Commission's complete record of the case.

SEC. 10-2.2112. COUNCIL TO HOLD PUBLIC HEARING ON COMMISSION'S RECOMMENDATIONS ON AMENDMENTS, UNCLASSIFIED USE PERMITS, AND ON APPEALS. Within not to exceed forty (40) days following receipt of the Resolution from the Planning Commission recommending the adoption of the amendment or the granting of the unclassified use permit, or the filing of a written appeal from an order of the Commission denying an application for amendment or an unclassified use permit, as provided in this Article, the Council shall conduct a duly advertised public hearing on the matter, public notice of which shall be given as provided in Article 22.

SEC. 10-2.2113. COUNCIL TO ANNOUNCE FINDINGS AND DECISION BY RESOLUTION. The Council shall announce its findings and decision by formal resolution not more than forty (40) days following the hearing, and said resolution shall recite, among other things, the facts and reasons which, in the opinion of the Council, make the approval or denial of the application for unclassified use permits or recommendation for the amendment necessary to carry out the general purpose of this Chapter.

SEC. 10-2.2114. DECISION OF COUNCIL SHALL BE FINAL. The action by the Council on the application for amendment or unclassified use permit shall be by a majority vote of the entire membership of the Council and shall be final and conclusive except, however, if the decision is contrary to the recommendation of the Planning Commission, the Council shall request a further report of the Planning Commission before it makes its decision final. Failure of the Planning Commission to act within forty (40) days of receipt of notice of the Council's request shall automatically make the Council's decision final.

SEC. 10-2.2115. NOTICE OF DECISION OF COUNCIL. Not later than ten (10) days following the adoption by the Council of a Resolution ordering an amendment to this Chapter, the granting of an Unclassified Use Permit, or denying an application or recommendation for an amendment or Unclassified Use Permit, one (1) copy of such Resolution shall be forwarded to the Applicant at the address shown upon the application, and one (1) copy shall be attached to the file in the case and the complete file returned to the Planning Commission for permanent filing.

SEC. 10-2.2201. FORM OF APPLICATION BLANKS AND TYPE OF REQUIRED INFORMATION.

The Planning Commission shall prescribe the form in which applications are made for changes in zone boundaries, or classifications, or unclassified use permits. The Board of Zoning Adjustment shall prescribe the form in which applications are made for appeals, variances and conditional use permits. Each such respective agency may cause blank forms to be prepared and provided for such purposes and may prescribe the type of information to be provided in the application by the applicant. No application shall be accepted unless it complies with such requirements.

SEC. 10-2.2202. ACCEPTABILITY OF SIGNATURES ON APPLICATIONS. If signatures of persons other than the owners of property making the application are required or offered in support of, or in opposition to an application, they may be received as evidence of notice having been served upon them of the pending application, or as evidence of their opinion on the pending issue, but they shall in no case infringe upon the free exercise of the powers vested in the City of Modesto as represented by the Planning Commission, the Board of Zoning Adjustment, or the Council, as the case may be.

SEC. 10-2.2203. APPLICATIONS A PART OF PERMANENT RECORD. Applications filed pursuant to this Chapter shall be numbered in the order of their filing, and shall become a part of the permanent official records of the agency to which application is made, and there shall be attached thereto and permanently filed therewith copies of all notices and actions with certificates or affidavits of posting, mailing or publications pertaining thereto.

SEC. 10-2.2204. FILING FEES. The following fees shall be paid upon the filing of any application:

(a) Reclassification or amendment	\$10.00
(b) Variance	10.00
(c) Conditional Use Permit	10.00
(d) Home Occupation Permit	2.50
(e) Unclassified Use Permit	none
(f) Appeals	none

SEC. 10-2.2205. SETTING OF HEARING. All proposals for amending zone boundaries or classifications of property uses within such zones, or unclassified use permits as are defined by this Chapter, or the granting of variances or conditional use permits as provided in this Chapter, shall be set by the Secretary of the

Planning Commission for public hearing when such hearing is to be held before the Planning Commission, by the Secretary of the Board of Zoning Adjustment for public hearing when such hearing is to be held before the Board of Zoning Adjustment, and by the Clerk of the Council for hearing to be held before the Council. The date of the hearing shall be not less than ten (10) days nor more than forty (40) days from the time of filing of such verified application or the adoption of such resolution, or the making of such motion, unless such notice is waived in writing by the applicant.

SEC. 10-2.2206. NOTICES. Notice of the time and place of a public hearing shall be given in the following manner:

(a) Notice of any public hearing upon a proposed amendment to this Chapter, or to the map which is a part of this Chapter, or of an appeal to a decision of the Board of Zoning Adjustment, shall be given at least one (1) publication in the official newspaper of the City of Modesto not less than ten (10) days before the date of said public hearing.

(b) Notice of public hearing to consider a variance, unclassified use permit or conditional use permit shall be given by mailing a written notice not less than ten (10) days prior to the date of such hearing to the owners of property within a radius of at least three hundred (300) feet of the exterior boundaries of the property affected, using for this purpose the last known name and address of such owners as are shown upon the latest available equalized assessment roll prepared by the County Assessor of the County of Stanislaus, State of California.

(c) Both such methods may be employed at the direction of either the Planning Commission or the Board of Zoning Adjustment.

SEC. 10-2.2207. REQUIRED WORDING OF NOTICES. Public notice of hearing on zone reclassification, amendment, variance, or unclassified use permit shall consist of the words, "Notice of Proposed Change of Zone Boundaries or Classification" or, "Notice of Proposed Variance," or "Notice of Proposed Conditional Use Permit" or, "Notice of Proposed Unclassified Use Permit," as the case may be, setting forth the description of the property under consideration, the nature of the proposed change of use, and the time and place at which the public hearing on the matter will be held.

SEC. 10-2.2208. INVESTIGATIONS. The Planning Commission, or the Board of Zoning Adjustment, as the case may be, shall cause to be made by its own members, or members of the staff, such investigation of facts bearing upon an application set for hearing, including an analysis of similar or comparable cases as will serve

to provide all necessary information to assure action on each case consistent with the purpose of this Chapter and with previous amendments or variances.

SEC. 10-2.2209. HEARINGS MAY BE CONTINUED WITHOUT RECOURSE TO PUBLIC NOTICE. If, for any reason, testimony on any case set for public hearing cannot be completed on the day set for such hearing, the person presiding at such public hearing may, before adjournment or recess thereof, publicly announce the time and place to, and at which, said hearing will be continued and no further notice is required.

SEC. 10-2.2210. PERMANENT FILES SHALL INCLUDE SUMMARY OF TESTIMONY. A summary of all pertinent testimony offered at any public hearing held in connection with an application filed pursuant to this Chapter, and the names of persons testifying shall be recorded and made a part of the permanent files of the case.

SEC. 10-2.2211. PLANNING COMMISSION NOTICE OF NONCONFORMING USE OR BUILDING AMORTIZATION DATE. Notice of the date for the abatement of a nonconforming use or the building amortization date, where required by this Chapter, shall be given by the Secretary of the Planning Commission by mailing a written notice of such date, by registered mail, with return receipt requested, to the owner of the property, using for this purpose the last known name and address of such owner as is shown on the latest available equalized assessment roll prepared by the County Assessor of the County of Stanislaus, State of California.

SEC. 10-2.2301. INTERPRETATION. In interpreting and applying the provisions of this Chapter they shall be held to be the minimum requirement for the promotion of the public health, safety, comfort, convenience and general welfare. It is not intended by the Chapter to interfere with or abrogate or annul any easement, covenant or other agreement between parties. When this Chapter imposes a greater restriction upon the use of buildings or land, or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants, or agreements, the provisions of this Chapter shall control.

ARTICLE 24. REVOCATION - EXPIRATION

SEC. 10-2.2401. PERMITS OR VARIANCES MAY BE REVOKED. The Board of Zoning Adjustment, after a public hearing held in the manner prescribed in Article 20 governing variances and conditional use permits, and the Planning Commission, after a public hearing held in the manner prescribed in Article 21 governing unclassified use permits, may revoke or modify any permit or variance issued on any one or more of the following grounds:

(a) That the approval was obtained by fraud.

(b) That the use for which such approval is granted is not being exercised.

(c) That the use for which such approval was granted has ceased to exist or has been suspended for one year or more.

(d) That the permit or variance granted is being, or recently has been exercised contrary to the terms or conditions of such approval, or in violation of any statute, ordinance, law or regulation.

(e) That the use for which the approval was granted was so exercised as to be detrimental to the public health or safety, or so as to constitute a nuisance.

(f) That the continued exercise of the use for which approval was granted appears to be inimicable to the public welfare.

SEC. 10-2.2402. EXPIRATION. Any permit or variance granted by the Board of Zoning Adjustment, the Planning Commission or the Council becomes null and void if not exercised within the time specified in such permit or variance, or if no date is specified, within one (1) year from the date of approval of said permit or variance.

ARTICLE 25. PERMITS - LICENSES - ENFORCEMENT

SEC. 10-2.2501. CERTIFICATE OF OCCUPANCY PERMIT. To assure compliance with the parking requirements and other provisions of this Chapter a Certificate of Occupancy shall be obtained from the Building Department before:

- (a) Any new building be initially occupied or used.
- (b) Any existing building be altered or a change of type or class of use be made.
- (c) A change of use of any unimproved premises be made.

SEC. 10-2.2502. ISSUANCE OF HOME OCCUPATION PERMIT. To assure compliance with the provisions of this Chapter as set forth in Section 10-2.231 "Home Occupation" herein, a Home Occupation Permit shall be obtained from the office of the Secretary of the Commission before any such home occupation, not legally in existence at the time of the effective date of this Chapter, is established. The Secretary shall not issue a Home Occupation Permit unless the use applied for meets each and every one of the standards set forth in Section 10-2.231. Such permit shall be issued for a period not to exceed one (1) year.

SEC. 10-2.2503. NO CONFLICTING LICENSES OR PERMITS SHALL BE ISSUED. All departments, officials or public employees vested with the duty or authority to issue permits or licenses where required by law shall conform to the provisions of this Chapter. No such license or permit for uses, buildings or purposes where the same would be in conflict with the provisions of this Chapter shall be issued. Any such license or permit, if issued in conflict with the provisions hereof, shall be null and void.

SEC. 10-2.2504. ENFORCEMENT. The Chief Building Inspector is hereby designated and authorized as the officer charged with the enforcement of this Chapter. He shall not issue any permit unless the plans of and for the proposed erection, construction, reconstruction, alterations and use fully conform to all provisions of this Chapter. He shall enforce all of the provisions of this Chapter and his failure to do so shall not legalize any violation of such provisions.

SEC. 10-2.2601. CONTINUANCE OF EXISTING ORDINANCES. The following ordinances of the City of Modesto, relating to zoning, are hereby continued in effect until hereafter superceded or repealed by proper authority:

ORDINANCE NUMBER	TITLE OF ORDINANCE	DATE PASSED
768-N.S.	An Ordinance Amending Ordinance No. 700-N.S. by adding Section 14. 1 Thereto and Creating an Official Building Lines Map.	Dec. 5, 1945
788-N.S.	An Ordinance Amending Ordinance No. 700-N.S. by Adopting Building Lines Map Relating to H Street.	July 3, 1946
848-N.S.	An Ordinance Amending Ordinance No. 700-N.S. by Adopting Building Lines Map Relating to Burney Street, James Street, Ross Street and LaLoma Street.	Mar. 10, 1948
857-N.S.	An Ordinance Amending Ordinance No. 700-N.S. by Adopting Building Lines Map Relating to L Street between Maze Road and Ninth Street in the City of Modesto.	July 7, 1948
1140-N.S.	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.	Sept. 8, 1954

SECTION 2. SEPARABILITY. If any section, subsection, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance; it being hereby expressly declared that this ordinance, and each section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, adopted, approved and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 3. REPEALS. Section 10-2.01 of the Modesto Municipal Code and the following designated ordinances and any other ordinances or portions thereof in conflict herewith are hereby repealed: 700-N.S., 746-N.S., 748-N.S., 756-N.S., 771-N.S., 773-N.S., 784-N.S., 785-N.S., 790-N.S., 797-N.S., 799-N.S., 817-N.S., 825-N.S., 832-N.S., 833-N.S., 841-N.S., 844-N.S., 846-N.S., 847-N.S., 858-N.S., 872-N.S., 882-N.S., 903-N.S., 919-N.S., 922-N.S., 927-N.S., 931-N.S., 936-N.S., 939-N.S., 951-N.S., 963-N.S., 970-N.S., 975-N.S., 979-N.S., 985-N.S., 986-N.S., 993-N.S., 996-N.S., 1001-N.S., 1002-N.S., 1036-N.S., 1102-N.S., 1116-N.S., 1120-N.S., 1123-N.S., 1124-N.S. and 1-C.S.

SECTION 4. SAVINGS PROVISION. The repealing provisions of this ordinance shall not affect any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take effect; but every such proceeding, suit or prosecution had or commenced shall remain in full force and effect to all intents and purposes as if such ordinances or parts thereof so repealed had remained in force. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred prior to the time when any such ordinance or part thereof shall be repealed, shall be discharged or affected by such repeal; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceeded with in all respects as if such prior ordinance or part thereof had not been repealed.

SECTION 5. EFFECTIVE DATE. Except for that portion of the provisions of Sections 10-2.1801 through Sections 10-2.1807, both inclusive, of Article 18 of the Modesto Municipal Code, which require the provision of off-street parking spaces in connection with the use of property for commercial or industrial purposes, which provisions shall become effective on and after one (1) year from the date of the final adoption of this ordinance, the provisions of this ordinance shall go into effect and be of full force and operation from and after fifteen (15) days after its final passage and adoption.

SECTION 6. 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 Council

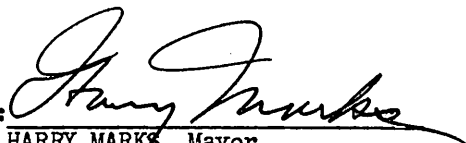
of the City of Modesto held on the 8 day of June, 1955, by
Councilman Anderson, who moved its introduction and passage to
print, which motion being duly seconded by Councilman Adams,
was upon roll call carried and ordered printed and published by the following
vote:

AYES: Councilmen: Anderson, Adams, Arata, Hammond, Robinson and
Mayor Marks


NOES: Councilmen: None

ABSENT: Councilmen: Merrill

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

(SEAL)

Ord. No. 29-C.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 22 day of June, 1955, Councilman Hammond 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: Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: Adams

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: July 7, 1955 *except Sec*

AN ORDINANCE AMENDING CHAPTER 5 OF TITLE V OF THE MODESTO MUNICIPAL CODE, RELATING TO THE COLLECTION AND DISPOSAL OF GARBAGE AND SWILL.

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

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

CHAPTER 5 - GARBAGE DISPOSAL

SEC. 5-5.01. DEFINITIONS. For the purpose of this chapter the general term "garbage" shall be construed to mean and include any and all matter and materials which are rejected, abandoned or discarded by the owners or producers thereof as offensive or useless or no longer desired by said owners or producers thereof, and which, by their presence or accumulation, may injuriously affect the health, comfort or safety of the community by increasing disease or hazard by fire. It shall include paper, bottles, cans, rubbish, refuse, waste matter, swill and similar substances or materials of the nature described above.

The term "swill" when used hereinafter shall be applied to and construed to mean all classes of putrefactive or easily decomposable animal or vegetable matter, and shall include any matter or substance used in the preparation, cooking, dealing in or storage of meats, fowls, fish, fruits and vegetables that are subject to immediate decay and the attraction of flies or rodents, and which shall have a property value.

The term "garbage collector" where used hereinafter, shall be construed to mean an agent or employee of the City, or any person or the agents or employees thereof, to whom a license shall have been issued for the collection of garbage, as hereinafter set forth.

The term "swill collector" shall be construed to mean an agent or employee of the City, or any person, or the agents or employees thereof, to whom a license shall have been issued by the City under the terms of this chapter to collect, receive, carry or transport swill, as herein defined, through the streets, alleys or public places of said City.

The term "disposal area" as used in this chapter shall mean any area designated or provided by the Council from time to time for the purpose of disposal of garbage.

SEC. 5-5.02. SEGREGATION AND DISPOSITION OF WASTE MATERIAL. Every producer of garbage may, at his option, segregate the same into refuse, rubbish and other waste matter on the one hand and swill on the other. Where the

garbage is so segregated, the swill may be sold to the swill collector or may be fed to chickens, fowls or any animals on the premises where the same is produced, provided always that such premises are and shall be kept in a neat, clean and sanitary manner and condition to the satisfaction of the Health Officer of the City; and, provided further, that the keeping of such animals and such feeding shall at all times conform to the statutes, laws and regulations covering the same in force in the City.

SEC. 5-5.03. USE OF PROPER CONTAINERS BY PRODUCERS OF GARBAGE.

All garbage, unless otherwise disposed of as in this chapter permitted, and all swill, unless fed upon the premises as hereinabove provided, shall be placed by the person upon whose premises the same shall have been produced in a watertight, galvanized, metal container of not less than ten (10) nor more than thirty-three (33) gallons net capacity of a design satisfactory to the Health Officer, which container shall be kept clean and continuously closed except when garbage or swill is being dumped into or removed therefrom and shall at all times be closed against the access of flies and rodents to the contents thereof. The contents of such container shall be delivered not less than once a week and oftener if deemed necessary by the Health Officer to the collector or otherwise disposed of as provided in this chapter. If the producer thereof shall elect to segregate non-putrefactive material from the other garbage, the said non-putrefactive material may be placed in a box or barrel located near the said galvanized container, but the material so segregated shall be kept in a dry condition in accordance with the regulations of the Health Officer. The receptacle shall be placed at such a point on the premises as to be easily accessible to the collector. The receptacle shall not be placed or allowed to remain in any alley, sidewalk or public street. In the event that in the opinion of the Health Officer the receptacle used by the producers of garbage, swill and refuse does not meet the requirements as set forth in this section and/or in the event that said receptacle leaks or for any other reason is unhealthful or detrimental to the public health and welfare of the citizens of the City, the said Health Officer shall have the right and it shall be his duty to confiscate and destroy said receptacle.

SEC. 5-5.04. GARBAGE COLLECTIONS. Collections of garbage shall be made at least once a week and collections of swill shall be made daily; provided that from apartments and tenements housing more than eight (8) families, collections of garbage shall be made daily. The collector shall transfer the contents of

all containers into the vehicle provided therefor without spilling any materials on stairs, walks, yards or streets and shall, in the case of refuse or rubbish to be delivered to the disposal area, make delivery on the same day that such rubbish or refuse is collected.

SEC. 5-5.05. REGULATIONS OF GARBAGE COLLECTING VEHICLES AND HOURS FOR COLLECTIONS. No collection shall be made and no cart, truck, wagon or vehicle used in making such collections shall be or remain within the limits of Fire Zone No. 1, as now defined, or as may hereafter be defined or in or upon any part of that certain alley running in a northerly and southerly direction situate between Ninth and Tenth Streets in the City and extending from H Street to K Street in said City between the hours of 10 o'clock a.m. of any day and 6:30 o'clock p.m. of the same day. No cart, truck, vehicle or other conveyance shall be used for the collection of refuse, including garbage and swill, unless the same be so constructed as to prevent the contents from falling or spilling therefrom, nor shall any such cart, truck, vehicle or conveyance be overloaded. Vehicles used in the collection of swill shall be of metal, shall be water tight and shall be provided with a metal cover. All other vehicles shall be provided with a canvas cover. Every vehicle used in the collection of garbage and/or swill shall be well painted and shall be kept in a clean and sanitary condition, and shall be properly marked in a conspicuous place to show its classification and number.

SEC. 5-5.06. DISPOSITION OF USED BEDDING AND CLOTHING. All refuse consisting of rags, used clothing, bedding, mattresses, shoes or other rubbish which may carry germs or communicable diseases shall be taken by the collector directly, if possible, on the day of collection to the disposal area. The collector shall not pick or retain any such described rubbish nor carry any such rubbish to any barn, garage or premises for storage, segregation or use.

SEC. 5-5.07. BURYING GARBAGE OR SWILL. It shall be unlawful to deposit or bury any garbage or swill within the City Limits of the City, except at the disposal area; provided, however, that non-putrefactive and waste matter may be made use of when levelled and properly covered, and upon the written permission of the Health Officer, for the filling in of holes, depressions and low lots within the City Limits.

SEC. 5-5.08. USE OF DISPOSAL AREA. The disposal area may be used for the disposal of garbage or swill by all persons licensed by the City to engage

in the business of collecting garbage or swill within the City on the following terms:

(a) A charge of Two and 50/100ths (\$2.50) Dollars per load is hereby fixed as a charge for the privilege of using said disposal area by collectors for the disposal or deposit thereof of garbage or swill produced within the City and collected by such collectors;

(b) No garbage or swill produced outside the City Limits shall be disposed of or deposited at the disposal area;

(c) All garbage and swill disposed of or deposited at said disposal area shall be deposited as and where directed by the person in charge of the disposal area.

SEC. 5-5.09. PROPER CONTAINERS FOR RESIDENCES, RESTAURANTS, HOTELS, ETC. It shall be the duty of every tenant or occupant of any dwelling, or the keeper of any hotel, restaurant or boarding house, or any building where receptacles are furnished, and every other person having garbage, to provide and at all times keep in a place easily accessible to the garbage collector, and where they will not be a public nuisance or in any degree be offensive, receptacles as specified in Section 5-5.03 of this Code. No such can or receptacle for receiving garbage shall be kept in or on any public street, alley, sidewalk, footpath or any public place whatsoever. It shall be unlawful to keep or deposit rubbish or garbage on any private grounds, or at the disposal area, except as specified in this chapter. Refuse of a liquid nature shall not be deposited with garbage or rubbish. Kitchen refuse collected by garbage collectors must be drained of all moistures and completely wrapped in paper before being placed in a receptacle, and the receptacle must at all times be kept in a neat and sanitary condition. Tin cans may be deposited in the same receptacle with the regular garbage, or may be deposited in a separate covered receptacle which shall not be permitted to become offensive; and no extra charge shall be made for the removal of the regular weekly accumulation of such tin cans.

SEC. 5-5.10. LICENSE TO TRANSPORT GARBAGE OR SWILL REQUIRED. It shall be unlawful for any person to collect garbage or swill within the City, or transport the same, upon or through any street or public place of the City unless such person is an employee or agent of the City, or has been granted a license by the Council so to do, or is the employee of a person who has been so licensed, or is the actual producer of such garbage or swill, or his employee, then and there engaged in transporting the same from the premises where produced to the place where public disposal of garbage or swill is permitted.

It shall be unlawful for any person acting as an employee of the actual producer of such garbage or swill to collect or transport such garbage or swill from more than ~~one~~ actual producer thereof, or for such employee or any producer to combine or commingle within the City the garbage or swill of one producer with that of another, or for any person to act as the employee of more than one producer for the purpose of collecting or transporting garbage or swill upon or through any street or public place of the City.

SEC. 5-5.11. LICENSE REQUIRED TO COLLECT SWILL. It shall be unlawful for any person to engage in the business of collecting swill in the City and/or transporting the same through any public way or street of the City unless such person is an agent or employee of the City or has been granted a license to do so by the Council as provided in this chapter.

SEC. 5-5.12. ~~LICENSE FEE FOR COLLECTION OF SWILL.~~ The license fee for the privilege of engaging in the business of collecting swill in the City and/or transporting the same through or upon the public streets, alleys or other places of and in the City shall be the sum of ~~Twenty-Five and no/100ths~~ ^{Fifty} and no/100ths ^(\$50.00) Dollars per calendar quarter, or fraction thereof, payable in advance.

SEC. 5-5.13. LICENSE REQUIRED TO COLLECT GARBAGE. It shall be unlawful for any person to engage in the business of collecting garbage in the City and/or transporting the same through any public way or street of the City, unless such person is an employee or agent of the City or has been granted a license by the Council to collect and transport garbage in the City by the Council as provided in this chapter.

SEC. 5-5.14. LICENSE FEE FOR COLLECTION OF GARBAGE. The license fee for the privilege of engaging in the business of collecting garbage, including waste material, refuse and rubbish in the City and/or transporting the same through the public streets, alleys or other places of and in the City, shall be the sum of Twenty-Five and no/100ths (\$25.00) Dollars per annum, or fraction thereof, payable in advance. In addition to the annual fee, the collector shall be required to pay quarterly to the City within thirty (30) days following the close of the preceding quarter an amount equivalent to ~~five~~ ^{five} (5 %) per cent of the gross receipts derived from the furnishing of such garbage collection services within the City for the preceding quarter. Quarters shall terminate on March 31, June 30, September 30 and December 31. Said license fee shall entitle the person paying the same to employ

as many trucks as is necessary to service the area which the collector has been licensed to serve.

SEC. 5-5.15. APPLICATIONS FOR LICENSES. Applications for licenses under this chapter shall be submitted in writing to the City Clerk. Each application shall contain the following information:

(a) The name and address of the applicant. If the applicant is a firm or partnership, the names of all the members shall be listed; if the applicant is a corporation, the names and titles of each of the officers shall be listed;

(b) The purpose for which the license is sought;

(c) The area within which the applicant desires to collect garbage or swill; and

(d) The number, kind and capacity of the vehicles and other equipment to be used for such purposes.

Each application shall be accompanied by the deposit of license fees required by the provisions of this chapter. If the application complies with the provisions of this chapter, the City Clerk shall present it to the Council for its consideration. The Council shall refer said application to the City Manager for investigation and report. The Council shall specify the term for which said license is granted, if granted, and as a condition of granting the requested license, may impose such other conditions with respect to granting said license as it may deem to be in the best interests of the public health and general welfare. No license shall be granted except by action of the Council by resolution following a public hearing thereon. All licenses to collect garbage granted pursuant to this chapter shall be exclusive/ insofar as they relate to the collection of garbage. Licenses to collect swill may be exclusive or non-exclusive as determined by the Council.

SEC. 5-5.16. NUMBER OF LICENSES LIMITED. In order to preserve the health, safety and welfare of the people of the City, the Council hereby retains the authority to limit the number of licenses for the collection of garbage which may be issued under this chapter.

SEC. 5-5.17. LICENSE. Every license granted by the Council pursuant to the provisions of this chapter shall cover the following matters:

(a) The name and address of the person to whom the license is issued;

(b) The area within which the person to whom the license is issued may render collection services;

(c) The nature of the collection services which are authorized;

(d) Whether the license is exclusive or non-exclusive; provided, however, that all licenses to collect garbage shall be exclusive;

(e) The term for which the license is granted; and

(f) Such other conditions as the Council may provide.

SEC. 5-5.18. INSURANCE REQUIREMENTS FOR ALL LICENSED COLLECTORS. It shall be unlawful for any person granted a license pursuant to the provisions of this chapter to operate any vehicle pursuant to said license unless there shall be filed and deposited with the City Clerk of the City a policy of insurance executed and delivered by a corporate surety company authorized to carry on an insurance business in this state, the financial responsibility of which company shall therefore have been approved by the City Clerk, by the terms of which said insurance company assumes responsibility for injuries to persons, or damage to property caused by the operation of said vehicle in the following amounts, to wit:

- (a) Twenty-Five Thousand and no/100ths (\$25,000.00) Dollars for the death of or injuries to any one person in any one accident, or occurrence;
- (b) Fifty Thousand and no/100ths (\$50,000.00) Dollars for the death of or injuries to two (2) or more persons in any one accident, or occurrence;
- (c) Ten Thousand and no/100ths (\$10,000.00) Dollars for damages to property of others resulting from any one accident, or occurrence.

Such policy of insurance shall cover both the City of Modesto, the members of the Council and its officers, employees and agencies, and the collector.

SEC. 5-5.19. BOND REQUIREMENTS FOR PERSONS LICENSED TO COLLECT GARBAGE. Each person granted a license to collect garbage pursuant to the provisions of this chapter shall file with the City Clerk a corporate surety bond satisfactory to the City in the sum of One Thousand and no/100ths (\$1,000.00) Dollars for each vehicle used for collection purposes within the City, not to exceed the sum of Ten Thousand and no/100ths (\$10,000.00) Dollars, conditioned upon the faithful performance of the terms and conditions of said license and compliance with the provisions of this chapter insofar as they are applicable to said licensee.

SEC. 5-5.20. RECORDS REQUIRED BY PERSONS LICENSED TO COLLECT GARBAGE. Each person granted a license to collect garbage pursuant to the provisions of this chapter shall maintain detailed records of all receipts and expenditures received or incurred in the operation of such business, including all fees collected for garbage collection and disposal services rendered. The City, its officers and employees, shall be entitled to inspect, audit and copy such books and records upon notice at all reasonable times.

SEC. 5-5.21. ANNUAL REPORT REQUIRED BY PERSONS LICENSED TO

COLLECT GARBAGE. On or before March 1st of each year, each person granted a license to collect garbage pursuant to the provisions of this chapter shall file with the Director of Finance a detailed financial statement setting forth all receipts and expenditures received or incurred in the operation of said business during the preceding calendar year.

SEC. 5-5.22. TERMINATION OF LICENSES. Any license granted pursuant to the provisions of this chapter shall automatically terminate upon the failure of the licensee to pay the license fees therefor as required by the provisions of this chapter within thirty (30) days after said license fees become due and payable.

SEC. 5-5.23. TRANSFER OF LICENSES. No license granted by the Council pursuant to the provisions of this chapter, or any interest therein, shall be sold, assigned, mortgaged or otherwise transferred without the prior consent of the Council, by resolution, in accordance with the procedure specified in Section 5-5.15 of this chapter. The Council may grant or deny, or impose such conditions with respect to the transfer of a license, or any interest therein, as it may deem to be in the interests of the public health and general welfare.

SEC. 5-5.24. REVOCATION OF LICENSES. Any license granted by the Council pursuant to the provisions of this chapter may be revoked by the Council if, after conducting a public hearing on said revocation, the Council finds and determines that the person doing business by virtue of such license has failed to comply with any of the terms of said license or of this chapter or fails to render satisfactory collection services.

SEC. 5-5.25. RATES TO BE CHARGED FOR COLLECTION OF GARBAGE. The following rates shall be charged by licensed collectors of garbage to the residents of the City of Modesto for the collection of garbage:

- (a) One collection per week: Seventy-five (75¢) cents per month;
- (b) Two collections per week: One and twenty-five hundredths (\$1.25)

Dollars per month.

These rates shall apply for service when containers are placed in such points on the premises as to be easily accessible to the collector and not more than one hundred (100') feet from the curb when streets are used for collection, or more than thirty (30') feet from the real property line when alleys are used for collection. When more than one container is used and the containers are collected at the same time, forty (40¢) cents per month per container shall be charged for each additional container used. The

additional charge shall be multiplied by the number of pickups required per week. When containers are located at greater distances, there shall be added to the regular rate an additional charge of twenty-five (25¢) cents per month, per container, for each additional fifty (50') feet or portion thereof travelled. The rate shall be multiplied by the number of pickups per week.

Garbage collectors shall be authorized to collect garbage fees on a bi-monthly basis which shall include the service for the month immediately preceding and the month immediately following the first of the month in which they are billed.

SEC. 5-5.26. AUTHORITY TO ENFORCE. The Health Officer and the Police Officers and all employees of the Department of Public Works are hereby specifically required to enforce the provisions of this chapter, and shall have the right to enter any and all premises for the purpose of determining the sanitary condition thereof, and any person denying or obstructing such entry shall be guilty of misdemeanor and subject to the penalty herein provided.

SEC. 5-5.27. RIGHT TO DISCONTINUE GARBAGE SERVICES FOR FAILURE TO PAY. Garbage service to any place for which the charge for such service is delinquent for a period of thirty (30) days may be discontinued by the licensed collector within five (5) days after giving written notice to the occupant of the premises that the service will be discontinued for reason of non-payment of charges following the expiration of five (5) days from the giving of such notice. Each licensed collector shall furnish a copy of such notice of discontinuation to the Health Officer within twenty-four (24) hours after such notice has been given. If the service is discontinued for failure to pay charges, the service shall not be resumed until the delinquent charges are paid. *New*

SEC. 5-5.28. OWNERS' LIABILITY FOR PAYMENT OF GARBAGE COLLECTION SERVICES TO MULTIPLE DWELLINGS. Owners of multiple dwellings or apartments (two (2) or more families) shall be responsible for the payment for garbage collection services rendered to premises owned by them, although payments will be accepted from tenants. In the event that service to such tenants is discontinued pursuant to the provisions of Section 5-5.27 of this chapter, a copy of the written notice referred to therein shall also be given to the owner of said premises.

SEC. 5-5.29. ABATEMENT OF NUISANCE. In addition to any other penalties which may be provided by law, as an alternative or supplementary remedy, the keeping upon the premises of garbage which is allowed to become

offensive or annoying shall constitute a public nuisance which may be abated in the manner provided for by Section 1-2.01 of this Code.

SEC. 5-5.30. APPLICATION OF OTHER PROVISIONS OF THE MUNICIPAL CODE. Except for the provisions of Article 3 thereof, the provisions of Chapter 1 of Title VI of the Municipal Code shall not apply to persons licensed under the provisions of this chapter.

SEC. 5-5.31. PERMIT REQUIRED TO DUMP IN PUBLIC PLACE. Except as is permitted by the provisions of Article 11 of Chapter 7 of Title IV of this Code, it shall be unlawful for any person to deposit, place or dump upon any of the public streets, alleys, ways or parks of the City any dirt, rubbish, garbage or other waste material without first obtaining the consent in writing from the Director of Public Works.

SEC. 5-5.32. CONSENT REQUIRED TO DUMP ON PRIVATE PROPERTY. It shall be unlawful for any person to dump, place or deposit upon any lots or property owned by any other person within the City any dirt, rubbish, refuse, garbage or other waste material without first obtaining the written consent of the owner or legal occupant of such property.

SECTION 2. REPEALS. The existing provisions of Chapter 5 of Title V of the Modesto Municipal Code, consisting of Sections 5-5.01 through 5-5.22, both inclusive, and all other ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby expressly repealed.

SECTION 3. PRIOR LICENSES. All licenses heretofore granted pursuant to the existing provisions of Chapter 5 of Title V of the Modesto Municipal Code shall automatically be terminated upon the effective date of this ordinance.

SECTION 4. SAVINGS PROVISION. The repealing provisions of this ordinance shall not affect any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take effect; but every such proceeding, suit or prosecution had or commenced shall remain in full force and effect to all intents and purposes as if such ordinances or parts thereof so repealed had remained in force. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred prior to the time when any such ordinance or part thereof shall be repealed, shall be discharged or affected by such repeal; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceeded with in all respects as if such prior ordinance or part thereof had not been repealed.

SECTION 5. URGENCY MEASURE. The Council of the City of Modesto

hereby finds and declares that the foregoing ordinance is necessary as an emergency measure for preserving the public peace, health and safety.

Unless the foregoing ordinance is adopted without delay, the provision of garbage collection services to residents of the City may be jeopardized by reason of the lack of financial ability of garbage collectors to render these services on an economical basis, thereby endangering the health and safety of the citizens of Modesto.

SECTION 6. EFFECTIVE DATE. Pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall take effect and be in full force and operation as of July 1, 1955.

SECTION 7. PUBLICATION. This ordinance shall be published in full 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 9 day of June, 1955, by Councilman Arata, who moved its adoption and passage to print, which motion being duly seconded by Councilman Hammond, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Anderson, Arata, Hammond, Robinson, Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: Adams and Merrill

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

(SEAL)

1 AN ORDINANCE ANNEXING UNINHABITED TERRITORY
2 KNOWN AS THE WEST-GLEN ADDITION TO THE CITY
OF MODESTO.

3 WHEREAS, a petition was filed with the City Clerk by
4 William F. Beckett, Jr., William F. Beckett, Sr., Mrs. Hazel C.
5 Mahoney, S. Rezendes, Maurice Zelda, Daniel Zelda, David Cope
6 Hartley, and Anita C. Hartley on March 8, 1955, to annex to the
7 City of Modesto under the provisions of the Annexation of Uninhabited
8 Territory Act of 1939, as amended, certain uninhabited territory,
9 hereinafter described and designated as the WEST-GLEN ADDITION,
10 situate in the County of Stanislaus, State of California, and con-
11 tiguous to the City of Modesto, and

12 WHEREAS, the City Council by resolution adopted on the
13 4th day of May, 1955, set said petition for hearing at the hour of
14 4:30 o'clock p.m. on the 15th day of June, 1955, in the Council
15 Chambers at the McHenry Public Library, located at Fourteenth and I
16 Streets in the City of Modesto; and

17 WHEREAS, it appears to said Council and the Council so
18 finds that a copy of the resolution giving notice of the proposed
19 annexation and fixing the time and place for hearing objections to
20 the proposed annexation was published in newspapers of general
21 circulation, to wit: The Modesto Tribune, a newspaper published in
22 the City of Modesto on May 13, 1955, and May 20, 1955; and in the
23 Turlock Daily Journal, a newspaper published outside the City of
24 Modesto, but in the County of Stanislaus, on May 13, 1955, and May
25 20, 1955, for the time and in the manner required by law, which
26 publications were completed at least twenty (20) days prior to the
27 date set for hearing; that written notice of the proposed annexation
28 has been mailed by the City Clerk of the City of Modesto to each
29 person to whom land within the territory proposed to be annexed was
30 assessed on the last equalized assessment roll available on the date
31 the proceedings were initiated, at the address as shown thereon, or
32 as known to said Clerk, and to any person who has filed his name

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

7 WHEREAS, on the 15th day of June, 1955, at the hour of
8 4:30 o'clock p.m., in the Council Chambers in the McHenry Public
9 Library in the City of Modesto, County of Stanislaus, State of
10 California, the Council of the City of Modesto did hear and pass
11 upon all protests made to the proposed annexation and did determine
12 that protests had not been made by the owners of one-half of the
13 value of the territory proposed to be annexed as shown by the last
14 equalized assessment roll, nor by public and private owners of one-
15 half of the value of the territory proposed to be annexed as
16 determined by said Council, and

17 WHEREAS, said territory is contiguous to the City of
18 Modesto and is uninhabited territory in the County of Stanislaus,

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

21 SECTION 1. The territory hereinafter described is hereby
22 annexed to and made a part of the City of Modesto.

23 SECTION 2. The area or territory so annexed, designated
24 the WEST-GLEN ADDITION, is located in the County of Stanislaus,
25 State of California, is contiguous to the City of Modesto, is
26 uninhabited territory within the meaning of the Annexation of
27 Uninhabited Territory Act of 1939, as amended, and is more particu-
28 larly described as follows:

29 All that certain real property situate in the State
30 of California, County of Stanislaus, Sections 17,
31 18, 19, and 20, Township 3 South, Range 9 East,
32 Mount Diablo Base and Meridian, and more particularly
described as follows:

Commencing at a point on the corporate limits of the

1 City of Modesto, said point being on the center
2 line of Orangeburg Avenue and 20 feet Easterly of
3 the section line common to Sections 19 and 20;
4 thence along a line 20 feet at right angles Easterly
5 of and parallel to said section line common to
6 Sections 19 and 20, said line also being the exist-
7 ing corporate limits of the City of Modesto, Northerly
8 to the intersection thereof with the Easterly exten-
9 sion of the Southerly line of Fremont Park Subdivi-
10 sion as shown on the map filed in Volume 18 of Maps
11 at Page 13, Stanislaus County Records, said point
12 being the true point of beginning of this descrip-
13 tion; thence along said Easterly extension of the
14 Southerly line of Fremont Park Subdivision, Westerly
15 to the Southeasterly corner of said Fremont Park
16 Subdivision; thence continuing along said Southerly
17 line of Fremont Park Subdivision, Westerly 180.00
18 feet; thence along a line parallel to said section
19 line common to Sections 19 and 20, Southerly 60.00
20 feet to the Easterly extension of the Northerly
21 line of the Wilen Tract No. 2 as filed in Volume
22 14 of Maps at Page 43, Stanislaus County Records;
23 thence along said Easterly extension of the Northerly
24 line of Wilen Tract No. 2 to the intersection
25 thereof with the Easterly line of said Wilen Tract
26 No. 2; thence continuing along said Northerly line
27 of Wilen Tract No. 2, Westerly to a point at the
28 intersection thereof with the Easterly line of
29 Tebbutt Avenue as shown on the maps of said Wilen
30 Tract No. 2, and the Davis Tract as filed in Volume
31 17 of Maps at Page 18, Stanislaus County Records;
32 thence along said Easterly line of Tebbutt Avenue
Northerly to a point at the intersection thereof
with the Northerly line of said Davis Tract, said
point also being the Southerly line of said Fremont
Park Subdivision; thence along the Southerly line
of said Fremont Park Subdivision Westerly to a point
at the intersection thereof with the Easterly line
of Kearney Avenue as shown on map of said Fremont
Park Subdivision, said point being 30.00 feet at
right angles Easterly of the North-South quarter
quarter section line of the Northeast quarter of
Section 19; said quarter quarter section line also
being the Easterly line of the Wilen Tract as
shown on the map filed in Volume 14 of Maps at
page 32, Stanislaus County Records; thence along
said Easterly line of said Kearney Avenue Northerly
to the intersection thereof with the Northerly
line of said Fremont Park Subdivision; thence con-
tinuing along a line 30 feet at right angles Easterly
of and parallel to said North-South quarter quarter
section line Northerly to a point at the intersection
thereof with the Easterly extension of the Northerly
line of said Wilen Tract; thence along said Easterly
extension of the Northerly line of Wilen Tract,
Westerly to said quarter quarter section line; thence
along said quarter quarter section line Northerly
to the intersection thereof with the section line
common to Sections 18 and 19; thence along the
North-South quarter quarter section line of the
Southeast quarter of Section 18, Northerly 717.42
feet; thence South 89° 17' 30" East 1339.19 feet
to the existing corporate city limit line, said line

1 being 20 feet at right angles Easterly of and
2 parallel to the section line common to Sections
3 17 and 18; thence along the existing corporate city
4 limit line and said parallel line South 0° 34' West
5 717.68 feet to a point which is on the section line
6 common to Sections 17 and 20, and 20 feet Easterly
7 of the section corner common to Sections 17, 18,
8 19, and 20; thence continuing along said corporate
9 city limit line Southerly to the Easterly extension
10 of the Southerly line of Fremont Park Subdivision
11 and the true point of beginning.

12 SECTION 3. Said territory shall be subject to municipal
13 taxes to pay any indebtedness or liability of the City of Modesto
14 authorized or existing at the time of the adoption of this ordinance.

15 SECTION 4. The City Clerk is hereby authorized and
16 directed to prepare a certified copy of this ordinance under seal,
17 giving the date of its passage and transmit the same to the Secre-
18 tary of State of the State of California as required by the provi-
19 sions of Section 35316 of the Government Code of the State of
20 California.

21 SECTION 5. The City Clerk is hereby authorized and
22 directed to comply with the provisions of Sections 34080 and 34081
23 of the Government Code of the State of California relating to the
24 filing of an affidavit of completion of annexation proceedings.

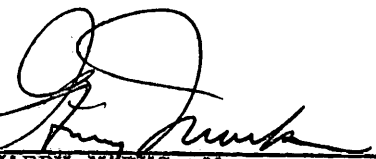
25 SECTION 6. Pursuant to Section 722 of the Charter of the
26 City of Modesto, this ordinance shall become effective immediately
27 upon its adoption.


28 SECTION 7. This ordinance shall be published in full at
29 least once in The Modesto Tribune, the official newspaper of the
30 City of Modesto.

31 The foregoing ordinance was introduced at a regular
32 meeting of the Council of the City of Modesto held on the 15 day
of June, 1955, by Councilman Hammond, who
moved its adoption and passage to print, which motion being duly

1 seconded by Councilman Anderson, was upon roll call
2 carried and ordered printed and published by the following vote:

3 AYES: Councilmen: Anderson, Arata, Hammond, Merrill, Robinson
4 NOES: Councilmen: None
5 ABSENT: Councilmen: Adams

6
7 APPROVED: 
8 HARRY MARKS, Mayor

8 ATTEST: 
9 REX E. GAILFUS, City Clerk

10 (SEAL)

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1 AN ORDINANCE ADDING CHAPTER 6 TO TITLE III OF
2 THE MODESTO MUNICIPAL CODE RELATING TO THE
3 REGULATION AND USE OF PUBLIC OFF-STREET PARK-
4 ING FACILITIES IN THE CITY OF MODESTO.

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

6 SECTION 1. AMENDMENT OF CODE. Chapter 6, consisting of
7 Sections 3-6.01 through 3-6.09, both inclusive, is hereby added to Title III
8 of the Modesto Municipal Code to read as follows:

9 CHAPTER 6 - REGULATION AND USE OF
10 PUBLIC OFF-STREET PARKING FACILITIES

11 SEC. 3-6.01. DEFINITIONS. (a) Whenever any term is defined in
12 this Chapter, it shall be deemed and construed to have the meaning prescribed
13 to it herein.

14 (b) The definition of any term used herein and not otherwise
15 herein defined shall be the same as such term defined and described in the
16 Vehicle Code of the State of California and the laws of the City and the amend-
17 ments thereto.

18 (c) The word "vehicle" as used in this Chapter shall mean any
19 device in, upon, or by which any person or property may be transported upon
20 a street or highway, except those operated upon rails or tracks.

21 (d) The word "park" or "parking" as used in this Chapter shall
22 mean the standing of a vehicle, whether occupied or not.

23 (e) The words "public parking facility" as used in this Chapter
24 shall mean any lot, space or area within the City of Modesto now or hereafter
25 used for off-street parking of vehicles by members of the public, and owned
26 or operated for such use by the City of Modesto.

27 SEC. 3-6.02. ADMINISTRATION OF OFF-STREET FACILITIES.

28 The operation and management of all off-street public parking facilities in the
29 City as defined in this Chapter is hereby placed under the control of the City
30 Manager, subject to the policy direction of the Council.

31 SEC. 3-6.03. ESTABLISHMENT OF RATES AND TIME LIMITS.

32 The Council may establish by resolution the rates and parking time limits for
the parking of vehicles on public parking facilities as defined in this Chapter
as well as the days and hours during which they shall apply.

REPEALED ORD 234 CS

1 SEC. 3-6.04. COMPLIANCE WITH REGULATIONS. It shall be un-
2 lawful for any person to cause, allow, permit or suffer any vehicle registered
3 in his name or controlled by him to be parked upon any part of said
4 public parking facilities without first complying with the rules, regulations,
5 restrictions and requirements relating to the use thereof, including the pay-
6 ment of a fee therefor, as specified by appropriate signs or notices posted on
7 or about such parking areas or on each meter.

8 SEC. 3-6.05. USE OF SUBSTITUTE COINS. It shall be unlawful
9 for any person to deposit or cause to be deposited in any parking meter on any
10 such public parking facility any slug, device or substitute for any coin required
11 for the normal operation thereof.

12 SEC. 3-6.06. TAMPERING WITH METERS. It shall be unlawful for
13 any person to deface, tamper with, open or wilfully break, destroy, damage
14 or impair any parking meter or any part thereof, installed on any public park-
15 ing facility.

16 SEC. 3-6.07. METHOD OF PARKING. The Traffic Engineer shall
17 cause lines or makings to be painted or placed upon the surface of said public
18 parking facilities adjacent to each parking meter designating the parking space
19 for which said meter is to be used. Each vehicle parked adjacent to such
20 meter shall be parked or placed within the lines or markings so established.
21 It shall be unlawful to park or place any vehicle across or outside of any such
22 line or marking, or to park or place the vehicle in such a position so that the
23 same shall not be entirely within the space designated or delineated by such
24 lines or markings.

25 SEC. 3-6.08. ENFORCEMENT. It shall be the duty of the City of
26 Modesto Police Department to enforce the provisions of this Chapter, and the
27 rules, regulations, restrictions and requirements relating to the use of such
28 parking facilities as may be prescribed by the Council. It shall be the duty of
29 each Police Officer to take the number of any meter at which any vehicle is
30 overparked or which is parked in violation of any of the provisions of this
31 Chapter, the State vehicle license number of such vehicle, the time and date of
32 any such overparking or other violation, and the make and model of such

1 vehicle; and to issue, in writing, and attach to such vehicle a citation for
2 overparking or other violation in the same form and subject to the same pro-
3 cedure as provided by the laws of the State of California applicable to traffic
4 violations within the City. Any operator or owner of a vehicle to whom a
5 citation has been issued may, within twenty-four (24) hours of the issuance of
6 said citation, pay to the Judge or Clerk of the Municipal Court of the City,
7 or such other court or official as may be hereafter established by law, as a
8 penalty for and in full satisfaction of such violation, the sum of One and
9 no/100ths (\$1.00) Dollar or such other sum as may be prescribed for such
10 violation by the Council. The failure by such owner or operator to make such
11 payment within the said twenty-four (24) hours shall render such owner or
12 operator subject to the penalties provided in this Code for the violation of the
13 provisions of this Chapter.

14 SEC. 3-6.09. SUPPLEMENTAL REGULATIONS. The provisions of
15 this Chapter, insofar as consistent therewith, shall be deemed to be in
16 addition and supplementary to, and not in conflict with, or repeal of prior or
17 existing laws of the City, but shall be an additional provision for the regula-
18 tion of traffic and parking in the public off-street facilities in the City of
19 Modesto.

20 SECTION 2. REPEALS. Ordinance No. 991-N.S. entitled, "An
21 Ordinance Relating to Regulation and Use of Off-Street Parking Facilities in
22 the City of Modesto, Providing for the Establishing of Fees for the Use
23 Thereof, and for the Enforcement of this Ordinance and of the Rules, Regula-
24 tions, and Restrictions Connected with the Use Thereof by the Public; and
25 Providing for Penalties for the Violation of this Ordinance and of the Rules,
26 Regulations and Restrictions Connected with the Use of Such Off-Street Park-
27 ing Facilities by the General Public" is hereby repealed.

28 SECTION 3. SAVINGS PROVISIONS. The repealing provisions of
29 this ordinance shall not affect any proceedings, suit or prosecution had or
30 commenced in any cause before such repeal shall take effect; but every such
31 proceeding, suit or prosecution had or commenced shall remain in full force
32 and effect to all intents and purposes as if such ordinances or parts thereof

1 so repealed had remained in force. No offense committed and no liability,
2 penalty or forfeiture, either civilly or criminally incurred prior to the time
3 when any such ordinance or part thereof shall be repealed, shall be dis-
4 charged or affected by such repeal; but prosecutions and suits for such
5 offenses, liabilities, penalties or forfeitures shall be instituted and proceeded
6 with in all respects as if such prior ordinance or part thereof had not been re-
7 pealed.

8 SECTION 4. EMERGENCY. The Council of the City of Modesto
9 hereby finds and declares that the immediate adoption of the foregoing ordi-
10 nance is necessary as an emergency measure for preserving the public peace,
11 health and safety for the following reasons:

12 The transfer of off-street parking functions from the City of Modesto
13 Parking Authority to the City of Modesto, effective as of Midnight, June 30,
14 1955, makes it urgently necessary to prescribe regulations governing the use
15 of public off-street parking facilities and to establish rates and charges for
16 the use of such facilities to permit proper operation of said facilities and the
17 enforcement of parking regulations.

18 SECTION 5. EFFECTIVE DATE. Pursuant to Section 722 of the
19 Charter of the City of Modesto, this ordinance shall take effect and be in full
20 force and operation as of the date hereof.

21 SECTION 6. PUBLICATION. This ordinance shall be published in
22 full in The Modesto Journal and / Valley Citizen, the official newspaper of the City of
23 Modesto.

24 The foregoing ordinance was introduced at a regular meeting of the
25 Council of the City of Modesto held on the 6th day of July, 1955, by Council-
26 man Adams, who moved its adoption and passage to print,
27 which motion being duly seconded by Councilman Arata, was
28 upon roll call carried and ordered printed and published by the following vote:

29 AYES: Councilmen: Adams, Anderson, Arata, Hammond, Merrill,
30 Robinson and Mayor Marks

30 NOES: Councilmen: None

31 ABSENT: Councilmen: None

31 APPROVED: 

HARRY MARKS, Mayor

32 ATTEST: 
REX E. GAILFUS, City Clerk

(SEAL)

1 AN ORDINANCE AMENDING SECTION 6-1.232 OF ARTICLE
2 OF CHAPTER 1 OF TITLE VI OF THE MODESTO MUNICIPAL
3 CODE REGULATING THE PEDDLING OF FOOD STUFFS.

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

5 SECTION 1. Section 6-1.232 of Article 2 of Chapter 1 of
6 Title VI of the Modesto Municipal Code is hereby amended to read
7 as follows:

8 SEC. 6-1.232. PEDDLING FOOD STUFFS. Every person
9 conducting, carrying on or managing the business
10 of peddling food stuff, farm produce, bakery
11 products, ice cream confections, candy, popcorn
12 or peanuts at retail:

13 (a) If by means of any vehicle, shall pay
14 a license fee in the sum of Fifteen and no/100ths
15 (\$15.00) Dollars per vehicle per quarter or
16 fraction thereof;

17 (b) If by means of any hand tray or basket,
18 shall pay a license fee in the sum of Fifteen
19 and no/100ths (\$15.00) Dollars per quarter or
20 fraction thereof per person.

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

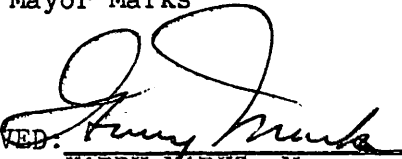
24 SECTION 3. PUBLICATION. This ordinance shall be pub-
25 lished in full at least once at least three (3) days prior to its
26 final adoption in the Modesto ~~Tribune~~ ^{Journal and Valley Citizen}, the official newspaper of
27 the City of Modesto.

28 The foregoing ordinance was introduced at a regular
29 meeting of the Council of the City of Modesto held on the 6th day
30 of July, 1955, by Councilman Merrill, who moved
31 its introduction and passage to print, which motion being duly
32 seconded by Councilman Hammond, was upon roll call carried
and ordered printed and published by the following vote:

AYES: Councilmen: Adams, Anderson, Arata, Hammond, Merrill,
Robinson and Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

Ord. No. 39-C.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 July, 1955, 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: **Anderson, Arata, Hammond, Merrill and
Mayor Pro Tempore Adams**
NOES: Councilmen: **None**
ABSENT: Councilmen: **Robinson and Mayor Marks**

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: August 4, 1955

ORDINANCE NO. 34 -C.S.

1 AN ORDINANCE APPROPRIATING FUNDS FOR PAYMENT
2 OF THE USUAL CURRENT EXPENSES OF THE CITY OF
MODESTO.

3 WHEREAS, the 1954-1955 fiscal year of the City of Modesto
4 ended on June 30, 1955, and

5 WHEREAS, there will be an interim period between June 30,
6 1955, and the adoption of the budget for the fiscal year beginning
7 July 1, 1955, and terminating June 30, 1956, and

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

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

13 SECTION 1. That the sum of \$250,000.00, or such portion
14 thereof as may be necessary, is hereby appropriated for the payment
15 of the customary and usual current expenses of the City of Modesto
16 for the period commencing July 1, 1955, and continuing until the
17 adoption of the budget for the fiscal year 1955-1956.

18 SECTION 2. ^{That} /pursuant to Sec. 722 of the Charter of the
19 City of Modesto, this ordinance shall take effect upon adoption
20 and shall apply retroactively, commencing on and after July 1, 1955
21 but shall be superseded upon the adoption of the budget for the
22 1955-1956 fiscal year.

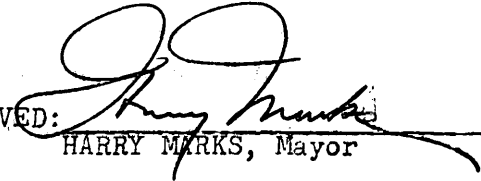
23 SECTION 3. That this ordinance shall be published in
24 full at least once in the Modesto ^{Journal and Valley Citizen} ~~Tribune~~, the official newspaper
25 of the City of Modesto.

26 The foregoing ordinance was introduced at a regular
27 meeting of the Council of the City of Modesto held on the 6th day
28 of July, 1955, by Councilman Adams, who moved
29 its adoption, which motion being duly seconded by Councilman

1 Robinson, was upon roll call carried and the ordinance
2 adopted by the following vote:

3 AYES: Councilmen: Adams, Anderson, Arata, Hammond, Merrill,
4 NOES: Councilmen: None

5 ABSENT: Councilmen: None

6
7 APPROVED: 
8 HARRY MARKS, Mayor

9 ATTEST: 
10 REX E. GAILFUS, City Clerk

11 (SEAL)

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

WHEREAS, on the 13th day of July, 1955, at the hour of 8:00 o'clock p.m., in the Council Chamber in the McHenry Public Library in the City of Modesto, County of Stanislaus, State of California, the Council of the City of Modesto did hear and pass upon all protests made to the proposed annexation and did determine that protests had not been made by the owners of one-half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll, nor by public and private owners of one-half of the value of the territory proposed to be annexed as determined by said Council, and

WHEREAS, said territory is contiguous to the City of Modesto and is uninhabited territory in the County of Stanislaus,

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

SECTION 1. The territory hereinafter described is hereby annexed to and made a part of the City of Modesto.

SECTION 2. The area or territory so annexed, designated the MINENI MANOR ADDITION, is located in the County of Stanislaus, State of California, is contiguous to the City of Modesto, is uninhabited territory within the meaning of the Annexation of Uninhabited Territory Act of 1939, as amended, and is more particularly described as follows:

All that portion of the Northeast quarter of Section 6, Township 4 South, Range 9 East, M.D.B. & M., described as follows:

COMMENCING at the Northeast corner of said Section 6; thence South $0^{\circ} 24'$ East along the East line of said Section 6, a distance of 1304.84 feet to the intersection thereof with the North line of Rouse Avenue, as said Avenue is shown on the Map of Hudson Park, filed April 14, 1953, in Vol. 17 of Maps, page 57, being also the Southeasterly corner of the

City Limits line of the City of Modesto, as established by Ordinance No. 1091-N.S. recorded August 28, 1953, as Instrument No. 21233, and being the true point of beginning of this description; thence continue South $0^{\circ} 24'$ East and along the East line of said Section 6, a distance of 1334.20 feet to the East quarter corner of said Section 6; thence South $88^{\circ} 44'$ West along the East and West quarter Section line of said Section and being along the South boundary line of Mineni Manor, as per map filed June 10, 1954, in Vol. 17 of Maps, page 75, a distance of 1322.38 feet to the Southwest corner of said Mineni Manor; thence North $0^{\circ} 27'$ West along the West line of said Mineni Manor, a distance of 567.33 feet to the Northwest corner of said Mineni Manor; thence South $89^{\circ} 05'$ East along the North line of said Mineni Manor, a distance of 644.88 feet to an angle point therein; thence continuing along the Northerly line of said Mineni Manor North $75^{\circ} 00'$ East, a distance of 567.42 feet to a point that intersects the East line of alley extended South through Block 3071 of Sunset Manor, as per map filed November 6, 1947, in Vol. 16 of Maps, page 50; thence North $0^{\circ} 24'$ West along the East line of said alley and its extensions, a distance of 657.86 feet to a point on the North line of said Rouse Avenue, as said Avenue is shown on the said Map of Hudson Park and being also the South line of said City Limits line as hereinbefore mentioned; thence North $89^{\circ} 00'$ East a distance of 130 feet to the true point of beginning.

SECTION 3. Said territory shall be subject to municipal taxes to pay any indebtedness or liability of the City of Modesto authorized or existing at the time of the adoption of this ordinance.

SECTION 4. The City Clerk is hereby authorized and directed to prepare a certified copy of this ordinance under seal, giving the date of its passage and transmit the same to the Secretary of State of the State of California as required by the provisions of Section 35316 of the Government Code of the State of California.


SECTION 5. The City Clerk is hereby authorized and directed to comply with the provisions of Sections 34080 and 34081 of the Government Code of the State of California relating to the filing of an affidavit of completion of annexation proceedings.

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

SECTION 7. This ordinance shall be published in full at least once in The Modesto Journal, and The Valley Citizen, 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 13 day of July, 1955, by Councilman Arata, who moved its adoption and passage to print, which motion being duly seconded by Councilman Robinson, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Adams, Arata, Hammond, Merrill, Robinson and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: Anderson

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

(SEAL)

1 AN ORDINANCE AMENDING SECTIONS 8-2.301 and 8-2.304
 2 OF ARTICLE 3 OF CHAPTER 2 OF TITLE VIII OF THE
 MODESTO MUNICIPAL CODE RELATING TO PROPERTY TAXES.

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

4 SECTION 1. Section 8-2.301 of Article 3 of Chapter 2 of
 5 Title VIII of the Modesto Municipal Code is hereby amended to read
 6 as follows:

7 SEC. 8-2.301. TRANSFER OF DUTIES. (a) Taxes.
 The duties of the Council, Assessor, Tax Collector,
 8 Auditor, Director of Finance and City Clerk of the
 City, with respect to the assessment of property
 9 in the said City for the purpose of ad valorem
 taxation thereof, to the equalization and correction
 10 of such assessments, to the collection, payment and
 enforcement of such taxes hereafter becoming a lien,
 11 to the sale of property for non-payment of such
 taxes levied for municipal purposes, and to the
 12 redemption of such property from sale or other
 penalties for non-payment of the municipal taxes
 13 of said City, shall be performed by the officers
 of the County charged respectively with the perform-
 14 ance of duties of the same character as the officers
 of said City whose duties are to be performed by
 15 such County officers.

16 (b) Assessments. The Council, by resolution, is
 hereby authorized to transfer the duties of the
 17 Council, Assessor, Tax Collector, Auditor, Director
 of Finance and City Clerk of the City with respect
 18 to the collection of cash assessments or assessments
 of less than Twenty-five (\$25.00) Dollars heretofore
 19 or hereafter levied for municipal improvements to
 the officers of the County charged respectively with
 20 the performance of duties of the same character as
 the officers of said City whose duties are to be
 21 performed by such County officers.

22 (c) Duties Not Transferred. All duties now being
 performed by the above mentioned City officers which
 23 are not specifically transferred by or pursuant to
 the provisions of this Article shall continue to
 24 be performed in accordance with the applicable laws
 of the City.

25 SECTION 2. Section 8-2.304 of Article 3 of Chapter 2 of
 26 Title VIII of the Modesto Municipal Code is hereby amended to read
 27 as follows:

28 SEC. 8-2.304. REPEALS. Ordinance No. 396-N.S. of
 29 the City of Modesto entitled, "An Ordinance Providing
 for Property Taxes in and for the City of Modesto
 30 and Providing a System for the Assessment, Levy and
 Collection Thereof, and Further Providing for the
 31 Collection of Public Improvement Assessments and
 Other Purposes in said City", and all ordinances
 32 amendatory thereof, are repealed only to the extent

1 that the same are in conflict with this Article,
2 the express intention being that all of the provi-
3 sions of said ordinance shall remain in effect
4 insofar as the same relate or apply to the collec-
5 tion of assessments for municipal improvements here-
6 tofore or hereafter levied unless the Council has
7 adopted a resolution pursuant to Section 8-2.301 of
8 this Article transferring the City's duties of
9 collection to the County, and the collection of
10 taxes heretofore levied or installments thereof
11 heretofore becoming due, and of all proceeding sub-
12 sequent to any levy heretofore made and the officers
13 of said City charged with any duty pertaining thereto
14 by said Ordinance No. 396-N.S., as amended, shall be
15 obligated to act and perform with respect to any
16 such matters as in said ordinance provided.

17 SECTION 3. EFFECTIVE DATE. This ordinance shall go into
18 effect and be in full force and operation from and after fifteen
19 (15) days after its final passage and adoption.

20 SECTION 4. PUBLICATION. This ordinance shall be pub-
21 lished in full at least once at least three (3) days prior to its
22 final adoption in The Modesto Journal and The Valley Citizen, the
23 official newspaper of the City of Modesto.

24 The foregoing ordinance was introduced at a regular
25 meeting of the Council of the City of Modesto held on the 13 day
26 of July, 1955, by Councilman Hammond, who moved its
27 introduction and passage to print, which motion being duly seconded
28 by Councilman Robinson, was upon roll call carried and
29 ordered printed and published by the following vote:

30 AYES: Councilmen: Adams, Arata, Hammond, Merrill, Robinson,
31 and Mayor Marks
32 NOES: Councilmen: None
33 ABSENT: Councilmen: Anderson

34 APPROVED: 
HARRY MARKS, Mayor

35 ATTEST: 
REX E. GAILFUS, City Clerk

36 (SEAL)

Ord. No. 36

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 27 day of July, 1955, Councilman Adams moved its final adoption, which motion being duly seconded by Councilman Robinson, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Adams, Anderson, Arata, Hammond, Merrill,
Robinson and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: August 11, 1955

AN ORDINANCE ANNEXING UNINHABITED TERRITORY
 KNOWN AS THE LA VILLA ROSE ADDITION TO
 THE CITY OF MODESTO.

WHEREAS, a petition was filed with the City Clerk by
Rose A. Chapman, H. Russell Briggs, and Mabel Briggs
 _____ on
April 28, _____, 1955, to annex to the City of Modesto
 under the provisions of the Annexation of Uninhabited Territory
 Act of 1939, as amended, certain uninhabited territory, hereinafter
 described and designated as the LA VILLA ROSE _____ ADDITION,
 situate in the County of Stanislaus, State of California, and con-
 tiguous to the City of Modesto, and

WHEREAS, the City Council by resolution adopted on the
8th day of June _____, 1955, set said petition for hear-
 ing at the hour of 4:30 o'clock p.m. on the 20th day of July _____,
 1955, in the Council Chamber at the McHenry Public Library,
 located at Fourteenth and I Streets in the City of Modesto, and

WHEREAS, it appears to said Council and the 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 June 17 _____, 1955, and on
June 24 _____, 1955; and in the Turlock Daily Journal,
 a newspaper published outside the City of Modesto, but in the
 County of Stanislaus, on June 17 _____, 1955, and on
June 24 _____, 1955, 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 terri-
 tory 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 Territory Act of 1939, as amended, have been complied with, and

WHEREAS, on the 20th day of July, 1955, at the hour of 4:30 o'clock p.m., in the Council Chamber in the McHenry Public Library in the City of Modesto, County of Stanislaus, State of California, the Council of the City of Modesto did hear and pass upon all protests made to the proposed annexation and did determine that protests had not been made by the owners of one-half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll, nor by public and private owners of one-half of the value of the territory proposed to be annexed as determined by said Council, and

WHEREAS, said territory is contiguous to the City of Modesto and is uninhabited territory in the County of Stanislaus,

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

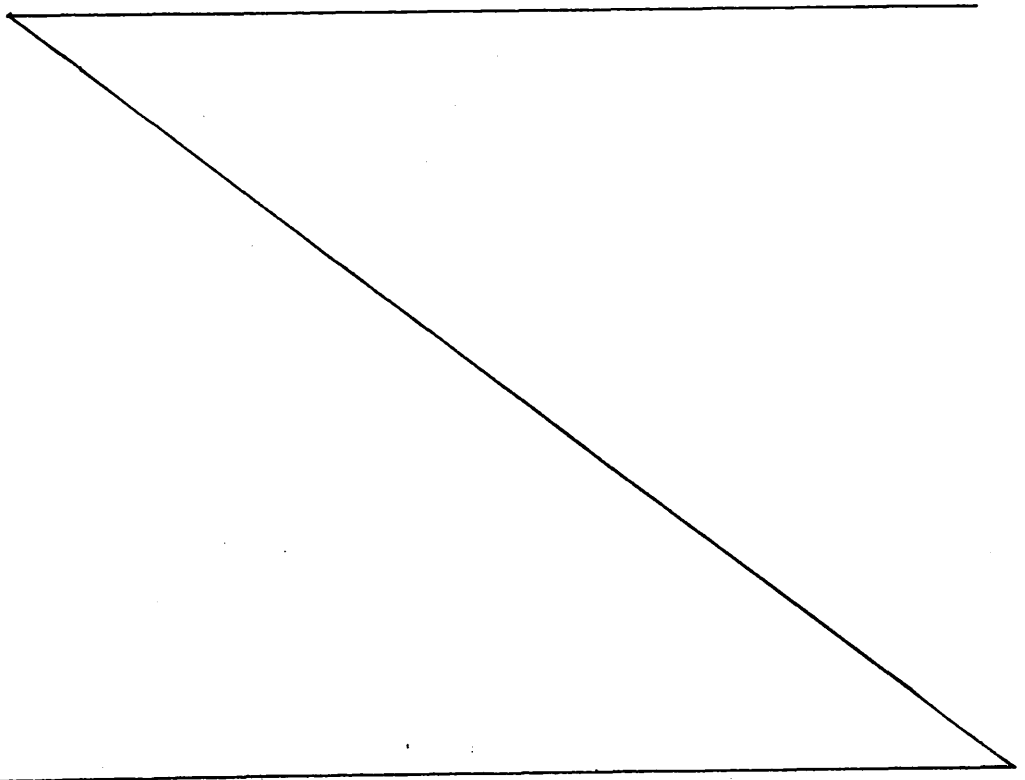
SECTION 1. The territory hereinafter described is hereby annexed to and made a part of the City of Modesto.

SECTION 2. The area or territory so annexed, designated the LA VILLA ROSE ADDITION, is located in the County of Stanislaus, State of California, is contiguous to the City of Modesto, is uninhabited territory within the meaning of the Annexation of Uninhabited Territory Act of 1939, as amended, and is more particularly described as follows:

All that certain real property situate in the State of California, County of Stanislaus, Section 17, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being a portion of Lot 8 of the Fresno Tract according to the map filed March 14, 1903, in Volume 1, Page 76, Stanislaus County Records and more particularly described as follows:

Commencing at the interior quarter section corner of said Section 17, said corner being also the Northwesterly corner of Lot 9 of said Fresno Tract; thence along the

East-West quarter section line and the Northerly line of said Fresno Tract, said line also being the center line of Bowen Avenue as shown on the map of the La Villa Serena Tract as filed March 11, 1953 in Volume 17 of Maps, Page 70, Stanislaus County Records, South $88^{\circ} 53'$ East, 858.46 feet, to the Northeasterly corner of said La Villa Serena Tract; thence continuing along said center line of Bowen Avenue South $88^{\circ} 53'$ East, 4.80 feet to the Northeasterly corner of the existing city limits as described in the boundary description of the Briggs-Whitmore Addition as filed in Volume 1175, at Page 200, Stanislaus County Records, said point being the true point of beginning of this description; thence along the Eastern line of said Briggs-Whitmore Addition and existing city limits line, said line being parallel to and 204 feet at right angles Easterly of the Westerly line of Lot 7 and 8 of said Fresno Tract, Southerly to a point on the Southerly line of the Modesto Irrigation District Lateral Number 3, as shown on the map of said Fresno Tract; thence along said Southerly line of Lateral Number 3 and existing city limits, North $89^{\circ} 27'$ East, 425.00 feet to the extension produced Southerly of the Westerly line of Sycamore Avenue as described in the deed recorded in Volume 1243, Page 269, Stanislaus County Records; thence along said Westerly line of Sycamore Avenue, said line being parallel to and 30 feet at right angles from the Easterly line of said Lot 8; North $00^{\circ} 48'$ West, to the Northerly line of said Lot 8, and center line of said Bowen Avenue; thence along said Northerly line of Lot 8 and center line of Bowen Avenue, North $88^{\circ} 53'$ West, 425.00 feet to the true point of beginning of this description.



SECTION 3. Said territory shall be subject to municipal taxes to pay any indebtedness or liability of the City of Modesto authorized or existing at the time of the adoption of this ordinance.

SECTION 4. The City Clerk is hereby authorized and directed to prepare a certified copy of this ordinance under seal, giving the date of its passage and transmit the same to the Secretary of State of the State of California as required by the provisions of Section 35316 of the Government Code of the State of California.

SECTION 5. The City Clerk is hereby authorized and directed to comply with the provisions of Sections 34080, 34081 and 54900 through 54904, both inclusive, of the Government Code of the State of California relating respectively to the filing of an affidavit of completion of annexation proceedings, and the filing of a statement of change of boundary.

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

SECTION 7. This ordinance shall be published in full at least once in The Modesto Journal and The Valley Citizen, 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 20 day of July, 1955, by Councilman Arata, who moved its adoption and passage to print, which motion being duly seconded by Councilman Anderson, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, ^{Robinson} and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

(SEAL)

1 AN ORDINANCE ADOPTING THE BUDGET FOR THE CITY OF
2 MODESTO FOR THE FISCAL YEAR ENDING JUNE 30, 1956,
AND PROVIDING FOR CERTAIN TRANSFERS OF FUNDS.

3 WHEREAS, pursuant to the Charter of the City of Modesto
4 a proposed budget for the 1955-56 fiscal year has been submitted
5 to the City Council by the City Manager, and the City Council has
6 made such revisions as it has deemed advisable, and

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

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

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

15 SECTION 1. That the "City of Modesto Preliminary Budget,
16 1955-56" presented by the City Manager to the City Council at its
17 meeting held on June 8, 1955, including all revisions heretofore
18 made by the City Council, a copy of which budget as revised is on
19 file in the office of the City Clerk, is hereby adopted as the
20 budget for the City of Modesto for the fiscal year ending June 30,
21 1956, and the several amounts stated therein as proposed expenditures
22 are hereby appropriated for the various objects therein described.

23 SECTION 2. That the City Council is authorized by resolu-
24 tion to transfer funds from one department to another department
25 and to transfer and authorize the expenditure of funds from the
26 Reserves for specific purposes.

27 SECTION 3. That the City Manager is authorized to trans-
28 fer funds within departmental budgets between the following classi-
29 fications, to wit: Salaries, operating expenses, and capital outlay;
30 and to transfer and expend funds from the Contingency Reserve for
31 specific purposes.

32 SECTION 4. Pursuant to Section 722 of the Charter of the

1 City of Modesto, this ordinance shall take effect upon adoption.

2 SECTION 5. This ordinance shall be published in full at
3 least once in The Modesto Journal and The Valley Citizen, the
4 official newspaper of the City of Modesto.

5 The foregoing ordinance was introduced at a regular
6 meeting of the Council of the City of Modesto held on the 20 day
7 of July, 1955, by Councilman Robinson, who moved
8 its adoption, which motion being duly seconded by Councilman
9 Hammond, was upon roll call carried by the following vote:

10 AYES: Councilmen: Adams, Anderson, Arata, Hammond, Robinson
Merrill and Mayor Marks

11 NOES: Councilmen: None

12 ABSENT: Councilmen: None

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14 APPROVED: 
HARRY MARKS, Mayor

15 ATTEST: 
16 REX E. GAILFUS, City Clerk

17 (SEAL)

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

WHEREAS, a petition was filed with the City Clerk by

LANCE E. ELLIS and CAROL L. ELLIS

_____ on
March 31, _____, 1955, to annex to the City of Modesto
under the provisions of the Annexation of Uninhabited Territory
Act of 1939, as amended, certain uninhabited territory, hereinafter
described and designated as the Gregory Gardens ADDITION,
situate in the County of Stanislaus, State of California, and con-
tiguous to the City of Modesto, and

WHEREAS, the City Council by resolution adopted on the
6th day of July, 1955, set said petition for hear-
ing at the hour of 4:30 o'clock p.m. on the 17th day of August,
1955, in the Council Chamber at the McHenry Public Library,
located at Fourteenth and I Streets in the City of Modesto, and

WHEREAS, it appears to said Council and the 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 Journal and the Valley Citizen, a newspaper published
in the City of Modesto on July 14, 1955, and on
July 21, 1955; and in the Turlock Daily Journal,
a newspaper published outside the City of Modesto, but in the
County of Stanislaus, on July 14, 1955, and on
July 21, 1955, 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 terri-
tory 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 Territory Act of 1939, as amended, have been complied with, and

WHEREAS, on the 17th day of August, 1955, at the hour of 4:30 o'clock p.m., in the Council Chamber in the McHenry Public Library in the City of Modesto, County of Stanislaus, State of California, the Council of the City of Modesto did hear and pass upon all protests made to the proposed annexation and did determine that protests had not been made by the owners of one-half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll, nor by public and private owners of one-half of the value of the territory proposed to be annexed as determined by said Council, and

WHEREAS, said territory is contiguous to the City of Modesto and is uninhabited territory in the County of Stanislaus,

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

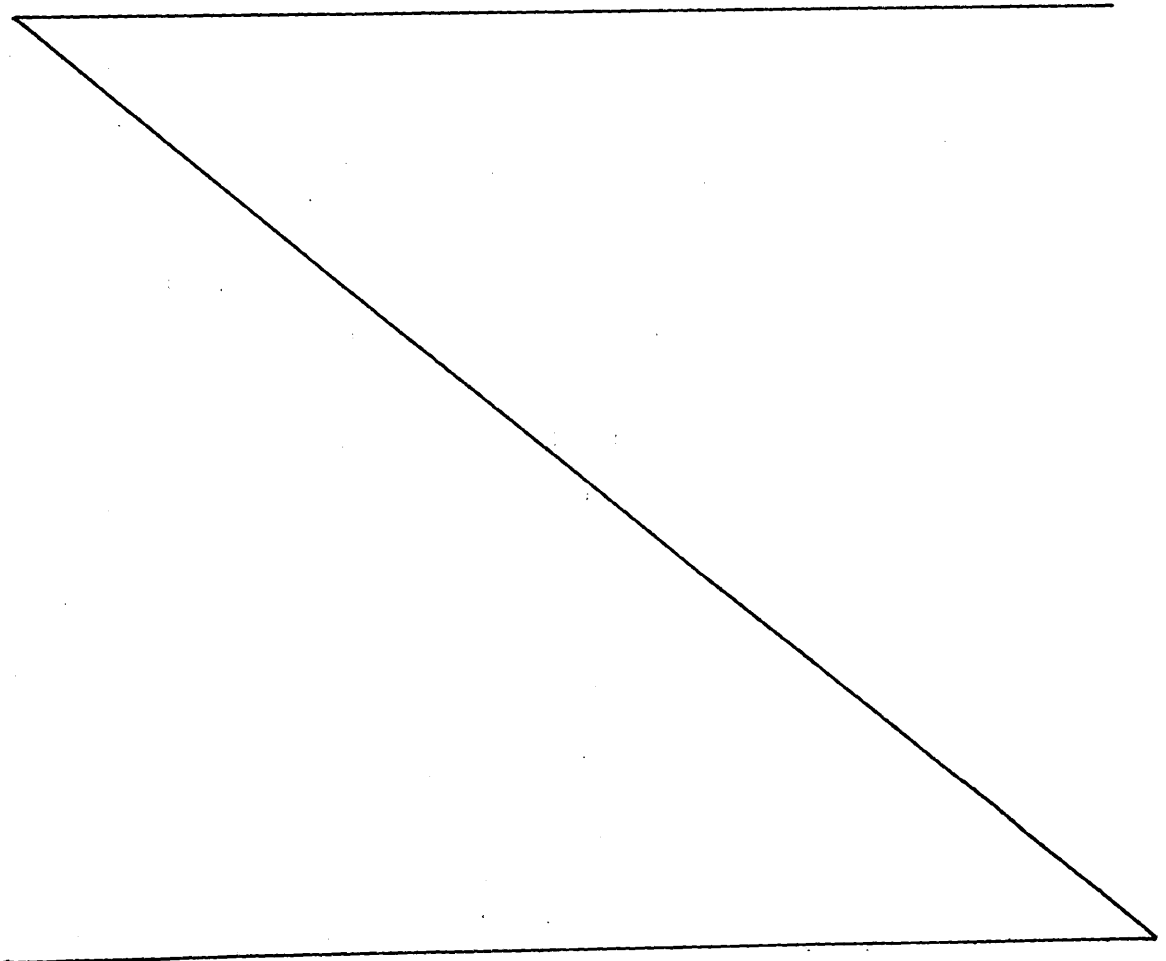
SECTION 1. The territory hereinafter described is hereby annexed to and made a part of the City of Modesto.

SECTION 2. The area or territory so annexed, designated the GREGORY GARDENS ADDITION, is located in the County of Stanislaus, State of California, is contiguous to the City of Modesto, is uninhabited territory within the meaning of the Annexation of Uninhabited Territory Act of 1939, as amended, and is more particularly described as follows:

All that portion of Sections 17 and 18, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the Northwest corner of Lot 17 of Fresno Tract, according to the Map thereof, filed in the office of the County Recorder of Stanislaus County, California, on March 14, 1903 in Vol. 1 of Maps at page 76; thence along the Northerly line of said Lot 17, Easterly 20 feet to the Easterly line of Tully Road and the true point of beginning of this

description, said point of beginning being the Northwest corner of the property annexed to the City of Modesto, California, by Ordinance No. 1096-N.S., a certified copy of which was recorded November 6, 1953 in Vol. 1181 of Official Records at page 73 as Instrument No. 27782; thence Northerly along the East line of Tully Road 660 feet, more or less, to a point on said East line of Tully Road which is South 0° 30' West, 677.34 feet from the North line of the Southwest quarter of the Northwest quarter of said Section 17; thence Westerly 20 feet to the Northeast corner of property conveyed to Lance E. Ellis, et ux, by Deed recorded December 30, 1954 in Vol. 1260 of Official Records at page 286; thence Westerly, 1316.51 feet, more or less, to the West line of the lands described in the deed from Etta Hemminger to George W. Hemminger, et al, dated July 25, 1944 and recorded in Volume 795 of Official Records of Stanislaus County, page 309 (Series No. 10628); thence South 0° 30' West to the Southwest corner of the Southeast quarter of the Northeast quarter of said Section 18; thence Easterly 1320.0 feet, more or less, to the center line of said Tully Road, being the section line between said Sections 17 and 18; thence Easterly 20 feet to the point of beginning.



SECTION 3. Said territory shall be subject to municipal taxes to pay any indebtedness or liability of the City of Modesto authorized or existing at the time of the adoption of this ordinance.

SECTION 4. The City Clerk is hereby authorized and directed to prepare a certified copy of this ordinance under seal, giving the date of its passage and transmit the same to the Secretary of State of the State of California as required by the provisions of Section 35316 of the Government Code of the State of California.


SECTION 5. The City Clerk is hereby authorized and directed to comply with the provisions of Sections 34080, 34081 and 54900 through 54904, both inclusive, of the Government Code of the State of California relating respectively to the filing of an affidavit of completion of annexation proceedings, and the filing of a statement of change of boundary.

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

SECTION 7. This ordinance shall be published in full at least once in The Modesto Journal and The Valley Citizen, 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 17 day of August, 1955, by Councilman Arata, who moved its adoption and passage to print, which motion being duly seconded by Councilman Hammond, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: Robinson

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

(SEAL)

AN ORDINANCE FIXING THE RATE OF TAXATION IN AND FOR THE CITY OF MODESTO FOR THE FISCAL YEAR 1955-1956

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

SECTION 1. DEFINITION: TAX CODE AREA. A geographical area within the City of Modesto as established by the State Board of Equalization for the purpose of taxation and as shown on the tax code area maps on file in the Office of the Assessor of Stanislaus County, State of California.

SECTION 2. TAX RATE. There is hereby levied upon the assessed valuation of the property in the following described tax code areas situated in the City of Modesto, State of California, for the fiscal year beginning July 1, 1955 and ending June 30, 1956, the rates of taxation hereinafter specified, said rates being upon each One Hundred and no/100ths (\$100.00) Dollars of the valuation according to the equalized assessment roll, to wit:

(a) <u>Tax Code Areas Nos. 2-1, 2-6, 2-7 and 2-8:</u>	
FOR THE GENERAL FUND	\$1.20
FOR THE BOND REDEMPTION AND INTEREST FUND	
(1) Municipal Improvement Bonds of 1920	\$.04
(2) Municipal Improvement Bonds of 194717
BEING A TOTAL OF21
For the redemption of bonds and the payments of interest thereon that shall accrue during said fiscal year;	
FOR THE LIBRARY FUND11
THE AGGREGATE OF SAID SUMS TO WIT	\$1.52
(b) <u>Tax Code Area No. 2-2:</u>	
FOR THE GENERAL FUND	\$1.20
FOR THE BOND REDEMPTION AND INTEREST FUND	
(1) Municipal Improvement Bonds of 194717
For the redemption of bonds and the payment of interest thereon that shall accrue during said fiscal year;	
FOR THE LIBRARY FUND11
THE AGGREGATE OF SAID SUMS TO WIT	\$1.48

(c) Tax Code Areas Nos. 2-3, 2-4 and 2-5:

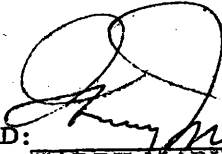
FOR THE GENERAL FUND \$1.20
FOR THE LIBRARY FUND11
THE AGGREGATE OF SAID SUMS TO WIT \$1.31

SECTION 3. EFFECTIVE DATE. Pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall take effect and be in full force and operation upon adoption.

SECTION 4. PUBLICATION. This ordinance shall be published in full at least once in The Modesto Journal and Valley Citizen, 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 August, 1955, by Councilman Merrill, who moved its adoption, which motion being duly seconded by Councilman Anderson, was upon roll call carried by the following vote:

AYES: Councilmen: Adams, Anderson, Arata, Merrill, Robinson and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: Hammond

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

(SEAL)

1 AN ORDINANCE ADDING ARTICLE 4 TO TITLE
2 VIII OF THE MODESTO MUNICIPAL CODE RELATING
3 TO THE LIBRARY CASH-BASIS FUND.

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

5 SECTION 1. AMENDMENT OF CODE. Article 4, consisting of
6 Sections 8-1.401 through 8-1.404, both inclusive, is hereby added to Title
7 VIII of the Modesto Municipal Code to read as follows:

8 ARTICLE 4. LIBRARY CASH-BASIS FUND

9 SEC. 8-1.401. CREATION OF FUND. A revolving fund to be
10 known as the "Library Cash-Basis Fund" is hereby created and shall be main-
11 tained for the purpose of providing funds for the operation of the McHenry
12 Public Library, and such branch libraries as the City may establish, during
13 such period of each fiscal year as may be required pending the receipt of ad
14 valorem taxes.

15 SEC. 8-1.402. USE OF FUND. The Library Cash-Basis Fund
16 shall be used solely for the purpose of operating the library under budgetary
17 limitations during each fiscal year pending the receipt of ad valorem taxes.
18 Such expenditures as are made from this fund pending the receipt of taxes
19 shall be reimbursed from the Library Fund on or before the close of each
20 fiscal year.

21 SEC. 8-1.403. SOURCE OF FUNDS. Funds shall be placed in the
22 Library Cash-Basis Fund from sources available for library purposes in
23 amounts which the Council deems sufficient to carry out the purposes specified
24 in this Article.

25 SEC. 8-1.404. TRANSFERS. The Council may, from time to
26 time, make transfers between the Library Fund and the Library Cash-Basis
27 Fund by resolution in order to carry out the purposes of this Article.

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

31 SECTION 3. PUBLICATION. This ordinance shall be published
32 in full at least once at least three (3) days prior to its final adoption in the
Modesto Journal and Valley Citizen, the official newspaper of the City of

1 Modesto.

2 The foregoing ordinance was introduced at a regular meeting of
3 the Council of the City of Modesto held on the 7 day of September
4 1955 by Councilman Robinson, who moved its introduction and
5 passage to print, which motion being duly seconded by Councilman
6 Merrill, was upon roll call carried and ordered printed
7 and published by the following vote:


8 AYES: Councilmen: Anderson, Hammond, Merrill, Robinson, Mayor
Pro Tempore, Adams

9 NOES: Councilmen: None

10 ABSENT: Councilmen: Arata and Mayor Marks

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12 APPROVED: Merrill L. Adams.
~~HARRY MARKS, Mayor~~
13 Merrill L. Adams, Mayor Pro Tempore

14 ATTEST:

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REX E. GAILFUS, City Clerk

17 (SEAL)

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Ord. No. 41-C.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 ^{Adjourned} regular meeting of the Council of the City of Modesto held on the 23 day of September, 1955, Councilman Anderson moved its final adoption, which motion being duly seconded by Councilman Hammond, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Anderson, Hammond, Robinson and Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: Adams, Arata and Merrill

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: October 8, 1955

AN ORDINANCE ANNEXING UNINHABITED TERRITORY
 KNOWN AS THE BEL-AIR ADDITION TO
 THE CITY OF MODESTO.

WHEREAS, a petition was filed with the City Clerk by Roger Hemminger, Mrs. Etta Hemminger, George W. Hemminger, William M. Hill, and Dorothy Hill on May 17, 1955, to annex to the City of Modesto under the provisions of the Annexation of Uninhabited Territory Act of 1939, as amended, certain uninhabited territory, hereinafter described and designated as the BEL-AIR 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 10th day of August, 1955, set said petition for hearing at the hour of 4:30 o'clock p.m. on the 21st day of September, 1955, in the Council Chamber at the McHenry Public Library, located at Fourteenth and I Streets in the City of Modesto, and

WHEREAS, it appears to said Council and the 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 Journal and the Valley Citizen, a newspaper published in the City of Modesto on August 18, 1955, and on August 25, 1955; and in the Turlock Daily Journal, a newspaper published outside the City of Modesto, but in the County of Stanislaus, on August 19, 1955, and on August 26, 1955, 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 Territory Act of 1939, as amended, have been complied with, and

WHEREAS, at the time and place so fixed for said hearing, said hearing was continued to the hour of 2:15 o'clock p.m. on the 23rd day of September in the Council Chambers at the McHenry Public Library located at 14th and I Streets in the City of Modesto, and

WHEREAS, on the 23rd day of September, 1955, at the hour of 2:15 o'clock p.m., in the Council Chamber in the McHenry Public Library in the City of Modesto, County of Stanislaus, State of California, the Council of the City of Modesto did hear and pass upon all protests made to the proposed annexation and did determine that protests had not been made by the owners of one-half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll, nor by public and private owners of one-half of the value of the territory proposed to be annexed as determined by said Council, and

WHEREAS, said territory is contiguous to the City of Modesto and is uninhabited territory in the County of Stanislaus,

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

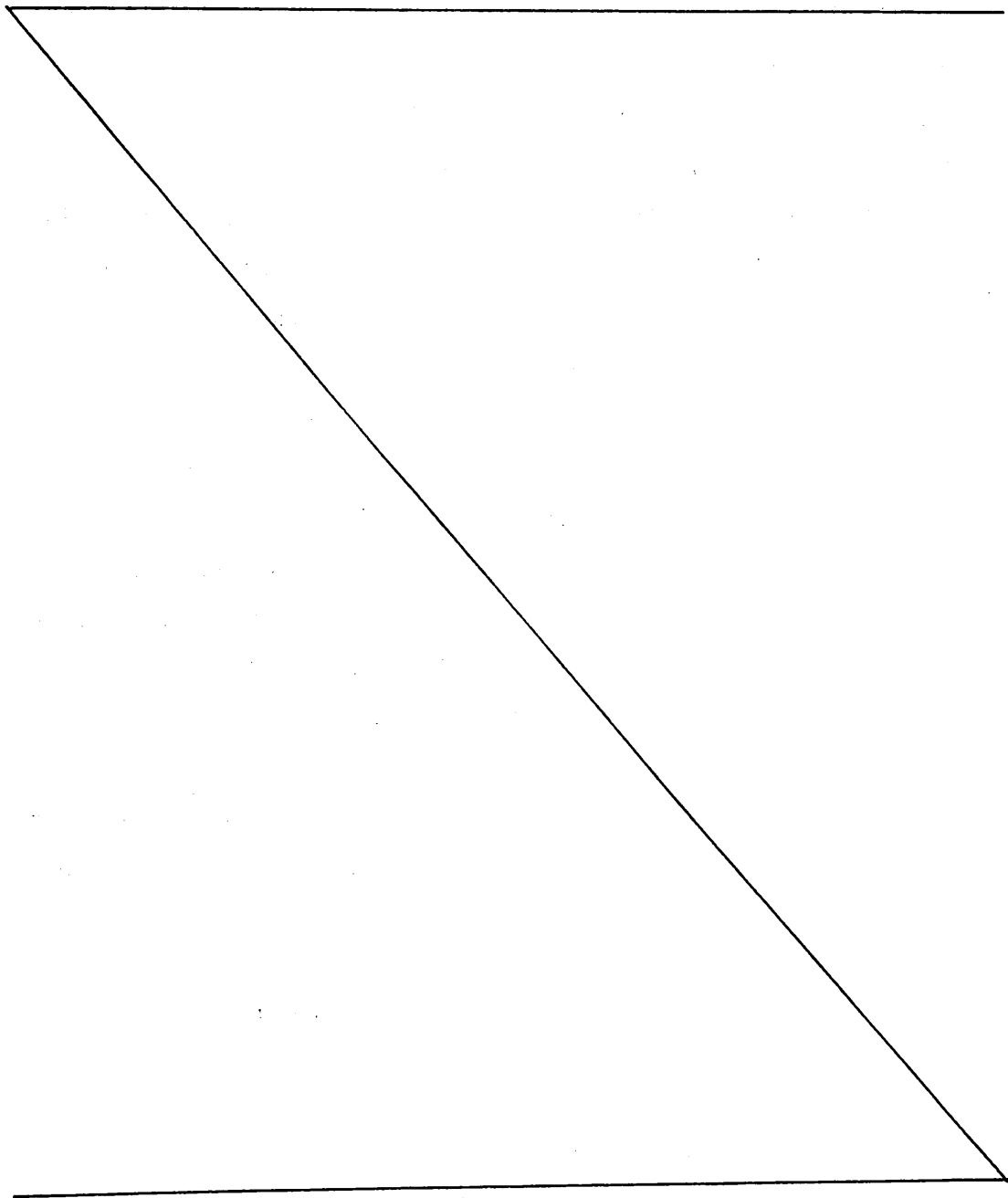
SECTION 1. The territory hereinafter described is hereby annexed to and made a part of the City of Modesto.

SECTION 2. The area or territory so annexed, designated the BEL-AIR ADDITION, is located in the County of Stanislaus, State of California, is contiguous to the City of Modesto, is uninhabited territory within the meaning of the Annexation of Uninhabited Territory Act of 1939, as amended, and is more particularly described as follows:

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

Beginning at the North East corner of the South West Quarter of the North West Quarter of said Section 17, said corner being a point on the existing corporate City Limits; thence along the quarter quarter section line, which is the existing City Limit Line, South

0° 46' 30" East, 1320 feet; thence along the quarter section line which is the existing City Limit Line, North 88° 53' West, 1300 feet; thence along the Easterly line of the 40 foot road known as Tully Road, North 0° 47' West, 1541.8 feet to the point of intersection of said line with the center line of the Cavel Drainage Canal; thence along the center line of said canal, South Easterly, 348.68 feet to the Northerly line of the South West quarter of the North West quarter of said Section 17; thence along the said Quarter Quarter Section line, Easterly 1019.70 feet to the point of beginning.



SECTION 3. Said territory shall be subject to municipal taxes to pay any indebtedness or liability of the City of Modesto authorized or existing at the time of the adoption of this ordinance.

SECTION 4. The City Clerk is hereby authorized and directed to prepare a certified copy of this ordinance under seal, giving the date of its passage and transmit the same to the Secretary of State of the State of California as required by the provisions of Section 35316 of the Government Code of the State of California.

SECTION 5. The City Clerk is hereby authorized and directed to comply with the provisions of Sections 34080, 34081 and 54900 through 54904, both inclusive, of the Government Code of the State of California relating respectively to the filing of an affidavit of completion of annexation proceedings, and the filing of a statement of change of boundary.

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

SECTION 7. This ordinance shall be published in full at least once in The Modesto Journal and the Valley Citizen, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular ^{adjourned} meeting of the Council of the City of Modesto held on the 23 day of September, 1955, by Councilman Anderson, who moved its adoption and passage to print, which motion being duly seconded by Councilman Robinson, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Anderson, Hammond, Robinson and Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: Adams, Arata & Merrill

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

(SEAL)

AN ORDINANCE PROVIDING FOR THE SALE OF SURPLUS, USELESS
AND UNCLAIMED PERSONAL PROPERTY.

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

SECTION 1. The City Manager is hereby authorized and directed
to sell the following described personal property of the City of
Modesto, which said personal property has been found to be surplus
and of no use to the city, to-wit:

10 Used A.M. Radio Transmitter-Receivers

Assorted Radio Equipment

477 Assorted Trees and Shrubs

1 Air Compressor with Tank

3 Trailers

4 Pumps

1 Juke-Box

1 Utility Billing Machine

62 Water Meters

9 Fire Hydrants

2 Electric Motors

1 Distribution Transformer

1 Outboard Motor

16 Ornamental Cast Iron Street Light Standards

1 Stationary Cable Winch

1 Table Saw Frame and Jointer without Motor

1 Power Hack Saw without Motor

3 Oil Containers with Hand Pumps

1 Chest Type Cooler

1 Hay Rake, Dump Type

1 Fresno Scraper

Playground Equipment Frames and Fittings

21 Park Type Benches

8 Iron Wall Beds

6 Wood Saw Horses

Scrap Copper

Scrap Brass

Scrap Steel

1 Scrap Cast Iron

2 Scrap Lead

3 SECTION 2. The City Manager is hereby authorized and directed
4 to sell the following described personal property now in the possession
5 of the City Police Department, which has been unclaimed for a period
6 of at least six months, to-wit:

7 21 Bicycles

8 Miscellaneous bicycle parts

9 1 Tire and Wheel

10 3 Tires

11 Assorted Automotive Accessories

12 1 Carton Soap

13 1 Lot Pictures

14 1 Lot Baby Clothing

15 1 Lot Mens' Clothing

16 1 Lot Ladies' Clothing

17 2 Quilts; Furniture Covers

18 1 Dog Harness

19 2 Vending Machines

20 1 Diesel Engine Part

21 2 Watches

22 3 Suitcases

23 1 Briefcase

24 1 Pair Glasses

25 1 Pair Rubber Boots

26 1 Paper Sleeping Bag

27 1 Chair

28 1 String Christmas Tree Lights

29 16 Wallets and Coin Purses

30 1 Lot Staple Groceries

31 ATTEST: 
32

1 SECTION 3. The foregoing sales shall be made at public auction
2 in the City of Modesto. The City Manager is hereby authorized to
3 fix the time and place for said sales. At least five (5) days
4 before the time fixed for each sale, the City Clerk shall cause notice
5 thereof to be published once in the Modesto Journal and Valley Citizen,
6 the official newspaper of the City of Modesto. Said notice shall set
7 forth the time and place of the sale and the items of property to be
8 offered for sale, and at the regular meeting of the Council.

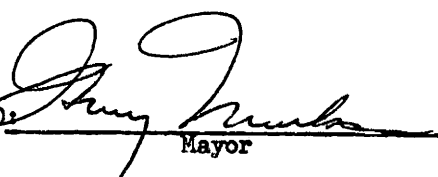
9 The sale shall be conducted by the City Manager or by such person
10 as he may select for this purpose. All items of property not sold at
11 said auction sales shall be disposed of in such manner as the City
12 Manager deems to be in the best interest of the City.


13 SECTION 4. This ordinance shall go into effect and be in full
14 force and operation from and after fifteen (15) days after its final
15 passage and adoption. Mayor Marks
None

16 SECTION 5. This ordinance shall be published in full at least
17 once at least three days prior to its final adoption in the Modesto
18 Journal and Valley Citizen, the official newspaper of the City of
19 Modesto.

20 The foregoing ordinance was introduced at a regular meeting of the
21 Council of the City of Modesto held on the 2nd day of November,
22 1955, by Councilman Arata, who moved its adoption and
23 passage to print, which motion being duly seconded by Councilman
24 Anderson, was upon roll call carried and the ordinance
25 ordered printed and published by the following vote:

26 AYES: Councilman: Adams, Anderson, Arata, Hammond, Merrill,
27 Robinson and Mayor Marks
28 NOES: Councilman: None
29 ABSENT: Councilmen: None

APPROVED: 
Mayor

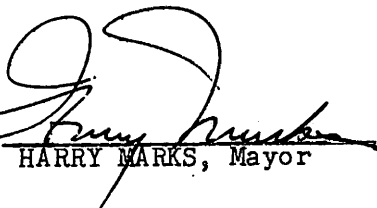
31 ATTEST: 
32 City Clerk

Ord. No. 43-C.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 16th day of November, 1955 Councilman Anderson moved its final adoption, which motion being duly seconded by Councilman Robinson, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Adams, Anderson, Arata, Merrill, Robinson and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: Hammond

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: December 1, 1955

1 AN ORDINANCE AMENDING SECTIONS 5-4.201, 5-4.207
 2 AND 5-4.210 OF ARTICLE 2 OF CHAPTER 4 OF TITLE
 3 V OF THE MODESTO MUNICIPAL CODE AND ADDING
 4 ARTICLE 4 TO CHAPTER 4 OF TITLE V OF THE MODESTO
 5 MUNICIPAL CODE, RELATING TO DOGS AND THE IMMUNI-
 6 ZATION OF DOGS.

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

8 SECTION 1. Section 5-4.201 of Article 2 of Chapter 4 of Title V
 9 of the Modesto Municipal Code is hereby amended to read as follows:

10 SEC. 5-4.201. LICENSING AND FEES. Every person who
 11 owns, controls, harbors, possesses or keeps any dog over
 12 the age of five (5) months in the City shall, on or before
 13 March 1 of each year, procure a license from the City Clerk
 14 for said dog, and shall be required to pay an annual license
 15 fee of Two and no/100ths (\$2.00) Dollars for each such dog.
 16 Thereafter, during the year within fifteen (15) days after a
 17 dog reaches the age of five (5) months, or within fifteen (15)
 18 days after any dog over the age of five (5) months is acquired
 19 or brought into the City, its owner shall procure a license for
 20 said dog and shall be required to pay the fees herein required
 21 of such owner. Any owner who fails to procure such a dog
 22 license within the time allowed shall, in addition to any other
 23 penalty provided by this Code, be subject to a penalty equal to
 24 the amount of said license fee, and said penalty shall be added
 25 to the license fee hereinabove provided for, and shall be col-
 26 lected therewith.

27 SECTION 2. Section 5-4.207 of Article 2 of Chapter 4 of Title V
 28 of the Modesto Municipal Code is hereby amended to read as follows:

29 SEC. 5-4.207. DUTY OF POUNDMAN TO IMPOUND UNLI-
 30 CENSED DOGS. It shall be the duty of the poundman, police-
 31 men and park attendant of the City to impound all dogs over
 32 the age of five (5) months that are unlicensed and/or unidenti-
 33 fied, as provided for in this article, or that are in and upon any
 34 public street, alley, park, park-way or public place unleashed.

35 SECTION 3. Section 5-4.210 of Article 2 of Chapter 4 of Title V
 36 of the Modesto Municipal Code is hereby amended to read as follows:

37 SEC. 5-4.210. KENNEL FEES. All persons keeping, main-
 38 taining or operating a kennel in the City shall pay to the City
 39 a license fee of Ten and no/100ths (\$10.00) Dollars per annum
 40 in addition to the other license fees set forth in Section 5-4.201
 41 of this Code.

42 A kennel is herein defined as any place where three (3) or more
 43 dogs over the age of five (5) months are kept or maintained. No
 44 license shall be issued by the City Clerk to any person to main-
 45 tain and/or operate any kennel unless and until the applicant for
 46 said kennel license shall obtain the written consent of seventy-
 47 five (75%) per cent of the property owners and/or tenants of
 48 property within a radius of three hundred (300⁰) feet of the pro-
 49 posed kennel. Any person who owns property under contract
 50 or the administrator or executor of any estate shall be con-
 51 sidered for the purpose of this article the owner of the property.
 52

1 SECTION 4. Article 4, consisting of Sections 5-4.401 through
2 5-4.408, both inclusive, is hereby added to Chapter 4 of Title V of the
3 Modesto Municipal Code to read as follows:

4 ARTICLE 4. IMMUNIZATION OF DOGS

5 SEC. 5-4.401. IMMUNIZATION REQUIRED. It shall be unlawful
6 for any person to keep, own or harbor any dog or dogs in the City over the
7 age of five (5) months unless such dog or dogs have been vaccinated with an
8 approved canine anti-rabies vaccine by a veterinarian authorized to practice
9 veterinary medicine or surgery in this State, and officially tagged as pro-
10 vided in this Article.

11 SEC. 5-4.402. FREQUENCY OF VACCINATION: ISSUANCE OF
12 CERTIFICATES. Dogs vaccinated with nervous-tissue vaccine shall be
13 vaccinated at least once each year. Dogs vaccinated with chicken-embryo
14 vaccine shall be vaccinated at least once each two (2) years. Doctors of
15 veterinary medicine and surgery who vaccinate dogs with approved anti-
16 rabies vaccine shall issue certificates of such vaccination to the person
17 owning or possessing such dog.

18 SEC. 5-4.403. LICENSING; VACCINATION TAGS. No dog license
19 shall be issued pursuant to Section 5-4.202 of this Code for any dog unless
20 and until the owner of said dog shall present to the City Clerk a certificate of
21 a duly licensed doctor of veterinary medicine, certifying that such dog has
22 been vaccinated with an approved chicken-embryo anti-rabies vaccine within
23 a period of not more than two (2) years prior to the date of issuance of such
24 dog license, or has been vaccinated with an approved nervous-tissue anti-
25 rabies vaccine within a period of not more than one (1) year prior to the date
26 of issuance of such dog license. Upon the presentation to the City Clerk of
27 such a certificate of vaccination of any dog, the City Clerk shall issue an
28 official vaccination tag which the person owning or possessing such dog shall
29 attach to the collar, harness or other device worn by the dog so vaccinated,
30 and said official vaccination tag shall be kept on such dog at all times until
31 replaced by another official vaccination tag upon later vaccination of said dog.
32 It shall be unlawful for any person to attach an official vaccination tag to any

1 dog unless said dog has been duly vaccinated as provided in this Article.

2 SEC. 5-4.404. IMPOUNDING OF UNVACCINATED DOGS. It shall
3 be the duty of the poundman and all police officers to take up and impound any
4 dog over the age of five (5) months running at large which does not have an
5 official vaccination tag attached to its collar, harness or other device worn
6 by such dog as required by the provisions of this Article.

7 SEC. 5-4.405. REDEEMING IMPOUNDED DOGS. In the event
8 that any dog is impounded pursuant to Section 5-4.404 and said dog has not
9 been vaccinated, the owner or person entitled to its custody, before said dog
10 may be redeemed, shall pay a fee of Five and no/100ths (\$5.00) Dollars to
11 cover the cost of having said dog vaccinated with an approved anti-rabies
12 vaccine, together with such additional fees as may be required by the provi-
13 sions of Section 5-4.208 of this Code.

14 SEC. 5-4.406. NOTICE TO OWNER OF IMPOUNDING. Upon any
15 dog being taken up and impounded pursuant to the provisions of this Article,
16 the owner, if the same can be established, shall immediately be notified by
17 the poundman, or other duly authorized person, of the fact of such impound-
18 ment and the reason therefor. If the owner of any dog so impounded is
19 unknown; or cannot be identified, or in the event that the owner, if notified
20 pursuant to the provisions of this Article, does not appear and redeem said
21 dog by the payment of the required fees within a period of five (5) days, said
22 dog may be humanely destroyed by the poundman. The notice required by
23 this Section may be served in the same manner as notices may be served upon
24 owners of dogs impounded for running at large without being licensed as set
25 forth in Section 5-4.209 of this Code.

26 SEC. 5-4.407. COUNTERFEIT VACCINATION TAGS. It shall be
27 unlawful for any person to imitate or counterfeit the official vaccination tag
28 provided for by the provisions of this Article, or to have in his possession
29 any imitation or counterfeit official vaccination tag.

30 SEC. 5-4.408. EXEMPTIONS. The provisions of this Article shall
31 not apply to any dog owned by or in charge of any person who is a non-resident
32 of the City of Modesto and who is travelling through the City of Modesto, or

1 temporarily sojourning therein for a period of not to exceed fifteen (15)
2 days; nor to any dog brought into the City and kept therein for not to exceed
3 fifteen (15) days for the exclusive purpose of entering said dog in any bench
4 show, dog exhibition, field trial or competition; nor to any dog brought to
5 or sent into the City from any point outside thereof for the exclusive purpose
6 of receiving veterinary care in a dog hospital.

7 SECTION 5. EMERGENCY CLAUSE. The Council of the City of
8 Modesto hereby finds and declares that the immediate adoption of the fore-
9 going ordinance is necessary as an emergency measure for preserving the
10 public peace, health and safety for the following reasons:

11 The Department of Public Health of the State of California has found
12 that rabies exists in the County of Stanislaus and has declared, pursuant to
13 law, that the disease of rabies is endemic in said Stanislaus County. To pre-
14 vent the spread of rabies among animals, and to avoid the possibility of human
15 beings becoming infected with this disease, it is imperative that all dogs in
16 the City of Modesto be vaccinated with anti-rabies vaccine. It is necessary
17 that this ordinance take effect at the earliest possible moment to reduce the
18 above described danger of infection and spread of rabies among animals and,
19 possibly, human beings, and to eliminate the aforementioned hazards which
20 threaten the public peace, health and safety.

21 SECTION 6. EFFECTIVE DATE. Pursuant to Section 722 of the
22 Charter of the City of Modesto, this ordinance shall take effect and be in full
23 force and operation as of the date hereof.

24 SECTION 7. PUBLICATION. This ordinance shall be published in
25 full in The Modesto Journal and Valley Citizen, the official newspaper of the
26 City of Modesto.

27 The foregoing ordinance was introduced at a regular meeting of the
28 Council of the City of Modesto held on the 2nd day of November,
29 1955, by Councilman Merrill, who moved its adoption and
30 passage to print, which motion being duly seconded by Councilman Robinson

1 was upon roll call carried and ordered printed and published by the following
2 vote:

3 AYES: Councilmen: Adams, Anderson, Arata, Hammond, Merrill,
4 Robinson and Mayor Marks

5 NOES: Councilmen: None

6 ABSENT: Councilmen: None

7 APPROVED: 
8 HARRY MARKS, Mayor

9 ATTEST: 
10 REX E. GAILFUS, City Clerk

11 (SEAL)

REPEALED ORD 234 CS

AN ORDINANCE AMENDING ORDINANCE NO. 345-N.S. ENTITLED "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF MODESTO", AS AMENDED, TO AMEND SECTION 23 THEREOF AND ADD SECTION 23.1 AND SECTION 36.2 RELATING TO TRAFFIC REGULATION AND REPEALING ORDINANCE NO. 558-N.S.

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

SECTION 1. Section 23 of Ordinance No. 345-N.S. entitled "An Ordinance Regulating Traffic Upon the Public Streets of the City of Modesto", as amended, is hereby amended to read as follows:

Section 23. Through Streets. Stop Signs. The following named streets and parts of streets are hereby declared to be through streets for the purposes of this section:

BURNEY STREET, from the northerly line of Grand Avenue to the southwesterly line of La Loma;

CALIFORNIA STREET, from the northwesterly line of H Street to the centerline of Franklin Street;

COLLEGE AVENUE, from the northerly line of Needham Avenue to the northerly line of Orangeburg Avenue;

DOWNY AVENUE, from the easterly line of McHenry Avenue to the southeasterly line of Scenic Drive;

FIFTH STREET, from the southerly line of L Street to the northwesterly line of H Street, and from the southeasterly line of H Street to the northerly line of Sierra Drive;

FOURTEENTH STREET, from the northwesterly line of D Street to the southeasterly line of H Street, and from the northwesterly line of H Street to the southeasterly line of J Street;

G STREET, from the northeasterly line of Ninth Street to the southwesterly line of Fourteenth Street;

H STREET, from the center line of Washington Street to the southwesterly line of Ninth Street and from the northeasterly line of Ninth Street to the westerly line of Burney Street;

I STREET, from the northeasterly line of Fifth Street to the southwesterly line of Ninth Street;

L STREET, from the northeasterly line of Ninth Street to the southerly line of Needham Avenue;

MILLER AVENUE, from the northeasterly line of La Loma to the westerly line of El Vista Avenue;

NEEDHAM AVENUE, from the northeasterly line of Ninth Street to the easterly line of McHenry Avenue;

1 PARADISE AVENUE, from the center line of Washington
2 Street to the center line of Franklin Street;

3 SCENIC DRIVE, from the northerly line of Downey
4 Avenue to the city limit;

5 SEVENTH STREET, from the southeasterly line of
6 Tuolumne Boulevard to the southeasterly line of
7 H Street;

8 SIERRA DRIVE, from the northeasterly line of Fifth
9 Street to the southwesterly line of Seventh Street;

10 SUTTER AVENUE, from the southerly line of Niam Way
11 to the southeasterly line of Paradise Road;

12 TENTH STREET, from the southerly line of Needham
13 Avenue to the northwesterly line of L Street;

14 TUOLUMNE BOULEVARD, from the southeasterly line of
15 Paradise Road to the southwesterly line of Seventh
16 Street;

17 WASHINGTON STREET, from the northwesterly line of
18 H Street to the southerly line of Maze Boulevard.

19 The Council is hereby authorized to erect and main-
20 tain, or cause to be erected and maintained, at
21 specified entrances to said through streets, stop
22 signs requiring all operators of vehicles to stop
23 at said signs before entering said through streets.
24 The Council is further authorized, by resolution,
25 to designate any intersection under its exclusive
26 jurisdiction as a stop intersection and cause stop
27 signs to be erected at one or more entrances thereto.
28 It shall be unlawful to fail to obey any such sign.

29 SECTION 2. Section 23.1 is hereby added to said Ordinance
30 No. 345-N.S. to read as follows:

31 Section 23.1. Yield Right of Way Signs. Pursuant
32 to the authority contained in Section 471.1 of the
33 Vehicle Code of the State of California, the Council
34 is hereby authorized, by resolution, to erect or
35 cause to be erected yield right of way signs at one
36 or more approaches to an intersection of streets
37 and highways in the City which are not through streets.

38 SECTION 4. Section 36.2 is hereby added to Ordinance No.
39 345-N.S. to read as follows:

40 Section 36.2. Decrease of State Law Maximum Speed.
41 Pursuant to authority contained in Section 511.3(b)
42 of the Vehicle Code of the State of California, it
43 is hereby determined upon the basis of an engineering
44 and traffic survey that the prima facie limit of
45 55 miles per hour permitted by state law outside of
46 business and residence districts as applicable upon
47 the following streets is greater than is reasonable
48 or safe under the conditions found to exist upon
49 such streets, and it is hereby declared that the

1 prima facie speed limit shall be as herein set forth
2 on those streets or parts of streets herein designated
when signs are erected giving notice thereof:

<u>Name of Street or Portion Affected</u>	<u>Declared Prima Facie Speed Limit</u>
LA LOMA	30 miles per hour
MILLER, from La Loma to Conejo	30 miles per hour
KEARNEY, entire length in City	30 miles per hour
SUNRISE, entire length in City	30 miles per hour
GRANGER, from Tully to McHenry	30 miles per hour

3 SECTION 4. URGENCY MEASURE. The Council of the City of
4 Modesto hereby finds and declares that the foregoing ordinance is
5 necessary as an emergency measure for preserving the public peace,
6 health and safety.

7 Unless the foregoing ordinance is adopted without delay,
8 the danger to persons and property resulting from the lack of
9 reasonable and safe speed limits and appropriate traffic signs and
10 devices will jeopardise the health and safety of the citizens of
11 the City of Modesto.

12 SECTION 5. SAVINGS CLAUSE. Nothing herein contained
13 shall be construed as changing or modifying in any way that portion
14 of any ordinance herein amended or repealed or any resolution
15 appertaining thereto, by the terms of which through highways or
16 boulevards have been heretofore created in the City of Modesto, and
17 which are now posted with stop signs.

18 SECTION 6. REPEALS. Ordinance No. 558-N.S. entitled
19 "An Ordinance Amending Section 23 of Ordinance No. 345-N.S. of the
20 City of Modesto, as Thereafter Amended" adopted by the Council of
21 the City of Modesto on October 22, 1937, is hereby repealed.

22 SECTION 7. EFFECTIVE DATE. Pursuant to Section 722 of
23 the Charter of the City of Modesto, this ordinance shall take effect
24 and be in full force and operation upon adoption.

25 SECTION 8. PUBLICATION. This ordinance shall be published
26 in full at least once in The Modesto Journal and Valley Citizen, the

1 official newspaper of the City of Modesto.

2 The foregoing ordinance was introduced at a regular
3 meeting of the Council of the City of Modesto held on the 2nd day
4 of November, 1955, by Councilman Merrill, who moved
5 its adoption, which motion being duly seconded by Councilman
6 Hammond, was upon roll call carried by the following vote:

7 AYES: Councilmen: Adams, Anderson, Arata, Hammond, Merrill,
Robinson and Mayor Marks

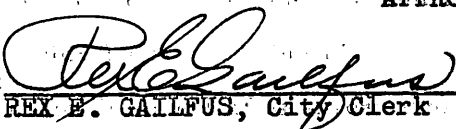
8 NOES: Councilmen: None

9 ABSENT: Councilmen: None

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11 APPROVED:


HARRY MARKS, Mayor

12 ATTEST:


REX E. GAILFUS, City Clerk

13 (SEAL)

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1 AN ORDINANCE APPROVING AN AGREEMENT WITH THE
2 HELM MOTOR RENTAL DIVISION OF FRANK M. HELM
3 CO., INC., RELATING TO THE GRANTING OF A CAR
RENTAL CONCESSION AT THE MODESTO CITY-COUNTY
AIRPORT.

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

5 SECTION 1. That certain agreement between the City of Modesto
6 and the Helm Motor Rental Division of Frank M. Helm Co., Inc., relating to
7 the granting of a car rental concession at the Modesto City-County Airport,
8 a copy of which is on file in the Office of the City Clerk of the City of Modesto
9 is hereby approved, and the City Manager and City Clerk are hereby author-
10 ized to execute said agreement on behalf of the City and do all things necessary
11 to carry out the terms of said agreement.

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

15 SECTION 3. This ordinance shall be published in full at least once
16 at least three (3) days prior to its final adoption in the Modesto Journal and
17 Valley Citizen, the official newspaper of the City of Modesto.

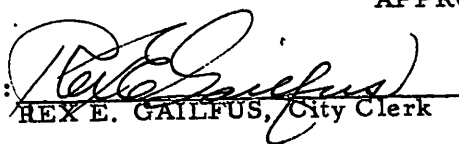
18 The foregoing ordinance was introduced at a regular meeting of
19 the Council of the City of Modesto held on the 9 day of November, 1955,
20 by Councilman Arata, who moved its adoption and
21 passage to print, which motion being duly seconded by Councilman
22 Anderson, was upon roll call carried and the ordinance
23 ordered printed and published by the following vote:

24 AYES: Councilmen: Anderson, Arata, Hammond, Merrill, Mayor Marks

25 NOES: Councilmen: None

26 ABSENT: Councilmen: Adams and Robinson

27 APPROVED: 
HARRY MARKS, Mayor

28 ATTEST: 
REX E. GAILFUS, City Clerk


30 (SEAL)

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32

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 23rd day of November, 1955, Councilman 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: Adams, Anderson, Arata, Hammond, Merrill and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: Robinson

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: December 8, 1955

1 AN ORDINANCE AMENDING SECTION 10-2.801 OF
2 ARTICLE 8 AND SECTION 10-2.1001 OF ARTICLE
3 10 OF CHAPTER 2 OF TITLE X OF THE MODESTO
4 MUNICIPAL CODE, REPEALING SECTION 10-2.1701
5 OF ARTICLE 17 OF CHAPTER 2 OF TITLE X OF
6 THE MODESTO MUNICIPAL CODE, AND AMENDING
7 SECTION MAPS 19, 28 AND 29 AND ADDING SECTION
8 MAP 18 TO THE ZONING MAP OF THE CITY OF
9 MODESTO.

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

11 SECTION 10-2.801 AMENDMENT OF CODE. Section 10-2.801 of

12 Article 8 of Chapter 2 of Title X of the Modesto Municipal Code is hereby
13 amended to read as follows:

14 SEC. 10-2.801. PERMITTED USES. In a C-1 zone only
15 the following uses are permitted as are hereinafter speci-
16 fically provided and allowed.

- 17 (a) The following general merchandising stores:
- 18 (1) Variety.
 - 19 (2) Dry goods, notions and general merchandise,
20 but not including department stores.
- 21 (b) The following food stores:
- 22 (1) Grocery.
 - 23 (2) Meat, fish, egg and poultry, provided there shall
24 be no sales of live poultry or animals and no kill-
25 ing of fowl, fish or animals.
 - 26 (3) Fruit and vegetable.
 - 27 (4) Candy, nut and confectionery.
 - 28 (5) Dairy products.
 - 29 (6) Bakery; catering establishment.
 - 30 (7) Delicatessen.
 - 31 (8) Coffee, tea, spices and health foods.
 - 32 (9) Frozen food lockers, individual retail rental.
- (c) The following automobile service facilities:
- (1) Service station.
 - (2) Parking area.
 - (3) Parking garage.
- (d) The following apparel and accessory stores:
- (1) Men's and boys' clothing and furnishings.
 - (2) Women's ready to wear.
 - (3) Women's accessory and specialty.
 - (4) Children's and infants'.
 - (5) Shoe.
 - (6) Family clothing.
 - (7) Custom tailors.
 - (8) Custom dressmaking.
- (e) The following home furnishings and equipment stores:
- (1) Drapery, curtain and upholstery material.
 - (2) China, glassware and metalware.
 - (3) Miscellaneous home furnishings, such as pictures,
frames, lamps and shades, awnings and window
shades.
 - (4) Radio and television.
 - (5) Musical instruments and records.
- (f) The following building materials stores:
- (1) Paint, glass and wallpaper.
 - (2) Hardware, limited to household and garden hard-
ware.

- 1 (g) The following eating and drinking establishments:
 2 (1) Cafe, ice cream parlor, commercial lunch
 3 service, cafeteria, excluding the following:
 4 (aa) dancing and entertainment, except music.
 5 (ab) dispensing of alcoholic beverages, except
 6 beer.
- 7 (h) The following miscellaneous retail business:
 8 (1) Drug and proprietary medicine.
 9 (2) Liquor, for consumption off the premises.
 10 (3) Book and stationery; office supply.
 11 (4) Sporting goods.
 12 (5) Jewelry.
 13 (6) Florist; greenhouse; plant materials nursery.
 14 (7) Cigar store and stand.
 15 (8) Newsdealer and newstand.
 16 (9) Music.
 17 (10) Camera and photographic supply.
 18 (11) Gift, novelty and souvenir.
 19 (12) Luggage and leather goods.
 20 (13) Autograph and philatelist supply.
 21 (14) Artist's supplies and art shop.
 22 (15) Toys.
 23 (16) Christmas tree sales.
 24 (17) Five-and-ten-cent store.
 25 (18) Ice dealer, provided storage of not more than
 26 five (5) tons capacity is provided.
 27 (19) Garden supply.
 28 (20) Pet store.
- 29 (i) The following finance, insurance and real estate
 30 businesses:
 31 (1) Bank.
 32 (2) Credit agency.
 (3) Security and commodity broker, dealer, exchange
 and service.
 (4) Insurance carrier, agent, broker and service.
 (5) Realtor and real estate; abstractor; subdivider
 and developer.
 (6) Holding and other investment company.
- (j) The following personal services:
 (1) Laundry agency; dry cleaning agency; self-service
 laundry; coal and fuel sales office.
 (2) Photographic studio; film processing.
 (3) Barber shop; beauty shop.
 (4) Shoe repair shop; shoe shine parlor.
 (5) Hat cleaning, hemstitching, embroidering and
 sewing shops.
 (6) Tailor shop, including pressing, alteration and
 garment repair.
 (7) Diaper service.
 (8) Funeral service, subject to the securing of a
 conditional use permit.
 (9) Ambulance service.
- (k) The following miscellaneous business services:
 (1) Advertising agency, including agency for outdoor
 and miscellaneous advertising.
 (2) Consumer credit reporting agency; mercantile
 reporting agency; adjustment and collection agency.
 (3) Duplicating, addressing, mailing, mailing list and
 stenographic services; blueprinting and photostating
 services.
 (4) Window cleaning; disinfecting and exterminating
 service; janitorial service, floor waxing and
 office cleaning.

- (5) Accounting, auditing and bookkeeping services.
- (l) The following miscellaneous repair services:
- (1) Electrical repair shop.
 - (2) Watch, clock and jewelry repair.
 - (3) Bicycle repair shop.
 - (4) Locksmith shop; gunsmith shop;
 - (5) Musical instrument repair.
 - (6) Camera repair; fountain pen repair; key duplicating; lawnmower sharpening and repair; saw, knife and tool sharpening and repair.
- (m) The following medical and other health services:
- (1) Offices of physicians and surgeons.
 - (2) Offices of dentists and dental surgeons.
 - (3) Offices of osteopathic physicians.
 - (4) Offices of chiropractors.
 - (5) Medical and dental laboratories.
 - (6) Offices of chiropodists, nutritionists, occupational therapists and psycho-therapists.
 - (7) Medical clinics, other than animal clinics.
 - (8) Nurses registry.
 - (9) Optometrist, oculist.
- (n) Legal services.
- (o) The following educational services:
- (1) Library.
 - (2) Music, art, dramatic, language and children's dancing schools.
 - (3) Correspondence school.
- (p) The following miscellaneous services:
- (1) Engineering and architectural service.
 - (2) Office of actuaries, lecturers and writers.
 - (3) Art studio.
 - (4) Baby sitters' agency.
 - (5) Taxi stand.
 - (6) Coal and fuel sales office.
 - (7) Interior decorating service.
- (q) Signs pertaining only to a use conducted within the building or on the lot or to the lease or sale of the property, or to trespassing.
- (r) The following residential-type uses:
- (1) Lodging house; boarding house.
 - (2) Motel; hotel; membership hotel.
- (s) Accessory uses and buildings customarily incidental to the above.

SECTION 2. AMENDMENT OF CODE. Section 10-2.1001 of

Article 10 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.1001. PERMITTED USES. In a C-M zone only the following uses are permitted as are hereinafter specifically provided and allowed.

- (a) Any use permitted in the C-2 zone.
- (b) Assembly of electrical appliances such as
 - (1) Electronic instruments and devices.
 - (2) Radios and phonographs, including manufacture of small parts, such as coils.
- (c) Auction house or store.
- (d) Automobile sales agency and accessory service.
 - (1) Automobile assembly, body and fender works,

- dismantling and used parts storage when operated and maintained wholly within an entirely enclosed building.
- (2) Automobile painting, provided all painting, sanding and baking shall be conducted wholly within an entirely enclosed building.
 - (3) Automobile and truck steam cleaning.
 - (4) Tire rebuilding, recapping and retreading.
 - (e) Bakery; bottling plant, soft drinks.
 - (f) Boat building (limited to those craft which may be transported over a state highway without permit).
 - (g) Cabinet shop; building specialty dealer, including the sale of insulation, weather stripping, roofing, specialty doors and windows, metal awnings and similar specialty items.
 - (h) Car laundry, using assembly line type process or other specialized processing service.
 - (i) Carpet cleaning plant.
 - (j) Ceramic products, manufacture of, including figurines, using only previously pulverized clay and kilns fired only by electricity or low pressure gas.
 - (k) Cleaning and dyeing plant.
 - (l) Contractor's storage yard.
 - (m) Feed and fuel yard (solid fuel only).
 - (n) Frozen food lockers.
 - (o) Glass studio, stained, etc.
 - (p) Glass edging, beveling and silvering in connection with sale of mirrors and glass for decorating purposes.
 - (q) Laboratory, experimental, motion picture, testing; laundry.
 - (r) Milk dealer; creamery and dairy products manufacture.
 - (s) Parcel delivery service.
 - (t) Plumbing, heating and air conditioning contractor.
 - (u) Seed processing and packaging, treatment, storage and sale.
 - (v) Sheet metal shop.
 - (w) Tinsmith.
 - (x) Upholstering shop.
 - (y) Veterinary hospital.
 - (z) Wholesale business, storage building and warehouse.
 - (aa) Accessory uses and buildings customarily incidental to the above.

SECTION 3. REPEAL OF CODE SECTION. Section 10-2.1701 of Article 17 of Chapter 2 of Title X of the Modesto Municipal Code is hereby repealed.

SECTION 4. ZONING RECLASSIFICATIONS. Section Maps 19, 28 and 29 of the Zoning Map of the City of Modesto, as adopted by Section 10-2.303 of the Municipal Code, are amended to appear as follows:

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SECTION 5. ZONING RECLASSIFICATIONS. Section Map 18 is hereby added to the Zoning Map of the City of Modesto; as adopted by Section 10-2.303 of the Modesto Municipal Code, to appear as follows:

The following is a list of the parcels of land which are to be included in the new zoning map of the City of Modesto, California, as shown on the attached map.

The foregoing ordinance was introduced to the City Council of the City of Modesto on the 15th day of August, 1954, by Councilman [Name], and was adopted by the Council on the 15th day of August, 1954, by a vote of [Number] yeas and [Number] nays. The ordinance is hereby published for the information of the public.

APPROVED: Councilman [Name], Mayor, City of Modesto, California.
ADOPTED: Councilman [Name], City of Modesto, California.
ABSTRACT: [Name], [Address]

APPROVED: [Signature]
[Name], City of Modesto, California

(SEAL)

1 SECTION 6. EFFECTIVE DATE. This ordinance shall go into
2 effect and be in full force and operation from and after fifteen (15) days after
3 its final passage and adoption.

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

8 The foregoing ordinance was introduced at a regular meeting of the
9 Council of the City of Modesto held on the 9th day of November,
10 1955, by Councilman Anderson, who moved its intro-
11 duction and passage to print, which motion being duly seconded by Councilman
12 Arata was upon roll call carried and ordered
13 printed and published by the following vote:

14 AYES: Councilmen: Anderson, Arata, Hammond, Merrill, and Mayor
Marks
15 NOES: Councilmen: None
16 ABSENT: Councilmen: Adams and Robinson

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18 APPROVED: 
HARRY MARKS, Mayor

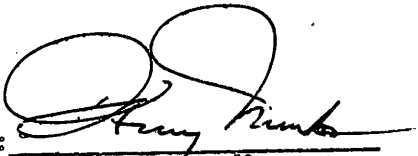
19 ATTEST: 
20 REX E. GAILFUS, City Clerk

21 (SEAL)
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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 23rd day of November, 1955, 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: Adams, Anderson, Arata, Hammond, Merrill and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: Robinson

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: December 8, 1955

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

WHEREAS, on the 16th day of November, 1955, at the hour of 4:15 o'clock p.m., in the Council Chamber in the McHenry Public Library in the City of Modesto, County of Stanislaus, State of California, the Council of the City of Modesto did hear and pass upon all protests made to the proposed annexation and did determine that protests had not been made by the owners of one-half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll, nor by public and private owners of one-half of the value of the territory proposed to be annexed as determined by said Council, and

WHEREAS, said territory is contiguous to the City of Modesto and is uninhabited territory in the County of Stanislaus,

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

SECTION 1. The territory hereinafter described is hereby annexed to and made a part of the City of Modesto.

SECTION 2. The area or territory so annexed, designated the NORTHGATE ADDITION, is located in the County of Stanislaus, State of California, is contiguous to the City of Modesto, is uninhabited territory within the meaning of the Annexation of Uninhabited Territory Act of 1939, as amended, and is more particularly described as follows:

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

Beginning at the Northeastern corner of the existing City limits as described in the boundary description of the La Villa Rose Addition as filed in Volume 1202, at Page 454, Stanislaus County Records, said point being on the East-West quarter section line of said Section 17; thence along

the existing City Limits and said quarter section line and the Northern line of said La Villa Rose Addition, North 88° 53' West, 425.00 feet to the Northeastern corner of the Briggs-Whitmore Addition as filed in Volume 1175, at Page 200, Stanislaus County Records; thence along said City Limits and said quarter section line and the Northern line of said Briggs-Whitmore Addition, North 88° 53' West 864.00 feet to the interior quarter section corner, Section 17; thence along the existing City Limits and the Eastern line of the Ashford Addition as filed in Volume 1197, at Page 112, Stanislaus County Records, said line being the quarter section line and the Eastern line of the Tidewater Southern Right of Way, Northerly 1318.39 feet; thence continuing along said Eastern line of the Tidewater Southern Right of Way, Northerly to its intersection with the Westerly extension of the Southern line of Leveland Lane as located in Stanislaus County Record Survey #986, July 5, 1932; thence along the Southern line of said Leveland Lane, Easterly, 2110.83 feet to the Northwestern corner of land conveyed to Amedeo Loretelli, et ux as Parcel #1 by Deed #19381, recorded July 6, 1955, Stanislaus County Records, thence along the Western line of said Parcel #1, Southerly 393.05 feet to the Southwestern corner of land conveyed to Amedeo Loretelli as Parcel #2 by deed above referred to; thence along the Southern line of said Parcel #2, Easterly, 502.00 feet to a point on the western line of the 50.00 foot wide road known as McHenry Avenue; thence Southerly along the Western line of said McHenry Avenue to the Northeastern corner of Lot 4, Leveland Tract as filed in Volume 9 of Maps, at Page 71, Stanislaus County Records, thence along the Northern line of said Lot 4, Westerly, 390.00 feet to the Northwestern corner of said Lot 4; thence along the Western line of said Lot 4, Southerly, 111.70 feet to the Northern line of Bowen Avenue as shown on said Leveland Tract; thence Westerly along the Northern line of said Bowen Avenue to its intersection with the Northerly extension of the Eastern line of said La Villa Rose Addition; thence along the said Northerly extension of the Eastern line of said La Villa Rose Addition, Southerly, 25.00 feet to the point of beginning.

SECTION 3. Said territory shall be subject to municipal taxes to pay any indebtedness or liability of the City of Modesto authorized or existing at the time of the adoption of this ordinance.

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

SECTION 5. The City Clerk is hereby authorized and directed to prepare a certified copy of this ordinance under seal, giving the date of its passage and transmit the same to the Secretary of State of California as required by the provisions of Section 35316 of the Government Code of the State of California.

SECTION 6. The City Clerk is hereby authorized and directed to comply with the provisions of Sections 34080, 34081 and 54900 through 54904, both inclusive, of the Government Code of the State of California relating respectively to the filing of an affidavit of completion of annexation proceedings and the filing of a statement of change of boundary.

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

SECTION 8. This ordinance shall be published in full at least once in the Modesto Journal and the Valley Citizen, 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 16th day of November, 1955, by Councilman Merrill, who moved its adoption and passage to print, which motion being duly seconded by Councilman Robinson, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

(SEAL)

ORDINANCE NO. 49 -C.S.

AN ORDINANCE ANNEXING UNINHABITED TERRITORY
KNOWN AS THE GREGORY GARDENS NO. 2 ADDITION TO
THE CITY OF MODESTO.

WHEREAS, a petition was filed with the City Clerk by

Lance E. Ellis and Carol L. Ellis

_____ on
September 15, 1955, to annex to the City of Modesto
under the provisions of the Annexation of Uninhabited Territory
Act of 1939, as amended, certain uninhabited territory, hereinafter
described and designated as the GREGORY GARDENS NO. 2 ADDITION,
situate in the County of Stanislaus, State of California, and con-
tiguous to the City of Modesto, and

WHEREAS, the City Council by resolution adopted on the
5th day of October, 1955, set said petition for hear-
ing at the hour of 4:30 o'clock p.m. on the 16th day of November,
1955, in the Council Chamber at the McHenry Public Library,
located at Fourteenth and I Streets in the City of Modesto, and

WHEREAS, it appears to said Council and the 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 Journal and the Valley Citizen, a newspaper published
in the City of Modesto on October 13, 1955, and on
October 20, 1955; and in the Turlock Daily Journal,
a newspaper published outside the City of Modesto, but in the
County of Stanislaus, on October 13, 1955, and on
October 20, 1955, 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 terri-
tory 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 Territory Act of 1939, as amended, have been complied with, and

WHEREAS, on the 16th day of November, 1955, at the hour of 4:30 o'clock p.m., in the Council Chamber in the McHenry Public Library in the City of Modesto, County of Stanislaus, State of California, the Council of the City of Modesto did hear and pass upon all protests made to the proposed annexation and did determine that protests had not been made by the owners of one-half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll, nor by public and private owners of one-half of the value of the territory proposed to be annexed as determined by said Council, and

WHEREAS, said territory is contiguous to the City of Modesto and is uninhabited territory in the County of Stanislaus,

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

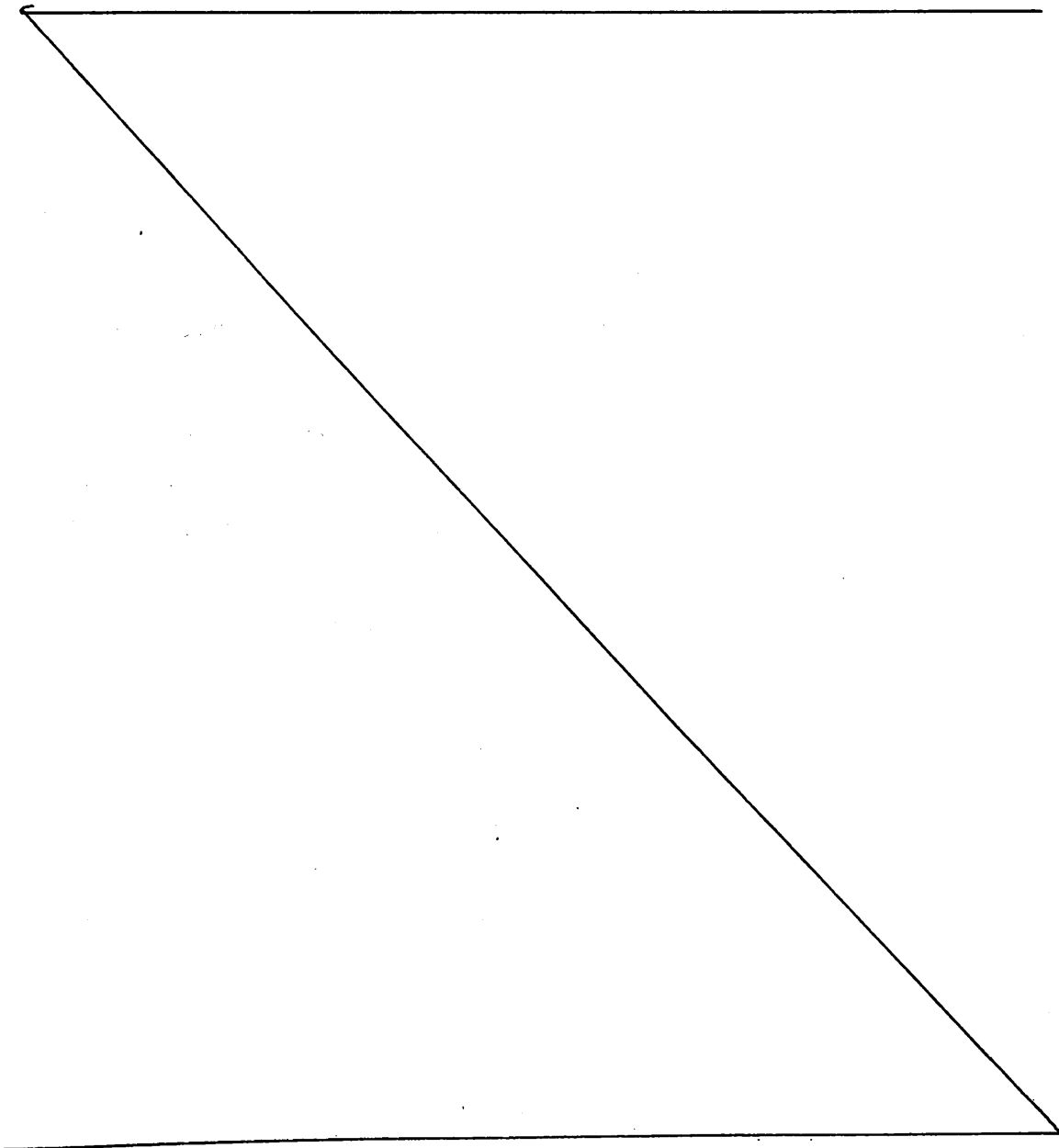
SECTION 1. The territory hereinafter described is hereby annexed to and made a part of the City of Modesto.

SECTION 2. The area or territory so annexed, designated the GREGORY GARDENS NO. 2 ADDITION, is located in the County of Stanislaus, State of California, is contiguous to the City of Modesto, is uninhabited territory within the meaning of the Annexation of Uninhabited Territory Act of 1939, as amended, and is more particularly described as follows:

All that portion of Sections 17 and 18, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning 20' East of the Northwest corner of Lot 17 of FRESNO TRACT, according to the Map thereof, filed in the office of the County Recorder of Stanislaus County, California on March 14, 1903 in Vol. 1 of Maps at page 76, said point of beginning being the Northwest corner of the property annexed to the City of Modesto, California, by Ordinance No. 1096-N.S., a certified copy of which was recorded November 6, 1953 in Vol. 1181 of Official Records at page 73 as

Instrument No. 27782; thence South along the West line of the said property annexed to the City of Modesto above referred to, 1074.02 feet, to a point 40 feet East of the Southeast corner of the property conveyed to Lance E. Ellis, et ux., by Deed recorded April 28, 1955, in Vol. 1288 of Official Records, page 6, as Instrument No. 12573; thence West 40 feet to the Southeast corner of said Ellis property; thence North $88^{\circ} 20'$ West 1622.61 feet to the Southwest corner of said Ellis property; thence North $0^{\circ} 02'$ West along the West line of said Ellis property 1074.02 feet to the quarter section line in said Section 18; thence South $88^{\circ} 20'$ East along said East and West quarter Section line, 1622.94 feet to the Northeast corner of said Ellis property, being a point in the West line of Tully Road; thence East 40 feet to the point of beginning; containing 40 acres, more or less.



SECTION 3. Said territory shall be subject to municipal taxes to pay any indebtedness or liability of the City of Modesto authorized or existing at the time of the adoption of this ordinance.

SECTION 4. The City Clerk is hereby authorized and directed to prepare a certified copy of this ordinance under seal, giving the date of its passage and transmit the same to the Secretary of State of the State of California as required by the provisions of Section 35316 of the Government Code of the State of California.

SECTION 5. The City Clerk is hereby authorized and directed to comply with the provisions of Sections 34080, 34081 and 54900 through 54904, both inclusive, of the Government Code of the State of California relating respectively to the filing of an affidavit of completion of annexation proceedings, and the filing of a statement of change of boundary.

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

SECTION 7. This ordinance shall be published in full at least once in The Modesto Journal and the Valley Citizen, 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 16th day of November, 1955, by Councilman Arata, who moved its adoption and passage to print, which motion being duly seconded by Councilman Anderson, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

(SEAL)

REPEALED BY
ORDINANCE NO. 68-

1 AN ORDINANCE AMENDING ORDINANCE NO. 345-N.S. ENTITLED
2 "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC
3 STREETS OF THE CITY OF MODESTO", AS AMENDED, TO AMEND
4 SECTION 36.2 THEREOF RELATING TO TRAFFIC REGULATION,
5 AND REPEALING SECTION 4 OF ORDINANCE NO. 45-C.S.
6 The Council of the City of Modesto does ordain as follows:

7 SECTION 1. Section 36.2 of Ordinance No. 345-N.S. entitled
8 "An Ordinance Regulating Traffic Upon the Public Streets of the City
9 of Modesto", as amended, is hereby amended to read as follows:

10 Section 36.2. Decrease of State Law Maximum Speed.
11 Pursuant to authority contained in Section 511.3(b)
12 of the Vehicle Code of the State of California, it
13 is hereby determined upon the basis of an engineering
14 and traffic survey that the prima facie limit of 55
15 miles per hour permitted by state law outside of
16 business and residence districts as applicable upon
17 the following streets is greater than is reasonable
18 or safe under the conditions found to exist upon
19 such streets, and it is hereby declared that the
20 prima facie speed limit shall be as herein set forth
21 on those streets or parts of streets herein designated
22 when signs are erected giving notice thereof.

Name of Street or Portion Affected	Declared Prima Facie Speed Limit
LA LOMA	30 miles per hour
MILLER, from La Loma to Conejo	30 miles per hour
KEARNEY, entire length in City	30 miles per hour
SUNRISE, entire length in City	30 miles per hour
GRANGER, from Tully to McHenry	30 miles per hour
CARVER, entire length in City	35 miles per hour

23 SECTION 2. REPEALS. Section 4 of Ordinance No. 45-C.S.
24 adopted by the Council of the City of Modesto on November 2, 1955,
25 is hereby repealed.

26 SECTION 3. EFFECTIVE DATE. This ordinance shall go into
27 effect and be in full force and operation from and after fifteen (15)
28 days after its final passage and adoption.

29 SECTION 4. PUBLICATION. This ordinance shall be published
30 in full at least once at least three (3) days prior to its final
31 adoption in the Modesto Journal and the Valley Citizen, the official
32 newspaper of the City of Modesto.


The foregoing ordinance was introduced at a regular meeting

1 of the Council of the City of Modesto held on the 16th day of
2 November, 1955, by Councilman Anderson, who moved its
3 introduction and passage to print, which motion being duly seconded
4 by Councilman Arata, was upon roll call carried and
5 ordered printed and published by the following vote:

6 AYES: Councilmen: Adams, Anderson, Arata, Merrill,
7 Robinson and Mayor Marks

7 NOES: Councilmen: None

8 ABSENT: Councilmen: Hammond

9
10 APPROVED: 
11 HARRY MARKS, Mayor

11 ATTEST: 
12 REX E. GAILFUS, City Clerk

12 (SEAL) None

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 December, 1955, Councilman 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: Adams, Arata, Hammond, Robinson and Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: Anderson and Merrill

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: December 22, 1955

1 AN ORDINANCE AMENDING SECTION 9-2.09 OF CHAPTER 2
2 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING
3 TO THE PLUMBING CODE.

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

5 SECTION 1. Section 9-2.09 of Chapter 2 of Title IX of the
6 Modesto Municipal Code is hereby amended to read as follows:

7 SEC. 9-2.09. COST OF PERMIT. That Section 1.13 of
8 said Plumbing Code be amended to read as follows:

9 The City Clerk shall assist the Chief Building
10 Official as follows:

11 All fees hereinafter set forth in this section shall
12 be collected by the City Clerk. The Chief Building
13 Official shall not perform any duty for which a fee
14 is required, unless an application in writing has
15 first been made at the office of the City Clerk and
16 a fee collected by said Clerk and a receipt issued
17 therefor. Said City Clerk shall make all receipts
18 in triplicate, the original receipt shall be given
19 to the applicant, one copy shall be transmitted to
20 the Chief Building Official, and one copy shall be
21 retained by the City Clerk. Every applicant for a
22 permit to install, add to, alter, relocate or replace
23 a plumbing or drainage system, or part thereof,
24 shall state in writing on the application form pro-
25 vided for that purpose, the character of the work
26 proposed to be done and the amount and kind in con-
27 nection therewith, together with such information
28 pertinent thereto as the Chief Building Official
29 may require. Such applicant shall pay to the City
30 Clerk for each permit issued and at the time of
31 issuance, a fee in accordance with the following
32 schedule, and at a rate provided for in each classi-
fication shown therein. Any person who shall com-
mence any plumbing work for which a permit is required
by this Plumbing Code without first having obtained
a permit therefor shall, if subsequently permitted
to obtain a permit, pay double the permit fee fixed
by this section for such work, provided, however,
that this provision shall not apply to emergency work
when it shall be proved to the satisfaction of the
Chief Building Official that such work was urgently
necessary and that it was not practical to obtain a
permit therefor before the commencement of work. In
all such cases a permit must be obtained as soon as
it is practical to do so, and if there be an unreason-
able delay in obtaining such permit a double fee as
herein provided shall be charged.

28 SCHEDULE OF FEES

29	For each plumbing fixture.	\$ 1.00
	For each house drain	1.00
30	For each house sewer (other than fee zones).	2.50
	For each leader to sewer on street50
31	For each water distribution system75
32	For each cooler (type) evaporator or refrigerator.	1.00

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 December, 1955, Councilman Robinson 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: Adams, Arata, Hammond, Robinson and Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: Anderson and Merrill

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: December 22, 1955

1 AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN
2 REAL PROPERTY BY THE CITY OF MODESTO FROM WALTER G.
3 OLSON AND BONNIE E. OLSON.

4 WHEREAS, the City of Modesto now owns and operates an
5 airport in Stanislaus County, located in an area bounded on the
6 north by Tenaya Drive, on the south by the Tuolumne River, on the
7 west by Conejo Avenue and on the east by Snowden Avenue, known as
8 the Modesto City-County Airport, and

9 WHEREAS, the City of Modesto and the County of Stanislaus
10 entered into an agreement, dated May 25, 1955, relating to the
11 further development of said airport, which agreement provides in
12 part for the acquisition of additional land for the construction of
13 new runway facilities adequate for passenger and freight operations,
14 and

15 WHEREAS, Walter G. Olson and Bonnie E. Olson own that
16 certain parcel of real property hereinafter described, which is
17 needed for the further development of said airport, and

18 WHEREAS, the City of Modesto and the County of Stanislaus
19 desire to acquire said parcel of real property for the purpose of
20 further developing said airport,

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

23 SECTION 1. PURCHASE AUTHORIZED. The purchase of an
24 undivided one-half (1/2) interest in the following described real
25 property from Walter G. Olson and Bonnie E. Olson for the sum of
26 Eleven Thousand Two Hundred Twenty-Five and no/100ths (\$11,225.00)
27 Dollars in accordance with the provisions of that certain agreement
28 referred to in Section 2 of this ordinance; plus escrow charges and
29 incidental expenses, is hereby approved. Said real property is
30 described as follows:

31 All those certain parcels of land, situate in the
32 Southwest quarter of Section 35, Township 3 South,
Range 9 East, M. D. B. & M., and in the Northwest
quarter of Section 2, Township 4 South, Range 9 East,
M. D. B. & M., bounded and particularly described as
follows:

1 Commencing at the quarter corner between Sections 35,
2 Township 3 South, Range 9 East, and Section 2, Town-
3 ship 4 South, Range 9 East, M. D. B. & M., running
4 thence North 89° 07' West 22.31 chains along the town-
5 ship line between said Sections 2 and 35; thence
6 North 2° 04' East 2.50 chains; thence South 89° 07'
7 East 22.24 chains to the East line of the Southwest
8 quarter of said Section 35; thence South 0° 11' West
9 2.50 chains to the point of commencement.

6 Also, commencing at the same point of beginning and
7 running thence South 0° 36' West 14.71 chains to the
8 Tuolumne River; thence North 38° 58' West 4.08 chains;
9 thence North 66° 53' West 7.965 chains; thence South
10 84° 15' West 2.60 chains; thence North 89° 34' West
11 7.865 chains; thence North 0° 53' East 7.68 chains;
12 thence South 89° 07' East 20.16 chains to the point
13 of commencement.

10 SECTION 2. APPROVAL OF AGREEMENT. That certain agreement
11 between the City of Modesto, the County of Stanislaus, and Walter G.
12 Olson and Bonnie E. Olson relating to the purchase of certain real
13 property for airport purposes, a copy of which is on file in the
14 Office of the City Clerk of the City of Modesto, is hereby approved,
15 and the City Manager and the City Clerk are hereby authorized to
16 execute and attest said agreement, respectively, on behalf of the
17 City of Modesto and do all things necessary to carry out the terms
18 of said agreement.

19 SECTION 3. ACCEPTANCE AND RECORDING OF DEED. The City
20 of Modesto hereby accepts the deed from sellers conveying an undi-
21 vided one-half (1/2) interest in the above described property to the
22 City of Modesto and hereby authorizes the City Clerk to record said
23 deed with the Recorder of Stanislaus County.

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

27 SECTION 5. PUBLICATION. This ordinance shall be published
28 in full at least once at least three (3) days prior to its final
29 adoption in the Modesto Journal and the Valley Citizen, the official
30 newspaper of the City of Modesto.

31 The foregoing ordinance was introduced at a regular meeting
32 of the Council of the City of Modesto held on the 23rd day of

1 November, 1955, by Councilman Arata, who moved its
2 introduction and passage to print, which motion being duly seconded
3 by Councilman Anderson, was upon roll call carried and ordered
4 printed and published by the following vote:

5 AYES: Councilmen: Adams, Anderson, Arata, Hammond, Merrill and
6 Mayor Marks
7 NOES: Councilmen: None
8 ABSENT: Councilmen: Robinson

9 APPROVED: 
HARRY MARKS, Mayor

10 ATTEST: 
11 REX E. GALLFUS, City Clerk

12 (SEAL)

25 MINA 14000, 1955, 11-22, 1955

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 December, 1955, Councilman Arata moved its final adoption, which motion being duly seconded by Councilman Robinson, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Adams, Arata, Hammond, Robinson and Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: Anderson and Merrill

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: December 22, 1955

1 AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN
2 REAL PROPERTY BY THE CITY OF MODESTO FROM HAROLD
3 W. BOWEN AND PATRICIA BOWEN, AND JACK HAGEDORN AND
4 BARBARA HAGEDORN.

5 WHEREAS, the City of Modesto now owns and operates an
6 airport in Stanislaus County, located in an area bounded on the
7 north by Tenaya Drive, on the south by the Tuolumne River, on the
8 west by Conejo Avenue and on the east by Snowden Avenue, known as
9 the Modesto City-County Airport, and

10 WHEREAS, the City of Modesto and the County of Stanislaus
11 entered into an agreement, dated May 25, 1955, relating to the
12 further development of said airport, which agreement provides in
13 part for the acquisition of additional land for the construction of
14 new runway facilities adequate for passenger and freight operations,
15 and

16 WHEREAS, Harold W. Bowen and Patricia Bowen, and Jack
17 Hagedorn and Barbara Hagedorn own that certain parcel of real
18 property hereinafter described, which is needed for the further
19 development of said airport, and

20 WHEREAS, the City of Modesto and the County of Stanislaus
21 desire to acquire said parcel of real property for the purpose of
22 further developing said airport,

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

25 SECTION 1. PURCHASE AUTHORIZED. The purchase of an
26 undivided one-half (1/2) interest in the following described real
27 property from Harold W. Bowen and Patricia Bowen, and Jack Hagedorn
28 and Barbara Hagedorn for the sum of Sixty-Five Thousand and no/100ths
29 (\$65,000.00) Dollars in accordance with the provisions of that
30 certain agreement referred to in Section 2 of this ordinance; plus
31 escrow charges and incidental expenses, is hereby approved. Said
32 real property is described as follows:

Beginning at the Northwest corner of the Northeast
quarter of Section 2, Township 4 South, Range 9

1 East, M. D. B. & M., running thence East 30.70
2 chains, thence South to the right or Northerly bank
3 of the Tuolumne River; thence following the Northerly
4 or right bank of said Tuolumne River downstream to
5 where it is intersected by the quarter section line
6 running North and South through said Section 2;
7 thence North along said quarter section line to the
8 point of beginning.

9 SECTION 2. APPROVAL OF AGREEMENT. That certain agreement
10 between the City of Modesto, the County of Stanislaus and Harold W.
11 Bowen and Patricia Bowen, and Jack Hagedorn and Barbara Hagedorn,
12 relating to the purchase of certain real property for airport pur-
13 poses, a copy of which is on file in the Office of the City Clerk
14 of the City of Modesto, is hereby approved, and the City Manager and
15 the City Clerk are hereby authorized to execute and attest said
16 agreement, respectively, on behalf of the City of Modesto and do all
17 things necessary to carry out the terms of said agreement.

18 SECTION 3. ACCEPTANCE AND RECORDING OF DEED. The City
19 of Modesto hereby accepts the deed from sellers conveying an undi-
20 vided one-half (1/2) interest in the above described property to the
21 City of Modesto and hereby authorizes the City Clerk to record said
22 deed with the Recorder of Stanislaus County.

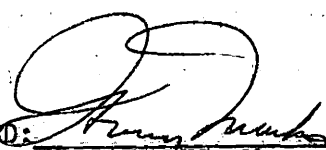
23 SECTION 4. EFFECTIVE DATE. This ordinance shall go into
24 effect and be in full force and operation from and after fifteen (15)
25 days after its final passage and adoption.


26 SECTION 5. PUBLICATION. This ordinance shall be published
27 in full at least once at least three (3) days prior to its final
28 adoption in the Modesto Journal and the Valley Citizen, the official
29 newspaper of the City of Modesto.

30 The foregoing ordinance was introduced at a regular meet-
31 ing of the Council of the City of Modesto held on the 23rd day of
32 November, 1955, by Councilman Arata, who moved its
introduction and passage to print, which motion being duly seconded

1 by Councilman Hammond, was upon roll call carried and ordered
2 printed and published by the following vote:

3 AYES: Councilmen: Adams, Anderson, Arata, Hammond, Merrill and
Mayor Marks
4 NOES: Councilmen: None
5 ABSENT: Councilmen: Robinson

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7 APPROVED: 
HARRY MARKS, Mayor

8 ATTEST: 
9 REX L. GAILFUS, City Clerk

10 (SEAL)

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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 7th day of December, 1955, Councilman Adams moved its final adoption, which motion being duly seconded by Councilman Robinson, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Adams, Arata, Hammond, Robinson and Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: Anderson and Merrill

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: December 22, 1955

1 AN ORDINANCE APPROVING AN AGREEMENT WITH DAVE
2 WILSON, ISABEL WILSON, JOHN WYNNE AND BETTY ANN
3 WYNNE, DOING BUSINESS AS THE DAVE WILSON NURSERY,
4 RELATING TO THE TERMINATION OF CERTAIN AIRPORT
5 LEASES.

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

7 SECTION 1. That certain agreement between the City of
8 Modesto and Dave Wilson, Isabel Wilson, John Wynne, and Betty Ann
9 Wynne, individually, and doing business as the Dave Wilson Nursery,
10 a copy of which is on file in the office of the City Clerk, pro-
11 viding for the termination of the following described agreements
12 entered into by and between the City and Dave Wilson, Isabel Wilson,
13 John Wynne and Betty Ann Wynne, individually, and doing business
14 as the Dave Wilson Nursery, relating to the lease of certain premises
15 located at the Modesto City-County Airport, situate in the County of
16 Stanislaus, State of California; is hereby approved and the City
17 Manager and the City Clerk of the City of Modesto are hereby
18 authorized and empowered to sign and attest, respectively, said
19 termination agreement on behalf of the City upon this ordinance
20 becoming effective:

21 (a) That certain lease agreement entered into by and
22 between the City and the individuals called Lessees, dated August
23 20, 1952; and

24 (b) That certain lease agreement entered into by and
25 between the City and the individuals called Lessees, dated October
26 21, 1954.

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

30 SECTION 3. PUBLICATION. This ordinance shall be pub-
31 lished in full at least three (3) days prior to its final adoption
32 in the Modesto Journal and the Valley Citizen, the official newspaper
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 7th day
2 of December, 1955, by Councilman Arata, who moved
3 its introduction and passage to print, which motion being duly
4 seconded by Councilman Robinson, was upon roll call carried
5 and ordered printed and published by the following vote:

6 AYES: Councilmen: Adams, Arata, Hammond, Robinson and Mayor
7 NOES: Councilmen: None
8 ABSENT: Councilmen: Anderson and Merrill

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10 APPROVED: 
11 HARRY MARKS, Mayor

11 ATTEST: 
12 REX E. GAILFUS, City Clerk

13 (SEAL)
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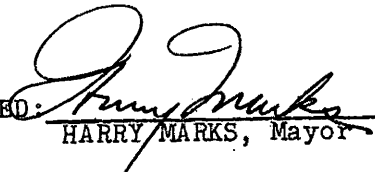
FINAL ADOPTION CLAUSE

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 21st day of December, 1955, Councilman Merrill moved its final adoption, which motion being duly seconded by Councilman Robinson, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: January 5, 1956

1 AN ORDINANCE LEASING CERTAIN CITY OWNED AIRPORT
 2 PROPERTY TO NAKAGAWA FARMS AND AUTHORIZING THE
 3 EXECUTION OF A LEASE AGREEMENT IN CONNECTION THERE-
 WITH.

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

5 SECTION 1. The City of Modesto hereby leases to Nakagawa
 6 Farms, a partnership, the following described premises located at
 7 the Modesto City-County Airport, situate in the County of Stanislaus,
 8 State of California, and more particularly described as follows, to
 9 wit:

10 All that portion of the northeast quarter of Section
 11 34, Township 3 South, Range 9 East, Mount Diablo
 Base and Meridian, particularly described as follows:

12 Beginning at the northeast corner of said Section
 13 34, thence running South 0° 15' East, along the east
 14 line of Section 34, a distance of 2061.88 feet;
 15 thence North 89° 50' West, 40.00 feet to a point on
 16 the west line of a county road, as said line is
 17 described in dedication deed now of record in Volume
 18 665, of Official Records, at page 476, in the office
 19 of the County Recorder of Stanislaus County, Cali-
 20 fornia, said point being the true point of beginning
 21 of this description; thence continuing north 89° 50'
 22 West, 1381.85 feet; thence on a tangent curve to the
 23 right having a radius of 200.00 feet, central angle
 24 of 33° 57', tangent of 61.05 feet, a distance of
 25 118.51 feet; thence North 55° 53' West, 1338.64 feet
 more or less to a point in the west line of the
 northeast quarter of Section 34; thence south 0° 14'
 east along the said west line of said quarter section,
 1361.72 feet to the southwest corner of the said
 northeast quarter section; thence south 89° 50' east
 along the south quarter section line of said north-
 east quarter section, 2598.54 feet more or less to
 a point which is 40.00 feet westerly from the south-
 east corner of said northeast quarter of said section
 34; thence north 0° 15' West along a line parallel
 to, and 40.00 feet, measured at right angles from
 the east line of said Section 34, a distance of 580
 feet to the true point of beginning of this descrip-
 tion, containing 44.97 acres, more or less.

26 ALSO, approximately seventeen acres bounded on the
 27 South by the Northerly taxiway; on the West by the
 28 Easterly oiled runway; on the East by the property
 leased by United Airlines; and on the North by the
 Modesto Irrigation District easement.

29 EXCEPTING THEREFROM, all that certain real property
 30 situate in the State of California, County of Stanis-
 31 laus, Section 34, Township 3 South, Range 9 East,
 Mount Diablo Base and Meridian, and more particularly
 32 described as follows: Commencing at the quarter
 section corner common to said Sections 34 and also 35;
 thence along the section line common to said sections 34
 and 35, South 00° 15' East 576.52 feet; thence North 55° 59'

1 West, 471.96 feet to the true point of beginning
2 of this description; thence continuing North 55°
3 59' West, 182.40 feet; thence on a tangent curve
4 to the left having a radius of 200.00 feet, central
5 angle of 90 degrees, tangent of 200.00 feet, an
6 arc length of 314.16 feet; thence South 34° 01' West,
7 255.98 feet; thence North 73° 59' East, 595.00 feet
8 to the true point of beginning, containing 2 acres
9 more or less.

10 for a term of five (5) years commencing on the first day of January,
11 1956, and ending on the last day of December, 1960, in accordance
12 with the terms and conditions set forth in that certain lease agree-
13 ment covering the lease of said property, a copy of which is on file
14 in the Office of the City Clerk of the City of Modesto. The terms
15 and conditions of said lease agreement are hereby accepted and
16 approved.

17 SECTION 2. The City Manager and City Clerk of the City
18 of Modesto are hereby authorized to sign and attest, respectively,
19 said lease agreement on behalf of the City upon this ordinance
20 becoming effective.

21 SECTION 3. EFFECTIVE DATE. This ordinance shall go into
22 effect and be in full force and operation from and after fifteen
23 (15) days after its final passage and adoption.

24 SECTION 4. PUBLICATION. This ordinance shall be published
25 in full at least once at least three (3) days prior to its final
26 adoption in the Modesto Journal and the Valley Citizen, the official
27 newspaper of the City of Modesto.

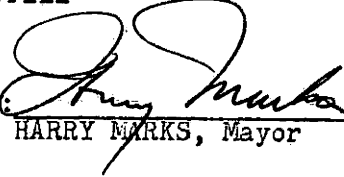
28 The foregoing ordinance was introduced at a regular
29 meeting of the Council of the City of Modesto held on the 7th day
30 of December, 1955, by Councilman Robinson, who moved
31 its introduction and passage to print, which motion being duly
32

1 seconded by Councilman Adams, was upon roll call carried
2 and ordered printed and published by the following vote:

3 AYES: Councilmen: Adams, Arata, Hammond, Robinson and Mayor
Marks

4 NOES: Councilmen: None

5 ABSENT: Councilmen: Anderson and Merrill

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7 APPROVED 
HARRY MARKS, Mayor

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9 ATTEST 
REX E. GAILFUS, City Clerk

10 (SEAL)

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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 21st day of December, 1955, Councilman Arata moved its final adoption, which motion being duly seconded by Councilman Adams, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: January 5, 1956

ORDINANCE NO. 56 -C.S.

AN ORDINANCE AMENDING CHAPTER 1 OF TITLE IX OF THE
MODESTO MUNICIPAL CODE TO ADD SECTION 9-1.04.1
ENTITLED "DEFINITION OF PERSON" THERETO.

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

SECTION 1. Chapter 1 of Title IX of the Modesto Municipal
Code is hereby amended to add Section 9-1.04.1 to read as follows:

SEC. 9-1.04.1. DEFINITION OF PERSON. Section 417
is hereby deleted from said Building Code.

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 Journal and the Valley Citizen, the official
newspapers 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 7th day
of December, 1955, by Councilman Adams, who moved
its introduction and passage to print, which motion being duly
seconded by Councilman Robinson, was upon roll call carried
and ordered printed and published by the following vote:

AYES: Councilmen: Adams, Arata, Hammond, Robinson and Mayor
Marks
NOES: Councilmen: None
ABSENT: Councilmen: Anderson and Merrill

APPROVED: 
HARRY MARKS, Mayor

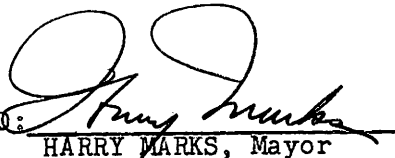
TEST: 
REX E. GAILFUS, City Clerk

(SEAL)

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 December, 1955, Councilman Adams moved its final adoption, which motion being duly seconded by Councilman Anderson, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: January 5, 1956

ORDINANCE NO. 57 -C.S.

1 AN ORDINANCE ADDING SECTION 9-6.21.1, ENTITLED
2 "BENCH SIGNS" TO CHAPTER 6 OF TITLE IX OF THE
MODESTO MUNICIPAL CODE.

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

4 SECTION 1. Section 9-6.21.1 entitled, "Bench Signs" is
5 hereby added to Chapter 6 of Title IX of the Modesto Municipal Code
6 to read as follows:

7 SEC. 9-6.21.1 BENCH SIGNS. (a) Definition. A "bench
8 sign", as regulated by this Chapter, shall mean any bench with
9 advertising matter thereon which is located outdoors. A bench shall
10 mean any seat located upon public or private property for the
11 accommodation of persons.

12 (b) Advertising. All advertising matter shall be
13 painted on the bench. No advertising matter shall be displayed
14 upon any bench except on the front and rear surface of the backrest
15 and not more than seventy-five (75%) per cent of each such surface
16 shall be used. Commercial advertising shall not be placed upon any
17 bench where such advertising is prohibited by the laws of the City.

18 (c) Location. No bench with advertising thereon
19 shall be placed against the desire of the owner or his representative
20 or the person in lawful possession and control of the property upon
21 which the bench is proposed to be located.


22 (d) Premises to be Kept Free of Weeds, etc. All
23 benches with advertising thereon located on private property and the
24 premises surrounding the same shall be maintained by the owner of
25 said benches in a clean, sanitary and inoffensive condition and free
26 and clear of all obnoxious substances, rubbish and weeds. All such
27 benches must be cleaned regularly and when needed and must be main-
28 tained in good repair and in a safe and sightly condition.

29 SECTION 2. This ordinance shall be published in full at
30 least once at least three (3) days prior to its final adoption in
31 the Modesto Journal and the Valley Citizen, the official newspaper
32 of the City of Modesto.

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

4 The foregoing ordinance was introduced at a regular
5 meeting of the Council of the City of Modesto held on the 7th day
6 of December, 1955, by Councilman Robinson, who moved
7 its introduction and passage to print, which motion being duly
8 seconded by Councilman Adams, was upon roll call carried
9 and ordered printed and published by the following vote:

10 AYES: Councilmen: Adams, Arata, Hammond, Robinson and Mayor
11 Marks
12 NOES: Councilmen: None
13 ABSENT: Councilmen: Anderson and Merrill

14 APPROVED: 
HARRY MARKS, Mayor

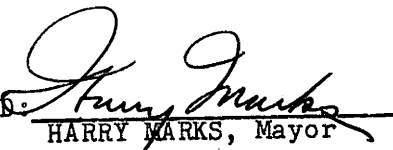
15 ATTEST: 
16 REX E. GAILFUS, City Clerk

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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 21st day of December, 1955, Councilman Anderson 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: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: January 5, 1955

1 AN ORDINANCE AMENDING SECTION 9-6.29, ENTITLED
2 "MARQUEES", OF CHAPTER 6 OF TITLE IX OF THE MODESTO
MUNICIPAL CODE.

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

4 SECTION 1. Section 9-6.29, entitled "Marquees", of Chapter
5 of Title IX of the Modesto Municipal Code is hereby amended to read
6 as follows:

7 SEC. 9-6.29. MARQUEES. (a) Definition. Marquee
8 as regulated by this chapter shall be a permanent
9 roofed structure attached to and supported wholly
by the building and projecting over public property.

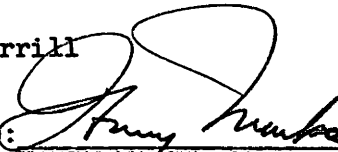
10 (b) Signs Attached to Marquees. Signs attached
11 to, or hung from a marquee, shall be constructed of
12 incombustible material, shall be completely within
13 the borderline of the marquee outer edge, and shall
14 in no instance be lower than seven and one-half
(7 1/2') feet above the sidewalk or public thorough-
fare. No sign or advertising material shall exceed
five (5') feet in height without the approval of
the Chief Building Official.


15 SECTION 2. PUBLICATION. This ordinance shall be published
16 in full at least once at least three (3) days prior to its final
17 adoption in the Modesto Journal and the Valley Citizen, the official
18 newspaper of the City of Modesto.

19 SECTION 3. EFFECTIVE DATE. This ordinance shall go into
20 effect and be in full force and operation from and after fifteen
21 (15) days after its final passage and adoption.

22 The foregoing ordinance was introduced at a regular meet-
23 ing of the Council of the City of Modesto held on the 7th day
24 of December, 1955, by Councilman Mayor Marks, who moved
25 its introduction and passage to print, which motion being duly
26 seconded by Councilman Robinson, was upon roll call carried
and ordered printed and published by the following vote:

27 AYES: Councilmen: Adams, Arata, Hammond, Robinson and Mayor
28 Marks
29 NOES: Councilmen: None
30 ABSENT: Councilmen: Anderson and Merrill

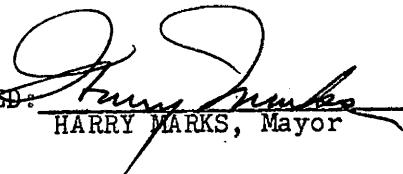
31 APPROVED: 
HARRY MARKS, Mayor

32 ATTEST: 
REX E. GAILFUS, City Clerk
(SEAL)

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 December, 1955, Councilman Robinson moved its final adoption, which motion being duly seconded by Councilman Anderson, was upon roll call carried and the ordinance finally adopted by the following vote:

- AYES: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: January 5, 1956

1 AN ORDINANCE AMENDING SECTIONS 2-1.02 AND 2-1.07 OF
2 CHAPTER 1 OF TITLE II OF THE MODESTO MUNICIPAL CODE
RELATING TO CITY COUNCIL MEETINGS.

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

4 SECTION 1. Section 2-1.02 of Chapter 1 of Title II of the
5 Modesto Municipal Code entitled "Special Meetings" is hereby amended
6 to read as follows:

7 SEC. 2-1.02. SPECIAL MEETINGS. A special meeting
8 may be ordered at any time by the Mayor whenever in
9 his opinion the public business may require it, or
10 upon the written request of any three (3) members
11 of the Council. Whenever a special meeting shall
12 be called, written notice of such meeting shall be
13 delivered personally or by mail by the City Clerk
14 to each member of the Council and to each local
15 newspaper of the general circulation, radio or tele-
16 vision station requesting notice in writing. Such
17 notice must be delivered at least twenty-four (24)
18 hours before the time of such meeting as specified
19 in the notice. The order shall specify the time
20 and place of the special meeting and the business
21 to be transacted. No other business shall be con-
22 sidered at such meetings by the Council. The
23 written notice may be dispensed with as to any
24 member of the Council who, at or prior to the time
25 the meeting convenes, files with the City Clerk a
26 written waiver of notice. The waiver may be given
27 by telegram. The written notice may also be dis-
28 pensed with as to any member who is actually
29 present at the meeting at the time it convenes.

30 SECTION 2. Section 2-1.07 of Chapter 1 of Title II of the
31 Modesto Municipal Code entitled "Quorum" is hereby amended to read
32 as follows:

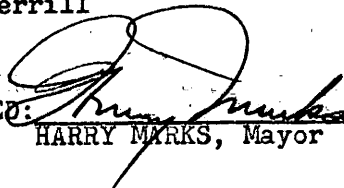
23 SEC. 2-1.07. QUORUM. A majority of the members of
24 the Council shall constitute a quorum for the trans-
25 action of business, but a less number than a quorum
26 may adjourn from time to time. If all members are
27 absent from any regular or adjourned regular meeting,
28 the City Clerk may declare the meeting adjourned to
29 a stated time and place. If he does, he shall cause
30 written notice of the adjournment to be given in
31 the same manner as provided in Section 2-1.02 for
32 special meetings, unless the notice is waived as pro-
vided for special meetings. Whenever a regular or
adjourned regular meeting is adjourned as provided
in this section, the resulting adjourned regular
meeting is a regular meeting for all purposes. When
an order of adjournment of any meeting fails to
state the hour at which the adjourned meeting shall
be held, it shall be held at the hour specified for
regular meetings by Section 2-1.01 of this Code.

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

4 SECTION 4. PUBLICATION. This ordinance shall be published
5 in full at least once at least three (3) days prior to its final
6 adoption in the Modesto Journal and the Valley Citizen, the official
7 newspaper 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 7th day
10 of December, 1955, by Councilman Adams, who moved
11 its introduction and passage to print, which motion being duly
12 seconded by Councilman Hammond, was upon roll call carried
13 and ordered printed and published by the following vote:

14 AYES: Councilmen: Adams, Arata, Hammond, Robinson and Mayor
Marks
15 NOES: Councilmen: None
16 ABSENT: Councilmen: Anderson and Merrill

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18 APPROVED: 
HARRY MARKS, Mayor

19 TEST: 
20 REX E. GAILFUS, City Clerk

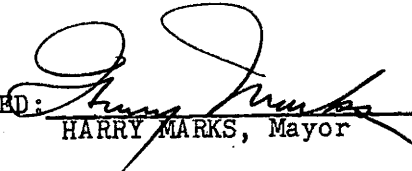
21 (SEAL)

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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 21st day of December, 1955, Councilman Robinson moved its final adoption, which motion being duly seconded by Councilman Adams, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: January 5, 1956

1 AN ORDINANCE APPROVING AN AGREEMENT WITH THE
2 EMPIRE COUNTY FIRE PROTECTION DISTRICT IN STANIS-
3 LAUS COUNTY RELATING TO THE DIVISION OF DISTRICT
4 ASSETS AND AUTHORIZING THE LEASE OF CERTAIN REAL
5 PROPERTY TO THE DISTRICT.

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

7 SECTION 1. APPROVAL OF AGREEMENT. That certain agreement
8 between the City of Modesto and the Empire County Fire Protection
9 District in Stanislaus County, relating to the division of assets
10 of the District necessitated by the withdrawal of a portion of the
11 territory of the District due to its annexation to the City, a
12 copy of which agreement is on file in the Office of the City Clerk
13 of the City of Modesto, is hereby approved, and the City Manager
14 and the City Clerk are hereby authorized to execute and attest said
15 agreement, respectively, on behalf of the City of Modesto, and do
16 all things necessary to carry out the terms of said agreement.

17 SECTION 2. APPROVAL OF LEASE AGREEMENT. That certain
18 lease agreement between the City of Modesto, as Landlord, and the
19 Empire County Fire Protection District in Stanislaus County, as
20 Tenant, relating to the lease of certain real property by Landlord
21 to Tenant, a copy of which is on file in the Office of the City
22 Clerk of the City of Modesto, is hereby approved, and the City
23 Manager and the City Clerk are hereby authorized to execute and attest
24 said lease, respectively, on behalf of the City of Modesto, and do
25 all things necessary to carry out the terms of said agreement.

26 SECTION 3. ACCEPTANCE AND RECORDING OF DEED. The City
27 of Modesto hereby accepts the deed referred to in the agreement
28 mentioned in Section 1 of this ordinance, when executed by the Dis-
29 trict, conveying the following described property to the City of
30 Modesto, and hereby authorizes the City Clerk to record said deed,
31 when received, with the Recorder of Stanislaus County:

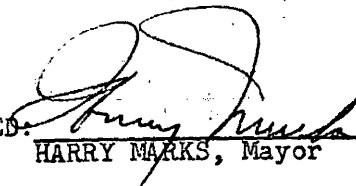
32 Lot 13 in Block 2196 of Alta Vista Tract, accord-
ing to the Official Map thereof, filed in the
office of the Recorder of Stanislaus County,
California, on September 12, 1946 in Volume 14 of
Maps, at page 75.

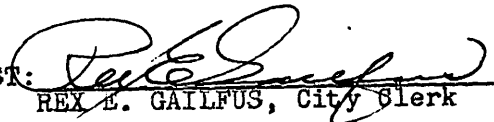
1 SECTION 4. EFFECTIVE DATE. This ordinance shall go into
2 effect and be in full force and operation from and after fifteen
3 (15) days after its final passage and adoption.

4 SECTION 5. PUBLICATION. This ordinance shall be published
5 in full at least once at least three (3) days prior to its final
6 adoption in The Modesto Journal and the Valley Citizen, the official
7 newspaper 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 14th day
10 of December, 1955, by Councilman Arata, who moved
11 its introduction and passage to print, which motion being duly
12 seconded by Councilman Robinson, was upon roll call carried
13 and ordered printed and published by the following vote:

14 AYES: Councilmen: Adams, Anderson, Arata, Hammond, Merrill,
15 ROES: Councilmen: None
16 ABSENT: Councilmen: None

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18 APPROVED: 
HARRY MARKS, Mayor

19 ATTEST: 
20 REX E. GAILFUS, City Clerk

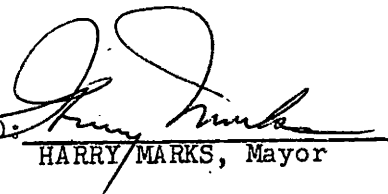
21 (SEAL)
22 REX E. GAILFUS, City Clerk

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24
25 FILED IN January 12, 1956

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 28th day of December, 1955, Councilman Arata moved its final adoption, which motion being duly seconded by Councilman Anderson, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: Adams

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: January 12, 1956

1 AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN
2 REAL PROPERTY FROM KENNETH H. DURAND AND GLADYS S.
3 DURAND FOR USE BY THE CITY OF MODESTO FOR MUNICIPAL
4 GOLF COURSE PURPOSES, AND AUTHORIZING THE CONVEYANCE
5 OF CERTAIN REAL PROPERTY OWNED BY THE CITY.

6 WHEREAS, the City of Modesto desires to acquire a parcel
7 of real property for the development of a portion of an eighteen
8 hole municipal golf course, and

9 WHEREAS, Kenneth H. Durand and Gladys S. Durand, husband
10 and wife, have offered to sell said parcel of real property to the
11 City for the sum of Thirty Thousand and no/100ths (\$30,000.00)
12 Dollars, plus approximately one and one-half (1-1/2) acres of land
13 owned by the City,

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

16 SECTION 1. The purchase of the following described
17 property from Kenneth H. Durand and Gladys S. Durand, husband and
18 wife, for use by the City for the development of a portion of an
19 eighteen hole municipal golf course is hereby approved:

20 All that certain real property situate in the City
21 of Modesto, County of Stanislaus, State of California,
22 described as follows, to wit:

23 All that portion of Lots A and B of the Durand Tract,
24 according to the Official Map thereof, filed in the
25 office of the Recorder of Stanislaus County, Cali-
26 fornia, on January 21, 1947 in Volume 16 of Maps,
27 at page 19, being a portion of Section 5, Township
28 4 South, Range 9 East, Mount Diablo Base and Meridian,
29 and more particularly described as follows:

30 Commencing at the Southeast corner of the Northeast
31 quarter of the Northwest quarter of said Section 5;
32 thence along the North and South quarter Section
line, being the center line of a 40 foot County
Road known as Sunset Avenue, as shown on said Map
of the Durand Tract, South 00° 15' 00" West 1077.10
feet to the true point of beginning of this descrip-
tion; thence continuing along said quarter Section
line, South 00° 15' 00" West 722.34 feet to the
Northwest corner of the 24.902 acre Parcel conveyed
to the City of Modesto by Deed from Kenneth H.
Durand and Gladys S. Durand, husband and wife,
recorded December 29, 1954, as Instrument No. 34122;
thence South 89° 45' 00" East, along the North line
of said 24.902 acre parcel, 1191.07 feet to the
Easterly line of said Lot B; thence along the Easterly
line of said Lot B, North 22° 55' 00" East 79.40 feet;

1 North 14° 25' 00" West 231.14 feet; and North 00°
2 48' 00" West 566.98 feet; thence leaving the
3 Easterly line of said Lot B, South 77° 48' 25" West
4 999.22 feet; thence North 63° 02' 00" West 72.77
5 feet; thence North 00° 15' 00" East 231.12 feet to
6 the Westerly line of Lot A of said Durand Tract;
7 thence along the Westerly line of said Lot A, South
8 30° 46' 30" West 220.51 feet to the true point of
9 beginning of this description, containing 20.392
10 acres, more or less.

11 Except the following described strip of land, being
12 a portion of said Sunset Avenue and particularly
13 described as follows:

14 Commencing at the Southeast corner of the Northeast
15 quarter of the Northwest quarter of said Section 5;
16 thence along the North and South quarter section
17 line being the center line of a 40 foot County Road
18 known as Sunset Avenue, as shown on the Map of the
19 Durand Tract, South 00° 15' 00" West, 1077.10 feet
20 to the true point of beginning of this description;
21 thence continuing along said quarter Section line,
22 South 00° 15' 00" West, 722.34 feet; thence on a
23 line at right angles to said quarter Section line,
24 said line also being the Northerly line of above
25 mentioned 24.902 acre Parcel, South 89° 45' 00"
26 East, 30.00 feet; to the Westerly line of Lot B of
27 said Durand Tract; thence along said Westerly line
28 of Lot B and also Lot A, North 00° 15' 00" East,
29 773.22 feet, to the intersection of the Southeasterly
30 line of Neece Drive as shown on said Durand Tract;
31 thence along the Southwesterly extension of said
32 Neece Drive, South 30° 46' 30" West, 59.07 feet to
the true point of beginning of this description;
containing 0.767 acres, more or less.

SECTION 2. The conveyance of the following described
parcel of property owned by the City to Kenneth H. Durand and
Gladys S. Durand in part payment for the property described in
Section 1 of this ordinance is hereby approved:

All that certain real property situate in the City
of Modesto, County of Stanislaus, State of California,
described as follows, to wit:

All that portion of Section 5 Township 4 South,
Range 9 East, Mount Diablo Base and Meridian,
described as follows:

Beginning at the Northeast corner of Lot A as
shown on the Map of the Durand Tract, according to
the Official Map thereof, filed in the office of
the Recorder of Stanislaus County, California, on
January 21, 1947 in Volume 16 of Maps, at page 19;
thence along the Northerly line of said Lot A, West
318.60 feet; thence North 17° 30' 00" East, 157.50
feet; thence North 33° 14' 00" East, 161.66 feet;
thence East, 36.40 feet; thence South 57° 10' 40"
East, 170.82 feet; thence South 00° 48' 00" East,

1 192.86 feet to the point of beginning of this
2 description, containing 1.557 acres, more or less.

3 Except reserving an easement to the City of Modesto
4 on the East side of the above described parcel for
5 utilities purposes described as follows:

6 Commencing at the Northeast corner of Lot A of the
7 Durand Tract as shown on the map filed in Volume 16,
8 page 19, Stanislaus County Records, said point being
9 the true point of beginning of this description;
10 thence along the Northerly line of said Lot A, West
11 62.54 feet; thence North 06° 33' 00" West, 184.04
12 feet; thence North 00° 31' 30" West, 62.52 feet;
13 thence South 57° 10' 40" East, 96.89 feet; thence
14 South 00° 48' 00" East, 192.86 feet to the true
15 point of beginning of this description.

16 SECTION 3. That certain agreement between Kenneth H.
17 Durand and Gladys S. Durand and the City of Modesto relating to the
18 purchase and conveyance of the above described properties, a copy
19 of which is on file in the Office of the City Clerk, is hereby
20 approved, and the City Manager and the City Clerk are hereby
21 authorized and directed to execute and attest, respectively, said
22 agreement on behalf of the City and do all things necessary to
23 carry out the terms and conditions of said agreement.

24 SECTION 4. Upon complete conformance of all the terms
25 and conditions of the agreement mentioned in Section 3 of this
26 ordinance, the City of Modesto hereby accepts the deed conveying
27 the parcel of property described in Section 1 of this ordinance to
28 the City of Modesto and does hereby authorize the City Clerk to
29 record said deed with the Recorder of Stanislaus County.

30 SECTION 5. The Mayor of the City of Modesto is hereby
31 authorized to execute a deed on behalf of the City of Modesto con-
32 veying the property described in Section 2 of this ordinance from
the City of Modesto to Kenneth H. Durand and Gladys S. Durand.

SECTION 6. 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 7. PUBLICATION. This ordinance shall be published
in full at least once at least three(3) days prior to its final

1 adoption in the Modesto Journal and the Valley Citizen, the official
2 newspaper of the City of Modesto.

3 The foregoing ordinance was introduced at a regular
4 meeting of the Council of the City of Modesto held on the 14th day
5 of December, 1955, by Councilman Arata, who moved
6 its introduction and passage to print, which motion being duly
7 seconded by Councilman Merrill, was upon roll call carried
8 and ordered printed and published by the following vote:

9 AYES: Councilmen: Adams, Anderson, Arata, Hammond, Merrill,
10 NOES: Councilmen: None
11 ABSENT: Councilmen: None

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13 APPROVED: 
14 HARRY MARKS, Mayor

14 ATTEST: 
15 REX E. GAILFUS, City Clerk

16 (SEAL)
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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 28th day of December, 1955, Councilman Arata moved its final adoption, which motion being duly seconded by Councilman Robinson, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: Adams

APPROVED: 

HARRY MARKS, Mayor

ATTEST: 

REX E. GAILFUS, City Clerk

EFFECTIVE DATE: January 12, 1956

1 AN ORDINANCE GRANTING B. J. FORSYTHE, DOING BUSINESS
2 AS MODESTO TRANSIT ADVERTISING COMPANY, AN EXCLUSIVE
3 FRANCHISE FOR THE RIGHT, PRIVILEGE AND PERMISSION TO
4 PLACE, CONSTRUCT AND MAINTAIN BENCHES WITH ADVERTIS-
5 ING THEREON AT DESIGNATED LOCATIONS ON THE STREETS
6 AND SIDEWALKS IN THE CITY OF MODESTO.

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

8 SECTION 1. DEFINITIONS. (a) Bench: A seat located upon
9 public property along the public way for the accommodation of passers
10 by or persons awaiting transportation.

11 (b) Street: Any public thoroughfare or way including
12 the sidewalk, the parkway and other public property forming upon a
13 public way.

14 (c) Quarterly Period: A period of three (3) con-
15 secutive months. The quarters begin on the first day of January,
16 April, July and October of each year.

17 SECTION 2. BENCHES PROHIBITED. No person shall install
18 or maintain any bench upon any street in the City except in accord-
19 ance with the provisions of this ordinance.

20 SECTION 3. FRANCHISE GRANTED. The City of Modesto hereby
21 grants to B. J. FORSYTHE, doing business as Modesto Transit Advertis-
22 ing Company, for the term of five (5) years from and after the
23 effective date of this ordinance, subject to the provisions of the
24 specifications therefor approved by the Council on November 23, 1955,
25 the exclusive franchise for the right, privilege and permission to
26 place, construct and maintain benches with advertising thereon at
27 designated locations on the streets and sidewalks in the City of
28 Modesto.

29 SECTION 4. PAYMENT. For the privilege herein granted, the
30 Grantee shall pay to the City of Modesto Three and no/100ths (\$3.00)
31 Dollars per quarter per bench installed and in place. No later than
32 the 10th day of the month following the close of each quarterly period,
the grantee shall submit a report to the Director of Finance stating the
total number of benches on location on the last day of the preceding
month and the number installed during the preceding quarterly pe

1 The fee shall be paid according to the number of benches in place
2 on the last day of the month of the quarterly period, whether or not
3 there is advertising thereon, and shall be paid on or before the
4 10th day of the month following the close of the quarterly period.
5 These payments shall be in lieu of payment to the City of a per-
6 centage of gross receipts or other license fees under the provisions
7 of Chapter 1 of Title VI of the Modesto Municipal Code.

8 SECTION 5. COMMENCEMENT OF WORK. No work shall be com-
9 menced under the provisions of this franchise until plans and speci-
10 fications have been filed with and approved by the City Manager,
11 nor until a map showing the precise location of the benches proposed
12 to be installed shall be filed with the City Manager, nor until
13 the insurance policy and performance bond required by Sections 14
14 and 15, respectively, of this ordinance shall be filed with the
15 City Clerk. After complying with the provisions of this section,
16 the grantee shall be required to place and install not less than
17 twenty-five (25) benches within ninety (90) days after being awarded
18 the franchise. Thereafter, grantee shall maintain a minimum of
19 twenty-five (25) benches in place during the term of any franchise
20 awarded under these specifications.

21 SECTION 6. GENERAL CONDITIONS. This franchise is granted
22 upon and subject to each and all of the conditions set forth in
23 the following sections.

24 SECTION 7. ADVERTISING SPACE. No advertising matter or
25 sign whatever shall be displayed upon any bench except upon the
26 front and rear surface of the backrest and not more than seventy-
27 five (75%) per cent of each such surface shall be used. No adver-
28 tisement or sign on any bench shall display the words, "Stop",
29 "Look", "Drive-in", "Danger" or any other word, phrase, symbol or
30 character that might interfere with, mislead or distract traffic.
31 The City may require bus schedules to be placed on any bus bench.
32 No advertising other than bus schedules shall be placed on any

1 benches erected and maintained in areas zoned as residential by the
2 zoning regulations of the City. Commercial advertising shall not
3 be placed on any bench where such advertising is prohibited by the
4 laws of the City. No advertising which does not meet with the
5 approval of the City Manager shall be placed or maintained on any
6 of said benches. Bus schedules shall be of a maximum size of 9"
7 x 12" and shall be placed on the front of the bench back.

8 SECTION 8. APPROVAL OF LOCATION. Benches shall be placed
9 only in locations approved by the City Manager. The benches con-
10 templated are designed for the convenience of those using the buses
11 in the City and shall be placed upon the streets traversed by any
12 holder of any bus franchise in the City. The benches may not be
13 installed at any place except public carrier stops except with the
14 express approval of the Council. No bench shall be installed or
15 maintained:

16 (a) In any alley;

17 (b) At any location where the distance from the face
18 of the curb to the property line is less than ten (10') feet; pro-
19 vided that whenever, in the opinion of the City Manager, observance
20 of this requirement would result in inconvenience or hardship, this
21 requirement may be waived by the City Manager; or

22 (c) At any location distant more than fifty (50') feet
23 from the nearest intersecting street; provided that whenever, in
24 the opinion of the City Manager, observance of this requirement would
25 result in inconvenience or hardship, this requirement may be
26 waived by the City Manager.

27 SECTION 9. APPROVAL OF PROPERTY OWNER REQUIRED. No bench
28 shall be placed against the desire of the owner or his representa-
29 tive and the person in lawful possession or control of the property
30 abutting upon the public street at the place where the bench is
31 proposed to be located, or their representatives. Such persons
32 may veto the placing of the bench by written request to the City

1 Manager. If there is a change in the ownership of the property
2 abutting the bench, the grantee shall not maintain the bench against
3 the desire of the new owner.

4 SECTION 10. RATIO OF BENCHES BETWEEN COMMERCIAL AND RESI-
5 DENTIAL AREAS. For each seven (7) benches installed in areas zoned
6 for commercial uses, at least one (1) bench shall be installed in
7 areas zoned for residential uses.

8 SECTION 11. MAINTENANCE OF BENCHES. All benches must be
9 cleaned regularly and when needed and must be maintained in good
10 repair in a safe and sightly condition. The City Manager's decision
11 as to the state of repair and condition shall be conclusive. Grantee
12 shall inspect each bench periodically to assure full compliance with
13 the provisions of this Section.

14 SECTION 12. REMOVAL OF BENCHES. No bench after being
15 installed on the streets or sidewalks of the City shall be removed
16 from said street or other place by the grantee during the term of
17 the franchise except with the consent of the City Manager. The
18 City Manager may, for a cause considered by him reasonable, order
19 the grantee to remove any bench. When the City Manager orders the
20 bench removed, the grantee shall remove it within thirty (30) days
21 at his own expense. If he shall fail to do so, the City Manager
22 may order the removal of the bench, and destroy or sell it at his
23 discretion, and may, in addition, bill grantee for the removal or
24 destruction in a sum not in excess of Five and no/100ths (\$5.00)
25 Dollars per bench.

26 SECTION 13. LOCATION OF BENCHES. The front of all benches
27 shall be placed not less than eighteen (18") inches nor more than
28 thirty (30") inches from the curb line and parallel thereto. No
29 bench shall seat fewer than four (4) people. No bench shall be
30 placed so as to injuriously obstruct passage on the sidewalk or
31 street. No bench shall be placed within fifteen (15') feet of any
32 fire hydrant. No bench shall be more than forty-two (42") inches

1 high nor more than thirty (30") inches wide, nor more than eight
2 (8') feet long.

3 SECTION 14. INSURANCE. The grantee shall save the City
4 harmless from any and all claims of damage to any person or property
5 arising from the installation, maintenance or existence of the
6 benches. The grantee shall carry public liability insurance, said
7 insurance policy shall name the City of Modesto as additional
8 insured and shall be filed with the City Clerk and shall be main-
9 tained throughout the existence of this franchise. The insurance
10 policy shall insure the City against loss or liability for injury
11 to, or death of, any person, or damage to property growing out of
12 the installation or maintenance or existence of any bench to the
13 amount of limit of Fifty Thousand and no/100ths (\$50,000.00) Dollars
14 on account of injury to or death of any one person and subject to
15 the same limit as respects injury to or death of any one person,
16 or One Hundred Thousand and no/100ths (\$100,000.00) Dollars on
17 account of any one accident resulting in injury to or death of
18 more than one person, and Five Thousand and no/100ths (\$5,000.00)
19 Dollars damage to property of others, resulting from any one
20 accident.

21 SECTION 15. PERFORMANCE BOND. The grantee shall post a
22 performance bond in the sum of One Thousand and no/100ths (\$1,000.00)
23 Dollars guaranteeing its performance of the conditions of this permit
24 and stating that the said sum of \$1,000.00 shall be forfeited to
25 the City as liquidated damages in the event that grantee shall fail
26 to perform the conditions of its franchise. Said bond shall be
27 furnished by a surety company authorized to do business in the State
28 of California and shall be approved by the City Attorney.

29 SECTION 16. ACCEPTANCE OF FRANCHISE. Grantee shall be
30 required to file in the Office of the City Clerk of the City an
31 acceptance in writing of the provisions of the franchise and shall
32 agree to perform all the conditions thereof. Said acceptance in

1 writing shall be filed on or before ten (10) days following the
2 adoption of this ordinance.

3 SECTION 17. DEFAULT. In the event that either party
4 shall fail or neglect to do or perform each and all of the terms
5 and conditions of this franchise on his or its part to be performed,
6 the aggrieved party may give the party in default thirty (30) days
7 written notice to correct the conditions in default, and if party
8 in default refuses or neglects to make such corrections within the
9 thirty (30) days' period, the aggrieved party may terminate this
10 franchise. Should grantee herein default, it will remove all
11 benches within thirty (30) days of the termination of this franchise
12 if requested to do so by City.

13 SECTION 18. INSPECTION OF BOOKS. The City shall have the
14 right at all reasonable times to examine all books, papers and
15 records of the grantee for the purpose of verifying the statements
16 or reports required and for any other purpose whatsoever connected
17 with this franchise.

18 SECTION 19. EXEMPTION. The provisions of Chapter 6 of
19 Title 9 of the Modesto Municipal Code (Sign Regulations) shall not
20 be applicable with respect to the construction and maintenance of
21 benches with advertising thereon under this franchise.

22 SECTION 20. DEFACING BENCHES PROHIBITED. No person may
23 tamper with or deface any bench placed under the franchise granted
24 by this ordinance.

25 SECTION 21. PENALTY. It shall be unlawful for any person
26 to violate the provisions of ~~Section 2 and 4~~ Section 20 of this ordinance, or to
27 cause, permit or suffer the same to be done; and any person who
28 does shall be deemed guilty of a misdemeanor, and upon
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1 conviction of any such violation, such person shall be punishable by
2 a fine of not more than One Thousand (\$1,000.00) Dollars or by
3 imprisonment for not more than one (1) year or by both such fine
4 and imprisonment.

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

8 SECTION 23. PUBLICATION. This ordinance shall be pub-
9 lished in full at least once at least three (3) days prior to its
10 final adoption in the Modesto Journal and the Valley Citizen, the
11 official newspaper of the City of Modesto.

12 The foregoing ordinance was introduced at a regular
13 meeting of the Council of the City of Modesto held on the 21st day
14 of December, 1955, by Councilman Anderson, who moved
15 its introduction and passage to print, which motion being duly
16 seconded by Councilman Arata, was upon roll call carried
17 and ordered printed and published by the following vote:

18 AYES: Councilmen: Adams, Anderson, Arata, Hammond, Merrill,
Robinson and Mayor Marks

19 NOES: Councilmen: None

20 ABSENT: Councilmen: None

21
22 APPROVED: 
HARRY MARKS, Mayor

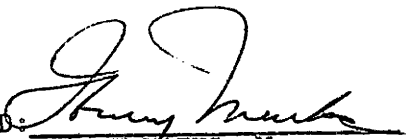
23 ATTEST: 
24 REX E. GAILFUS, City Clerk
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Ord. No. 62-C.S.

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 4th day of January, 1956, Councilman Merrill moved its final adoption, which motion being duly seconded by Councilman Anderson, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: January 19, 1956

AND ORDINANCE ANNEXING UNINHABITED TERRITORY
 KNOWN AS THE ZLAB ADDITION TO
 THE CITY OF MODESTO.

WHEREAS, a petition was filed with the City Clerk by

Joe A. Zlab and Lois Zlab

on

November 1, 1955, to annex to the City of Modesto under the provisions of the Annexation of Uninhabited Territory Act of 1939, as amended, certain uninhabited territory, hereinafter described and designated as the ZLAB 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 16 day of November, 1955, set said petition for hearing at the hour of 8:00 o'clock p.m. on the 28th day of December, 1955, in the Council Chamber at the McHenry Public Library, located at Fourteenth and I Streets in the City of Modesto, and

WHEREAS, it appears to said Council and the 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 Journal and the Valley Citizen, a newspaper published in the City of Modesto on November 24, 1955, and on December 1, 1955; and in the Turlock Daily Journal, a newspaper published outside the City of Modesto, but in the County of Stanislaus, on November 25, 1955, and on December 2, 1955, 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 Territory Act of 1939, as amended, have been complied with, and

WHEREAS, on the 28th day of December, 1955, at the hour of 8:00 o'clock p.m., in the Council Chamber in the McHenry Public Library in the City of Modesto, County of Stanislaus, State of California, the Council of the City of Modesto did hear and pass upon all protests made to the proposed annexation and did determine that protests had not been made by the owners of one-half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll, nor by public and private owners of one-half of the value of the territory proposed to be annexed as determined by said Council, and

WHEREAS, said territory is contiguous to the City of Modesto and is uninhabited territory in the County of Stanislaus,

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

SECTION 1. The territory hereinafter described is hereby annexed to and made a part of the City of Modesto.

SECTION 2. The area or territory so annexed, designated the ZIAB ADDITION, is located in the County of Stanislaus, State of California, is contiguous to the City of Modesto, is uninhabited territory within the meaning of the Annexation of Uninhabited Territory Act of 1939, as amended, and is more particularly described as follows:

All that certain real property situate in the State of California, County of Stanislaus, Section 21, Township 3 South, Range 9 East, Mount Diablo Base and Meridian and more particularly described as follows:

Beginning at the Northwestern corner of the Downey High School and John Muir Elementary School site as annexed by a resolution of the Stanislaus County Board of Supervisors, August 10, 1950, said point being on the section line

common to Sections 21 and 22, Township 3 South, Range 9 East; Mount Diablo Base and Meridian and the center line of a 50.00 foot road known as Coffee Road; thence along the existing City Limits and said Section line South 0° 36' East to its intersection with the Easterly extension of the Southern line of the Zlab Subdivision as recorded in Volume 18 of Maps, Page 21, Stanislaus County Records; thence along the Easterly extension of the Southern line of said Zlab Subdivision, North 89° 42' 30" West, 25.00 feet to the Southeastern corner of said Zlab Subdivision; thence along the boundary of said Zlab Subdivision, North 89° 42' 30" West, 330.00 feet; thence South 0° 36' East, 66.00 feet; thence along said Zlab Subdivision boundary and the Southern line of Lot 11, Rice Colony as recorded in Volume 1 of Maps, Page 54, Stanislaus County Records, North 89° 42' 30" West, 305.88 feet to the Northeastern corner of the Loconte Subdivision as recorded in Volume 17 of Maps, Page 65, Stanislaus County Records; thence continuing along the boundary of said Zlab Subdivision North 0° 30' 10" West, 340.02 feet; thence South 89° 42' 30" East, 305.28 feet; thence North 70° 19' East, 125.61 feet; thence South 0° 36' East, 144.05 feet; thence North 89° 19' 50" East, 191.28 feet to the intersection with the Northerly extension of the Western line of Coffee Road as shown on said Zlab Subdivision; thence along said extension of Western line of Coffee Road, South 0° 36' East to its intersection with the Westerly extension of said Northern City Limits line; thence along the said extension of said City Limits line, North 89° 56' East, City 45.00 feet to the point of beginning.

upon its adoption.

SECTION 7. This ordinance shall be published in full a first time in the Stanislaus County Record, a newspaper of official character of the City of Berkeley.

And the people of Berkeley do hereby ratify and confirm the action of the Council of the City of Berkeley in the foregoing ordinance.

Witness my hand and the seal of the City of Berkeley, California, this _____ day of _____, 19____, at Berkeley, California.

 Mayor

 Councilman

 Councilman

 Councilman

 Councilman

SECTION 3. Said territory shall be subject to municipal taxes to pay any indebtedness or liability of the City of Modesto authorized or existing at the time of the adoption of this ordinance.

SECTION 4. The City Clerk is hereby authorized and directed to prepare a certified copy of this ordinance under seal, giving the date of its passage and transmit the same to the Secretary of State of the State of California as required by the provisions of Section 35316 of the Government Code of the State of California.

SECTION 5. The City Clerk is hereby authorized and directed to comply with the provisions of Sections 34080, 34081 and 54900 through 54904, both inclusive, of the Government Code of the State of California relating respectively to the filing of an affidavit of completion of annexation proceedings, and the filing of a statement of change of boundary.

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

SECTION 7. This ordinance shall be published in full at least once in The Modesto Journal and the Valley Citizen, 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 28th day of December, 1955, by Councilman Merrill, who moved its adoption and passage to print, which motion being duly seconded by Councilman Robinson, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: Adams

APPROVED: 

HARRY MARKS, Mayor

ATTEST: 

REX E. GAILFUS, City Clerk

(SEAL)

ORDINANCE NO. 64 -C.S.

1 AN ORDINANCE APPROPRIATING ADDITIONAL REVENUES FOR
2 EXPENDITURE DURING THE 1955-56 FISCAL YEAR AND
ALLOCATING THEM FOR CAPITAL OUTLAY PURPOSES.

3 WHEREAS, it is anticipated that an additional sum of
4 \$35,000.00 not heretofore appropriated will be received during the
5 1955-56 fiscal year from City sales and use taxes and deposited into
6 the Special Fund for Capital Outlays, and

7 WHEREAS, the Council desires to appropriate said funds
8 for expenditure during the 1955-56 fiscal year and allocate them
9 for capital outlay purposes,

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

12 SECTION 1. APPROPRIATION. The sum of \$35,000.00, which
13 is estimated to be deposited and paid into the Special Fund for
14 Capital Outlays during the 1955-56 fiscal year, not heretofore
15 appropriated, is hereby appropriated as follows:

<u>Purpose</u>	<u>Amount</u>
Special Capital Outlay Reserve	\$35,000.00

16
17
18 SECTION 2. EFFECTIVE DATE. Pursuant to Section 722 of
19 the Charter of the City of Modesto, this ordinance shall take effect
20 upon adoption.

21 SECTION 3. PUBLICATION. This ordinance shall be published
22 in full at least once in The Modesto Journal and the Valley Citizen,
23 the official newspaper of the City of Modesto.

24 The foregoing ordinance was introduced at a regular
25 meeting of the Council of the City of Modesto held on the 28th day
26 of December, 1955, by Councilman Robinson, who moved
27 its adoption, which motion being duly seconded by Councilman

1 Anderson, was upon roll call carried by the following vote:

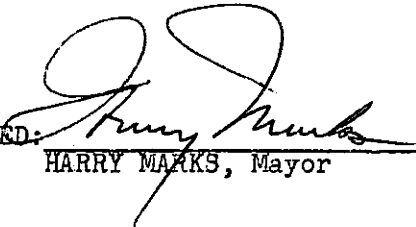
2 AYES: Councilmen: Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Marks

3 NOES: Councilmen: None

4 ABSENT: Councilmen: Adams

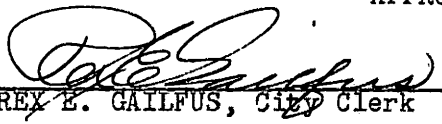
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APPROVED: 

HARRY MARKS, Mayor

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ATTEST: 

REX E. GAILFUS, City Clerk

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(SEAL)

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ORDINANCE NO. 65 -C.S.

1 AN ORDINANCE AMENDING SECTION MAP 32 OF THE ZONING
2 MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN
PROPERTY LOCATED THEREON.

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


4 SECTION 1. ZONING RECLASSIFICATIONS. Section Map 32 of
5 the Zoning Map of the City of Modesto is amended to appear as set
6 forth on the map attached hereto, which is hereby made a part of
7 this ordinance by reference.

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

11 SECTION 3. PUBLICATION. This ordinance shall be published
12 in full at least once at least three (3) days prior to its final
13 adoption in the Modesto Journal and the Valley Citizen, the official
14 newspaper of the City of Modesto.

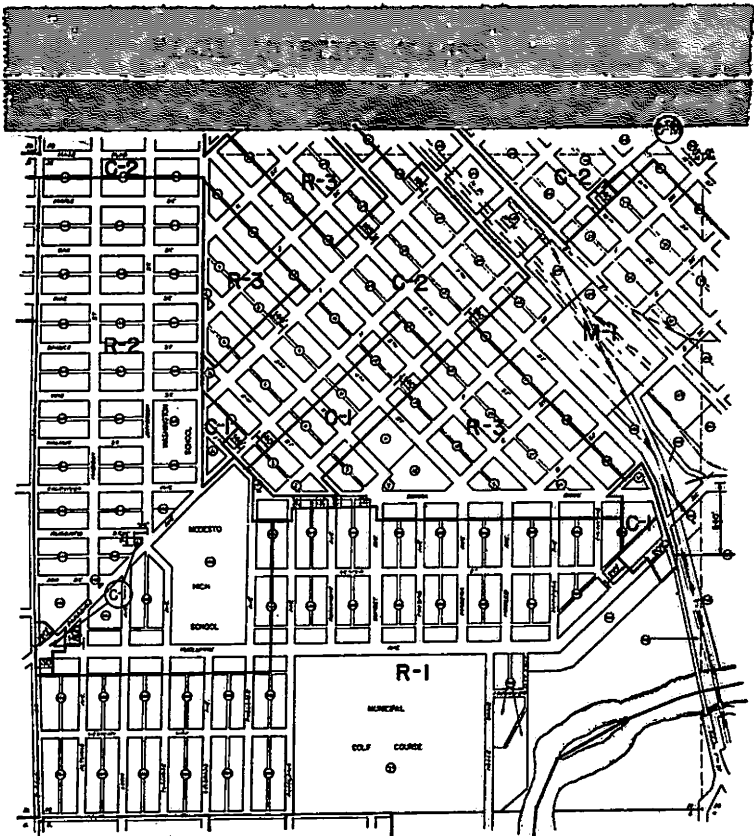
15 The foregoing ordinance was introduced at a regular meet-
16 ing of the Council of the City of Modesto held on the 4 day of
17 January, ¹⁹⁵⁶ 1955, by Councilman Anderson, who moved its
18 introduction and passage to print, which motion being duly seconded
19 by Councilman Merrill, was upon roll call carried and ordered
20 printed and published by the following vote:

21 AYES: Councilmen: Adams, Anderson, Arata, Hammond, Merrill,
Robinson and Mayor Marks
22 NOES: Councilmen: None
23 ABSENT: Councilmen: None

24
25 APPROVED: 
HARRY MARKS, Mayor

26 ATTEST: 
27 REX E. GAILFUS, City Clerk

28 (SEAL)
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SECTION 22
ORDINANCE 6-08

Ord. No. 65-C.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 18th day of January, 1956, Councilman Arata moved its final adoption, which motion being duly seconded by Councilman Anderson, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Pro Tempore Adams
NOES: Councilmen: None
ABSENT: Councilmen: Mayor Marks

APPROVED: Merrill L. Adams.
~~HARRY MARKO, Mayor~~
Merrill L. Adams, Mayor Pro Tempore

ATTEST: Anne M. Collins
~~REX E. CALIFUS, City Clerk~~
Anne M. Collins, Acting City Clerk

EFFECTIVE DATE: February 2, 1956

1 AN ORDINANCE AMENDING SECTION MAP 19 OF THE ZONING
2 MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN
PROPERTY LOCATED THEREON.

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

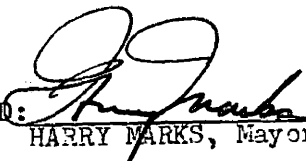
4 SECTION 1. ZONING RECLASSIFICATIONS. Section Map 19 of
5 the Zoning Map of the City of Modesto is amended to appear as set
6 forth on the map attached hereto, which is hereby made a part of
7 this ordinance by reference.

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

11 SECTION 3. PUBLICATION. This ordinance shall be pub-
12 lished in full at least once at least three (3) days prior to its
13 final adoption in the Modesto Journal and the Valley Citizen, the
14 official newspaper of the City of Modesto.

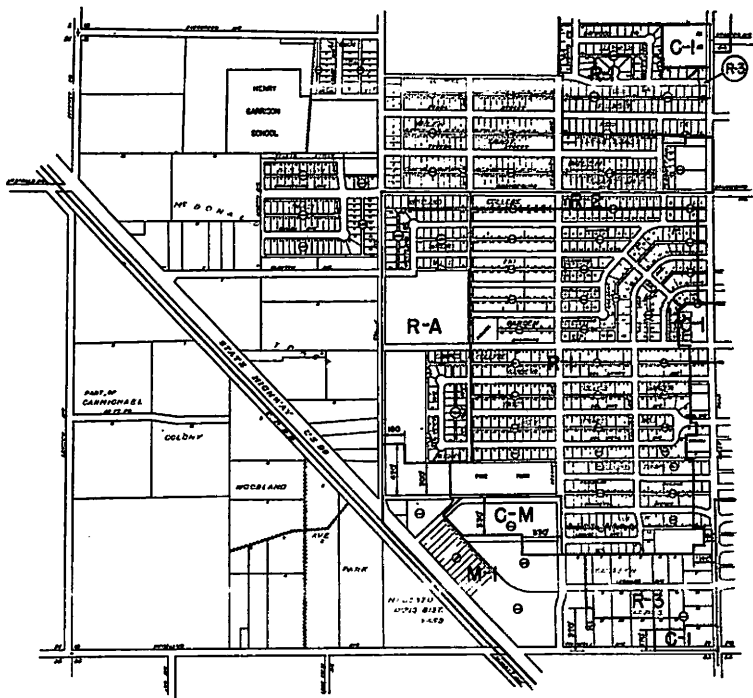
15 The foregoing ordinance was introduced at a regular meet-
16 ing of the Council of the City of Modesto held on the 11th day of
17 January, 1956, by Councilman Merrill, who moved its
18 introduction and passage to print, which motion being duly seconded
19 by Councilman Anderson, was upon roll call carried and ordered
20 printed and published by the following vote:

- 21 AYES: Councilmen: Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Pro Tempore Adams
- 22 NOES: Councilmen: None
- 23 ABSENT: Councilmen: Mayor Marks

24
25 APPROVED: 
HARRY MARKS, Mayor

26
27 ATTEST: 
REX E. GAILFUS, City Clerk

28 (SEAL)
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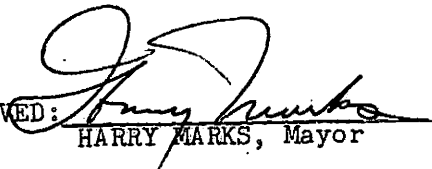


SECTION 19
ORDINANCE NO. 66-O.S.

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 25 day of January, 1956, Councilman Adams moved its final adoption, which motion being duly seconded by Councilman Robinson, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Adams, Anderson, Arata, Hammond, Merrill,
Robinson and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: February 9, 1956

1 AN ORDINANCE AMENDING SECTIONS 7-3.402 AND
 2 7-3.404 OF ARTICLE 4 OF CHAPTER 3 OF TITLE VII
 3 OF THE MODESTO MUNICIPAL CODE RELATING TO FEES
 4 AT THE MODESTO CITY-COUNTY AIRPORT

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

6 SECTION 1. Section 7-3.402 of Article 4 of Chapter 3 of
 7 Title VII of the Modesto Municipal Code is hereby amended to read
 8 as follows:

9 SEC. 7-3.402. INDIVIDUAL HANGARS. For aircraft stored
 10 in individual hangars, the fee shall be Twenty-five and
 11 no/100ths (\$25.00) Dollars per month.

12 SECTION 2. Section 7-3.404 of Article 4 of Chapter 3 of
 13 Title VII of the Modesto Municipal Code is hereby amended to read
 14 as follows:

15 SEC. 7-3.404. TIE-DOWN FEES. There shall be a charge
 16 of fifty (50¢) cents per day with a maximum charge of
 17 Seven and fifty/100ths (\$7.50) Dollars per month for air-
 18 craft with less than a fifty (50') foot wing span. For
 19 aircraft over a fifty (50') foot wing span there shall be
 20 a charge of One and no/100ths (\$1.00) Dollars per day.

21 SECTION 3. EFFECTIVE DATE. This ordinance shall go
 22 into effect and be in full force and operation on and after
 23 March 1, 1956.

24 SECTION 4. PUBLICATION. This ordinance shall be pub-
 25 lished in full at least once at least three (3) days prior to its
 26 final adoption in The Modesto Journal and The Valley Citizen, the
 27 official newspaper of the City of Modesto.

28 The foregoing ordinance was introduced at a regular
 29 meeting of the Council of the City of Modesto held on the 18
 30 day of January, 1956, by Councilman Robinson, who moved
 31 its introduction and passage to print, which motion being duly
 32 seconded by Councilman Arata, was upon roll call carried
 and ordered printed and published by the following vote:

AYES: Councilmen: Anderson, Arata, Hammond, Merrill, Robinson
 Mayor Pro Tempore Adams

NOES: Councilmen: None

ABSENT: Councilmen: Mayor Marks

ATTEST: Anne M. Collins
 ANNE M. COLLINS,
 Acting City Clerk

APPROVED:

Merrill L. Adams
 MERRILL L. ADAMS, Mayor
 Pro Tempore

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 1st day of February, 1956, Councilman 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: Adams, Arata, Hammond, Merrill, and Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: Anderson and Robinson

APPROVED: 

HARRY MARKS, Mayor

ATTEST: 

REX E. GAILFUS, City Clerk

EFFECTIVE DATE: March 1, 1956

AN ORDINANCE AMENDING ORDINANCE NO. 345-N.S. ENTITLED "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF MODESTO," AS AMENDED, TO AMEND SECTION 36.2 THEREOF RELATING TO TRAFFIC REGULATION, AND REPEALING ORDINANCE NO. 50-C.S.

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

SECTION 1. AMENDMENT OF ORDINANCE. Section 36.2 of Ordinance No. 345-N.S., entitled "An Ordinance Regulating Traffic Upon the Public Streets of the City of Modesto," as amended, is hereby amended to read as follows:

SECTION 36.2. DECREASE OF STATE LAW MAXIMUM SPEED. Pursuant to authority contained in Section 511.3(b) of the Vehicle Code of the State of California, it is hereby determined upon the basis of an engineering and traffic survey that the prima facie limit of 55 miles per hour permitted by state law outside of the business and residence districts as applicable upon the following streets is greater than is reasonable or safe under the conditions found to exist upon such streets, and it is hereby declared that the prima facie speed limit shall be as herein set forth on those streets or parts of streets herein designated when signs are erected giving notice thereof.

Name of Street or Portion Affected	Declared Prima Facie Speed Limit
LA LOMA	30 miles per hour
MILLER, from La Loma to Conejo	30 miles per hour
KEARNEY, entire length in City	30 miles per hour
SUNRISE, entire length in City	30 miles per hour
GRANGER, from Tully to McHenry	30 miles per hour
CARVER, entire length in City	35 miles per hour
GRISWOLD, from Virginia to McHenry	30 miles per hour

SECTION 2. REPEAL. Ordinance No. 50-C.S., adopted by the Council of the City of Modesto on December 7, 1955, is hereby repealed.

SECTION 3. 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.

1 SECTION 4. PUBLICATION. This ordinance shall be pub-
2 lished in full at least once at least three (3) days prior to its
3 final adoption in the Modesto Journal and the Valley Citizen, the
4 official newspaper of the City of Modesto.

5 The foregoing ordinance was introduced at a regular
6 meeting of the Council of the City of Modesto held on the 18th
7 day of January, 1956, by Councilman Robinson, who moved
8 its introduction and passage to print, which motion being duly
9 seconded by Councilman Merrill, was upon roll call carried
10 and ordered printed and published by the following vote:

11 AYES: Councilmen: Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Pro Tempore Adams

12 NOES: Councilmen: None

13 ABSENT: Councilmen: Mayor Marks

14 APPROVED: Merrill L. Adams
15 MERRILL L. ADAMS, Mayor Pro
Tempore

16 ATTEST Anne M. Collins
17 ANNE M. COLLINS,
18 Acting City Clerk

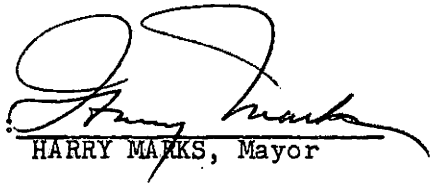
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FINAL ADOPTION CLAUSE

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 1st day of February, 1956, Councilman Arata moved its final adoption, which motion being duly seconded by Councilman Hammond, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Adams, Arata, Hammond, Merrill and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: Anderson and Robinson

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: February 16, 1956

1 AN ORDINANCE LEASING CERTAIN CITY OWNED AIRPORT
2 PROPERTY TO THE GRANGE COMPANY AND AUTHORIZING
3 THE EXECUTION OF A LEASE AGREEMENT IN CONNECTION
4 THEREWITH.

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

6 SECTION 1. The City of Modesto hereby leases to The
7 Grange Company, a California corporation, the following described
8 premises located at the Modesto City-County Airport, situate in
9 the County of Stanislaus, State of California, and more particular-
ly described as follows, to wit:

10 Commencing at the North Eastern corner of Block 2142
11 of the Legion Park Tract, being also the North Eastern
12 corner of Lot 24 of said Block 2142 as filed for record
13 on January 4, 1941, Page 10, Volume 14 of Maps, Stanislaus
14 County Records; thence along the extension of the Northern
15 line of said Block 2142, North $89^{\circ} 45'$ East, 60.00 feet
16 to the Eastern line of Conejo Avenue, being also the
17 Western line of the Modesto City - County Airport; thence
18 along the Western line of said Modesto City - County Airport,
19 South $0^{\circ} 42' 20''$ East, 235.55 feet; thence across the Air-
20 port Property, North $89^{\circ} 17' 40''$ East, 126.77 feet to the
true point of beginning of this description; thence along
the Northern boundary of this description, North $89^{\circ} 17'$
 $40''$ East, 170.00 feet; thence South $0^{\circ} 42' 20''$ East, 60.00
feet; thence South $89^{\circ} 17' 40''$ West, 170.00 feet to a point
126.77 feet East of the Western line of said Modesto City -
County Airport; thence along a line parallel to said
Western line of said Modesto City - County Airport, North
 $0^{\circ} 42' 20''$ West, 60.00 feet to the point of beginning of
this description 60.00 feet by 170.00 feet in area, and
including the right of ingress and egress,

21 for a term of twelve (12) years commencing from the occupation of
22 the building by any of the Lessor's aircraft equipment or supplies
23 or with the filing of a Notice of Completion by the Lessor, which-
24 ever occurs first, in accordance with the terms and conditions set
25 forth in that certain lease agreement covering the lease of said
26 property, a copy of which is on file in the Office of the City
27 Clerk of the City of Modesto. The terms and conditions of said
28 lease agreement are hereby accepted and approved.

29 SECTION 2. The City Manager and City Clerk of the City
30 of Modesto are hereby authorized to sign and attest, respectively,
31 said lease agreement on behalf of the City upon this ordinance
32 becoming effective.

1 SECTION 3. 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 4. PUBLICATION. This ordinance shall be pub-
5 lished in full at least once at least three (3) days prior to its
6 final adoption in the Modesto Journal and the Valley Citizen, the
7 official newspaper 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 1st
10 day of February, 1956, by Councilman Merrill, who
11 moved its introduction and passage to print, which motion being
12 duly seconded by Councilman Arata, was upon roll call
13 carried and ordered printed and published by the following vote:

14 AYES: Councilman: Adams, Arata, Hammond, Merrill, and Mayor
15 Marks

16 NOES: Councilman: None

17 ABSENT: Councilman: Anderson and Robinson

18 APPROVED: 
19 HARRY MARKS, Mayor

20 ATTEST: 
21 REX E. GAILFUS, City Clerk

22 (SEAL)
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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 15th day of February, 1956, Councilman Anderson moved its final adoption, which motion being duly seconded by Councilman Adams, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Adams, Anderson, Hammond, Merrill, Robinson
and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: Arata

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: March 1, 1956

1 AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN
2 REAL PROPERTY BY THE CITY OF MODESTO FROM MODESTO
3 LODGE NO. 1608, LOYAL ORDER OF MOOSE, INC.

4 WHEREAS, Modesto Lodge No. 1608, Loyal Order of Moose,
5 Inc., a corporation, owns that certain parcel of real property
6 hereinafter described; and

7 WHEREAS, the City of Modesto desires to acquire said
8 parcel of real property hereinafter described for use for
9 municipal purposes;

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

12 SECTION 1. PURCHASE AUTHORIZED. The purchase of the
13 following described real property from Modesto Lodge No. 1608,
14 Loyal Order of Moose, Inc., for the sum of Twelve Thousand Eight
15 Hundred and no/100ths (\$12,800.00) Dollars, in accordance with
16 the provisions of that certain agreement referred to in Section 2
17 of this ordinance, plus costs of title insurance and transfer of
18 said property, including the cost of the policy of title insurance,
19 is hereby approved. Said real property is described as follows:

20 All that portion of Block 228 of the City of
21 Modesto, as per Map filed December 21, 1942
22 in Vol. 15 of Maps, Stanislaus County Records,
23 lying Northwesterly of Beard Brook.

24 SECTION 2. APPROVAL OF AGREEMENT. That certain agree-
25 ment between the City of Modesto and Modesto Lodge No. 1608,
26 Loyal Order of Moose, Inc., relating to the purchase of certain
27 real property for municipal purposes, a copy of which is on file
28 in the Office of the City Clerk of the City of Modesto, is hereby
29 approved, and the City Manager and the City Clerk are hereby
30 authorized to execute and attest said agreement, respectively, on
31 behalf of the City of Modesto and do all things necessary to carry
32 out the terms of said agreement.

SECTION 3. ACCEPTANCE AND RECORDING OF DEED. The City
of Modesto hereby accepts the deed from Modesto Lodge No. 1608,
Loyal Order of Moose, Inc., conveying the above-described property

1 to the City of Modesto and hereby authorizes the City Clerk to
2 record said deed with the Recorder of Stanislaus County.

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

6 SECTION 5. PUBLICATION. This ordinance shall be pub-
7 lished in full at least once at least three (3) days prior to its
8 final adoption in the Modesto Journal and the Valley Citizen, the
9 official newspaper of the City of Modesto.

10 The foregoing ordinance was introduced at a regular
11 meeting of the Council of the City of Modesto held on the 8
12 day of February, 1956, by ~~Councilman~~ Mayor Marks, who
13 moved its introduction and passage to print, which motion being
14 duly seconded by Councilman Hammond, was upon roll call
15 carried and ordered printed and published by the following vote:

16 AYES: Councilmen: Adams, Anderson, Hammond, Robinson and
17 Mayor Marks
18 NOES: Councilmen: None
19 ABSENT: Councilmen: Arata, Merrill

20 APPROVED: 
21 HARRY MARKS, Mayor

22 ATTEST: 
23 REX E. GAILFUS, City Clerk

24 (SEAL)

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~~ ^{special} meeting of the Council of the City of Modesto held on the 23 day of February, 1956, Councilman Merrill moved its final adoption, which motion being duly seconded by Councilman Robinson, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Adams, Anderson, Arata, Hammond, Merrill,
Robinson and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: March 9, 1956

1 AN ORDINANCE ADDING SECTION 4-2.31 TO CHAPTER 2
2 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING
3 TO THE PROHIBITION OF MAKING FALSE REPORTS TO THE
4 POLICE DEPARTMENT OF THE CITY

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

5 SECTION 1. AMENDMENT OF THE CODE. Section 4-2.31 is
6 hereby added to Chapter 2 of Title IV of the Modesto Municipal
7 Code, to read as follows:

8 SEC. 4-2.31. FALSE AND FICTITIOUS REPORTS
9 TO POLICE DEPARTMENT. It shall be unlawful
10 for any person knowingly to do or commit any
11 of the following acts:

- 12 (a) Report any false or fictitious informa-
13 tion to the Police Department indicating
14 that a crime has been committed or that
15 a crime is about to be committed.
- 16 (b) Make any false or fictitious request of
17 the Police Department for help or pro-
18 tection.
- 19 (c) Cause the Police Department to respond
20 to any false or fictitious report.
- 21 (d) Request the assistance of, or investiga-
22 tion by, the Police Department in con-
23 nection with, or as a result of, any
24 such false or fictitious report or in-
25 formation.
- 26 (e) Report any false or fictitious informa-
27 tion to the Police Department as to:
- 28 (1) The manner in which a possible crime
29 was committed; or
 - 30 (2) The amount or value of property stolen,
31 damaged, or destroyed as a result of a
32 possible crime; or
 - 33 (3) The circumstances surrounding the com-
mission of a possible crime; or
 - 34 (4) Any other material fact regarding the
commission of a possible crime.

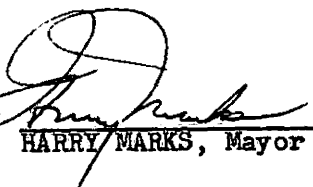
SECTION 2. EFFECTIVE DATE. This ordinance shall go
into effect and be in full force and operation from and after
fifteen (15) days after its final passage and adoption.

SECTION 3. PUBLICATION. This ordinance shall be pub-
lished in full at least once at least three (3) days prior to

1 its final adoption in The Modesto Journal and Valley Citizen, the
2 official newspaper of the City of Modesto.

3 The foregoing ordinance was introduced at a regular
4 meeting of the Council of the City of Modesto held on the 15
5 day of February, 1956, by Councilman Merrill, who
6 moved its introduction and passage to print, which motion being
7 duly seconded by Councilman Robinson, was upon roll call
8 carried and ordered printed and published by the following vote:

- 9 AYES: Councilmen: Adams, Anderson, Hammond, Merrill, Robinson
10 and Mayor Marks
11 NOES: Councilmen: None
12 ABSENT: Councilmen: Arata

13 APPROVED: 
14 HARRY MARKS, Mayor

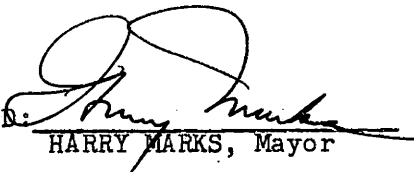
15 ATTEST: 
16 REX E. GAILFUS, City Clerk

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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 7 day of March, 1956, Councilman Robinson moved its final adoption, which motion being duly seconded by Councilman Hammond, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Adams, Anderson, Arata, Hammond, Merrill,
Robinson and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: March 22, 1956

1 AN ORDINANCE AUTHORIZING THE PURCHASE OF
2 CERTAIN REAL PROPERTY BY THE CITY OF
3 MODESTO FROM BURCHELL M. BUTTS AND FRANCES
4 A. BUTTS.

5 WHEREAS, Burchell M. Butts and Frances A. Butts own that
6 certain parcel of real property hereinafter described, and

7 WHEREAS, the City of Modesto desires to acquire said parcel of
8 real property hereinafter described for use for municipal purposes,

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

11 SECTION 1. PURCHASE AUTHORIZED. The purchase of the
12 following described real property from Burchell M. Butts and Frances A.
13 Butts, husband and wife, individuals, for the sum of Eleven Thousand Two
14 Hundred and no/100ths (\$11,200.00) Dollars, in accordance with the provi-
15 sions of that certain agreement referred to in Section 2 of this ordinance,
16 plus costs of title insurance and transfer of said property, including the cost
17 of the policy of title insurance, is hereby approved. Said real property is
18 described as follows:

19 All that portion of Lot 12 of SEVERIN COLONY, accord-
20 ing to the map thereof, filed in the office of the County
21 Recorder of Stanislaus County, California, on July 18,
22 1908 in Vol. 3 of Maps at page 47, described as follows:

23 Beginning at a point on the North line of said Lot 12 that
24 is 30 feet East of the Northwest corner of said Lot 12
25 (said point being on the East side of a 60 foot County Road);
26 thence South along said East line of County Road, being
27 along a line parallel to and distant 30 feet East of the West
28 line of said Lot 12, a distance of 78 feet; thence at right
29 angles East along a line parallel to the North line of said
30 Lot 12, a distance of 134.90 feet; thence at right angles
31 North and along a line parallel to the East line of said Lot
32 12 a distance of 78 feet to the North line of said Lot 12,
thence West along the North line of said Lot 12 a distance
of 134.90 feet to the point of beginning.

EXCEPTING THEREFROM the North 14 feet heretofore
conveyed to the County of Stanislaus by Declaration Deed
recorded November 21, 1951 as Instrument No. 27070.

SECTION 2. APPROVAL OF AGREEMENT. That certain agree-
ment between the City of Modesto and Burchell M. Butts and Frances A.
Butts, relating to the purchase of certain real property for municipal purposes,
a copy of which is on file in the Office of the City Clerk of the City of Modesto,

1 is hereby approved, and the City Manager and the City Clerk are hereby
2 authorized to execute and attest said agreement, respectively, on behalf of
3 the City of Modesto and do all things necessary to carry out the terms of
4 said agreement.

5 SECTION 3. ACCEPTANCE AND RECORDING OF DEED. The
6 City of Modesto hereby accepts the deed from Burchell M. Butts and
7 Frances A. Butts, conveying the above described property to the City of
8 Modesto and hereby authorizes the City Clerk to record said deed with the
9 Recorder of Stanislaus County.

10 SECTION 4. DECLARATION OF EMERGENCY. The Council of
11 the City of Modesto hereby finds and declares that the foregoing ordinance
12 is necessary as an emergency measure for preserving the public peace,
13 health and safety. The following is a statement of facts showing its urgency:
14 The property described above is being acquired by the City of Modesto for
15 necessary municipal purposes. Unless the transaction is completed without
16 delay, the City of Modesto may be deprived of the opportunity to purchase
17 the aforesaid property for the sum offered.

18 SECTION 5. EFFECTIVE DATE. Pursuant to Section 722 of the
19 Charter of the City of Modesto, being an emergency ordinance this ordinance
20 shall take effect and be in full force and operation as of the date of its
21 adoption.

22 SECTION 6. PUBLICATION. This ordinance shall be published
23 in full in The Modesto Journal and Valley Citizen, the official newspaper of
24 the City of Modesto.

25 The foregoing ordinance was introduced at a special meeting of
26 the Council of the City of Modesto held on the 23 day of February,
27 1956, by Councilman Adams, who moved its adoption and
28 passage to print, which motion being duly seconded by Councilman
29 Anderson, was upon roll call carried and ordered printed

1 and published by the following vote:

2 AYES: Councilmen: Adams, Anderson, Arata, Hammond, Merrill
3 Robinson and Mayor Marks

4 NOES: Councilmen: None

5 ABSENT: Councilmen: None

6 APPROVED: 
7 HARRY MARKS, Mayor

8 ATTEST: 
9 REX E. GAILFUS, City Clerk

10 (SEAL)

AN ORDINANCE AMENDING SECTION MAP 32 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON.

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

SECTION 1. ZONING RECLASSIFICATIONS. Section Map 32 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 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 Journal and the Valley Citizen, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a ^{special} ~~regular~~ meeting of the Council of the City of Modesto held on the 23 day of February, 1956, by Councilman Anderson, 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: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
- NOES: Councilmen: None
- ABSENT: Councilmen: None

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

(SEAL)

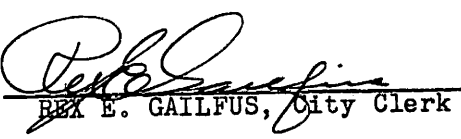
Ord. No. 73-C.S

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 March, 1956, Councilman Arata moved its final adoption, which motion being duly seconded by Councilman Hammond, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Adams, Arata, Hammond, Robinson and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: Anderson, Merrill

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: March 29, 1956

AN ORDINANCE AMENDING SECTION MAP 33 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON.

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

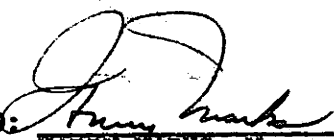
SECTION 1. ZONING RECLASSIFICATIONS. Section Map 33 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 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 Journal and the Valley Citizen, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a ~~regular~~ special meeting of the Council of the City of Modesto held on the 23 day of February, 1956; by Councilman Arata, 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:

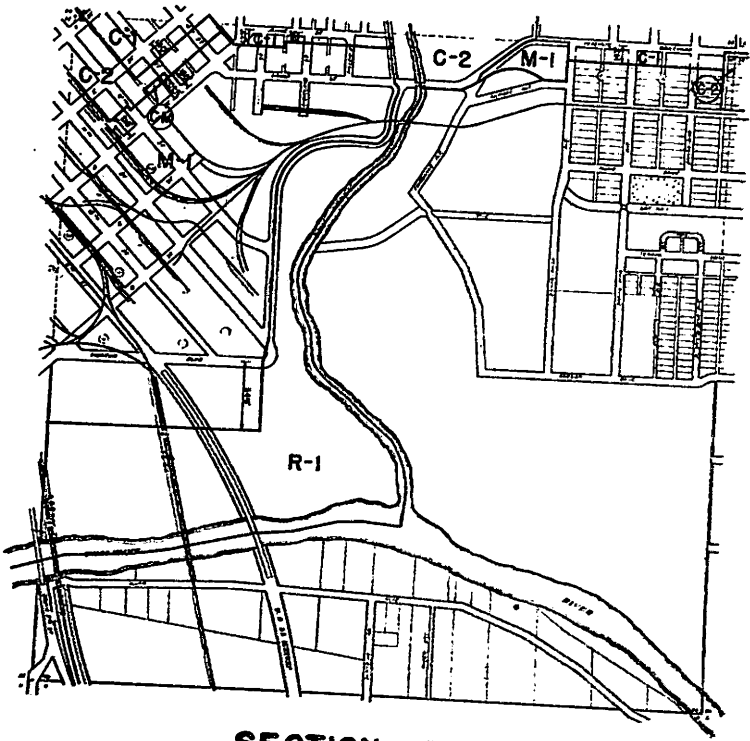
- AYES: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
- NOES: Councilmen: None
- ABSENT: Councilmen: None

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

(SEAL)

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SECTION 33
As Amended by Ord. 74-C.S.

Ord. No. 74-CS

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 March, 1956, Councilman Adams moved its final adoption, which motion being duly seconded by Councilman Robinson, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Adams, Arata, Hammond, Robinson and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: Anderson, Merrill

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: March 29, 1956

AN ORDINANCE AMENDING SECTION MAP 33 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON.

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

SECTION 1. ZONING RECLASSIFICATIONS. Section Map 33 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 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 Journal and the Valley Citizen, 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 7 day of March, 1956, by Councilman Merrill, who moved its introduction and passage to print, which motion being duly seconded by Councilman Robinson, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: None

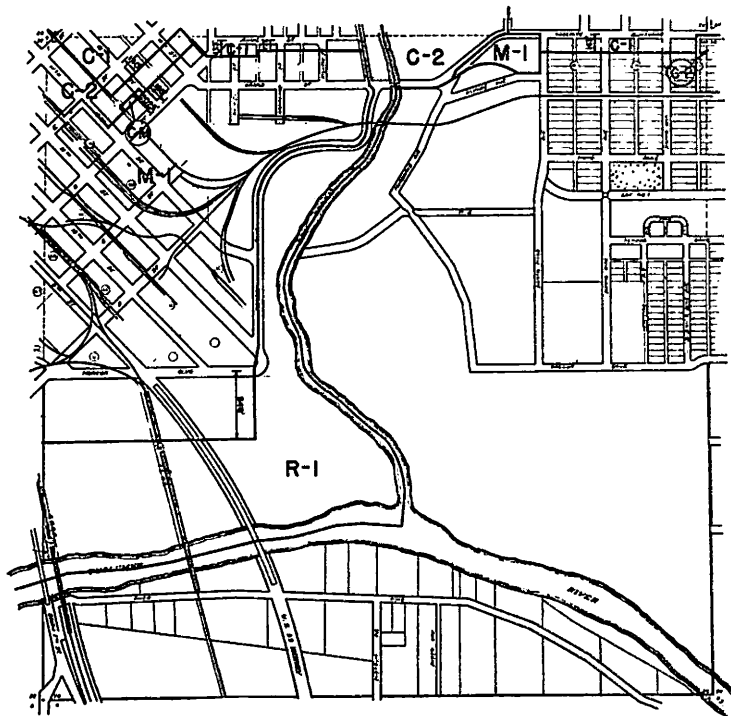
APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

(SEAL)



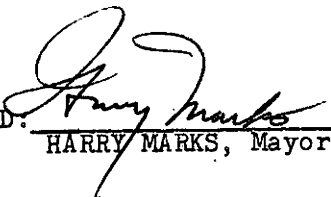
SECTION 33

As Amended by Ord. 75-C.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 21 day of March, 1956, Councilman Arata moved its final adoption, which motion being duly seconded by Councilman Anderson, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Anderson, Arata, Merrill and Mayor Pro Tempore Adams
NOES: Councilmen: None
ABSENT: Councilmen: Hammond, Robinson and Mayor Marks

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: April 5, 1956

1 AN ORDINANCE ADDING CHAPTER 7 ENTITLED, "POLICE
2 RESERVE" TO TITLE III OF THE MODESTO MUNICIPAL
3 CODE.

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

5 SECTION 1. Chapter 7 entitled, "Police Reserve" is hereby added to
6 Title III of the Modesto Municipal Code to read as follows:

7 CHAPTER 7 - POLICE RESERVE

8 SEC. 3-7.01. DEFINITIONS. Whenever the following terms are used
9 in this Chapter, they shall have the meaning ascribed to them in this section,
10 unless otherwise apparent from the context.

11 (a) "Chief" shall mean Chief of Police;

12 (b) "Reserve" shall mean the Modesto Police Reserve;

13 (c) "Member" shall mean a member of the Modesto Police
14 Reserve.

15 SEC. 3-7.02. CREATION OF MODESTO POLICE RESERVE. The
16 Modesto Police Reserve is hereby created. The members of the Reserve
17 shall be appointed by the City Manager and shall be under the direction and
18 control of the Chief.

19 SEC. 3-7.03. QUALIFICATIONS. The City Manager, by rule, shall
20 prescribe the qualifications and standards by which applicants for member-
21 ship in the Reserve shall be governed, and persons possessing these qualifi-
22 cations and conforming to these standards may be appointed to the Reserve by
23 the City Manager.

24 SEC. 3-7.04. PUBLIC SERVICES TO BE RENDERED AS ORDERED
25 BY CHIEF. Members shall perform only such public service as a member
26 of the Reserve as may be ordered by the Chief, and it shall be unlawful for
27 any person to wilfully resist, delay, or obstruct any member in the discharge
28 or the attempt to discharge any duties of his office.

29 SEC. 3-7.05. ENFORCEMENT POWERS. In the enforcement of the
30 penal laws of the State, or the penal laws of the City, and in the performance
31 of such other duties as may be designated by the Chief, every duly authorized
32 member of the Reserve shall be deemed to have all the powers of a peace
officer.

1 SEC. 3-7.06. UNIFORM AND EQUIPMENT. The uniform, badge,
2 and equipment to be worn and carried by the members shall be prescribed by
3 the Chief. Except as otherwise provided in this section, the uniform, badge,
4 and other equipment shall be purchased by the member at his own expense,
5 provided, however, that upon the separation of any person from the Reserve,
6 the badge, identification card, and cap piece issued to him shall be returned
7 to the Chief, and the member so returning his badge shall be entitled to no
8 compensation therefor. The City is hereby authorized to furnish the uniform,
9 badge, and equipment of the members out of public funds upon approval of the
10 Council. Title to all property furnished to members of the Reserve by the
11 City shall remain in the City.

12 SEC. 3-7.07. UNLAWFUL TO IMPERSONATE RESERVE OFFICER.
13 It shall be unlawful for any person to impersonate or falsely represent him-
14 self to be a member, or to wear, use, or possess a badge used by the Reserve.

15 SEC. 3-7.08. CITY MANAGER MAY DISMISS RESERVE MEMBER.
16 The City Manager may dismiss a member from the Reserve without any
17 hearing whatsoever and each member shall have the right to resign from said
18 Reserve at any time.

19 SEC. 3-7.09. ELIGIBILITY FOR MEMBERSHIP. To be eligible for
20 membership in the Reserve, each applicant must indicate his willingness to
21 serve an average minimum number of hours per month in the public service
22 as prescribed by the Chief, and when any member fails to serve said minimum
23 number of hours as required by the rules, the Chief shall inquire into the
24 reasons therefor, and unless good reason is shown for said failure to render
25 the minimum number of hours herein required, the Chief may recommend to
26 the City Manager the dismissal of the member from the Reserve.

27 SEC. 3-7.10. RESERVE MEMBERS DEEMED PUBLIC OFFICERS.
28 Each member of the Reserve shall be deemed to be a public officer.

29 SEC. 3-7.11. MEMBERS SHALL BE REGISTERED WITH DISASTER
30 COUNCIL. Each member of the Reserve shall be registered with the City
31 civil defense and disaster organization.

32 SEC. 3-7.12. RULES AND REGULATIONS. The Chief is hereby

1 authorized, directed, and empowered to prepare and promulgate such rules
2 and regulations and revisions and amendments thereof as in his discretion
3 may be necessary to carry out the provisions of this Chapter.

4 SEC. 3-7.13. STATUS OF EXISTING POLICE RESERVE MEMBERS.

5 Any person who, on the effective date of this Chapter, is a member of the
6 existing Modesto Police Reserve shall automatically continue as a member of
7 the Reserve subject to the provisions of this Chapter.

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

11 SECTION 3. PUBLICATION. This ordinance shall be published in
12 full at least once at least three (3) days prior to its final adoption in the
13 Modesto Journal and Valley Citizen, the official newspaper of the City of
14 Modesto.

15 The foregoing ordinance was introduced at a regular meeting of the
16 Council of the City of Modesto held on the 7 day of March,
17 1956, by Councilman Merrill, who moved its introduction
18 and passage to print, which motion being duly seconded by Councilman
19 Arata, was upon roll call carried and ordered printed and
20 published by the following vote:

21 AYES: Councilmen: Adams, Anderson, Arata, Hammond, Merrill,
22 Robinson and Mayor Marks

22 NOES: Councilmen: None

23 ABSENT: Councilmen: None

24
25 APPROVED: 
HARRY MARKS, Mayor

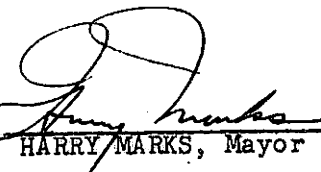
26 ATTEST: 
27 REX E. GAILFUS, City Clerk

28 (SEAL)

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 21 day of March, 1956, 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: Anderson, Arata, Merrill and Mayor Pro Tempore Adams
NOES: Councilmen: None
ABSENT: Councilmen: Hammond, Robinson and Mayor Marks

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
April 5, 1956
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: April 5, 1956

1 AN ORDINANCE AUTHORIZING THE PURCHASE OF
2 CERTAIN REAL PROPERTY BY THE CITY OF
3 MODESTO FROM CHESTER C. SPEARING AND HELEN
4 L. SPEARING.

5 WHEREAS, Chester C. Spearing and Helen L. Spearing
6 own that certain parcel of real property hereinafter described,
7 and

8 WHEREAS, the City of Modesto desires to acquire said
9 parcel of real property hereinafter described for use for municipal purposes,

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

12 SECTION 1. PURCHASE AUTHORIZED. The purchase of the
13 following described real property from Chester C. Spearing and
14 Helen L. Spearing, husband and wife, individuals, for the sum
15 of Three Thousand Two Hundred and no/100ths (\$3,200.00) Dollars,
16 in accordance with the provisions of that certain agreement
17 referred to in Section 2 of this ordinance, plus costs of title
18 insurance and transfer of said property, including the cost of
19 the policy of title insurance, is hereby approved. Said real
20 property is described as follows:

21 The North 30 feet and the East 10 feet of the following:

22 All that portion of Lot 12 of SEVLRIN COLONY, as per
23 Map filed July 18, 1908 in Vol. 3 of Maps, page 47,
24 Stanislaus County Records, described as follows:

25 Beginning at the Northeast corner of said Lot 12,
26 as the intersection of the North line of Lot with the
27 West line of Avenue "A" (known as Covena Avenue);
28 thence South along lot line, a distance of 78 feet;
29 thence West along line parallel to the North line of
30 said Lot, a distance of 144.9 feet; thence at right
31 angles North, a distance of 78 feet to the North
32 line of Lot; thence East and along Lot line, a
distance of 144.9 feet to the point of beginning.

SECTION 2. APPROVAL OF AGREEMENT. That certain
agreement between the City of Modesto and Chester C. Spearing
and Helen L. Spearing, relating to the purchase of certain
real property for municipal purposes, a copy of which is on

1 file in the Office of the City Clerk of the City of Modesto,
2 is hereby approved, and the City Manager and the City Clerk
3 are hereby authorized to execute and attest said agreement,
4 respectively, on behalf of the City of Modesto and do all things
5 necessary to carry out the terms of said agreement.

6 SECTION 3. ACCEPTANCE AND RECORDING OF DEED. The
7 City of Modesto hereby accepts the deed from Chester C. Spearing
8 and Helen L. Spearing, conveying the above described property
9 to the City of Modesto and hereby authorizes the City Clerk
10 to record said deed with the Recorder of Stanislaus County.

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

14 SECTION 5. PUBLICATION. This ordinance shall be
15 published in full at least once at least three (3) days prior to
16 its final adoption in the Modesto Journal and the Valley
17 Citizen, the official newspaper of the City of Modesto.

18 The foregoing ordinance was introduced at a regular
19 meeting of the Council of the City of Modesto held on the 7th
20 day of March, 1956, by Councilman Anderson, who
21 moved its introduction and passage to print, which motion
22 being duly seconded by Councilman Hammond, was upon roll
23 call carried and ordered printed and published by the following
24 votes:

25 AYES: Councilmen: Adams, Anderson, Arata, Hammond, Merrill,
Robinson and Mayor Marks

26 NOES: Councilmen: None

27 ABSENT: Councilmen: None

28 APPROVED: 
HARRY MARKS, Mayor

29 ATTEST: 
30 REX E. GAILFUS, City Clerk

31
32 (SEAL)

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 21 day of March, 1956, Councilman Anderson moved its final adoption, which motion being duly seconded by Councilman Adams, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Adams, Anderson, Arata, Merrill and Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: Hammond and Robinson

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: April 5, 1956

1 AN ORDINANCE PROVIDING FOR THE LEASE OF AIRPLANE
2 HANGAR SPACE AT THE MODESTO CITY-COUNTY AIRPORT
3 TO ROBERT A. PHILLIPS, AN INDIVIDUAL, AND AUTHORIZING
4 THE EXECUTION OF A LEASE IN CONNECTION THEREWITH.

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

7 SECTION 1. LEASE OF HANGAR SPACE. The City of Modesto
8 hereby leases to Robert A. Phillips, an individual, doing busi-
9 ness as Phillips Aero Agricultural Service, the following hangar
10 space located at the Modesto City-County Airport, situate in the
11 County of Stanislaus, State of California, and more particularly
12 described as follows, to wit:

13 One-half of that certain hangar approximately 6000
14 square feet in area, located in the northwest corner
15 of the southwest quarter of the southeast quarter of
16 Section 34, Township 3 South, Range 9 East, M.D.B. & M.
17 and being further identified as being located immediate-
18 ly north of that certain airport building constructed
19 by Coddling Homes Incorporated,

20 for a term commencing on the date said hangar is accepted as
21 completed by the City Council and ending three (3) years from
22 said date. The terms and conditions of said lease agreement
23 are hereby accepted and approved.

24 SECTION 2. SIGNING AND ATTESTING OF LEASE. The City
25 Manager and City Clerk of the City of Modesto are hereby authoriz-
26 ed to sign and attest, respectively, said lease agreement on
27 behalf of the City upon this ordinance becoming effective.

28 SECTION 3. EFFECTIVE DATE. This ordinance shall go
29 into effect and be in full force and operation from and after
30 fifteen (15) days after its final passage and adoption.

31 SECTION 4. PUBLICATION. This ordinance shall be
32 published in full at least once at least three (3) days prior
33 to its final adoption in The Modesto Journal and the Valley
34 Citizen, the official newspaper of the City of Modesto.

35 The foregoing ordinance was introduced at a regular
36 meeting of the Council of the City of Modesto held on the 21

1 day of March, 1956, by Councilman Arata, who
2 removed its introduction and passage to print, which motion being
3 duly seconded by Councilman Merrill, was upon roll call
4 carried and ordered printed and published by the following

5
6 AYES: Councilmen: Adams, Anderson, Arata, Merrill, and Mayor
7 Marks
8 NOES: Councilmen: None
9 ABSENT: Councilmen: Hammond and Robinson

10 Councilman: Arata, introduced by Councilman Merrill, Finance and
11 Report
12 Councilman: None APPROVED: [Signature]
13 HARRY MARKS, Mayor

14 ATTEST: [Signature]
15 REX E. GAILFUS, City Clerk

16 APPROVED: [Signature]
17 HARRY MARKS, Mayor

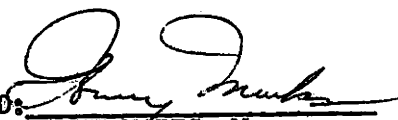
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20 REX E. GAILFUS, City Clerk

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23
24 DATE: April 12, 1956

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 4th day of April, 1956, Councilman Arata moved its final adoption, which motion being duly seconded by Councilman Anderson, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GALLFUS, City Clerk

EFFECTIVE DATE: April 19, 1956

1 AN ORDINANCE PROVIDING FOR THE LEASE OF AIRPLANE
2 HANGAR SPACE AT THE MODESTO CITY-COUNTY AIRPORT
3 TO NAKAGAWA BROTHERS, A PARTNERSHIP, AND AUTHORIZING
4 THE EXECUTION OF A LEASE AGREEMENT IN CONNECTION
5 THEREWITH.

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

8 SECTION 1. LEASE OF HANGAR SPACE. The City of Modesto
9 hereby leases to Nakagawa Brothers, a partnership, the following
10 hangar space located at the Modesto City-County Airport, situate
11 in the County of Stanislaus, State of California, and more parti-
12 cularly described as follows, to wit:

13 One-half of that certain hangar approximately 6000
14 square feet in area, located in the northwest corner
15 of the southwest quarter of the southeast quarter of
16 Section 34, Township 3 South, Range 9 East, M.D.B. &M.
17 and being further identified as being located immedi-
18 atly north of that certain airport building constructed
19 by Coddling Homes Incorporated,

20 for a term commencing on the date said hangar is accepted as
21 completed by the City Council and ending three (3) years from
22 said date. The terms and conditions of said lease agreement
23 are hereby accepted and approved.

24 SECTION 2. SIGNING AND ATTESTING OF LEASE. The City
25 Manager and City Clerk of the City of Modesto are hereby authoriz-
26 ed to sign and attest, respectively, said lease agreement on
27 behalf of the City upon this ordinance becoming effective.

28 SECTION 3. EFFECTIVE DATE. This ordinance shall go
29 into effect and be in full force and operation from and after
30 fifteen (15) days after its final passage and adoption.

31 SECTION 4. PUBLICATION. This ordinance shall be
32 published in full at least once at least three (3) days prior
33 to its final adoption in The Modesto Journal and the Valley
34 Citizen, the official newspaper of the City of Modesto.

35 The foregoing ordinance was introduced at a regular
36 meeting of the Council of the City of Modesto/^{held} on the 21
37 day of March, 1956, by Councilman Adams, who

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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: Adams, Anderson, Arata, Merrill and Mayor
Marks
NOES: Councilmen: None
ABSENT: Councilmen: Hammond and Robinson

APPROVED: *Harry Marks*
HARRY MARKS, Mayor

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


(SEAL)

DATE: April 19, 1916

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 4th day of April, 1956, Councilman Robinson moved its final adoption, which motion being duly seconded by Councilman Anderson, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: April 19, 1956

1 AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN
2 REAL PROPERTY BY THE CITY OF MODESTO FROM CHARLES
3 CARROLL TO CARROLL AND ELLA CARROLL.

4 WHEREAS, Charles T. Carroll and Ella Carroll own that certain
5 parcel of real property hereinafter described, and

6 WHEREAS, the City of Modesto desires to acquire said parcel of
7 real property hereinafter described for use for municipal purposes,

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

10 SECTION 1. PURCHASE AUTHORIZED. The purchase of the follow-
11 ing described real property from Charles T. Carroll and Ella Carroll,
12 husband and wife, individuals, for the sum of Five Hundred and no/100ths
13 (\$500.00) Dollars, in accordance with the provisions of that certain agree-
14 ment referred to in Section 2 of this ordinance, plus costs of title insurance
15 and transfer of said property, including the cost of the policy of title insur-
16 ance, is hereby approved. Said real property is described as follows:

17 All that portion of the East half of Section 28, Township 3
18 South, Range 9 East, Mount Diablo Base and Meridian, be-
19 tween the approximate center line of Beard Brook and the
20 South bank of Little Creek of the property described in Deed
21 recorded in Volume 836 of Official Records, Stanislaus County
22 Records, at page 251, particularly described as follows:

23 Commencing at the most Southerly corner of Lot 1, of Block
24 2173 of Thousand Oaks, according to the Official Map thereof,
25 filed in the office of the Recorder of Stanislaus County Cali-
26 fornia, on October 17, 1941, in Volume 14 of Maps, at page
27 20; thence North $28^{\circ} 05'$ West along the West line of Lot 1 of
28 Block 2173 of Thousand Oaks, 308.39 feet to an 8" concrete
29 monument which marks the Northeast corner of Block 228 of
30 LaLoma, said Block now known as Block 228 of the City of
31 Modesto, according to the Official Map thereof, filed in the
32 office of the Recorder of Stanislaus County, California, on
December 21, 1942 in Volume 15 of Maps; thence North 0°
 $31' 30''$ West along the West boundary line of Thousand Oaks
30.00 feet to an iron pin marking the corner of Lot 1, Block
2173 of Thousand Oaks on the South bank of Little Creek and
the true point of beginning of this description; thence South
 $55^{\circ} 08' 32''$ West along the South bank of Little Creek 50.40 feet;
thence continuing along the South bank South $81^{\circ} 55' 47''$ West
57.93 feet to the West line of the first mentioned Deed; thence
North $34^{\circ} 18' 30''$ West 161.54 feet to the approximate center
line of Beard Brook; thence North $61^{\circ} 16' 30''$ East along the
approximate center line of Beard Brook 214.32 feet; thence
South $0^{\circ} 31' 30''$ East along the West boundary line of Thousand
Oaks, 199.50 feet to the true point of beginning of this descrip-
tion, containing 0.64 acres.

SECTION 2. APPROVAL OF AGREEMENT. That certain agreement

1 between the City of Modesto and Charles T. Carroll and Ella Carroll,
2 relating to the purchase of certain real property for municipal purposes, a
3 copy of which is on file in the Office of the City Clerk of the City of Modesto,
4 is hereby approved, and the City Manager and the City Clerk are hereby
5 authorized to execute and attest said agreement, respectively, on behalf of
6 the City of Modesto and do all things necessary to carry out the terms of said
7 agreement.

8 SECTION 3. ACCEPTANCE AND RECORDING OF DEED. The City
9 of Modesto hereby accepts the deed from Charles T. Carroll and Ella Carroll,
10 conveying the above described property to the City of Modesto, and hereby
11 authorizes the City Clerk to record said deed with the Recorder of Stanislaus
12 County.

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

16 SECTION 5. PUBLICATION. This ordinance shall be published in
17 full at least once at least three (3) days prior to its final adoption in the Modesto
18 Journal and Valley Citizen, the official newspaper of the City of Modesto.

19 The foregoing ordinance was introduced at a regular meeting of the
20 Council of the City of Modesto held on the 21 day of March,
21 1956, by Councilman Arata, who moved its introduction
22 and passage to print, which motion being duly seconded by Councilman
23 Adams, was upon roll call carried and ordered printed
24 and published by the following vote:

25 AYES: Councilmen: Adams, Anderson, Arata, Merrill, and Mayor
26 NOES: Councilmen: None
27 ABSENT: Councilmen: Hammond and Robinson

28 APPROVED: 
HARRY MARKS, Mayor

29 ATTEST: 
30 REX E. GAILFUS, City Clerk

31 (SEAL)

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 4th day of April, 1956, Councilman Anderson moved its final adoption, which motion being duly seconded by Councilman Hammond, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: April 19, 1956

1 AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN
2 REAL PROPERTY BY THE CITY OF MODESTO FROM IRIS S.
3 KEWIN.

4 WHEREAS, Iris S. Kewin owns those certain parcels of real property
5 hereinafter described, and

6 WHEREAS, the City of Modesto desires to acquire said parcels of
7 real property hereinafter described for use for municipal purposes,

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

10 SECTION 1. PURCHASE AUTHORIZED. The purchase of the follow-
11 ing described real property from Iris S. Kewin, an individual, for the sum of
12 Thirty-Three Thousand and no/100ths (\$33,000.00) Dollars, in accordance
13 with the provisions of that certain agreement referred to in Section 2 of this
14 ordinance, plus costs of title insurance and transfer of said property, includ-
15 ing the cost of the policy of title insurance, is hereby approved. Said real
16 property is described as follows:

Parcel 1:

17 All that portion of the Southwest one-quarter of the Northeast
18 one-quarter of Section 28, Township 3 South, Range 9 East,
19 Mount Diablo Base and Meridian, and of Block 228 of the City
20 of Modesto, according to the Official Map thereof, filed in the
21 office of the Recorder of Stanislaus County, California, on
22 December 21, 1942 in Volume 15 of Maps, described as follows:

23 Commencing at the Southeast corner of Block 228; thence North
24 $89^{\circ} 17' 23''$ West along the south line of said Block, 120.52 feet;
25 thence continuing along said South line and along a curve to the
26 left, having a radius of 785.00 feet, central angle of $27^{\circ} 13' 44''$,
27 a distance of 373.00 feet to the Southwest corner of Parcel No.
28 1 of Deed to Lawrence Robinson, Jr. et ux, recorded in Volume
29 838 of Official Records of Stanislaus County, at page 526 and
30 the true point of beginning of this description; thence along the
31 west line of said Robinson property North $16^{\circ} 34'$ East 100.50
32 feet; thence North $13^{\circ} 19' 30''$ West 146.89 feet; thence North
33 $69^{\circ} 20' 22''$ East 52.52 feet to a point on the South bank of Little
34 Creek; thence North $13^{\circ} 19' 30''$ West 186.26 feet to the approxi-
35 mate center line of Beard Brook; thence Westerly along the
36 approximate center line of Beard Brook to its intersection with
37 the South line of Block 228; thence Easterly and Northeasterly
38 along the said South line of Block 228 to the true point of begin-
39 ning of this description; and

Parcel 2:

40 All that portion of the East half of Section 28, a parcel in
41 Block 228 of La Loma, said Block now known as Block 228
42 of the City of Modesto, according to the Official Map thereof,
43 filed in the office of the Recorder of Stanislaus County, Cali-
44 fornia, on December 21, 1942 in Volume 15 of Maps, between

1 the approximate center line of Beard Brook and the South Bank
2 of Little Creek, particularly described as follows:

3 Commencing at the Southeastern corner of Block 228 of the
4 City of Modesto, according to the Official Map thereof, filed
5 for record December 21, 1942, in Volume 15 of Maps, Stanis-
6 laus County Records, said corner being on the center line of
7 Santa Rosa Avenue extended and produced; thence North $0^{\circ} 11'$
8 $40''$ West along the East line of Block 228 and the center line of
9 Santa Rosa Avenue extended and produced, 200.31 feet; thence
10 along the West line of property conveyed to Guy W. Thorne, et
11 ux, by Deed dated January 30, 1946 and recorded February 1,
12 1946 in Volume 836 of Official Records, at page 251, North 33°
13 $58' 40''$ West 178.13 feet to a point on the South bank of Little
14 Creek; said point being the true point of beginning of this de-
15 scription; thence South $82^{\circ} 15' 37''$ West along the South bank of
16 Little Creek 20.07 feet; thence South $57^{\circ} 32' 07''$ West 39.19 feet;
17 thence South $37^{\circ} 10' 22''$ West 117.20 feet; thence South $69^{\circ} 20'$
18 $22''$ West 78.98 feet to the East line of the property conveyed to
19 Lawrence Robinson, Jr., et ux, by Deed recorded in Volume 838
20 of Official Records, at page 526; thence leaving the South bank of
21 Little Creek North $13^{\circ} 19' 30''$ West 212.18 feet to the approximate
22 center line of Beard Brook; thence North $65^{\circ} 07' 02''$ East along
23 the approximate center line of Beard Brook 172.28 feet; thence
24 leaving Beard Brook South $33^{\circ} 58' 40''$ East along the West line of
25 the aforementioned Guy W. Thorne property 161.54 feet to the
26 true point of beginning of this description.

27 SECTION 2. APPROVAL OF AGREEMENT. That certain agreement
28 between the City of Modesto and Iris S. Kewin, relating to the purchase of
29 certain real property for municipal purposes, a copy of which is on file in the
30 Office of the City Clerk of the City of Modesto, is hereby approved, and the
31 City Manager and the City Clerk are hereby authorized to execute and attest
32 said agreement, respectively, on behalf of the City of Modesto and do all
33 things necessary to carry out the terms of said agreement.

34 SECTION 3. ACCEPTANCE AND RECORDING OF DEED. The City
35 of Modesto hereby accepts the deed from Iris S. Kewin, conveying the above
36 described property to the City of Modesto, and hereby authorizes the City
37 Clerk to record said deed with the Recorder of Stanislaus County.

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

41 SECTION 5. PUBLICATION. This ordinance shall be published in full
42 at least once at least three (3) days prior to its final adoption in the Modesto
43 Journal and Valley Citizen, the official newspaper of the City of Modesto.

44 The foregoing ordinance was introduced at a regular meeting of the

1 Council of the City of Modesto held on the 21 day of March
2 1956, by Councilman Adams, who moved its introduction and
3 passage to print, which motion being duly seconded by Councilman
4 Merrill, was upon roll call carried and ordered printed
5 and published by the following vote:

6 AYES: Councilmen: Adams, Anderson, Arata, Merrill, and Mayor
Marks


7 NOES: Councilmen: None

8 ABSENT: Councilmen: Hammond and Robinson

9 Councilmen: Adams, Anderson, Arata, Merrill, Hammond, Robinson

Mayor: Marks

10 Councilmen: None

APPROVED: 
HARRY MARKS, Mayor

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

14 (SEAL)


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20 U.S. Army 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 4th day of April, 1956, Councilman Adams moved its final adoption, which motion being duly seconded by Councilman Anderson, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: April 19, 1956

ORDINANCE NO. 82 C.S.

1 AN ORDINANCE AMENDING SUBSECTION (b) OF SECTION
2 6-1.201 OF ARTICLE 2 OF CHAPTER 1 OF TITLE VI OF
THE MODESTO MUNICIPAL CODE.

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

5 SECTION 1. AMENDMENT OF CODE. Subsection (b) of
6 Section 6-1.201 of Article 2 of Chapter 1 of Title VI of the
7 Modesto Municipal Code is hereby amended to read as follows:

8 SEC. 6-1.201 (b). All City personal property taxes
9 paid upon the fixtures, equipment and stock in trade
10 of the business so licensed may be credited as pay-
ment against the mill license fees imposed by this
chapter on said business during the same fiscal year.

11 In order to obtain said credit, the person licensed
12 shall present the receipted tax bill to the Director
of Finance on or before September 30 of the fiscal
13 year in which the personal property taxes became
payable, or in case of secured personal property,
14 the person so licensed shall present a copy of the
personal property declaration of the business filed with
15 the Assessor, to the Director of Finance on or before
September 30 of the fiscal year in which the taxes
16 are levied. In the event the said receipted tax bill
or declaration is not presented to the Director of
17 Finance on or before said date, the amount of the
credit shall be reduced by a cumulative penalty of
18 5% for each quarter or fraction thereof of delay in
presentment, commencing on October 1 of the year in
19 which said personal property taxes became payable, or
in which the taxes were levied for the secured roll,
20 and ending on September 30 of the following year, after
which time no credit shall be allowed.

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

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

28 The foregoing ordinance was introduced at a regular
29 meeting of the Council of the City of Modesto held on the
30 21 day of March, 1956, by Councilman Anderson,
31 who moved its introduction and passage to print, which motion
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1 being duly seconded by Councilman Arata, was upon
2 roll call carried and ordered printed and published by the
3 following vote:

4 AYES: Councilmen: Adams, Anderson, Arata, Merrill and Mayor
5 NOES: Councilmen: None
6 ABSENT: Councilmen: Hammond and Robinson

7 APPROVED: *Harry Marks*
8 HARRY MARKS, Mayor

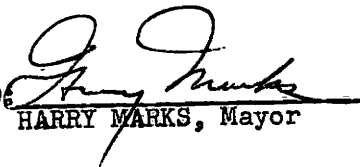
9 ATTEST: *Rex E. Gailfus*
10 REX E. GAILFUS, City Clerk

11 (SEAL)

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 4th day of April, 1956, Councilman Robinson moved its final adoption, which motion being duly seconded by Councilman Hammond, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GALLFUS, City Clerk

EFFECTIVE DATE: April 19, 1956

1 AN ORDINANCE PROVIDING FOR THE LEASE OF
2 HAWKE HANGAR AT THE MODESTO CITY-COUNTY
3 AIRPORT TO W. G. DUNLOP, AN INDIVIDUAL,
AND AUTHORIZING THE EXECUTION OF A LEASE
AGREEMENT IN CONNECTION THEREWITH.

4 The Council of the City of Modesto does ordain as
5 follows;

6 SECTION 1. LEASE OF HAWKE HANGAR. The City of
7 Modesto hereby leases to W. G. Dunlop, an individual, the
8 following hangar located at the Modesto City-County Airport,
9 situate in the County of Stanislaus, State of California, and
10 more particularly described as follows, to wit:

11 That certain hangar approximately 6,000 square
12 feet in area known as Hawke Hangar and located
13 in the Northwest corner of the Southwest quarter
of the Southeast quarter of Section 34, Township
31 South, Range 9 East, M. D. B. & M.

14 for a term commencing on the first day of May, 1956 and ending
15 on the 30th day of April, 1958, in accordance with all the terms
16 and conditions as set forth in that certain lease agreement
17 covering the lease of said property, a copy of which is on file
18 in the Office of the City Clerk in the City of Modesto. The
19 terms and conditions of said lease agreement are hereby accepted
20 and approved.

21 SECTION 2. SIGNING AND ATTESTING OF LEASE. The
22 City Manager and City Clerk of the City of Modesto are hereby
23 authorized to sign and attest, respectively, said lease agreement
24 on behalf of the City upon this ordinance becoming effective.

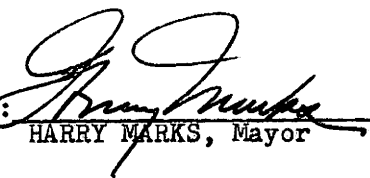
25 SECTION 3. EFFECTIVE DATE. This ordinance shall go
26 into effect and be in full force and operation from and after
27 fifteen (15) days after its final passage and adoption.

28 SECTION 4. PUBLICATION. This ordinance shall be
29 published in full at least once at least three (3) days prior
30 to its final adoption in The Modesto Journal and the Valley
31 Citizen, the official newspaper of the City of Modesto.
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The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 28 day of March, 1956, by Councilman Robinson, 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: Adams, Anderson, Arata, Hammond, Merrill
Robinson and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

(SEAL)

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 April, 1956, Councilman Anderson moved its final adoption, which motion being duly seconded by Councilman Hammond, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: April 26, 1956

1 AN ORDINANCE APPROVING THE LEASING OF CERTAIN
2 REAL PROPERTY FROM THE SOUTHERN PACIFIC COMPANY
3 FOR PARKING PURPOSES AND AUTHORIZING THE
4 EXECUTION OF A LEASE AGREEMENT IN CONNECTION
5 THEREWITH.

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

7 SECTION 1. APPROVAL OF LEASE. The City of Modesto hereby
8 approves the leasing, from the Southern Pacific Company for a
9 term of five (5) years, for parking purposes, of that certain
10 real property adjacent to the Southern Pacific Company depot in
11 the City of Modesto, as more particularly shown on the print
12 attached to that certain lease agreement covering said property,
13 a copy of which is on file in the Office of the City Clerk in
14 the City of Modesto, all in accordance with the terms and
15 conditions as set forth in said lease agreement.

16 SECTION 2. SIGNING AND ATTESTING. The City Manager and
17 the City Clerk of the City of Modesto are hereby authorized
18 and empowered to sign and attest, respectively, said lease
19 agreement on behalf of the City upon this ordinance becoming
20 effective.

21 SECTION 3. EFFECTIVE DATE. This ordinance shall go into
22 effect and be in full force and operation from and after
23 fifteen (15) days after its final passage and adoption.

24 SECTION 4. PUBLICATION. This ordinance shall be published
25 in full at least once at least three (3) days prior to its final
26 adoption in The Modesto Journal and The Valley Citizen, the
27 official newspaper of the City of Modesto.

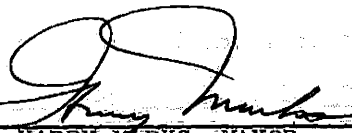
28 The foregoing ordinance was introduced at a regular
29 meeting of the Council of the City of Modesto held on the 18
30 day of April, 1956, by Councilman Merrill, who moved
31 its introduction and passage to print, which motion being duly
32 seconded by Councilman Robinson, was upon roll call

1 carried and ordered printed and published by the following
2 vote:

3 AYES: Councilmen: Adams, Anderson, Arata, Hammond, Merrill,
4 Robinson and Mayor Marks

4 NOES: Councilmen: None

5 ABSENT: Councilmen: None

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7 APPROVED: 
8 HARRY MARKS, MAYOR

9
10 ATTEST: 
11 REX E. GAILFUS, City Clerk

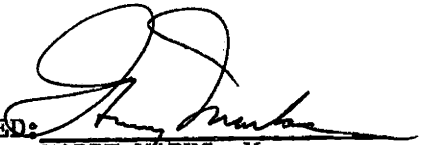
11 (SEAL)

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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 2nd day of May, 1956, Councilman Adams moved its final adoption, which motion being duly seconded by Councilman Anderson, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: May 17, 1956

1 AN ORDINANCE LEASING CERTAIN CITY OWNED AIRPORT
2 PROPERTY TO JAMES C. SORENSEN AND CHARLES WARNER
3 AND AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT
4 IN CONNECTION THEREWITH.

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

6 SECTION 1. APPROVAL OF LEASE. The City of Modesto here-
7 by leases to James C. Sorensen and Charles Warner, individuals,
8 that certain tract of land at the Modesto City-County Airport, as
9 shown on the map attached to that certain lease agreement between
10 the City of Modesto and James C. Sorensen and Charles Warner,
11 marked "Exhibit A", for a term of twelve (12) years in accordance
12 with the terms and conditions set forth in said lease agreement
13 covering the lease of said property, a copy of which is on file in
14 the Office of the City Clerk of the City of Modesto. The terms
15 and conditions of said lease agreement are hereby accepted and
16 approved.

17 SECTION 2. SIGNING AND ATTESTING. The City Manager and
18 City Clerk of the City of Modesto are hereby authorized to sign and
19 attest, respectively, said lease agreement on behalf of the City
20 upon this ordinance becoming effective.

21 SECTION 3. EFFECTIVE DATE. This ordinance shall go
22 into effect and be in full force and operation from and after
23 fifteen (15) days after its final passage and adoption.

24 SECTION 4. PUBLICATION. This ordinance shall be pub-
25 lished in full at least once at least three (3) days prior to its
26 final adoption in the Modesto Journal and the Valley Citizen, the
27 official newspaper of the City of Modesto.

28 The foregoing ordinance was introduced at a regular
29 meeting of the Council of the City of Modesto held on the 25
30 day of April, 1956, by Councilman Arata, who
31 moved its introduction and passage to print, which motion being
32 duly seconded by Councilman Anderson, was upon roll
call carried and ordered printed and published by the following

1 vote:

2 AYES: Councilmen: Adams, Anderson, Arata, Hammond, Merrill,
Robinson and Mayor Marks

3 NOES: Councilmen: None

4 ABSENT: Councilmen: None

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APPROVED: 
HARRY MARKS, Mayor

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ATTEST: 
REX E. GAILFUS, City Clerk

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10 (SEAL)

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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 9 day of May, 1956, Councilman Merrill moved its final adoption, which motion being duly seconded by Councilman Adams, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Adams, Anderson, Arata, Merrill, Robinson and
Mayor Pro Tempore Hammond
NOES: Councilmen: None
ABSENT: ~~Councilmen:~~ Mayor Marks

APPROVED: 

HARRY MARKS, Mayor

ATTEST: 

REX E. GAILFUS, City Clerk

EFFECTIVE DATE: May 24, 1956

1 AN ORDINANCE AMENDING SECTION 10-2.1901 OF ARTICLE 19,
2 TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO THE
3 CREATION OF THE BOARD OF ZONING ADJUSTMENT

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

6 SECTION 1. AMENDMENT OF CODE. Section 10-2.1901
7 of Article 19 of Title X of the Modesto Municipal Code is
8 hereby amended to read as follows:

9 SEC. 10-2.1901. CREATION. There shall be a Board
10 of Zoning Adjustment to consist of five (5) members
11 who shall be appointed by the Council. No member
12 of the Board shall hold any paid office or employment
13 in the City government. One (1) member shall be
14 appointed from the members of the City Planning
15 Commission. The members shall be appointed to serve
16 staggered terms in accordance with the provisions
17 of Section 1102 of the Charter of the City of Modesto.
18 Members may be removed for cause by the Council upon
19 written charges and after public hearing.

20 SECTION 2. EXISTING BOARD: VACANCIES. The members of
21 the Board of Zoning Adjustment holding office when this ordinance
22 takes effect shall continue to hold office thereafter until their
23 respective terms of office shall expire and until their successors
24 shall be appointed and qualified. The vacancies on the Board of
25 Zoning Adjustment caused by the increase in the number of members
26 from three to five shall be filled by appointment by the Council
27 for terms of such duration, not exceeding four (4) years, as will
28 carry into effect the plan for staggered terms in accordance with
29 the provisions of Section 1102 of the City Charter.

30 SECTION 3. EFFECTIVE DATE. This ordinance shall go
31 into effect and be in full force and operation from and after
32 fifteen (15) days after its final passage and adoption.

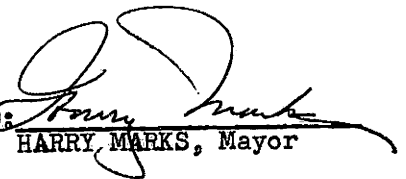
SECTION 4. PUBLICATION. This ordinance shall be
published in full at least once at least three (3) days prior
to its final adoption in the Modesto Journal and Valley Citizen,
the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular
meeting of the Council of the City of Modesto held on the

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 23 day of May, 1956, Councilman Merrill moved its final adoption, which motion being duly seconded by Councilman Hammond, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Adams, Anderson, Arata, Hammond, Merrill,
Robinson and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: June 7, 1956

ORDINANCE NO. 87 -C.S.

AN ORDINANCE AMENDING SECTION MAP 17 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON.

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

SECTION 1. ZONING RECLASSIFICATIONS. Section Map 17 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 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 Journal and the Valley Citizen, the official newspaper of the City of Modesto.

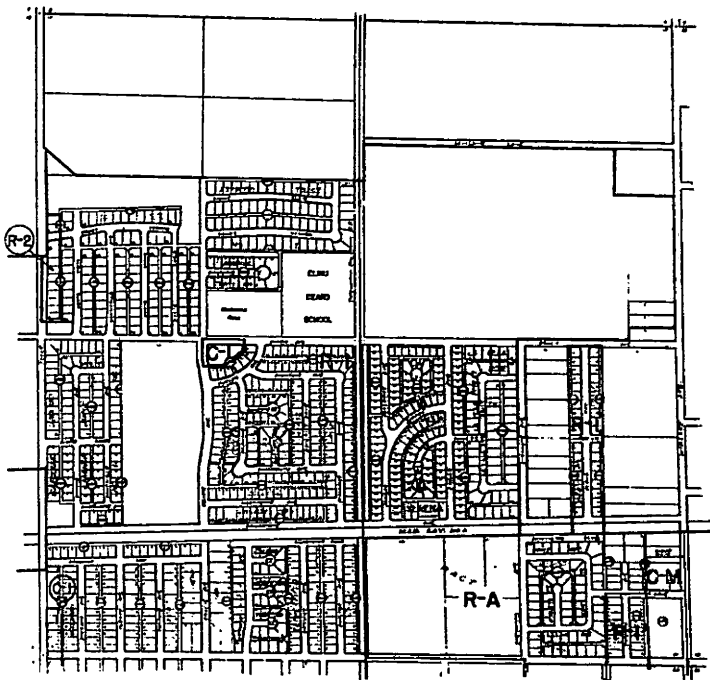
The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 16 day of May, 1956, by Councilman Hammond, who moved its introduction and passage to print, which motion being duly seconded by Councilman Robinson, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: Adams

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

(SEAL)

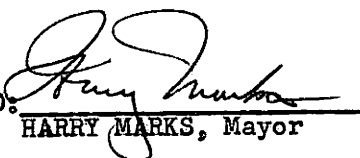


SECTION 17
As Amended by Ordinance 87-C.S.

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 June, 1956, Councilman Anderson moved its final adoption, which motion being duly seconded by Councilman Robinson, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: June 21, 1956

ORDINANCE NO. 88 -C.S.

AN ORDINANCE AMENDING SECTION MAP 20 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON.

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

SECTION 1. ZONING RECLASSIFICATIONS. Section Map 20 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 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 Journal and the Valley Citizen, 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 23 day of May, 1956, by Councilman Hammond, who moved its introduction and passage to print, which motion being duly seconded by Councilman Robinson, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: Adams

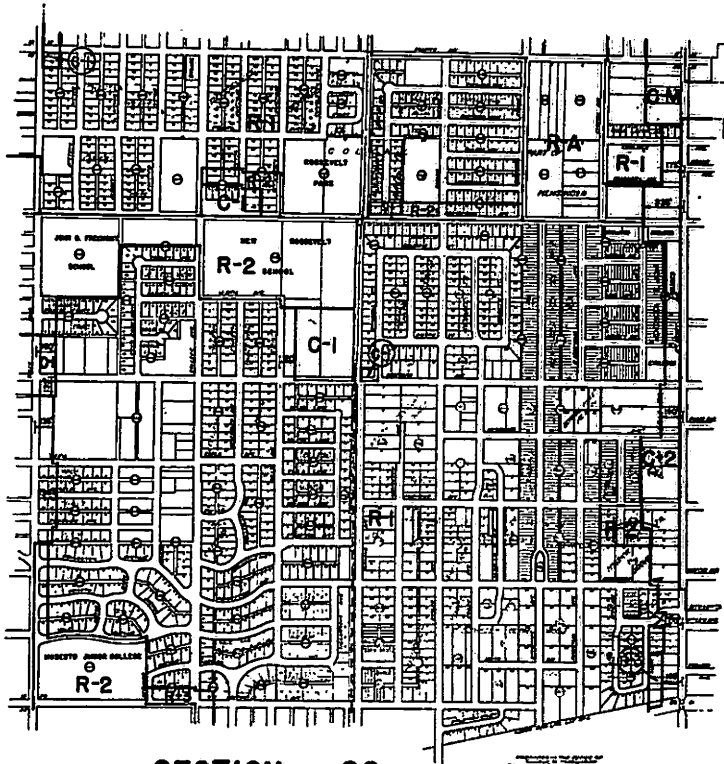
APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

(SEAL)

Ordinance 88 C.S.
Exhibit A – Map

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



SECTION 20
As Amended By Ordinance 88-CS.


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 13 day of June, 1956, Councilman Robinson moved its final adoption, which motion being duly seconded by Councilman Anderson, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Anderson, Hammond, Merrill, Robinson and Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: Adams and Arata

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
~~XXXXXXXXXXXX, City Clerk~~
Anne M. Collins, Acting City Clerk

EFFECTIVE DATE: June 28, 1956

1 AN ORDINANCE AMENDING SECTION 4-4.802 OF
2 ARTICLE 8, CHAPTER 4, TITLE IV OF THE MODESTO
3 MUNICIPAL CODE RELATING TO GENERAL REQUIREMENTS
4 FOR IMPROVEMENTS IN SUBDIVISIONS.

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

7 SECTION 1. Section 4-4.802 of Article 8, Chapter 4,
8 Title IV of the Modesto Municipal Code is hereby amended to read
9 as follows:

10 SEC. 4-4.802. GENERAL REQUIREMENTS. The subdivider
11 shall install improvements in accordance with the
12 general requirements set forth in this section.

13 (a) Streets and Alleys. (1) All streets and
14 highways shall be graded and paved to cross sections
15 and grades approved by the City Engineer. The sub-
16 divider shall improve the extension of all subdivision
17 streets, highways, or public ways to the intercepting
18 paying line of any city street, county road, or state
19 highway. (2) All alleys shall be graded and oiled to
20 cross sections and grades approved by the City Engineer.

21 (b) Structures. Structures or conduits shall be
22 installed, as deemed necessary by the City Engineer,
23 for drainage, access and/or public safety. Such
24 structures and conduits to be placed to grades and to
25 be of a design and size approved by the City Engineer.

26 (c) Curbs and Gutters. Curbs and gutters shall
27 be installed to grades, cross section, layout and
28 location approved by the City Engineer.

29 (d) Sidewalks. Sidewalks shall be installed along
30 all major thoroughfares, along the frontage of all
31 business properties and may be required in other
32 locations where sidewalks are deemed necessary by the
33 Planning Commission.

34 (e) Sewage Disposal. (1) Sanitary sewer facili-
35 ties connecting with the existing city system shall
36 be installed to serve each lot when connection to such
37 system is available. Sewers shall be installed to
38 grades, location, design and sizes approved by the
39 City Engineer in accordance with the provisions of
40 applicable laws of the City.

41 (2) When connection to a sanitary system is
42 not available, septic tanks may be permitted for lots
43 of not less than 10,000 square feet in area, providing
44 that a letter is submitted from the City Health De-
45 partment certifying that field investigation has shown
46 that ground slopes and soil conditions will allow for
47 satisfactory disposal by this method with the lot
48 arrangement and sizes as shown on the map of the pro-
49 posed subdivision.

1 (f) Water. Water mains connecting with existing
2 city or public utility system shall be installed to
3 serve each lot when connection to such system is
4 available. In the latter case, when it is proposed
5 that water will be supplied by a private water company,
6 the subdivider shall submit a letter from the governing
7 body of such water system showing the ability of the
8 system to serve the proposed subdivision and evidence
9 that a satisfactory agreement has been entered into
10 for connection to that system. Water mains shall then
11 be installed to grades, location, design, and sizes
12 approved by the City Engineer and the engineer of the
13 governing body of the water system.

14 (g) Street Lights. Pendant street lighting
15 standards, underground cables, and all materials and
16 appurtenances necessary shall be installed of a design
17 and location approved by the City Engineer. There
18 shall be at least one electrolier at each intersection,
19 and intermediate electroliers not more than six hundred
20 sixty (660) feet apart in blocks exceeding six hundred
21 sixty (660) feet in length.

22 (h) Railroad Crossings. Provisions shall be made
23 for any and all railroad crossings necessary to provide
24 access to or circulation within the proposed subdivi-
25 sion, including the preparation of all documents
26 necessary for application to the California State Pub-
27 lic Utilities Commission for the establishment and im-
28 provement of such crossing. The cost of such railroad
29 crossing improvement shall be borne by the subdivider.

30 SECTION 2. EFFECTIVE DATE. This ordinance shall go
31 into effect and be in full force and operation from and after
32 fifteen (15) days after its final passage and adoption, provided,
33 however, that the provisions of this ordinance shall apply
34 retroactively to every subdivision for which a tentative map has
35 not been approved by the Planning Commission before May 1, 1956.

36 SECTION 3. PUBLICATION. This ordinance shall be pub-
37 lished in full at least once at least three (3) days prior to its
38 final adoption in The Modesto Journal and The Valley Citizen, the
39 official newspaper of the City of Modesto.

40 The foregoing ordinance was introduced at a regular
41 meeting of the Council of the City of Modesto held on the 23
42 day of May, 1956, by Councilman Anderson, who moved
43 its introduction and passage to print, which motion being duly
44 seconded by Councilman Arata, was upon roll call carried

1 and ordered printed and published by the following vote:

2 AYES: Councilmen: Adams, Anderson, Arata, Hammond, Merrill,

3 NOES: Councilmen: None
The foregoing ordinance Robinson and Mayor Marks and published

4 ABSENT: Councilmen: None
as provided by the Charter of the City of Modesto, and being on

5 for final consideration at the regular meeting of the Council of the

6 City of Modesto held on the 5th day of June, 1956.

7 Approved: [Signature]
Councilman Adams moved and seconded, which motion

8 being duly seconded by Councilman Anderson HARRY MARKS, Mayor roll

9 call carried and the ordinance finally adopted by the following vote:

10 ATTEST: [Signature]
REX E. GAILFUS, City Clerk

11 AYES: Councilmen: Adams, Anderson, Arata, Hammond, Merrill,
Robinson and Mayor Marks

12 NOES: Councilmen: None

13 ABSENT: Councilmen: None

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22 ATTEST: [Signature]
REX E. GAILFUS, City Clerk

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26 EFFECTIVE DATE: June 21, 1956

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APPROVED: [Signature]
HARRY MARKS, Mayor

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 6th day of June, 1956, Councilman Adams moved its final adoption, which motion being duly seconded by Councilman Anderson, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Adams, Anderson, Arata, Hammond, Merrill,
Robinson and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: June 21, 1956

1 AN ORDINANCE APPROVING THE TRANSFER OF AN
2 EXCLUSIVE FRANCHISE FOR THE RIGHT, PRIVILEGE,
3 AND PERMISSION TO PLACE, CONSTRUCT, AND MAIN-
4 TAIN BENCHES WITH ADVERTISING THEREON AT
5 DESIGNATED LOCATIONS ON THE STREETS AND SIDE-
6 WALKS IN THE CITY OF MODESTO FROM B. J. FORSYTHE,
7 DOING BUSINESS AS MODESTO TRANSIT ADVERTISING
8 COMPANY TO B. J. FORSYTHE, DOING BUSINESS AS
9 THE TRANS AD TISE COMPANY.

10 WHEREAS, by Ordinance No. 62-C.S., adopted on
11 January 4, 1956, the Council granted B.J. Forsythe, doing business
12 as Modesto Transit Advertising Company, an exclusive franchise
13 for the right, privilege, and permission to place, construct, and
14 maintain benches with advertising thereon at designated locations
15 on the streets and sidewalks in the City of Modesto, in accordance
16 with the provisions of said ordinance, and

17 WHEREAS, B. J. Forsythe has caused the name of said
18 company to be changed from the Modesto Transit Advertising
19 Company to the Trans Ad Tise Company,

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

22 SECTION 1. TRANSFER OF FRANCHISE. The franchise
23 granted to B. J. Forsythe, doing business as Modesto Transit Ad-
24 vertising Company by Ordinance No. 62-N.S. to place, construct,
25 and maintain benches with advertising thereon at designated
26 locations on the streets and sidewalks in the City of Modesto is
27 hereby transferred to B. J. Forsythe, doing business as The
28 Trans Ad Tise Company, subject to all the rights, privileges,
29 duties, and obligations, contained in said original franchise
30 grant.

31 SECTION 2. EFFECTIVE DATE. This ordinance shall go
32 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 Journal and The Valley Citizen,

1 the official newspaper of the City of Modesto.

2 ~~FINAL ADOPTION RES. 31.~~

The foregoing ordinance was introduced at a regular

3 meeting of the Council of the City of Modesto held on the 6th

4 day of June, 1956, by Councilman Anderson, who moved

5 its introduction and passage to print, which motion being duly

6 seconded by Councilman Robinson, was upon roll call carried

7 and ordered printed and published by the following vote: ~~motion~~

8 AYES: Councilmen: Adams, Anderson, Arata, Hammond, Merrill,

Robinson and Mayor Marks

9 NOES: Councilmen: None finally adopted by the following vote:

10 ABSENT: Councilmen: None

11 APPROVED: [Signature]

Robinson and Mayor HARRY MARKS, Mayor

12 ATTEST: [Signature]
13 REX E. GAILFUS, City Clerk

14 ABSENT: Councilmen: None

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17 APPROVED: [Signature]
18 HARRY MARKS, Mayor


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22 ATTEST: [Signature]
23 REX E. GAILFUS, City Clerk

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26 EFFECTIVE DATE: July 5, 1956

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 June, 1956, Councilman Merrill moved its final adoption, which motion being duly seconded by Councilman Anderson, was upon roll call carried and the ordinance finally adopted by the following vote:

- AYES: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
- NOES: Councilmen: None
- ABSENT: Councilmen: None

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX B. GAILFUS, City Clerk

EFFECTIVE DATE: July 5, 1956

ORDINANCE NO. 91 C.S.

AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM THE MODESTO HIGH SCHOOL DISTRICT OF STANISLAUS COUNTY.

WHEREAS, the City of Modesto desires to acquire the parcel of real property hereinafter described for use for municipal purposes, and

WHEREAS, the Modesto High School District of Stanislaus County presently owns said parcel of property and is willing to sell the same,

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

SECTION 1. PURCHASE AUTHORIZED. The purchase of the following described real property from the Modesto High School District of Stanislaus County, a public corporation of the State of California, for the sum of Seven Hundred Fifty and no/100ths (\$750.00) Dollars, in accordance with the Escrow Instructions referred to in Section 2 of this ordinance, plus costs of title insurance and transfer of said property, including the cost of the Policy of Title Insurance, is hereby approved. Said real property is described as follows:

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

Commencing at the Southeast corner of Lot 28 of the Broughton Colony as recorded March 17, 1904 in Volume 1 of Maps, at page 78, Stanislaus County Records; thence along the Southern line of Lot 28 to the Western line of Brighton Avenue, said point being, Westerly 20 feet from said Southeastern corner of said Lot 28, to the true point of beginning of this description; thence continuing along said Southern line of Lot 28 westerly 60 feet; thence Northerly 50 feet along a line which is parallel to and Westerly 60 feet from the Western line of Brighton Avenue; thence Easterly along a line which is parallel to and Northerly, 50 feet from the said Southern line of said Lot 28, to the Western line of Brighton Avenue; thence Southerly 50 feet, along the Western line of Brighton Avenue to the true point of

1 beginning.

2 SECTION 2. APPROVAL OF ESCROW INSTRUCTIONS. That
3 certain document entitled, "Escrow Instructions", dated May 23,
4 1956, relating to the purchase of certain real property for
5 municipal purposes, a copy of which is on file in the Office of
6 the City Clerk of the City of Modesto, is hereby approved, and
7 the City Manager is hereby authorized to execute said document
8 on behalf of the City of Modesto and do all things necessary to
9 carry out the terms of said document.
Robinson and Mayor Mathis

10 SECTION 3. ACCEPTANCE AND RECORDING OF DEED. The City
11 of Modesto hereby accepts the deed from the Modesto High School
12 District of Stanislaus County conveying the above described prop-
13 erty to the City of Modesto, and hereby authorizes the City Clerk
14 to record said deed with the Recorder of Stanislaus County.

15 SECTION 4. DECLARATION OF EMERGENCY. The Council of
16 the City of Modesto hereby finds and declares that the immediate
17 adoption of the foregoing ordinance is necessary as an emergency
18 measure for preserving the public peace, health, and safety.
19 The following is a statement of facts showing its urgency:

20 The property described above is being acquired by the
21 City of Modesto for the purpose of erecting a water pump station
22 thereon. Unless the property is acquired immediately so that
23 the water pump station may be installed, the public peace, health,
24 and safety will be jeopardized by reason of the lack of adequate
25 water distribution facilities.

26 SECTION 5. EFFECTIVE DATE. Pursuant to Section 722
27 of the Charter of the City of Modesto, being an emergency ordi-
28 nance, this ordinance shall take effect and be in full force and
29 operation as of the date of its adoption.

30 SECTION 6. PUBLICATION. This ordinance shall be pub-
31 lished in full in The Modesto Journal and The Valley Citizen, the
32 official newspaper of the City of Modesto.

1 The foregoing ordinance was introduced at a regular
2 meeting of the Council of the City of Modesto held on the 6
3 day of June, 1956, by Councilman Anderson, who moved
4 its adoption and passage to print, which motion being duly
5 seconded by Councilman Arata, was upon roll call
6 carried and the ordinance order printed and published as above
7 by the following vote:

8 AYES: Councilmen: Adams, Anderson, Arata, Hammond, Merrill,
9 Robinson and Mayor Marks
10 NOES: Councilmen: None
11 ABSENT: Councilmen: None

APPROVED: [Signature]
HARRY MARKS, Mayor

12 ATTEST: [Signature]
13 City Clerk

14 WHEREAS, the City Council, by resolution adopted on the
15 day of May, 1956, set said petition for hear-
16 ing at the hour of 1:00 p.m. at the Public Library
17 in the Council Chamber of the Public Library
18 located at Fourth and J Streets in the City of Modesto, and
19 WHEREAS, it appears to said Council and the Council, so finds
20 that a copy of the resolution giving notice of the proposed annexation
21 and fixing the time and place for hearing objections to the proposed
22 annexation was published in newspapers of general circulation in the
23 City of Modesto on May 18, 1956, and on
24 May 17, 1956, and in the Turlock Daily Journal,
25 a newspaper published outside the City of Modesto, but in the
26 County of Stanislaus, on May 21, 1956, and on
27 May 18, 1956, for the time and in the manner
28 required by law, which publications were completed at least twenty
29 (20) days prior to the date set for hearing; that written notice
30 of the proposed annexation has been mailed by the City Clerk of
31 the City of Modesto to each parcel to which land within the terri-
32 tory proposed to be annexed was assessed on the last equalized
assessment roll available at 1956 date the proceedings were initiated,
at the address as shown on said rolls, or as known to said Clerk, and to

ORDINANCE NO. 92 -C.S.

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

WHEREAS, a petition was filed with the City Clerk by

PARADISE HOMES, INC.

on
April 9, 1956, to annex to the City of Modesto
under the provisions of the Annexation of Uninhabited Territory
Act of 1939, as amended, certain uninhabited territory, hereinafter
described and designated as the MARK TWAIN ADDITION,
situate in the County of Stanislaus, State of California, and con-
tiguous to the City of Modesto, and

WHEREAS, the City Council by resolution adopted on the
2nd day of May, 1956, set said petition for hear-
ing at the hour of 8:00 o'clock p.m. on the 13th day of June,
1956, in the Council Chamber at the McHenry Public Library,
located at Fourteenth and I Streets in the City of Modesto, and

WHEREAS, it appears to said Council and the 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 Journal and Valley Citizen, a newspaper published
in the City of Modesto on May 10, 1956, and on
May 17, 1956; and in the Turlock Daily Journal,
a newspaper published outside the City of Modesto, but in the
County of Stanislaus, on May 11, 1956, and on
May 18, 1956, 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 terri-
tory 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 Territory Act of 1939, as amended, have been complied with, and

WHEREAS, on the 13th day of June, 1956, at the hour of 8:00 o'clock p.m., in the Council Chamber in the McHenry Public Library in the City of Modesto, County of Stanislaus, State of California, the Council of the City of Modesto did hear and pass upon all protests made to the proposed annexation and did determine that protests had not been made by the owners of one-half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll, nor by public and private owners of one-half of the value of the territory proposed to be annexed as determined by said Council, and

WHEREAS, said territory is contiguous to the City of Modesto and is uninhabited territory in the County of Stanislaus,

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

SECTION 1. The territory hereinafter described is hereby annexed to and made a part of the City of Modesto.

SECTION 2. The area or territory so annexed, designated the MARK TWAIN ADDITION, is located in the County of Stanislaus, State of California, is contiguous to the City of Modesto, is uninhabited territory within the meaning of the Annexation of Uninhabited Territory Act of 1939, as amended, and is more particularly described as follows:

All that certain real property situate in the State of California, County of Stanislaus, Section 31, Township 3 South, Range 9 East, Mount Diablo Base and Meridian and more particularly described as follows:

Beginning at a point on the Section line common to Section 30 and 31, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, said point being on the Eastern right-of-way line of Lateral number 5 of the Modesto Irrigation District and on the existing City Limits line as described in the Maze Court

Annexation recorded October 9, 1951, in Volume 1051 of Maps, at Page 454, Stanislaus County Records; thence Northeasterly along said right-of-way line of Lateral number 5 and the Western line of said Maze Court Annexation to its intersection with the Northern line of a 60.00 foot street known as Maze Boulevard, said point being the Southwestern corner of Lot 23, Maze Ranch Subdivision, as recorded March 19, 1909, Volume 4 of Maps, at Page 18 Stanislaus County Records; thence westerly along the Northern line of Maze Boulevard to its intersection with the Northern extension of the Eastern property line of the Catholic Archbishop of San Francisco, said property being used by the St. Stanislaus School and Convent; thence Southerly, along the said Northern extension of the Eastern property line and along said property line to the Southeastern corner of said property; thence Westerly along the Southern line of said property to its intersection with the Western line of said Section 31; thence Southerly along said Section line to its intersection with the Northern line of a 45.00 foot street known as California Avenue; thence Easterly along said Northern line of California Avenue to its intersection with the Western line of a 50.00 foot street known as Emerald Avenue; thence Northerly along said Western line of Emerald Avenue to its intersection with the Western extension of the Southern line of the Franklin School property; thence Easterly along said Western extension of Southern property line and said property line to its intersection with the centerline of Lateral Number 5, Modesto Irrigation District; thence Northeasterly along said centerline of Lateral Number 5 to its intersection with the Southern line of Maze Boulevard; thence Easterly along the Southern line of Maze Boulevard to its intersection with the Eastern right-of-way line of said Lateral Number 5; thence Northeasterly along said right-of-way line to the point of beginning.

SECTION 3. Said territory shall be subject to municipal taxes to pay any indebtedness or liability of the City of Modesto authorized or existing at the time of the adoption of this ordinance.

SECTION 4. The City Clerk is hereby authorized and directed to prepare a certified copy of this ordinance under seal, giving the date of its passage and transmit the same to the Secretary of State of the State of California as required by the provisions of Section 35316 of the Government Code of the State of California.

SECTION 5. The City Clerk is hereby authorized and directed to comply with the provisions of Sections 34080, 34081 and 54900 through 54904, both inclusive, of the Government Code of the State of California relating respectively to the filing of an affidavit of completion of annexation proceedings, and the filing of a statement of change of boundary.

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

SECTION 7. This ordinance shall be published in full at least once in The Modesto Journal and the Valley Citizen, 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 13 day of June, 1956, by Councilman Merrill, who moved its adoption and passage to print, which motion being duly seconded by Councilman Hammond, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Anderson, Hammond, Merrill, Robinson and Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: Adams and Arata

APPROVED: 

HARRY MARKS, Mayor

ATTEST: 

REX E. GALFUS, City Clerk

(SEAL)

ORDINANCE NO. 93 C.S.

1 WHEREAS: AN ORDINANCE LEASING CERTAIN CITY OWNED AIRPORT
2 TITLE: PROPERTY TO E. D. THOMPSON AND AUTHORIZING THE
3 SUBJECT: EXECUTION OF A LEASE AGREEMENT IN CONNECTION
4 PURPOSE: THEREWITH.

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

7 SECTION 1. APPROVAL OF LEASE. The City of Modesto
8 hereby leases to E. D. Thompson, an individual, that certain
9 tract of land at the Modesto City-County Airport, as shown on the
10 map attached to that certain lease agreement between the City of
11 Modesto and E. D. Thompson, marked "Exhibit A", for a term of
12 twelve (12) years in accordance with the terms and conditions set
13 forth in said lease agreement covering the lease of said property,
14 a copy of which is on file in the Office of the City Clerk of the
15 City of Modesto. The terms and conditions of said lease agreement
16 are hereby accepted and approved.

17 SECTION 2. SIGNING AND ATTESTING. The City Manager
18 and City Clerk of the City of Modesto are hereby authorized to
19 sign and attest, respectively, said lease agreement on behalf of
20 the City upon this ordinance becoming effective.

21 SECTION 3. EFFECTIVE DATE. This ordinance shall go
22 into effect and be in full force and operation from and after
23 fifteen (15) days after its final passage and adoption.

24 SECTION 4. PUBLICATION. This ordinance shall be pub-
25 lished in full at least once at least three (3) days prior to its
26 final adoption in the Modesto Journal and the Valley Citizen, the
27 official newspaper of the City of Modesto.

28 The foregoing ordinance was introduced at a regular
29 meeting of the Council of the City of Modesto held on the 20
30 day of June, 1956, by Councilman Hammond, who
31 moved into introduction and passage to print, which motion being
32 duly seconded by Councilman Arata, was upon roll call
 carried and ordered printed and published by the following

1 vote:

2 AYES: 3-2-3 Councilmen: Adams, Anderson, Arata, Hammond, Merrill,
Robinson and Mayor Marks

3 NOES: Councilmen: None

4 ABSENT: Councilmen: None

5 FIRST ANNOTION CHANGE

6 APPROVED: 

HARRY MARKS, Mayor

7
8
9 ATTEST: 

REX E. GAILFUS, City Clerk

10
11 (SEAL)

Ord. No. 93-C.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 ^{adjourned} regular meeting of the Council of the City of Modesto held on the 5 day of July, 1956, Councilman Anderson moved its final adoption, which motion being duly seconded by Councilman Robinson, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Adams, Anderson, Arata, Merrill, Robinson and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: Hammond

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: July 20, 1956

ORDINANCE NO. 94 C.S.

1 vote: AN ORDINANCE LEASING CERTAIN CITY OWNED AIRPORT
2 PROPERTY TO JAMES C. SORENSEN AND AUTHORIZING
3 THE EXECUTION OF A LEASE AGREEMENT IN CONNECTION
4 THEREWITH: ~~Arata, Anderson, Arata, Hummer, Merrill,~~
5 ~~Robinson and Mayor Marks~~
6 The Council of the City of Modesto does ordain as
7 follows: ~~Arata, Anderson, Arata, Hummer, Merrill,~~
8 ~~Robinson and Mayor Marks~~

9 SECTION 1. APPROVAL OF LEASE. The City of Modesto here-
10 by leases to James C. Sorensen, an individual, that certain tract
11 of land at the Modesto City-County Airport, as shown on the map
12 attached to that certain lease agreement between the City of
13 Modesto and James C. Sorensen, marked "Exhibit A", for a term of
14 twelve (12) years in accordance with the terms and conditions set
15 forth in said lease agreement covering the lease of said property,
16 a copy of which is on file in the Office of the City Clerk of the
17 City of Modesto. The terms and conditions of said lease agreement
18 are hereby accepted and approved.

19 SECTION 2. SIGNING AND ATTESTING. The City Manager
20 and City Clerk of the City of Modesto are hereby authorized to
21 sign and attest, respectively, said lease agreement on behalf of
22 the City upon this ordinance becoming effective.

23 SECTION 3. EFFECTIVE DATE. This ordinance shall go
24 into effect and be in full force and operation from and after
25 fifteen (15) days after its final passage and adoption.

26 SECTION 4. PUBLICATION. This ordinance shall be pub-
27 lished in full at least once at least three (3) days prior to its
28 final adoption in the Modesto Journal and the Valley Citizen, the
29 official newspaper of the City of Modesto.

30 The foregoing ordinance was introduced at a regular
31 meeting of the Council of the City of Modesto held on the 20
32 day of June, 1956, by Councilman Arata, who moved
its introduction and passage to print, which motion being duly
seconded by Councilman Robinson, was upon roll call
carried and ordered printed and published by the following

1 vote:

2 AYES: ⁴ Councilmen: Adams, Anderson, Arata, Hammond, Merrill,
Robinson and Mayor Marks

3 NOES: Councilmen: None

4 ABSENT: Councilmen: None

TITLE RESOLUTION CLAUSES

6 The foregoing is APPROVED: *[Signature]*
HARRY MARKS, Mayor

7 required by the City of ... as shown

8 ATTEST: *[Signature]*
9 REX E. GAILFUS, City Clerk

Arata

11 (SEAL) ...

12 ...

14 AYES: Councilmen: Adams, Anderson, Arata, Merrill, Robinson and Mayor Marks

15 NOES: Councilmen: None

16 ABSENT: Councilmen: Hammond

27 July 20, 1958

Ord. No. 94-C.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 ^{adjourned} for final consideration at the regular meeting of the Council of the City of Modesto held on the 5 day of July, 1956, Councilman Arata moved its final adoption, which motion being duly seconded by Councilman Adams, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Adams, Anderson, Arata, Merrill, Robinson and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: Hammond

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: July 20, 1956

1 AN ORDINANCE AMENDING SECTION 10-2.901 OF
 2 ARTICLE 9 OF CHAPTER 2 OF TITLE X OF THE
 3 MODESTO MUNICIPAL CODE RELATING TO ZONING
 4 REGULATIONS IN THE CITY OF MODESTO.

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

7 SECTION 1. AMENDMENT OF CODE. Section 10-2.901 of
 8 Article 9 of Chapter 2 of Title X of the Modesto Municipal Code is
 9 hereby amended to read as follows:

10 SEC. 10-2.901. PERMITTED USES. In a C-2 zone only the
 11 following uses are permitted as are hereinafter specific-
 12 ally provided and allowed.

- 13 (a) Any use permitted in the C-1 (Neighborhood
 14 Commercial Zone).
- 15 (b) The following residential-type services:
 16 (1) Hotel.
 17 (2) Rooming house; boarding house,
 18 (3) Motel.
 19 (4) Membership hotel and lodging house.
- 20 (c) The following building materials stores:
 21 (1) Heating and plumbing equipment dealer.
 22 (2) Electrical Supply.
 23 (3) Hardware.
 24 (4) Roofing sales.
- 25 (d) The following general merchandise stores:
 26 (1) Department store.
 27 (2) Mail order house.
- 28 (e) The following automotive dealers:
 29 (1) Motor vehicle dealer, new and used vehicles.
 30 (2) Tire, battery and accessory dealer, not in-
 31 cluding tire recapping and vulcanizing.
 32 (3) Automobile trailer, airplane, motorcycle,
 motorboat, or automotive parts dealer.
- (f) The following apparel and accessory stores;
 (1) Furrier and fur shop.
- (g) The following furniture, home furnishings, and
 equipment stores:
 (1) Furniture; household appliance.
 (2) Floor covering.
 (3) Weather stripping.
- (h) The following eating and drinking places:
 (1) Eating place.
 (2) Drinking place.
- (i) The following miscellaneous retail businesses:
 (1) Antique store.
 (2) Secondhand store.
 (3) Farm and garden supply store.
 (4) Ice Dealer.
 (5) Orthopedic and artificial limb store.
 (6) Stone monument business, retail sales only,
 excluding stone cutting and blasting, other than
 lettering.
- (j) The following personal services:
 (1) Funeral service.
 (2) Fur repair and fur storage.
 (3) Steam bath; massage.

- 1 (k) The following miscellaneous business services:
- 2 (1) News syndicate.
- 3 (2) Employment agency.
- 4 (3) Sign painting shop.
- 5 (4) Auctioneer's establishment.
- 6 (5) Coin operated machine rental service.
- 7 (6) Detective and watching agency.
- 8 (7) Armored car service.
- 9 (8) Public address system business.
- 10 (9) Commercial research agency and testing
- 11 (10) Advertising signs and structures.
- 12 (11) Printing shop.
- 13 (12) Car laundry, subject to the granting of a
- 14 conditional use permit by the Board of Zoning
- 15 Adjustment.
- 16 (l) The following automobile repair services and
- 17 garages:
- 18 (1) Automobile rental; trailer rental.
- 19 (2) Automobile repair, excluding painting, up-
- 20 holstering, and body and fender work, except that
- 21 which is incidental to general repair.
- 22 (m) The following miscellaneous repair services:
- 23 (1) Upholstery and furniture repair.
- 24 (2) Leather goods repair.
- 25 (n) The following motion picture establishments:
- 26 (1) Motion picture distribution.
- 27 (2) Motion picture service business.
- 28 (3) Motion picture theater, indoor.
- 29 (o) The following amusement and recreation services,
- 30 except motion pictures:
- 31 (1) Dance hall, dance studio and school of the
- 32 dance.
- (2) Theater and theatrical production, except
- outdoor theaters.
- (3) Bowling alley; billiard and pool parlor.
- (4) Swimming pool.
- (5) Skating rink.
- (6) Band, orchestra and entertainers.
- (7) Amusement concession.
- (8) Shooting gallery.
- (9) Coin operated amusement device parlor.
- (p) Radio or television broadcasting studio.
- (q) Vocational school.
- (r) Private museum or art gallery.
- (s) Nonprofit membership organization, except a church.
- (t) Nonprofit educational and scientific research agency.
- (u) Bus terminal.
- (v) Express office.
- (w) Hobby shop; house equipment display; hospital
- supply.
- (x) Insulation Sales.
- (y) Travel bureau; taxidermist.
- (z) Small animal hospital, subject to securing (1)
- approval of City Health Department prior to se-
- 33 curing building permit, and (2) approval of
- 34 Building Department concerning general require-
- 35 ments and specifications, including one hour fire
- 36 wall restrictive construction throughout, and the
- 37 use of acoustical plaster or its equivalent, so
- 38 that the animal noises will not be heard outside
- 39 the premises.
- (aa) Accessory uses and buildings customarily incident-
- 40 al to the above.

1 SECTION 2. 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 3. PUBLICATION. This ordinance shall be pub-
5 lished in full at least once at least three (3) days prior to its
6 final adoption in The Modesto Journal and Valley Citizen, the
7 official newspaper of the City of Modesto.

8 The foregoing ordinance was introduced at at regular
9 meeting of the Council of the City of Modesto held on the 27
10 day of June, 1956, by Councilman Hammond,
11 who moved its introduction and passage to print, which motion
12 being duly seconded by Councilman Anderson, was upon
13 roll call carried and ordered printed and published by the
14 following vote:

15 AYES: Councilmen: Adams, Anderson, Arata, Hammond, Merrill
16 NOES: Councilmen: None
17 ABSENT: Councilmen: None

18
19 APPROVED: 
HARRY MARKS, Mayor

20
21 ATTEST: 
22 REX E. GAILFUS, City Clerk

23 (SEAL)
24
25


26 EFFECTIVE DATE: July 12, 1956
27
28
29
30
31
32

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/^{adjourned}regular meeting of the Council of the City of Modesto held on the 5 day of July, 1956, Councilman Arata moved its final adoption, which motion being duly seconded by Councilman Robinson, was upon roll call carried and the ordinance finally adopted by the following votes:

- AYES: Councilmen: Adams, Anderson, Arata, Merrill, Robinson and Mayor Marks
- NOES: Councilmen: None
- ABSENT: Councilmen: Hammond

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: July 20, 1956

ORDINANCE NO. 96 C.S.

AN ORDINANCE AMENDING CHAPTER 3 OF TITLE XII
OF THE MODESTO MUNICIPAL CODE RELATING TO DEL
WEBB FIELD

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

SECTION 1. AMENDMENT OF CODE. Chapter 3 of Title XII of the Modesto Municipal Code, consisting of Sections 12-3.01 through 12-3.03, is hereby amended to read as follows:

CHAPTER 5 - DEL WEBB FIELD

SEC. 12-3.01. ESTABLISHMENT AND DESIGNATION. That piece or parcel of real property owned by the City and used for a ball park, and situate south of the property now used for the Modesto Municipal Golf Course, shall be known as and named "Del Webb Field". It shall be used and maintained for athletic sports and such other activities as are for the benefit or entertainment of the public; subject, however, to the restrictions and limitations contained in this chapter, and to such further rules and regulations as the Council may hereafter by resolution adopt.

SEC. 12-3.02. RULES AND REGULATIONS. The following acts are hereby prohibited upon said Del Webb Field and the commission of any of them is declared to be a misdemeanor, punishable in accordance with the provisions of Section 1-2.01, Chapter 2, Title I of this Code:

- (a) To trespass upon said Del Webb Field.
- (b) To engage in or play sports activities or to conduct any activity thereon without first obtaining permission to do so from the Director of Parks and Recreation or entering into an agreement with the City for use of the facilities.
- (c) To wilfully or maliciously injure the turf or sod thereon, or in any way to destroy property thereon, or to remove property or equipment therefrom (except the property of the person so removing the same) without permission from the Director of Parks and Recreation..

(d) To take possession of any athletic equipment other than that belonging to themselves upon or from said park or lands or streets adjacent thereto or the sale or offer for sale thereon of athletic equipment, food, drinks or other commodities except as may be provided by the rules and regulations which may hereafter be adopted by the Council.

(e) To drive or park any vehicle on or over any part of the lands comprising said Del Webb Field except at the designated parking area, or as may be designated by the Director of Parks and Recreation. This shall not apply to City equipment or other authorized equipment engaged in work connected with the facilities of the park.

(f) To deposit rubbish, garbage, cut grass or other foreign matter upon said Del Webb Field, or any part thereof.

SEC. 12-3.03. CONTROL AND MAINTENANCE. The Council is hereby authorized and empowered by resolution from time to time to control and regulate said Del Webb Field in all particulars not inconsistent with this chapter, to specify the conditions under which the same may be used or played upon, to establish the fees to be paid for the use thereof and for their collection and payment into the City Treasury, to provide for the construction and maintenance of a grandstand, bleachers and other permanent equipment thereon, and for the sale thereof by concession or otherwise of athletic equipment and refreshments, and to provide generally for the control and regulation, maintenance and upkeep of said Del Webb Field in every other manner and to such extent as may be necessary.

When any group or organization enters into an extended agreement with the City for use of the ball park facilities, such group or organization shall be responsible for general maintenance and upkeep of the facilities as required in the agreement and shall employ responsible personnel to perform such maintenance.

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 Journal and Valley Citizen, 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 27 day of June, 1956, by Councilman Anderson, who moved its introduction and passage to print, which motion being duly seconded by Councilman Merrill, ^{who} upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 
HARRY MARKS, Mayor


ATTEST: 
REX E. GAILFUS, City Clerk

(SEAL)

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 11 day of July, 1956, Councilman Arata moved its final adoption, which motion being duly seconded by Councilman Adams, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Adams, Anderson, Arata, Hammond, Robinson and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: Merrill

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GALLFUS, City Clerk

EFFECTIVE DATE: July 26, 1956

ORDINANCE NO.97 -C.S.

1 adopted by AN ORDINANCE APPROPRIATING FUNDS FOR PAYMENT
2 OF THE USUAL CURRENT EXPENSES OF THE CITY OF
3 MODESTO.

4 WHEREAS, the 1955-1956 fiscal year of the City of Modesto
5 ends on June 30, 1956, and

6 WHEREAS, there will be an interim period between June 30,
7 1956, and the adoption of the budget for the fiscal year beginning
8 July 1, 1956, and terminating June 30, 1957, and

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

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

14 SECTION 1. That the sum of \$250,000.00, or such portion
15 thereof as may be necessary, is hereby appropriated for the payment
16 of the customary and usual current expenses of the City of Modesto
17 for the period commencing July 1, 1956, and continuing until the
18 adoption of the budget for the fiscal year 1956-1957.

19 SECTION 2. That pursuant to Sec. 722 of the Charter of
20 the City of Modesto, this ordinance shall take effect upon adoption
21 and shall apply, commencing on and after July 1, 1956, but shall
22 be superseded upon the adoption of the budget for the 1956-1957
23 fiscal year.

24 SECTION 3. That this ordinance shall be published in
25 full at least once in the Modesto Journal and Valley Citizen, the
26 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 27
29 day of June, 1956, by Councilman Arata, who
30 moved its adoption, which motion being duly seconded by Councilman
31 Robinson, was upon roll call carried and the ordinance

1 adopted by the following vote:
 2 AYES: Councilmen: Adams, Anderson, Arata, Hammond, Merrill
 3 NOES: Councilmen: None
 4 ABSENT: Councilmen: None

5 APPROVED *[Signature]*
 6 HARRY MARKS, Mayor

7 WHEREAS, *[Name]*, an individual, the following description

8 ATTEST: *[Signature]* City-County Auditor, who is in
 9 the County of Stanislaus, State of California, and particularly

10 (SEAL) the following, to wit:

11 a certain airplane hanger one hundred (100')
 12 long by one hundred fifty (150') feet in dimen-
 13 sions, located in the southwest corner of the
 14 southwest quarter of the southwest quarter of
 15 Section 14, Township 3 South, Range 9 East,
 16 M. D. F. & M., together with a strip of land on
 17 the east and west end of said hanger extending
 18 from said hanger for a distance of one hundred
 19 (100') feet on the easterly end on the westerly
 20 side, all of which is located, together with
 21 said hanger, about one and one-half miles
 22 easterly of the City of Modesto.

23 For a term commencing on the first day of July, 1950, and ending
 24 on the first day of June, 1952, in accordance with all the terms
 25 and conditions as set forth in the certain lease agreement
 26 whereby the lease of said property, a copy of which is on file
 27 in the office of the City Clerk in the City of Modesto. The
 28 terms and conditions of said lease agreement are hereby accepted
 29 and approved.

30 SECTION 2. The City Manager and the City Clerk of the
 31 City of Modesto are hereby authorized and empowered to sign and
 32 execute, respectively, said lease agreement on behalf of the City
 33 upon this ordinance becoming effective.

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

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AN ORDINANCE PROVIDING FOR THE LEASE OF CERTAIN CITY OWNED AIRPORT PROPERTY TO DONALD R. MONTGOMERY 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 leases to Donald R. Montgomery, an individual, the following described premises located at the Modesto City-County Airport, situate in the County of Stanislaus, State of California, and particularly described as follows, to wit:

That certain airplane hangar one hundred (100') feet by one hundred fifty (150') feet in dimensions, located in the southwest corner of the northwest quarter of the southeast quarter of Section 34, Township 3 South, Range 9 East, M. D. B. & M., together with a strip of land on the east and west end of said hangar extending from said hangar for a distance of one hundred (100') feet on the easterly and on the westerly side, all of which is located, together with said hangar, about one and one-half miles easterly of the City of Modesto,

for a term commencing on the first day of July, 1956, and ending on the 30th day of June, 1958, in accordance with all the terms and conditions as set forth in that certain lease agreement covering the 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 agreement are hereby accepted and approved.

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

SECTION 3. 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.

FINAL ADOPTION CLA 30
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 Journal and Valley Citizen, the official news-
paper 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 27
day of June, 1956, by Councilman Merrill, who
moved its introduction and passage to print, which motion being
duly seconded by Councilman Adams, was upon roll call
carried and ordered printed and published by the following
vote:

AYES: Councilmen: Adams, Anderson, Arata, Hammond, Merrill,
Robinson and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

(SEAL)

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 11 day of July, 1956, Councilman Anderson moved its final adoption, which motion being duly seconded by Councilman Hammond, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Adams, Anderson, Arata, Hammond, Robinson and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: Merrill

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: July 26, 1956

1 AN ORDINANCE PROVIDING FOR THE TERMINATION OF
2 THE LEASE OF CERTAIN CITY OWNED AIRPORT PROP-
3 erty TO NATHAN J. PROVINCE AND AUTHORIZING THE
4 EXECUTION OF A LEASE TERMINATION AGREEMENT IN
5 CONNECTION THEREWITH.

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

7 SECTION 1. APPROVAL OF LEASE TERMINATION. That certain
8 agreement between the City of Modesto and Nathan J. Province, individually
9 and doing business under the name of Pacific Aircraft Service, a copy of
10 which is on file in the Office of the City Clerk, providing for the termination
11 of that certain lease agreement entered into by and between the City and said
12 Nathan J. Province, dated May 18, 1955, relating to the lease of certain
13 premises located at the Modesto City-County Airport, situated in the County
14 of Stanislaus, State of California, is hereby approved, and the City Manager
15 and the City Clerk of the City of Modesto are hereby authorized and empow-
16 ered to sign and attest, respectively, said termination agreement on behalf
17 of the City upon this ordinance becoming effective.

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

21 SECTION 3. PUBLICATION. This ordinance shall be published in
22 full at least once at least three (3) days prior to its final adoption in the
23 Modesto Journal and Valley Citizen, the official newspaper of the City of
24 Modesto.

25 The foregoing ordinance was introduced at a regular meeting of the
26 Council of the City of Modesto held on the 27 day of June,
27 1956, by Councilman Hammond, who moved its introduction
28 and passage to print, which motion being duly seconded by Councilman
29 Anderson, was upon roll call carried and ordered printed
30 and published by the following vote:

31 AYES: Councilmen: Adams, Anderson, Arata, Hammond, Merrill
32 Robinson and Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: None

ATTEST: REX E. GAILFUS, City Clerk


APPROVED: HARRY MARKS, Mayor


(SEAL)

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 11 day of July, 1956, Councilman Robinson 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: Adams, Anderson, Arata, Hammond, Robinson and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: Merrill

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
July 26, 1956
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: 7-26-56

ORDINANCE NO. 100 - C.S.

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

WHEREAS, a petition was filed with the City Clerk by

JOE NUNES, JR. AND KATHRYN NUNES

_____ on
May 4, 1956, to annex to the City of Modesto
under the provisions of the Annexation of Uninhabited Territory
Act of 1939, as amended, certain uninhabited territory, hereinafter
described and designated as the CAMPUS EDGE ADDITION,
situate in the County of Stanislaus, State of California, and con-
tiguous to the City of Modesto, and

WHEREAS, the City Council by resolution adopted on the
23rd day of May, 1956, set said petition for hear-
ing at the hour of 8 o'clock p.m. on the 11th day of July,
1956, in the Council Chamber at the McHenry Public Library,
located at Fourteenth and I Streets in the City of Modesto, and

WHEREAS, it appears to said Council and the 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 Journal and Valley Citizen, a newspaper published
in the City of Modesto on May 31, 1956, and on
June 7, 1956; and in the Turlock Daily Journal,
a newspaper published outside the City of Modesto, but in the
County of Stanislaus, on May 31, 1956, and on
June 7, 1956, 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 terri-
tory 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 Territory Act of 1939, as amended, have been complied with, and

WHEREAS, on the 11th day of July, 1956, at the hour of 8 o'clock p.m., in the Council Chamber in the McHenry Public Library in the City of Modesto, County of Stanislaus, State of California, the Council of the City of Modesto did hear and pass upon all protests made to the proposed annexation and did determine that protests had not been made by the owners of one-half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll, nor by public and private owners of one-half of the value of the territory proposed to be annexed as determined by said Council, and

WHEREAS, said territory is contiguous to the City of Modesto and is uninhabited territory in the County of Stanislaus,

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

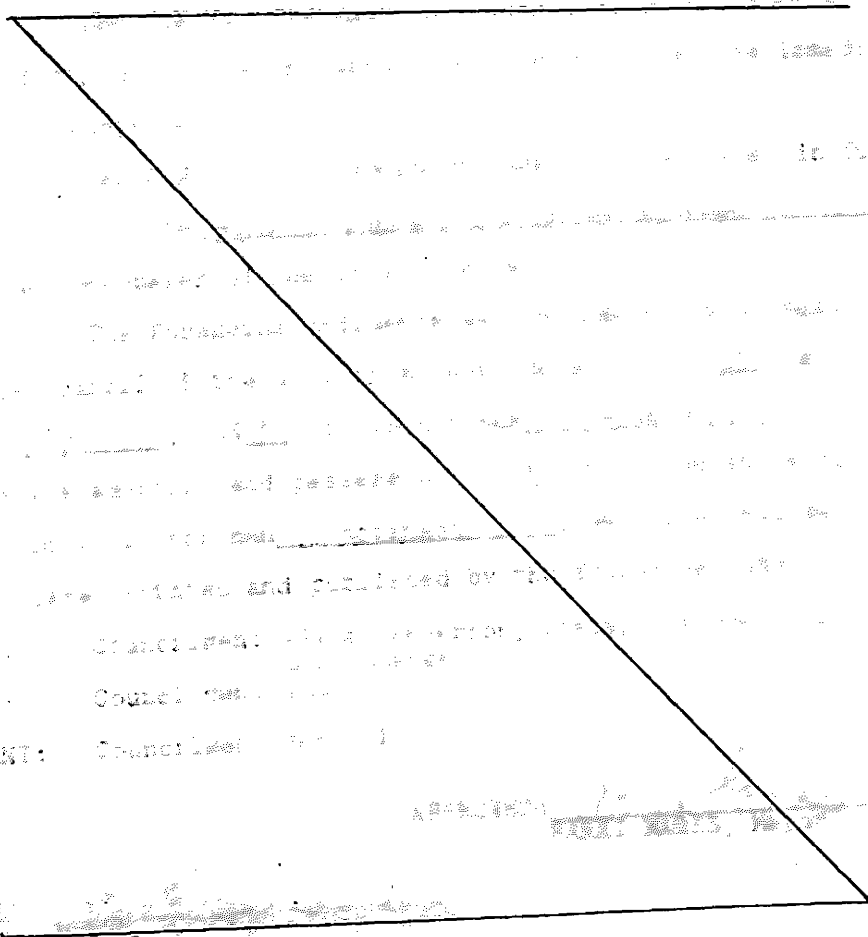
SECTION 1. The territory hereinafter described is hereby annexed to and made a part of the City of Modesto.

SECTION 2. The area or territory so annexed, designated the CAMPUS EDGE ADDITION, is located in the County of Stanislaus, State of California, is contiguous to the City of Modesto, is uninhabited territory within the meaning of the Annexation of Uninhabited Territory Act of 1939, as amended, and is more particularly described as follows:

All that certain real property situate in the State of California, County of Stanislaus, Section 19, Township 3 South, Range 9 East, Mount Diablo Base and Meridian and more particularly described as follows:

Commencing at a point on the existing City Limits line at the intersection of the center line of a 50.00 foot road known as Clayton Avenue and the center line of a 40.00 foot road known as Carver Road; thence Southerly 706.37 feet along said center line of Carver Road to its intersection with the Eastern extension of the Southern line of Lot 4 of the McDonald Tract, as

filed in Vol. 1, Page 49 of Maps, Stanislaus County Records, to the true point of beginning of this description; thence Westerly along said Eastern extension 20.00 feet to the Southeast corner of said lot 4; thence continuing Westerly 858 feet more or less along the South line of lot 4 to a point that is 170 feet Easterly of the Southwest corner of said lot 4; thence Northerly 537.38 feet parallel with the West line of said lots 4 and 3 to a point 150 feet South of the South line of Clayton Avenue; thence Easterly 659.58 feet, more or less, parallel with the South line of Clayton Avenue to a point that is 200 feet West of the East line of said lot 4 and 3; thence Southerly 50 feet parallel to the East line of said lots 4 and 3; thence Easterly 200 feet parallel with the South line of Clayton Avenue to a point on the East line of said lot 3 and the West line of Carver Road that is 200 feet South of the South line of Clayton Avenue; thence continuing along the Eastern extension of said line parallel with the South line of Clayton Avenue to its intersection with the center line of Carver Road; thence Southerly 481.37 feet along the center line of Carver Road to the true point of beginning of this description.



RES. Council ...
MOBE Council ...
ABSENT: Council ...

SECTION 3. Said territory shall be subject to municipal taxes to pay any indebtedness or liability of the City of Modesto authorized or existing at the time of the adoption of this ordinance.

SECTION 4. The City Clerk is hereby authorized and directed to prepare a certified copy of this ordinance under seal, giving the date of its passage and transmit the same to the Secretary of State of the State of California as required by the provisions of Section 35316 of the Government Code of the State of California.

SECTION 5. The City Clerk is hereby authorized and directed to comply with the provisions of Sections 34080, 34081 and 54900 through 54904, both inclusive, of the Government Code of the State of California relating respectively to the filing of an affidavit of completion of annexation proceedings, and the filing of a statement of change of boundary.

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

SECTION 7. This ordinance shall be published in full at least once in The Modesto Journal and Valley Citizen, 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 11 day of July, 1956, by Councilman Anderson, who moved its adoption and passage to print, which motion being duly seconded by Councilman Robinson, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Adams, Anderson, Arata, Hammond, Robinson and
Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: Merrill

APPROVED:


HARRY MARKS, Mayor

ATTEST: 
REX E. GALFUS, City Clerk

(SEAL)